

# VILLAGE OF ELBERTA

## AMENDED COUNCIL RULES OF PROCEDURE FOR MEETINGS

### A. REGULAR AND SPECIAL MEETINGS

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

#### 1. Regular Meetings

Regular meetings of the Village Council will be held on the third Thursday of each month beginning at 7:00 pm at the Village Community Building, unless otherwise rescheduled by the Council. Council meetings shall conclude no later than 10:00 pm, subject to extension by the Council.

If a regularly scheduled meeting falls on any of the following legal holidays — New Year's Day, Presidents' Day, Martin Luther King Jr. Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Christmas Eve, Christmas Day, or New Year's Eve — that regular meeting shall be held on the next secular day that is not a holiday, or on the previous day, as determined by the Village Council.

#### 2. Special Meetings

The Council shall meet in special session at the call of the President, or in the absence of such officer, the President Pro Tem, or three Members of the Council. Notice of special meetings shall be given to all Council Trustees at least 18 hours in advance of the special meeting. Such notice shall be served in person, or via established means of contact such as phone, email, or text message, or left at the Member's usual place of residence by the Clerk or a designee. The notice shall also contain the time, place, and purpose of the special meeting. No official action shall be transacted at any special meeting of the Council unless the item has been stated in the notice of such meeting.

#### 3. Public Notice of Meetings

Regular Meetings: The Clerk shall post a notice, within 10 days after the last meeting of the Council in each year, indicating the dates, times, and place of the regular monthly Council Meetings.

Rescheduled Regular and Special Meetings: The Clerk shall post a notice at least 18 hours in advance of the meeting stating the date, time, and place of the meeting.

All postings of notices shall be placed on the bulletin board outside the Village Office, the bulletin board outside the Community Building, the Village of Elberta Post Office, and the Village website.

### B. CONDUCT OF MEETINGS

#### 1. Meetings to Be Public

All regular and special meetings of the Council shall be open to the public. Members of the general public shall have a reasonable opportunity to be heard during two appointed times set on the agenda.

All official meetings of the Council and its Committees shall be open to the media, freely subject to recording by radio, television, and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meetings.

## **2. Meeting Agenda**

**Regular Meetings:** The agenda for each regular Council Meeting shall be prepared by the Clerk at the direction of the President. Any other Council Member or representative of committees, boards, or private citizens desiring to place a matter on the agenda shall notify the Clerk of such items by 12:00 noon on the Friday preceding the next regular meeting. Anyone wishing to add items to the agenda shall provide necessary information or supporting materials to the Clerk for inclusion in Council packets. Any Council Member shall have the right to add items to the regular agenda before it is approved at that meeting.

**Special Meetings:** A specific agenda for each special meeting of the Village Council shall be prepared by the Clerk at the direction of the President.

The agenda for each Regular Council Meeting shall be prepared with the following order of business:

1. Call to Order and Pledge
2. Roll call
3. Approval of Minutes as necessary
4. Brief Public Comment on Agenda (limit three minutes per person)
5. Approval of Agenda
6. Inquiry of Conflict of Interest
- \*Advertised Public Hearing — the Chair will open and state its purpose\*
7. Communications to the Council (correspondence)
8. Approval of Bills
9. Submission of Financial Reports
10. Unfinished Business
11. New Business
12. Reports to Council (County & Village Departments)
13. Committee Reports
14. Extended Public Comment (limit five minutes per person)
15. Announcements
16. Adjournment

**Public Notice of Agendas:** The Clerk shall post the draft agenda (as prepared for the Council members) of each regular and special meeting on the Village website at least 18 hours before that meeting. At least one printed copy of a meeting's agenda shall be made available at that meeting for members of the public in attendance to view.

### **3. Council Packet Distribution**

By 12:00 noon on Monday preceding the Regular Council Meeting, the Clerk shall have copies of the agenda and all related documentation placed in each Council Member's box at the Village Office.

