

The Village of Colon, Michigan

Magic Capital of the World



RULES OF PROCEDURE COLON MICHIGAN

CONDUCT OF MEETINGS

- A. Meetings to be public
- a. All regular and special meetings of the council 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 council may determine (see Section V “Citizen Participation”), except that the meetings may be closed to the public and the media in accordance with the Open Meetings Act.
 - b. 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.
- B. Agenda distribution - Council members will receive their packets and agendas a minimum of two days prior to the meeting date and shall be hand delivered.
- C. 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.
- D. Attendance at council meetings
- a. Election to the village council is a privilege freely sought by the nominee. It carries with it the responsibility to participate in council activities and represent the citizens of the village. Attendance at council meetings is critical to fulfilling this responsibility. A general law village council is empowered by Section 65.5 of the General Law Village Act as amended to adjourn a meeting if a quorum is not present and compel attendance in a manner prescribed by its ordinance.
 - b. The council may excuse absences for cause. If a council member has more than three unexcused successive absences for regular or special council meetings, the council 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 council, the council may enact a resolution of censure or request the council member’s resignation or both.
- E. Presiding Officer - The presiding officer shall be responsible for enforcing these rules of procedure and for enforcing orderly conduct at meetings. The president is ordinarily the presiding officer. The president shall appoint one of its member’s 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 member present who has the longest consecutive service on the council shall preside.

- F. Disorderly conduct - The president may call to order any person who is being disorderly be speaking out of order or otherwise disrupting the proceedings, failing to be relevant, speaking longer than the allotted time or speaking vulgarities. Such person shall be seated until the chair 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 president or chair person. 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 the meeting except for an actual breach of the peace committed at the meeting.

CLOSED MEETINGS

- A. Purpose - Closed meeting 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 council.
 - 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.
- B. Calling closed meetings - At a regular or special meeting, the council 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.I of the Open Meetings Act. The roll call vote and purpose for calling the closed meeting shall be entered into the minutes of the public part of the meeting at which the vote is taken.
- C. 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, 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.

DISCUSSION AND VOTING

- A. Rules of parliamentary procedure - The rules of parliamentary practice as contained in the latest edition of Robert's Rule of Order shall guide the council in all cases to which they are applicable (Roberts Rule will be used as a guide not the rule), provided that they are not in conflict with these rules, village ordinances or applicable state statutes. The president may appoint a parliamentarian. The chair shall preserve order and decorum and may speak to points of order in preference to other council-members. The chair shall decide all questions arising under this parliamentary authority.
- B. Conduct of discussion - During the council discussion and debate, no 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. The chair, at his or her discretion may permit any person to address the council during its deliberations.
- C. Roll Call Vote - In all roll call votes, the president is the last vote taken.
- D. Duty to vote
 - a. Election to a deliberative body carries with it the obligation to vote. Council members present at a council meeting shall vote on every matter before the body, unless otherwise excused or prohibited from voting by law.
 - b. A council 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 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.
 - c. 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 not permitted.
 - d. All votes must be held and determined in public; no secret ballots are permitted.
- E. Results of voting - In all cases where a vote is taken, the chair shall declare the result.

THE FOLLOWING ARE DIVISIONS OF THE TYPES OF MOTIONS LISTED IN ORDER OF PRECEDENCE:

- A. Privileged Motions
 - a. Adjourn

- b. Recess
 - c. Question of privilege
- B. Incidental Motions
 - a. Point of order - Parliamentary Inquiry
 - b. Appeal
 - c. Suspend Rules (2/3)
 - d. Withdraw a Motion
 - e. Objection to consideration (2/3)
- C. Subsidiary Motions
 - a. Lay on the Table - Take from the Table
 - b. Call Question - close debate (2/3)
 - c. Postpone Indefinitely
 - d. Refer to Committee - Remove from Committee
 - e. Amend or Substitute
 - f. Postpone indefinitely
- D. Main Motion
 - a. General Main Motion
 - b. To reconsider
 - c. To rescind (2/3 with no previous notice)

CITIZEN PARTICIPATION

- A. General - Each regular council meeting agenda shall provide for reserved time for citizen participation. If requested by a member of the council the presiding officer shall have discretion to allow a member of the audience to speak at times other than reserved time for citizens participation.
- B. Length of presentation - Any person who addresses the council during a council meeting or public hearing may be limited to 3 minutes in length per individual presentation. The clerk will maintain the official time and notify the chair when the speaker's time is up. This can be enforced at any time by the chair. The purpose is to give as many citizens as possible time to address the council.
- C. Addressing the council - When a person addresses the council, he or she shall clearly state his or her name and home address. Remarks should be confined to the question at hand and addressed to the chair in a courteous tone. The Chair may respond, redirect the question to the appropriate staff person, if present or choose to take the question under advisement to be answered at a later specified time. 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.

RESPONSE TO PUBLIC COMMENT - Council members shall not respond to general audience participation, unless permitted to do so by the Village President. Matters raised by the public may also be referred to the Village Manager, the appropriate department head, or to the Village Attorney, or by the Village President.

SUSPENSION OF RULES - The rules of the 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 State Constitutions.

CITIZEN TASK FORCES - Citizen task forces may be established by a resolution of the council which specifies the task to be accomplished and the date of its dissolution. Members of such committees will be appointed by the president, subject to approval by a majority vote of the council and must be residents of the village. Vacancies will be appointed by the president. Citizen task force is a public body and must comply with the Open Meetings Act.

AUTHORIZATION FOR CONTACTING THE VILLAGE ATTORNEY - The following officials are authorized to contact the village attorney regarding municipal matters:

- A. Village President
- B. Village Clerk/Village Treasurer
- C. Village Manager
- D. Chief of police
- E. Superintendent of public works
- F. Or by majority vote of the council
- G. Or by approval of the Village President

TRAINING FOR NEW COUNCIL MEMBERS - It is suggested that all council members should as soon as available, attend a training class or training conference on the Open Meetings Act and FOA (Freedom of Information Act) or provide proof of training. It should be encouraged to attend at least one additional class or conference per year.