

**Village of Lakeview**

**Rules of the Village Council and Code of Conduct**



April 11, 2023

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**Statement of Purpose**

The residents and businesses of the Village of Lakeview are entitled to have a fair, ethical, and accountable municipal government which has earned the public’s full confidence for integrity. The Village of Lakeview’s strong desire to fulfill this mission requires that:

- public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government;
- public officials be independent, impartial and fair in their judgment and actions;
- public office be used for the public good, not for personal gain or agenda; and
- public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Village of Lakeview has adopted these Rules of the Village Council and Code of Conduct for elected officials and members of appointed boards, commissions and committees to promote public confidence in the integrity of local government and its effective and fair operation.

**Council-Manager Government**

The Village of Lakeview functions under the Council-Manager form of government, the fastest growing form of government in the United States today. The Council-Manager form of government is based on the separation of roles and responsibility between the Village Council and the Village Manager for the effective and efficient investigation, deliberation, and delivery of services. The Village’s goals are best achieved when there is an open, dynamic, and cooperative working relationship built on trust between the Village Council as a body, the Council Members as individuals, and the Manager. This relationship is

further enhanced by the understanding that each person is conducting themselves in their role in a reasonable, responsible, and accountable manner while working together in the best interest of the citizens of the Village of Lakeview. It is important that everyone involved has a shared understanding of the roles of each involved person and body.

### **Village Council**

The Village Council legislates through ordinances and resolutions but may not exceed the scope of authority the body is granted through the Village's charter and state law. In a council-manager government, the President and council members are the leaders and policy makers elected to represent the community. The President acts as the Chair of the body but does not have veto power and is considered a voting member of the body like the other council members. The Village Council acts as policy makers and long-term and short-term goal setters. They focus on policy issues that are responsive to citizens' needs and wishes. The Village Council is also responsible for approving the Village's budget and all capital improvement plans.

A Village Council member is a goal setter who helps develop a vision for the community and helps establish goals and milestones. Council members must remember they are elected to make decisions as a collective body, not to act as individuals or apart from the Council as a whole.

### **Village Manager**

The Village Manager is the chief administrative officer for the Village of Lakeview. Major responsibilities include oversight of and preparation of the annual budget and long-range financial planning, supervision of all Village departments, coordination and development of programs and services and the implementation of Village Council's strategic priorities and policy decisions. The Village Manager is also responsible for recruiting, hiring, and supervising staff; and serving as the Council's chief adviser.

The Village Manager may make policy recommendations to the Council, but the council may or may not adopt them and may modify the recommendations. The Village Manager also provides regular reports and updates to the Village Council on these items. The Village Manager is bound by whatever official action is taken by the Council.

The Village Manager reports to and is appointed by the Village Council under the Council-Manager form of government.

### **Regular Meetings**

1. Regular meetings of the Village Council will be held on the second Tuesday of each month beginning at 7:00 p.m., local prevailing time, in the Council chambers, at the Lakeview Municipal Complex, 208 S. Lincoln Ave, Lakeview, Michigan, unless special circumstances, e.g., holidays, closing of the Municipal Complex, etc., warrant otherwise.

2. All meetings shall be governed by and subject to all applicable provisions of the Village Charter and relevant Michigan Statutes, including, but not limited to, the Open Meeting Act, MCL 15.261 et seq.; MSA 4.1800 (1) et seq. as amended.
3. The President and Village Council should have a reasonable knowledge of the rules and conduct the Council has adopted. This will keep the meeting moving smoothly and efficiently, with a clear indication of each item's disposition.
4. The rules of parliamentary procedure as contained in Robert's Rules of Order, most recent edition, shall govern Council meetings in all cases to which they are applicable, provided they are not in conflict with these Rules, the Ordinances and Charter of the Village of Lakeview, and/or any applicable state or federal law.
5. The President shall preserve order and decorum and may speak to points of order in preference to other Councilmembers. The President shall decide all questions arising under this parliamentary authority, subject to appeal and reversal by a majority of the Councilmembers present.
6. Any member may appeal a ruling of the President to the Council. If the appeal is seconded, the member making the appeal may briefly state the reason for the appeal and the President 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 President is sustained; otherwise, it is overruled.
7. The President, or in his/her absence or direction, the President Pro Tem shall at the fixed time take the Chair for the convening of the Village Council to order. Upon the appearance of a quorum, the Council shall be in session. In the event that both the President and President Pro Tem are absent from a meeting, the Council member having served the longest uninterrupted term of office as a Council member shall take the Chair for the purpose of calling the Council to order.

