

## **ORDINANCE 149**

### ***RULES OF THE VILLAGE COUNCIL ORDINANCE***

THE VILLAGE OF ELK RAPIDS. ORDAINS:

#### **1. Authority**

These rules are adopted by the Council pursuant to the provisions of Article 3 of the Public Acts of 1895, as amended.

#### **2. Meetings**

- 2.1 Regular schedule - The Council shall meet on the first and third Mondays of each month in regular session. If any regularly scheduled meeting falls on one of the following legal holidays (New Years Day, Presidents Birthday, Martin Luther King Birthday, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Christmas Eve, Christmas Day, New Years Eve), the regular meeting shall be held on the next secular day that is not a holiday.
- 2.2 Special Meetings - The Council shall meet in special session at the call of the President or upon written request of three members of the Council. Notice of special meetings shall be given to each member at least 18 hours in advance of the special meeting. Such notice shall be served personally or left at the members usual place of residence by the clerk or a designee. The notice shall also contain the time, place and purpose of the meeting. No business shall be transacted at any special meeting of the council unless the same is stated in the notice of such meeting. A special meeting may be held on shorter notice if all members of the Council are present or have waived notice thereof in writing.
- 2.3 Place of meeting - Regularly scheduled meetings shall be held in the Village Hall. Whenever the regular meeting place of the Council shall appear to be inadequate for members of the public to attend, the President and Clerk may change the meeting to a larger facility located in the Village of Elk Rapids. A notice of such change shall be prominently posted on the door of the regular meeting place. The President and the Clerk shall also give notice of such change in the place of meeting in a newspaper if time permits.
- 2.4 Time of meetings - Regular scheduled meetings shall begin at 7:30 p.m. in the evening unless the Council shall by majority vote in session set a later starting time. The Council shall not begin considering any matter on the agenda not yet under consideration by the hour of 10:30 p.m. except by unanimous consent of members present. Matters on the agenda and not yet acted upon at the time of adjournment will be placed on the agenda of the next regular meeting or special meeting if one is called. At the regular meetings of the Council, the Clerk shall post at the Village Hall within 10 days after the first meeting of the Council and each calendar year, a public notice stating dates, times and places of its regular meetings. 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. However, such notice 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 and welfare of the public when two-thirds of the members of the Council determine that delay would be detrimental to lessen or respond to the threat.

2.5 Change in schedule - Changes in the regular schedule shall not be made except upon the approval of a majority of the members in session. In the event the Council shall meet and a quorum is not present, the Council upon the action of a majority of those present, may adjourn the meeting to another day provided that proper notice to members and public is given.

### 3. Public Notice Of Meetings

3.1 The Clerk shall be responsible for providing the proper notice for all meetings of the Council. Such notification shall include but not necessarily be limited to the following:

3.1 Regular meetings - The Clerk shall post a notice within 10 days after the first meeting of the Council in each calendar year, indicating the dates, times and places of the regular meeting schedule.

3.2 Schedule change - Whenever the Council shall change its regular schedule of meetings, the Clerk shall post a notice of the change within 3 days following the meeting in which the change was made.

3.3 Emergency meetings - If the Council shall reschedule a meeting under the provisions of Rule 2.5 or call a special meeting under Rule 2.2, the Clerk shall post a notice of such change immediately and no meeting except emergency meetings shall be held until the notice shall have been posted at least 18 hours. An emergency meeting shall be held only upon the consent of four (4) members and only if a delay would threaten severe and imminent danger to the health, safety and welfare of the public.

3.4 Notifications to media and others - 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. The notice shall also contain the following information, to-wit:

- a. Unit of government:  
Village of Elk Rapids
- b. Address:  
131 River Street, Elk Rapids, MI 49629
- c. Phone:  
(616) 264-9274

The Clerk shall mail all such notices pursuant to this rule by first class mail.

#### 4. Quorum, Attendance, Call of Council

- 4.1 Quorum - Four members, including the President shall constitute a quorum for the transaction of business at all meetings of the Council.
- 4.2 Attendance- No member of the Council may absent herself or him- self, without first having informed the Village Clerk of the impending absence and the reasons therefore.

