

(d) Legal counsel: The Chair, or any member of the City Council, may call upon the City's legal counsel in any meeting of the Council, to decide upon any pertinent question of law, but not to decide upon the interpretation of any rule of order or procedure.

(e) As outlined in the City Charter [Section 7.2(d)(2)] the City Manager is a non-voting member of all meetings of council

## **RULE 6. PUBLICATION OF NOTICES**

Official notices or proceedings requiring publication or posting shall be displayed on the bulletin board located in City Hall or on the City's official web site. In the event publication is required by law in a newspaper of general circulation, *The Recorder*, and the *Albion E-News* which are circulated in Albion, and are designated as the official newspapers for the City of Albion.

## **RULE 7. CITIZEN PARTICIPATION**

Members of the audience attending regular or special meetings shall have a reasonable opportunity to be heard, except as otherwise may be provided by law, as follows:

(a) Regular and Special meetings: The chair will recognize each person wishing to make comments and the person shall state their name, address and group affiliation (if appropriate) prior to speaking. No citizen shall speak more than once during each of the following segments unless permission is given by the chair:

- (1) Public hearings: When a public hearing on a matter has been scheduled, City Council will hear and consider any comments presented by interested parties or audience members on the specific subject of the hearing. The chair may, if appropriate, limit the amount of time per person based on the requests and determine when the public has had its opportunity to be heard. Public speakers may address the council on the issue of the public hearing for one three (3) minute period.
- (2) Public comment: Speakers have two opportunities to speak. At the start of the council meeting, speakers may address the City Council on agenda items only, for one three (3) minute period. Additionally, at the conclusion of the agenda, speakers may address the council on any issue they wish to speak, also for one three (3) minute period.

(c) Time Deviation: The chair may deviate from the standard amount of time allowed for public comment during meetings and shall announce the reason for any deviation. Reasons include, but are not limited to, the number and complexity of agenda items and the number of persons wishing to address the City Council.

(d) Conduct of speakers and audience members: Persons addressing the City Council shall make responsible comments and shall refrain from making personal, disrespectful, slanderous or profane remarks. Personal debates within the audience are not permitted. To preserve the order and decorum of Council meetings, the audience shall refrain from cheering and applauding during the course of the meeting.

(e) Disorderly conduct: The chair may call to order any person or persons who are being disruptive, disorderly, speaking out of turn or beyond the allotted time, etc. Such persons shall promptly obey the rulings of the chair if called to order. If the person does not obey the ruling, the chair may order the removal of the person from this meeting.

(f) Written communications: Individuals or groups are encouraged to submit written comments to the City Council via mail, e-mail or delivered to the City Clerk's office for distribution. If requested by

the writer, the communication may be added to the appropriate agenda for receipt and/or action as deemed appropriate by the City Council.

(g) Handouts, supporting materials, photographs, etc.: Persons wishing to provide copies of comments, handouts, presentations, supporting materials, photographs, etc., are encouraged to submit such items to the City Clerk's office prior to the start of the meeting for distribution to the City Council. The use of audio or electronically displayed materials by citizens during public comment segments is not allowed. An exception may be given if prior permission is given by the chair and the material is provided to the City Clerk's office at least two (2) business days prior to a meeting.

## **RULE 8. AGENDAS AND ORDER OF BUSINESS**

(a) Regular meeting agendas: The City Clerk, with the City Manager and supporting staff, shall be responsible for the preparation of the agenda and supporting material for each regular meeting as follows:

- (1) Every ordinance, resolution and document to come before the City Council at any regular meeting shall be submitted before 12:00 noon on Friday following a regular Council meeting to properly prepare the agenda for the next Council meeting. Items not received may be considered at the next regularly scheduled meeting.
- (2) All requests for administration to prepare simple and uncomplicated resolutions or proposed ordinances, or to take specific action, provided said request is permitted by state law and/or the City Charter, shall be made, in writing, through the City Manager and Clerk ten (10) days prior to the regular meeting in which it is desired. Said requests for action may be added to the agenda for a vote by the council.
- (3) The Council Member who placed an item on the agenda shall have the right to ask to withdraw it prior to any action being taken. Council shall vote to remove any agenda item.
- (4) The agenda shall be furnished to the City Council on the Thursday prior to the regular meeting. On the day following delivery of the agenda to the City Council, if practicable, the agenda will be available on the City's web site and a paper copy can be viewed at the City Clerk's office during normal business hours.
- (5) The City Council may by an affirmative vote of at least five (5) members approve the addition, or removal, of agenda items. The motion to add, or remove an item shall occur at the beginning of the meeting, immediately after the previous minutes have been approved.

(b) Special meeting agendas: If necessary, the City Clerk shall prepare an agenda for special meetings, in consultation with the Mayor, the council, and the City Manager, based on a written request for a special meeting.

(c) Order of Business - regular meetings: The order of business at any regular meeting shall be as follows:

- Call to order
- Moment of Silence
- Pledge of Allegiance
- Roll call
- Mayor and Council Members Comments
- Reports from the City Manager, and other City officers, committees, boards or commissions
- Presentations: These items include proclamations, commendations and recognitions or items prepared by City administration, City boards and commissions or other City-related agencies.

- Public Hearings: Resolutions and/or ordinances applicable to a public hearing shall be considered immediately following the hearing.
- Public Comment – Persons addressing the City Council shall limit their comments to agenda item only, and to no more than 3 minutes. Proper decorum is required.
- Consent Calendar: Approval of all meeting minutes called by council (regular, special, study sessions, etc.)
- Items for Individual Discussion – The work of the council; approval of resolutions, ordinances, Tabled items, action of the City Manager that requires approval of council, council items of discussion, approval of board appointments, Approval of contracts, etc.
- Future Agenda Items – Individual members of council and the Mayor may bring future agenda items to the floor for discussion and approval. Agenda items must receive support of one other Council Member in order to be added to the future agenda.
- Motion to Excuse Absent Council Members
- Public Comment – Persons addressing the City Council shall limit their comments to no more than three (3) minutes. Proper decorum is required.
- Adjournment

## **RULE 9. RESOLUTIONS**

(a) A resolution or motion shall be limited to matters required or permitted to be done by the Charter, or by state or federal laws, or pertaining to the internal affairs or concerns of the city government. Resolutions, and any long or complicated motions or amendments, shall be put in writing by the mover before being acted upon by the City Council.

(b) Upon the reading by the Mayor of the Title of the resolution, and a brief summary, it shall be for any member of the City Council to move for its adoption. City Council Members can request the Mayor to allow for explanatory or clarifying comments from the City Manager or relevant staff member before an initial motion is made. Before the question is put to a vote, an opportunity for debate, amendment or other appropriate action shall be afforded the City Council.

(c) A resolution is an official City Council action in the form of a motion adopted by an affirmative vote of at least four (4) members, unless otherwise provided by law. A resolution becomes effective on the same day on which it is adopted unless a subsequent date is contained within the resolution.

## **RULE 10. ORDINANCES**

- a) An ordinance is a legislative act establishing a more permanent influence on the City other than a resolution and requires greater formalities in its adoption. In addition to other acts required by law or by specific provision of the City Charter to be adopted by ordinance, acts which do any of the following shall be by ordinance:
  - a. Each proposed ordinance shall be introduced in written form. The style of all ordinances passed by the council shall be, "The City of Albion Ordains:"
  - b. No ordinance shall be passed at the same meeting at which it is introduced, unless it is declared to be an emergency ordinance by a vote of not less than five (5) members of the council.
  - c. An ordinance may be repealed or amended only by an ordinance passed in the manner provided in this section.
  - d. An ordinance may be repealed by reference to its number or title only.

- e. If a section of an ordinance is amended, such section shall be re-enacted and published at length. This requirement shall not apply to zoning ordinance amendments or to the schedules of one-way streets and of parking limitations contained in any traffic ordinance.
- f. Each ordinance, after adoption, shall be identified by a number.
- g. Each ordinance shall be recorded by the clerk forthwith in the ordinance book, and the enactment of such ordinance shall be certified by him therein by his signature.

**State law reference**—Mandatory that charter provide for ordinance adoption procedures, MCL 117.3(k).

## **RULE 11. MOTIONS**

(a) *Generally*: All motions shall be moved and seconded before being considered. Long or complicated motions shall be put in writing. An opportunity for debate, amendments, or other appropriate action, shall be afforded the members of the City Council, except as otherwise stated in these rules. Each amendment proposed shall be considered a separate question.

(b) *Debate*: Council Members wishing to speak during debate shall first obtain the approval of the Chair and each member who speaks shall address the Chair. A Council member cannot speak against his or her own motion, but may vote in the negative. The member making the motion may speak on it first, if he or she expresses a desire to do so.

(c) *Withdrawal*: A Council Member has the right to withdraw his or her motion. If no member objects, the motion is modified or withdrawn. If a member objects to the withdrawal of a motion and a second is received, a vote is immediately taken on the request to withdraw the motion. Friendly revisions to motions agreed to by the Council Member moving and seconding the motion may be made.

(d) *Passage*: Passage of all motions or appeals of the chair shall be on the affirmative vote of at least four (4) members, unless otherwise provided for by law, the Albion City Charter, or by these rules.

(e) *Motion under consideration*: Whenever a main motion or question is under consideration, no other motion can be made except:

- to adjourn – undebatable
- to rise to a question or privilege – undebatable
- to lay on the table – undebatable
- to call for the previous question – undebatable
- to limit or extend limits of debate – undebatable
- to postpone to a certain day – undebatable
- to commit or refer, or recommit, to a committee –undebatable
- to amend – debatable
- to postpone indefinitely – debatable

(f) See Appendix “A” for a “Chart of Motions” listing details about the handling of the various types of motions.

(f) *Division of Question*: On the call of any member, supported by a majority vote of the members present, a division of any question shall be made when the question will admit of a division so distinct that if one part be taken away, the other will stand as an entire question for decision.

(g) *Ask for Previous Question*: When the previous question is moved, it shall be put in these words: “I move the previous question.” This shall be ordered only by a majority of the members present. The effect of the previous question shall be to put an end to all debate and to bring the Council to a direct vote on the pending question or questions in their order down to, and including, the main question. If the

previous question is not ordered, the consideration of the subject shall be resumed as though no motion for the previous question has been made.

(h) *Questions Put and Calling Roll*: Questions shall be distinctly put in the following form: "All in favor say 'Yes'." And after the affirmative vote is expressed, "All opposed, 'No'." The Mayor may order a roll call vote, but a roll call vote is mandatory upon the request of any member or on the following actions of Council or a Committee of the Council: ordinances, resolutions, the appointment or election of officers, except as provided otherwise by law or the rules of the Council. The calling of the roll shall be on a rotating basis, so as to permit Councilmembers to first vote on an equal basis. It shall be the privilege of any member of the council to change his or her vote upon any question prior to the announcement of the vote by the Mayor.

(i) *Debate During Roll*: While the Mayor is putting any question, or once roll call voting has started, there shall be no interruption.

## **RULE 12. APPEALS**

Any Council Member may appeal a ruling/decision of the chair and the appeal is debatable. The chair shall then put the question, generally phrased as, "Shall the decision of the chair stand as the decision of the Council?" If adopted, the ruling of the chair is sustained (stands); otherwise, it is overruled (ruled against). If an appeal is tabled, it does not carry with it the subject matter being discussed at the time of the appeal.

## **RULE 13. POINT OF ORDER**

When a member believes the rules are not being followed, a member may demand the ruling of the chair. The chair shall promptly rule and enforce the rules, if appropriate. The chair's ruling on a Point of Order may be appealed.

## **RULE 14. RESCIND**

Any vote taken may be rescinded, unless something has been done as a result of the vote that the Council cannot undo. Legal counsel shall determine whether or not reconsideration creates a potential legal liability for the city and will advise accordingly.

## **RULE 15. SUSPEND THE RULES**

Any rule may be temporarily suspended by an affirmative vote of at least five (5) members, unless a different number of votes are specifically stated in a rule. Rule 18 shall not be suspended, nor shall any rule be suspended if it is a restatement of a requirement of state law, the City Charter or City Code.

## **RULE 17. VOTING**

(a) The chair determines when to close debate after determining if all Council Members have been given an opportunity to be heard and to order the roll call of the question.

(b) Council Members in attendance shall have a duty to vote for or against all measures before the City Council, unless there is a financial conflict of interest and they have been excused by the remaining council members. Conflicts shall be governed as follows:

- (1) Except for public contracts governed by the Contracts of Public Servants with Public Entities Act (Act 317 of 1968), no member of the City Council shall have an interest, directly or indirectly, in any contract, job or work with the City. No member of the City Council shall be financially interested directly or indirectly in the sale to the City of any land, materials, supplies or services. This does not apply to the official services of his or her office.

- (2) The foregoing prohibitions of paragraph (a) above, as they apply to a Council Member or Council Members, shall not apply if the City Council shall declare on its records by an affirmative vote of five (5) of the remaining members of the City Council that the best interests of the City are served despite a personal interest, direct or indirect, and if in compliance with the Contracts of Public Servants with Public Entities Act (Act 317 of 1968).
- (3) If a Council Member shall have a conflict or believes he/she may have a potential conflict of interest as shown in paragraph (a), the member shall immediately disclose the nature and extent of his or her interest prior to the consideration of the agenda item involved. If it is determined, in consultation with legal counsel and review of the Charter and state law that a conflict does not exist, or the City Council has declared on its record the best interests are served despite the personal interest, the member may participate in the deliberations and shall vote on such matter.

(c) Roll call votes shall be called by the City Clerk in a rotating order and entered upon the record, except that when the vote is unanimous, it shall only be necessary to so state. The Chair shall always vote last. Once voting begins, no Council Member shall be entitled to speak on the question, nor shall any motion be in order, until the roll call is finished, and the results declared.

(d) Procedural matters may be decided by a voice vote if declared by the chair. Such procedural matters include motions to adjourn, receive and file, refer a matter, approve the minutes or to accept or decline an invitation. The chair shall announce the result of the voting. Upon any such matter, a majority of the quorum present shall be sufficient to carry such a motion, unless the Charter or other rule herein specifically requires a greater majority.

(e) All resolutions, ordinances, motions or declarations shall be adopted or passed by an affirmative vote of at least four (4) members, unless otherwise provided by law.

(f) A Council Member may change their vote if he or she makes a request to do so immediately following the vote and prior to the time that the next item in the order of business is taken up. The vote shall be changed and the record shall reflect the Council Member's changed vote. Such member shall not be permitted to make any other change of vote upon the same question, except upon a properly introduced motion to reconsider.

