

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, as long as 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 by resolution 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.

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.

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, 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. in order 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, 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 Meeting 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, 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 be responsible for maintaining the official record and minutes of each meeting of the Council. 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. Highlights of discussions will be included. 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.

3.2 Minutes

Draft of minutes (synopsis) of each Work Session, Regular and Special Meeting shall be prepared by the Clerk, 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 be included in the email notification to Council Members. Council Members shall refer all typographical, grammatical or corrections of the draft minutes (synopsis) in writing to the Clerk for review within 48 hours of posting.

Approved minutes showing corrections shall be posted in place of draft minutes (synopsis) on the Village website and available in hard copy at the Village 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

All written (physical or electronic) communication 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, its author and subject shall be announced when discussing “Communications” at the Regular Meeting of the Council. The communication 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 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 into 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.

3.5 Taping of Meetings and Disposition of Tapes

Council meetings are taped solely for assisting the Clerk/Deputy Clerk in preparing the minutes of the meetings. Tape recordings are not to be considered the official record of a Council meeting and may be recycled or disposed of 6 months after the Council approves the written minutes.

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, 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 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 Meeting at which the closed session was approved.

5. Public Hearings

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 Village President and the Council Members may introduce an agenda item and vote on matters brought for action¹. Upon review of the requests submitted, the Village President sets the agenda.

The President shall have the authority:

- a) to request additional documentation for agenda items,
- b) to move items to future meetings to ensure smooth, productive meetings and,
- c) 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 discussion of Changes and Additions to the Agenda.

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.

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

¹ MML GLVA Handbook Section 2; Chapter 6 (<https://www.mml.org/resources/publications/ebooks/glv.htm>)

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 agenda items 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

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:²

- Call to Order and Pledge of Allegiance
- Taking of the Roll
- Public Hearings
- Changes or Additions to the Agenda
- Adoption of Agenda
- Public Comment on Agenda Items
- Consent Agenda
- Review of Financial Statements
- Communications
- Presentations (as approved)
- Public Comment on Presentations
- Department Head Reports³
- Council Member/Committee Reports
- Old Business
- New Business
- Public Comment
- Council Members Comment
- Adjournment

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.

³ For the purposes of the agenda, Department Heads are: DPW Superintendent, Zoning Administrator, Street Administrator and Clerk

6.4 Work Session Meeting Purpose

Work Sessions are primarily study sessions that take place prior to the Regular Meeting. Motions may be made on time sensitive items that need to be addressed before a Regular Meeting.

6.5 Work Session Meeting Agendas– Deadline for Submission

All Council Members and staff shall have agenda items submitted to the Village Office by **noon** on the Thursday preceding each Work Session meeting for inclusion on the agenda.

6.6 Work Session Agenda

An agenda shall be prepared for each Work Session meeting with the following order of business as applicable:

- Call to Order and Pledge of Allegiance
- Taking of the Roll
- Changes or Additions to the Agenda
- Adoption of Agenda
- Public Comments on Agenda Items
- Communications
- Presentations (as approved)
- Public Comment on Presentations
- Department Head Reports⁴
- Council Member/Committee Reports
- Old Business
- New Business
- Public Comment
- Council Member Comment
- Adjournment

6.7 Agenda and Meeting Material Distribution

Agendas and meeting materials shall be distributed to Council, electronically or in person, and posted no later than the Friday preceding the Regular Meeting and no later than the Monday preceding the Work Session meeting. All materials shall be dated. Documents in draft form (e.g., budgets, financials, ordinances, etc.) shall be labeled as such, with a version number and last date they were changed.

6.8 Special Meeting Agenda

The agenda of a Special Meeting will consist only of the matters so stated in the notice of the meeting.

6.9 Chair

The President shall moderate and chair all meetings of Council. In the absence of the President, the President Pro Tempore shall assume the duties of the Chair. If both the President and

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

President Pro Tempore are absent, the longest serving member of Council will assume the role of Chair.

6.10 Quorum

Four 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 a meeting to a later time or date, providing appropriate public notice.

6.11 Attendance at Council Meetings

Election to the Council is a privilege freely sought by the nominee. It 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.

No member of the Council may be absent from a Regular or Work Session meeting without first notifying the Village Office, President or Clerk. Members who are unable to attend a Special Meeting shall inform the person planning the meeting, so it can be ensured that a quorum will be present at the meeting.

