



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

COUNCIL-MANAGER
GOVERNMENT

Council members and
other officials normally in
attendance.

Garrett Brown
Mayor

Maurice Barnes, Jr.
Council Member
1st Precinct

Lenn Reid
Council Member
2nd Precinct

Sonya Brown
Mayor Pro Tem
Council Member
3rd Precinct

Marcola Lawler
Council Member
4th Precinct

Jeanette Spicer
Council Member
5th Precinct

Andrew French
Council Member
6th Precinct

Scott Kipp
Interim 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
Council Chambers
112 West Cass Street
Albion, MI 49224**

**Monday, June 25, 2018
6:30 p.m.**

PLEASE TURN OFF CELL PHONES DURING MEETING

- I. CALL TO ORDER
- II. ROLL CALL
- III. PUBLIC COMMENTS (Persons addressing the City Council shall limit their comments to **agenda items only** and to no more than three (3) minutes. Proper decorum is required.)
- IV. ITEMS FOR INDIVIDUAL DISCUSSION
 - A. Council Rules & Procedures-Attorney Scott Smith
- V. PUBLIC COMMENTS (Persons addressing the City Council shall limit their comments to no more than three (3) minutes. Proper decorum is required.)
- VI. ADJOURN

Albion City Council

Rules of Procedure

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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 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. [Section 5.6g]

(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) Council Members.

Council Member 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 mean 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 the most current edition of *Robert’s Rules of Order*, for guidance in developing procedures for the conduct of meetings and shall not be 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.

(f) The Mayor shall hold regular, weekly meetings or conference calls with the City Manager to confer on city business and upcoming agendas. It is expected that the City Attorney shall be present, as needed to provide legal counsel and perspective. The dates and times are to be set, along with regular council meetings, and announced to council and the community, though flexibility shall be allowed from meeting to meeting.

(g) Roles and Responsibilities of City Officials are clarified in Appendix A.

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

(a) On the first Monday in December following their election, newly elected members of City Council shall take the oath of office and assume the duties of their office. [*Section 5.3*] See *Appendix B for Sine Die procedure*.

(b) On the first Monday in December after each City general election, the City Council shall appoint one of its elected members to serve as Mayor Pro Tem. [*Section 5.5*]

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 prescribed by resolution beginning at 7:00 p.m. 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; Section 5.6*]

(b) *Special meetings*: (*City Charter 5.6*) 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. If the capacity of the council Chambers is deemed insufficient to hold the audience that wishes to attend the council meeting, council may decide to move the meeting to a larger venue.

At least eighteen 18 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 their 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.

(c) *Study Sessions*: In addition to regular and special meetings, the Council may hold study sessions from time to time for deliberating towards a decision on any matter or to adopt a motion. All other decisions as a result of deliberations during study sessions shall be made only at a subsequent regular or special meeting. The study sessions shall be open to the public and shall comply with the posting requirements of Act 267, Michigan Public Acts for 1976, as may be amended. For the purpose of posting only, the study sessions shall be considered as special meetings.

(d) Closed Meetings/Executive Sessions - In accordance with the Open Meetings Act, MCL 15.268, the council may meet in a closed session only for one or more of the permitted purposes:

- (1) To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, employee, staff member, or individual agent, if the named person requests a closed hearing.
- (2) For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if either negotiating party requests a closed hearing
- (3) To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.

- (4) To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the city.
- (5) To review and consider the contents of an application for employment or appointment to a public office if the candidate requests that the application remain confidential. However, all interviews by the city for employment or appointment to a public office shall be held in an open meeting pursuant to the Open Meetings Act.
- (6) To consider material exempt from discussion or disclosure by state or federal statute.

(e) *Standing committees*: In accordance with [Section 5.6(b)] 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 Council Members 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, any number of members less than a quorum may adjourn any regular or special meeting. [5.6(h)] 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 Council Member present. The City Attorney normally shall be the advisor of the chair on any point of order or procedure under these rules. While the Chair is putting any questions or while the roll is being called by the Clerk/Treasurer, no Council Member shall leave their seat or entertain private discourse. When a Council Member is speaking, said Council Member shall not be unduly interrupted. The Chair shall, at all times, preserve order and decorum. The Chair 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 Chair in preserving order and decorum.

(c) *Council Members*: When a Council Member is about to speak, said member shall respectfully address the Mayor only. When two or more Council Members wish to speak at the same time, the Mayor shall name the Council Member who is first to speak. The Council Member seeks recognition by raising their hand. The Council Member shall confine their speech to the question under debate and avoid personalities. Personal comments about or attacks upon other Council Members and/or City Staff members are prohibited. No Council Member 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 Council Member shall speak for more than ten minutes at any time without leave from the Council by a majority vote of the members present.

5.c.1 Call Member to Order: If any Council Member, in speaking or otherwise, transgresses the rules of the Council, the Mayor shall, or any Council Member may, call said Council Member to order. The question of order shall be decided by the Mayor, without debate, subject to appeal.

5.c.2 Preserving Order: While the Mayor is putting any questions or while the roll is being called by the Clerk/Treasurer, no Council Member shall leave his/her seat or entertain private discourse. When a Council Member is speaking, said Council Member shall not be unduly interrupted.

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

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

RULE 6. PUBLICATION OF NOTICES

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

RULE 7. CITIZEN PARTICIPATION

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

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

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

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

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

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

(f) Written communications: Individuals or groups are encouraged to submit written comments to the City Council via mail, e-mail or delivered to the City Clerk's office for distribution. If requested by the writer, the communication may be added to the appropriate agenda for receipt and/or action as deemed appropriate by the City Council.

