

# City Commission

## Rules of Procedure

Adopted: February 20<sup>th</sup>, 2023

### A. Regular and special meetings

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

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 commission determine that delay would be detrimental to the city's efforts in responding to the threat.

#### 1. Regular meetings

The City Commission shall determine the schedule of regular meetings per the City Charter. The regular meeting days and times shall be established by the Commission during the yearly organizational meeting. Meeting days and times are subject to change per the City Charter.

#### 4. Minutes of regular and special meetings

The clerk shall attend the commission meetings and record all the proceedings and resolutions of the commission in accordance with the Open Meetings Act. In the absence of the clerk, the appointed deputy clerk shall have this responsibility.

#### 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 commission on at least 24 hours' written notice to each member of the commission served personally or left at the commission member'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 commission unless the item has been stated in the notice of such meeting.

Within 15 days of a commission meeting a synopsis showing the substance of each separate decision of the commission or the entirety of the commission proceedings shall be prepared by the clerk and shall indicate the vote of the commission members. After the Commission approves this document, it shall be placed on record at City Hall.

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

#### 3. Posting requirements for regular and special meetings

- a. Within 10 days after the first meeting of the commission following the election, a public notice stating the dates, times, and places of the regular monthly commission meetings will be posted at City Hall.
- b. For a rescheduled regular or a special meeting of the commission, 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 Hall.
- c. The notice described above is not required for a meeting of the commission in emergency

#### 5. Work/Study sessions

Upon the call of the mayor or the commission and with appropriate notice to the commission members and to the public, the commission 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 commission 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 commission 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 commission 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 commission 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 commission meeting shall be prepared by the Clerk with the following order of business:

- a. Call to order, roll call, and Pledge
- b. Brief Public Comment (4 minute maximum)
- c. Public hearings on ordinances under consideration
- d. Approval of consent agenda
  1. Commission minutes
  2. Reports from commission committees
  3. Reports from officers as scheduled, e.g. manager, attorney, department heads etc.
  4. Communications to the commission
  5. Submission of bills
  6. Announcements
- e. Approval of regular agenda
- f. Unfinished business
- g. New business
- h. Brief Public Comment (4 minute maximum)
- h. Adjournment

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

### **3. Consent agenda**

A consent agenda may be used to allow the commission to act on numerous administrative or noncontroversial items at one time. Included on this agenda can be noncontroversial matters

such as approval of minutes, payment of bills, approval of recognition resolutions, etc. Upon request by any member of the commission, an item shall be removed from the consent agenda and placed on the regular agenda for discussion.

### **4. Agenda distribution**

Agendas will be prepared for distribution by the City Clerk. Agenda packets should be created in hard copy and shall be placed in the commissioners box at City Hall by noon at least two days prior to the regularly scheduled meeting. The City Clerk may also send packets to commissioners via their City email addresses as well.

### **5. Quorum**

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

### **6. Attendance at commission meetings**

Election to the City Commission is a privilege freely sought by the nominee. It carries with it the responsibility to participate in commission activities and represent the residents of the city. Attendance at commission meetings is critical to fulfilling this responsibility. A Home Rule City is empowered to adjourn a meeting if a quorum is not present and compel attendance in a manner prescribed by its charter.

The commission may excuse absences for cause. If a commission member has more than three unexcused successive absences for regular or special commission meetings, the commission 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 commission, the commission may enact a resolution of censure or request the commission member's resignation or both.

## 7. Presiding officer

The presiding officer shall be responsible for enforcing these rules of procedure and for enforcing orderly conduct at meetings. The mayor is ordinarily the presiding officer. The commission shall appoint one of its members mayor pro tem, who shall preside in the absence of the Mayor. In the absence of both the mayor and the mayor pro tem, the members shall appoint a presiding officer among the members following the call to order of the meeting.

