

Sue is Red
Meg is Purple
Maggie is Blue
March is Green
Tom is Orange

Empire Village Council Rules of Procedure

Introduction: The General Law Village Act requires the Village to adopt rules of its own proceedings. These Rules of Procedure are a tool to assist and enhance the orderly, cooperative conduct of Village business by the Council. ~~As such~~ The Rules are not intended and shall not be applied as a basis to invalidate good faith action by the Council and/or its members, if such action does not violate the laws of the State of Michigan. The absence of a timely objection that a Rule of Procedure is being violated demonstrates good faith in the action taken.

1. Meetings

1.1. Regular and Work Session Meetings

The Regular Meetings of the Council shall be held on the fourth Tuesday and the Work Session meetings shall be held on the second Thursday of each month unless those days are a holiday. ~~Each February, the Council shall approve the Regular and Work Session meeting schedule for the following fiscal year of March 1st through February 28th, including any exceptions for holidays. Said schedule shall be posted no later than 10 days following the first meeting in March. Duplicate of 2.1~~

1.2. Special Meetings

A Special Meeting is any meeting of the governing body other than those called for in paragraph 1.1. Upon the request of the President or any three members of the Council, the Clerk/Deputy Clerk shall call a Special Meeting. Every Councilmember will be notified, individually, of a Special Meeting being scheduled, and notice of Special Meetings shall be posted at least 18 hours in advance of the meeting. Special Meeting notices shall contain the date, time, place and purpose of the meeting. No official action shall be transacted at any Special Meeting unless the item has been stated in the notice of the meeting.

1.3. Public Hearings

A Public Hearing is a meeting designed specifically to receive input from the public on a single issue. Public Hearings shall be scheduled, and due notice given in accordance with the provisions of the applicable act or ordinance. Public Hearings that are scheduled as part of a Regular Meeting shall follow the procedures outlined in Section 5, Public Hearings. ~~Process.~~

1.4. Place of Meeting

All Work Session, Regular and Special Meetings of the Council will be held at the Empire Township Hall, 10088 W. Front Street. A majority of the Council may designate a different place for any Work Session, Regular or Special Meeting. Alternatively, the Clerk/Deputy Clerk, with the consent of the President, may change the meeting to another location. As required by law, a notice of the change shall be prominently posted on the door of the Township Hall, at the Village Office, at the Village kiosk next to the Post Office and at the Glen Lake Community Library. ~~As time and technology allow, s~~ Such notice will be posted on the Village website with notification of the posting sent out via the email blast system sent to those who have specifically requested such notification.

1.5. Time of Meetings

All Work Session and Regular Meetings of the Council will begin at 7:00 p.m., unless the Council, by a majority vote, sets a different starting time. The time of any Special Meeting shall be included in the meeting notice.

1.6. Ending of Meetings

At Work Session and Regular Meetings of the Council, items of business shall be completed by 9:00 p.m. to allow time for public comment and an adjournment time of 9:30 p.m. At the appointed hour, Council shall immediately adjourn unless the Council, by majority vote, extends the meeting or members of the public are present and wish to speak as part of the public comment section of the agenda.

2. Public Notice of Meetings

2.1 Work Session and Regular Meeting Schedule

As required by law, the Clerk/Deputy Clerk shall post a notice of Work Session and the Regular Meeting schedule for the fiscal year on the Village website and at the Village of Empire Office. The notice shall indicate the dates, times and places of the Work Session and Regular Meetings scheduled.

~~As time and technology allow~~ ~~As time and technology allow~~ Information about individual meetings will be added to the website. That information may include the agenda, meeting materials and other pertinent documents. Notification of the posting of that information will be sent out via the email blast system to those who have specifically requested such notification.

2.2 Rescheduled Meetings

As required by law, for a rescheduled Work Session, Regular or Special Meetings of the Council, the Clerk/Deputy Clerk shall post a public notice at least 18 hours before the meeting at the Village of Empire Office, at the Village kiosk next to the Post Office and at the Glen Lake Community Library. The notice shall state the date, time, place and purpose of the meeting.

~~As time and technology allow~~ ~~As time and technology allow~~ Information about rescheduled meetings will be added to the website and sent via email blast to those who have specifically requested to receive such notification.

