

RULES OF PROCEDURE FOR THE DEWITT CITY COUNCIL

I. Scope

These rules shall govern the City Council proceedings unless amended or suspended by a vote of four (4) Council members. No amendment of a rule shall be effective until the next regularly scheduled meeting of the City Council. An amendment of these rules shall appear in the minutes of the meeting at which adopted, and the text of the amendment and its date shall be certified by the Clerk/Treasurer on an addendum to the official set of rules held by that official. Copies of the amended text shall be furnished each Council member, the Mayor, the City Administrator and the City Attorney.

All references to “Charter Sections” are to Sections of the Revised Charter of the City of DEWITT, effective January 1, 1995.

II. Council Meetings

A. Notice. All Council meetings shall be conducted in accordance with the Open Meetings Act. Public notice of all meetings shall be given as provided in the Act, by the Clerk/Treasurer. (Charter Section 2.14)

B. Regular Meetings. Regular Meetings shall be held on the first and third Monday of each month unless adjourned by the Council or unless that day is a legal holiday, in which case the meeting shall be held on the next day which is not a legal holiday. The Council may elect to have an additional meeting on the fourth Monday of the month. (Charter Section 7.5)

C. Special Meetings. Special Meetings shall be called by the Clerk/Treasurer on request of the Mayor or any two Council members. Written notice stating each matter to be considered at a Special Meeting shall be given each Council member and the Mayor, unless the entire Council and the Mayor are present and waive notice. (Charter Section 7.6)

D. Pre-Meeting Packet. The Clerk/Treasurer shall cause a pre-meeting packet for each regular Council meeting to be delivered to the Mayor, each Council member and the City Attorney at their residence or place of business, by Friday of the week preceding the meeting. The packet pertaining to a special Council meeting shall be delivered by at least the day before the meeting. The packet for all meetings shall contain the proposed meeting agenda and all matters proposed to be considered at the meeting plus their supporting documents.

E. Quorum. A quorum of the Council is established when four (4) or more members are present in person at a meeting. Once established a quorum is not defeated if one or more members leave the meeting before adjournment. If a quorum is not established the remaining members shall adjourn the meeting from time to time until a quorum is present. (Charter Section 7.8)

F. Attendance at Meetings. (Charter Section 6.9)

1. Mayor and Council. The Mayor and members of the City Council shall attend all meetings of the Council.
2. Clerk/Treasurer. The Clerk/Treasurer shall attend all meetings of the Council and shall keep the minutes of the meeting and perform such other duties as may be requested by the Council.
3. City Attorney. The City Attorney shall attend all meetings of the Council, and upon request shall give opinions, either written or oral, on questions of law, and shall act as Council parliamentarian.
4. City Administrator. The City Administrator shall attend all meetings of the Council. Before each meeting the City Administrator shall prepare the agenda and obtain reports for business matters and other items to be presented to the Council.
5. Chief of Police. The Chief of Police shall attend all meetings of the Council and shall act as sergeant-at-arms during Council meetings.
6. Other City Officers and Staff. The Council may also require the attendance of any department head or employee of the City upon the request of two (2) of its members.
7. To the extent possible prospective absences and the reason for absence shall be reported to the Clerk/Treasurer before the meeting, who shall record the reason with the minutes of the meeting. The Council by resolution may decline to excuse the absence of any elective official or appointive officer from a meeting

G. Minutes. An account of all proceedings of the Council and minutes of each meeting shall be prepared and kept by the Clerk/Treasurer. A voice recording of each meeting shall be made and kept by the Clerk/Treasurer for six (6) months. The Clerk/Treasurer shall also prepare a summary form of the minutes which shall be published in the local newspaper and placed on the City's cable television station as soon as practicable following each meeting. Proposed minutes shall be available for public inspection within eight (8) business days after a meeting.

Approved minutes shall be available for public inspection not later than five (5) business days after the meeting at which they are approved by the Council. (Charter Section 7.7)

H. Closed Sessions. The Council shall meet in closed session only for the purposes allowed by the Open Meetings Act* a which are:

- The Open Meetings Act is Act 267, Michigan Public Acts of 1976, as amended (MCL 15.261 et seq; MSA 4.1800(11) et sec).
1. 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, if the named person requests a closed hearing. A person requesting a closed hearing may rescind the request at any time, in which case the matter at issue shall be considered after the rescission only in open sessions,
 2. or 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 by the City up to the time an option to purchase or lease that real property is obtained.

4. To consult with the City Attorney or any of his or her assistants 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 Council.

5. To review the specific contents of an application for employment or appointment to a public office if the candidate requests that the application remain confidential. All interviews by the City Council for employment or appointment to a public office shall be held in an open meeting.