#### **RULE 18. AMEND/REPEAL RULES**

These rules may be amended or repealed by resolution of the City Council and shall not be finally passed at the same meeting at which it is introduced, and such resolution shall be postponed for final consideration until the next regular meeting or until such further time as the City Council shall determine. This rule shall not be suspended.

## Appendix “A”

### Chart of Motions

NOTE: Each item below lists if a motion can be debated, amended, tabled or reconsidered.

Motion	Explanation
<b>General Information about Motions</b>	<ul style="list-style-type: none"> <li>➤ All motions moved &amp; seconded</li> <li>➤ Long/complicated motions reduced to writing by mover</li> <li>➤ Each amendment is a separate question</li> <li>➤ During debate, members shall speak once, except in rebuttal or explanation, or unless chair or members consent</li> <li>➤ Passage requires at least four (4) affirmative votes of the members, unless state law or a rule provides otherwise</li> </ul> <ul style="list-style-type: none"> <li>➤ Mover of motion may: <ul style="list-style-type: none"> <li>• Speak first</li> <li>• Cannot speak against own motion</li> <li>• Can vote in the negative</li> <li>• May withdraw own motion if there are no objections; otherwise four (4) affirmative votes are required to withdraw a pending motion</li> </ul> </li> </ul>
<b>Adjourn</b>	Ends the meeting. Cannot offer to adjourn if a motion to fix time to adjourn is pending.
<b>Adjourn, Fix time to</b>	Sets the time for continuation of a meeting. <b>Debatable, Amendable, Reconsider</b>
<b>Amendments</b>	An amendment proposes a change to a main motion. Each amendment proposed shall be considered a separate question and shall be dealt with before any other amendment is offered. <b>Debatable, Table, Reconsider</b>
<b>Appeals</b>	Any Council Member may appeal a ruling or decision of the chair. The chair shall then put the question, generally phrased as, “Shall the decision of the chair stand as the decision of the Council?” If adopted, the ruling of the chair is sustained (stands); otherwise it is overruled (rejected). *If an appeal is tabled, it does not carry with it the subject matter being discussed at the time of the appeal. <b>Debatable, Table* (see above sentence), Reconsider</b>
<b>Call the Question</b>	Any member, <i>except the member who moved the pending motion</i> , can move to close debate. The motion may be limited by the mover to one or more questions preceding the main question. If this motion is adopted, the vote on the pending motion is immediately taken. If rejected, debate continues. <b>Reconsider</b>
<b>Clear the Floor of Motions</b>	Used if procedural matters have become sufficiently confusing. If adopted, it shall clear the floor of all procedural motions as though they have been withdrawn. <b>*Reconsider (*Only a failed motion can be reconsidered.)</b>
<b>Divide the Question</b>	The division must divide the motion into two or more separate motions capable of standing as a complete proposition without the others. <b>Debatable, Amendable, Reconsider* (*Only if a different division is offered.)</b>
<b>Object to Consideration</b>	Motion is used to avoid consideration of a motion that is undesirable, impractical or improper matter. Must be made before or immediately after a main motion is opened for debate and before any amendments are made to it.

## Chart of Motions

NOTE: Each item below lists if a motion can be debated, amended, tabled or reconsidered.

Motion	Explanation
<b>Postpone to Another Day or Time</b>	If adopted, the motion under consideration at the time is postponed until the stated date and/or time. The matter resumes under "Unfinished Business" if the date stated is another meeting. The matter does not require another motion and second before considering continues. <b>Debatable, Amendable, Reconsider</b>
<b>Postpone Indefinitely</b>	This motion is used to reject the main motion. Can be made only while a main motion is pending. If amendments are on the floor, this motion cannot be offered. <b>Debatable, Reconsider*</b> (*Only an affirmative vote can be reconsidered.)
<b>Recess</b>	Establishes a brief break in the meeting. <b>Amendable, Reconsider</b>
<b>Reconsideration</b>	See Rule 14 for complete details. Below is a general description of this rule: <ul style="list-style-type: none"> <li>➤ Be made on the same day of initial vote or at next regularly scheduled meeting following.</li> <li>➤ Be made by a member on the <u>prevailing</u> side of the vote, or a member who did not participate in the original question, and shall be seconded by any Council Member.</li> <li>➤ Requires the affirmative vote of the same majority of Council Members as was required for the original question.</li> </ul> <p>If the time limit has lapsed to reconsider a question, the rules may be suspended and the motion to suspend the rules shall require an affirmative vote of at least five (5) members.</p> <b>Debatable, Table</b>
<b>Rescind</b>	Any vote taken may be rescinded, unless something has been done as a result of the vote that the Council cannot undo. This motion cannot be made if the question can be reached by a motion to reconsider. It shall require an affirmative vote depending on whether or not notice of the intent to rescind was provided at a previous meeting: <ul style="list-style-type: none"> <li>➤ If notice was given: Requires an affirmative vote of at least four (4) members.</li> <li>➤ If notice was <u>not</u> given: Requires an affirmative vote of at least five (5) members.</li> </ul> <b>Debatable, Amendable, Table, Reconsider</b>
<b>Suspend Rules</b>	Any rule may be temporarily suspended by <b>an affirmative vote of at least four (4) members</b> , unless a different number of votes are specifically stated in a rule. Rule 18 shall not be suspended, nor shall any rule be suspended if it is a restatement of a requirement of state law, the City Charter or City Code. <b>Debatable</b>
<b>To Table</b>	This motion temporarily suspends debate/action on a motion and all of its pending subsidiary motions. If adopted, only the main motion and any adopted or pending amendments to the main motion are tabled. If the tabled motion is not taken from the table by the end of the current meeting or the next regular meeting following, the main motion dies.
<b>Take from the Table</b>	This motion would take up a matter previously tabled. This motion is <u>not</u> in order unless some business has been transacted since the question to table was adopted. The same question can be again tabled after additional debate has occurred. <b>NOTE:</b> Tabled motions to reconsider cannot be taken from the table.

## APPENDIX B – SINE DIE PROCEDURE

The City Council biennially after the November City election adjourns the former Council “sine die,” Latin for “indefinitely.” The following is a recommended procedure for the transfer of Councils.

1. Call To Order (by current Mayor)
2. Moment of Silence
3. Pledge of Allegiance
4. Roll Call
5. *Council Comments* (This time is offered for outgoing Council Members to make final comments prior to the expiration of their term of office.)
6. Adjournment Sine Die

Mayor requests a motion and support to adjourn “sine die.” Once voted, the Council is adjourned “indefinitely”.

7. Reorganization of the Council
  - a. Mayor and Council Members step down from their places.
  - b. New Council Members and Mayor take their places at the Council table.
  - c. Clerk offers oath of office to new Mayor.
  - d. Clerk offers oath of office to each new Council Member.
  - e. Clerk presents the Albion City Council to the Mayor and requests a “call to order”.
8. Call To Order (By new Mayor)
9. Roll Call
10. Nomination of the Mayor Pro Tempore
  - a. A motion to receive nominations is made and supported.
  - b. Nominations are received. No support for each nomination is required.
  - c. A motion to close nominations is made and supported.

11. Election of the Mayor Pro Tempore

A motion to elect the first nominee is made. If there is support, discussion is requested. If none, a vote is made, generally a roll call vote. If approved by the vote the nominee is elected Mayor Pro Tempore.

If the motion fails, a motion to elect the second nominee is made and supported, discussed if needed and voted. If approved, the nominee is elected Mayor Pro Tempore. (And so on.)

# INDEX

	Page #		Page #
Absence (Chair, Mayor Pro Tem).....	4	Order of business.....	6
Adjourn and Fix time to adjourn.....	11	Ordinances (types, preparation & readings, votes required, effective date, publication of) .....	6, 7, 9, 10
Agendas (preparation, addition of, withdrawal of items requests by Council Members, delivery of, etc.) ...	5, 6	Point of order .....	4, 9
Amend rules.....	10	Postpone to another day/time .....	8, 12
Amendments .....	7, 8, 11, 12	Postpone indefinitely.....	8, 12
Appeals .....	8, 11	Procedural matters, definition of.....	2, 10
Call the question .....	4, 8, 9, 11	Public comment (time limits, conduct at meeting written communications, supporting materials) .....	4
Chair of meetings (Absence of chair, advisor to chair, questions of order, legal counsel called upon).....	4, 5	Publications/Publishing	
Procedural matters, voice vote.....	2, 10	Meetings; posting notices; newspaper designated.	3, 5
Clear the floor of motions .....	11	Ordinances .....	6, 7
Conflicts of interest (Council Members, disclosure) ..	9, 10	Quorum (members required, rescheduling meeting).....	4
Council		Recess.....	12
Committees.....	3, 4, 6	Reconsideration.....	9, 12
Conflicts of interest and disclosure.....	9, 10	Regular meetings	
Conduct at meetings .....	2, 4, 5	Agendas, preparation of & order of business .....	6
Duties assumed .....	2	Chair of meeting .....	4
Mayor Pro Tem appointed .....	2	Debate .....	4, 7, 8, 9
Special meetings, call for by written request.....	3	Posting of yearly schedule .....	3
Voting (includes changing a member's vote).....	9	Quorum & rescheduling.....	4
Debate.....	7, 8, 9, 10	Schedule change.....	3
Decision, definition of .....	2	Voting .....	9
Definitions of terms .....	2	Repeal rules.....	10
Disclosure of conflicts .....	9, 10	Rescind.....	9, 12
Divide the question .....	11	Resolutions (types, preparation & reading of, votes required, effective date).....	7, 9, 10
Legal counsel (interpretation of law) .....	5, 9	Roll call .....	6, 9, 10, 13
Conflicts of interest of members.....	10	Special meetings.....	3, 5, 6
Meetings		Robert's Rules .....	2
Agendas, preparation of, order of business.....	6	Rules, authority .....	2
Chair (absence, advisor to, legal counsel) .....	4	Suspend the rules.....	9, 12
Conduct of meetings (decorum, order).....	4	Table and Take from Table .....	12
Debate.....	4, 7, 8, 9	Unanimous, definition of.....	2
Definition for .....	2	Voting procedures (closing debate, duty to vote, conflicts of interest & disclosure, legal counsel consulted, roll call, procedural matters, votes required for passage, changing a member's vote).....	9, 10
Legal counsel (interpret law) .....	5	Withdrawal	
Order and preserving of decorum .....	4	Agenda items .....	6
Quorum & rescheduling .....	4	Motions .....	8, 11
Regular & special meetings .....	3		
Motions.....	7, 8		
Newspaper designated .....	3, 5		
Notices, posting of.....	4, 5		
Oath of office .....	2		
Object to consideration .....	11		

\*Note: The index is provided for convenience and may be altered when necessary to add additional indexing items



# **RULES of the COUNCIL AND PERTINENT CHARTER PROVISIONS**

**As Amended and Adopted December 7, 2015, and August 15, 2016**

## **FOREWORD**

Section 4.4(e) of the Ann Arbor City Charter provides that the City Council "shall determine its own rules and order of business." At its first meeting held under the new Charter, on April 16, 1956, Council formally adopted rules of procedure, which have from time to time been amended by resolution.

**This revision date is August 15, 2016.**

Certain charter provisions are listed in the appendix.

Jacqueline Beaudry

Clerk of the Council

## Table of Contents

FOREWORD.....	2
Organization of Council.....	6
RULE 1 Review and Adoption of the Rules.....	6
RULE 2 Acting Mayor and the Order of Succession .....	6
Setting the Meeting Time and Day .....	6
RULE 3 - Time of Council Meetings .....	6
RULE 4 Setting the Working Session Format .....	6
RULE 5 Setting the Agenda for Action Meetings .....	7
5A – Preparation of the Agenda .....	7
5B – Review of the Draft Agenda .....	8
5C - Categories .....	8
5D – Delivery .....	9
5E – Format of Agenda.....	9
5F – Publication of Agenda, Minutes and Meeting Notices .....	9
Council Meeting Procedures.....	9
RULE 6 - Call of Council Absentees .....	9
RULE 7 - Addressing Council during Meetings.....	9
RULE 8- Voting .....	11
RULE 9 - Nominations or Appointments to Boards, Commissions or Committees .....	11
RULE 10 – Council Conduct of Discussion and Debate .....	11
RULE 11 - Resolutions and Motions to Be Made In Writing .....	12
RULE 12 - Motion to Lay on the Table .....	12
RULE 13 - Consideration of Questions .....	12
Agenda items – Introduction, Referral, and Approval.....	12
RULE 14 – Amending a Motion .....	13
RULE 15 - Ordinances, How Introduced.....	13
RULE 16 - Demise of Ordinances and Resolutions.....	13
RULE 17 - Committees and Officers Must Report.....	13
RULE 18 – Council Email .....	13
RULE 19 - How Rules may be Altered .....	13
RULE 20 - What Other Rules Shall Govern .....	13

COUNCIL ADMINISTRATIVE RULE –ADMINISTRATIVE RESPONSIBILITY .....	14
COUNCIL ETHICS RULE 1 -- CONFLICTS OF INTEREST – RELATING TO CONTRACTS.....	14
COUNCIL ETHICS RULE 2 -- CONFLICTS OF INTEREST – FINANCIAL MATTERS.....	15
COUNCIL ETHICS RULE 3 -- CONFLICTS OF INTEREST – COUNCILMEMBER’S OWN CONDUCT .....	16
COUNCIL ETHICS RULE 4 -- CONFLICTS OF INTEREST – OTHER REASONS FOR EXCUSAL FROM VOTING.....	16
COUNCIL ETHICS RULE 5 -- IMPROPER USE OF POSITION -- GIFTS .....	17
COUNCIL ETHICS RULE 6 -- IMPROPER USE OF OFFICIAL POSITION – DISCLOSURE OF CONFIDENTIAL INFORMATION .....	17
COUNCIL ETHICS RULE 7 - IMPROPER USE OF OFFICIAL POSITION – MISUSE OF CITY RESOURCES...	19
COUNCIL ETHICS RULE 8 -- IMPROPER USE OF OFFICIAL POSITION -- REPRESENTATIONS .....	20
COUNCIL ETHICS RULE 9 -- IMPROPER USE OF OFFICIAL POSITION – POLITICAL SOLICITATION .....	20
COUNCIL ETHICS RULE 10 -- IMPROPER USE OF OFFICIAL POSITION – NEPOTISM .....	20
COUNCIL ETHICS RULE 11 -- IMPROPER USE OF POSITION – APPEARANCE BEFORE BOARDS AND COMMISSIONS .....	21
Appendix – Charter Provisions.....	22
Section 4.1. The Council.....	22
Section 4.2. The Mayor .....	22
Section 4.3. The Mayor Pro Tem.....	22
Section 4.4. Meetings of the Council .....	22
Section 4.5. Veto Power of Mayor .....	23
Section 7.1. Legislative Power.....	24
Section 7.3. Introduction, Consideration, and Style of Ordinances.....	24
Section 7.4. Publications of Ordinances.....	24
Section 7.5. Penalties .....	25
Section 7.8. Technical Codes.....	25
Section 8.6. Adoption of Budget .....	25
Section 8.9. Effects of Adoption of Budget .....	25
Section 8.10. Transfer of Appropriations.....	25
Section 8.11. Budget Control .....	26
Section 8.12. Contractual Claims against City.....	26
Section 8.13. Notice to City of Claim for Injuries .....	26

Section 8.14. Withdrawal of City Funds .....	26
Section 8.17. Municipal Borrowing .....	26
Section 10.1. General Powers Relative to Special Assessments .....	27
Section 14.1. Authority of Council .....	28

# COUNCIL MEETING RULES

## Organization of Council

### **RULE 1 Review and Adoption of the Rules**

Rules shall be reviewed and adopted annually, by the third Council meeting after the general election.