2.3 Emergency Special Meetings

The notice described above in Section 2.2 is not required for an emergency session of Council in the event of a severe and imminent threat to the health, safety, or welfare of the public when two-thirds of the members of the Council determine that delay would be detrimental to the Village's efforts in responding to the threat.

3. Record of Meetings

3.1 Recording Responsibility

The Clerk shall attend the council meeting and record all the proceedings and resolutions of the council in accordance with Section 64.5, Public Act 3 of 1895 (referred to as the General Law Village Act) 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. **(NEW PARAGRAPH from General Law Village Act Handbook page 103)**

The Clerk shall be responsible for maintaining the official record and minutes of each meeting of the Council. **These are the minutes of the business meetings of the Village Council and may be used as such in a court of law.** The minutes shall include all actions of the Council with respect to motions, including the name of the member who made the motion and the member who supported it. **This shall include any motions that were withdrawn or not seconded.**

~~Highlights of discussions will be included.~~ Highlights of the discussion of motions (regular meeting) and general of agenda items (work sessions) will be included. Points in favor and against a motion (or agenda item) shall be recorded. Council members shall consider this as they speak to the issue at hand (i.e., I am in favor of this or these reasons; I am opposed to this for these reasons). **Council voted to request more details of discussions be included in the meeting.** If the vote is a roll call, the minutes shall show who voted "Yes," "No" or "Abstained".

The Clerk shall not be responsible for maintaining a verbatim report of all the discussion or comments of the Council or members of the public made at Council meetings.

~~In the absence of the Clerk or Deputy Clerk, the Council may appoint one of its own members or another person to temporarily perform this duty.~~ In absence of the Clerk or Deputy Clerk, the Council may appoint one of its own members or another person to temporarily perform this duty.

3.2 Minutes- Work Session, Regular and Special Meetings *-The ROP descriptions of minutes and process of draft minutes and final minutes and the timeline I found to be very confusing. There must be a simpler way of describing the timeline and days between draft minutes and final minutes. Are hard copies of the approved minutes available at the library?*

A Draft (synopsis) of the minutes must be available for public inspection within eight (8) business days following the meeting to which they refer and posted in three (3) public places in the Village; the Village office, the kiosk next to the Post Office and the Glen Lake Community Library.

(Note: From Open Meetings Act - MCL 15.269(1))

Corrections to the Draft (synopsis) must be made no later than the next meeting after the meeting to which the minutes refer and must show both the original entry and the corrections.

(Note: From Open Meetings Act - MCL 15.269(3))

Approved minutes, showing corrections shall be posted in place of Draft (synopsis) within five (5) business days following the meeting at which they were Approved by Council.

*This was found on page 103 (4) of the General Law Village Act
Within 15 days after a meeting of the council, a synopsis or the entirety of the proceedings, including the vote of the members, prepared by the clerk and approved by the president showing the substance of each separate decision of the council shall be posted in 3 public places in the village. They will be at the Kiosk next to the Post Office, the Glen Lake Community Library and the Village website. MCL 65.5 (3)*

Draft of minutes (synopsis) of each Work Session, Regular and Special Meeting shall be prepared by the Clerk, ~~approved by the President~~ ~~approved by the President~~ and posted in three public places in the Village (Village Office, Village kiosk [on Front Street next to the Post Office], and at the Glen Lake Community Library) within 8 business days following the meeting to which they refer. Draft minutes (synopsis) shall be clearly labeled as such.

Council Members shall be notified, via email, when the draft minutes (synopsis) have been posted; a copy of the draft minutes (synopsis) ~~will shall~~ be included in the email notification to Council Members. Council Members shall refer all typographical, grammatical or errors of fact (inaccurate motion, vote, misspelled name) ~~corrections of the draft minutes (synopsis) in writing to the Clerk~~ for review within 48 hours of said posting.