#### **Requirements for Regular, Special and Closed Session Meetings**

1. Within 10 days after the December meeting of Village Council, a public notice stating the dates, times and places of the regular monthly Council meetings for the following calendar year will be posted at the Lakeview Municipal Complex and the Village's website.
2. By Charter, special meetings shall be called by the Clerk on the written request of the President, the Village Manager or any two members of the Council on at least twenty-four hours written notice to each member of the Council served personally or left at his/her usual place of residence; but a special meeting may be held on shorter notice if all members of the Council are present or have waived notice thereof in writing. State law reference-Open meetings Act, MCL 15.261 et seq., MSA 4.1800(,11) et seq.

#### **Closed Meetings Purpose**

Meeting in closed session – a public body may meet in a closed session only for one or more of the permitted purposes specified in section 8 of the OMA. The limited purposes for which closed sessions are permitted include, among others:

(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 public body.

(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 a public body for employment or appointment to a public office shall be held in an open meeting pursuant to this act.

(6) To consider material exempt from discussion or disclosure by state or federal statute.<sup>52</sup> But note – a board is not permitted to go into closed session to discuss an attorney's oral opinion, as opposed to a written legal memorandum.

A closed session must be conducted during the course of an open meeting – section 2(c) of the OMA defines "closed session" as "a meeting or part of a meeting of a public body that is closed to the public." Section 9(1) of the OMA provides that the minutes of an open meeting must include "the purpose or purposes for which a closed session is held."

## **1. Calling Closed Meetings**

At a regular or special meeting, the Council may call a closed session under the conditions outlined in Section 1, above. The 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.

### **Agenda**

The following shall be the form of the agenda for Council meetings:

- I. Call to Order and Roll Call of Council
- II. Pledge of Allegiance
- III. Approval of the Agenda
- IV. Public Comments
- V. Standing Items

- a. Approval of Council Minutes
  - b. Approval of the Bills
- VI. Administration Reports
- a. Police Department
  - b. Department of Public Works
  - c. Operator in Charge of Water/Waste Water
  - d. Village Manager Information/Comments
- VII. Old Business
- VIII. New Business
- IX. New Business
- X. Closed Session (if applicable)
- XI. Adjournment

### **Setting a Meeting Agenda**

An agenda serves as the guide for conducting an official business meeting of the Village Council or any other duly constituted body. The persons responsible for setting the agenda is the President in consultation with the Village Manager.

Normal requests for Village Council Members can request to have an item added to a Village Council meeting agenda at least 7 business days in advance of a scheduled meeting by contacting the President and Village Manager with an email request.

The proposed meeting agenda and all supporting documents will be sent to Council by the Friday preceding the Council meeting. The meeting agenda will be posted online and in office to the public two days in advance of the meeting.

As part of every Council meeting, the Village Council will set the agenda at the beginning of the meeting to be approved and voted on. At that time, Council Members can request that a topic of discussion be added to the agenda and if it gets a second and approved by a majority of the Council, that agenda item will be added to the next Council meeting. Last minute items may be added to the Agenda by the Manager or President, however this should be avoided whenever possible.

By placing the approved added agenda item to the next meeting, the Village Manager and/or the Village Attorney can research the pros and cons and provide any required legal opinion, as well allowing the public to be in attendance for that agenda item for those who so choose to listen and or participate during public comment of agenda items.

### **Voting and Discussion**

1. Standard items on the agenda shall have a motion made for them, support, discussion if any from Council Members only, and then a vote.
2. A vote upon all ordinances and resolutions shall be taken by a roll call vote.
3. In all roll call votes, the names of the members of Council shall be called.
4. In all cases where a vote is taken, the President shall declare the result.

### **Minutes**

1. The highlights of the discussion after a motion has been made and seconded do not have to be recorded. However, many recorders find it appropriate for future reference as well as politically practical to record both the points in favor of and against a motion. The minutes should comply with the basic requirements of the Open Meetings Act and not be overly detailed. When the pros and cons are recorded, the discussion should be summarized and the minutes should reflect the amount of discussion on each side, both in content and length. The recorder should not attempt to record remarks exactly as stated. The record should reflect what was said without bias, prejudice, or opinion of the recorder.