### **RULE 2 Acting Mayor and the Order of Succession**

Council shall at the time the rules are adopted pass a resolution stating the order of succession of council members to be Acting Mayor in the event neither the Mayor nor Mayor Pro Tem is present for the convening of the scheduled meeting and to fill the need for the Emergency Preparedness Plan.

## Setting the Meeting Time and Day

### **RULE 3 - Time of Council Meetings**

Council shall establish a calendar of the time and place of regular meetings of Ann Arbor City Council by the third regular Council meeting after the general election.

Regular meetings of the Ann Arbor City Council shall be held on the first and third Monday of the month at 7:00 p.m., in the Council Chamber at City Hall, with exceptions as defined below:

- When the first or third Monday is a major holiday, in which case the meeting shall be held the next secular day (Tuesday), or a later day that same week as set by Council.
- When the first or third Monday precedes an election day, in which case it will be held on Thursday of that week.
- When Council Chambers at City Hall are unavailable due to construction or other reasons, Council Meetings shall be re-located to another suitable location.
- For the purpose of this rule, major holiday shall be defined as:
  - any civic holiday observed by the City of Ann Arbor.
- Council shall also avoid scheduling work sessions on major holidays and, when possible, avoid scheduling special sessions on major holidays.

Council may, by majority vote, adjust the schedule of regular meeting times and places to accommodate special elections, construction, or other external contingencies that were unanticipated when the calendar was initially set.

(City Charter, section 4.4)

### **RULE 4 Setting the Working Session Format**

The second and fourth Monday of the month may be set-aside for the Council Work Session. The Council Work Session may be scheduled for other days if authorized by a majority vote of the Council. Public hearings may be scheduled for the first, second, third and fourth Monday.

A working session of the Council may be scheduled for any other day of the week or at other locations, provided that such change is given regular public and legal notice.

Except by a unanimous vote of the members present, Executive or Closed Sessions may not commence any time after 11:00 p.m. and must end no later than 12:00 a.m.

## **RULE 5 Setting the Agenda for Action Meetings**

### **5A – Preparation of the Agenda**

The agenda for each Regular Council meeting and Council Work Session shall be prepared by the City Administrator. A resolution approving a contract shall only be included on the agenda if the City Attorney has reviewed the contract and the result of that review is included or with the proposed resolution.

The agenda for Regular Council meetings will be prepared in accordance with the following order of business:

- Call to Order
- Moment of Silence
- Pledge of Allegiance
- Roll Call of Council
- Approval of the Agenda
- Communications from the City Administrator
- Introductions
- Public Commentary - Reserved Time
- Communications from Council
- Communications from the Mayor
- Consent Agenda
- Public Hearings
- Approval of Council Minutes
- Ordinances - Second Reading
- Ordinances - First Reading
- Motions and Resolutions
  - Council Business
  - Boards and Commissions
  - Staff
- Communications from Council
- Communications from the City Attorney
- Clerk's Report of Communications, Petitions and Referrals
- Public Commentary - General
- Adjournment

The agenda for Council Work Sessions will be prepared in accordance with the following order of business:

- Call to Order
- Work Session
- Public Commentary – General (Must begin no later than 8:45 p.m.)
- Adjournment

To the extent possible, multiple items addressing the same property or issue will be grouped together on the agenda.

#### **5B - Review of the Draft Agenda**

The City Administrator shall submit the draft agenda and supporting materials to the members of the Council Administration Committee for review and comment 10 days prior to the next Council meeting. Such review and comment shall be made no later than 7 days prior to the next Council meeting. Once reviewed by the Council Administration Committee, no matter from staff shall be placed on the agenda. Council members may add items to the agenda at any time, but will use best efforts to do so prior to 5:00 p.m. on the Friday before the next Council meeting.

#### **5C - Categories**

Under each agenda category for action, Council shall place unfinished business of Council on the agenda for first consideration; then new business proposed by members of the Council shall be considered; then other new business shall be considered.

#### ***Communications from Council***

This place on the agenda is reserved for Council Members to make announcements, request reports and speak on subjects, which they deem important, report out on committees and give notice of future proposed business.

#### ***Approval of the Agenda***

Matters not on the published agenda may be added at the time of approval of the agenda with the consent of 3/4 of the members present. The Mayor or City Administrator may delete items from the published agenda at the request of the initiator of the proposed action prior to approval of the agenda.

#### ***Consent Agenda***

The Consent Agenda shall consist of ordinances and resolutions considered routine. Items on the Consent Agenda may be approved by a single motion. The motion to approve the Consent Agenda shall not require the reading of the titles of items on that agenda other than ordinances. If any member of the Council objects to consideration of an item as part of the Consent Agenda, that item shall be moved to the end of the appropriate portion of the regular agenda.

#### ***Motions and Resolutions***

DC - Council Resolutions: All resolutions from Council.

DB – Boards and Commissions: All resolutions from Advisory Committees, Boards and Commissions.

DS – Staff: All resolutions from Staff.

### ***Communications and Petitions***

The City Clerk, under the direction of City Administrator, shall prepare for each regular Council meeting a report containing all communications and other matters recommended to be filed, referred or otherwise handled and stating the recommended action for Council to take. Upon passage of a motion to accept the Clerk's Report, the action recommended for all matters listed in the report shall be the action of the Council unless objection is made, in which case the matter objected to shall be taken up and acted on separately. The Clerk's Report shall be limited to official correspondence addressed to the City. Individual Councilmembers wishing to share communications shall do so under Communications from Council.

### **5D - Delivery**

All materials relevant to the agenda, which has been reviewed by the Council Administration Committee, shall be delivered to Councilmembers no later than 4:00 p.m. on the Thursday prior to said session.

### **5E - Format of Agenda**

The Administrator and Clerk shall prepare all documents and agenda materials in electronic format consistent with the technology used by City Council. Hard copy will be provided at the Council meeting and to the public upon request.

### **5F - Publication of Agenda, Minutes and Meeting Notices**

After review of the agenda under 3B, the agenda for all meetings of Council, including Work Sessions, shall be published by prominent link on the home page of the City's Website, distributed electronically to each branch of the Ann Arbor District Libraries, and posted in the lobby of City Hall. The Clerk shall use best efforts to promptly disseminate amended agendas by the foregoing distribution channels.

All minutes of the proceedings of the Council, as well as the agendas of work sessions, shall be published by prominent link on the home page of the City's Website, distributed electronically and to each branch of the Ann Arbor District Libraries, and posted in the lobby of City Hall until the next Council meeting.

## **Council Meeting Procedures**

### **RULE 6 - Call of Council Absentees**

The Chair or any of the members may have a call of the Council, and the City Clerk shall note the names of the absentees.

### **RULE 7 - Addressing Council during Meetings**

#### ***Public Commentary - Reserved Time:***

A total of 10 speakers shall be allowed to address Council during the time designated as *Public Commentary - Reserved Time* by signing up with the City Clerk either in person or by telephone. Each person may speak a maximum of 3 minutes. Speaking times are not transferable, and vacated speaking times shall be assigned to the two alternate speakers on the waiting list. *Speakers may not use public commentary-reserved time to address Council on an agenda item for which a public hearing is scheduled for the same meeting.*

On the morning of the regular meeting of the City Council, the City Clerk shall sign up persons interested in speaking during the time designated as *Public Commentary - Reserved Time* as follows:

- a. Between 8 a.m. and 1 p.m. the clerk shall accept requests for speaking times. At 1 p.m. speaking times will be allocated to people who have requested them in the following order of priority:
  - Persons wishing to address Council on agenda items who have not spoken during the previous two public comment reserved times.
  - Other persons wishing to address Council on agenda items.
  - Persons wishing to address Council on any other matter.
- b. After 1 p.m. on that same day, speakers wishing to address Council on any matter will be signed up strictly on a first come, first served basis for any remaining times. Two alternates may also be designated. The Clerk shall inform people who have requested but not received speaking times of the status of their request.

#### ***Public Speaking Rules***

Speakers and the public shall obey all rules announced by the Chair or his or her designee, including the following general rules:

1. All public speakers must speak from the podium.
2. Members of the public shall not disturb speakers at the podium.
3. The public should sit on the benches and not stand. If members must stand, then it will be at a designated area.
4. Members of the public holding up signs must sit on the back benches so that their signs do not interfere with others. Signs must be hand held and not attached to any pole or stick.
5. If speakers have materials they wish to hand out, they must signal to the clerk who will come forward to the speaker and hand them out.
6. When speakers are finished, they shall not disturb other speakers or disrupt the council meeting as they leave.

#### ***Public Commentary - General:***

During the time designated as *Public Commentary - General*, those wishing to address Council will be recognized by the Chair to speak for up to 3 minutes.

#### ***Public Hearings***

Persons speaking at a Public Hearing must limit their remarks to the subject of the public hearing and shall not speak for more than 3 minutes.

#### ***Time Limit Waiver***

The Council may, by majority vote, modify or waive the 3-minute speaking limitation.

#### ***Members of Audience Addressing Council***

Upon the request of a member of the Council, a member of the audience shall be permitted to address the Council at a time other than during public commentary, unless three members of Council object.

### ***Disorderly Conduct at Meetings***

The Chair may call to order any person who engages in personal attacks, (which are unrelated to Council Business) who uses obscene or grossly indecent language, who speaks longer than the allotted time, who disrupts the proceedings or who otherwise violates the rules of this Council. Failure to come to order may result in the microphone being shut off, the forfeiture of any remaining speaking time, or, at the request of the Chair, expulsion from the meeting.

Furthermore, if a speaker or a member of the public does not follow applicable rules during a Council meeting, disturbs the peace at a Council meeting or endangers the safety of the Council or the public at a council meeting, that individual may also have further restrictions placed upon them as necessary, including forfeiture of their right to speak at or right to attend future Council meetings. Such actions are to be determined by Council and shall be consistent with the Michigan Open Meetings Act.

### **RULE 8- Voting**

In all cases where a vote is taken, the Chair shall decide that result. A roll call vote shall be called upon the request of any member of the Council. The roll call voting order shall rotate around the council table with the Mayor voting in the rotation.

### **RULE 9 - Nominations or Appointments to Boards, Commissions or Committees**

Nominations or appointments to boards, commissions, or committees, which require the confirmation or approval of Council, shall not be confirmed or approved before the next regular meeting of the Council except with the consent of 8 of the members of the Council. When required by ordinance or otherwise deemed in the best interest of the City, the Charter residency requirement for nomination or appointment of an individual to a board, commission or committee is waived by a resolution concurred in by not less than seven members of Council.

### **RULE 10 – Council Conduct of Discussion and Debate**

- No member shall speak until recognized for that purpose by the Chair.
- The member shall confine comments to the question at hand and avoid personal attack.
- A member shall not speak more than two times on a given question, three minutes the first time, three minutes the second time, except with the concurring vote of 3/4 of the members present. A motion to call the previous question (call for cloture) is in order after thirty (30) minutes of discussion on the question. Upon a motion to call the previous question, all discussion is ended, provided that each member who has not yet held the floor will have an opportunity to do so. A motion to call the previous question shall require a concurring vote of 3/4 of the members present.
- Electronic communication during Council meetings shall pertain only to City matters.

- During Council meetings, members shall not send private electronic communication to persons other than City Staff; provided however, that members may send draft motions, resolutions, and amendments to the City Clerk who will forward them to members of Council. Members shall not respond to member-distributed draft language via electronic communication. All draft language sent by electronic communication during Council meetings shall be read into the record prior to discussion by Council. Members **will not** send publicly-accessible electronic communications (e.g. Twitter and FaceBook posts) **during meetings**.
- Electronic communication sent and received by a member during a Council meeting shall be included in the minutes of such meeting, provided that the minutes shall not include electronic communication received by a member that clearly does not relate to the subject matter of the meeting.
- A member shall not use their personal mobile devices to answer phone calls or send electronic communications, including text messages, while seated at the Council table. Members who have a need to attend to personal business shall step away from the Council table to do so.

#### **RULE 11 - Resolutions and Motions to Be Made In Writing**

Every resolution and ordinance shall be in writing. Resolution titles shall, unless impractical or required by law, be twenty (20) words or less and describe in plain language the subject matter thereof. When any motion has been made and seconded, it shall be stated by the Chair and shall not be withdrawn thereafter except by consent of the majority of the members of the Council present.

#### **RULE 12 - Motion to Lay on the Table**

A motion to table shall only be in order “when something else of immediate urgency has arisen or when something else needs to be addressed before consideration of the pending question is resumed” (RROR Newly Revised in Brief, p. 119) and the name of the person making the motion and the rationale for tabling should appear in the minutes.

#### **RULE 13 - Consideration of Questions**

When a question has been taken, it shall be in order for any member voting with the prevailing side to move a reconsideration thereof at the same or the next regular meeting; but, no question shall a second time be reconsidered.

### **Agenda items – Introduction, Referral, and Approval**

**RULE 14 – Amending a Motion**

To promote expediency, motions may be amended by with a "friendly amendment" with the concurrence of the council members who moved and seconded the motion. However, as the motion belongs to the Council and not the movers, any other Council member may object to a friendly amendment and request a vote on the proposed amendment.

