



CITY OF LINDEN CITY COUNCIL RULES OF PROCEDURE

A. REGULAR AND SPECIAL MEETINGS

All meetings of the City Council will be held in compliance with state statutes, including the Open Meetings Act, Public Act 267 of 1976 as amended, and with these rules.

1. Regular Meetings and Public Hearings

Regular meetings of the City Council will be held on the fourth Monday of each month beginning at 7:00 p.m. in the Council Chambers unless otherwise approved by the City Council. Council meetings shall conclude no later than 9:00 p.m., subject to extension by the council. The City Council shall approve by resolution its regular meeting schedule for the ensuing calendar year. In the event that the City Council should hold a public hearing in conjunction with the regular meeting, the hearing will open at 7:00 p.m. and the regular meeting will follow the close of the hearing.

2. Special Meetings

A special meeting shall be called by the Clerk upon the written request of the Mayor or any three Council members on at least 18 hours' written notice to each member of the Council, via electronic mail. Special meeting notices shall state the purpose of the meeting. No official action shall be taken at any special meeting of the Council unless the item has been stated in the notice of such meeting.

3. Joint Meetings

The City Council may meet in special-session (or work session) joint meetings with various boards and commissions of the city, with governing bodies of other local units of government, with elected and/or appointed officials of other levels of government, or with associations and/or organizations in which the city holds memberships or with which the city has a particular interest.

4. Posting Requirements for Regular and Special Meetings

- a. Within ten (10) days after the last meeting of the calendar year a public notice stating the date, time and place of the regular monthly Council meetings will be posted at City Hall and the City's web site.
- b. For a rescheduled regular or a special meeting of the Council, a public notice stating the date, time and place of the meeting shall be posted at least 18 hours before the meeting at City Hall and the City's web site.
- c. The notice described above is not required for a meeting of the Council in emergency session in the event of a severe and imminent threat to the health, safety, or welfare of the

public when two-thirds of the council members determine that delay would be detrimental to the City's efforts in responding to the threat.

5. Minutes of Regular and Special Meetings

The Clerk shall attend the Council meetings and record the proceedings and resolutions of the Council in accordance with Section 6.5 of the City Charter and the Michigan Open Meetings Act. In the absence of the Clerk, the Clerk may appoint the deputy clerk or Council may appoint one of its own members or another person to temporarily perform the Clerk's duties.

Within 8 days after a meeting of the Council, a copy of the draft minutes, including the vote of the members, prepared by the Clerk and showing the substance of each separate decision of Council, shall be available for public inspection at City Hall.

A copy of the minutes of regular and special meeting shall be made available for public inspection at City Hall during regular business hours.

6. Work Sessions

Upon the call of the Mayor or the Council and with appropriate notice to the council members and the public, the Council may convene a work session devoted exclusively to the exchange of information relating to municipal affairs. If the need arises a vote may take place on urgent agenda items, if deemed necessary.

B. CONDUCT OF MEETINGS

1. Meetings to be Public

All meetings of the City 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, except that the meetings may be closed to the public and the media in accordance with the Open Meetings Act.

All 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.

2. Agenda Preparation

An agenda for each regular Council meeting shall be prepared by the Clerk and the City Manager with the following order of business:

- I. Call to order
- II. Pledge of Allegiance
- III. Roll call of Council
- IV. Public Hearing/ Special Presentation
- V. Correspondence
- VIII. **Public Comments**
- IX. Consent agenda
- X. Approval of Council minutes
- XI. Unfinished business
- XII. New business
- XIII. City Manager's report

- XIV. City Attorney's report
- XV. Department reports
- XVI. Council comments and reports
- XVII. Financial reports
- XVIII. Closed session
- XIX. Excuse absent member(s)
- XX. Adjournment

Any council member shall have the right to add items to the regular agenda before it is approved. Any additions made by Council members shall provide their own supplement information to the Clerk's office by the Thursday prior to the City Council Meeting.

