

# Rules of procedure for the Lawton Village Council

Rules of procedure help a Council to run an efficient meeting and to interact with the public and the media in a positive manner. Accordingly, the Lawton Village Council hereby adopts the following rules:

## **A. Regular and Special Meetings**

All meetings of the Village Council will be held in compliance with state statutes, including the Open Meetings Act, 1976 PA 267 as amended, and with these rules.

### **1. Regular meetings**

Regular meetings of the Village Council will be held on second and fourth Tuesday (if necessary) of each month beginning at 7:00 p.m. at the Lawton Village Hall, 125 S Main, Lawton MI, unless otherwise rescheduled by the council. If any regularly scheduled meeting falls on a legal holiday, the regular meeting will be scheduled at the call of the President. Changes in the regular meeting schedule shall not be made except upon the approval of the majority of the members in session.

### **2. Special meetings**

A special meeting shall be called by the Clerk upon the written request of the President or any two members of the Council on at least 18 hours' notice as required by the Open Meetings Act. Written notice to each member of Council may be served personally or left at the Council member's usual place of residence. Special meeting notices shall state the purpose of the meeting. No official action shall be transacted at the special meeting of the Council unless the item has been stated in the notice of the meeting. Business conducted at a special meeting is limited to the business indicated in the request and included in the notice of the meeting.

### **3. Posting requirements for regular and special meetings**

- a. Within 10 days after the last meeting of the Council in December public notice stating the dates, times and places of the regular monthly Council meetings will be published and posted at Village Hall, in accordance with the Open Meetings Act.
- b. For a rescheduled regular meeting or a special meeting of the council, a public notice stating the date, time, and place of the meeting shall be posted at least 18 hours before the meeting at Village Hall.
- c. The notice described above is not required for a meeting of the Council in emergency session in the event of a severe and imminent threat to the health, safety, or welfare of the public when two-thirds of the members of the Council determine that delay would be detrimental to the Village's efforts in responding to the threat.
- d. The Michigan Open Meetings Act requires that copies of the notice of public meetings be provided by first-class mail upon request and payment of a reasonable yearly fee for the costs of printing and postage, as determined by the council.

#### **4. Minutes of regular, special, or committee of the whole meetings**

The Clerk shall attend the Council meetings and record all the proceedings and resolutions of the Council in accordance with the Open Meetings Act. In the absence of the Clerk, a designee of the Council may temporarily perform the Clerk's duties.

Council meeting minutes will be available within eight business days of the meeting, and available for review at Village Hall. Any corrections to Council meeting minutes will be made at the next Council meeting. Approved corrected minutes must show both the original entry and the correction.

#### **5. Study sessions**

Upon the call of the President or the Council and with appropriate notice to the Council members and to the public, the Council may convene a work session devoted exclusively to the exchange of information relating to municipal affairs. No votes shall be taken on any matters under discussion, nor shall any Council member enter a formal commitment with another member regarding a vote to be taken subsequently.

### **B. Conduct of meetings**

#### **1. Meetings to be public**

All regular and special meetings of the Council shall be open to the public, and citizens shall have a reasonable opportunity to be heard in accordance with such rules and regulations as the Council may determine, except that the meetings may be closed to the public and the media in accordance with the Open Meetings Act MCL 15.267(l).

All official meetings of the Council shall be open to the public and media who may record or transmit its proceedings by radio, television, and photographic services, provided that such arrangements do not interfere with the orderly conduct of the meeting. Council may establish additional rules and regulations governing recording and broadcasting to minimize disruption.

#### **2. Agenda preparation**

Pending matters and requests for agenda items of business for regularly scheduled Council meetings shall be compiled by the Village Clerk and/or Manager. The Village Clerk and/or Manager shall prepare the agenda together with copies of meeting minutes, contracts, resolutions, reports, explanations, and supporting documentation, etc., that relate to the matters of business on the agenda, and distributed to all Council Members, and posted for public inspection.

Any Council Member, department head, organization or person desiring to place a matter on the agenda shall notify the Village Clerk and/or Manager of such item by the close of business by 5:00p.m. on the Wednesday of the week preceding the next regular meeting.

Items that the Village Manager/Clerk do not receive by the stated deadline shall not be considered by the Council except upon the consent of members present. Any Council member shall have the right to add items to the regular agenda before it is approved at the Council meeting.