#### 5. Regular Meeting Agenda

- 5.1 Preparation of agenda and materials - The Village Manager and/or other responsible administrative officers or employees at the Village Hall, shall prepare the agenda of business for regularly scheduled Council meetings. Any other member or representative of committees, boards or commissions desiring to place a matter on the agenda shall notify the Village Manager and/or other responsible administrative officers or employees at the Village Hall of such items by 5 p.m. on the Thursday preceding the next meeting. Items that the Village Manager does not receive by the stated deadline shall not be considered by the Council except upon the unanimous consent of the members present.
- 5.2 Distribution of agenda and materials - Upon completion of the agenda the Village Manager and/or other responsible administrative officer or employee at the Village Hall, shall immediately distribute copies of reports, explanations, etc., that relate to business matters coming to the body. The Village Manager and/or other responsible administrative officer or employee at the Village Hall may distribute such material by mail or by personal delivery.
- 5.3 Order of business - The order of the agenda for business to be conducted before the Village Council shall be established by resolution of the Village Council.

#### 6. Conduct of Meetings

- 6.1 Chairperson - The President shall moderate and chair all meetings of the Council. In the absence of this officer, the President Pro Tempore, shall assume the duties of the Chair. In the absence of the President Pro Tempore, the Council shall select a Chairperson by majority vote of the members present.
- 6.2 Members - Those members wishing to speak shall first obtain the approval of the chair and each person who speaks shall address the chair. Other persons at the meeting shall not speak unless recognized by the chair.
- 6.3 Disorderly conduct at meetings - The chair may call to order any person who is being disorderly by speaking or otherwise disrupting the proceedings, by failing to be germane, by speaking longer than the allotted time, or by speaking vulgarities. Such person shall thereupon be seated until the chair shall have determined whether the person is in order. If a person so engaged in presentation shall be called out of order, he or she shall not be permitted to continue to speak at the same meeting except on special leave by 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.

## 7. Record of Meetings

- 7.1 Recording responsibility - The Clerk shall be responsible for maintaining the official record and minutes of each meeting of the Council. The minutes shall include all the action of the Council with respect to motions. The record shall include the names of the mover and seconder and the vote of the Council. The record shall also state whether the vote was by voice or by roll call, and when by roll call, the record shall show the "yes," "no" and abstention for each member.  
The Clerk shall maintain in the office of the Clerk copies of each resolution and ordinance or other matter acted upon by the Council.
- 7.2 Record of discussion - The Clerk shall be responsible for maintaining a written record of summary, written record of the discussion or comments of the members and of comments made by members of the public. The Clerk shall be responsible for making an electronic tape recording of each entire meeting, and each such recording shall be maintained in the office of the Clerk.
- 7.3 Requests for remarks to be included - Any member of the Council may request to have his or her comments printed as part of the record. If there are no objections by any member of Council, the comments may be included. If there is an objection to such printing of the comments, the Council shall decide the matter by majority vote. Such comments to be included as part of the official record shall be provided in writing by the member or transcribed exactly by the Clerk from the electronic tape recording.
- 7.4 Public access to meeting records - The Clerk shall make available to members of the public the records and minutes of official meetings in accordance with the Freedom of Information Act. Minutes prepared by the Clerk, but not approved by the body shall be available to public inspection not more than 8 business days following the meeting or less. Minutes approved by the body shall be available within 5 business days at the meeting at which they were approved. The Clerk shall also promptly send copies of minutes to persons who have subscribed and paid the fee thereof as determined by the Council.
- 7.5 Publication of minutes - The Clerk shall be responsible for publication of a summary of the minutes in a newspaper selected by the Council within 15 days after a meeting or less.

