



# CITY OF ALBION CITY COUNCIL MEETING AGENDA

Meetings: First and Third Mondays – 7:00 p.m.

City Council Chambers ♦ Second Floor ♦ 112 West Cass Street ♦ Albion, MI 49224

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COUNCIL-MANAGER  
GOVERNMENT

Council members and  
other officials normally in  
attendance.

**Garrett Brown**  
Mayor

**Maurice Barnes, Jr.**  
Council Member  
1<sup>st</sup> Precinct

**Lenn Reid**  
Council Member  
2<sup>nd</sup> Precinct

**Sonya Brown**  
Mayor Pro Tem  
Council Member  
3<sup>rd</sup> Precinct

**Marcola Lawler**  
Council Member  
4<sup>th</sup> Precinct

**Jeanette Spicer**  
Council Member  
5<sup>th</sup> Precinct

**Andrew French**  
Council Member  
6<sup>th</sup> Precinct

**Sheryl L. Mitchell**  
City Manager

**The Harkness Law Firm**  
Atty Cullen Harkness

**Jill Domingo**  
City Clerk

NOTICE FOR PERSONS WITH  
HEARING IMPAIRMENTS  
WHO REQUIRE THE USE OF A  
PORTABLE LISTENING DEVICE

Please contact the City  
Clerk's office at  
517.629.5535 and a listening  
device will be provided  
upon notification. If you  
require a signer, please  
notify City Hall at least five  
(5) days prior to the posted  
meeting time.

## AGENDA

### STUDY SESSION

**Albion City Hall**  
**2<sup>nd</sup> Floor Conference Room**  
**112 West Cass Street**  
**Albion, MI 49224**

**Saturday, April 22, 2017**  
**9:00 a.m.**

### PLEASE TURN OFF CELL PHONES DURING MEETING

- I. CALL TO ORDER
- II. ROLL CALL
- III. CITIZEN'S COMMENTS (Persons addressing the City Council shall limit their comments to **agenda items only** and to no more than five (5) minutes. Proper decorum is required.)
- IV. ITEMS FOR INDIVIDUAL DISCUSSION
  - A. Council Rules of Procedures
  - B. Other Topics for Discussion
    - Agendas (creation, format, adding items, when they are sent to Council)
    - Parliamentary procedure during the meetings (including options for addressing rule violations)
    - Formal communication (who is addressed and how)
    - How meeting video recordings are handled
    - Review roles of Mayor, Council and City Manager
    - Miscellaneous
- V. CITIZENS COMMENTS (Persons addressing the City Council shall limit their comments to no more than five (5) minutes. Proper decorum is required.)
- VI. ADJOURN

# CITY COUNCIL RULES OF PROCEDURE

## CITY OF ALBION

Originally Adopted November 21, 1983  
Revised & Adopted December 7, 1992  
Amended December 21, 1992  
Revised & Adopted February 17, 2004

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## POLICY

The Albion City Council's function is a deliberative governmental one and in order to carry on a proper and well-ordered deliberation during its regular and special meetings, the Council adopts the following rules:

### Rule 1: Open Meetings – Who May Speak

All regular and special meetings of the Albion City Council shall be open to the public and the public shall be encouraged to address the Council on the business before the Council in accordance with Section 5.6(g) of the Albion City Charter and the Open Meetings Act.

#### 1.1 Citizen's Comments – Agenda Items

Any person other than a Councilperson may speak on any agenda item properly before the Albion City Council. The person shall speak only to the subject matter and shall avoid personalities. The person shall speak when recognized by the Mayor and shall cease speaking if ruled out of order. Before addressing the Council, the person shall walk to the microphone provided and give his name, address and reveal whom he represents if not solely himself.

Persons addressing the City Council shall limit their comments to no more than five (5) minutes. Proper protocol and decorum is required.

#### 1.2 Citizen's Comments – Non-Agenda Items

Any person other than a Councilperson may speak on any matter not on the Council agenda during Citizen's Comments at the end of the meeting. The person addressing the Council shall avoid personalities. The person may speak when recognized by the Mayor and shall cease speaking when ruled out of order. Before addressing the Council, the person shall walk to the microphone provided and give his name, address and reveal whom he represents if not solely himself.

Persons addressing the City Council shall limit their comments to no more than five (5) minutes. Proper protocol and decorum is required.

### Rule 2: Powers and Duties of the Mayor

#### 2.1 Questions on Procedure

The Mayor shall decide all questions on procedure arising under these rules of procedure and general parliamentary practice.

## 2.2 Rulings and Decisions Approved

All rulings and decisions of the Mayor may be appealed to the Council. An appeal, when duly made and seconded, shall be determined by a majority of the Councilmembers present and voting. No member shall speak more than once on an appeal from the ruling of the Mayor except by unanimous consent of the Council.

## 2.3 Preserve Order

The Mayor shall at all times preserve order and decorum. The Mayor may call upon the Director of Public Safety or any other Public Safety Officer in attendance at meetings of the Council to perform such duties as directed by the Mayor in preserving order and decorum.

### Rule 3: Councilmembers

#### 3.1 Recognition and Speaking Limitations

When a Councilmember is about to speak, said member shall respectfully address the Mayor only. When two or more Councilmembers wish to speak at the same time, the Mayor shall name the Councilmember who is first to speak. The Councilmember seeks recognition by raising his or her hand.

The Councilmember shall confine his speech to the question under debate and avoid personalities. Personal comments about or attacks upon other Councilmembers and/or City Staff members are prohibited. No Councilmember shall speak more than twice on any question until every other Councilperson has had an opportunity to speak at least once on the subject under debate. No Councilmember shall speak for more than ten minutes at any time without leave from the Council by a majority vote of the members present.

#### 3.2 Call Member to Order

If any Councilmember, in speaking or otherwise, transgresses the rules of the Council, the Mayor shall, or any Councilmember may, call said Councilmember to order. The question of order shall be decided by the Mayor, without debate, subject to appeal.