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

RULE 8. AGENDAS AND ORDER OF BUSINESS

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

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

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

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

- Call to order
- Moment of Silence
- Pledge of Allegiance
- Roll call
- Mayor and Council Members Comments
- Reports from the City Manager, and other City officers, committees, boards or commissions
- Presentations: These items include proclamations, commendations and recognitions or items prepared by City administration, City boards and commissions or other City-related agencies.
- Public Hearings: Resolutions and/or ordinances applicable to a public hearing shall be considered immediately following the hearing.
- Public Comment – Persons addressing the City Council shall limit their comments to agenda item only, and to no more than 3 minutes. Proper decorum is required.
- Consent Calendar: Approval of all meeting minutes called by council (regular, special, study sessions, etc.)
- Items for Individual Discussion – The work of the council; approval of resolutions, ordinances, Tabled items, action of the City Manager that requires approval of council, council items of discussion, approval of board appointments, Approval of contracts, etc.
- Future Agenda Items – Individual members of council and the Mayor may bring future agenda items to the floor for discussion and approval.
- Motion to Excuse Absent Council Member.
- Public Comment – Persons addressing the City Council shall limit their comments to no more than three (3) minutes. Proper decorum is required.
- Adjournment

RULE 9. RESOLUTIONS

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

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

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

RULE 10. ORDINANCES

- a) An ordinance is a legislative act establishing a more permanent influence on the City other than a resolution and requires greater formalities in its adoption. In addition to other acts required by law or by specific provision of the City Charter to be adopted by ordinance, acts which do any of the following shall be by ordinance:
 - a. Each proposed ordinance shall be introduced in written form. The style of all ordinances passed by the council shall be, "The City of Albion Ordains:"
 - b. No ordinance shall be passed at the same meeting at which it is introduced, unless it is declared to be an emergency ordinance by a vote of not less than five (5) members of the council.
 - c. An ordinance may be repealed or amended only by an ordinance passed in the manner provided in this section.
 - d. An ordinance may be repealed by reference to its number or title only.
 - e. If a section of an ordinance is amended, such section shall be re-enacted and published at length. This requirement shall not apply to zoning ordinance amendments or to the schedules of one-way streets and of parking limitations contained in any traffic ordinance.
 - f. Each ordinance, after adoption, shall be identified by a number.
 - g. Each ordinance shall be recorded by the clerk forthwith in the ordinance book, and the enactment of such ordinance shall be certified by him therein by his signature.

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

RULE 11. MOTIONS

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

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

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

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

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

- to adjourn – undebatable
- to rise to a question or privilege – undebatable
- to lay on the table – undebatable
- to call for the previous question – undebatable
- to limit or extend limits of debate – undebatable

- to postpone to a certain day – undebatable
- to commit or refer, or recommit, to a committee –undebatable
- to amend – debatable
- to postpone indefinitely – debatable
 - (f) See Appendix “A” for a “Chart of Motions” listing details about the handling of the various types of motions.

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

(g) *Ask for Previous Question*: When the previous question is moved, it shall be put in these words: “I move the previous question.” This shall be ordered only by a majority of the members present. The effect of the previous question shall be to put an end to all debate and to bring the Council to a direct vote on the pending question or questions in their order down to, and including, the main question. If the previous question is not ordered, the consideration of the subject shall be resumed as though no motion for the previous question has been made.

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

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

RULE 12. APPEALS

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

RULE 13. POINT OF ORDER

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

RULE 14. RESCIND

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

RULE 15. SUSPEND THE RULES

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

RULE 17. VOTING

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

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

- (1) Except for public contracts governed by the Contracts of Public Servants with Public Entities Act (Act 317 of 1968), no member of the City Council shall have an interest, directly or indirectly, in any contract, job or work with the City. No member of the City Council shall be financially interested directly or indirectly in the sale to the City of any land, materials, supplies or services. This does not apply to the official services of his or her office.
- (2) The foregoing prohibitions of paragraph (a) above, as they apply to a Council Member or Council Members, shall not apply if the City Council shall declare on its records by an affirmative vote of five (5) of the remaining members of the City Council that the best interests of the City are served despite a personal interest, direct or indirect, and if in compliance with the Contracts of Public Servants with Public Entities Act (Act 317 of 1968).
- (3) If a Council Member shall have a conflict or believes he/she may have a potential conflict of interest as shown in paragraph (a), the member shall immediately disclose the nature and extent of his or her interest prior to the consideration of the agenda item involved. If it is determined, in consultation with legal counsel and review of the Charter and state law that a conflict does not exist, or the City Council has declared on its record the best interests are served despite the personal interest, the member may participate in the deliberations and shall vote on such matter.

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

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

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

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

RULE 18. AMEND/REPEAL RULES

These rules may be amended or repealed by resolution of the City Council and shall not be finally passed at the same meeting at which it is introduced, and such resolution shall be postponed for final

consideration until the next regular meeting or until such further time as the City Council shall determine. This rule shall not be suspended.

Appendix A: Roles and Responsibilities of City Officials.

Insert from Scott Smith document

Appendix “B Chart of Motions

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

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

Chart of Motions

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

Motion	Explanation
Postpone to Another Day or Time	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. Debatable, Amendable, Reconsider
Postpone Indefinitely	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. Debatable, Reconsider* (<i>*Only an affirmative vote can be reconsidered.</i>)
Recess	Establishes a brief break in the meeting. Amendable, Reconsider
Reconsideration	See Rule 14 for complete details. Below is a general description of this rule: <ul style="list-style-type: none"> ➤ Be made on the same day of initial vote or at next regularly scheduled meeting following. ➤ Be made by a member on the <u>prevailing</u> side of the vote, or a member who did not participate in the original question, and shall be seconded by any Council Member. ➤ Requires the affirmative vote of the same majority of Council Members as was required for the original question. 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. Debatable, Table
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: <ul style="list-style-type: none"> ➤ If notice was given: Requires an affirmative vote of at least four (4) members. ➤ If notice was <u>not</u> given: Requires an affirmative vote of at least five (5) members. Debatable, Amendable, Table, Reconsider
Suspend 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. Debatable
To Table	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.
Take from the Table	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. NOTE: Tabled motions to reconsider cannot be taken from the table.