3. Consent Agenda

A consent agenda may be used to allow the council to act on numerous administrative or non-controversial items at one time. Included on this agenda can be non-controversial matters such as approval of minutes, approval of recognition resolutions, permits etc. Upon request by any member of the council, an item shall be removed from the consent agenda and placed on the regular agenda for discussion.

4. Agenda Distribution

Agendas shall be distributed to council members by first class mail, personal delivery to their usual place of residence, or via email to the electronic address provided for that purpose, at least 48 hours prior to any regular meeting.

5. Quorum

A majority (four members) of the 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 City 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 City. Attendance at Council meetings is critical to fulfilling this responsibility. The City Council is empowered by Section 4.9 of the charter to compel the attendance. In addition, the City Council shall in every case where a member is absent vote to excuse or not excuse such absence per Section 3.14 of the City Charter.

7. Presiding Officer

The presiding officer shall be responsible for enforcing these rules of procedure and for enforcing orderly conduct at meetings. The Mayor is ordinarily the presiding officer. The Council shall appoint one of its members Mayor Pro Tempore, who shall preside in the absence of the Mayor. In the absence of both the Mayor and the Mayor Pro Tempore, the member present who has the longest consecutive service on the Council shall preside.

8. Disorderly Conduct

The presiding officer may call to order any person who is being disorderly by members deemed disruptive or disorderly may be removed pursuant to the Open Meetings Act.

C. CLOSED SESSION MEETINGS

1. Purpose

Closed meetings may be held only for the reasons provided in the Michigan 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. (majority vote)
- b. For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement when either negotiating party requests a closed hearing (majority vote).
- 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. (2/3 roll call vote)
- d. To consult with an attorney representing the City regarding trial or settlement strategy in connection with specific pending litigation, but only when an open meeting would have detrimental financial effect on the litigating or settlement position of the Council. (2/3 roll call vote)
- 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. (2/3 roll call vote). However, all interviews by the Council 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. (2/3 roll call vote).

2. Calling Closed Meetings

At any 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. The roll call vote and purpose(s) for calling the closed meeting shall be entered into the minutes of the meeting at which the vote is taken.

3. 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. No vote shall be taken during a closed session. Any action on a matter shall be taken in a public meeting and recorded in the minutes of the meeting.

D. DISCUSSION AND VOTING

1. Rules of Parliamentary Procedure

The rules of parliamentary practice as contained in the latest edition of Roberts Rules of Order, on file in City Hall, shall govern the Council in all cases to which they are applicable, provided that they are not in conflict with these rules, the ordinances of the City of Linden or applicable state statutes. The President may appoint a parliamentarian.

The presiding officer shall preserve order and decorum and may speak to points of order in preference to other council members. The presiding officer shall decide all questions arising under this parliamentary authority, subject to appeal and reversal by a majority of the council members present.

Any council member may appeal to the Council from a ruling of the presiding officer. If the appeal is seconded, the member making the appeal may briefly state the reason for the appeal and the presiding officer may briefly state 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 presiding officer be sustained?” If the majority of the members present vote “aye”, the ruling of the presiding officer is sustained; otherwise, it is overruled.

2. Conduct of Discussion

During the Council discussion and debate, no member shall speak until recognized for that purpose by the presiding officer. 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 presiding officer, maintain a courteous tone, and avoid interjecting a personal note into the 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 presiding officer, at his or her discretion and subject to the appeal process mentioned in Section D.1., may permit any person to address the Council during its deliberations.

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 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 random.

5. Duty to Vote

Election to a deliberative body carries with it the obligation to vote. Every Council member recorded as present at a Council meeting is expected to vote on every matter before the body, unless otherwise excused or prohibited from voting by law. A roll call vote shall be made to call for a Closed Session, or at any other time required. 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.

Roberts Rules states that a conflict exists where the vote “on a matter of direct personal or pecuniary interest not common to other members of the organization.” Members may abstain

from voting where a conflict exists. Majority of Council may have the opportunity to force abstention where they believe a conflict exists.

The right to vote is limited to the members of Council present at the time the vote is taken. All votes must be held and determined in public; no secret ballots are permitted. Exceptions are only allowed for voting in accordance with section 7.