### 3.3 Preserving Order

While the Mayor is putting any questions or while the roll is being called by the Clerk/Treasurer, no Councilmember shall leave his/her seat or entertain private discourse. When a Councilmember is speaking, said Councilmember shall not be unduly interrupted.

## Rule 4: Motions

### 4.1 Precedence of Motions

When any question is under debate, no motion shall be received but the following, and they shall have precedence in the order in which they stand arranged:

- a. to adjourn – undebatable
- b. to rise to a question or privilege – undebatable
- c. to lay on the table – undebatable
- d. to call for the previous question – undebatable
- e. to limit or extend limits of debate – undebatable
- f. to postpone to a certain day – undebatable
- g. to commit or refer, or recommit, to a committee – undebatable
- h. to amend – debatable
- i. to postpone indefinitely – debatable

### 4.2 Adoption of Matters

A four member majority shall be sufficient to adopt all questions which shall arise, unless otherwise provided for by law, the Albion City Charter or by rules of the Council.

### 4.3 Second and Debate

No motion shall be debated or put by the Mayor until the same shall have been seconded, except privileged questions not requiring a second. The motion shall then be properly stated by the Mayor. No debate shall be heard until a motion is made and seconded except for public hearings.

### 4.4 Clarification Before Second

Provided, however, that any Councilmember may make explanatory remarks, before the seconding of such motion, for the

purpose of clarifying and enabling a better understanding of said motion.

#### 4.5 Prohibition – Non-Germane Amendment

No motion or proposition not germane to a subject under consideration shall be admitted under color of an amendment.

#### 4.6 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.

#### 4.7 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.

#### 4.8 Questions Put and Calling Roll

Questions shall be distinctly put in the following form: "All in favor say Aye." 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 alphabetical 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.

#### 4.9 No Debate in Order During Roll

While the Mayor is putting any question, or once roll call voting has started, there shall be no interruption.

Rule 5: Public Hearings

5.1 Order of Presentation of Public Hearing

- a. The Mayor shall commence the public hearing by rapping his gavel and announcing that the public hearing is open.
- b. City staff shall next present its prepared reports, if any.
- c. The public shall offer any comments germane to the hearing so long as they are not excessive in length.
- d. The mayor shall close the public hearing, and
- e. Thereafter, the Council shall debate and decide the public issue.

Rule 6: Ordinances

6.1 Withdrawal of Resolutions or Ordinances

All resolution and ordinances may be withdrawn before a vote is taken thereon or before the same is amended, if there be no objection.

Rule 7: Motion to Adjourn

- 7.1 A motion to adjourn shall always be in order, except when a vote is being taken on any question before the Council or when a member has the floor. After a motion to adjourn is lost, there shall be some intervening business transacted before another motion to adjourn can be put. A motion to adjourn shall be decided by a vote of a majority of the Councilmembers present, but to be no less than four.

Rule 8: Matters to be in Writing

- 8.1 All matters to be acted upon by Council shall be presented to the Council in writing at least two days prior to any regular Council meeting except for emergencies as permitted by the Council.

Rule 9: Parliamentary Practice

- 9.1 The Rules of Parliamentary Practice comprised in “Roberts Rules of Order for Deliberative Assemblies (revised)” shall govern in all cases in which they are not inconsistent with the standing rules and order of the Council and not contrary to the Albion City Charter or any existing laws of the State of Michigan.

## APPENDIX A – 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. Invocation
3. Roll Call
4. Council Comments (This time is offered for outgoing Councilpersons to make final comments prior to the expiration of their term of office.)
5. Adjournment Sine Die

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

6. Reorganization of the Council
  - a. Mayor and Councilpersons step down from their places.
  - b. New Councilpersons 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 Councilperson.
  - e. Clerk presents the Albion City Council to the Mayor and requests a “call to order”.
7. Call To Order (By new Mayor)
8. Roll Call
9. 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.
10. 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.)

## APPENDIX B – EXECUTIVE SESSIONS

There are eight types of Executive Session under the Open Meetings Act. Wording for each is shown below. The first blank is for the individual (City Manager, City Attorney, Mayor, Councilperson, etc.) who requests the Executive Session.

- A. \_\_\_\_\_ requests an Executive Session under the Open Meetings Act (Section 15.268 (a), P.A. 267 of 1976, as amended) 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 of individual agent, if the named person requests a closed hearing.
- B. NOT APPLICABLE TO THE CITY OF ALBION.
- C. \_\_\_\_\_ requests an Executive Session under the Open Meetings Act (Section 15.268 (c), P.A. 267 of 1976, as amended) for strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement when either negotiating party requests a closed hearing.
- D. \_\_\_\_\_ requests an Executive Session under the Open Meetings Act (Section 15.268 (d), P.A. 267 of 1976, as amended) to consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.
- E. \_\_\_\_\_ requests an Executive Session under the Open Meetings Act (Section 15.268 (e), P.A. 267 of 1976, as amended) to consult with the City Attorney regarding trial or settlement strategy in connection with specific pending litigation.
- F. \_\_\_\_\_ requests an Executive Session under the Open Meetings Act (Section 15.268 (f), P. A. 267 of 1976, as amended) to review the specific contents of an application for employment or appointment to a public office when the candidate requests that the application remain confidential.
- G. NOT APPLICABLE TO THE CITY OF ALBION.
- H. \_\_\_\_\_ requests an Executive Session under the Open Meetings act (Section 15.268 (h), P.A. 267 of 1976, as amended) to consider material exempt from discussion or disclosure by state or federal statute.