Approved minutes showing any changes made from the draft ~~corrections~~ shall be posted in place of draft minutes (synopsis) on the Village website, ~~and available in hard copy at the Village Office, the Village kiosk (on Front Street next to the Post Office) and the Glen Lake Community Library. within five business days following the meeting at which they were approved by Council. Approved minutes shall be clearly labeled as such.~~

3.3 Communications Correspondence

All written (physical or electronic) ~~communication~~ correspondence received by the Council or an individual Council Member from a member of the public shall be provided to the Clerk. Acknowledgement of the receipt of each ~~communication~~ correspondence, its author and subject shall be announced when discussing "Communications Correspondence" at the Regular Meeting of the Council. The ~~communication~~ correspondence or a summary shall be read at that time, unless waived by the author or if no member of council asks that it be read or summarized.

3.4 Public Access to Meeting Materials and Minutes

All minutes, ~~tape recordings~~, and meeting materials, except for those deemed privileged or confidential, shall be available for public inspection at the Village Office during regular business hours. Council Members shall turn in to the Clerk for proper filing, any personal notes, writings, drawings, etc. when said items are used in a meeting or referred to in a meeting.

All minutes ~~and meeting materials, except for those deemed privileged or confidential~~, shall be available for public inspection at the Village Office during regular business hours. Per the General Law Village Act, 65.5 Section 5 (4) A writing prepared, owned, used, in the possession of, or retained by the council or by the clerk, treasurer, or other officer of the village in the performance of an official function must be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. Council Members shall turn in to the Clerk for proper filing ~~, any personal notes, writings, drawings, etc. when said items are used in a meeting or referred to in a meeting~~, said materials upon the adjournment of the meeting.

3.5 Taping Recording of Meetings and Disposition of Tapes

Council meetings are ~~/audio recorded taped solely for assisting /taped solely for assisting/~~ to assist the Clerk/Deputy Clerk in preparing the minutes of the meetings. ~~Tape~~ Audio recordings are not to be considered the official record of a Council meeting. Members of the public may request a copy of the tape upon completion of DRAFT minutes. The public will be required to provide their own storage device. The tape may ~~and may shall~~ be recycled or disposed of 6 6 3 months after the Council approves the written minutes. ~~Tapes of meetings are considered public records and shall be available to the public upon request. The Village offers no guarantee as to the quality of said recording.~~ Members of the public may request a copy of the audio recording and it should be provided following appropriate FOIA guidelines. Copies of recordings shall be made available to the public upon request.

4. Closed Meetings

4.1 Purpose and Procedure

A roll call vote and purpose for calling a closed meeting must be recorded in the minutes of a Work Session, Regular or Special Meeting. Upon a 2/3 roll call vote of the total number of members of the Council (not just the members present), the Council may call a closed meeting for any of the following reasons:

- a. To consider the purchase or lease of real property
- b. To consult with its attorneys 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.
- c. To review contents of an application for employment or appointment, but only when the candidate requests confidentiality. However, an interview must be conducted in an open meeting.

- d. To consider material specifically exempt from discussion or disclosure by state or federal statute.

Upon a simple majority roll call vote of the total number of members of Council (not just the members present), the meeting may go into a closed session for the following reasons:

- 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 or employee, staff member, or individual agent, but only when the named person requests a closed session.
- b. For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if either negotiating party requests a closed hearing.

4.2 Minutes of Closed Meetings

The Clerk/Deputy Clerk shall take a separate set of minutes at the closed session. These minutes and any audiotape *do we tape closed meetings?* of the closed session will be retained by the Clerk, and 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, the audio tape and any attachments may be destroyed one year and one day after approval of the minutes of the Regular or Special Meetings at which the closed session was approved.

5. Public Hearings-Process

The Chair begins each Public Hearing by calling the meeting to order, taking the roll and explaining the purpose of the hearing and the rules of public conduct. Following the briefing, the Chair opens the hearing to receive written and oral comments. Section 6.14 applies to the length of each person's comments and rules regarding written comment.

After all persons have had the opportunity to speak, the Chair shall call the hearing adjourned. No action may be taken by the Council during a public hearing, but the matter may be placed on the Regular Meeting agenda or Special Meeting notice for possible action.