**RULE 15 - Ordinances, How Introduced**

Proposed ordinances shall be introduced by one or more individual members of Council. Ordinances may be referred to any or all of the following: the City Attorney, the City Administrator, appropriate agencies, and Council committees, for study and recommendation.

**RULE 16 - Demise of Ordinances and Resolutions**

An ordinance passed at First Reading that is not placed on the Council's agenda (for whatever reason) for Second Reading within six months of First Reading passage is deemed demised and must be reintroduced at First Reading if it is to be reconsidered.

A resolution that has been tabled for six months shall be considered demised and may not be the subject of a motion to take from the table.

**RULE 17 - Committees and Officers Must Report**

All committees and officers shall make immediate report on matters referred to them at the first stated meeting of Council after such referrals are first addressed by the committee or the officer unless another time shall be given them by the Council or unless requested to report to the work committee. In any event, a status report should be given to the Council by a committee after each meeting of the committee at which the referred matter is discussed.

**RULE 18 – Council Email**

Councilmembers shall use the City electronic mail system for their electronic mail communications for City business.

**RULE 19 - How Rules may be Altered**

Council-adopted rules may be altered or amended by a vote of the members-elect at a regular Council meeting, if notice of the changes proposed to be made shall have been distributed to all members of the Council in advance of the meeting as part of the distribution of the Council agenda and materials.

Council-adopted rules may be suspended for the time being by a vote of two-thirds of the members present.

**RULE 20 - What Other Rules Shall Govern**

The rules of parliamentary practice, comprised in Robert's Rules of Order, shall govern the Council in all cases to which they are applicable, provided they are not in conflict with these rules or with the charter of the City.

## COUNCIL ADMINISTRATIVE RULE –ADMINISTRATIVE RESPONSIBILITY

A councilmember shall not encroach on administrative responsibilities. City Council provides direction to the City Administrator, who then provides direction to staff. A councilmember shall not give orders or directives to staff, either publicly or privately. Councilmembers may make inquiries or exchange or request information according to the "Interaction with City Staff" guidelines developed by the City Administrator.

**Rationale** – The daily business of government involves responding to correspondence, emails, and constituent requests. Establishing a practice of how to handle these items ensures fair treatment among all members of the governing body. Councilmembers shall follow the "Interaction with City Staff" guidelines stated in the "City of Ann Arbor Elected Officials Handbook".

**Source:** City Charter, Section 5.1(b)(1). The Charter provides broad authority to the City Administrator to direct, supervise, and coordinate the work of the City.

**Example:**

A Councilmember should not contact the Director of Human Resources about a personnel issue involving a City employee.

## Council Ethics Rules

### COUNCIL ETHICS RULE 1 -- CONFLICTS OF INTEREST - RELATING TO CONTRACTS

A Councilmember shall not vote on any contract in which the Councilmember has a conflict as set forth in MCL 15.321, the state contracts statute. This statute is the sole definition of conflicts as related to contracts and it states:

- (1) Except as provided in sections 3 and 3a of the state statute,<sup>1</sup> **a public servant shall not be a party, directly or indirectly, to any contract** between himself or herself and the public entity of which he or she is an officer or employee.
- (2) Except as provided in section 3, **a public servant shall not directly or indirectly solicit any contract** between the public entity of which he or she is an officer or employee and any of the following:
  - (a) Him or herself.
  - (b) Any firm, meaning a co-partnership or other unincorporated association, of which he or she is a partner, member, or employee.
  - (c) Any private corporation in which he or she is a stockholder owning more than 1% of the total outstanding stock of any class if the stock is not listed on a stock exchange, or stock with a present total market value in excess of \$25,000.00 if the stock is listed on a stock exchange or of which he or she is a director, officer, or employee.
  - (d) Any trust of which he or she is a beneficiary or trustee.
- (3) In regard to a contract described in subsection (2), **a public servant shall not do either of the following:**

- (a) Take any part in the negotiations for such a contract or the renegotiation or amendment of the contract, or in the approval of the contract.
- (b) Represent either party in the transaction.

The conflict restrictions of this statute **do not apply to “contracts between public entities.”**

**Rationale:** All Councilmembers are governed by the state conflicts law and it is helpful to remind the public that this is the only applicable law on this topic, notwithstanding anything to the contrary in the City Charter.

**Source:** MCL 15.321 (See statute at “Contracts” tab attached)

**Example:**

A Councilmember employed by the University of Michigan would properly vote on a contract between the City and the University as the conflict prohibition does not apply to a contract between two public entities as set forth in MCL 15.324(1)(a).

A spousal “relationship” is not a contract conflict that has been recognized under Act 317. The Attorney General found that no conflict existed under Act 317 where an attorney represented the school district (under a contract) where his wife worked as a teacher (under a contract.) Mich AG No. 6736. So while the attorney’s wife has a contract with the school district, he is not a party to her contract **directly or indirectly** under the statute.

## **COUNCIL ETHICS RULE 2 -- CONFLICTS OF INTEREST – FINANCIAL MATTERS**

A Councilmember shall not vote on a question in which the member has a financial interest, other than a financial interest which is part of the general public interest. In other words, the Councilmember’s financial interest must be direct and unique to the councilmember and not a financial interest shared by other members of the public. This rule does not apply to a vote on a contract, which is governed by Rule 1.

**Rationale:** The provision makes clear that the Charter provision language only applies to matters other than contracts.

**Source:** Charter, Section 4.4(i).

**Examples:**

A Councilmember should not vote on a resolution for the City to condemn his or her own property because he or she has a financial interest in this matter.

A Councilmember is not disqualified from voting on an assessment, even when the assessment is limited to the street the Councilmember lives on. This has been held to be a legislative vote, where the Councilmember’s interest is in common with the public subject to the taxation.

### **COUNCIL ETHICS RULE 3 -- CONFLICTS OF INTEREST – COUNCILMEMBER'S OWN CONDUCT**

A Councilmember shall not vote on any questions involving the Councilmember's own conduct including those of excusal and discipline of that Councilmember. This rule does not apply to a vote on a contract, which is governed by Rule 1.

**Rationale:** The provision makes clear that the Charter provision language only applies to matters other than contracts.

**Source:** Charter, Section 4.4(i).

**Example:**

To the extent there was a vote to excuse a Councilmember from voting or a vote to discipline a Councilmember that Councilmember could not vote on that excusal or on his discipline.

### **COUNCIL ETHICS RULE 4 -- CONFLICTS OF INTEREST – OTHER REASONS FOR EXCUSAL FROM VOTING**

It is required that all Councilmembers vote on all matters, unless excused after a vote of the Council. Other than conflicts governed by the state conflicts statute, conflicts involving financial interest (but not governed by the contracts statute), and matters involving the Councilmember's own conduct, other requests for excusal shall generally be weighed against the policy expressed in the City Charter in favor of voting on all matters. A Councilmember may be excused if the Councilmember asserts that he or she has a personal relationship with the matter at issue that 1) impairs his or her exercise of independence of judgment on the matter, or 2) creates a situation with conflicting fiduciary duties.

**Rationale:** This provision provides the reasons for which a Councilmember may ask for excusal from voting on a matter not governed by Rules 1 through 3.

**Source:** Charter, Section 4.4(f)

**Example:** A Councilmember is the chairperson for a non-profit organization's fundraising committee for a new building. If the site-plan is before the Council for approval and the Councilmember asserts conflicting fiduciary duties, the Council could excuse the Councilmember from voting on the site-plan.

## **COUNCIL ETHICS RULE 5 -- IMPROPER USE OF POSITION -- GIFTS**

Proposed Rule: A Councilmember shall not accept a gift or loan of money, goods, services, or item of value from any individual, company, or organization that is given to a Councilmember because of his or her Council position; nor shall a Councilmember solicit any such gift or loan.

This rule does not apply and is not intended to apply to personal gifts or loans from family members or friends, unrelated to the Councilmember's position on Council, except if the family member or friend has an existing business relationship with the City or has had such a relationship with the City within the past 3 years. This rule does not apply and is not intended to apply to business or personal loans relating to the personal or business finances of a Councilmember, such as a home mortgage received from a bank.

This rule does not apply to political contributions obtained in compliance with state campaign finance law.

This rule does not apply to food or beverages provided at social events sponsored by individuals, companies, or organizations and attended by Councilmembers as well as other invited members of the public. This rule does not apply to other products with an estimated value under \$20 that are generally distributed at an educational seminar or event. This rule does not apply to written materials received for educational or informational purposes.

This rule does not apply to attendance at educational events hosted by non-profit or governmental entities to which Councilmembers are invited or attend. Nor does it apply to reimbursement for, or fee waiver for, travel, food, and lodging expenses to an educational event related to municipal issues provided by a non-profit or governmental entity. If a Councilmember attends such an event, the Councilmember shall provide to the City Clerk for posting as a Council communication: a list of expenses reimbursed and provided and the nature of the educational event.

When a fee waiver or reimbursement for travel, food, and lodging expenses is offered by an entity whose governing body is composed of members a majority of whom are appointed or approved by the Mayor or Council, this rule shall be applied as follows: A Councilmember shall not accept any fee waiver or reimbursement from that entity, unless the entity has communicated the availability of the reimbursement opportunity to the full Council and Council has determined by a vote at an open meeting which Councilmember(s) can accept the offer of reimbursement, and the Councilmember is among those voted to accept the offer of reimbursement.

This rule does not apply to minor refreshments (such as bottles of water or cups of coffee) under any circumstance. This rule does not apply to a waiver of fees to attend a political, governmental, or charitable or non-profit event.

**Rationale:** This provision attempts to provide a reasonable and definition of gift, recognizing that a Councilmember also has a personal life in which gifts are customarily given and received and recognizing that a Councilmember attends social functions along with other members of the public at which food and beverages are served.

**Source:** City Employee Rule 2.3  
Act 196, MCL 15.342 (4)  
Model Ethics Rules, Rule 4

**Examples:**

A Councilmember may accept food served at an open house for a non-profit at which Councilmembers attend.

A Councilmember may accept a ticket to attend a political event whether or not the Councilmember has a role in the program at the event.

A Councilmember may not accept tickets to sporting events from the University of Michigan.

A Councilmember may accept tickets to a sporting event from a friend or family member, except if the friend or family member has an existing business relationship with the City or has had such a relationship in the prior 3 years.

**COUNCIL ETHICS RULE 6 -- IMPROPER USE OF OFFICIAL POSITION – DISCLOSURE OF CONFIDENTIAL INFORMATION**

A Councilmember shall not divulge to an unauthorized person, confidential information acquired by virtue of his or her position as a Councilmember until a time that that information becomes public information. Furthermore, a Councilmember may not use confidential information, obtained by virtue of his or her position, for his or her own benefit or for the benefit of any other person or entity. Confidential information is information acquired by a Councilmember in the course of holding public office that is not available to members of the public and which the Councilmember is prohibited to disclose by statute or fiduciary duty or other common law duty.

**Rationale:** Councilmembers obtain confidential information based on their position. They have a fiduciary obligation to keep that information confidential.

**Source:** City Employee Rule 3.4  
Act 196, MCL 15.342, Rule 1  
Model Ethics, Section 7

**Examples:**

A Councilmember shall not disclose, for example, the following:

- a) Investigating records compiled for law enforcement purposes, as set forth in MCL 15.243(1) (b).
- b) A record that if disclosed would prejudice a public body's ability to maintain the physical security of custodial or penal institutions occupied by persons arrested or convicted of a crime as set forth in MCL 15.243(1) ( c).
- c) Records or information specifically described and exempted from disclosure by statute. MCL 15.243 (1) (d)

- d) Information or records subject to the attorney-client privilege as set forth in MCL 15.243 (1)(g).
- e) Appraisals of real property to be acquired by the City until conditions set forth in MCL 15.243(1)(j) are met.

A Councilmember shall not disclose matters discussed in closed session, as governed by the Michigan Open Meetings Act, including but not limited to :

- a) Labor and negotiation strategy connected to a collective bargaining agreement;
- b) Possible purchase or lease of real property;
- c) Matters regarding trial or settlement strategy in connection with pending litigation;
- d) Material exempt from discussion or disclosure by state or federal statute.

#### **COUNCIL ETHICS RULE 7 - IMPROPER USE OF OFFICIAL POSITION – MISUSE OF CITY RESOURCES**

A Councilmember shall not use or authorize the use of City funds, property, personnel, office space, equipment, supplies, or vehicles for personal benefit or the benefit of others. However, a Councilmember may use City property on the same terms and conditions as it is available to the public generally. A Councilmember can use the city provided computer for personal use as set forth in the City computer use policy, but not for personal business use or political activity.

**Rationale:** A Councilmember may have access to City resources and should use those resources only for City business.

**Source:** City Employee Conflict of Interest policy 2.3, para. 3.4

Act 196, MCL 15.342 (3)

Model Ethics Code, Rule 11

Act 388, MCL 169.201 (1) (Michigan Campaign Finance Act)

#### **Examples:**

A Councilmember may not use City office supplies for political campaign or other personal purposes.

A Councilmember may not use a City car to make a personal trip.

A Councilmember may rent a City facility for a personal event (for example at Cobblestone farm) on the same terms and conditions as it is available to the public generally.

A Councilmember may not intervene directly with a police officer concerning a ticket given to a resident as it would be an improper use of the Councilmember's position and improper use of personnel on behalf of another person. (However, it would not be improper for a Councilmember to raise a policy issue concerning policing practices with the Council, Police Chief, or City Administrator.)

## **COUNCIL ETHICS RULE 8 -- IMPROPER USE OF OFFICIAL POSITION -- REPRESENTATIONS**

A Councilmember shall not represent that he or she is authorized to speak for the entire Council.

**Rationale:** An individual Councilmember has no authority to bind the City and decisions of the Council must be made in open session, so therefore any representation of the City's position would be inaccurate and misleading.

**Source:** Act 196, MCL 15.341(2)

**Example:** A Councilmember shall not represent to a developer that a development project would be acceptable to the entire City Council if proposed.

## **COUNCIL ETHICS RULE 9 -- IMPROPER USE OF OFFICIAL POSITION – POLITICAL SOLICITATION**

A Councilmember shall not request any City employee (that the Councilmember knows to be a City employee) to participate, or not participate, in any political activity, including the making of a campaign contribution. This rule does not prohibit a Councilmember from providing political literature to City employees at their residence, or away from the work site, in the same manner as other residents. A Councilmember shall not knowingly send unsolicited political e-mail to City employees at their City e-mail addresses.