APPENDIX C  
TYPES OF VOTING REQUIRED

A Roll Call Vote is Required: (these also call for five [5] or more votes to pass, known as a “super-majority”)

1. To add an item to the agenda. (Section 5.6(m) of the Charter)
2. To pass an emergency ordinance (an ordinance being passed on only one reading rather than two readings. Section 6.3 of the Charter)
3. To sell, lease, purchase or dispose of any real estate. (Section 15.3(b) (2) of the Charter)
4. To allow business dealings with the City. (Section 15.4 of the Charter)
5. To establish a special assessment district where owners of property which will bear fifty (50) percent or more of the estimated cost of the improvement, or where more than fifty (50) percent of the owners of such property protest the necessity of the public improvement. (Code of Ordinances Chapter 70-12 and Section 11.1 of the Charter)
6. To levy a special assessment against a property based on a citizen petition. (Code of Ordinances Chapter 70-25 and Section 11.1 of the Charter)
7. To enter Executive Session of any type except when considering 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 (Section 15.268(a) P.A. 267 of 1976, the “Open Meetings Act”) and for strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement when either negotiating party requests a closed hearing (Section 15.268(c) P.A. 267 of 1976, the “Open Meetings Act”)
8. To authorize use of unexpended bond proceeds only as noted in Section 12.1(e) (1-4) of the Charter.
9. To remove any citizen member of the Board of Review (Section 10.6(b) of the Charter)

A Roll Call Vote is Recommended: (four [4] or more votes to pass)

1. To approve the Consent Calendar. (Many times the Consent Calendar contains items which require a roll call vote.)

2. To approve ordinances on first and second reading.
3. To approve resolutions of the Council.
4. To amend the City Budget to allow an additional expenditure of City funds for a particular purpose.
5. In any case where it is questioned how each Councilmember voted or when it is unclear how many voted for an item and how many opposed it.

Voice Votes may be used in all other cases.

Minutes notation will include the type of vote and the members dissenting on either roll call or voice votes.

(6-1 rcv., Smith dissenting) (a roll call vote sample – rcv)

(5-2 vv., Butler and Bobbin dissenting) (a voice vote sample – vv)

# CITY COUNCIL RULES OF PROCEDURE

## CITY OF ALBION

Originally Adopted November 21, 1983  
Revised & Adopted December 7, 1992  
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*Use the word Public b/c anyone who attends a Council meeting can speak at meeting*

*COCO SUGGESTS:*

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#### 1.1 <sup>Public</sup> Citizen's Comments – Agenda Items

Any person other than a Councilperson may speak on any agenda item properly before the Albion City Council. The person shall speak only to the subject matter and shall avoid personalities. The person shall speak when recognized by the Mayor and shall cease speaking if ruled out of order. Before addressing the Council, the person shall walk to the microphone provided and give his name, address and reveal whom he represents if not solely himself.

*Add that they can speak for (3 min)*

Persons addressing the City Council shall limit their comments to no more than five (5) minutes. Proper protocol and decorum is required. 3

#### 1.2 <sup>Public</sup> Citizen's Comments – Non-Agenda Items

Any person other than a Councilperson may speak on any matter not on the Council agenda during Citizen's Comments at the end of the meeting. The person addressing the Council shall avoid personalities. The person may speak when recognized by the Mayor and shall cease speaking when ruled out of order. Before addressing the Council, the person shall walk to the microphone provided and give his name, address and reveal whom he represents if not solely himself.

Persons addressing the City Council shall limit their comments to no more than five (5) minutes. Proper protocol and decorum is required. 3

### Rule 2: Powers and Duties of the Mayor

#### 2.1 Questions on Procedure

The Mayor shall decide all questions on procedure arising under these rules of procedure and general parliamentary practice.

*\* 2.2* Rulings and Decisions Approved

*CEO's connection*

All rulings and decisions of the Mayor may be appealed to the Council. An appeal, when duly made and seconded, shall be determined by a majority of the Councilmembers present and voting. No member shall speak more than once on an appeal from the ruling of the Mayor except by unanimous consent of the Council.

*by*

2.3 Preserve Order

The Mayor shall at all times preserve order and decorum. The Mayor may call upon the Director of Public Safety or any other Public Safety Officer in attendance at meetings of the Council to perform such duties as directed by the Mayor in preserving order and decorum.

Rule 3: Councilmembers

3.1 Recognition and Speaking Limitations

When a Councilmember is about to speak, said member shall respectfully address the Mayor only. When two or more Councilmembers wish to speak at the same time, the Mayor shall name the Councilmember who is first to speak. The Councilmember seeks recognition by raising his or her hand.

*1 PERSON  
SPEAKING AT A  
TIME CALLED  
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MAYOR*

*L choose 1 and stick to  
if all the*

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*hang through  
Current  
Robert's  
Rules  
~~Scaps~~  
is not  
gender  
referenced.*

*Be  
consistent*

3.2 Call Member to Order

If any Councilmember, in speaking or otherwise, transgresses the rules of the Council, the Mayor shall, or any Councilmember may, call said Councilmember to order. The question of order shall be decided by the Mayor, without debate, subject to appeal.

### 3.3 Preserving Order

NO SIDE  
TALKING

While the Mayor is putting any questions or while the roll is being called by the Clerk/Treasurer, no Councilmember shall leave his/her seat or entertain private discourse. When a Councilmember is speaking, said Councilmember shall not be unduly interrupted.

## Rule 4: Motions

### 4.1 Precedence of Motions

When any question is under debate, no motion shall be received but the following, and they shall have precedence in the order in which they stand arranged:

- a. to adjourn – undebatable
- b. to rise to a question or privilege – undebatable
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- e. to limit or extend limits of debate – undebatable
- f. to postpone to a certain day – undebatable
- g. to commit or refer, or recommit, to a committee – undebatable
- h. to amend – debatable
- i. to postpone indefinitely – debatable

### 4.2 Adoption of Matters

Coco suggests the word  
~~is~~ "required"

A four member majority shall be sufficient to adopt all questions which shall arise, unless otherwise provided for by law, the Albion City Charter or by rules of the Council.

### 4.3 Second and Debate

No motion shall be debated or put by the Mayor until the same shall have been seconded, except privileged questions not requiring a second. The motion shall then be properly stated by the Mayor. No debate shall be heard until a motion is made and seconded except for public hearings.

### 4.4 Clarification Before Second

Coco suggests  
"The maker of the  
motion"

Provided, however, that any Councilmember may make explanatory remarks, before the seconding of such motion, for the

When discussed - ~~required~~  
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#### 4.5 Prohibition – Non-Germane Amendment

No motion or proposition not germane to a subject under consideration shall be admitted under color of an amendment.