6. To consider material exempt from discussion or disclosure by state or federal statute.

A closed session may be requested by the Mayor, or any two Council members at any regular or special meeting. A person requesting a closed session shall state the purpose or purposes of such session. The stated purpose(s) for the session shall constitute the only agenda items.

A roll call vote by two-thirds (2/3) of the Council members elected or appointed and serving is required to call a closed session. The Council by majority vote may adjourn a closed session or open the meeting to the public. Council members may deliberate during closed sessions, but shall not make any decisions, determinations, actions, votes or dispositions upon a proposal, recommendation, resolution, order or ordinance in closed session. A separate set of minutes of the closed session shall be taken by the City Clerk, or other such designated person taking minutes at the closed session. These minutes shall be retained by the City Clerk, and shall not be available to the public and shall only be disclosed if required by a civil action filed under Section 10, 11, or 13 of the Open Meetings Act. The minutes of a closed session shall be destroyed one year and one day after approval of the minutes of the regular meeting at which the closed session was approved.

I. Public Participation. The public is invited and encouraged to attend all City Council Meetings and to address the City Council during the period reserved for public comment. The Council shall make every effort to reorder the agenda to encourage public participation. Unless granted more time by the Mayor, each member of the public is limited to three (3) minutes. Upon request, a member of the public may be granted an extended period of comment at the conclusion of the remaining agenda items. (Charter Section 2.1.4)

III. Conduct of Meetings

A. Presiding Official. The Mayor shall preside at all Council meetings. The Mayor Pro Tem shall preside in the absence of the Mayor. If neither person is present at a meeting, the Council shall select one of its members to preside until the Mayor or Mayor Pro Tem is present and seated. All matters to come before the meeting shall be addressed to the presiding official. (Charter Section 7.14)

The presiding official shall endeavor to conduct the meeting in a fashion that draws a balance between the informality and congeniality possible in a small community the size of the City of DEWITT while also maintaining the decorum and formality necessary to transact business in an orderly fashion.

B. Agenda. All regular meetings shall be subject to an agenda which will be set by the Council at the opening of business at each meeting. Any item placed on the

agenda shall appear on each successive agenda unless disposed of, tabled indefinitely or tabled until a certain date at which time the item shall reappear. The agenda of each regular meeting shall consist of the following:

1. Call to order
 2. Roll call
 3. Special agenda items
 4. Reading and approval of the minutes from the previous meeting
 5. Public comment
 6. Old business
 7. New business
 8. Committee reports, including matters previously referred to committee
 9. Staff reports
- C. Parliamentary Procedure

Any matter before the Council for action shall be brought by a motion of a Councilmember.

1. Precedence and Classification of Motions. Motions shall consist of four classes: main motions, subsidiary motions, incidental motions, and privileged motions.
2. Main motions consist of all motions which bring or raise a particular subject to the Council for decision, as opposed to a procedural issue. These motions will constitute the principal business of a meeting.
3. Privileged Motions. These motions are given precedence over all motions.
4. Subsidiary Motions. This is a group of alternative methods of changing or disposing of a main motion. Such motions are always subsidiary to a main motion and therefore can only be proposed when the main motion is before the Council.
5. Incidental Motions. These motions are concerned with the rights and privileges of the members, and their purpose is to handle procedural problems which arise out of the consideration of other questions.

The following are divisions of the types of motions:

I. Privileged Motions

1. Adjourn
2. Recess
3. Question of privilege

II. Subsidiary Motions

4. Lay on the Table
5. Postpone Temporarily
6. Vote Immediately
7. Limit Debate
8. Postpone Definitely
9. Refer to Committee
10. Remove from Committee
11. Amend or Substitute
12. Postpone Indefinitely
13. Take from the Table

III. Incidental Motions

- 14. Appeal
- 15. Point of Order
- 16. Parliamentary Inquiry
- 17. Withdraw a Motion
- 18. Suspend Rules

IV. Main Motion

- 19. General Main Motion

IV. Voting

- A. Required Vote Of Members Present. Unless otherwise stated in these rules, required by ordinance or charter, or by state or federal law, the passage of all matters before the City Council shall require the affirmative vote of four members present at any meeting. The Mayor shall vote only in the case of a tie, except when the Mayor has a conflict of interest. The Mayor Pro Tem shall have a vote, even when presiding over the meeting. (Charter Sections 7.9, 7.15, 7.20)
- B. Calling for the Vote. In the first instance the Mayor or member presiding over the Council meeting shall call for a voice vote for and against the matter, by “yes” and “no” responses. If on a voice vote no Council member states opposition to the motion, it shall be deemed to have passed unanimously. In the event any member votes no to any proposition, a roll call shall be conducted and recorded in the minutes of the meeting. (Charter Section 7.9)
- C. Abstentions. Every Council member present shall vote on all questions, unless a member has a conflict of interest, in which case the member’s conduct shall be governed by law. A Council member may abstain from a vote for approval of minutes if the member did not attend the meeting for which the minutes apply. (Charter Section 7.9)