1. Unapproved minutes of regular or special meetings shall be available for public inspection not more than eight business days after such meeting at the Village Municipal Complex and on the Village website. Approved minutes shall be available for public inspection and posting on the Village's website not later than five business days after the meeting at which the minutes were approved.
2. Minutes of closed meetings are a separate set of minutes and shall be taken by the Clerk or the designated secretary of the Council at the closed meeting. These minutes will be retained by the clerk for one year, shall not be available to the public, and shall only be disclosed if required by a civil action, as authorized by the Open Meetings Act.

### **Citizen Participation**

1. All public comments before the Village Council shall be limited in length to three minutes per member of the public. The Clerk will maintain the official time and notify the speakers when time is up. Additional time may be granted by a majority vote of the Council Members present.
2. Persons addressing the Village Council shall state their name and address prior to addressing the Council.
3. The Village Council welcomes and encourages the public to speak during the public comment and public hearing portions of the agenda. However, Council policy is to hear the public comment, but not to act on the public comment at the same meeting. Matters of public concern brought before the Council during the Public Comment portion of the meeting will be referred to the Village

Manager for action, if any. If, after communicating with the Village Manager, no resolution is reached, the concern will be elevated to the President and then eventually to the Council for action.

4. Persons addressing the Village Council shall refrain from making personal, disrespectful, slanderous or profane remarks. Debates among the public at meetings are not permitted. To preserve the order and decorum of Council meetings, the audience shall refrain from interrupting others, cheering, applauding or similar actions during the course of the meeting.
5. Members of the audience shall address all remarks to the President and Council and shall not hold conversations or discussions with other members of the audience.
6. During a public hearing (Zoning Board of Appeals, Outside Presentation), all presentations shall be limited to ten minutes. The Village Clerk shall maintain the official time. Additional time may or may not be granted. When there are numerous individuals desiring to express unanimous support or opposition, the President may acknowledge a spokesperson be designated to address the public hearing before Council.

#### **Disorderly Conduct**

1. The President may call to order any person who is being disorderly by speaking out of order or otherwise disrupting the proceedings, failing to be on task, speaking longer than the allotted time or speaking vulgarities. Such person shall be seated until the President determines whether the person is in order.
2. If the person shall continue to be disorderly and disrupt the meeting, the President may order law enforcement 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 or otherwise in accordance with the law.

#### **Committee Assignments**

1. The President may assign Council Members to any committee and designate a chairperson as is deemed necessary, with the approval of the Council.
2. As provided in the Village's Charter, Council Member's responsibilities will be generally limited to policy and not the administration of a department or the activities of the administration.
3. Committees of the Village Council shall be advisory only (unless given specific authority for particular purposes by the Village Council) and no committee shall have budget or spending authority to incur costs, expenses, or purchases of any goods or services. Committees may however, make recommendations to the Village Manager or Village Council. Such recommendations may result in the incurring of costs, expenses, purchases of goods and services, and the budgeting and appropriation of funds by the Village Council.



4. The Village Manager and Department Heads may request the presence of a Council representative at any meeting they deem necessary.
5. The Village Clerk will record minute records for all official Committee meetings.

### **Village of Lakeview Code of Conduct**

#### **Public Relations**

1. Members of Council shall not debate with a member of the public at Council meetings since these debates seldom resolve concerns and many times inflame feelings at a public meeting.
2. Avoid debating with citizens at a public hearing. The purpose of the hearing is to receive their information and/or opinion. You will have your opportunity later to state your position and rebut any information or argument you may feel needs it. Give the appearance— and feel it, too—of encouraging individuals to express themselves. You can help by looking directly at the person talking and by using nonverbal cues such as nodding affirmation and physically leaning in the direction of the speaker. At the same time, avoid such negative nonverbal cues as scowling, reading, checking your phone messages, talking to another trustee, or using facial expressions that suggest ridicule or contempt.
3. The President is the designated representative of the Council to present and speak on the Village's official positions, unless deferred to the Village Manager. If an individual Council Member is contacted by the media, the Council Member should be clear about whether their comments represent the official Village position or a personal viewpoint.