#### 4.6 Division of Question

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#### 4.7 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.

*Robert's Says 2/13  
Any time you do something  
to take away members'  
rights, you take away 2/3rds*

#### 4.8 Questions Put and Calling Roll

Questions shall be distinctly put in the following form: "All in favor say Aye." 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 alphabetical 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.

*Currently,  
we don't  
have one.*

#### 4.9 No Debate in Order During Roll

While the Mayor is putting any question, or once roll call voting has started, there shall be no interruption.

Rule 5: Public Hearings

5.1 Order of Presentation of Public Hearing

- a. The Mayor shall commence the public hearing by rapping his gavel and announcing that the public hearing is open.
- b. City staff shall next present its prepared reports, if any.
- c. The public shall offer any comments germane to the hearing so long as they are not excessive in length.
- d. The mayor shall close the public hearing, and
- e. Thereafter, the Council shall debate and decide the public issue.

Rule 6: Ordinances

6.1 Withdrawal of Resolutions or Ordinances

All resolution and ordinances may be withdrawn before a vote is taken thereon or before the same is amended, if there be no objection.

Rule 7: Motion to Adjourn

- 7.1 A motion to adjourn shall always be in order, except when a vote is being taken on any question before the Council or when a member has the floor. After a motion to adjourn is lost, there shall be some intervening business transacted before another motion to adjourn can be put. A motion to adjourn shall be decided by a vote of a majority of the Councilmembers present, but to be no less than four.

Rule 8: Matters to be in Writing

- 8.1 All matters to be acted upon by Council shall be presented to the Council in writing at least two days prior to any regular Council meeting except for emergencies as permitted by the Council.

Rule 9: Parliamentary Practice

- 9.1 The Rules of Parliamentary Practice comprised in <sup>the current edition of</sup> "Roberts Rules of Order for Deliberative Assemblies (revised)" shall govern in all cases in which they are not inconsistent with the standing rules and order of the Council and not contrary to the Albion City Charter or any existing laws of the State of Michigan.

Add: These rules may be amended or suspended through majority vote without notice.



## CHAPTER 5. - THE CITY COUNCIL

### Sec. 5.1. - The city council.

The council shall consist of the mayor and the six (6) councilmen. The mayor shall be elected from the city at-large. One councilman shall be elected from each of the six (6) council districts of the city. The council shall exercise all of the legislative and policy-making powers of the city and shall provide for the performance of all duties and obligations imposed upon the city by law. The compensation of each councilman shall be three hundred dollars (\$300.00) per year.

**State law reference**— Mandatory that charter provide for election of mayor and legislative body, MCL 117.3(a).

### Sec. 5.2. - Terms of office.

The terms of three (3) councilmen and of the mayor shall expire on the first Monday in December following each regular city election. When appointments are made to fill vacancies in the manner provided by Section 4.12(a) of this charter, appointees shall qualify for and assume the duties of office within fifteen (15) days after appointment, unless such time be extended for not more than sixty (60) days by the council.

### Sec. 5.3. - Organization of the council.

The council shall meet and organize on the first Monday in December following each regular city election. At such meeting, or within one week thereafter, the council shall elect from its membership a mayor pro tempore and do such other acts as may be required for its organization and the conduct of its business. The council shall provide by ordinance for the interim order of the succession of its members to the office of mayor pro tempore and for the prompt and temporary reconstitution of the council in the event that its membership is reduced to less than a quorum.

### Sec. 5.4. - The mayor.

- (a) The mayor shall be recognized as the ceremonial head and chief executive officer of the city and shall perform all duties provided or required of him by law or by the council.
- (b) He shall be the presiding officer of the council.
- (c) He shall be a member of the council with all the powers and duties of that office, including the right and duty to vote on questions before the council.
- (d) He shall advise the council concerning the public affairs of the city and make recommendations thereon.
- (e) In emergencies, he shall have the powers conferred by law upon peace officers and shall exercise such powers to prevent disorder, to preserve the public peace and health, and to provide for the safety of persons and property.
- (f) The mayor shall make all appointments, subject to prior approval of the council, unless any such appointment is required by law or by ordinance to be made by another officer or agency of the city.
- (g) He shall not possess the veto power.
- (h) The compensation of the mayor shall be six hundred dollars (\$600.00) per year.

**State law reference**— Mayor to be chief executive officer, MCL 117.3(a).

Sec. 5.5. - The mayor pro tempore.

The mayor pro tempore shall succeed to the office of mayor when a vacancy occurs in that office. He shall have and exercise the powers and duties of the mayor when the mayor is absent or unable to perform the duties of his office. When it shall appear to the council that the mayor is unable to perform the duties of his office, the council shall, by resolution, determine whether the mayor pro tempore shall act in the place of the mayor. If the mayor pro tempore shall decline to assume the office of the mayor in the event of a vacancy in the office, the council shall appoint another member of the council to fill such vacancy. If no councilman shall accept such appointment, the council shall appoint an elector of the city who has the qualifications required of elective officers by this charter to fill such vacancy.

Sec. 5.6. - Meetings of the council.

