

Vermontville Village Council

Rules of Procedure

Preamble

As required by Section 5 of the General Law Village Act, 1895 Public Act 3 [being MCL 65.5]. These Rules of Procedure (the “Rules”) were adopted by the Vermontville Village Council on the 14th day of January, 2021. The purpose of these rules is to assist the Council conduct orderly and efficient meetings to address the public’s business.

Table of Contents

Page

A. Regular and special meetings	2
1. Regular meetings	2
2. Special meetings	2
3. Posting requirements for regular and special meetings	2
4. Minutes of regular and special meetings	2
B. Conduct of meetings	2
1. Meetings to be public	2
2. Agenda preparation	3
3. Consent agenda	3
4. Council meeting agendas	4
5. Quorum	4
6. Attendance at council meetings	4
7. Presiding officer	4
8. Disorderly conduct	4
C. Closed sessions	5
1. Purpose	5
2. Calling closed sessions	5
3. Minutes of closed sessions	5
D. Discussion and voting	6
1. Rules of parliamentary procedure	6
2. Conduct of discussion	6
3. Ordinances and resolutions	6
4. Roll call	6
5. Duty to vote	6
6. Results of voting	7
E. Citizen participation	7
1. General	7
2. Length of Presentation	7
3. Addressing the council	7
F. Miscellaneous	7
1. Adoption and amendment of rules of procedure	7
2. Suspension of rules	7
3. Bid awards	8
4. Committees	8
a. Standing committees	8
b. Special (Ad Hoc) committees	9
c. Citizen task forces	9
5. Authorization for contacting the Village Attorney	9

A. Regular and Special Meetings

All meetings of the Village Council will be held in compliance with state statutes, including the Open Meetings Act, 1976 PA 267 as amended, and with the "Rules". Notwithstanding the foregoing, a failure by the Village Council to adhere to these Rules shall not invalidate any action or decision of the Village Council provided such action or decision complied with the requirements of applicable federal or state law.

1. Regular meetings

Regular meetings of the Vermontville Village council will be held on the second Thursday of each month beginning at 7:00 P.M. Meetings will be held at the Community Center, 108 N. Main Street unless held remotely pursuant to the Open Meetings Act or otherwise relocated by the Council.

2. Special meetings

A special meeting shall be called by the Clerk upon the written request of the Village President or any three members of the Council on at least 24 hours' written notice to each member of the Council served personally or left at the Councilmember'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 council unless the item has been stated in the notice of such meeting.

3. Posting requirements for regular and special meetings

The Village Clerk shall provide notice of all meetings of the Village Council in accordance with the Open Meetings Act, 1976 Public Act 267, as amended from time to time.

4. Minutes of regular and special meetings

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

Within eight (8) days of a Council meeting a synopsis showing the substance of each separate decision of the Council or the entirety of the Council proceedings shall be prepared by the Clerk and shall indicate the vote of the Council members. After the Village President approves this document, it shall be posted in the Village Office, in the lobby of the Village Hall, and on the Village website.

B. Conduct of meetings

1. Meetings to be public

All regular and special meetings of the Village Council shall be open to the public, and citizens shall have a reasonable opportunity to be heard in accordance with state law and these Rules. All official meetings of the Council and its committees shall be open to the media, freely subject to recording by radio, television and photographic services at any time provided that such arrangements do not interfere with the orderly conduct of the meetings.

2. Agenda preparation

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

- a. Call to order and roll call of council
- b. Public hearings on ordinances under consideration
- c. Brief public comment on agenda items
- d. Approval of consent agenda (items f, g and Treasurer's report)
- e. Approval of regular agenda
- f. Approval of council minutes
- g. Submission of bills
- h. Communications to the council
- i. Reports from council committees
- j. Reports from village officers as scheduled, e.g. village manager, village attorney, etc.
- k. Unfinished business
- l. New business
- m. Announcements
- n. Adjournment

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

3. Consent agenda

The Village Council may use a Consent Agenda to allow the Council to act on numerous administrative or non-controversial items at one time. Included on this Consent Agenda can be non-controversial matters such as approval of minutes, payment of bills, approval of recognition resolutions, etc. Upon request by any member of the Council, an item shall be removed from the consent agenda and placed on the regular agenda for discussion. Consent Agendas are subject to the following conditions:

1. The Village President and/or President Pro Tempore shall, with input from staff, determine which items on the Council Agenda shall be considered on the Consent Agenda. Any member of the Council may remove an item from the Consent Agenda up to Approval of the Agenda during the Council meeting.
2. During Approval of the Agenda the President shall announce that if a citizen wishes to comment on an item on the Consent Agenda, to please request such at that time. If a request is made, then the item will be removed from the Consent Agenda and voted on separately.
3. A Councilmember shall announce and move for approval the items on the Council Agenda which shall be considered on the Consent Agenda. Those items which are not announced by the Council Member shall be considered separately.

4. There shall be no discussion of any item on the Consent Agenda. If a request for discussion or a question is raised concerning a Consent Agenda item before the vote, that item shall be removed from the Consent Agenda and voted on separately.
5. A roll call vote shall be taken on the Consent Agenda motion.