APPENDIX C – SINE DIE PROCEDURE

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

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

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

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

11. Election of the Mayor Pro Tempore

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

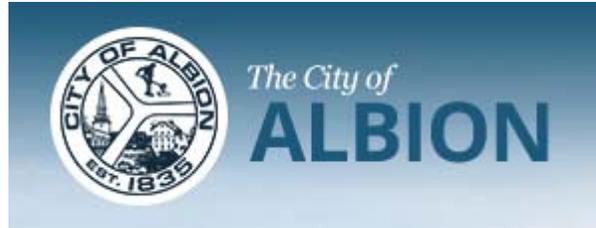
If the motion fails, a motion to elect the second nominee is made and supported, discussed if needed and voted. If approved, the nominee is elected Mayor Pro Tempore. (And so on.)

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



ROLES AND RESPONSIBILITIES OF CITY OFFICIALS

JANUARY 11, 2018

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CITY COUNCIL
CITY OF ALBION

ROLES AND RESPONSIBILITIES OF CITY OFFICIALS

I. General Authority for City Government.

A. 10th Amendment to the United States Constitution reserves to the states rights not delegated to the United States or prohibited to the states by the Constitution.

B. Michigan Constitution of 1963 left local control to cities.

1. Art. VII, § 21, Michigan Constitution of 1963:

“The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.”

2. Art VII, § 22, Michigan Constitution of 1963:

“Under general laws the electors of each city and village shall have the power and authority to frame, adopt and amend its charter, and to amend an existing charter of the city or village heretofore granted or enacted by the legislature for the government of the city or village. Each such city and village shall have power to adopt resolutions and ordinances relating to its municipal concerns, property and government, subject to the constitution and law. No enumeration of powers granted to cities and villages in this constitution shall limit or restrict the general grant of authority conferred by this section.”

C. Concept is “home rule.”

1. As explained in the record of the 1907 Constitutional Convention:

“These provisions constitute a marked advance from the present constitutional provisions relating to cities and villages by doing away with the principle of classification and with special charters, granted and subject to amendment only by the state legislature. The purpose is to invest the legislature with power to enact into law such broad general principles relative to organization and administration as are or may be common to all cities and to all villages, each city being left to frame, adopt and amend those charter provisions which have reference of its local concerns. The most prominent reasons offered for this change are that each municipality is the best judge of its local needs and the best able to provide for its local necessities; that inasmuch as special charters and their amendments are now of local origin, the state legislature will become much more efficient and its terms much shorter if the labor of passing upon the great mass of detail incident to municipal affairs is taken from that body and given into the hands of the people primarily interested.

Under these provisions, cities and villages, as under the present Constitution, will remain subject to the Constitution and all general laws of the state.”

Proceedings and Debates of the Constitutional Convention of the State of Michigan, 1432 (1907).

2. “Home rule” was intended to grant broad local discretion to cities.

Art VII, § 34, Michigan Constitution of 1963 provides, in pertinent part: “The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor.”

3. Home rule is intended to limit the state legislature.

4. However, city authority is limited:

- a. Areas of zoning (*e.g.*, with adult foster care and other “group” homes and day care homes), taxation, and public debt.

- b. More recently, the legislature restricted local authority regarding residency of city officers and employees, gun control, wetlands, private employment issues (*e.g.*, prevailing wage, minimum wage, etc.), “right to farm,” construction codes, right-of-way control (*e.g.*, the Metro Act), etc.

- c. Current legislative bills would restrict local control of rights-of-way related to micro cell antennas and local control of short-term (vacation) rental housing.

D. In this structure, a city charter essentially serves as the local constitution and city ordinances are like statutes.¹

1. Home Rule City Act, 1909 PA 279,² provides:

- a. Required provisions for city charters.

- b. Permissive provisions for city charters.

- c. Authority and processes for forming cities.

- d. Authority and processes for writing, proposing, approving, amending and revising city charters.

2. Other state laws affect city authority.

- a. Taxation is governed by General Property Tax Act, 1893 PA 206³ and myriad other laws.

- b. Authority and processes for undertaking debt is found in Revised Municipal Finance Act, 2001 PA 34,⁴ Revenue Bond Act, 1933 PA 94,⁵ and many other statutes.

- c. Elections are controlled by Michigan Election Law, 1954 PA 116.⁶

- d. Some statutes expressly supersede local charter provisions.

- i. Revenue Bond Act and Michigan Election Law are examples.

¹ Like the Michigan Constitution, a city charter can either be amended by votes of the city’s electors, either via a ballot proposal made by the city’s council/commission or by a proposal initiated by city electors. MCL 117.21 – 117.24. A charter revision can similarly result from proposal put on the ballot by a 3/5 vote of the city council/commission or can be initiated by city electors. MCL 117.18; MCL 117.25. Charter revisions are required for fundamental changes in city government structure. *Midland v Arbury*, 38 Mich App 771(1972). A charter revision results in the election of a charter commission which (like a constitutional convention called for the Michigan Constitution) has no obligation to maintain any parts or concepts in the current charter except as mandated by state law. *Kelly v Laing*, 259 Mich 212, 217(1932).

