

**COUNCIL RULES OF PROCEDURE POLICY
GENERAL LAW VILLAGE
VILLAGE OF LAKEVIEW**

RULES POLICY OF THE LAKEVIEW VILLAGE COUNCIL

A. REGULAR AND SPECIAL MEETINGS

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

1. Regular Meetings

Regular meetings of the Village Council will be held on the 2nd Monday of each month beginning at 7:30 p.m. in the Village Office unless otherwise rescheduled by resolution of the Council. Council meetings shall conclude no later than 9:00 p.m., subject to extension by the council.

2. Special Meetings

A special meeting shall be called by the Clerk upon the written request of the Village President or any three members of the Council on at least 24 hour's written notice to each member of the Council served personally or left at the council member's usual place of residence. 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. Special meeting notice should state the purpose of the meeting.

3. Posting Requirements for Regular and Special Meetings

a. Within ten days after the first meeting of the council following the November elections a public notice stating the dates, times and places of the regular monthly council meeting will be posted at the Village office. (Villages without a principle office must post in the county clerk's office.)

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 meeting at the Village office. (Village without a principle office must post the notice in the county clerk's 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 Village's efforts in responding to the threat.

d. The Michigan Open Meetings Act requires copies of the "notice of public meetings" to be provided by first-class mail upon request and the payment of a reasonable yearly fee for the costs of printing and postage. The Clerk shall notify without charge, any newspaper, radio or television station of such meeting schedule, schedule changes or

special meetings, whenever such newspaper, radio or television stations shall have filed with the Clerk a written request for such notice. The Clerk shall also notify other individuals or organizations of regular meeting schedules, changes in the schedule or special meetings, but only upon their request and agreement to pay for printing and postage expenses.

4. Minutes of Regular and Special Meetings

The clerk shall attend the Council meetings and record all the proceedings and resolutions of the Council in accordance with (Section 64.5 of the General Law Village Act of 1895 as amended and) the Open Meetings Act. In the absence of the clerk, the council may appoint one of its own members or another person to temporarily perform the clerk's duties.

Within fifteen (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 council members to be published in a newspaper circulated in the village, if there is one, within fifteen (15) days after the meeting or posted in three public places in the village.

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

5. Study Sessions

Upon the call of the Village President of the Council with appropriate notice to the council members and 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 council member 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 Village 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 and its committees shall be open to the media, freely subject to recording by radio, television and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meetings.

2. Agenda Preparation

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

- a. Call to order and roll call of Council
- b. Approval of Agenda

- c. Public Comments
- d. Standing Items
 - Approval of Council minutes
 - Approval of Bills
- e. Monthly Reports
 - Monthly reports, (Police & DPW)
 - Attorney/Consultant reports, etc.
- f. Old Business
- g. New Business
- h. Manager Information and Comments and Announcements
- i. Committee Reports
- j. Adjournment

Any council member shall have the right to add items to the regular agenda before it is approved.

3. Agenda Distribution and Materials

Meeting packets to go out on the Thursday before a meeting. The packets shall be delivered to each council members place of residence in a pre-established location. Information, materials and agenda requests, to be considered by Council, shall be made or presented to the Village Manager on the Wednesday before the meeting.

4. Quorum

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

5. Attendance at Council Meetings

Election to the Village Council is a privilege sought by the nominee. It carries with it the responsibility to participate in Council activities and represents the residents of the Village. Attendance at Council meetings is critical to fulfilling this responsibility. The Village Council is empowered by Section 65.5 of Act 3 of 1895 as amended to adjourn a meeting if a quorum is not present and compel attendance in a manner prescribed by its ordinance.

The Council may excuse absences for cause. If a council member has more that three unexcused successive absences for regular or special meetings of the Council, the Council may enact a resolution of reprimand. In the event that the member's absences continue for more than three successive regular or special meetings of the Council, the Council may enact a resolution of censure, or request the council member'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 Village President is ordinarily the presiding officer. The Village Council shall appoint one of its members president pro tempore, who

shall preside in the absence of the president. In the absence of both the president and the president pro tempore, the member who has the longest consecutive service on the Council shall preside.

9. Disorderly Conduct

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

If the person so engages in presentation shall be called out of order, he or 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 disruptive 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.