The Council agenda shall be prepared with the following order of business

- a. Call to Order and Roll Call
- b. Pledge of Allegiance
- c. Approval of Consent Agenda
- d. Approval of Agenda
- e. Approval of Minutes
- f. Approval of Invoices | Payroll
- g. Public Communications
- h. Verbal comments
- i. Written communications
- j. Appointments / Resignations/ Proclamations
- k. Public Hearings / Presentations / Resolutions
- l. Unfinished Business
- m. New Business
- n. Reports from Commission / Committee / Boards
- o. Reports from Staff
- p. Council Reports
- q. Adjournment

### **3. Consent agenda**

A consent agenda is used to allow the Council to act on multiple administrative and noncontroversial items in a single motion. Included on this agenda can be approval of the agenda, approval of minutes, payment of bills, approval of recognition resolutions, etc. Upon request of a member, an item shall be removed from the consent agenda and placed on the regular agenda for discussion.

### **4. Agenda distribution**

Council members should receive agenda packets no less than 48 hours prior to any scheduled regular or special meetings via each member's provided email address. If available, agenda packets will accompany the notice of the meeting.

### **5. Quorum**

A majority of the entire elected or appointed and sworn members of the Council shall constitute a quorum for the transaction of business at all Council meetings. In the absence of a quorum, a lesser number may adjourn any meeting to a later time or date with appropriate public notice.

When Council members are unable to attend a scheduled Council meeting, notification within a reasonable time, via phone call, text or email to the President, Village Manager and Village Clerk should be given.

### **6. Remote Attendance**

Members of the Village Council may be connected by means of a two-way communication device for the purpose of participating in any Regular or Special Village Council meeting provided a quorum is physically present at the posted meeting place and the communication equipment allows everyone in the meeting to hear each other. Any votes taken during the meeting shall be

by roll call. Remote participation shall be considered attendance to receive per diem. The remotely participating Council member shall give notice of his or her intent to participate remotely, and the means of such participation, as soon as practicable to Village President, Manager or Clerk. Remote participation is limited to two (2) consecutive meetings and no more than six (6) meetings total in any fiscal year of the Village.

## **7. Attendance at Council meetings**

Election to the Village Council is a privilege freely sought by the nominee. It carries with it the responsibility to participate in Council activities and represent the residents of the village. Attendance at Council meetings is critical to fulfilling this responsibility. A general law Village Council is empowered by Section 65.5 of the General Law Village Act as amended to adjourn a meeting if a quorum is not present.

The Council may excuse absences for cause. If a Council member has more than three unexcused successive absences for regular or special Council meetings, the Council may enact a resolution of reprimand. If the member's absences continue for more than three additional successive regular or special meetings of the council, the Council may enact a resolution of censure or request the Council member's resignation or both.

## **8. Presiding officer**

The presiding officer shall be responsible for enforcing these rules of procedure and for enforcing orderly conduct at meetings. The President is ordinarily the presiding officer. The Council shall appoint one of its members as President Pro-tempore, who shall preside in the absence of the President. In the absence of both the President and the President Pro-tempore, the member present who has the longest consecutive service on the Council shall preside.

## **9. Disorderly conduct**

The President or presiding officer may call to order any person who is being disorderly by speaking out of order or otherwise disrupting the proceedings, failing to be germane, speaking longer than the allotted time or speaking vulgarities. Such person shall be seated until the chair determines whether the person is in order.

If the person so engaged in presentation is called out of order, he or she shall not be permitted to continue to speak at the same meeting except by special leave of the council. If the person shall continue to be disorderly and disrupt the meeting, the chair may order the sergeant at arms to remove the person from the meeting. No person shall be removed from a public meeting except for an actual breach of the peace committed at the meeting.

## **C. Closed meetings**

### **1. Purpose**

Closed meetings may be held only for the reasons authorized in the Open Meetings Act, which are the following

- a. To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against a public officer, employee, staff member or individual agent when the named person requests a closed meeting.
- b. For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement when either negotiating party requests a closed hearing.
- c. To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.
- d. To consult with the municipal attorney or another attorney regarding trial or settlement strategy in connection with specific pending litigation, but only when an open meeting would have a detrimental financial effect on the litigating or settlement position of the council.
- e. To review the specific contents of an application for employment or appointment to a public office when a candidate requests that the application remain confidential.
- f. To consider material exempt from discussion or disclosure by state or federal statute.