V. Conduct of Council Members.

- A. Each Council member shall conduct himself or herself in a manner consistent with the dignity and decorum of the office and shall act in a manner which accords respect to the public, staff members, the Mayor and fellow Council members.
- B. Council members shall comply with ethical rules adopted by the City Council. (Charter Section 8.14)
- C. Except for purposes of inquiries and investigations, the Council and its members shall deal with city officers and employees ‘who are subject to the direction and supervision of the Mayor solely through the Mayor, and neither the Council nor its members shall give orders to any such officer or employee either publicly or privately. (Charter Section 7.11)

VI. Council Standing Committees

Two standing committees are established by these Rules to assist the City Council in its work. The committees are the Operations Committee and the Planning and Policy Committee. The committees are not formed for the purpose of removing prerogatives

from the Mayor or the Council granted by the City Charter, but rather to enhance their abilities to perform efficiently and economically.

- A. Committee Structure, Terms of Members. Each standing committee shall consist of three (3) Council members appointed by the Mayor and confirmed by the Council. No Council member may serve on more than one of these standing committees. Committee membership shall be for a two (2) year term, subject to reappointment.
- B. The City Administrator and a staff person, who shall keep minutes, shall attend meetings of each committee. The Mayor shall be an ex-officio member of each committee without vote.
- C. The Operations Committee shall serve as the oversight committee for issues pertaining to the operations of the City. The subject matters for which this committee shall be responsible shall include, but are not limited to, personnel matters, operations of the Police Department, the Fire Department, the Department of Public Works, and purchase of personal property as provided by the Charter. A member of the Committee shall act as liaison to each of the City Departments.
- D. The Planning & Policy Committee shall be the oversight committee for public planning and policy issues including all issues related to the growth and development of the City and issues not otherwise within the scope of responsibilities of the Operations Committee. These responsibilities shall include Zoning and Land Use Planning, and Liaison with Other Municipalities and with SCUMMA.
- E. Both standing committees shall meet on a regular basis at the offices of the City at a time agreed upon by the members. Each committee shall submit minutes of its meetings to the Mayor and the Council.
- F. Neither of the Committees shall engage in or undertake any responsibilities of the Finance Committee which shall remain as the committee of the whole for issues related to the budget. The foregoing, however, shall not prevent the City Council from referring any item to a committee.
- G. Each committee may present to the City Council for approval its proposed rules relating to its proceedings and conduct.
- H. Nothing in these rules shall prevent the City Council from creating additional committees, including ad hoc committees.

VII. Legislation

- A. Ordinances and Resolutions. All action taken by the City Council shall be by ordinance or by resolution, as provided by the City Charter. (Charter Section 8.2)
- B. Ordinances. Any one or more Council members may introduce a request for an ordinance, or an amendment of an ordinance, on a form the Council shall provide. The form shall be submitted to the Clerk/Treasurer who shall record the date and time of receipt of the request, and shall provide a copy of the request to the City Administrator, the City Attorney, and to any department head affected by the request, and shall also provide a copy to each City Council member and the Mayor by placing a copy in the next City Council pre-meeting packet. The Clerk/Treasurer will place the request for action on the agenda for the next regular City Council meeting, under a separate heading. If the Council pre-meeting packet does not contain a copy the request may not be considered until the next meeting unless the Council votes otherwise.

The Clerk/Treasurer shall provide a copy of the text of a proposed ordinance or amendment to the Mayor and to each Council member. In each ordinance amending an existing ordinance, changes or new matters shall be placed in capital type, and matter which has been omitted shall be indicated by printing in stricken through type. Every ordinance shall have endorsed thereon the name of the Council member or members introducing it.