(Suggest ordinance prepared by Municipal Attorney to stipulate procedures for risk, limits and force allowed to eject a disorderly person)

C. CLOSED MEETINGS

1. Purpose

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

- a. To consider the dismissal, suspension, or discipline 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 village attorney or another attorney representing the village 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 the council 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 Meeting

At any regular or special meeting council members by a two-thirds vote of the council members elected or appointed and sworn may call a closed session except under Sections 1a and 1b above. The roll call vote and purpose for calling the closed meeting shall be entered into the minutes of the meeting at which the vote is taken.

3. Minutes of Closed Meeting

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 Roberts 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, the ordinances of the Village of Lakeview, or state statutes applicable to the Village Lakeview. The President may appoint a parliamentarian.

The Chair shall preserve order and decorum and may speak to points of order in preference to other council members. The Chair shall decide all questions arising under this parliamentary authority and shall be subject to appeal, which shall be determined by a majority of the council members present.

Any member may appeal to the Council from 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 presiding officer may briefly state the ruling. There shall be no debate on the appeal and none other 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 raised by another member. Speakers should address their remarks to the Chair, maintain a courteous tone, and avoid interjecting a personal note into the debate.

No member shall speak more than once on the same subject to the appeal process mentioned in Section D1. Chair may permit any person to address the council during its deliberations.

3. Ordinances and Resolutions

No ordinance except an appropriate 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, which 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 an 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 of the Village Ordinance.

4. Roll Call

The names of the members of Council shall be called by the President with the President voting last.

5. Duty to Vote

Election to a deliberating body carries with it the obligation to be a voting member. Council members present at a council meeting are expected to vote on every matter before the body. Unless otherwise provided by law or excused by the council, a member of the village council who is recorded as present shall vote on all questions decided by the council. A council member who is present and does not vote shall be counted as voting with the prevailing side and shall be so recorded.

Conflict of interest, as defined by statute (Public Act 317 of 1968 as amended) shall be the sole reason for a member to abstain from voting. No member shall abstain from voting unless the member states his or her conflict of interest. If a question of conflict of interest arises, the Council shall by a simple majority vote of those present determine whether a conflict exists.

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.

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 council member voting in the majority to move for a reconsideration of the vote on any question at that meeting or at the next succeeding meeting of the council. When a motion to reconsider fails, it can not be renewed.

E. CITIZEN PARTICIPATION

1. General

Each council meeting agenda shall provide for time for general audience participation.

If requested by a member of the Council, the presiding officer shall have the discretion to allow a member of the audience to speak.

2. Length of Presentation

Any person who addresses the Village Council during a council meeting or public hearing shall be limited to five (5) minutes in length per individual presentation. The Clerk will maintain the official time and notify the speaker when the time is up.

3. Addressing the Council

When persons address the Village Council, they shall state their name and home address. They should confine discussion to the question at hand and to its merits. Speakers should address their remarks to the Chair, maintain a courteous tone, and avoid interjecting a personal note into debate. 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 the opportunity to speak. Minutes shall be kept from public forum and recorded with council minutes.

F. MISCELLANEOUS

1. Adoption and Amendment of Rules and Procedures

These rules of procedures of the Village Council will be reviewed and adopted by a majority vote at the first meeting of the Council following the seating of the Council members elected in November. A copy of the rules adopted shall be distributed to each council member.

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

2. Suspension of Rules

The rules of the Village Council may be suspended for a specific portion of a meeting by an affirmative vote if 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 Village Council during regular meeting. A bid award may be made at a special meeting of the Council if that action is announced in the notice of the special meeting.

4. Committees

a. Standing and Special Committees of Council

The Village Council shall have the following standing committees:

1. Water/Sewer/Streets
2. Personnel and Finance
3. Airport and Public Safety
4. Cemetery and Parks, Buildings and Grounds.

Committees will serve terms of one year and will be appointed by the Village President. They shall be members of the Council. The President may fill any committee vacancies.

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

b. Citizen Task Forces

Citizen task forces may be established by a resolution of the Council which specifies the task to be accomplished and the date of its dissolution. Members of such committees will be appointed by a majority vote of the Village Council.

5. Authorization for Contacting Village Attorney

In the event that the Village hires outside legal services, only the President or President ProTem or Village Manager in the course of his or her duty or as directed by President or Pro Tem have the Authority to contact said attorney.

This Policy of Council Procedure is declared adopted by Village Council at a regular meeting on this date January 10, 2010 and is to become effective immediately.

Edwin Winter, Village President

James R. Freed, Village Clerk