6.12 Council Civility⁵

Regardless of the actual relationships among Council Members outside of Council meetings, the general atmosphere of any Council meeting should be relaxed, friendly, efficient, and dignified. Sarcasm, innuendoes, exclamations, and name calling are not appropriate. This does not mean misinterpretations, distortions, and challenges should be left unanswered. They should be answered. However, they should address the facts rather than the qualities, or lack of them, of the person being addressed. No performance issues of any officer or staff member shall be discussed unless the issue is properly noticed on the agenda and the officer or staff member has been given proper notice and the option to request a closed session.

6.13 Council Discussion

- (a) During Council discussion and debate, 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.
- (b) Council Members shall refrain from introducing a new topic or issue during discussion of the question at hand. As the public has not been properly noticed of this new topic or issue, no discussion or action may occur.
- (c) No member shall be recognized to speak a second time until all members wishing to speak a first time have been recognized.
- (d) Speakers should maintain a professional demeanor.
- (e) If Council Members have a question for a Department Head (or anyone else) during Council discussion of an agenda item (other than Department Head reports), the President shall decide, after all Council Members have had an opportunity to speak, if the Department Head will be recognized to answer any questions raised by Council.

⁵ p. 3 MML Handbook, Section 1, Chapter 1 (<https://www.mml.org/resources/publications/ebooks/glv.htm>)

6.14 Public Comment

A person may address the Council at the time it is considering public comments and may address the Council, at the discretion of the Chair, during Council's consideration of an item of business. Members of the public at a meeting shall not speak unless recognized by the Chair; when addressing the Council, the speaker may state their name for the public record. Comments should be confined to the question at hand and addressed to the Council in a courteous tone. A person shall limit their remarks to 3 minutes unless prior arrangements have been made. Communications of greater length shall be submitted in writing. The Chair or a designated Council Member may maintain the official time and notify the speakers when their time is up. It shall not be the practice of Council to respond directly to questions during these portions of the meeting, unless directed to do so by the Chair. The opportunity for Council Members to respond may occur during the business portions of the meeting or during the Council Comment section of the meeting.

6.15 Disorderly Conduct at Meetings

The Chair may call to order any person who is being disorderly. Disorderly conduct includes, for example, speaking when not recognized by the Chair, disrupting the proceeding by speaking off topic, by speaking longer than the allotted time, or by using vulgar language.

If a person is called out of order, they shall be seated and not be permitted to continue to speak at the same meeting except by special leave of the Chair or the Council. A person who continues to disregard being called out of order is deemed to have committed a breach of peace. A person who commits a breach of peace at a meeting may be excluded from the meeting, but a person may not be excluded from a meeting for any other reason.

7. Parliamentary Procedure

The rules of parliamentary procedure, as contained in the edition of Robert's Rules of Order currently available in the Village office, shall be used as a guide by the Council in all cases to which they are applied, unless they are in conflict with these Rules, the General Law Village Act or the laws of the State of Michigan. Robert's Rules shall be read and applied in a practical and common-sense fashion as a means for the Council to proceed in an orderly and cooperative manner. No technical violation of Robert's Rules shall invalidate any good faith action taken by the Council that otherwise is not in violation of the laws of the State of Michigan.

7.1 Motions, Resolutions, and Ordinances

All action taken by the Council shall be by motion, resolution, or ordinance and shall be publicly set forth in the official record (minutes) of Council.

7.2 Non-debatable Motions

A motion to adjourn, recess, lay on the table or to vote immediately shall be voted upon without further debate.

8. Voting

8.1 Duty to Vote

Council Members present at a Council meeting shall vote on every matter before the body. Voting by proxy or by telephone is not permitted.

8.2 Conflict of Interest and Abstention from Voting

No Council Member shall vote or participate in the discussion of a question, issue or decision where the Council Member has knowledge that the outcome of the question, issue or decision will provide a direct or indirect financial benefit to the Council Member, a member of his or her immediate family or a business with which he or she is associated, if different from any financial benefit shared by the general public. In such an event, the Council Member shall abstain and shall state on the record, or in writing for inclusion in the record, the facts which create the conflict.