## 8. Committees

- 8.1 Appointment - Annually, at the second (2<sup>nd</sup>) regular Council meeting in April of every year, unless a different time shall be prescribed in the ordinance or resolution creating the office, the Council shall, by resolution of a majority of members, elect and appoint members of the Council to standing committees as listed under Rule 8.2. Members of all other committees shall be by resolution of the Council, unless otherwise prescribed by statute or ordinance. The President of the Village shall be a member of all standing committees.
- 8.2 The standing committees of the Council shall be as follows:
1. Finance
  2. Emergency Services
  3. Public Works and Services
  4. Public Buildings and Lands

5. Legislation and Planning

6. Public Employees

8.3 Committee duties and responsibilities - The duties and responsibilities of the various committees shall be established by duly adopted resolutions and/or ordinances of the Village Council

8.4 Committee Meetings - Each committee that does not consist of at least a majority of the membership of the Council may determine by majority vote whether its meeting shall be open to members of the public. Any committee consisting of at least a majority of the membership of the Council shall comply with the requirements of the Open Meetings Act.

Each committee shall maintain upon request of a majority of the members of Council, a written record of any meeting and shall deliver such record to the Clerk. The Clerk shall maintain a separate file for each committee. The record of each committee shall include at least the following: the date and place of the meeting, members attending, and any final recommendations that the committee has approved. Such meeting record shall constitute a public record in the meaning of the Freedom of Information Act and shall be made available to any persons as required by that act.

No committee shall sit during a session of the Council unless the Council grant it leave to do so.

9. Closed Meetings

9.1 Purpose - The Village Council may meet in closed session for the following purposes:

- 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 hearing.
- 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 its 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 the candidate requests that the application remain confidential. However, all interviews by the public body for employment or appointment to a public office shall be held in an open meeting pursuant to this act.
- f. To consider material exempt from discussion or disclosure by state or federal statute.
- g. Executive sessions are allowed for deliberation and discussion, not for final decision making. Thus, any agreement or understandings reached during an executive session must be confirmed and made final in an open meeting if they are to become official.

9.2 Calling closed session - A two-thirds roll call vote of the Council members elected or appointed and serving shall be required to call a closed session except for the closed

sessions permitted under Sections 9.1 a, b, and c.. The roll call vote and the purpose or purposes for calling the closed session shall be entered into the minutes of the meeting at which the vote is taken.

9.3 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 of the Council, shall not be available to the public, and shall only be disclosed if required by a civil action; these minutes may be destroyed five (5) years and one day after approval of the minutes of the regular meeting at which the closed session was approved.

## 10. Voting and Debate

10.1 Ordinances and resolutions - A vote upon all ordinances and resolutions shall be taken by a roll call add entered upon the records except where the vote is unanimous, it shall only be necessary to state so.

10.2 Roll call - In all roll call votes, the names of the members of the Council shall be called in rotation order as seated and the names to be called first shall be advanced one position in rotation in each successive roll call vote.

10.3 Results of voting - In all cases where a vote is taken, the chair shall decide the result. Any member may call for a division and the yeas and nays shall be called upon the request of the chair or any member of the Council.

10.4 Abstention - No member of the Council shall vote on any question in which he has a financial interest other than the common public interest or on any question concerning his own conduct. On all other questions, each member who is present shall vote when his name is called unless excused by the unanimous consent of the remaining members present. Any member refusing to vote when not so required by this paragraph shall be guilty of misconduct in office.

10.5 Conduct of discussion and debate - During Council discussion and debate, no member shall speak until recognized for the purpose by the chair. After such recognition, the member shall confine discussion to the question at hand.

10.6 Rules of parliamentary procedure - The rules of parliamentary practice as contained in Robert's Rules of Order, most recent edition, shall govern the Council in all cases to which they are applicable, provided they are not in conflict with these Rules or with the Ordinances and Chapter of the Village of Elk Rapids. The presiding officer will interpret and apply the rules of parliamentary practice and the presiding officer's interpretation and application shall be final and conclusive.

## 11. Citizen Participation

11.1 General - Each Council meeting agenda shall provide for reserved time audience participation, as requested, in addition to an opportunity for general audience participation.

11.2 Reserved time participation - Any person or group wishing to make an oral communication to the Council may, by notifying the Village Manager of the subject to be communicated, not later than 5:00 p.m. on the Thursday preceding a regular Council meeting, be granted reserved time, up to five (5) minutes, for such presentation. A group may reserve time without indicating any specific speaker.