² MCL 117.1 *et seq.*

³ MCL 211.1 *et seq.*

⁴ MCL 141.2101 *et seq.*

⁵ MCL 141.101 *et seq.*

⁶ MCL 168.1 *et seq.*

ii. Municipal Partnership Act, 2011 PA 258, allows additional powers despite local charter limits.⁷

3. Taxation, borrowing and zoning powers are limited to those expressly provided by law, while for others aspects of local government, cities have necessary and implied powers.

4. Concept is that the people of a city confer certain powers and limits of powers upon the city government.

II. Albion Government Structure.

A. Albion has a “council – manager,” as opposed to a “strong mayor,” form of government.⁸

1. How do we know?

a. “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.” City Charter § 5.1 (emphasis added).

b. “The legislative power of the city is vested exclusively in the council, except as otherwise provided by law.” City Charter § 6.1.

c. “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.” City Charter § 5.4(a).

d. “The office of the **city manager shall be the chief administrative office** of the city. The city manager shall be responsible for the supervising of the administrative departments of the city” City Charter § 7.2(b) (emphasis added).

e. “Except as otherwise provided by the Charter, the city manager shall have the supervision of and the responsibility to implement all matters in the city personnel policy as it relates to city personnel.” City Charter § 7.2(c).

2. This generally means that the Council sets the policy and the manager is the day-to-day administrative officer implementing the Council’s policy.

3. But, each city charter is unique.

⁷ MCL 124.119 states in pertinent part, “Except as otherwise provided in this section, if any provision of this act conflicts with any local charter provision or any local ordinance, the provisions of this act shall control. The authority to enter into a contract pursuant to this act shall not be affected by any condition or limitation that may be imposed by any local charter provision or local ordinance.”

⁸ Proponents of a council/commission-manager form of government contend its advantages include:

It frees up the council to establish policy, rather than engaging in operational matters.

Policy is carried out by a professional city manager and administrative staff.

A city manager working at the pleasure of the majority of the council diffuses the power of special interests while responding to the policy directed by a council majority.

Removes (partisan) politics from municipal personnel and contracting decisions and enables the city manager to select department heads based on qualifications and merit.

Each council member has an equal voice in policy development.

Proponents of a strong mayor (also called “mayor-council” or “mayor-commission”) form of government contend its advantages include:

Day-to-day city operations are overseen by the mayor.

There is more direct accountability to the electors.

Citizens and neighbors know who to address with concerns and requests.

City administrative staff have less control and more accountability.

For a viewpoint, see *Council-Manager or “Strong Mayor,” the Choice is Clear*, dated 2009, Document No. 106142 entitled *Forms of Local Government*, dated 1999, from International City/County Management Association’s website, <http://www.icma.org>.

Detroit, Lansing and Kentwood have strong mayors. Allegan, Battle Creek, Grand Haven, Grand Rapids, Grandville, Holland, Mt. Pleasant, Muskegon, Plainwell, Saline, South Haven, and Wyoming, have a council/commission-manager form of government.

B. Duties and authority of the Manager, the Mayor, and the Council.

1. Manager's duties and authority.

a. Supervision of the administrative departments of the city, including appointing administrative officers, other than the city attorney and members of the city boards. City Charter §§ 7.2(b), 8.2(b).

b. Supervision of and responsibility for all administrative departments of the city and implementing all matters in the city personnel policy. City Charter § 7.2(c).

c. Additionally, under City Charter § 7.2(d):

i. Responsible to the Council for the efficient administration of all administrative departments of the city government.

ii. Recommends to the Council adoption of such measures the Manager deems necessary or expedient and attends Council meetings with the right to take part in discussion, but without the right to vote.

iii. Exercise and perform all administrative functions of the city that are not imposed by law, the Charter or ordinance upon another official.

iv. Enforce all ordinances except as otherwise provided.

v. Appoint the emergency preparedness coordinator.

vi. Compile the annual budget proposal of the city and administer the annual budget.

vii. Perform such other duties as may be prescribed by ordinance or by direction of the Council.

A. Enters into employment agreements with city employees. City Code § 2-27.

B. Adopts administrative regulations. City Code § 2-61.

C. Appoints the planning and community development director. City Code § 2-148.

D. Either the Manager or the Manager's designee serves as purchasing agent. City Code § 2-383.

d. May recommend to the Council to prescribe by ordinance additional powers and duties to city officers and departments. City Charter § 8.17.

e. No other city officer may perform the Manager's duties. City Charter § 7.2(e).

f. If there is a vacancy in the office of Manager, the Council must appoint non-elected person to serve as an interim Manager. City Charter § 7.2(f).

2. Mayor's duties and authority.

a. Ceremonial head and chief executive officer of the city who performs all duties provided or required by law or by the Council. City Charter § 5.4(a).

b. Presiding officer of the Council. City Charter § 5.4(b).

c. 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. City Charter § 5.4(c).