## **2. Calling closed meetings**

At a regular or special meeting, any Council members, elected or appointed and serving, by a two-thirds roll call vote may call a closed session under the conditions outlined in Section C.1 of the Open Meetings Act. The roll call vote and purpose(s) for calling the closed meeting shall be entered into the minutes of the public part of the meeting at which the vote is taken.

## **3. Minutes of closed meetings**

A separate set of minutes shall be taken by the Clerk or the designated secretary of the Council at the closed session. These minutes will be retained by the Clerk, shall not be available to the public, and shall only be disclosed if required by a civil action, as authorized by the Michigan OpenMeetings Act. These minutes may be destroyed one year and one day after approval of the minutes of the regular meeting at which the closed session was approved.

## **D. Discussion and voting**

### **1. Rules of parliamentary procedure**

The rules of parliamentary practice as contained in the latest edition of Robert's Rules of Order - Revised shall govern the Council in all cases to which they are applicable, provided that they are not in conflict with these rules, Village ordinances or applicable state statutes. Council may at anytime vote to suspend the rules or proceeding and a failure to follow "Roberts Rules of Order" or any other published rules shall not invalidate any action by Council taken in accordance with the Village charter and state law.

The chair shall preserve order and decorum and may address points of order in preference to other Council members. The chair shall decide all parliamentary questions subject to appeal and reversal by a majority of the Council members present.

Any member may appeal to the Council parliamentary ruling of the chair. If the appeal is seconded, the member making the appeal may briefly state the reason for the appeal and the chair may briefly defend the ruling. There shall be no debate on the appeal. The question shall be, "Shall the decision of the chair be sustained?" If the majority of the members present vote "aye," the ruling of the chair is sustained; otherwise it is overruled.

## **2. Conduct of discussion**

During the Council discussion and debate, no member should speak until recognized for that purpose by the chair. After such recognition, the member should confine discussion to the question at hand and to its merits and should not be interrupted except by a point of order or privilege raised by another member. Speakers should address their remarks to the chair, maintain a courteous tone and avoid interjecting a personal note into debate.

The chair, at their discretion and subject to the appeal process, may permit any person to address the Council during its deliberations.

## **3. Ordinances and resolutions**

A vote on all ordinances and resolutions shall be taken by a roll call vote and entered in the minutes unless it is a unanimous vote. If the vote is unanimous, it shall be necessary only to so state in the minutes, unless a roll call vote is required by law or by Council rules.

## **4. Roll call**

In all roll call votes, the names of the members of the Council shall be called in an order at the discretion of the Village Clerk. In all roll call votes, the Village Council President votes last.

## **5. Duty to vote**

Election to Council carries with it the duty to vote on all matters properly brought before it. Council members present at a Council meeting shall vote on every matter before the body, unless otherwise excused or prohibited from voting by law. A Council member who is present and abstains or does not respond to a roll call vote shall be counted as voting with the prevailing side and shall be so recorded, unless otherwise excused or prohibited by law from voting.

Conflict of interest, as defined by law, shall be the sole reason for a member to abstain from voting. The opinion of the Village Attorney shall be binding on the Council with respect to the existence of a conflict of interest. A vote may be tabled, if necessary, to obtain the opinion of the Village Attorney.

The right to vote is limited to the members of Council present at the time the vote is taken. Voting by proxy is not permitted. All votes must be held and determined in public; no secret ballots are permitted.

## **6. Results of voting**

In all cases where a vote is taken, the chair shall declare the result. Any Council member voting in the majority may move for a reconsideration of the vote on any question at that meeting or at the next succeeding meeting of the council. When a motion to reconsider fails, it cannot be reconsidered.

Except as otherwise provided by Public Act 317 of 1968, as amended, being MCL 15.321 et seq., regarding public contracts involving members of the Council, no member of the Council shall vote on any question in which he or she has a financial interest, or on any question concerning his or her own conduct.

Roll Call Votes. The names and votes of members shall be recorded on all actions to adopt ordinances and resolutions, to appoint or elect officers, financial matters, and all other final actions. Procedural questions may be decided by voice vote. Upon the request of any Council member, a roll call vote shall be taken on other motions and actions.

## **E. Citizen participation**

### **1. General**

Each regular Council meeting agenda shall provide for reserved time for public comment. If requested by a member of the council, the chair may allow a member of the audience to speak at times other than reserved time for public comment.

### **2. Length of presentation**

Any person who addresses the Council during a Council meeting under public comment or for a public hearing shall be limited to 3 minutes in length per individual presentation. The Clerk will maintain the official time and notify the speakers when their time is up.