- (a) The council shall meet in the established council chambers, or in such other place as may be established by resolution, and shall hold at least two (2) regular meetings in each month.
- (b) Special meetings of the council shall be held at the regular meeting place of the council or at an alternate meeting place when notice of such alternate meeting place is posted at the main entrance to the city hall during such meeting. Special meetings shall be called by the clerk on the written request of the mayor, or of any two (2) members of the council.
- (c) At least six (6) hours written notice shall be given designating the time and purpose of a special meeting. Such notice shall be given personally by the clerk to each member of the council or written notice may be left at his usual place of residence or business by the clerk or by someone designated by him. A copy of such notice shall also be delivered at the place of business of each newspaper printed and published in the city, but this requirement shall not be jurisdictional to the holding of any such meeting.
- (d) In an emergency, any special meeting shall be a legal meeting if all members are present or, if there be a quorum present and all absent members have waived in writing the required notice thereof. Waivers may be made either before or after the time of the meeting.
- (e) An affidavit of the giving or service of any notice required by this section shall be made a part of the journal of a special meeting. All waivers of notice shall be attached to and made part of the journal of the meeting.
- (f) No business shall be transacted at any special meeting of the council except that stated or given in the notice of the meeting.
- (g) All regular and special meetings of the council shall be public meetings and the public shall have a reasonable opportunity to be heard.
- (h) Four (4) 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 a meeting to a later date.
- (i) The council shall determine its own rules and order of business and shall keep a journal in the English language of all its proceedings. The journal of each meeting of the council shall be signed by the clerk. The vote upon all matters considered by the council shall be taken by "Yes" or "No" votes which, upon the request of any member of the council, shall be entered upon the record.
- (j) The council may compel attendance at its meetings of its members and any officers or employees of the city. It may punish for nonattendance in such manner as it may prescribe by its rules.
- (k) No member of the council may vote on any question upon which he has a substantial direct or indirect financial interest, otherwise, each member of the council shall vote on each question before the council for determination, unless excused therefrom by the affirmative vote of all remaining members able to vote on the question. If a question is raised under this section at any council meeting, such question shall be voted on before the question to which it applies is voted upon, but the council members affected may not vote on such determination.

- (l) The vote of at least four (4) members shall be required for official action by the council, unless a larger majority is required by law.
- (m) The clerk shall prepare an agenda of the business to be considered at each regular council meeting. No business shall be considered by the council, unless placed upon the agenda for the meeting not later than 12:00 noon, on the day of the meeting, except upon the approval of five (5) or more members of the council.

**State law reference**— Mandatory that charter provide for public meetings, MCL 117.3(1); open meetings act, MCL 15.261 et seq.; mandatory that charter provide for keeping of journal of council sessions, MCL 117.3(m); minutes of meetings required, MCL 15.269.

Sec. 5.7. - Powers of the council to appoint citizen advisory boards.

- (a) The council may in its discretion by ordinance create or abolish citizen advisory boards and may grant to them the power to conduct hearings and to make recommendations for the guidance of the council. All such recommendations shall be filed in the office of the clerk as public records.
- (b) Unless the council shall otherwise determine by a majority vote, all questions presented to the council concerning any subject which has been delegated to a citizen advisory board shall be submitted first to the board for consideration.
- (c) Advisory boards established by the council shall not be authorized to employ or direct the employment or removal of any administrative officer or employee of the city.

Sec. 5.8. - Restrictions on powers of the council.

- (a) The council members shall not individually direct the appointment or removal of any administrative officer or employee of the city and shall deal with the administrative service of the city only through the city manager, as to officers and employees made responsible to him.
- (b) There shall be no standing committees of the council.

(Res. No. 98-49, 8-17-98)

CHAPTER 7. - CITY ADMINISTRATION

Sec. 7.1. - Administrative departments of the city.

- (a) The executive and administrative powers, authority, and duties, not otherwise herein provided for, shall be divided into the following departments and such other departments as the council may by ordinance establish:
  - (1) department of public affairs,
  - (2) department of accounts and finance,
  - (3) department of public properties,
  - (4) department of public safety,
  - (5) department of public works and sanitation,
  - (6) department of public highways,
  - (7) department of public health.

- (b) The department of public affairs, shall be under the superintendence and responsibility of the mayor, and shall include all matters pertaining to the mayor's executive office, and such other duties as the council may, by ordinance or resolution, determine.
- (c) The department of accounts and finance shall have responsibility for the clerk's office and work, the treasurer's office and work, the director of finance's work and office, the assessor's office and work; the collection of license fees, special assessments, water rates, and any other rates or charges for public utilities, services, and facilities of the city, and shall be responsible for financial settlements with the clerk, municipal court, constables, and any other person receiving or holding city money.
- (d) The department of public properties shall have responsibility for the supervision, care, and use of all public buildings, parks, cemeteries, and other public grounds owned or leased by the city, city controlled waters, watercourses, and flood control facilities, other than highways and appurtenances thereof.
- (e) The department of public safety shall have the responsibility for the police and fire functions of the city and the inspection of electrical wiring, plumbing, elevators, fire escapes, signs, and buildings.
- (f) The department of public works and sanitation, shall have responsibility for all construction work and maintenance of sewers, drains, water works, and sewage disposal facilities.
- (g) The department of public highways shall have responsibility for all construction work relative to and the care of streets and alleys, sidewalks and crosswalks, curbs and gutters, trees, bridges, street lighting, paving, grading, opening of streets, and street closings.
- (h) The department of public health shall have responsibility for the supervision of the general health conditions of the city and for the inspection services of the city relating to matters of public health.
- (i) The council may prescribe additional powers and change or consolidate departments whenever it deems it necessary for the efficient and economical conduct of the business of the city.

(Res. No. 98-49, 8-17-98)

**State law reference**— Charter may provide for establishment of departments, MCL 117.4j(3).

Sec. 7.2. - City manager.

- (a) Qualifications. To be eligible for appointment, the city manager must have previous experience in city, public, business or industrial administration and also have a bachelors degree and at least a masters degree in public administration or equivalent.
- (b) The office of the city manager shall be the chief administrative office of the city. The city manager shall be responsible for the supervision of the administrative departments of the city. Additional responsibilities shall include the duty of appointing administrative officers, other than the city attorney and members of the city boards.
- (c) Except as otherwise provided by the Charter, the city manager shall have the supervision of and the responsibility for all administrative departments of the city. The city manager shall also have the responsibility to implement all matters in the city personnel policy as it relates to city personnel.
- (d) In general, the city manager shall have the additional functions and duties prescribed in this subsection. The city manager shall:
  - (1) Be responsible to the city council for the efficient administration of all administrative departments of the city government.
  - (2) Recommend to the city council for adoption such measures as the manager may deem necessary or expedient and attend city council meetings with the right to take part in discussion, but shall not have the right to vote.