#### **Village Council Relations with Village Staff/Officials**

Village Council policy is implemented through professional administrative staff. Therefore, it is critical that the relationship between Council and staff be well understood by all parties so policies and programs may be implemented successfully and efficiently.

1. Council Members shall not debate with staff during a Council meeting or general business meetings. Any concerns by a Council Member over the conduct, performance or work of a Village employee during a Council meeting or publicly through casual conversation, email and social media should be directed to the Village Manager privately to ensure the concern is resolved.
2. All questions or requests for information by individual Council Members shall be directed to the Village Manager who shall determine whether or not the question or request relates to Village business. All questions or requests determined by the Village Manager to be related to Village business shall be handled as a question or request made by the Council, as set forth above.

3. Council Members and President shall not coerce or attempt to influence staff in the processing of applications, the granting of licenses or permits, the hiring of personnel, or any other decision made by staff. The Village Council should avoid situations that can result in Village staff being directed, intentionally or unintentionally, by one or more members of the Village Council.
4. Council Members and the President shall not retain the Village Attorney or any member or associate of the Village Attorney's law firm for legal representation in any personal matter during their tenure on Village Council unless there is a special circumstance and this has been put on the agenda and has been approved by Village Council.
5. Council Members do not attend meetings with Village staff unless requested by the Village Manager and or Department Head. Even if the Council Member does not say anything at a Village staff meeting, a Council Member's presence may imply support or opposition, show partiality, intimidate staff, and/or hamper the staff's ability to do their job objectively.
6. Mail that is addressed to the President and Village Council shall be delivered to the Village Manager. If a response is required, the Village Manager will respond and may confer with Council if necessary.
7. Incoming mail shall not be opened when addressed to individual Council Members or Staff.
8. Council Members may respond to any person or business who has written to all of city council electronic communication. In response for a request of comment
  - a. Such correspondence by the Council Member shall state the Village Council's position, if there is one, on the given issue.
  - b. No Council Member will state a position contrary to that of Village Council's unless the member states the position of Village Council first and, then identifies his or her position as being personal and not that of adopted policy. For example, "While I voted against, X, the Village Council voted in support of."
  - c. All such correspondence in 8, 8(a), and 8(b) shall be copied to the Village Manager with the exception of social media.
9. **Authorization for contacting the Village Attorney.** The following officials (by title) are authorized to contact the Village Attorney regarding Village Administration or legal matters:

Village Manager    Chief of Police    Village Clerk    President

To the extent a Council Member or Committee chair requires legal advice from the Village Attorney, the Council Member or chair shall make the request and copy the Village Manager on their request

to the Village Attorney. Afterwards the Village Attorney and or Village Manager shall communicate to the Council the matter at hand.

### **Council Conduct with One Another**

1. Use formal titles. Council Members should refer to one another formally during public meetings as President or Council Member followed by the individual's last name.
2. During the Council discussion and debate, no member shall speak until recognized for that purpose by the President. 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 President, 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.
3. Practice civility and decorum in discussions and debate with Council and the public. Difficult questions, and tough challenges to a particular point of view are to be expected as are criticism of ideas. That is democracy in action. This does not allow, however, Council Members to make belligerent, personal, impertinent, slanderous, threatening, abusive, and/or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.
4. Respect the role of the President in maintaining order. It is the responsibility of the President to keep Council Members on track during public meetings. Council Members should respect efforts by the President to focus discussion on current agenda items. If there is disagreement about the agenda or the President's actions, those objections should be voiced politely and with reason, following the rules outlined in parliamentary procedure.
5. Avoid personal comments that could offend other Council Members. If a Council Member is personally offended by the remarks of another Council Member, the offended Council Member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other Council Member to justify or apologize for the language used. The President will maintain control of such discussions.

### **Village Council Relationship with Village Boards and Committees, and Council Member Representation to Other Agencies and Groups**

1. Members of the Village Council shall not influence board or committee recommendations including DDA and TIFA boards, or influence or lobby individual board or committee members on any item under their consideration, with the exception of a council member who is part of such board, committee or commission with voting rights. It is important for boards and committees to be able

to make objective and independent recommendations to the Village Council. Members of Council who influence board positions on an item may prejudice or hinder their role in reviewing the board's recommendation as a member of the Village Council.