### **4. Presiding Officer**

The Village President shall moderate all meetings of the Council. In the absence of this officer, the President Pro Tem shall moderate. In the event of both their absences, the Council Member present who has the longest consecutive service on the Council shall preside.

### **5. Quorum**

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

### **6. Conflict of Interest**

The Chair shall inquire of any conflicts of interest on the agenda items at all meetings. Council Members shall at this time declare any conflict and then, when the agenda item is called, the Member shall remove themselves from any and all discussion, action, or voting, except for the public comment rights of a general citizen. Such Council Member shall remove themselves from the Council table and join the public seating during any discussion, action or voting. Any comments made as a general citizen shall be made from the general public seating area. The Clerk shall note that such action has been taken. The Village attorney shall be binding on the Council with respect to the existence of a conflict of interest. A vote may be tabled, if necessary, to obtain the opinion of the Village attorney.

### **7. Public Comment**

**Brief Public Comment on Agenda:** Any person who wishes to address the Council shall give their name and address and speak on any item on the agenda. They have the right to speak once during this time with a three-minute limitation. The time limit may be extended by a majority vote of the Council present. The Chairperson shall declare when public comment is completed.

**Extended General Public Comment:** Any person who wishes to address the Council shall give their name and address and speak on any topic germane to the rights and powers of the Council. They shall have a right to speak once during this time with a five-minute time limit. The time limit may be extended by a majority vote of the Council present. The Chairperson shall declare when public comment is completed.

**Advertised Public Hearings Comments:** Any person may speak after giving their name and address during the public presentation time of a public hearing. They shall have the right to speak once during this time with a five-minute limitation, or as time is extended by a majority vote of the Council present. Action by the Council on any matter on which a public evidentiary hearing is held

shall not be taken until the public evidentiary hearing has been concluded. The Chair shall declare when the public evidentiary hearing has been concluded.

If requested by a Member of the Council, the Chairperson shall have discretion to allow a member of the audience to speak at times other than the reserved times for public comment.

## **8. Disorderly Conduct**

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

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

## **9. Minutes of Meetings**

Regular and Special Meetings: The Clerk shall attend the Council meetings and record all the proceedings and resolutions of the Council in accordance with Section 64.5 of the General Law Village Act of 1895 as amended and the Open Meetings Act. In the absence of the Clerk, the Council may appoint one of its own Members or another person to temporarily perform the Clerk's duties. The minutes of the meeting are to reflect the action, and not the discussion, of the Village Council. If a member of the public wishes for their comments or questions to be included in the official record of the meeting, such comments or questions shall be submitted to the presiding officer at the start of the individual's comments. All such comments shall be limited to one single-spaced page.

Within 8 business days of a Council Meeting, a draft of the meeting's minutes showing the substance of each separate decision of the Council or the entirety of the Council proceedings and the vote of the Council Members shall be prepared by the Clerk. After the President approves this draft, it shall be posted in no fewer than these 3 public sites in the Village: the Village Post Office, the Village Office bulletin board, and the Village website. No later than 5 business days after the draft minutes are approved by the Council at the next month's meeting, the Clerk shall post the final revised (if revision was necessary) minutes in the 3 public sites listed above. The Clerk shall be responsible for making an audio (or audiovisual) recording of each entire meeting to be used to transcribe the minutes. The recording shall be maintained in the office of the Clerk for a period of not less than one year. After one year, the recording may be erased, unless the recording shall be pertinent to any legal proceeding then underway, pending or expected.

The records and minutes of meetings shall be made available for public inspection at the Village offices during regular business hours.

## C. CLOSED MEETINGS

**1. Procedure:** The Village Council may meet in closed session by a two-thirds roll call vote of the Members present. The vote shall be recorded in the minutes of the meeting at which the decision to hold a closed session was made.