- (3) Exercise and perform all administrative functions of the city that are not imposed by law, the Charter or ordinance upon some other official.
- (4) Enforce all ordinances except as otherwise provided.
- (5) Appoint the emergency preparedness coordinator.
- (6) Compile the annual budget proposal of the city and administer the annual budget.
- (7) Perform such other duties as may be prescribed by ordinance or by direction of the city council.
- (e) The powers and duties delegated to the city manager in this section shall not be performed by any other officer of the city.
- (f) In the event of a vacancy in the office of city manager, the council shall appoint some person other than an elective city officer to perform the duties of city manager until a successor to the city manager has been appointed, has qualified, and has assumed the duties of the office.

(Res. No. 98-49, 8-17-98)

**Port Huron City Council**  
**Rules of Procedure**



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**Approved: March 28, 2011**

**RULE 1. AUTHORITY**

(a) All City Council meetings shall operate in accordance with the State Constitution, the Open Meetings Act, the Home Rule City Act, the 2011 City Charter and all other pertinent laws.

(b) All regular and special meetings of the City Council shall be open to the public and the rules of order of the City Council shall provide that the citizens shall have reasonable opportunity to be heard, except as otherwise provided by law. [*Charter §2-7(c)*]

(c) These rules of order provide the common rules and procedures for deliberation and debate to provide for constructive and democratic meetings. These rules are to help, not hinder, the business of the City Council and are adopted to expedite and facilitate the transaction of the business of the City Council in an orderly fashion. The failure to strictly observe any such rules shall not affect the jurisdiction of, or invalidate any action taken by, the City Council.

(d) The following words or phrases shall have the following meanings:

*Administration* means the City Manager or his or her designees.

*City Council or Council* means the Mayor and six (6) Councilmembers.

*Councilmember or member* are used interchangeably and means members of the City Council.

*Dates* - whenever a date used in these rules for the doing or completion of an act falls on a Saturday, Sunday or holiday, such act shall be done or completed on the next succeeding day which is not a Saturday, Sunday or holiday.

*Decision* means a determination action, vote or disposition upon a motion, proposal, recommendation, resolution, order, ordinance or measure on which a vote by City Council has occurred.

*Meeting* means the convening of a public body (the City Council) at which a quorum is present for the purpose of deliberating toward or rendering a decision on a public policy.

*Procedural matters* means votes upon motions having no other purpose than to adjourn, to receive and file, to refer a matter, to approve the minutes or accept or decline an invitation may be taken by a voice vote and 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 shall specifically require a greater majority in any such matter.

*Unanimous* means that all the members of the City Council are present and have voted the same way. In case of a vacancy on the City Council, the word “unanimous” shall apply to the remaining members of the City Council and the minutes of the meeting shall indicate that a vacancy exists.

(e) On all matters of procedure not addressed in these rules, the Council shall refer to *Robert’s Rules of Order, Newly Revised*, for guidance in developing procedures for the conduct of meetings.

**RULE 2. OATH OF OFFICE; DUTIES ASSUMED; MAYOR PRO TEM APPOINTED**

(a) At the next regularly scheduled meeting following their election, newly elected members of City Council shall take the oath of office and assume the duties of their office. [*Charter 2-2(c)*]

(b) At the first regular meeting after each City general election, the City Council shall appoint one of its elected members to serve as Mayor Pro Tem. [*Charter 2-4(b)*]

**RULE 3. REGULAR AND SPECIAL MEETINGS; STANDING COMMITTEES**

(a) *Regular meetings*: Regular meetings of the City Council shall be held each month on the days and times prescribed by ordinance. Each calendar year there shall be posted within 10 days after the first meeting of the Council a public notice stating the dates, times and places of the regular meetings. If there is a change in the schedule of regular meetings, a notice shall be posted within 3 days after the meeting at which the change is made listing the new dates, times and places of the regular meetings. [Open Meetings Act; Charter §2-7(a); City Code 2-31 & 2-32]

(b) *Special meetings*: Special meetings may be called by the City Clerk on the written request of the Mayor or any three (3) members of the City Council, provided such written request has been submitted to the City Clerk at least twenty-four (24) hours prior to the special meeting. A notice of the special meeting shall be posted at least 18 hours before the meeting as required by state law. [Open Meetings Act; Charter §2-7(b)]

(c) *Standing committees*: In accordance with Section 2-1(d) of the City Charter, there shall be no standing committees of the City Council. This does not, however, prohibit the designation of three (3) or less Councilmembers working together, without compensation, to gather information and/or research a specific subject and to report back to the full City Council at a later date.

**RULE 4. QUORUM**

At any regular or special meeting, four (4) members of the City Council shall be a quorum for the transaction of business. In the absence of a quorum, two (2) or more members may adjourn any regular or special meeting. [Charter §2-7(d)] Regular meetings that have been adjourned due to a lack of a quorum shall have the agenda material carried over to the next regular meeting unless a special meeting is scheduled prior to that time to deal with those items. Special meetings adjourned due to a lack of quorum shall be rescheduled to a date determined by the authority who called for the meeting. Notices shall be posted in accordance with state law.

**RULE 5. CONDUCT OF MEETINGS**

(a) *Chair*: The Mayor, or in the Mayor’s absence, the Mayor Pro Tem, shall be the chair and preside over the meetings. If both the Mayor and Mayor Pro Tem are absent, the City Clerk shall call the City Council to order and call the roll. If a quorum is present, the Council shall elect by a majority of those members present a temporary chair to act until the Mayor or the Mayor Pro Tem appear.

(b) *Preservation of order*: The chair shall conduct the meeting, arrange the seating, preserve decorum, and decide all questions of order and the interpretation of these rules. Appeals of such interpretation may be made by any Councilmember present. The City Clerk normally shall be the advisor of the chair on any point of order or procedure under these rules.

(c) *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.