4. Council Meeting Agendas

Agendas and companion information about matters on any meeting's agenda shall be available to Council members not less than two (2) days prior to the day on which the meeting has been scheduled and Council members shall pick up the Agendas in their Village mailbox located in the Village Office. If the agenda and information are not received by Councilmembers two (2) days prior, any member may request that the Village President either postpone the consideration of that item or postpone the meeting. If postponed, a notice shall be posted at the Village Office in the customary location not less than 18 hours prior to the time of the meeting.

5. Quorum

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

6. Attendance at council meetings

Election to the Village Council is a privilege and carries with it the responsibility to participate in Council activities and represent the residents of the village. Attendance at Council meetings is critical to fulfilling this responsibility. The Council may excuse absences for cause. If a Councilmember has more than three consecutive absences for regular or special Council meetings, the Council may adopt a resolution of reprimand. If there are three additional absences (for a total of six) the Council may enact a resolution of censure or request the Councilmember's resignation or both.

7. Presiding officer

The Village President shall serve as the chair of all Council meetings and be responsible for enforcing these Rules and ensuring the orderly conduct of Village Council meetings. The Village Council shall appoint one of its members President Pro Tempore, who shall preside in the absence of the President. In the absence of both the President and the President Pro Tempore, the Council member present who has the longest consecutive service on the Council, as determined by the Village Clerk's records, shall preside.

8. Disorderly conduct

The Presiding Officer may call any disorderly person "out of order". The term "disorderly" includes, but is not limited to, the following types of disruptive actions or behavior: (1) speaking without recognition or otherwise disrupting the Council's proceedings, (2) failing to be germane, (3) speaking longer than the allotted time, (4) speaking vulgarities, or (5) being physically or verbally abusive to any person in attendance at the meeting. Such person shall be seated until the President determines whether the person is in order. If the President calls a person out of order, he or she shall not be permitted to continue to speak at the same meeting except by special leave of the Council. If the person shall continue to be disorderly and disrupt the meeting, the President may order that the disorderly person be removed 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 sessions

1. Purpose

Closed sessions may be held only for the reasons authorized in the Open Meetings Act, MCL 15.268(a), as may be amended from time to time. Subject to any future amendments to the Open Meetings Act after the effective date of these rules, such authorized reasons for holding a closed session include the following:

- a. 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 session. The employee requesting the closed session may revoke the request at any time and, upon revocation, the Council is required by law to return to open session.
- b. For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if either negotiating party requests a closed hearing.
- c. To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.
- d. To consult with the Village Attorney (or another attorney retained by and representing the Village) 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 litigation or settlement position of the Village.
- e. To review the specific contents of an application for employment or appointment to a public office if a candidate requests that the application remain confidential.
- f. To consider material exempt from discussion or disclosure by state or federal statute

2. Calling closed sessions

The Council may call a closed session under the conditions outlined in Section C.1 above at any regular or special meeting. Except for the closed sessions outlined in Section C.1.a and b above, a two-thirds roll call vote of members of the Council is required to call a closed session. The roll call vote (if required) and purpose(s) for calling the closed session shall be entered into the minutes of the public part of the meeting at which the vote is taken. Closed sessions are confidential and not open to the public. However, the Council may include any necessary parties, such as the Village attorney or Village staff or agents in closed session as circumstances require.

3. Minutes of closed session

A separate set of minutes shall be taken by the Clerk or the person designated by the Council to act as the secretary 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 shall 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 latest edition of Robert's Rules of Order may be consulted and used as a guide on questions of parliamentary procedure, when such questions arise. However, the failure to adhere to Robert's Rules shall not invalidate any action or decision of the Council. The Village President may appoint a parliamentarian from among Council members. The President shall preserve order and decorum at all meetings of Council. The President shall decide all questions arising under this parliamentary authority, subject to appeal and reversal by a majority of the Council members present. Any member may appeal to the Council a ruling of the President. If the appeal is seconded, the member making the appeal may briefly state the reason for the appeal and the President may briefly re-state the basis 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 President be sustained?" If the majority of the members present vote "aye," the ruling of the chair is sustained; otherwise it is overruled.

2. Conduct of discussion

During the Council discussion and debate, no Council member shall speak until recognized for that purpose by the chair. After such recognition, the member shall confine discussion to the question at hand and to its merits and shall not be interrupted except by a point of order or privilege raised by another member. Speakers should address their remarks to the chair, 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. At the discretion of the President and subject to the appeal process mentioned in Section D-1, a member of the public in attendance at the meeting may be allowed to address the Council during its deliberations.

Consideration of any action shall consist of: (1) introduction of the issue or action; (2) motion for action; (3) second of motion; (4) discussion of issue; (5) restatement of the motion; (6) vote on motion; and (7) stated results of vote by Clerk.

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 results 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 Council rules.

4. Roll call

In all roll call votes, the names of the members of the Council shall be called in alphabetical order.