### **2. Purpose:**

- a) To consider the dismissal, suspension, or disciplining of a public officer, employee, staff member, or individual; or to hear complaints of charges against such a person, but only when the subject of the proposed action or charges requests the meeting be closed.
- b) To consider strategy connected with the negotiation of a collective bargaining agreement.
- c) To consider the purchase or lease of real property prior to the time that an option to purchase or lease such real property is secured.
- d) To consult with legal counsel regarding trial or settlement strategy in connection with specific pending legislation, but only when an open meeting would have a detrimental effect on the Council's litigating or settlement position.
- e) To review the specific contents of an application for employment to a Village position when the applicant requests that the application remain confidential. Whenever the Council shall meet to interview an applicant it shall be in open session.

### **3. Closed Meeting Minutes**

The Clerk shall keep a separate record of minutes at the closed session. The record of minutes shall not be disclosed to the public, except upon a court order. The Clerk may destroy said minutes after one year and one day have passed following the approval of the regular meeting minutes at which the closed session minutes are approved.

## D. Discussion and Voting

### **1. Parliamentary Procedure**

The rules of parliamentary practice as contained in the latest edition of Robert's Rules of Order shall govern the Council, except where a state statute or local ordinance directs otherwise.

### **2. Conduct of Discussion**

During Council discussion and debate, no Member shall speak until recognized for that purpose by the Chair. The Member shall confine discussion to the question at hand. Speakers should address their remarks to the Chair, maintain a courteous tone and avoid interjecting a personal note into debate. No Member shall speak more than once on the same question until every Member desiring to speak to that question has had the opportunity to do so. The Chair, at their discretion, may permit any person to address the Council during its deliberations.

### **3. Voting**

Voting shall be by voice and recorded as ayes and nays. The record shall also state whether the vote was simple voice or by roll call. Any Member may call for a roll call vote. The right to vote is limited to the Members of Council present at the time the vote is taken. Voting by proxy or by telephone is not permitted; voting and meeting attendance via live electronic video interface (e.g., Zoom), with the Member's camera and microphone on and face visible to the other Members and the public, will be allowed if remote meeting attendance is permitted by the State of Michigan, in an amendment to the Open Meetings Act or temporarily (as during the COVID-19 pandemic). All votes must be held and determined in public; no secret votes are permitted.

An ordinance or resolution appropriating money shall not be adopted, except by a concurring vote of the majority present (see Charter for other items which require a two-thirds vote of Council Members). Other motions shall require a majority vote of the Members present (not less than a quorum) in order to be approved.

In all cases where a vote is taken, the Chair shall declare the result.

Conflict of Interest (as defined by law) shall be the sole reason for a Member to abstain from voting.

It shall be in order for any Council Member voting in the majority to move for a reconsideration of the vote on any question at that meeting or at the next succeeding meeting of the Council. When a motion to reconsider fails, it cannot be renewed.

## E: Miscellaneous

### **1. Adoption and Amending Rules of Procedure**

A copy of these rules of procedure of the Village Council shall be distributed to each Council Member. The Council may alter or amend its rules at any time by a vote of a majority of its Members after notice has been given of the proposed alteration or amendment.

### **2. Suspension of Rules**

The Rules of the Council may be suspended for a specified portion of a meeting by an affirmative vote of two-thirds of the Members present, except that Council actions shall conform to state statutes and to the Michigan and United States Constitutions.

### **3. Bid Awards**

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

### **4. Committees**

The Village of Elberta shall have the following Committees:

- P/C-Planning Commission — meets monthly

- Parks & Recreation Commission — meets monthly April through November
- BGFAC-Budget, Grant, Finance & Audit Committee — meets monthly
- BLUA/Fire Board Committee — as needed
- Personnel & Water/Sewer Committee — meets monthly
- Policy & Procedures Committee — as needed
- Building Committee — meets twice yearly (spring/fall)

Committee members will be appointed by the President. There shall be at least one Member of the Council per Committee and the remainder will be made up of approved community members. The President shall fill any committee vacancies. The Committee member shall serve for a term of one year and may be reappointed. An up-to-date list of Committees and each Committee's members shall be maintained on the Village website.

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