**Rationale:** Solicitation of employees creates the appearance of coercion. Employees may feel compelled to act in a certain manner if requested by a Councilmember. Moreover, employees have the legal right to engage in political activities, including those related to City politics. MCL 15.403(1). Therefore, Councilmember may not request that an employee cease political activity.

**Source:** Model Ethics Code, Rule 8.

**Example:**

A Councilmember cannot request that a City employee make a contribution to his political campaign.

## **COUNCIL ETHICS RULE 10 -- IMPROPER USE OF OFFICIAL POSITION – NEPOTISM**

No Councilmember shall influence or attempt to influence the hiring by the City of any member of the Councilmember's family.

**Rationale:** This rule sustains the fairness of the City's hiring and employment practices.

**Source:** Model Ethics Code, Rule 12.

**Example:**

A Councilmember cannot ask a Service Area Administrator to hire his daughter for an open position.

## **COUNCIL ETHICS RULE 11 -- IMPROPER USE OF POSITION – APPEARANCE BEFORE BOARDS AND COMMISSIONS**

A Councilmember shall not appear before the following boards and commissions on his or her own behalf or on behalf of another:

- Building Board of Appeals
- Design Review Board
- Historic District Commission
- Liquor License Review Committee
- Planning Commission
- Zoning Board of Appeals

**Rationale:** Quasi-judicial boards and commissions, such as the Zoning Board of Appeals and Building Board of Appeals, as well as boards and commissions that take quasi-judicial actions, or are required by Michigan law to make recommendations to the Council, should be able to make their decisions independent of the influence of individual Councilmembers. Under this rule, a Councilmember may file a petition or an appeal with a listed board or commission and may send a representative to act on his or her behalf for the petition or appeal.

**Source:** Michigan Case Law.

**Example:**

A Councilmember shall not appear at a Liquor License Review Committee and speak on behalf of, or against a bar regarding a liquor license renewal.

## **Appendix – Charter Provisions**

### **Section 4.1. The Council**

- (a) The Council shall be composed of the Mayor and ten Council Members.
- (b) Subject only to limitations and exceptions provided by this charter or other provisions of law, all powers of the City shall be vested in and exercised by the Council.
- (c) The Council shall be the judge of the eligibility, election, and qualification of its members.

### **Section 4.2. The Mayor**

In addition to any powers and duties otherwise provided by law, the Mayor shall:

- (1) be the presiding officer of the Council;
- (2) have all the powers and duties of a Council Member, including the power and the duty to vote;
- (3) have the veto powers as provided in Section 4.5 of this charter;
- (4) give the Council information concerning the affairs of the City and recommend such measures as deemed expedient;
- (5) in emergencies, have the powers conferred by law upon sheriffs to prevent disorder, preserve the public peace and health, and provide for the safety of persons and property;
- (6) execute or authenticate by signature such instruments as the Council, this charter, or any state or federal law shall require;
- (7) be the ceremonial head of the City;
- (8) appoint all Council Committees and be a member thereof and make other appointments as provided in this charter or by the Council.

### **Section 4.3. The Mayor Pro Tem**

- (a) At its first meeting after the newly elected members have taken office following each regular city election, the Council shall elect one of its members Mayor Pro Tem for a term expiring at the first Council meeting following the next regular city election. The election of the Mayor Pro Tem shall be by the concurring vote of at least six members of the Council.
- (b) The Mayor Pro Tem shall perform the duties and have the powers of the Mayor when, on account of a vacancy in the office, absence from the City, disability, or for any other reason, the Mayor is unable to perform the duties of office. If both the Mayor and Mayor Pro Tem are temporarily unable to perform the duties of the office of Mayor, the Council shall designate another of its members as Acting Mayor to perform such duties temporarily.
- (c) When acting as Mayor, the Mayor Pro Tem or the Acting Mayor shall vote as a Council Member, and shall not possess the veto power.

### **Section 4.4. Meetings of the Council**

- (a) The Council shall fix the time and place of its regular meetings and shall hold at least two regular meetings in each month. If any day prescribed for a regular meeting of the Council is a holiday, such regular meeting shall be held at the same time and place on the next secular day, except that when such holiday is an election day, the meeting shall be held on the following Thursday.
- (b) Special meetings of the Council shall be held at the regular meeting place thereof and shall be called by the Clerk on written request of the Mayor or any three members of the Council. Written notice stating the time and purpose of a special meeting shall be delivered to each member of the Council or left at the member's usual place of residence at least three hours prior to the time set for the meeting. The Clerk shall record a certificate of service of notice in the journal of such meeting. A special meeting may be held notwithstanding lack of notice if all

members are present, or if a quorum is present and each absent member has filed with the Clerk a written waiver of notice. A vote taken by the Council at a prior meeting shall not be reconsidered at a special meeting, unless as many members are present as were present when the original vote was taken. Except by unanimous consent of all members of the Council, a matter shall not be acted upon at any special meeting unless it has been included in the notice of the meeting.

- (c) All meetings of the Council shall be open to the public and the rules of the Council shall provide that persons shall have a reasonable opportunity to be heard. The public shall have access to the minutes and records of all meetings. Within ten days after any meeting, all proceedings shall be printed in such form as shall be prescribed by rule of the Council.
- (d) Six members of the Council shall be a quorum for the transaction of business. In the absence of a quorum, any number less than a quorum may adjourn to a later time.
- (e) The Council shall determine its own rules and order of business. It shall keep a journal, in the English language, of its proceedings. The Clerk shall sign the journal after approval by the Council.
- (f) Except as otherwise provided in this charter, each member of the Council present shall cast a "yes" or "no" vote on each question before the Council, unless excused therefrom by a vote of at least six members.
- (g) The affirmative vote of at least six members of the Council, or of such greater number as may be required by this charter, or other provisions of law, shall be required for the adoption or passage of any resolution or ordinance, or the taking of any official Council action. No office may be created or abolished, nor any street, alley, or public ground vacated, nor private property taken for public use, unless by a concurring vote of at least eight members of the Council.
- (h) The Council may compel the attendance of its members and other officers of the City at its meetings, may take disciplinary action for non-attendance as prescribed by ordinance or by Council rules, and may prescribe, by ordinance, the punishment for any misbehavior or the contemptuous or disorderly conduct of any member or any person present at any meeting of the Council.
- (i) A member of the Council shall not vote on a question in which the member has a financial interest, other than the general public interest, or on any question involving the member's own conduct. If a question is raised under this section at any Council meeting concerning the eligibility of a member of the council to vote on any matter, such question shall be finally determined by the concurring vote of at least six members of the Council, not including such member.

#### **Section 4.5. Veto Power of Mayor**

- (a) Within seventy-two hours, exclusive of Sundays and holidays, after a meeting of the Council, the Clerk shall present the record of the meeting to the Mayor for approval. Except in cases of appointment or removal of officers by the Council, the Mayor may disapprove, in whole or in part, any action taken by the Council by resolution, order, or otherwise. The Mayor shall file the disapproval and reasons therefor, in writing, with the Clerk within seventy-two hours, exclusive of Sundays and holidays, following presentation of the record to the Mayor. Such disapproval shall be reported by the Clerk at the next regular meeting of the Council or at a special meeting called for consideration thereof. Council action disapproved by the Mayor shall be of no effect, unless re-affirmed by the concurring vote of at least eight members of the Council within thirty days from the time such disapproval is reported by the Clerk.

- (b) Within seventy-two hours, exclusive of Sundays and holidays, after the adoption of an ordinance, the Clerk shall present it to the Mayor. The Mayor may approve or disapprove. If the Mayor disapproves, the Mayor shall return the ordinance to the Clerk with the objections thereto in writing. The Clerk shall lay the ordinance and the objections of the Mayor before the Council at its next regular meeting or at a special meeting called for consideration thereof. If, within thirty days thereafter, at least eight members of the Council vote to readopt the ordinance, it shall become effective without the approval of the Mayor. If the Mayor fails to act within ten days after an ordinance is presented, it shall be deemed to have been approved. The Clerk shall certify on each ordinance and also in the journal the actions taken under this section and the dates thereof.

### **Section 7.1. Legislative Power**

The legislative power of the City is vested exclusively in the Council, except as otherwise provided by this charter or by law.

### **Section 7.3. Introduction, Consideration, and Style of Ordinances**

- (a) Each proposed ordinance shall be introduced in written form. The style of all ordinances passed by the Council shall be, "The City of Ann Arbor Ordains:".
- (b) Each proposed ordinance shall receive two readings, which may be by title only, unless ordered by the Council to be read in full or in part. After the first reading of a proposed ordinance, the Council shall determine whether it shall be advanced to a second reading. The second reading shall not be given earlier than the next regular Council meeting.
- (c) Each proposed ordinance advanced to a second reading shall be printed and distributed to each member of the Council at least twenty-four hours before the meeting at which it is to be presented for a second reading.
- (d) A zoning ordinance or an amendment or revision thereof shall be published in one or more newspapers of general circulation in the City, and opportunity for a public hearing allowed thereon before final action is taken by the Council.
- (e) Each ordinance adopted by the Council shall be identified by a number.
- (f) An ordinance may be repealed, revised, altered, or amended only by an ordinance passed in the manner provided in this section. An ordinance may be repealed by reference to its number and title only.
- (g) If a section of an ordinance is amended or revised it shall be reenacted and published at length.
- (h) Each ordinance shall be recorded by the Clerk, forthwith, in the "Record of Ordinances", and the enactment of such ordinance shall be certified by the Clerk therein.

### **Section 7.4. Publications of Ordinances**

- (a) Each ordinance shall be published within ten days after its enactment in one of the following two methods:
  - (1) The full text thereof may be published in a newspaper of general circulation in the City of Ann Arbor, or
  - (2) In cases of ordinances over five hundred words in length, a digest, summary or statement of the purpose of the ordinance, approved by the Council, may be published in a newspaper of general circulation in the City of Ann Arbor, including with such newspaper publication, a notice that printed copies of the full text of the ordinance are available for inspection by, and distribution to, the public, at the office of the City Clerk. If Method (2) is used, then printed copies shall promptly be so made available, as stated in such notice.

The effective date of an ordinance shall be stated therein, but shall not be less than ten days from the date of its publication if such ordinance imposes a penalty. (Amended 5-22-56).

- (b) In the event of the codification or compilation of the ordinances, the deposit of two hundred printed copies in the office of the Clerk, available for public inspection and sale at cost, shall constitute publication thereof.

#### **Section 7.5. Penalties**

The Council may provide in any ordinance adopted by it for punishment of violations thereof by a fine not to exceed five hundred dollars or imprisonment for not more than ninety days, or both, in the discretion of the court. Imprisonment for violations of ordinances may be in the City or the County jail, or in any work house of the State which is authorized by law to receive prisoners of the City.

#### **Section 7.8. Technical Codes**

The Council may adopt by ordinance, any provision of state law or any detailed technical code or set of regulations promulgated by the State, or by a department, board, or agency thereof, or by any organization or association organized and conducted for the purpose of developing any such code or set of regulations, by reference thereto in the adopting ordinance and without publishing the technical code or set of regulations in full. The code or set of regulations shall be fully identified in the ordinance, and a statement of the purpose of the code or set of regulations shall be published with the adopting ordinance. Such publication shall contain notice that a copy of the code or set of regulations is available for public inspection in the office of the Clerk. Printed copies of the code or set of regulations shall be kept in the office of the Clerk, available for public distribution at cost.

#### **Section 8.6. Adoption of Budget**

Not later than its second meeting in May, the Council shall, by resolution concurred in by at least seven members, adopt the budget for the next fiscal year. The Council shall, in such resolution, make an appropriation of the money needed for municipal purposes during the next fiscal year. The Council shall, in such resolution, make an appropriation of the money needed for municipal purposes during the next fiscal year and determine the amount necessary to be raised by taxes upon real and personal property for such purposes.

#### **Section 8.9. Effects of Adoption of Budget**

- (a) Upon the adoption of any budget, the several amounts stated therein as proposed expenditures shall be appropriated to the respective objects and purposes named therein.
- (b) A copy of the budget so adopted, certified by the Clerk, shall be filed in the office of the Controller. A copy of the budget as adopted, or of appropriate portions thereof, shall be furnished by the Clerk to the head of each administrative unit and, upon request, shall be furnished at cost to interested persons and civic organizations.

#### **Section 8.10. Transfer of Appropriations**

After the budget has been adopted, no money shall be drawn from the treasury nor shall any obligation for the expenditure of money be incurred for payment during the fiscal year to which the budget applies, except pursuant to an appropriation therefor. The Council may, however, transfer any unencumbered operating appropriation balance, or any portion thereof, from one operating fund or account to another, upon the concurring vote of not less than eight members of the Council. Council shall determine the disposition of any unencumbered balance remaining in any budget appropriation at the end of the fiscal year.

### **Section 8.11. Budget Control**

- (a) If, when the City Administrator submits to the Council data showing the financial position of the City, it appears that the income of the City is less than anticipated, the Council may, except as to amounts required for debt and interest charges, revise or amend the budget as may be necessary to keep expenditures within the income of the City, after a public hearing thereon which shall be held and notice thereof given as required by this charter before the adoption of the budget.

### **Section 8.12. Contractual Claims against City**

- (a) All contractual claims against the City shall be filed with the Clerk, who shall transmit them to the Controller.
- (b) The Controller shall verify the correctness of each claim and, subject to further procedure established by the Council for auditing and approving claims, shall approve for payment each claim so verified, if a sufficient appropriation is available for the purpose, and shall draw and sign a check or warrant therefor. A certificate of the Controller's approval shall be filed with the Treasurer before the Treasurer countersigns any check on the funds of the City therefor. Any officer who signs or countersigns a check on any funds of the City, except as herein provided, shall be deemed guilty of a violation of this charter.

### **Section 8.13. Notice to City of Claim for Injuries**

The City shall not be liable in damages for injury to person or property by reason of negligence of the City, its officers, or employees, or by reason of any defective highway, public work, public service improvement, or facility of the City's or by reason of any obstruction, ice, snow, or other encumbrance thereon, unless, within sixty days after such injury occurred, the person damaged or that person's representative causes to be served upon the Clerk a written notice, stating that such person intends to hold the City liable for such damages. Such notice shall set forth substantially the time and place of the injury, the manner in which it occurred, the nature of the act or defect complained of, the extent of the injury so far as known, and the names and addresses of witnesses known to the claimant. No person shall bring action against the City for damages to person or property arising out of any of the reasons or circumstances aforesaid, unless brought within the period prescribed by law, nor unless the person has first presented to the Clerk a claim in writing and under oath, setting forth specifically the nature and presented to the Council for action. It shall be a sufficient bar to any action upon any such claim that the notice of injury and the verified proof of claim required by this section were not filed within the time and in the manner herein provided.

