

Village of Spring Lake

Village Council

Rules and Procedures



Adopted December 19, 2016

I. AUTHORITY

1.01 **Adoption of Rules and Procedures** – These rules and procedures are adopted by the Village Council pursuant to Section 5.11(c) of the Village Charter, which provides:

“Procedures for Village Council meetings shall be determined by the Village Council and may be adapted from Robert’s Rules of Order.”

1.02 **Village Council** – Section 5.02 of the Village Charter provides:

“There shall be a Village Council composed of the Village President and six Council Members.”

II. TYPES OF MEETINGS

2.01 **Regular Meetings** – At regular meetings, the Village Council conducts routine business such as approving bills, approving meeting minutes, and considering and voting on Village matters.

With regard to regular meetings of the Village Council, Section 5.11(a) of the Village Charter states the following:

“The Council shall meet regularly at least once every month and at such other times and places as the Council may prescribe by resolution”

Public notice of any regular meeting shall be posted in accordance with the Open Meetings Act.

2.02 **Special Meetings** – At special meetings, the Village Council considers business that cannot be postponed such as deciding on time sensitive legal, financial, governmental, or personnel matters facing the Village. Due to the nature and purpose of special meetings, their agendas are typically limited to only those time-sensitive matters.

With regard to special meetings of the Village Council, Section 5.11(b) of the Village Charter states the following:

“Special meetings may be called by the Clerk/Treasurer at the request of the President or a majority of the Council Members.”

Public notice of any special meeting shall be posted in accordance with the Open Meetings Act.

2.03 **Work Sessions** – The Village Council may meet informally in a work session to

have discussion, clarification, etc. on issues that may appear on the next agenda or matters that may be of concern. No formal action may be taken by the Council in a work session and as such, a quorum of the Council is not necessary to hold a work session.

Work sessions are tentatively scheduled on the 2nd Monday of each month at 7:00 p.m. at Village Hall.

Work sessions shall be noticed in accordance with the Open Meetings Act and shall be open to the public.

2.04 Executive (Closed) Sessions – The Village Council may only go into Executive (Closed) Session during a regular or special meeting, and only for purposes allowed under the Open Meetings Act, as follows:

- (a) To consider the dismissal, suspension, or disciplining of, or hear complaints or charges brought against, or to consider a periodic evaluation of, 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 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. A 2/3 roll call vote of members elected or appointed and serving is required to call a closed session for this purpose.
- (d) To consult with an attorney regarding trial or settlement strategy in connection with specific pending litigation, but only when an open meeting would have a detrimental effect on the litigating or settlement position of the Council. A 2/3 roll call vote of members elected or appointed and serving is required to call a closed session for this purpose.
- (e) To review and consider the contents of an application for employment or appointment to a public office when the candidate requests that the application remain confidential. All interviews for employment or appointment to a public office shall be held in an open meeting pursuant to the Open Meetings Act. A 2/3 roll call vote of the members elected or appointed and serving is required to call a closed session for this purpose.
- (f) To consider material exempt from discussion or disclosure by state or federal statute. A 2/3 roll call vote of the members elected or appointed and serving is required to call a closed session for this purpose. (MCL 15.267, 15.268)

2.05 Minutes of Executive Sessions – The roll call vote and the purpose or purposes for calling the executive session shall be entered into the minutes of the open meeting at which the vote is taken. A separate set of minutes shall be taken by the Clerk or designee in the executive session. These minutes shall be retained by the Clerk, are not available to the public, and shall only be disclosed if required by a civil action filed under the Open Meetings Act. These minutes may be destroyed 1 year and 1 day after approval of the minutes of the regular meeting at which the executive session was approved. (MCL 15.267)

2.06 Confidentiality of Executive Session Information – Village Council members and individuals in attendance at executive sessions shall not record or divulge confidential information discussed in an executive session in advance of the time prescribed for its authorized release to the public by the Village Council. Council members shall honor the confidentiality of the debate, discussions, and preliminary action taken in closed session.

2.07 Adoption of Regular Meeting Schedule – Regular meetings of the Village Council are tentatively scheduled for the 3rd Monday of each month, at 7:00 p.m. at Barber School.

However, at the last regular meeting of each calendar year, the Council shall establish and adopt its regular meeting schedule for the upcoming calendar year. At this time, the Council by majority vote may elect to alter one or more of their regular meeting dates where a schedule conflict exists.

The adopted regular meeting schedule is published at the onset of the calendar year, and generally posted in the Village Hall lobby and on the Village's website.

2.08 Changes in the Regular Meeting Schedule – Changes in the regular meeting schedule may be made at any time upon the approval of the majority of the Village Council members during a regular or special meeting. Changed meeting schedules shall be noticed by the Village Clerk/Treasurer in accordance with the Open Meetings Act.