2. Council Members shall have the right to attend meetings of other Village boards and committees, but are cautioned about becoming involved in the meetings discussions.
3. If a Village Council Member represents the Village before another governmental agency or organization, the Council Member shall first indicate the opinion of the Village Council. Personal opinions and comments may be expressed only if the Council member clarifies that these statements do not represent the position of the Village Council.

### **General Provisions**

1. The text herein shall constitute the entire Rules of the Village Council. These rules supersede and/or render void any and all prior written and/or oral Rules of Council relating in any manner whatsoever to the subject matter contained herein unless contained in the Village Charter or Ordinances.
2. In any provision, or any portion thereof, contained in these rules is held to be unconstitutional, invalid or unenforceable, the remaining rules or portions thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.
3. These rules of the Council will be placed on the agenda of the first meeting of the council following the seating of 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.
4. The President shall be responsible for enforcing the Rules of the Village Council contained herein, as well as the Code of Conduct.
5. These rules may be suspended for a specified portion of a meeting by majority of the Council Members present.

## Robert's Rules of Order Reference Sheets

Action	What to Say	Can interrupt speaker?	Need a Second?	Can be Debated?	Can be Amended?	Votes Needed
Introduce main motion	"I move to..."	No	Yes	Yes	Yes	Majority
Amend a motion	"I move to amend the motion by...." (add or strike words or both)	No	Yes	Yes	Yes	Majority
Move item to committee	"I move that we refer the matter to committee."	No	Yes	Yes	No	Majority
Postpone item	"I move to postpone the matter until..."	No	Yes	Yes	No	Majority
End debate	"I move the previous question."	No	Yes	Yes	No	Majority
Object to procedure	"Point of order."	Yes	No	No	No	Chair decision
Recess the meeting	"I move that we recess until..."	No	Yes	No	No	Majority
Adjourn the meeting	"I move to adjourn the meeting."	No	Yes	No	No	Majority
Request information	"Point of information."	Yes	No	No	No	No vote
Overrule the chair's ruling	"I move to overrule the chair's ruling."	Yes	Yes	Yes	No	Majority
Extend the allotted time	"I move to extend the time by ___ minutes."	No	Yes	No	Yes	2/3
Enforce the rules or point out incorrect procedure	"Point of order."	Yes	No	No	No	No vote
Table a Motion	"I move to table..."	No	Yes	No	No	Majority

Verify voice vote with count	"I call for a division."	No	No	No	No	No vote
Object to considering some undiplomatic matter	"I object to consideration of this matter..."	Yes	No	No	No	2/3
Take up a previously tabled item	"I move to take from the table..."	No	Yes	No	No	Majority
*Reconsider something already disposed of	"I move to reconsider our action to..."	Yes	Yes	Yes	Yes	Majority
Consider something out of its scheduled order	"I move to suspend the rules and consider..."	No	Yes	No	No	2/3
Close the meeting for executive session	"I move to go into executive session."	No	Yes	No	No	Majority
Personal preference- noise, room temperature, distractions	"Point of privilege"	Yes	No	No	No	No vote

## References

- *Handbook for Municipal Officials*, Michigan Municipal League; July 2015; <https://www.mml.org/pdf/resources/publications/ebooks/HMO%20-%20complete%20book.pdf>
- *Handbook for General Law Village Officials*, Michigan Municipal League; November 2017; <http://www.mml.org/pdf/resources/publications/ebooks/GLV%20Handbook%20-%202017.pdf>
- *Meetings: Agenda and Minutes A handbook for municipal officials*, Michigan Municipal League; 2017; <http://www.mml.org/pdf/resources/publications/ebooks/Meeting%20Agendas%20And%20Minutes.pdf>
- *Michigan Open Meetings Act Handbook*, State of Michigan; 2018; [https://www.michigan.gov/documents/ag/OMA\\_handbook\\_287134\\_7.pdf](https://www.michigan.gov/documents/ag/OMA_handbook_287134_7.pdf)
- *Robert's Rules of Order Cheat Sheet for Nonprofits* by Nick Price, BoardEffect.com; April 13, 2018; <https://www.boardeffect.com/blog/roberts-rules-of-order-cheat-sheet/>
- Village of Lakeview Charter
- [ICMA](#)