### **Section 8.14. Withdrawal of City Funds**

All funds of the City drawn from the treasury shall be drawn pursuant to an appropriation by the Council and by checks signed by the Controller and countersigned by the Treasurer. Each check shall specify the fund or funds from which it is payable.

### **Section 8.17. Municipal Borrowing**

- (a) The Council, subject to the applicable provisions of law and this charter, may, by proper ordinance or resolution, authorize the borrowing of money for any purpose within the scope of the powers vested in the City and the issuance of bonds of the City or other evidences of indebtedness therefor, and may pledge the full faith, credit, and resources of the City for the payment of the obligation created thereby.
- (b) The Council, subject to the applicable provisions of law and this charter, may authorize the borrowing of money in anticipation of the payment of special assessments made for the

purpose of defraying the cost of any public improvement, or in anticipation of the payment of any combination of such special assessments, and the issuing of bonds therefor. Such special assessment bonds may be an obligation of the special assessment district or districts or may be both an obligation of the special assessment district or districts and a general obligation of the City. All collections on each special assessment roll or combination of rolls, to the extent that the same are pledged for the payment of the principal of and interest on bonds issued in anticipation of the payment thereof, shall be set apart in a separate fund for the payment of such principal and interest and shall be used for no other purpose.

- (c) The Council may, subject to law and the State Constitution, authorize the issuance and sale of mortgage bonds for the purpose of acquiring, owning, purchasing, constructing, or operating any public utility beyond the general limit of bonded indebtedness prescribed by law: Provided that such mortgage bonds, issued beyond the general limit of bonded indebtedness prescribed by law, shall not impose any liability on the City but shall be secured only upon the property and revenues of such public utility, including a franchise, stating the terms upon which, in case of foreclosure, the purchaser may operate the public utility, which franchise shall in no case extend for a long period than twenty years from the date of sale of such public utility and franchise on foreclosure. In the event of the issuance of such bonds, there shall be created, in such cases as may be required by law, a sinking fund by setting aside such percentage of the gross or net earnings of the public utility as may be deemed sufficient for the payment of the mortgage bonds at maturity.
- (d) In case of fire, flood, or other calamity, the Council may, subject to law, authorize the issuance of emergency bonds, which shall be general obligations of the City for the relief of the inhabitants of the City and for the preservation of municipal property.
- (e) No bonds shall be sold to obtain funds for any purpose other than that for which they were specifically authorized, and, if any such bonds are not sold within three years after authorization, such authorization shall be null and void.
- (f) Each bond or other evidence of indebtedness shall contain on its face a statement specifying the purpose for which the same is issued and no officer of the City shall use the proceeds thereof for any other purpose, except as hereinafter provided.
- (g) Whenever the proceeds of any bond issue, or any part thereof, shall remain unexpended and unencumbered for the purpose for which said bond issue was made, the Council may, by the affirmative vote of a majority of the members elect, authorize the use of such unexpended and unencumbered funds in any manner permitted by law or for the retirement of such bond issue, or, if such bond issue shall have been fully retired or if any of such funds remain after such retirement, then for the retirement of other bonds or obligations of the City.
- (h) All bonds and other evidences of indebtedness by the City shall be executed with the facsimile signature of the Mayor and signed by the Clerk, under the seal of the City. Interest coupons may be executed with the facsimile signature of the Mayor and Clerk. (Amended April 1, 1968)
- (i) A complete and detailed record of all bonds and other evidences of indebtedness issued by the City shall be kept by the Controller. Upon the payment of any bond or other evidence of indebtedness, the same shall be marked "Canceled."
- (j) A violation of any of the provisions of this section shall constitute a violation of this charter.

#### **Section 10.1. General Powers Relative to Special Assessments**

The Council may determine the necessity for any public improvement, and determine that the whole or any part of the cost thereof shall be defrayed by special assessment upon the property especially benefited. The Council may authorize public improvements other than those for which petitions have

been filed, whether the cost thereof is to be defrayed from the general funds of the City or by special assessments upon the property especially benefited.

**Section 14.1. Authority of Council**

- (a) The authority to authorize the making of contracts on behalf of the City is vested in the Council and, except as otherwise provided by this charter, shall be exercised in accordance with the provisions of law and this chapter.
- (b) All contracts, except as otherwise provided in this charter or by ordinance of the Council in accordance with the provisions of Section 14.2 of this charter, shall be approved by the Council and shall be signed on behalf of the City by the Mayor and Clerk.



# **RULES OF PROCEDURE FOR THE CITY COUNCIL CITY OF TROY, MICHIGAN**

**Adopted: March 9, 2015**

1.	APPOINTMENT OF MAYOR PRO TEM .....	1
2.	CODE OF ETHICS .....	1
3.	DESIGNATION OF ACTING MAYOR .....	1
4.	SPECIAL MEETINGS .....	1
5.	REGULAR MEETINGS .....	2
6.	AGENDA .....	2
7.	ORDER OF BUSINESS .....	3
8.	CABLE CASTING OF CITY COUNCIL MEETINGS .....	3
9.	MINUTES .....	3
10.	PROCLAMATIONS .....	4
11.	RECONSIDERATION OF QUESTIONS .....	4
12.	RESCISSION OF QUESTIONS .....	4
13.	WITHDRAWAL OF MOTIONS PRIOR TO VOTING .....	4
14.	PUBLIC HEARING .....	4
15.	CONSENT AGENDA .....	4
16.	APPOINTMENTS .....	4
17.	MEMBERS OF THE PUBLIC AND VISITORS .....	6
18.	POSTPONE .....	7
19.	RULES OF ORDER .....	7
20.	MISCELLANEOUS EXPENSES .....	7
21.	EXPENSES: OUT-OF-TOWN TRAVEL FOR CITY BUSINESS .....	7
22.	ABSENCES AT COUNCIL MEETINGS .....	8
23.	SUSPEND RULES .....	8
24.	COUNCIL DISCUSSION .....	8
25.	AGENDA ITEMS SUBMITTED BY COUNCIL MEMBERS .....	8
26.	VIDEO AND AUDIO PRESENTATIONS .....	8
27.	CONTINUED AGENDA ITEMS NOT CONSIDERED BEFORE 12:00 AM .....	8
28.	VIOLATIONS .....	8
29.	WIRE COMMUNICATIONS BY AND TO COUNCIL MEMBERS DURING ANY MEETING OF COUNCIL .....	8

**1. APPOINTMENT OF MAYOR PRO TEM**

The selection of Mayor Pro Tem shall rotate annually in the following order: Henderson, Campbell, Pennington, Hodorek, Tietz, Gottlieb

**2. CODE OF ETHICS**

- a) The City Council Code of Ethics shall be reviewed in November of each calendar year, and all City Council members shall agree to abide by the City Council Code of Ethics, and shall evidence this agreement by affixing their signature to a written copy of the Code of Ethics at the earliest opportunity, and providing a copy to the City Clerk.
- b) The Board and Committee Code of Ethics shall be reviewed in November of each calendar year, and all Board and Committee members shall agree upon appointment to abide by the Board and Committee Code of Ethics, and shall evidence this agreement by affixing their signature to a written copy of the Code of Ethics at the earliest opportunity, and providing a copy to the City Clerk.

**3. DESIGNATION OF ACTING MAYOR**

In the absence or disability of the Mayor and the Mayor Pro Tem, the Council Member present who has served longest shall be designated Acting Mayor and shall perform the duties of the Mayor.

**4. SPECIAL MEETINGS**

Special Meetings shall be held in the Council Boardroom at 6:00 PM unless otherwise noted in the Call of the Meeting.

**A. CALLING OF SPECIAL MEETINGS** (Pursuant to City Charter Section 4.2):

Special meetings shall be called by the Clerk on the written request of the Mayor, or any two members of the Council on at least twenty-four hours written notice to each member of the Council, served personally or left at his usual place of residence; but a special meeting may be held on shorter notice if all members of the Council are present or have waived notice thereof in writing.

**B. DOCUMENTATION:**

Special meetings shall be exclusively limited to items specifically referenced in the Call of the Meeting.

- **Special Meeting Posting:** Pursuant to City Charter a printed meeting notice for each specially called meeting shall contain the items indicated in the written notice calling the meeting.
- **Study Session (Special Meeting) Agenda and Posting:** Study Session Agendas shall contain the items as indicated in the motion calling the meeting.

**C. POSTING AND DELIVERY:**

Special Meeting Calling Notice and/or Agenda shall be personally delivered to each Council Member and posted for public display at least twenty-four (24) hours in advance of the meeting.

**D. ORDER OF BUSINESS:**

At each Study Session (Special Meeting) of the Council, the business to be considered shall include the items listed and in the following order:

**A. Call to Order**

**B. Roll Call:**

- 1) Listing of Council Members
- 2) Excuse Absent Council Members pursuant to Rule Number 22.

**C. Items as Indicated in the Motion Calling of the Meeting**

**D. Items Not Indicated in the Motion Call the Meeting** (Pursuant to City Charter Section 4.2):

- 1) Special meetings are limited to what is expressly indicated in the Call of the Meeting (Motion of Council or written notice), except as set forth below.

**E. Amendments/Additions to Agenda** (Pursuant to City Charter Section 4.3):

In order for City Council to address items at a Special Meeting that are in addition to the items expressly indicated in the Call of a Special Meeting, all members of City Council must consent to the requested addition(s) in writing and all Council members present at the Special Meeting must consent.

**F. Public Comment**

**G. Adjournment**

**5. REGULAR MEETINGS**

Regular meetings shall be held in the Council Chambers at 7:30 P.M. Meeting dates will be established, by resolution, prior to the end of the preceding calendar year.

**6. AGENDA**

**A. Regular Meeting Agenda:** A printed agenda for each regularly scheduled meeting shall be produced at least forty-eight (48) hours in advance of the meeting. Every item of business to come before the Council shall be filed with the City Clerk by noon on the Wednesday preceding the Monday on which the Council meets. It shall be the duty of the City Clerk to have delivered, as soon as practical, to each member of the Council a complete agenda of the items to be considered at the following meeting. Each item on the agenda shall have sufficient explanation to indicate its intent. All items introduced by the City Council members that do not meet the Wednesday noon deadline will be referred to a later meeting, except by suspension of these rules. A packet, excluding all confidential items, will be posted on the City's Website at least 48 hours prior to Council meetings.

**B. Closed Session Agenda:** Where a Closed Session is requested for a pending case pursuant to MCL 15.268 (e), the specific name(s) of each case is to be identified in the resolution, even though the specific name(s) is not technically required under the Open Meetings Act. Where a Closed Session is requested for any collective bargaining unit discussion pursuant to MCL 15.268 (c), the specific bargaining unit is to be identified pursuant to MCL 15.268 (c), even though not technically required under the Open Meetings Act.

## **7. ORDER OF BUSINESS**

At each Regular meeting of the Council, the business to be considered shall be taken up for consideration and disposition in the following order:

### **Invocation**

### **Pledge of Allegiance**

#### **A. Call to Order**

#### **B. Roll Call**

1) Listing of Council Members

2) Excuse Absent Council Members pursuant to Rule Number 22

#### **C. Certificates of Recognition and Special Presentations**

#### **D. Carryover Items**

#### **E. Public Hearings**

#### **F. Public Comment for Items On the Agenda from Troy Residents and Businesses – In accordance with the Rules of Procedure of the City Council, Rule Number 17 - Members of the Public and Visitors**

#### **G. City Council/City Administration Response/Reply to Public Comment**

#### **H. Postponed Items**

#### **I. Regular Business**

#### **J. Consent Agenda**

1) Approval of "J" Items NOT Removed for Discussion

2) Address of "J" Items Removed for Discussion

#### **K. Memorandums and Future Council Agenda Items**

#### **L. Public Comment for Items Not on the Agenda from Troy Residents and Businesses– In accordance with the Rules of Procedure of the City Council, Rule Number 17 – Members of the Public and Visitors**

#### **M. City Council/City Administration Response/Reply to Public Comment**

#### **N. Council Referrals - Items appearing under Council Referrals are items intended for City Council action that are brought forward by the Mayor or Council Members in accordance with Rule 6 (A).**

#### **O. Council Comments - Items for the good of the order brought forward by Mayor and Council.**

#### **P. Reports**

#### **Q. Comments for Items On or Not On the Agenda from Members of the Public Outside of Troy (Not Residents of Troy and Not From Troy Businesses)**

#### **R. Closed Session**

#### **S. Adjournment**

## **8. CABLE CASTING OF CITY COUNCIL MEETINGS**

All City Council Meetings will be broadcast on WTRY, with the exception of Closed sessions and Council retreats.

## **9. MINUTES**

**A. Minutes:** The minutes will be distributed to the Council prior to their approval. The minutes will be placed on the Consent Agenda for approval.

**Closed Session Minutes:** No official City Council action will be necessary for closed

session minutes, since the closed session minutes will reflect only the reason for the closed session (in compliance with Section 6 (B), the date, the starting and ending time and the persons in attendance.

**10. PROCLAMATIONS**

Proclamations, which are formal public announcements made by City Council, shall be included in the agenda under Reports and Communications and may be brought before Council or City Administration for consideration by any member. Proclamations will be placed on the Consent Agenda for approval and may include a presentation listed under *Certificates of Recognition and Special Presentations*.

**11. RECONSIDERATION OF QUESTIONS**

A motion to reconsider any vote of the Council may be made by either side of the voted motion and shall require the affirmative vote of the majority of the Council Members elect. If such a motion to reconsider passes, and new information has been brought forward, then any member of Council may move to take action on the motion that is to be reconsidered, and any such motion would pass by an affirmative vote of the majority of the Council Members elect.

**12. RESCISSION OF QUESTIONS**

Rescission of any vote of the Council shall require the affirmative vote of the majority of the Council Members. \*Charter states "majority of the members elect."

**13. WITHDRAWAL OF MOTIONS PRIOR TO VOTING**

Any motion may be withdrawn by its maker prior to voting. A motion to withdraw must receive a second and the affirmative vote of the majority of the Council Members present.