- d. Advise the Council concerning the public affairs of the city and makes recommendations thereon. City Charter § 5.4(d).
 - e. In emergencies, has 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. City Charter § 5.4(e).
 - f. Makes all appointments, subject to Council approval, unless law or ordinance requires appointment by another officer or agency. City Charter §§ 5.4(f), 8.2(b).
 - g. Does not have veto power. City Charter § 5.4(g).
3. Council's duties and authority.
- a. Works through ordinances, resolutions, or motions. This is the only way the Council can act.
 - i. Ordinances. Council Rule 10.
 - A. May be required by law (e.g., to establish some types of authorities or to issue some type of bonds).
 - B. Is required for all acts for which there is a penalty for violation (e.g., city health, safety, traffic codes, etc.).
 - C. Is needed for acts where the city wishes to regulate actions or conduct of persons other than city officers, employees and agents.
 - ii. Resolutions are normally limited to internal affairs or concerns of the city government (e.g., approval of contracts), though resolutions may be specifically authorized for other purposes. Council Rule 9.
 - iii. Motions, by themselves, as opposed to motions to approve a resolution or an ordinance, are generally limited to routine procedural matters and to making decisions placed before the body. Council Rule 11.
 - b. Works as a body.
 - i. The City Charter refers to the powers of the Council, as opposed to the powers of individual Council members.
 - ii. Individual Council members have no authority to act on behalf of or represent the city except as approved by an ordinance, resolution, or motion approved by the Council. Examples include designation to serve as a delegate to an MML body or to serve as the city's representative on another body.
 - c. Sets policy by its actions, adopts budget, approves tax levies (even if vote of the electors is required), approves any borrowing (even if a vote of electors is required), sets city utility rates, and may specially assess.
 - d. Appoints the Manager and city attorney. City Charter § 8.2(a).
 - e. May prescribe duties to, change and consolidate city departments. City Charter § 7.1(h).
 - f. May remove Council members and members of appointive boards from office. City Charter § 8.2(d).
 - g. Meetings.
 - i. Shall hold at least 2 regular meetings in each month. City Charter § 5.6(a).

- ii. Special meetings 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 2 Council members. City Charter § 5.6(b); Council Rule 3(b).
- iii. At least 18 hours' written notice shall be given designating the time and purpose of a special meeting. Open Meetings Act, MCL 15.265; Council Rule 3.
- iv. No business shall be transacted at any special meeting of the Council except that which is stated or given in the notice of the meeting. City Charter § 5.6(f).
- v. All regular and special meetings of the Council shall be public meetings and the public shall have a reasonable opportunity to be heard. City Charter § 5.6(g); Open Meetings Act, MCL 15.263.
- vi. 4 members of the Council shall be a quorum for the transaction of business. If less than a quorum is present, those present may adjourn a meeting to a later date. City Charter § 5.6(h); Council Rule 3.
- vii. Determines its own rules and order of business and keeps of its proceedings signed by the clerk. City Charter § 5.6(i).
- viii. Votes on all matters considered to be taken by "Yes" or "No" votes that, upon the request of any Council member, shall be entered upon the record. City Charter § 5.6(i); Council Rule 17(c).
- ix. Council may compel members and any city officers or employees to attend meetings. City Charter § 5.6(j).
- x. Council members must vote on any question unless excused by a vote of other Council members due to a substantial direct or indirect financial interest. Council Rule 17(b).
 - A. If a Council members asks to be excused from voting due to a conflict of interest, that question must be voted on before the question to which it applies is voted upon and Council members affected may not vote on such determination. City Charter § 5.6(k); Council Rule 17(b).
 - B. Requires a substantial financial interest different than the public at large.
- xi. All official action requires at least 4 votes for approval, unless a larger majority is required by law. City Charter § 5.6(l); Council Rule 17(e).
 - A. May therefore require unanimous vote of those present.
 - B. This is a reason for the duty to vote.
- xii. Clerk, Manager and staff prepare the agenda. City Charter § 5.6(m); Council Rule 8(a).
 - A. No business can be considered by the Council, unless placed upon the agenda by 12:00 p.m., on the day of the meeting
 - B. But, by a vote of at least 5 Council members, agenda may be amended after that to consider another item.
- xiii. Conduct of meetings. Council Rule 5.
 - A. Mayor chairs and presides at meeting.

- B. Mayor arranges seating, preserves decorum and interprets rules.
- C. Council members speak only to the issue on the floor.
- D. Personal comments and attacks are out of order.
- E. Council members may speak only twice until every other Council member has had an opportunity to speak.
- F. Public comments are limited to 3 minutes at public comment periods, which are at the beginning and end of the meeting and during public hearings.
- G. Public comments that are personal, disrespectful, slanderous or profane are out of order, as are debates with other audience members.
- H. Audience applause or cheering is out of order.
- I. Audience members must submit handouts before the meeting, and audio and electronic visual displays are out of order.

III. Particular Matters.

A. Ordinances.

1. Must be in writing to be considered and are to state: "The City of Albion Ordains:" City Charter § 6.3(a).
2. May not be passed at the same meeting introduced, unless declared to be an emergency ordinance by a vote of at least 5 Council members. City Charter § 6.3(b).
3. May be repealed or amended only by an ordinance passed in the manner provided in this section. City Charter § 6.3(c).
 - a. May be repealed by reference to its number or title only. City Charter § 6.3(d).
 - b. If a section of an ordinance is amended, such section shall be re-enacted at length. City Charter § 6.3(e).
 - i. This does not apply to zoning ordinance amendments or to the schedules of one-way streets and of parking limitations in a traffic ordinance. City Charter § 6.3(e).
 - ii. State law also allows publications of summaries for many ordinances rather than of the whole ordinance. MCL 117.3(k).
4. Each shall, after adoption, be identified by a number. City Charter § 6.3(f).
5. Penalties for violations are either municipal civil infractions or misdemeanors with penalties as provided by law, generally \$500 fine and up to 90 days in jail.
6. 2-year statute of limitations on ordinance violations. City Charter § 6.6.

B. Contracts. City Charter § 15.1.

1. Council generally has contracting power to be exercised in accordance with the law.
2. All contracts, except for purchasing in accordance with city purchasing ordinance, must be approved by the Council and signed by the Mayor and the clerk.

C. Budget.

1. Proposed budget presented by Manager. City Charter § 9.2.
2. Approved and amended by Council. City Charter § 9.3.
3. Generally budget approval incorporates annual tax levy. City Charter § 10.11.