2.09 Posting Meetings - The Village Clerk/Treasurer shall be responsible for posting all regular and special meetings and work sessions of the Village Council in conformance with the Open Meetings Act. The posting of all meetings of the various Village Councils and Committees that are required to conform to the Open Meetings Act shall be the responsibility of the Village Clerk/Treasurer.

2.10 Council Attendance Requirement –Pursuant to Village Charter, Section 5.08(b) no Village Council member shall fail to attend more than three (3) consecutive meetings without being excused by Council.

Any violation of this provision shall result in the matter being referred to the

Village Council for appropriate action, including but not limited to removal from the Village Council. This provision recognizes the duty of Village Council members to regularly attend meetings in order to represent the citizens in matters concerning the Village.

III. AGENDAS

3.01 Meeting Agendas and Packets - The Village Manager and/or Village Clerk/Treasurer shall prepare and finalize the meeting agenda and all supporting documentation and correspondence addressed to the Village Council (packets) on the Friday prior to every Village Council meeting or work session.

A copy of the proposed agenda and packets shall be delivered or made available by the Village Clerk/Treasurer to every Village Council Member on the Friday prior to the meeting. Meeting agendas and packets shall also be delivered or made available to the Village Manager and Village Attorney, at the same time.

The Village Clerk/Treasurer shall maintain all Village Council agendas and packets prior to delivery. Copies of all supporting documentation and correspondence shall be delivered to the Village Clerk/Treasurer on the Friday prior to the meeting.

3.02 Adding Items to Meeting Agendas - Any Village Council Member who desires to have a business item placed on the Village Council regular meeting, special meeting, or work session agenda shall notify the Village Council and Village Manager at least seven (7) business days prior to the meeting either in writing or vis-à-vis email. Any item requested for placement on the agenda shall be clearly specified and, if applicable, a proposed motion shall be offered. Additional notice may be necessary if staff is required to conduct research or prepare supplemental material.

Requests by department heads to have a business item placed on the Village Council regular meeting, special meeting, or work session agenda shall be approved in advance by the Village Manager. If approved, they shall then notify the Village Manager at least seven (7) business days prior to the meeting either verbally, in writing or vis-à-vis email. Department heads shall be responsible for providing all supplemental material to the Village Manager no later than Thursday prior to the meeting.

When a need to place a business item on the agenda arises after the specified deadlines, the item may be added to the agenda only by a majority vote of Village Council Members attending the meeting at the beginning of the meeting.

IV. CONDUCT OF MEETINGS

- 4.01 **Chair** – The chair shall be responsible for timely, fair and reasonable conduct of the meeting’s business. The President shall moderate and chair all meetings of the Village Council. In the absence of the President, the President Pro-Tem shall assume the duties of the chair. If neither person is present at the meeting, the Council shall select one of its members to preside until the President or President Pro-Tem is present.
- 4.02 **Quorum** – Four (4) Village Council members shall constitute a quorum for the transaction of business at all Village Council meetings. If fewer than four Council are in attendance, the meeting shall be immediately adjourned for lack of quorum.
- 4.03 **Parliamentary Procedure** – The rules of Parliamentary Procedure as contained in Robert’s Rules of Order, Newly Revised, most recent edition, shall govern the Village Council in all cases to which they are applicable and unless they are in conflict with these rules, the Village Code or Village Charter or the laws of the State of Michigan.
- 4.04 **Consent Agenda** – The Consent Agenda includes items of a routine nature, such as meeting minutes, correspondence, etc., and will be approved with one motion. That motion will approve the recommended action for each item on the Consent Agenda. Any Council member may ask a question regarding an item, as well as speak in opposition to the recommended action, by removing an item from the Consent Agenda to have it considered as a separate item. Any item so removed from the Consent Agenda shall be considered after other items on the consent portion of the agenda have been heard.
- 4.05 **Order of Business at Regular Meetings** - The order of business at all regular meetings of the Village Council shall be as follows:
1. Call to Order
 2. Pledge of Allegiance
 3. Roll Call
 4. Approval of the Agenda
 5. Approval of Consent Agenda
 6. General Business
 7. Department Reports
 8. Old Business & Reports by Village Council
 9. New Business & Reports by Village Council
 10. Status Report: Village Attorney
 11. Statement of Citizens
 12. Adjournment
- 4.06 **Changes to the Order of Business** – The chair, upon hearing no objection, may

change the order of business at the beginning of the meeting. Should an objection be made, such proposed change shall be approved by a majority vote of the members present.

4.07 **Motions** – No motion, resolution or ordinance shall be adopted until it has been restated by the chair. The chair may ask the Village Clerk/Treasurer for clarification in these matters. A motion to adjourn, recess, lay on the table or to call the question shall be voted on without further debate.

4.08 **Voting** – An affirmative vote of the Council members in attendance at regular or special meetings shall be required for the approval of any proposed action or motion placed before the Village Council. Voting shall ordinarily be by voice vote, with the exception of required roll call votes.