**14. PUBLIC HEARING**

Public Hearings will be held after required notice has been provided. Notices shall inform recipients of possible continuations of hearings. The City Council may upon affirmative vote of a majority of its members "continue" said hearing at a future date designated in the resolution. If the City Council elects to continue the Public Hearing it will appear in the designated meeting Agenda under the topic of "Public Hearings".

**15. CONSENT AGENDA**

The Consent Agenda includes items of a routine nature and will be approved with one motion. That motion will approve the recommended action for each item on the Consent Agenda. Any Council Member may ask a question regarding an item as well as speak in opposition to the recommended action by removing an item from the Consent Agenda and having it considered as a separate item. Any item so removed from the Consent Agenda shall be considered after other items on the consent portion of the agenda have been heard. Public comment on Consent Agenda Items will be permitted under Agenda Item F.

**16. APPOINTMENTS**

**A. Appointments to Boards, Commissions and Committees:**

The Mayor shall, with City Council concurrence, appoint members of Boards or Committees

as governed by State Statute or local ordinances.

The Mayor Pro Tem will contact incumbents to determine their interest in being nominated for reappointment.

The Mayor or any Council Member desiring to nominate a person for appointment to a Board, Commission, or Committee shall at the meeting prior to the appointment, submit such name, for nomination. A brief summary of background and personal data as to nominee's qualifications should be presented at the time of nomination, except that such a resume shall not be required for the re-nomination of a current member, or if the Council unanimously agrees that a resume is not necessary. Resumes will be submitted on or before the time of nomination.

Nominations will occur during any regular meeting of the Council. A resolution to nominate will be considered during the "Regular Business" of the agenda. All nominations are subject to Section "B" which appears below.

**B. Method of Voting on Nominees:**

- 1) Where the number of nominees does not exceed the number of positions to be filled, a roll call vote shall be used.
- 2) Where the number of nominations exceeds the number of positions to be filled, voting shall take place by the City Clerk calling the roll of the Council and each Council Member is to indicate the names of the individuals he/she wishes to fill the vacancies
- 3) When no candidate receives a majority vote, the candidate(s) with the least number of votes shall be eliminated from the ensuing ballot.
- 4) No member of the City Council shall serve on any committee, commission or board of the City of Troy, except the Retirement System Board of Trustees, Retiree Health Care Benefits Plan and Trust Board, and the Local Development Finance Authority (LDFA) unless membership is required by Statute or the City Charter.
- 5) Persons nominated, but not appointed during this process will be sent a letter thanking them for their willingness to serve the community.
- 6) Recognition will be given to persons who have concluded their service to the community on Boards and Commissions.

**Appointment of City of Troy Representation to SEMCOG and SOCRRRA**

**SEMCOG (Southeastern Michigan Council of Governments) Representation:** The Mayor and City Council shall appoint one Delegate and one Alternate to serve on the SEMCOG General Assembly for a term of two-years expiring at 7:30 PM on the Monday following the Regular City Council Election. The appointments shall be made at the organizational meeting of Council at the first Regular meeting of every odd-year November.

**SOCRRRA (South Oakland County Resource Recovery Authority) Representation:** The Mayor and City Council shall appoint one delegate and one alternate to serve on the SOCRRRA Board for a term of one-year expiring on June 15<sup>th</sup>.

## 17. MEMBERS OF THE PUBLIC AND VISITORS

Any person not a member of the City Council may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry or comment. ***NOTE TO THE PUBLIC:*** *City Council requests that if you do have a question or concern, to bring it to the attention of the appropriate department(s) whenever possible. If you feel that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.*

- Petitioners shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of City Council.
- Any member of the public, not a petitioner of an item, shall be allowed to speak for up to three (3) minutes to address any Public Hearing item.
- Any Troy resident or Troy business representative, not a petitioner of an item, shall be allowed to speak for up to three (3) minutes total to address Postponed, Regular Business, Consent Agenda or Study items or any other item on the Agenda as permitted under the Open Meetings Act during the *Public Comment for Items On the Agenda from Troy Residents and Businesses* portion of the Agenda.
- Any Troy resident or Troy business representative, not a petitioner of an item, shall be allowed to speak for up to three (3) minutes to address any topic not on the Agenda as permitted under the Open Meetings Act during the *Public Comment for Items Not on the Agenda from Troy Residents and Businesses* portion of the Agenda.
- Any member of the public who is not a Troy resident or Troy business representative shall be allowed to speak for up to three (3) minutes to address any topic on or not on the Agenda as permitted under the Open Meetings Act during the *Comments for Items On or Not On the Agenda from Members of the Public Outside of Troy (Not Residents of Troy and Not From Troy Businesses)* portion of the Agenda.
- All members of the public who wish to address the Council at a meeting shall be allowed to speak only if they have signed up to speak within thirty minutes before or within fifteen minutes after the meeting's start time. Signing up to speak requires each speaker provide his or her name and residency status (Troy resident, non-resident, or Troy business owner). If the speaker is addressing an Item (or Items) that appear on the pre-printed agenda, then the speaker shall also identify each such agenda item number(s) to be addressed.
- City Council may waive the requirements of this section by a majority vote of the City Council members.
- Agenda items that are related to topics where there is significant public input anticipated should initiate the scheduling of a Special meeting for that specific purpose.

Prior to *Public Comment for Items On the Agenda*, the Mayor will provide a verbal notification of the rules of decorum for City Council meetings. In addition, the written Agenda Packet will include the following language, as approved by City Council:

*The audience should be aware that all comments are to be directed to the Council rather than to City Administration or the audience. Anyone who wishes to address the Council is required to sign up to speak within thirty minutes before or within fifteen minutes of the start of the meeting. There are three Public Comment portions of the Agenda. For Items On the Agenda, Troy Residents and Business Owners can sign up to address Postponed, Regular Business, Consent Agenda, or Study items or any other item on the Agenda. Troy Residents and Business Owners can sign up to address all other topics under Items Not on*

*the Agenda. All Speakers who do not live in Troy or own a Troy business may sign up to speak during the Comments on Items On and Not On the Agenda from Members of the Public Outside of Troy. Also, there is a timer on the City Council table in front of the Mayor that turns yellow when there is one minute of speaker time remaining, and turns red when the speaker's time is up.*

*In order to make the meeting more orderly and out of respect, please do not clap during the meeting, and please do not use expletives or make derogatory or disparaging comments about any one person or group. If you do so, then there may be immediate consequences, including having the microphone turned off, being asked to leave the meeting, and/or the deletion of speaker comments for any re-broadcast of the meeting. Speakers should also be careful to avoid saying anything that would subject them to civil liability, such as slander and defamation.*

*Please avoid these consequences and voluntarily assist us in maintaining the decorum befitting this great City.*

**18. POSTPONE**

A motion to postpone may be made for a definite period of time. Items will automatically appear on the appropriate agenda.

**19. RULES OF ORDER**

*Robert's Rules of Order*, current edition, as clarified by the City Clerk, is hereby adopted and made a part hereof, except as modified by these Rules of Procedure, the Charter, and the City Code.

**20. MISCELLANEOUS EXPENSES**

Reasonable and necessary expenses incurred in service on behalf of the City shall be paid for the Mayor and Council, provided that at the end of each month a detailed expense report is submitted and approved by the City Council.

**21. EXPENSES: OUT-OF-TOWN TRAVEL FOR CITY BUSINESS**

- A. Funds providing for Council representation at State and National conferences sponsored by affiliations of cities will be annually approved in the budget for the subject fiscal year. The City Council will by advance resolution grant authorization for out of town travel to specific places, for conference purposes. Members of the City Council will submit expense vouchers exceeding \$50.00 per day to attend out-of-town meetings and conferences, with additional allowances being made for transportation (paid at the air coach rate, City pool car, City Vehicle rental rate, or gas mileage at current IRS guidelines, depending upon the mode of transportation) and lodging. Expenses may be authorized for payment by the City Manager, and a copy of the expense report form will be placed on the Council agenda under Reports and Communications.
- B. Detailed and receipted expenses, not to exceed \$150.00, to attend legislative committee hearings, legislative meetings, etc., may be authorized for payment by the City Manager without prior authorization by the Council, and a copy of the expense report form, along with receipts, will be placed on the Council agenda under Reports and Communications.

**22. ABSENCES AT COUNCIL MEETINGS**

- A. Council members who are unable to attend a Council meeting and desire an excused absence shall notify the Mayor, City Manager, City Attorney or City Clerk of their absence in writing prior to the meeting and indicate the reason for the absence. The reason shall be entered in the proceedings of the Council at the time of each absence.
- B. In the event of an absence of a Council member at a meeting, the City Manager is directed to supply such absent Council member with information about any special meetings that may have been scheduled.

**23. SUSPEND RULES**

The Rules of Procedure may be waived by a simple majority.

**24. COUNCIL DISCUSSION**

No member of Council shall speak a second time on any item under discussion until all other members desiring to speak on that item have been heard. No member of Council shall be allowed to speak for more than five (5) minutes at a time.

**25. AGENDA ITEMS SUBMITTED BY COUNCIL MEMBERS**

Mayor and Council Members submitting an agenda item that calls for a vote shall send the item to the City Manager in a timely manner in writing. Staff professional opinion may be written to accompany the item. Rule 17 would govern, limiting any presentations to 15 minutes.

**26. VIDEO AND AUDIO PRESENTATIONS**

Video and Audio Presentations may not be submitted for presentation at a Council meeting unless submitted to the Troy City Clerk by noon on the day of the meeting. Inappropriate material will be prohibited.

**27. CONTINUED AGENDA ITEMS NOT CONSIDERED BEFORE 12:00 AM**

Any item on the Council agenda that has not been discussed by 12:00 AM of the morning following the beginning of the meeting shall be continued to the next regular meeting as a Carryover Item, unless City Council takes action to the contrary.

**28. VIOLATIONS**

The City Clerk shall be responsible for reporting violations of time limitations or speaking sequence to the Chair.

**29. WIRE COMMUNICATIONS BY AND TO COUNCIL MEMBERS DURING ANY MEETING OF COUNCIL**

All communications are subject to the Michigan Open Meetings Act, therefore members of the City Council shall not engage in any form of wire communication, as defined by U.S. Code Title 18, Part I, Chapter 119, Section 2510, during any meeting of the Council.

# **City of Fraser**

## **City Council**

### **Rules and Procedures**



**Adopted March 8, 2001**

**(Updated January 9, 2014)**

**FRASER CITY COUNCIL**  
**RULES AND PROCEDURES**

**Adopted March 8, 2001**

**Table of Contents**

**I. AUTHORITY**

- 1.01 Adoption of Rules and Procedures
- 1.02 City Council
- 1.03 Council Authority

**II. GENERAL RULES**

- 2.01 Rules of Parliamentary Procedure
- 2.02 City Manager
- 2.03 City Attorney
- 2.04 Recorder
- 2.05 Department Heads and Employees
- 2.06 Quorum/Attendance
- 2.07 Meetings
- 2.08 Minutes of Regular Meetings
- 2.09 Records of Meetings
- 2.10 Requests for Remarks to be Included

**III. MEETING PROCEDURES**

- 3.01 Presiding Officer
- 3.02 Special Meetings
- 3.03 Place of Meeting
- 3.04 Time of Meetings
- 3.05 Study/Work Sessions
- 3.06 Recessed Meetings
- 3.07 Meetings to be Public
- 3.08 Closed Sessions
- 3.09 Minutes of Closed Sessions
- 3.10 Confidentiality of Closed Session Information

#### **IV. ORDER OF BUSINESS**

- 4.01 Agenda
- 4.02 Distribution
- 4.03 Additional Materials
- 4.04 Format
- 4.05 Call to Order
- 4.06 Public Hearings
- 4.07 Consent Agenda

#### **V. PUBLIC PARTICIPATION AND COMMENTS**

- 5.01 Procedure for Addressing Council
- 5.02 Time Limits
- 5.03 Profanity, Topicality, and Personal Remarks
- 5.04 Response to Public Comment
- 5.05 Council Position on Citizen Participation

#### **VI. CERTIFICATES**

- 6.01 Certificates of Appreciation, Thanks or Goodwill

#### **VII. COUNCIL DECORUM**

- 7.01 Conduct
- 7.02 Time Limits/Order
- 7.03 Seating Assignments
- 7.04 Requests by Council
- 7.05 Voting and Discussion
- 7.06 Duty to Vote
- 7.07 Conduct of Discussion
- 7.08 Interruptions
- 7.09 Liaison Appointments
- 7.10 Public Comment
- 7.11 Standing Committees
- 7.12 Vacancies in Office/Removal from Office

#### **VIII. SUSPENDING RULES OF CONDUCT**

- 8.01 Suspension of Rules

## **FRASER CITY COUNCIL RULES AND PROCEDURES**

### **I. AUTHORITY**

**1.01 Adoption of Rules and Procedures** - These rules and procedures are adopted by the Council pursuant to Section 6.7 of the City Charter.

**1.02 City Council** - Section 4.1 of the City Charter provides:

"There shall be a City Council of seven (7) members consisting of the elected Councilmen and the Mayor, who shall be deemed a member of the Council for all purposes. The Council shall constitute the legislative and governing body of the city and shall have power and authority, except as otherwise provided in this charter or by statute, to exercise all powers conferred upon or possessed by the city, and shall have the power and authority to enact and adopt such laws, ordinances, and resolutions as it shall deem proper in the exercise thereof. In all cases where the word "Council" is used in this charter, the same shall be synonymous with the word "Commission," or any other term used in any statute or federal law referring to municipal legislative or governing bodies."

**1.03 Council Authority** - Section 6.7 of the City Charter provides:

The Council shall determine its own rules and order of business subject to the following provisions:

- (a) A journal of the proceedings of each meeting in the English language shall be kept by the Clerk and shall be signed by the presiding officer and clerk of the meeting.
- (b) A vote upon all ordinances and resolutions shall be taken by "Yes" and "No" vote and entered upon the records, except that where the vote is unanimous it shall only be necessary to so state.

- (c) No Council member shall vote on any question in which he or she has a financial interest, other than the common public interest, or on any question concerning his or her own conduct, but on all other questions each member who is present shall vote when his or her name is called unless excused by unanimous consent of the remaining members present. Any member refusing to vote except when not so required by this paragraph shall be guilty of misconduct in office.
- (d) In all roll call votes the names of the members of the Council shall be called in alphabetical order.
- (e) Any standing committee of the Council shall be composed of at least two members.

## **II. GENERAL RULES**

**2.01 Rules of Parliamentary Procedure** - The rules of parliamentary practice as contained in Robert's Rules of Order, most recent edition, shall govern the Council in all cases to which they are applicable, provided they are not in conflict with these Rules, City Code, Charter, or other applicable laws.