**RULE 6. PUBLICATION OF NOTICES**

Official notices or proceedings requiring publication or posting shall be displayed on the bulletin board located in the Municipal Office Center or on the City’s official web site. In the event publication is required by law in a newspaper of general circulation, *The Times Herald*, which is circulated in Port Huron, is designated as the official newspaper for the City of Port Huron. [Charter §1-12]

## **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 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.

(2) *Public comment*: Speakers may address the City Council for up to one 4-minute period.

(b) *Special meetings*: The appropriate time during the meeting to receive public comment will be determined by the chair based on the matters to be discussed. Speakers may address the City Council for up to one, four (4) 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 Manager 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 Wednesday preceding the regular meeting in order to properly prepare the agenda. Items not received may be considered at the next regularly scheduled meeting.
- (2) Requests by individual members of the City Council for administration to prepare simple and uncomplicated resolutions or proposed ordinances, provided said request is permitted by state law and/or the City Charter, shall be made through the City Manager prior to 12:00 noon on the Wednesday preceding the regular meeting in which it is desired. If the City Manager determines that the request requires extensive staff research and preparation, he or she may first prepare a resolution for City Council to determine whether to proceed.
- (3) The City Manager or Councilmember who placed an item on the agenda shall have the right to withdraw it prior to any action being taken.
- (4) The agenda shall be furnished to the City Council on the Thursday prior to the regular meeting, or not later than the Saturday before such 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 four (4) members approve the addition of agenda items. The motion to add 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 Manager shall prepare an agenda for special meetings, in consultation with the Mayor, based on the written request for the meeting. If provided for in the notice, additional agenda items may be added by an affirmative vote of at least four (4) members.

(c) *Order of Business - regular meetings:* Prior to the start of regular meetings, an inspirational message from an individual selected by the Mayor may be given, followed by the Pledge of Allegiance. The order of business at any regular meeting shall be as follows:

- Call to order
- Roll call
- Approval of minutes from previous meeting
- Presentations: These items include proclamations, commendations and recognitions or items prepared by City administration, City boards and commissions or other City-related agencies. Any other presentation shall be limited to 15 minutes and shall be by prior approval of the City Council.
- Public Hearings: Resolutions and/or ordinances applicable to a public hearing shall be considered immediately following the hearing.
- Public Comment
- Consent Agenda: Agenda items considered routine will be marked with an asterisk (\*) and will be considered under “motion to adopt consent agenda items, as indicated.” Examples include communications, setting public hearings, board appointments, traffic control orders, etc., and ordinances that have been previously approved in principle. If any Councilmember requests an item to be removed from the consent agenda, the item will be removed and considered in its normal sequence on the agenda.

- Unfinished Business: Items include any business matters not disposed of prior to the adjournment of the previous meeting and any matters postponed for consideration at this meeting.
- Communications & Petitions
- Reports from the City Manager, and other City officers, committees, boards or commissions
- Resolutions
- Ordinances
- Tabled Items
- Miscellaneous Business
- Adjournment

## **RULE 9. RESOLUTIONS**

(a) As stated in the City Charter §3-1(1), 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 City Clerk of a short description of the resolution, it shall be in order for any member of the City Council to move for its adoption. 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. [*Charter §3-1(1)*] 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) As stated in the City Charter §3-1(2), 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. Also stated in the City Charter §3-3, 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:

- (1) Adopt or amend an administrative code or establish, alter or abolish any City department, office or agency;
- (2) Amend or repeal any ordinance previously adopted;
- (3) Grant, renew or extend a franchise, except as otherwise provided by law;
- (4) Authorize the borrowing of money;
- (5) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- (6) Regulate land use and development.

(b) All legislation by ordinance shall comply with the provisions of Section 3-4 of the City Charter and be submitted and considered as follows:

- (1) All proposed ordinances shall be in writing, shall be identified by an agenda number and a short title and shall contain no more than one subject. It shall be the responsibility of a Councilmember offering an amendment to put the amendment and the exact revisions proposed in writing if it is long or complicated.
- (2) The City Manager and administrative officers shall submit and recommend to City Council adoption of ordinances deemed necessary to carry out the activities of the City and those matters required by state law.
- (3) If a Councilmember wishes to introduce a proposed ordinance, the short title shall reflect an endorsement indicating this, such as “Introduced by Councilmember (insert name)”.
- (4) When any person, not a member of the City Council, nor the City Manager or the administrative staff, requests the City Council to adopt an ordinance prepared by such person, it shall not be introduced except by consent on the affirmative vote of at least four (4) members. The short title of the ordinance shall reflect an endorsement such as “Introduced on the request of (insert name)”.
- (5) Each proposed ordinance is read by its title by the City Clerk, once for a “First Reading” and then for a “Second Reading and Enactment” and possible enactment at a subsequent meeting. The opportunity for debate, amendment or other appropriate action shall be afforded the City Council at each reading. The “Second Reading and Enactment” may be placed on the consent agenda if the first reading of the ordinance was adopted unanimously. No ordinance shall be finally passed at the same meeting at which it is introduced, unless it is declared to be an emergency ordinance as provided in the Charter or is allowed by law to be adopted at the same meeting at which it is introduced.
- (6) As provided in the Charter, adoption of an ordinance requires an affirmative vote of at least four (4) members unless otherwise provided by law.
- (7) An ordinance shall become effective upon its publication, but not less than five (5) days after its passage, unless a different effective date is provided by law or unless it shall be passed as an emergency ordinance. *[Charter §3-4(5)(6)(7)]*

*[NOTE: At the time of adoption of these rules, state law requires a summary be published in a newspaper of general circulation.]*

## **RULE 11. MOTIONS**

(a) *Generally*: All motions offered shall be moved and seconded before being considered. Long or complicated motions shall be put in writing by the mover of the motion before being acted upon. 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*: Councilmembers wishing to speak during debate shall first obtain the approval of the chair and each member who speaks shall address the chair. A Councilmember 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 Councilmember 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 Councilmember 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 stated by law 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 amend or substitute
- To postpone indefinitely
- To postpone to another day or time
- To divide the question
- To call the question
- To clear the floor of motions
- To appeal the ruling of a chair
- To table -or- Take from the table
- To recess
- To adjourn
- To fix the time to which to adjourn