IV. Open Government Laws.

A. Purpose and background.

1. Michigan's Open Meetings Act, 1976 PA 267 ("OMA")⁹ and Michigan Freedom of Information Act, 1976 PA 442 ("FOIA")¹⁰ were enacted in 1976 as part of a nationwide effort to open government decision making and communication.
2. Both therefore predate e-mail, text messaging, Twitter, Facebook, cell phones, and other modern forms of electronic communication.
3. Neither has been amended to specifically refer to electronic communications.
4. Michigan courts and the Attorney General interpret the OMA and FOIA to apply to electronic communications.

B. Open Meetings Act.

1. Generally: All decisions and deliberations of a public body are required to be made at an open public meeting.
2. Exceptions: Certain exceptions apply under limited circumstances (*i.e.*, a closed session to consider information exempt from disclosure, like legal opinions under FOIA). Exceptions are narrowly construed.

C. Freedom of Information Act.

1. Generally: All public records of a public body are subject to disclosure.
2. Exemptions: Certain public records "may" be withheld from disclosure, but exemptions are narrowly construed.

D. Communications by and among Council members are governed by the OMA and FOIA.

1. Communications aimed at making a decision outside a public meeting violate the OMA.
 - a. Applies whether in person, verbally, or in a written form, even if on a personally owned electronic device.
 - b. Applies to communications during a meeting.
 - c. "Politicking," lobbying, or informal canvassing are not violations of the OMA.
2. Electronic communications and documents that stored on a computer or on the computer server of a public body are public records under the FOIA.
3. If used for or in relation to any city matter, a personally owned computer or other electronic device (*i.e.*, personal cell phone) may also be subject to the FOIA and subpoena.
4. State mandated records retention requirements compel that even those messages stored on personally owned devices be maintained.

⁹ MCL 15.261 *et seq*

¹⁰ MCL 15.241 *et seq*.

5. In case of a FOIA lawsuit or a subpoena in any lawsuit, a personally owned electronic device could be subject to forensic examination.
 - a. Personal records could also be viewed.
 - b. It is difficult to fully delete information on electronic devices.
6. Everything on a publicly owned electronic device may be a public record. (There are a few exceptions, but they are very narrowly construed.)

V. Best Practices.

- A. You are a city official, so:
 1. Whatever you do or say reflects on the city.
 2. Some will perceive that whatever you say reflects city policies or attitudes.
- B. The city will designate one or more spokespersons on issues.
 1. If you are a spokesperson:
 - a. Be careful in choosing words and phrases.
 - b. Check your facts.
 - c. Be sure you know and understand the nuances of applicable ordinances, resolutions and policies.
 - d. Be positive.
 2. If you are not the spokesperson, don't speak on for the city except to refer an inquiry to the right person(s).
- C. Support city policies and personnel.
 1. When disagreeing with a policy, advocate change. But, support it until it is changed.
 2. When disagreeing with personnel, inquire of the Manager.
 3. When disagreeing with the Manager, discuss concerns:
 - a. First with the Manager.
 - b. Then, if unsatisfied, with other Council members.
- D. Council
 1. When approached by interested entities, persons or media representatives:
 - a. Refer them to appropriate personnel.
 - b. Ask questions to understand.
 - c. Inquire of the Manager.
 - d. Advocate for a change in an appropriate manner.
 2. Do not try to direct, counsel, or otherwise influence city personnel, except the Manager.
 3. Periodically:
 - a. Establish written goals and objectives for the City Manager.
 - b. Provide written feedback to (evaluate) the City Manager.

- c. Hold the Manager accountable for:
 - i. Meeting goals and objectives.
 - ii. City operations.
 - iii. Complying with budget.
 - iv. Other parts of job description.
 - v. Providing information to the Council.
 - vi. Treating everyone fairly and equally in compliance with the law and city policies.
- 4. Expect all Council members will have the same information.
- 5. Advocate for policies, not for particular businesses, individuals or in particular cases.
- 6. Refrain from making promises to citizens or staff outside of official Council action.
- 7. Allow and enable the City Manager to manage.
 - a. To extent possible, publicly support City Manager and staff.
 - b. Concerns should, to extent possible, be expressed in non-public settings.
 - c. Encourage innovation.
 - d. Collaborate on goals, outcomes, and measurements.
 - e. Protect City Manager from politics.
- 8. Accept and support decisions of the body until a majority of the body decides to change a policy.
- E. City Manager:
 - 1. Respect and listen to Council members.
 - 2. Understand individual Council members may have views, but policy is set and direction given by a majority of Council members.
 - 3. Keep Council members fully informed about city matters.
 - 4. Treat everyone, including all Council members, fairly and equally in compliance with the laws and city policies.
 - 5. Comply with laws and city policies.
 - 6. Respect and listen to business owners, citizens and others.
 - 7. Advise Council based on experience, expertise, research and other available information, presenting all relevant information.
 - 8. Stay out of politics – be aware, but not a participant.
 - 9. Accept and implement Council decisions.
- F. Be careful about written words.
 - 1. Avoid defamation.
 - 2. Ensure they are accurate and carefully phrased.
 - 3. Ensure they comply with laws and policies.

4. Ensure they are not deliberations outside of meetings.
 5. Assume they could become public.
- G. Assume every word or action could be recorded.

VI. Hypotheticals.

- A. A citizen seeking a change in snow plowing.
- B. A business wants assurances of city contract.
- C. Concerns are raised about police conduct.
- D. Staff member or her representative has a request, wanting to know if she can “count on you.”
- E. Public comment includes a personal attack.
- F. You have concerns about a closed session.
- G. A developer is seeking full support for a new project.
- H. You believe official statements are inaccurate or incomplete.
 - I. Speaker at a public hearing comments on matters outside the scope of the hearing.
 - J. Speaker turns to or addresses one or more audience members.