6. Results of Voting

In all cases where a vote is taken, the presiding officer shall declare the result. It shall be in order for any council member voting in the majority to 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.

7. Absence of a member for Military duty

In accordance with MCL 15.263(2) the following definition and procedures shall apply to accommodate the absence of any member from a public meeting due to military duty:

- a. "Military Duty" means (a) training and service performed by an inductee, enlistee or reservist, or any entrant into a temporary component, of the armed forces of the United States, and (b) time spent in reporting for and returning from such training and service, or if rejection occurs, from the place of reporting, pursuant to a lawful order.
- b. The member of the body who will be absent from a meeting due to military duty shall notify the City Manager of the intended absence as soon as possible. The member of the body who will be absent shall provide an email address and telephone number where that member can be reached during the absence.
- c. Upon notification, the City Manager shall post a notice of the affected public meeting which shall include the agenda for the meeting, a notification to the public of the name of the member who will be absent due to military duty, and a notification of the manner by which the member may be contacted by the public regarding the meeting.
- d. The member of the body who will be absent from a public meeting due to military duty shall be permitted to participate in, and vote on, business before the body in a manner determined by the City Manager, or their designee, to ensure 2-way communication wherever feasible, ideally utilizing a form of teleconferencing whenever possible. The member may also choose to provide written communication to the City Manager, or assigned secretary to the board/commission, indicating how they wish to vote on any item which shall be included and reported in the final tally of votes of the body.
- e. The member of the body who will be absent from a public meeting due to military duty shall be considered to be present at the public meeting when that member has participated in the meeting pursuant to subsection (d).

E. PUBLIC PARTICIPATION

1. General

Each regular Council meeting agenda shall provide reserved time for audience participation. Members of the public will only be allowed to comment on agenda and non-agenda items during "Public Comment" portion of the agenda, there will not be public input on each agenda item. The presiding officer shall have discretion to allow a member of the audience to speak at times other than the time reserved for audience participation.

2. Length of Presentation

Any person who addresses the council during a council meeting or public hearing shall be limited to **three (3) minutes per individual and per group.**

3. Addressing Council

When a person wanting to addresses the council, he or she shall fill out a comment form before the meeting that includes his or her name, home address and contact information. When the public comment is approached on the agenda, individuals wishing to speak will be called upon utilizing the filled-out comment forms. Remarks should be addressed to the presiding officer, and is not time for debate but for questions or comments for Council and/or staff to answer or research. Questions will be answered during the meeting if the information is readily available. If answers are not available during the meeting, Council or staff will contact the individual within 48 hours and respond the questions within 10 days or when the information becomes available. No person shall have the right to speak more than once on any particular subject until all persons wishing to be heard on that subject have the opportunity to speak.

F. MISCELLANEOUS

1. Adoption and Amendment of Rules of Procedure

These rules of procedure of the City Council will be placed on the agenda of the first meeting of the Council following the seating of the newly elected council members for review and adoption. A copy of the rules adopted shall be distributed to each council member.

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.

2. 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 constitutions of Michigan and the United States.

3. Bid Awards

Bids will be awarded by the City 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. Authorization for Contacting City Attorney

Only the Manager and the Mayor are authorized to contact the City attorney regarding municipal matters.

Generally, questions involving significant legal research should be at the request of the City Manager or City Council as a body.

5. Right and Responsibilities of Council Members

Section 4.12 of the City Charter states that except for the purpose of inquiries and investigations, the council or its members shall deal with city officers and employees who are subject to the direction and supervision of the manager solely through the City Manager. The

council or its members shall not give orders to any such officer or employee, either publicly or privately.

6. Enforcement of Rules

These rules are subject to enforcement by the City Council as it determines appropriate under applicable provisions of the State law, the City Charter, Home Rule City and Robert's Rule of Order (which have been adopted above to the extent reasonably practicable), and penalty violation hereof shall be in accordance with said provisions.

UPDATED: Rules and procedures were adopted by city council at its regular meeting on November _____, 2023.