6. Conduct of Meeting

6.1 Agenda, Agenda Documentation for Work Session, Regular or Special Meetings

~~Only the~~The Village President and the Council ~~Members~~ may introduce ~~an agenda items for inclusion in the Agenda. Is this really part of setting the agenda? → and vote on matters brought for action[†].~~ Upon review of the requests submitted, the Village President sets the agenda.

The President shall have the authority:

- i. to request additional documentation for agenda items,

[†]MML GLVA Handbook Section 2; Chapter 6 (<https://www.mml.org/resources/publications/ebooks/glv.htm>)² All items may not be included on each agenda. For example, if no Public Hearing is scheduled for a specific meeting, that item will not appear on an agenda.⁴
For the purposes of the agenda, Department Heads are DPW Superintendent, Zoning Administrator, Street Administrator and Clerk

- ii. to move items to future meetings to ensure smooth, productive meetings and,
- iii. may opt to deny an agenda item coming before the Council that has been decided upon within the previous 6 months.

The Council shall have the ability to overrule the President's decision about the agenda during the meeting discussion ~~of under~~ Changes and Additions to the Agenda by majority vote of the council.

The President, in consultation with Council Members, Department Heads or ~~the~~ Village Office Personnel, shall ensure the wording for each agenda item provides a clear description of expected discussion and/or action, so the public is aware of the issue being discussed and what action the Council may take during that discussion *Do we have to add the new format we are considering?*

6.1.1 Amending Approved Agenda

After an agenda has been adopted by the Council, no change can be made except by a two-thirds vote of the members present or unanimous consent.

6.1.2 Presentations

Presentations may be added to a Work Session or Regular Meeting if approved by council at a prior meeting. Presentations shall follow the communications agenda and be followed by public comment on presentations to allow the public to respond to the presentation. Presenters and those providing public comment are expected to address their remarks to the meeting Chair.

6.2 Regular Meeting Agendas – Deadline for Submission

All Council Members and staff shall submit all agenda ~~items~~ documentation to the Village Office by noon on the Tuesday preceding each Regular Meeting for inclusion on the agenda. This would pertain to any item from the public that may require consideration and/or action by the Village Council. This does not include letters of public comment.

6.3 Regular Meeting Agenda/ Consent Agenda/Regular Meeting Agenda

The Village President may use a consent agenda to allow the Council to act on numerous administrative or non-controversial items at one time. Non-controversial items include approval of minutes, payment of bills, approval of recognition resolutions, etc. Any member of the Council may request an item be removed from the consent agenda and placed on the Regular Meeting agenda for discussion.

An agenda shall be prepared for each Regular council meeting ~~with the following order of business as applicable~~ as follows:

~~Call to Order and Pledge of Allegiance~~ CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE

²All items may not be included on each agenda. For example, if no Public Hearing is scheduled for a specific meeting, that item will not appear on an agenda.⁴ For the purposes of the agenda, Department Heads are DPW Superintendent, Zoning Administrator, Street Administrator and Clerk

~~Taking of the Roll~~ ROLL CALL
~~Public Hearings~~ PUBLIC HEARINGS
~~Changes or Additions to the Agenda~~ CHANGES OR ADDITIONS TO THE AGENDA
~~Adoption of Agenda~~ ADOPTION OF THE AGENDA
~~Public Comment on Agenda Items~~ PUBLIC COMMENT ON AGENDA ITEMS
~~Consent Agenda~~ CONSENT AGENDA
~~Review of Financial Statements~~ REVIEW OF FINANCIAL STATEMENTS
~~Communications~~ COMMUNICATIONS
~~Presentations (as approved)~~ PRESENTATION
~~Public Comment on Presentations~~ PUBLIC COMMENT ON PRESENTATION
~~Department Head Reports³~~ DEPARTMENT HEAD REPORTS
~~Council Member/Committee Reports~~ COUNCIL MEMBER/COMMITTEE REPORTS
~~Old Business~~ OLD BUSINESS
~~New Business~~ NEW BUSINESS
~~Public Comment~~ PUBLIC COMMENT
~~Council Members Comment~~ COUNCIL MEMBER COMMENTS
~~Adjournment~~ ADJOURNMENT

⁴ For the purposes of the agenda, Department Heads are DPW Superintendent, Zoning Administrator, Street Administrator and Clerk