No Council member shall abstain from voting, unless that member states a conflict of interest, which shall be the sole reason for a request to abstain from voting. Such abstention must be approved in accordance with Section 4.10 below.

Roll call votes shall be taken when required by law or Village Charter, or at the request of any Council member, or when the chair cannot determine the results of a voice vote.

4.09 **General Discussion** – Issues that require consideration at a meeting may be discussed with or without a formal motion. An issue may be resolved by:

(a) Adequate discussion to determine the general consensus, as announced by the chair.

(b) By formal motion.

4.10 **Conflict of Interest** – Members of the Village Council shall refrain from voting on any matter where a potential conflict of interest may exist. A conflict of interest shall exist if a member of the Council has a financial interest, or duality of interest in the question before the Council. If a question of conflict of interest arises, the Council shall by simple majority vote of the remaining members determine whether a conflict exists.

Any member abstaining from a vote due to conflict of interest shall remove him/herself from the table, take a seat in the audience, and not participate in the discussion of that item. That person may return to the table once the matter has been voted upon by the Village Council.

4.11 **Participation at Meetings** - Village Council Members must be physically present to participate in any meeting of the Village Council.

4.12 **Public Participation at Regular and Special Meetings** – The following rules pertain to public participation procedures at all regular and special meetings of the Village Council.

(a) **Opportunities to Speak** - The public shall have the opportunity to speak on:

1. Agenda items, other than the proponent, for a period of 3 minutes, during the public comments and public hearing portions of the meeting Agenda;
2. Any other Village-related issue for a period of 3 minutes, during the public comments portion of the meeting Agenda.
3. The Village Manager shall be the time keeper for the public comment.

(b) **How to Address the Village Council** - Those who wish to address the Village Council may raise their hand or stand to be recognized by the chair during the public comment portion of the meeting Agenda and address the Village Council as follows:

1. Please use the podium and microphone;
2. Please state your name and address (i.e. are you a Village resident or someone's representative);
3. Please hand any materials or handouts that you would like to have distributed to the Village Council to the Village Clerk/Treasurer;
4. Please address the Village Council in a civil and polite manner. Abusive, threatening or vulgar language will not be tolerated and your speaking time will be terminated if such language persists. You have a relatively short time to make your point. Tell the Village Council what you want and why;
5. Please remember that respect for others extends not only to the Village Council, but to those having the floor. Excessive noise, talking, heckling, or other rude behavior will not be tolerated.

4.13 **Public Participation at Work Sessions** – Public participation at work sessions may be allowed at the end of the meeting for a period of 3 minutes per person.

4.14 **Disorderly Conduct at Meetings** – The chair may call to order any person who is being disorderly when not recognized by the chair, or by speaking for more than the allotted time, or otherwise disrupting the proceedings. Such person shall thereupon be seated until the chair has determined whether the person is in order.

If a person so engaged in presentation is called out of order, he or she shall not be permitted to speak at the same meeting, except upon special permission by the Village Council. If the person continues to be disorderly or disrupts the meeting, the chair may order the Sheriff's Department to remove the person from the meeting.

V. SPECIAL COMMITTEES

The Village Council may establish from time to time such special committees as are deemed necessary, which committee shall only be advisory in nature. The purpose shall be determined at the time the special committee is established. At least two (2) Council Members shall be a member of a special committee. A special committee may report recommendations to the Council for appropriate action and shall be automatically dissolved when their specific task is completed.

If required by law, a meeting of a Special Committee shall be posted in accordance with the Open Meetings Act.

VI. VILLAGE COUNCIL COMMUNICATIONS WITH STAFF, LEGAL COUNSEL AND OTHER PROFESSIONALS

Pursuant to Section 5.07(c) of the Village Charter, and to promote efficient administration, the Village Council authorizes the Village Manager to provide day-to-day direction and control over all Village activities, and to provide a liaison between the Council and the various Village departments.

Village Council members should direct all work orders, or complaints directed at department heads or employees to the Village Manager. However, general inquiries about Village procedures and rules, community activities, project updates, enforcement actions, etc. may be directed to any staff member.

Any directives, complaints, or work orders made by a member of the Council directly to a department head or employee, shall be brought to the attention of the Village Manager by such department head or employee prior to initiating any response.

Village Council members shall send all inquiries directed to the Village Attorney, Village Engineer, and all other outside professionals retained to provide services to the Village, first to the Village Manager. The Village Manager shall be the Council's liaison with all outside professionals unless the Council votes to give a Village Council member authority to communicate directly with the outside professional.

VII. ADOPTION AND AMENDMENT OF RULES AND PROCEDURES

The Village Council may alter or amend these Rules and Procedures at any time by a vote of the majority of its members, provided that all members have received a copy of the proposed amendments at least five (5) business days prior to the meeting at which such amendments are to be considered.

A copy of the rules adopted shall be distributed to each newly elected or appointed Council member.