

RULES OF PROCEDURE FOR THE LOWELL CITY COUNCIL

A. REGULAR AND SPECIAL MEETINGS

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

1. Regular meetings

Regular meetings of the City Council will be held on the first and third Monday of each month beginning at 7:30 p.m. at the City office unless otherwise rescheduled by resolution of the Council.

2. Special Meetings

A special meeting shall be called by the Clerk upon the written request of the Mayor or any three members of the Council on at least 24 hours' written notice to each member of the Council served personally or left at the Councilmember's usual place of residence. Special meeting notices shall state the purpose of the meeting. No official action shall be transacted at any special meeting of the Council unless the item has been stated in the notice of such meeting.

3. Posting requirements for regular and special meeting

- a. During the second regular meeting of December, the City Council will establish the dates, times and places of the regular bimonthly Council meetings. The listing will be posted in the City offices.
- b. For a rescheduled regular or a special meeting of the Council, a public notice stating the date, time and place of the meeting shall be posted at least 18 hours before the meeting at the City office.
- c. The notice described above is not required for a meeting of the Council in emergency session in the event of a severe and imminent threat to the health, safety or welfare of the public when two-thirds of the members of the Council determine that delay would be detrimental to the City's efforts in responding to the threat.

4. Minutes of regular and special meetings

The Clerk shall attend the Council meetings and record all the proceedings and resolutions of the Council and the Open Meetings Act. In the absence of the Clerk, the City Manager may appoint a member of City staff to temporarily perform the Clerk's duties.

Within 15 days of a Council meeting, a synopsis showing the substance of each separate decision of the Council or the entirety of the Council proceedings shall be prepared by the Clerk and shall indicate the vote of the Councilmembers. After the Council approves this document, it shall be published in a newspaper of general circulation in the City.

A copy of the minutes of each regular or special Council meeting shall be available for public inspection at the City offices during regular business hours.

5. Study Sessions

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

B. CONDUCT OF MEETINGS

1. Meetings to be public

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

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

The City Clerk shall record all regular and special City Council meetings by audio device. Upon approval of that meeting's minutes, the audio shall be destroyed except in the absence of a video. The meetings shall be videoed. These will be stored on computer disk and available to the public for reviewing.

2. Agenda preparation

An agenda for each regular Council meeting shall be prepared by the City Manager with the following order of business:

- a. call to order; pledge of allegiance, roll call
- b. approval of the agenda
- c. approval of minutes from the preceding regular and/or special meetings
- d. approval of accounts payable
- e. citizen comments for items not on agenda
- f. agenda items for Council review and consideration including public hearings
- g. council comments
- h. monthly reports prepared for the second regular meeting of the month
- i. manager's report
- j. appointment to the Commissions and Boards
- k. adjournment

Any Councilmember shall have the right to add items to the regular agenda before the meeting commences.

3. Agenda distribution

The Councilmembers receive their agendas by the Friday evening before the Monday meeting to their place of residence.

4. Quorum

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

5. Attendance at council meetings

Election to the City Council is a privilege freely sought by the nominee. It carries with it the responsibility to participate in Council activities and represent the residents of the City. Attendance at Council meetings is critical to fulfilling this responsibility.

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

6. Presiding officer

The presiding officer shall be responsible for enforcing these rules of procedure and for enforcing orderly conduct at meetings. The Mayor is the presiding officer. The Mayor Pro Tem shall preside in the absence of the Mayor. In the absence of the Mayor and Mayor Pro Tem, the member present who has the longest consecutive service on the Council shall preside.

7. Disorderly conduct

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

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

C. CLOSED MEETINGS

1. Purpose

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

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

2. Calling closed meetings

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

3. Minutes of closed meetings

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

D. DISCUSSION AND VOTING

1. Rules of parliamentary procedure

The rules of parliamentary practice as contained in the latest edition of Robert's Rules of Order shall govern the Council in all cases to which they are applicable, provided that they are not in conflict with these rules, City ordinances or applicable state statutes. The Mayor may appoint a parliamentarian.

The chair shall preserve order and decorum and may speak to points of order in preference to other Councilmembers. The chair shall decide all questions arising under this parliamentary authority, subject to appeal and reversal by a majority of the Councilmembers present.

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

2. Conduct of discussion

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

No member shall speak more than once on the same question until every member desiring to speak to that question shall have had the opportunity to do so.

The chair, at his or her discretion and subject to the appeal process mentioned in Section D.1., may permit any person to address the Council during its deliberations.

3. Ordinances and resolutions

No ordinance, except an appropriation ordinance, an ordinance adopting or embodying an administrative or governmental code or an ordinance adopting a code of ordinances, shall relate to more than one subject, and that subject shall be clearly stated in its title.

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

4. Roll call

In all roll call votes, the names of members of the Council shall be called in alphabetical order.

5. Duty to vote

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

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

The right to vote is limited to the members of Council present at the time the vote is taken. Voting by proxy or by telephone is not permitted.

All votes must be held and determined in public; no secret ballots are permitted.

6. Results of voting

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

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

E. CITIZEN PARTICIPATION

1. General

Each Council meeting agenda shall provide for reserve time for citizen comments as requested.

2. Length of presentation - public hearings and public participation

Members of the public at the meeting shall not speak unless recognized by the chair. Members of the public shall be limited to speaking for a maximum of five (5) minutes during any public hearing or public comment. A person representing a group and speaking on behalf of same shall be allowed ten (10) minutes to address Council. Clerk to notify chair when time is up.

At the discretion of the chair, the time for speaking may be added or reduced.

3. Person addressing the City Council

Prior to addressing Council, members of the public shall state their name and address and, if appropriate, group affiliation. The Council may in its discretion limit public comments to new information or matters not fully addressed at any previous meeting regarding the agenda item at issue. No person shall have the right to speak more than once on any particular subject until all other persons wishing to be heard on that subject have had the opportunity to speak.

4. Deviation

Either in his/her discretion, or upon the request of a member of the Council, the Mayor may recognize a member of the audience who shall be permitted to address the Council at a time other than audience participation; however, all other rules as provided herein shall apply.

5. Request to speak during citizen comments

Any person who wishes to speak on a subject not on the printed agenda may speak at this time. All rules of conduct still apply.

6. Requests to speak during regular agenda items

Any person who wishes to speak on an item included on the printed meeting agenda may do so. Speakers will be recognized by the Chair, at which time they will be required to state their name and will be allowed five (5) minutes maximum to address the Council. A speaker representing a subdivision association or group will be allowed ten (10) minutes to address the Council.

F. MISCELLANEOUS

1. Adoption and amendment of rules of procedure

These rules of procedure of the Council will be placed on the agenda of the first meeting of the Council following the seating of the newly elected Councilmembers for review and adoption. A copy of the rules adopted shall be distributed to each Councilmember.

The Council may alter or amend its rules at any time by a vote of a majority of its members after notice has been given of the proposed alteration or amendment.

2. Suspension of rules

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

3. Bid awards

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

4. Special committees

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

5. Authorization for contacting the City Attorney

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

- Mayor and City Councilmembers
- City Manager
- City Department Heads (upon approval of the City Manager)

G. CERTIFICATE OF ADOPTION

Certified to be complete and accurate set of Rules of Procedures of the City Council of the City of Lowell, Michigan adopted by resolution of its regular meeting held October 20, 2008.

Date: October 20, 2008

Betty R. Morlock, City Clerk
City of Lowell