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

## **RULE 12. APPEALS**

Any Councilmember 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. RECONSIDERATION**

No ordinance, resolution, motion or question acted upon by the City Council shall be again brought forward during a one (1) year period following the initial vote other than for amendment or repeal unless a motion to reconsider is offered and adopted. The following shall apply to a motion to reconsider:

- (a) Motion to reconsider shall be in order on any question the City Council has decided.
- (b) No question shall be considered more than once. Motions to reconsider cannot be reconsidered.
- (c) Shall be made on the same day the initial vote was taken or at the next regularly scheduled meeting following.
- (d) Shall be moved by a Councilmember on the prevailing side of the vote, or a member who did not participate in the original question, and shall be seconded by any Councilmember.
- (e) Adoption shall require the affirmative vote of the same majority of Councilmembers as was required for the original question.
- (f) If a question under reconsideration had any adopted amendments, the amendments cannot be reconsidered separately from the main question.
- (g) If a motion to reconsider is tabled, it shall not carry with it the original question, but shall be equivalent to a refusal to reconsider.
- (h) It shall not be in order to take from the table a motion to reconsider, nor shall the vote to table the motion be reconsidered.
- (i) Certain issues may or may not be subject to reconsideration depending on whether or not reconsideration would create a potential claim of equitable estoppels against the City. Examples may include rezoning of property where a previously made decision has created vested rights in favor of the property owner, or bid awards where the person or company has reasonably relied on a previous decision and has committed money and other resources to the project, and other such examples. Legal counsel shall determine whether or not reconsideration creates a potential legal liability for the City and will advise accordingly.
- (j) *Suspend the rules:* After the time limitation for introducing a motion to reconsider's has lapsed, the rules may be suspended by an affirmative vote of at least five (5) members to permit reconsideration of a question. Any member may make and second the motion to suspend the rules to provide for this.

## **RULE 15. RESCIND**

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 as follows: If notice was given, requires an affirmative vote of at least four (4) members. If notice was not given, requires an affirmative vote of at least five (5) members.

## **RULE 16. SUSPEND THE RULES**

Any rule may be temporarily suspended by an affirmative vote of at least four (4) 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 Councilmembers have been given an opportunity to be heard and to order the roll call of the question.

(b) Councilmembers in attendance shall have a duty to vote for or against all measures before the City Council, unless there is a conflict of interest. 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. *[Charter §2-6(b)]*
- (2) The foregoing prohibitions of paragraph (a) above, as they apply to a Councilmember or Councilmembers, 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). *[Charter §2-6(d)]*
- (3) If a Councilmember 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 Councilmember 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. *[Charter §2-7(f)]*

(f) A Councilmember 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 Councilmember’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
<p><b>General Information about Motions</b></p>	<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>
<p><b>Adjourn</b></p>	<p>Ends the meeting. Cannot offer to adjourn if a motion to fix time to adjourn is pending.</p>
<p><b>Adjourn, Fix time to</b></p>	<p>Sets the time for continuation of a meeting. <b>Debatable, Amendable, Reconsider</b></p>
<p><b>Amendments</b></p>	<p>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></p>
<p><b>Appeals</b></p>	<p>Any Councilmember 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></p>
<p><b>Call the Question</b></p>	<p>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></p>
<p><b>Clear the Floor of Motions</b></p>	<p>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</b> (*Only a failed motion can be reconsidered.)</p>
<p><b>Divide the Question</b></p>	<p>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*</b> (*Only if a different division is offered.)</p>
<p><b>Object to Consideration</b></p>	<p>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.</p>

## 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>	<p>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.</p> <p style="text-align: center;"><b>Debatable, Amendable, Reconsider</b></p>
<b>Postpone Indefinitely</b>	<p>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.</p> <p style="text-align: center;"><b>Debatable, Reconsider*</b> (<i>*Only an affirmative vote can be reconsidered.</i>)</p>
<b>Recess</b>	<p>Establishes a brief break in the meeting.</p> <p style="text-align: center;"><b>Amendable, Reconsider</b></p>
<b>Reconsideration</b>	<p>See Rule 14 for complete details. Below is a general description of this rule:</p> <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 Councilmember.</li> <li>➤ Requires the affirmative vote of the same majority of Councilmembers 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> <p style="text-align: center;"><b>Debatable, Table</b></p>
<b>Rescind</b>	<p>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:</p> <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> <p style="text-align: center;"><b>Debatable, Amendable, Table, Reconsider</b></p>
<b>Suspend Rules</b>	<p>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.</p> <p style="text-align: center;"><b>Debatable</b></p>
<b>To Table</b>	<p>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.</p>
<b>Take from the Table</b>	<p>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.</p>

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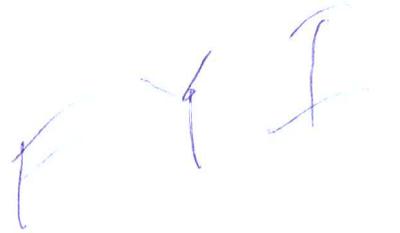
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\*Note: The index is provided for convenience and may be altered when necessary to add additional indexing items

**INFORMATION  
ONLY**

April 15, 2017

Granger Public Relations  
PO Box 22213  
Lansing, MI 48909-2213



Dear Granger Public Relations

Please remove those religious affirmations from your Invoices and trucks. It is not relevant to the service you provide, or to my understanding of your invoices. Also, it is disrespectful of people who may not share your views. Even people who *do* share your views will find it an inappropriate part of a waste hauling contract.

If you wish to engage in missionary work, you can do that on your own time through your churches and charities.

I will show you the same courtesy by not bothering you or your staff with my strongly held beliefs on numerous subjects that don't pertain to our business arrangement.

Sincerely,



Sylvia Dulaney  
903 Sheridan Court  
Albion, MI 49224

enc: check for \$45.30, invoice 15763088

cc: Albion City Council