VII. Questions.

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Albion City Council

Rules of Procedure

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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 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. [Section 5.6g]

(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) Council Members.

Council Member 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 mean 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 the most current edition of *Robert’s Rules of Order*, for guidance in developing procedures for the conduct of meetings and shall not be 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.

(f) The Mayor shall hold regular, weekly meetings or conference calls with the City Manager to confer on city business and upcoming agendas. It is expected that the City Attorney shall be present, as needed to provide legal counsel and perspective. The dates and times are to be set, along with regular council meetings, and announced to council and the community, though flexibility shall be allowed from meeting to meeting.

(g) Roles and Responsibilities of City Officials are clarified in Appendix A.

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

(a) On the first Monday in December following their election, newly elected members of City Council shall take the oath of office and assume the duties of their office. [*Section 5.3*] See *Appendix B for Sine Die procedure.*

(b) On the first Monday in December after each City general election, the City Council shall appoint one of its elected members to serve as Mayor Pro Tem. [*Section 5.5*]

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 prescribed by resolution beginning at 7:00 p.m. 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; Section 5.6*]

(b) Special meetings: (*City Charter 5.6*) 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. If the capacity of the council Chambers is deemed insufficient to hold the audience that wishes to attend the council meeting, council may decide to move the meeting to a larger venue.

At least eighteen 18 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 their 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.

(c) Study Sessions: In addition to regular and special meetings, the Council may hold study sessions from time to time for deliberating towards a decision on any matter or to adopt a motion. All other decisions as a result of deliberations during study sessions shall be made only at a subsequent regular or special meeting. The study sessions shall be open to the public and shall comply with the posting requirements of Act 267, Michigan Public Acts for 1976, as may be amended. For the purpose of posting only, the study sessions shall be considered as special meetings.

(d) Closed Meetings/Executive Sessions - In accordance with the Open Meetings Act, MCL 15.268, the council may meet in a closed session only for one or more of the permitted purposes:

- (1) To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, employee, staff member, or individual agent, if the named person requests a closed hearing.
- (2) For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if either negotiating party requests a closed hearing
- (3) To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.

- (4) To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the city.
- (5) To review and consider the contents of an application for employment or appointment to a public office if the candidate requests that the application remain confidential. However, all interviews by the city for employment or appointment to a public office shall be held in an open meeting pursuant to the Open Meetings Act.
- (6) To consider material exempt from discussion or disclosure by state or federal statute.

(e) *Standing committees*: In accordance with [Section 5.6(b)] 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 Council Members 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, any number of members less than a quorum may adjourn any regular or special meeting. [5.6(h)] 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 Council Member present. The City Attorney normally shall be the advisor of the chair on any point of order or procedure under these rules. While the Chair is putting any questions or while the roll is being called by the Clerk/Treasurer, no Council Member shall leave their seat or entertain private discourse. When a Council Member is speaking, said Council Member shall not be unduly interrupted. The Chair shall, at all times, preserve order and decorum. The Chair 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 Chair in preserving order and decorum.

(c) *Council Members*: When a Council Member is about to speak, said member shall respectfully address the Mayor only. When two or more Council Members wish to speak at the same time, the Mayor shall name the Council Member who is first to speak. The Council Member seeks recognition by raising their hand. The Council Member shall confine their speech to the question under debate and avoid personalities. Personal comments about or attacks upon other Council Members and/or City Staff members are prohibited. No Council Member 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 Council Member shall speak for more than ten minutes at any time without leave from the Council by a majority vote of the members present.

5.c.1 Call Member to Order: If any Council Member, in speaking or otherwise, transgresses the rules of the Council, the Mayor shall, or any Council Member may, call said Council Member to order. The question of order shall be decided by the Mayor, without debate, subject to appeal.

5.c.2 Preserving Order: While the Mayor is putting any questions or while the roll is being called by the Clerk/Treasurer, no Council Member shall leave his/her seat or entertain private discourse. When a Council Member is speaking, said Council Member shall not be unduly interrupted.

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

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

RULE 6. PUBLICATION OF NOTICES

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

RULE 7. CITIZEN PARTICIPATION

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

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

(1) *Public hearings*: When a public hearing on a matter has been scheduled, City Council will hear and consider any comments presented by interested parties or audience members on the specific subject of the hearing. The chair may, if appropriate, limit the amount of time per person based on the requests and determine when the public has had its opportunity to be heard. Public speakers may address the council on the issue of the public hearing for one three (3) minute period.

(2) *Public comment*: Speakers have two opportunities to speak. At the start of the council meeting, speakers may address the City Council on agenda items only, for one three (3) minute period. Additionally, at the conclusion of the agenda, speakers may address the council on any issue they wish to speak, also for one three (3) minute period.

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

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

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

(f) Written communications: Individuals or groups are encouraged to submit written comments to the City Council via mail, e-mail or delivered to the City Clerk's office for distribution. If requested by the writer, the communication may be added to the appropriate agenda for receipt and/or action as deemed appropriate by the City Council.