11.3 Length of presentation - All presentations before the Village Council shall be limited in length to five (5) minutes per individual presentation. Unused time is not transferable. A group presentation shall be limited to one speaker.

- 11.4 Persons addressing the Council - Persons addressing the Village Council shall state their name, address and, if applicable, their affiliation.
- 11.5 Deviation - Upon the request of a member of the Council and with the concurrence of a majority of the members present at the meeting, a member of the audience shall be permitted to address the Council at a time other than audience participation.
- 11.6 Public hearings - The provisions of paragraph 2 and 5 are not applicable to declared public hearings during which members of the audience may address the Council upon the subject of the public hearing.
12. Introduction, Consideration, and Style of Ordinances
- 12.1 (a) Each proposed ordinance shall be introduced in written form. The style of all ordinances passed by the Council shall be, "The Village of Elk Rapids Ordains."
- (b) Each proposed ordinance shall receive two readings, which may be by title only, unless ordered by the Council to be read in full or in part. After the first reading of a proposed ordinance, the Council shall determine whether it shall be advanced to a second reading. The second reading shall not be given earlier than the next regular Council meeting.
- (c) Each proposed ordinance advanced to a second reading shall be printed and distributed to each member of the Council at least twenty-four (24) hours before the meeting at which it is to be presented for a second reading.
- (d) An ordinance may be repealed, revised, altered or amended only by an ordinance passed in the manner provided in this section. An ordinance may be repealed by reference to its number and title only.
- (e) If a Section of an ordinance is amended or revised, that Section shall be reenacted and published at length.
- (f) Each ordinance shall be recorded by the Clerk, forthwith, in the "Code of Ordinances," and the enactment of such ordinance shall be certified by the Clerk therein.
13. Chief Executive Officer
- 13.1 The President shall be the Chief Executive Officer of the Village. He or she shall preside at the meetings of the Council. The President shall be considered a member of the Council and shall have the right to vote upon any question before the Council. He or she shall from time to time give the Council information concerning the affairs of the corporation, and recommend measures which he or she considered expedient. The President shall exercise supervision over the affairs of the Village and over the public property belonging to the Village and shall see that the laws relating to the Village and the ordinances and regulations of the Council are enforced.
14. Duties of the Council
- 14.1(1)The Council shall prescribe the rules of its own proceedings and shall keep a record of those proceedings. A majority of the members shall be the quorum for the transaction of business. A lesser number may adjourn and compel the attendance of the absent members in a manner as prescribed by ordinance. An office shall not be created or abolished; a tax or assessment imposed; a street, alley or public ground vacated; real estate or an interest in real estate purchased, leased, sold or disposed of; for the public improvement ordered., except by a concurring vote of 2/3 of the members. The vote shall be taken by yeas and nays, and entered in the Journal. Money shall not be appropriated

except by ordinance or resolution of the Council. An ordinance appropriating money shall not be passed or a resolution appropriating money shall not be adopted, except by a concurring vote of 2/3 of the members. Within 15 days of a meeting of the Council, the proceedings had or taken at the meeting, together with vote of the members, shall be published in the newspaper circulated in the Village, if there is a newspaper circulated in the Village.

14.1(2) A writing prepared, owned, used, in possession of, or retained by the Village Council or the Village Clerk, Treasurer, Marshall or Street Commissioner, in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, Act #442 of the Public Acts of 1976 being Sections 15.231 to 15.246 of the Michigan Compiled Laws.

MOTION by MARTIN supported by MASSERANG to accept Ordinance 149. Roll Call Vote: Perlick, Braman, Knight, Fedrigo, Jr., Masserang, Martin, Kitchen. All members present voting yes.

I, Village Clerk, Elaine Glowicki do hereby certify that this Ordinance was approved at the 3/19/84 Regular Council Meeting and will become effective fifteen (15) days from date hereof or date of publication whichever later occurs.

Village Clerk, Elaine Glowicki  
Village President, Roger Kitchen