**(a) Discussion.** A Council member may speak when no motion is pending upon recognition by the Presiding Officer as provided in these Rules. The Council member's comments should be limited to the next pending item of business on the Agenda, but need not result in a motion relating to that business.

**(b) Precedence of Motions.** When any main motion is upon the floor and the question is under debate, no motions shall be received but the following and they shall have precedence in the following order:

### Not Debatable

- Questions of privilege (general/personal)
- Recess.
- Adjourn.
- To lay on the table.
- To call for the previous question.
- To limit debate.

### Debatable

- To postpone (limited to same or next meeting)
- To commit or refer the question.
- To amend.

### Incidental Motions (Not debatable unless noted)

- Point of Order
- Appeal (Requires a second; debate limited)
- Point of Information
- Parliamentary Inquiry
- Division (Requests verification of a vote)
- Division of a Question (Requires a second)
- Object to Consideration (Requires 2/3 vote)
- Permission to Withdraw

### Restoratory Motions (Least precedence)

- Rescind (Requires a second) (Requires five (5) affirmative votes) (Debatable)
- Reconsider (Requires a second) (Requires five (5) affirmative votes) (Can be made only by member of prevailing side) (Debatable) (Same day only) (The making takes precedence over all; consideration has precedence over none)

**(c) Division of the Question.** A motion for a division of any question may be made when the question will admit of a division so distinct that if one part be taken away, the other will stand as an entire question for decision.

**(d) Withdrawal of a Motion or Support.** A member may withdraw his or her motion or support at any time before it is put to a vote.

**(e) Varying Order of Procedure.** The Mayor may, at any time, by a majority vote of the members of the Council present permit a member to introduce an item of business out of the regular order of business.

**(f) Points of Order.**

- The Presiding Officer shall be addressed as “Mr. Mayor/Madam Mayor” or “Mr. Chairman/Madam Chairwoman.” The Mayor Pro Tempore, when acting for the Mayor, shall be addressed as “Mayor Pro Tem (surname).” Members of the Council shall be addressed as “Councilmember (surname).”
- A motion may be made by saying, “Mr. Mayor/Madam Mayor, I move that, etc.” or “Mr. Chairman/Madam Chairwoman, I move that, etc.”
- A speaker is out of order when speaking of matters foreign to the issue.
- Rule violations must receive immediate attention from the Presiding Officer.
- It is the privilege of any member to request a roll call vote. No vote on the request is required.
- On questions that are debatable, the minority has the undeniable right to deliberate.

**2.02 City Manager** - The City Manager/Clerk shall attend all meetings of the Council, and is entitled to attend all meetings of City Committees, Boards, or Commissions. The City Manager/Clerk shall have the right to take part in all discussions and make recommendations to the Mayor and Council. (Charter § 4.7; City Code § 2-18)

- 2.03 **City Attorney** - The City Attorney shall attend all regular meetings of the Council and shall, upon request, give an opinion, either written or oral, on questions of law. The City Attorney shall act as the Council's parliamentarian and shall rule on questions of order. (Charter § 4.10)
- 2.04 **Recorder** - The City Manager/Clerk shall attend all meetings of the Council and shall keep a permanent journal (minutes). The City Manager/Clerk shall perform such other recording duties as may be requested by the Council. (Charter § 4.7, 6.7; City Code § 2-18)
- 2.05 **Department Heads and Employees** - Administrative personnel of the City shall attend Council meetings upon request of the Council or the City Manager/Clerk.
- 2.06 **Quorum/Attendance.**
- (a) A majority of the members of the Council in office shall be a quorum for the transaction of business at all meetings of the Council, but in the absence of a quorum a lesser number may adjourn any meeting to a later date, and in the absence of all members the Clerk may adjourn any meeting to a date not later than one week hence. (Charter § 6.5)
  - (b) Any three or more members of the Council may by vote either request or compel the attendance of its members and other officers of the City at any meeting. Any member of the Council or other officer who when notified of such request for his or her attendance fails to attend such meeting for reasons other than confining illness or absence from the County of Macomb shall be deemed guilty of misconduct in office unless excused by the Council. (Charter § 6.6)
  - (c) No member of the Council may absent himself or herself without first having informed the Mayor or City Manager/Clerk of the impending absence and the

reasons therefore. A member's office shall be declared vacant by the Council if such member shall miss four consecutive regular meetings of the Council, or twenty-five per cent of such meetings in any fiscal year of the City, unless such absences shall be excused by the Council and the reason therefore entered in the proceedings of the Council at the time of each absence. (Charter § 5.2)

**2.07 Meetings** - The Council shall provide by resolution for the time and place of its regular meetings and shall hold at least one regular meeting each month. The dates, times, and places of such regular Council meetings shall be posted within 10 days of the Council's first meeting in a calendar year. Any deviation to changing a regularly scheduled Council meeting shall be voted upon by Council by a majority vote. A public notice stating the new dates, times, and places of the Council's regular meetings shall be posted within 3 days after the meeting at which the change is made. (Charter § 6.1; MCL 15.265)

**2.08 Minutes of Regular Meetings** - Each regular meeting shall be recorded by the Recorder. The Clerk shall keep a permanent journal (minutes) of the proceedings of each regular meeting. The minutes shall be signed by the presiding officer and Clerk of the meeting. Corrections in the minutes shall be made not later than the next meeting after the meeting to which the minutes refer. Corrected minutes shall be available no later than the next subsequent meeting after correction. The corrected minutes shall show both the original entry and the correction. Proposed minutes shall be available for public inspection not more than 8 business days after the meeting to which the minutes refer. Approved minutes shall be available for public inspection not later than 5 business days after the meeting at which the minutes are approved by the public body. (Charter § 4.7, 6.7; MCL 15.269).

**2.09 Records of Meetings** - The Clerk shall be responsible for maintaining the official record and minutes of each

meeting of the Council. The minutes shall include all the actions of the Council with respect to motions. The minutes shall show the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose or purposes for which a closed session is held. The minutes shall include all roll call votes taken at the meeting, and shall include the names of the mover and supporter for each motion and the vote of the Council. The minutes shall also state whether the vote was by voice or by roll call. For votes upon all ordinances and resolutions, the "Yes" and "No" votes of each member (or abstention) shall be included in the minutes, except that where the vote is unanimous it shall only be necessary to so state. (Charter § 6.7; MCL 15.269)

- 2.10 **Requests for Remarks to be Included** - Any member of the Council may request to have his or her comments printed as part of the record. If there are no objections by any member of Council, the comments may be included. If there is an objection to such printing of the comments, the Council shall decide the matter by majority vote. Such comments to be included as part of the official record shall be provided in writing by the member at the meeting in question or, if the comments are oral and transcription is requested after the meeting in question, transcribed exactly by the Recorder from the electronic recording. Any dispute regarding the accuracy of the comments shall be resolved by the electronic recording of the meeting.

### **III. MEETING PROCEDURES**

#### **3.01 Presiding Officer.**

- (a) The Mayor shall be the presiding officer of the Council. In the absence or disability of the Mayor, the Mayor Pro Tem shall perform the duties of Mayor. In the event of absence or disability of both, the Council may designate another of its members to serve as Acting Mayor during such absence or

disability, and the Acting Mayor shall perform the duties of Presiding Officer. (Charter § 4.4, 4.5)

- (b) The Presiding Officer shall enforce orderly conduct at meetings and shall preserve order and decorum, prevent attacks on personalities or the impugning of members' motives, and confine members in debate to the question under discussion. Any police officer designated by the Presiding Officer of the meeting shall serve as the Sergeant-at-arms of the Council in the enforcement of the provisions of this subsection. (Charter § 6.6)

3.02 **Special Meetings** - Special meetings shall be called by the Clerk on the written request of the Mayor or any three members of the Council on at least twenty-four hours written notice to each member of the Council served personally or left at his or her usual place of residence, but a special meeting may be held on shorter notice if all members of the Council are present or have waived notice thereof in writing. A public notice stating the date, time, and place of the special meeting shall be posted at least 18 hours before the meeting. No business shall be transacted at any special meeting of the Council unless the same is stated in the notice of such meeting. However, any business which might lawfully come before a regular meeting may be transacted at such special meeting if all the members present consent thereto and all the members absent file their written consent. (Charter § 6.2, 6.3; MCL 15.265)

3.03 **Place of Meeting** - All regular and special meetings of the Council shall be open to the public and citizens shall have a reasonable opportunity to be heard. Regularly scheduled meetings shall be held in the Council Chambers at City Hall. Whenever the regular meeting place of the Council shall appear to be inadequate for members of the public to attend, the Mayor may change the meeting to a larger facility located in the City of Fraser. A notice of such change shall be prominently posted on the door of the regular meeting place, and

advertised on the City cable channel if available.  
(Charter § 6.1, 6.4)

- 3.04\* **Time of Meetings** - Regular meetings shall begin at 7:00 P.M. in the evening unless the Council shall by majority vote in session set a different starting time.
- 3.04 **REVISION** – Adopted by Council March 11, 2004: To Approve changing council meeting time from 7:00pm to 7:30pm starting with the May 2004 Council Meeting.
- 3.04 **REVISION** - Adopted by Council March 12, 2009: to approve the regular council meetings to be changed from 7:30 pm to 7:00 pm.
- 3.05 **Study/Work Sessions** - The Council may meet informally in Study/Work Sessions (open to the public) at the call of the Mayor or majority of the Council, to review forthcoming programs of the City, receive progress reports on current programs or projects, or receive other similar information from the City Manager, provided that all discussions and conclusions thereon shall be informal. Study/Work Sessions shall be conducted in accordance with the City Charter and state law requirements governing special meetings.
- 3.06 **Recessed Meetings** - Any meeting of the Council may be recessed to a later date and time, provided that no adjournment shall be for a longer period than until the next scheduled meeting. Meetings adjourned by the Clerk for lack of all members shall be rescheduled for a date not more than one week later. Meetings recessed for more than 36 hours shall be reconvened only after a public notice stating the date, time, and place of the meeting has been posted at least 18 hours before the meeting. (Charter § 6.5; MCL 15.265)
- 3.07 **Meetings to be Public** - All meetings shall be open to the public and shall be held in a place available to the general public. All persons shall be permitted to attend any meeting except as otherwise provided by state law, and all persons shall have a reasonable opportunity to be heard. The right of a person to attend a meeting includes the right to tape-record, to videotape, to broadcast live on

radio, and to telecast live on television the proceedings at a public meeting. The exercise of this right shall not be dependent upon the prior approval of the City Council. Reasonable rules and regulations adopted by the Council may be utilized to minimize the possibility of disrupting the meeting. **All decisions of the Council shall be made at a meeting open to the public.** All deliberations of the Council constituting a quorum of its members shall take place at a meeting open to the public except as otherwise provided by law. (Charter § 6.4; MCL 15.263)

**3.08 Closed Sessions** - The City Council may only meet in closed session for purposes allowed in the Open Meetings Act as follows:

- (a) To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, employee, staff member, or individual agent, when the named person requests a closed hearing.
- (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. A 2/3 roll call vote of members elected or appointed and serving is required to call a closed session for this purpose.
- (d) To consult with its 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. A 2/3 roll call vote of members elected or appointed and serving is required to call a closed session for this purpose.

- (e) To review and consider the contents of an application for employment or appointment to a public office when the candidate requests that the application remain confidential. All interviews for employment or appointment to a public office shall be held in an open meeting pursuant to the Open Meetings Act. A

2/3 roll call vote of members elected or appointed and serving is required to call a closed session for this purpose.

- (f) To consider material exempt from discussion or disclosure by state or federal statute. A 2/3 roll call vote of members elected or appointed and serving is required to call a closed session for this purpose.  
(MCL 15.267, 15.268)

**3.09 Minutes of Closed Sessions** - The roll call vote and the purpose or purposes for calling the closed session shall be entered into the minutes of the open meeting at which the vote is taken. A separate set of minutes shall be taken by the Clerk or designee at the closed session. These minutes shall be retained by the Clerk, are not available to the public, and shall only be disclosed if required by a civil action filed under the Open Meetings Act. These minutes may be destroyed 1 year and 1 day after approval of the minutes of the regular meeting at which the closed session was approved. (MCL 15.267)

**3.10 Confidentiality of Closed Session Information** - City Council members and individuals in attendance at closed sessions shall not divulge confidential information discussed in a closed session in advance of the time prescribed for its authorized release to the public by the City Council. Council members shall honor the confidentiality of the debate, discussions, and preliminary action taken in executive session. Premature and/or unauthorized disclosure may subject the Council member to civil and criminal penalties as set forth in the Open Meetings Act. (Penalties, MCL 15.272, 15.273)

#### **IV. ORDER OF BUSINESS**

**4.01\* Agenda** - The City Manager, or his/her designee, shall

prepare an agenda of business to be considered at each regular Council meeting with the approval of the Mayor. Items of business generally must be submitted eight (8) days prior to the regular meeting held the second Thursday of the month, subject to the discretion of the City Manager and Mayor.

**4.01 REVISION** – Adopted by Council February 9, 2012: To Amend the Council Rules and Procedures to read: The monthly agenda for our council meetings will be created by the city Manager and approved by the Mayor. Three Council members, in writing, email communication or telephone conversation with the City Manager, may add or delete any reasonable item within the prepared and approved said agenda.

**4.01 REVISION** – Adopted by Council January 9, 2014  
The City Manager, or his/her designee, shall prepare an agenda of business to be considered at each regular council meeting with the approval of the Mayor. Any dispute over agenda content shall be resolved at the direction of the Mayor. Items of business including requested items for inclusion on the agenda by council members must be submitted by close of business on the Wednesday, eight days prior to the regular meeting held on the second Thursday of the month. The agenda at any council meeting may be amended by a majority of the quorum.

**4.02\* Distribution** - The agenda and supporting materials shall be prepared for the Mayor and City Council, City Attorney, press and public and be sent out the Friday preceding the regular Council Meeting. The Council shall have the option of deleting any item from the agenda or postponing an item on the agenda to a subsequent Council meeting. Should an item be tabled but not to a certain date it shall not appear until it is requested to be removed from the table by Council.

**4.02 REVISION** - Adopted by Council April 9, 2009: To Approve modifying the City of Fraser City Council Rules and Procedures as follows, 4.02: Change day agenda packets to be sent to Council to the preceding Thursday (instead of Friday) and add new language: Post on cable