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

RULE 8. AGENDAS AND ORDER OF BUSINESS

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

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

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

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

- Call to order
- Moment of Silence
- Pledge of Allegiance
- Roll call
- Mayor and Council Members Comments
- Reports from the City Manager, and other City officers, committees, boards or commissions
- Presentations: These items include proclamations, commendations and recognitions or items prepared by City administration, City boards and commissions or other City-related agencies.
- Public Hearings: Resolutions and/or ordinances applicable to a public hearing shall be considered immediately following the hearing.
- Public Comment – Persons addressing the City Council shall limit their comments to agenda item only, and to no more than 3 minutes. Proper decorum is required.
- Consent Calendar: Approval of all meeting minutes called by council (regular, special, study sessions, etc.)
- Items for Individual Discussion – The work of the council; approval of resolutions, ordinances, Tabled items, action of the City Manager that requires approval of council, council items of discussion, approval of board appointments, Approval of contracts, etc.
- Future Agenda Items – Individual members of council and the Mayor may bring future agenda items to the floor for discussion and approval.
- Motion to Excuse Absent Council Member.
- Public Comment – Persons addressing the City Council shall limit their comments to no more than three (3) minutes. Proper decorum is required.
- Adjournment

RULE 9. RESOLUTIONS

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

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

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

RULE 10. ORDINANCES

- a) An ordinance is a legislative act establishing a more permanent influence on the City other than a resolution and requires greater formalities in its adoption. In addition to other acts required by law or by specific provision of the City Charter to be adopted by ordinance, acts which do any of the following shall be by ordinance:
 - a. Each proposed ordinance shall be introduced in written form. The style of all ordinances passed by the council shall be, "The City of Albion Ordains:"
 - b. No ordinance shall be passed at the same meeting at which it is introduced, unless it is declared to be an emergency ordinance by a vote of not less than five (5) members of the council.
 - c. An ordinance may be repealed or amended only by an ordinance passed in the manner provided in this section.
 - d. An ordinance may be repealed by reference to its number or title only.
 - e. If a section of an ordinance is amended, such section shall be re-enacted and published at length. This requirement shall not apply to zoning ordinance amendments or to the schedules of one-way streets and of parking limitations contained in any traffic ordinance.
 - f. Each ordinance, after adoption, shall be identified by a number.
 - g. Each ordinance shall be recorded by the clerk forthwith in the ordinance book, and the enactment of such ordinance shall be certified by him therein by his signature.

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

RULE 11. MOTIONS

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

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

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

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

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

- to adjourn – undebatable
- to rise to a question or privilege – undebatable
- to lay on the table – undebatable
- to call for the previous question – undebatable
- to limit or extend limits of debate – undebatable

- to postpone to a certain day – undebatable
- to commit or refer, or recommit, to a committee –undebatable
- to amend – debatable
- to postpone indefinitely – debatable
 - (f) See Appendix “A” for a “Chart of Motions” listing details about the handling of the various types of motions.

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

(g) *Ask for Previous Question*: When the previous question is moved, it shall be put in these words: “I move the previous question.” This shall be ordered only by a majority of the members present. The effect of the previous question shall be to put an end to all debate and to bring the Council to a direct vote on the pending question or questions in their order down to, and including, the main question. If the previous question is not ordered, the consideration of the subject shall be resumed as though no motion for the previous question has been made.

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

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

RULE 12. APPEALS

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

RULE 13. POINT OF ORDER

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

RULE 14. RESCIND

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

RULE 15. SUSPEND THE RULES

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

RULE 17. VOTING

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

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

- (1) Except for public contracts governed by the Contracts of Public Servants with Public Entities Act (Act 317 of 1968), no member of the City Council shall have an interest, directly or indirectly, in any contract, job or work with the City. No member of the City Council shall be financially interested directly or indirectly in the sale to the City of any land, materials, supplies or services. This does not apply to the official services of his or her office.
- (2) The foregoing prohibitions of paragraph (a) above, as they apply to a Council Member or Council Members, shall not apply if the City Council shall declare on its records by an affirmative vote of five (5) of the remaining members of the City Council that the best interests of the City are served despite a personal interest, direct or indirect, and if in compliance with the Contracts of Public Servants with Public Entities Act (Act 317 of 1968).
- (3) If a Council Member shall have a conflict or believes he/she may have a potential conflict of interest as shown in paragraph (a), the member shall immediately disclose the nature and extent of his or her interest prior to the consideration of the agenda item involved. If it is determined, in consultation with legal counsel and review of the Charter and state law that a conflict does not exist, or the City Council has declared on its record the best interests are served despite the personal interest, the member may participate in the deliberations and shall vote on such matter.

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

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

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

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

RULE 18. AMEND/REPEAL RULES

These rules may be amended or repealed by resolution of the City Council and shall not be finally passed at the same meeting at which it is introduced, and such resolution shall be postponed for final

consideration until the next regular meeting or until such further time as the City Council shall determine. This rule shall not be suspended.

Appendix A: Roles and Responsibilities of City Officials.

Insert from Scott Smith document

Appendix “B Chart of Motions

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

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

Chart of Motions

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

Motion	Explanation
Postpone to Another Day or Time	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. Debatable, Amendable, Reconsider
Postpone Indefinitely	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. Debatable, Reconsider* (<i>*Only an affirmative vote can be reconsidered.</i>)
Recess	Establishes a brief break in the meeting. Amendable, Reconsider
Reconsideration	See Rule 14 for complete details. Below is a general description of this rule: <ul style="list-style-type: none"> ➤ Be made on the same day of initial vote or at next regularly scheduled meeting following. ➤ Be made by a member on the <u>prevailing</u> side of the vote, or a member who did not participate in the original question, and shall be seconded by any Council Member. ➤ Requires the affirmative vote of the same majority of Council Members as was required for the original question. 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. Debatable, Table
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: <ul style="list-style-type: none"> ➤ If notice was given: Requires an affirmative vote of at least four (4) members. ➤ If notice was <u>not</u> given: Requires an affirmative vote of at least five (5) members. Debatable, Amendable, Table, Reconsider
Suspend 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. Debatable
To Table	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.
Take from the Table	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. NOTE: Tabled motions to reconsider cannot be taken from the table.

APPENDIX C – SINE DIE PROCEDURE

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

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

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

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

11. Election of the Mayor Pro Tempore

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

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

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