

# Freeport 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 Freeport Village Council on the 10th day of January, 2022. The purpose of these rules is to assist the Council conduct orderly and efficient meetings to address the public's business.

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# Freeport Village Council

## RULES OF PROCEDURE

### **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 Freeport Village council will be held on the second Monday of each month beginning at 7:30 P.M. Meetings will be held in the Community Room of the Village Hall unless otherwise relocated by the Council or **State Emergency Guidelines**.

#### **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.

#### **3. Posting requirements for regular and special meetings**

a. All meetings of the Village Council shall be given public notice as required by the Open Meetings Act, 1976 Public Act 267, as amended from time to time.

#### **4. Minutes of regular and special meetings**

The Clerk or Deputy Clerk shall attend the Council meetings and record all the proceedings and resolutions of the Council in accordance with 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 5 business 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. After the Council approves the minutes they shall be placed on the Village website and/or posted in three public places in the village. A copy of the minutes of each regular or special Council meeting shall be available for public inspection at the Village offices during regular business hours.

#### **5. Work Sessions of the Council**

With notice as provided for special meetings, the Council may convene a work session devoted exclusively to the exchange of information relating to municipal affairs. Council may invite persons with special expertise to convey knowledge to Council members.

### **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".

#### **2. Agenda preparation**

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

- I. Call to Order
- II. Roll Call of Council Members
- III. Approval of Agenda
- IV. Approval of Meeting Minutes
- V. Public Comment (limit of three minutes)
- VI. Reserved Time
- VII. Petitions and Communications
- VIII. Ordinances and Resolutions
- IX. Council Reports
- X. Old Business
- XI. New Business
- XII. Staff Reports
- XIII. Boards & Commissions
- XIV. Informational Items
- XV. Public Comment (limit of three minutes)
- XVI. Final Council Comment
- XVII. 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 under 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 Trustee 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 Trustee 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 Trustee 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 distributed to Council members no less than 3 days prior to the day on which the meeting has been scheduled. If the agenda and information are not received by Council members 3 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 entrances to Village Hall no 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 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 President may call any disorderly person "out of order" "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 chair may order the Sergeant at Arms to remove the person from 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), which 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**

At a regular or special meeting, the Council may call a closed session under the conditions outlined in Section C.1 above. The roll call vote 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.

## **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 Trustees 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 rotating order. The Clerk shall rotate voting order after each roll call vote.

#### **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 is expressly prohibited. Voting by phone or virtually is allowed under a State Emergency declaration.**

#### **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 reserved time for audience participation. 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 audience participation.

#### **2. Length of presentation**

Any person who addresses the Village Council during a Council meeting or public hearing shall be limited to the following time limits:

- If invited by Council, unlimited time at the discretion of the Village President;
- Reserved Time, limited to five (5) minutes; and
- Public Comment, limited to three (3) minutes

#### **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 of procedure of the Village Council will be placed on the agenda of the first meeting of the Council following the seating of the newly elected Trustees 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 its 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. A bid award may be made at a special meeting of Council if that action is announced in the notice of the special meeting.

## **4. Committees**

### **a. Committee of the Whole**

#### **i. Purpose**

The purpose of the Committee of the Whole is to provide the Council with an opportunity to consider issues or proposals in greater detail, seek and obtain information or recommendations from staff, professional consultants, residents, or property owners, and to determine the items or proposals to be considered by the Council for approval at the following regular Council meetings.

#### **ii. Meetings**

(a) Unless the Council or Committee of the Whole shall otherwise specify, the Council shall meet as a Committee of the Whole on the first Thursday of each month, at such time that the Council or the Committee of the Whole shall determine in accordance with the Open Meetings Act. If a regular meeting date shall be a national holiday, the meeting shall be held on the next secular day.

(b) All regular meetings of the Committee of the Whole shall be held in Village Office unless the Council or the Committee of the Whole shall otherwise specify.

(c) Minutes shall be prepared for all meetings pursuant to the Open Meetings Act and shall be a public record.

#### **iii. Rules**

A majority of the Council shall constitute a quorum and a majority of the vote of the Trustees present shall be able to vote to recommend to the Council any potential action.

#### **iv. Agenda**

The agenda shall be distributed to the Trustees at least two (2) business days prior to the meeting. The President shall determine which items shall be placed on the agenda subject to the following:

(a) Any Trustee may place an item on any future Committee of the Whole agenda for consideration by the Committee of the Whole at the Committee's next meeting.

(b) If an item on the Committee of the Whole agenda is not favorably recommended by a majority of the quorum present, the item shall not be placed on the meeting agenda for consideration by the Council.

### **b. Special (Ad Hoc) committees**

The Council may establish from time to time such special committees as are deemed necessary which shall only be advisory in nature. The purpose shall be determined at the time the special committee is established. At least two (2) Trustees 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.

### **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
- President Pro Tempore whenever the President is not available

These Rules of Procedure were adopted by Village Council on the \_\_10th\_\_ day of \_\_January\_\_\_\_, 2022 on a motion to adopt made by \_\_Lani Forbes\_\_ with support by \_\_Shawn Hill\_\_ .

Voting for Adoption; Damon Cove, Madison Cove, Shawn Hill, Lani Forbes, Bill Andrews

Voting against Adoption;

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

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Shawna Hill  
Village Clerk