### **3. Addressing the council**

Persons addressing the Council shall state his or her name and home address. Remarks should be confined to the question at hand and addressed to the chair in a courteous tone. No person shall have the right to speak more than once on any subject until all other persons wishing to be heard on that subject have had the opportunity to speak.

## **F. Miscellaneous**

### **1. Adoption and amendment of rules of procedure**

A copy of these rules, as and when adopted by council, shall be distributed to each Council member. The Council may alter or amend its rules at any time by a vote of a majority of its members serving.

### **2. Suspension of rules**

These rules may be suspended for a specified portion of a meeting by an affirmative vote of a majority of the members present, with the exception that Council actions shall conform to state statutes and to the Michigan and the United States Constitutions.

### 3. Bid awards

Bids will be awarded by the Council during regular or special meetings. A bid award may be made at special meeting of Council if that action is announced in the notice of the special meeting.

### 4. Committees

a. The Village shall have the following standing committees:

- **Water and Sewer Committee** – oversees essential water and sewer utility services to Village residents. The Committee serves the public interest by protecting consumers and ensuring the provision of safe, reliable utility service and infrastructure at reasonable rates, with a commitment to environmental enhancement and a healthy Village economy. The committee recommends project priority lists and committee goals each year.
- **Public Services Committee** - provides support to the department of public works in its activities to improve and maintain the Village's public lands and infrastructure. The committee monitors projects involving major and local street construction as well as general maintenance, park infrastructure, buildings and grounds, sanitation, cemetery, street lighting and general stormwater management issues. The committee also assists in the formation and implementation of the Capital Improvement Plan (CIP), staffing needs and the review and recommendation of departmental policies. The committee recommends project priority lists and committee goals each year.
- **Finance & Administration Committee** – provides financial oversight for the Village, including reviewing and recommending the payment of monthly bills, regular monitoring of the annual budget, financial reporting and the creation and monitoring of internal controls and accountability policies.

The Committee is also responsible for a wide variety of topics centered upon subjects applicable to Village operations, all employees, and elected officials. The Finance and Administration Committee discusses, reviews, and provides recommendations on Village ordinances and resolutions, contracts and other duties associated with municipal government. It is responsible for the overview of operations to maximize efficiencies, including but not limited to, communications, human resource and employee benefits administration, contract management, computer, and technology administration. The committee recommends project priority lists and committee goals each year.

- **Public Safety Committee** - oversees the Police Department including management and personnel. The Public Safety Committee provides support to advance department operational policies, objectives, and procedures, liquor licenses and regularly monitors departmental activities. The Public Safety Committee reviews readiness, including but not limited to, officer training, equipment procurement and staffing requirements. The committee recommends project priority lists and committee goals each year.

- **Community & Economic Development Committee** – assists in the preparing, administering and implementation of community development and housing plans, policies and ordinances that result in the highest quality standards of growth, appearance and convenience for the Village and its residents. The committee is responsible for participation in the Redevelopment Ready Community (RRC) planning program and implementation of the Village's Master Plan and all development regulations.

The committee assists in the retention, growth, promotion, and attraction of businesses to create a more diversified, sustainable economy, to increase and extend the tax base of business and industry and to increase employment opportunity in the Village. The committee recommends project priority lists and committee goals each year.

The Village Council Committees are appointed by the President, with a different Council member assigned to head each committee. The committees will include 3 Council members. The President shall fill any committee vacancies. Committee members shall serve for a term of one year and maybe reappointed.

Special committees may be established for a specific period of time by the President or by a resolution of the Council which specifies the task of the special committee and the date of its dissolution.

A member of Council, appointed by the President and confirmed by the Council, must also serve ex-officio on the Downtown Development Authority and the Planning Commission.

b. **Citizen task forces**

Citizen task forces may be established by the Council which specifies the task to be accomplished and the date of its dissolution. Members of such committees will be appointed by the President, subject to approval by a majority vote of the Council and must be residents of the Village, unless special skills or experience are useful to the task force in which case up to two non-residents may be appointed to a citizen task force. Vacancies will be filled by majority vote of the Council in the same way appointments are made.

**5. Authorization for contacting the Village Attorney**

The following officials (by title) are authorized to contact the Village Attorney regarding municipal matters:

- a. Village President
- b. Village Manager
- c. those approved by the Village Manager

Adopted August 10, 2021