All ordinances and their amendments must be in writing and shall be approved as to form and section numbering by the City Attorney. (Charter Sections 8.4, 8.5) The regular order for consideration of ordinance proposals shall be:

1. Introduction, first reading by title.
 2. Referral to applicable committee, if appropriate.
 3. Public hearing scheduled by Council when required, to be held not sooner than five days after notice of the hearing is posted, except in the case of emergency ordinances.
 4. Written committee or staff reports on the ordinance presented to the Council.
 5. Final reading and passage. (Charter Section 8.6)
- C. Resolutions. All action taken by the Council, that is not otherwise required to be accomplished by ordinance by the City Charter or by state or federal law, shall be accomplished by resolution. Any member intending to place a resolution on the Council agenda shall submit a written request stating the resolution to the Mayor or City Administrator not less than seven (7) days prior to the Council meeting at which the member wishes the resolution to be considered. The City Administrator shall include this request for resolution in the pre-meeting packet to be presented to the Council for the next applicable regular Council meeting. The Mayor shall place the item on the agenda for consideration to be approved by Council at the next regular Council meeting. (Charter Section 8.3)

VIII. Appropriations.

- A. Finance Committee. The Council shall have a Finance Committee which shall include all Council members and the Mayor, ex officio, without vote. In March of each year the Mayor shall appoint a member of the Council to chair the Finance Committee. The chair shall convene the Committee in March to consider and review budget requests by all City agencies.
- B. Preparation of Budget Recommendation. The City Administrator is designated the budget officer by City Charter. Each board, commission, authority, or other agency, officer and department head shall submit a recommended budget to the City Administrator on or before the first day of March each year. The recommendation shall include a detailed budget with supporting explanation of all proposed expenditures. (Charter Section 12.2)

The City Administrator shall prepare and submit to the Mayor and Council on or before the first regular meeting in May of each year a budget document covering the next fiscal year, tabulating the recommendations of the several officers, department heads and agencies, which shall include at least the following information:

1. Detailed estimates, with supporting explanations of all proposed expenditures for each department and office of the City, together with the expenditures for

- corresponding items for the last preceding fiscal year in full and for the current year to March 1 and estimated expenditures for the balance of the current fiscal year; (Charter Section 12.2.1)
2. Statements of the bonded and other indebtedness of the City, showing the debt redemption and interest requirements, the debt authorized and unissued, and the condition of sinking funds, if any; (Charter Section 12.2.2)
 3. Detailed estimates of all anticipated revenues of the City from sources other than taxes, with a comparative statement of the amounts received by the City from each of the same or similar sources for the last preceding fiscal year in full, and for the current fiscal year to March 1, and estimated revenues for the balance of the current fiscal year; (Charter Section 12.2.3)
 4. A statement of the estimated balance or deficit for the end of the current fiscal year; (Charter Section 12.2.4)
 5. An estimate of the amount of money to be raised from current and delinquent taxes and the amount to be raised from bond issues which, together with any available unappropriated surplus and any revenues from other sources, will be necessary to meet the proposed expenditures; (Charter Section 12.2.5)
 6. A proposed capital improvements program with estimated costs projected for the term of years related to each project. (Charter Section 12.2.6)
 7. Such other supporting schedules as the Council may request. (Charter Section 12.2.7)
- C. Adoption of Budget, Tax Limit. Not later than June 15 the council shall, by resolution, adopt the budget for the next fiscal year and shall, in such resolution make an appropriation for the money needed for municipal purposes during the ensuing fiscal year of the City and provide for a levy of the amount necessary to be-raised by taxes upon real and personal property for municipal purposes. The levy shall not exceed two percent (2%) of the assessed valuation, as equalized, which is the equivalent of 20 mills of all real and personal property subject to' taxation in the City. (Charter Section 12.3)
- D. Budget Control. No money shall be drawn from the treasury of the City without an appropriation, nor shall any obligation for the expenditure of money be incurred without an appropriation covering all payments which will be due under such obligation in the current fiscal year.. The Council may transfer any unencumbered appropriation balance, or any portion of it, from one department, fund or agency to another. In the case of emergency and when necessary to protect the public health, safety or welfare, the Council may make additional appropriations to cover unanticipated expenditures required of the City because of such emergency. The balance in any appropriation which has not been encumbered at the end of the fiscal year shall revert to the general fund. (Chair Section 12.4)
- E. At the beginning of each quarterly period during the fiscal year, and more often if required by the Council, the officer responsible for maintenance of the City accounting systems shall submit to the Council data showing the relation between the estimated and actual revenues and expenditures to date; and if it shall appear that the revenues are less than anticipated, the Council may reduce appropriations, except amounts required for debt and interest charges, to such a degree as may be necessary to keep expenditures within the revenues. (Charter Section 12.4)

F. Within sixty days following the end of each fiscal year, the City Administrator shall file with the Council a schedule of all obligations upon the budget appropriation existing at the end of the fiscal year, with written recommendations. The Council shall provide for the payment of those obligations which constitute valid claims against the City. (Charter Section 12.4)

IX. Certificate of Adoption

Certified to be a complete and accurate set of the Rules of the City Council of the City of DEWITT adopted by resolution at its regular meeting held April 15, 1996.

MARGIE N. LOTRE, Clerk/ Treasurer
City of DEWITT