5. Duty to vote

Election to a legislative body carries with it the obligation to vote. Members present at a meeting of Council shall vote on every matter before the body, unless otherwise excused or prohibited from voting by law. A Councilmember 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 and as permitted by law, shall be the sole reason for a member to abstain from voting. The opinion of the Village Attorney shall be binding on the Council with respect to the existence of a conflict of interest. A vote may be tabled, if necessary, to obtain the opinion of the Village Attorney. The right to vote is limited to the members of Council present at the time the vote is taken. Voting by proxy or by telephone is expressly prohibited.

6. Results of voting

In all cases where a vote is taken, the President shall declare the result. Any Councilmember voting in the majority may move for a reconsideration of the vote on any question at that meeting or at the next succeeding meeting of the Council. When a motion to reconsider fails, it cannot be renewed.

E. Citizen participation

1. General

Each regular Council meeting agenda shall provide for two (2) opportunities for public comment. If requested by a member of the Council, the chair shall have discretion to allow a member of the audience to speak at times other than reserved time for public comment.

2. Length of Presentation

Any person who addresses the Village Council during a Council meeting or public hearing shall be limited to five (5) minutes in length per individual presentation. The Clerk will maintain the official time and notify the speakers when their time is up. The Council may amend the individual speaking time permitted at any given meeting as long as done in a uniform manner applicable to all speakers in order to ensure sufficient time for all speakers to be heard.

3. Addressing the council

When a person addresses the Village Council, he or she shall state his or her name. 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 will be placed on the agenda of the first meeting of the Council following the seating of the newly elected Councilmembers for review or amendment and/or adoption. A copy of the Rules adopted shall be distributed to each Councilmember. The Council may alter or amend these 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 Village Council may be suspended for a specified portion of a meeting by an affirmative vote of two-thirds of the members present, except that Council actions shall conform to state statutes and to the Michigan and the United States Constitution.

3. Bid awards

Bids will be awarded by the Village Council during regular or special meetings.

4. Committees

The Village may establish committees pursuant to these Rules. Committee members and a Committee Chair will be appointed by the Village President. They shall be members of the Council. The President shall fill any committee vacancies. Committee members shall serve for a term of one year and may be re-appointed. All meetings of committees will be held in compliance with state statutes, including the Open Meetings Act, 1976 PA 267 as amended. Section E of these rules pertaining to citizen participation applies to all committee meetings. The Chair of any committee shall be the presiding officer of committee meetings and may exercise the authority granted in Section B.8. of these rules with respect to disorderly conduct at meetings.

a. Standing Committees

The Village shall have the following standing committees:

i. Building & Grounds

Purpose is to help direct the growth, maintenance and disposal of the Village's properties and buildings.

ii. Water & Sewer

Purpose is to oversee the licensures that they are acquired and maintained. To analyze the rates to make sure that the two funds operate in the black.

iii. Insurance & Legal

Purpose is to make sure the assets of the Village are covered adequately and help protect the Village of Vermontville in legal matters and work closely with the Village Attorney.

iv. Grants

Purpose is to seek and obtain grants to further promote the Village.

v. Streets, Drains & Sidewalks

Purpose is to oversee the construction and maintenance of the major and local streets, drains and sidewalks within the Village limits. To seek funding for any projects and work closely with the Street Administrator. Also, to maintain the Village right of ways (trees, poles and signage)

vi. Ordinances

Purpose of this committee is to oversee the Code Enforcement Officer and assist in the forming of ordinances to add to the Village's Code of Ordinances.

vii. Employees & Wages (Personnel)

Purpose is to represent the Village in negotiations with employees for wages and benefits.

viii. Technology & Communications

Purpose is to advance the Village of Vermontville into the information age with Web site design and maintenance. To represent the Village of Vermontville in any negotiations with technology companies which do business within and with the Village.

ix. Health and Safety

Purpose is to oversee the safety practices of the Village of Vermontville.

x. Fire Board

Purpose is to represent the Village with the Fire Board.

xi. Budget

Purpose is to oversee the financial health and wealth of the Village of Vermontville. To make sure the Clerk and Treasurer are working closely with the Village Auditors.

b. Special Committees

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

c. Citizen task forces

Citizen task forces may be established by a motion or resolution of the Council which specifies the task to be accomplished and the date of its dissolution. Members of such task forces will be appointed by the Village President, subject to approval by a majority vote of the Village Council and must be residents of the Village. Vacancies will be filled by majority vote of the Village Council in the same way appointments are made.

5. Authorization for contacting the Village Attorney

The following Village officials are authorized to contact the Village attorney regarding Village matters:

- Village President
- Village Clerk

These Rules of Procedure were adopted by Village Council on the 14th day of January, 2021 on a motion to adopt made by Kimberlee Kenyon with support by Ira Flowers.

Voting for Adoption: Gary Goris, Ira Flowers, Sandy Hosey, Chris Morris, Kimberlee Kenyon

Voting against Adoption: None.

I hereby certify this to be a true and accurate copy of the Rules of Procedure adopted by the Vermontville Village Council and now in effect.

Becky Austin
Village Clerk