## 8. Disorderly conduct

The presiding officer may call to order any person who is being disorderly by speaking out of order or otherwise disrupting the proceedings, failing to be civil, speaking longer than the allotted time or speaking vulgarities. Such person shall be seated until the presiding officer 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 commission. If the person shall continue to be disorderly and disrupt the meeting, the presiding officer 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 commission.
- 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 commission members, 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 commission 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 or an alternative source of procedural rules] shall govern the commission 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 commission-members. The presiding officer shall decide all questions arising under this parliamentary authority, subject to appeal and reversal by a majority of the commission members present.

Any member may appeal to the commission 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 presiding officer be sustained?" If the majority of the members present vote "aye," the ruling of the presiding officer is sustained; otherwise, it is overruled.

## 2. Conduct of discussion

During the commission discussion and debate, no member shall speak until recognized for that purpose by the presiding officer. 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 presiding officer, maintain a courteous tone and avoid interjecting a personal note into debate.

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

The presiding officer, at their discretion and subject to the appeal process mentioned in Section D.1., may permit any person to address the commission 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 commission rules.

## 4. Roll call

In all roll call votes, the names of the members of the Commission shall be called in alphabetical order with the presiding officer being called last.

## 5. Duty to vote

Election to a deliberative body carries with it the obligation to vote. Commission members present at a commission meeting shall vote on every matter before the body, unless otherwise excused or prohibited from voting by law. A commission member 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 commission 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 commission 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 presiding officer shall declare the result.

It shall be in order for any commission 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 commission. When a motion to reconsider fails, it cannot be renewed.

## **E. Citizen participation**

### **1. General**

Each regular commission meeting agenda shall provide for reserved time for audience participation.

If requested by a member of the commission, the presiding officer shall have discretion to allow a member of the audience to speak at times other than reserved time for audience participation.

### **2. Length of presentation**

Any person who addresses the commission during a commission meeting or public hearing shall be limited to 4 minutes in length per individual presentation. The clerk will maintain the official time and notify the speakers when their time is up.

### **3. Addressing the commission**

When a person addresses the commission, they shall state their name and home address. Remarks should be confined to the question at hand and addressed to the chair in a courteous tone. 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.

## **F. Miscellaneous**

### **1. Adoption and amendment of rules of procedure**

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

The commission 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 commission may be suspended for a specified portion of a meeting by an affirmative vote of two-thirds of the members

present except that commission actions shall conform to state statutes and to the Michigan and the United States Constitutions.

### **3. Bid awards**

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

### **4. Committees**

#### **a. Standing and special committees of commission**

Committee members will be appointed by the mayor. They shall be members of the commission. The mayor shall fill any committee vacancies. The committee member shall serve for a term of one year and may be re-appointed. Committee appointments shall be made at the organizational meeting of the City Commission or as needed.

Special committees may be established for a specific period of time by the mayor or by a resolution of the commission 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 commission which specifies the task to be accomplished and the date of its dissolution. Members of such committees will be appointed by the mayor, subject to approval by a majority vote of the commission. Vacancies will be filled by majority vote of the commission in the same way appointments are made.

### **5. Authorization for contacting the City Attorney**

The following officials are authorized to contact the City Attorney regarding Municipal matters:

1. Mayor
2. City Manager
3. City Clerk

APPENDIX A

PUBLIC HEARING GUIDELINES

Commission/Committee:

Public Hearing on:

Date:

Time:

In order to maintain an atmosphere of mutual respect, courtesy, and patience, we ask all participants to follow these rules.

1. The purpose of the hearing is to receive public comments on the \_\_\_\_\_ this is not a debate or a question/answer session. This is not a back-and-forth discussion between the audience and the committee, nor is it a discussion between audience members.
2. The Chair will facilitate the hearing and inform speakers when their turn to have the floor to provide public comment on \_\_\_\_\_. Each individual who wishes to give public comment on the proposed plan shall be given at least one opportunity to provide their comment.
3. Public Comment shall be solely based on the contents of \_\_\_\_\_. If needed, the Chair shall remind the audience member whose has the floor of this scope.
4. Please do not interrupt the individual who the Chair has given to the floor to.
5. Please remain quiet so others and the committee, recording device, and other audience members can hear; please leave the room for side discussions.
6. Speakers should state their name and address for the record prior to speaking.
7. Speakers cannot yield their time to others.