Where no conflict exists as a matter of law, but a Council Member is concerned that facts exist which may create the appearance of a conflict, the Council Member may participate in discussion and shall vote on the matter; but before doing so the Council Member shall make a disclosure on the record, or in writing for inclusion in the record, the facts which create the appearance of a conflict.

Unless otherwise prohibited by law, if all sitting members of the Council are present at a meeting and one or more members must abstain because of a conflict of interest and such abstention(s) result in the inability of the Council to act, then the member(s) with the conflict may be permitted to vote. In such an event, in addition to stating on the record, or in writing for inclusion in the record, the facts which create the conflict, the Council Member shall vote his or her conscience disregarding his or her personal interest and shall state the facts in support of his or her vote on the record.

If a question arises as to whether or not a conflict exists, the Council may postpone the matter to seek legal opinion regarding the existence of a conflict or may by a simple majority vote of the remaining members determine whether a conflict exists using the guidelines set forth above.

8.3 Roll Call Votes

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

9. Appointments

The President, subject to the approval of a majority of the Council, will make appointments, unless the General Law Village Act, a federal law or an ordinance defines a different appointment procedure.

Boards, commissions and committees operating under the jurisdiction of the Village Council may make recommendations to the Council regarding appointments, but the President or Council shall not be bound by the recommendations.

9.1 President Pro Tempore Appointment

Per MCL 65.3, ACT III 1895, on November 20th of each year, or as soon after that date as possible, Council shall make President pro tempore appointment.

10. Committees

10.1 Standing Committees of Council

The Village shall have the following Standing Committees:

Parks
Personnel
Water
Streets, Sidewalks and Equipment
Airport

Committee members, as with all other appointments, shall be appointed by the President and are subject to the approval of the Council. Standing Committee members shall be Council Members. Committee members shall serve for a term of one year and may be re-appointed. The President will designate a Chair for each Committee.

10.2 Special Committees of Council

Special Committees may be established for a specific period of time by the President or by an approved motion or resolution of the Council, which specifies the task of the Special Committee and the date of its dissolution.

10.3 Public Notice of Committee Meetings

All Council appointed Committees (Standing, Special and Citizen's Task Force) shall be conducted in accordance with the Open Meetings Act and are subject to these Rules of Procedure and other applicable laws of the State.

10.4 Committee Authority

Committee Chairs shall:

- a. Work with the Clerk/Deputy Clerk to properly notice the meeting to the public, and
- b. Make sure minutes are taken and provided to the Village Office for posting on the website, and
- c. Preside over the meeting.

Neither the Chair of a Committee nor any member of the Committee shall have any authority to take any action on behalf of the Village Council, unless instructed by the Council. A Committee may only make reports and recommendations to the Council on matters referred to it.

10.5 Citizens 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 the Task Force's dissolution. Members of such committees will be appointed by the Village President subject to approval by a majority vote of the Council. Vacancies will be filled by majority vote of the Village Council in the same way appointments are made.

11. Authorization for Contacting Village Professional Service Providers

Only the Village President and/or his or her designee shall contact vendors on behalf of the Village. This includes, but is not limited to, legal counsel, engineering staff, and other contracted and professional services. In addition, a report including any charges for services rendered, shall be provided to the Council either via Village email or at the next Village Council meeting.

All responses from the Village Attorney on issues of law or procedure shall be in writing and provided to the Village Council and the Village Office for filing.

The Street Administrator and the Water Commissioner (in the case of an emergency) shall be authorized to contact professional service providers in fulfilling their statutory duties without prior approval of the Council.

All Council Members who have been authorized to contact a professional service provider will provide a report (verbally or in writing) to the Council on the discussion including any request for additional information or action needed to move forward. Any and all electronic or written documentation related to those discussions – including bids, quotes or authorizations – will be made available to the Village Office and the Council.

Authorization for payment to professional service providers or the Village Attorney shall not be approved unless procedures outlined in this section are followed.

12. Amendment of Council Rules of Procedure

These rules were adopted by resolution of the Village Council pursuant to the authority of the General Law Village Act. None of these rules may supersede the General Law Village Act or the laws of the State of Michigan. The Council may alter or amend its rules at any time by a majority vote of its members after notice has been given of the proposed alteration or amendment.

Adopted: November 20, 2001

Last Amended: January 24, 2023