

# **Empire Village Council**

## **Rules of Procedure**

### **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 that day is a holiday. The Council shall approve by resolution each February the regular and work session meeting schedule for the following fiscal year of March 1<sup>st</sup> through February 28<sup>th</sup>, including any exceptions for holidays. Said schedule shall be posted no later than 10 days following the first regular 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, above. It may be a meeting of the full body or just a committee. The Clerk/Deputy Clerk upon the request of the President or any three members of the Council shall call a special meeting. Notice of special meetings shall be given to each Councilmember at least 18 hours in advance of the meeting. Special meeting notices shall contain the 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, ordinance, or upon the discretion of the Council. Public hearings that are scheduled as part of a regular meeting shall begin following the call to order.

#### **1.4 Place of Meeting**

All regular, work session and special meetings of the Council will be held at the Empire Town Hall, 10088 Front Street. A majority of the Council may designate a different place for any regular or special meeting, or the Clerk/Deputy Clerk, with the consent of the President, may change the meeting to another location. A notice of the change shall be prominently posted on the door of the Town Hall and the kiosk next to **the** Post Office

#### **1.5 Time of Meetings**

All regular and work session 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 regular and work session meetings of the Council, items of business shall be completed by 10:15 p.m. in order to allow time for public comment and an adjournment time of 10:30 p.m. At the appointed hour Council shall immediately adjourn unless the Council, by majority vote, extends the meeting.

## **2. Public Notice of Meetings**

### **2.1 Regular and Work Session Meeting Schedule**

The Clerk/Deputy Clerk shall post a notice of the regular and work session meeting schedule for the fiscal year electronically on the Village website and at the Empire Village Office, and publish the notice in the Leelanau Enterprise, before the beginning of the fiscal year. The notice shall indicate the dates, times, and the places of the regular and work session meetings scheduled.

### **2.2 Special Meetings**

For a rescheduled regular, work session or special meeting of the Council, the Clerk/Deputy Clerk shall notify the Leelanau Enterprise and shall post a public notice at least 18 hours before the meeting at the Empire Village Office and at the community kiosk on Front Street and, if permitted, at the Empire Post Office and other bulletin boards in the village. The notice shall state the date, time, place of the meeting, and the purpose.

### **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 a 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 the Clerk's duties.

### **3.2 Minutes**

Proposed minutes of each regular, work session and special meeting shall be reviewed (but not modified) by the President or his designate prior to posting. They shall then be made available for public inspection by being posted on the Village website, and in hard copy at the Village Office and Glen Lake Community Library within eight (8) business days following the meeting to which they refer. Proposed minutes shall be clearly labeled as such.

Approved minutes showing the corrections shall be posted in place of proposed minutes on the Village website, and in hard copy at the Village Office and Glen Lake Community Library within

five (5) business days following the meeting at which they were approved by Council. Approved minutes shall be clearly labeled as such.

### **3.3 Correspondence**

All correspondence received from members of the public shall be read and/or summarized at Council meetings and retained in the Village Office.

### **3.4 Public Access to Meeting Materials and Minutes**

All meeting materials, except for those deemed privileged or confidential, and minutes shall be available for public inspection at the Village Office during regular business hours.

Councilmembers shall turn in 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 six (6) months after the Council approves the written minutes. Tapes of closed sessions are to be maintained and deposited with the clerk along with the written minutes and kept under seal for one year and one day at which time, they may be destroyed.

## **4. Closed Meetings**

### **4.1 Purpose and Procedure**

A roll call vote and purpose for calling a closed meeting must be recorded in the regular minutes of a regular or special meeting. Council upon a 2/3 roll call vote of the total number of members of the Council (not just the quorum present) 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 quorum 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.

#### **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 audio tape of the closed session** 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 or special meeting at which the closed session was approved.

#### **5. Public Hearings**

The Chairperson 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 chairperson opens the hearing to receive written and oral comments. Section 6.8 applies to the length of each person's comments and rules regarding written comment.

After all persons have had the opportunity to speak, the chairperson 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 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. Included on the consent agenda can be non-controversial matters such as approval of minutes, payment of bills, approval of recognition resolutions, 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. All Council members and staff shall have agenda items submitted to the Village Office by the Tuesday afternoon 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 mean letters of public comment. An agenda shall be prepared for each regular council meeting with the following order of business as applicable:

- Call to Order
- Taking of the Roll
- Pledge of Allegiance
- Changes/Additions to the Agenda
- Public Comment on Agenda items
- Public Hearings
- Consent Agenda
- Review of Financial Statement
- Presentations
- Public Comment on Presentations
- Communications
- Department Head Reports
- Old Business
- Committee Reports (Water, Streets, Personnel, Planning Commission, etc. if necessary)
- New Business
- Public Comment
- Board Comments
- Adjournment

## **Work Session Meeting Agenda**

All Council members and staff shall have agenda items submitted to the Village Office by noon on Thursday preceding each work session meeting for inclusion on the agenda. This would pertain to any item from the public that may require consideration by the Village Council. An agenda shall be prepared for each work session meeting with the following order of business as applicable:

- Pledge of Allegiance
- Motion of required council action(s) only
- Changes/Additions to the Agenda
- Presentation
- Public Comment on Agenda items
- Department Head Reports
- Old Business
- Committee Reports (Parks and Water etc.)
- New Business
- Public Comment
- Board Comments
- Adjournment

### **6.2 Agenda and Meeting Material Distribution**

Agendas and meeting materials shall be distributed to Council, electronically or in person, and posted no later than the Thursday preceding the regular meeting, and no later than the Monday preceding the work session meeting. All materials will be dated. Documents in draft form (e.g., budgets, financials, ordinances, etc.) shall be labeled as such, with a version number and last date changed.

### **6.3 Special Meeting Agenda**

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

### **6.4 Chairperson**

The President shall moderate and chair all meetings of Council. In the absence of the President, the President pro-tem shall assume the duties of the chair. In the instance of absence of both president and president pro tem the longest serving member of council will assume the role of chair.

### **6.5 Quorum**

Four (4) 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 with appropriate public notice.

### **6.6 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 meetings 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.

If a member is absent without leave and without sufficient cause three (3) times in one year, the Council may enact a resolution of reprimand or request the Councilmember's resignation, or both.

### **6.7 Council Discussion**

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. No member shall be recognized to speak a second time until all members wishing to speak a first time have been recognized. Speakers should maintain a courteous tone and focus remarks on the issue and not an individual(s).

### **6.8 Public Participation**

A person may address the Council at the time it is considering public comments and may address the Council, at the discretion of the chairperson, during its consideration of an item of business. Members of the public at a meeting shall not speak unless recognized by the chair and when addressing the Council shall state his or her name and home address 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 three minutes unless prior arrangements have been made. Communications of greater length shall be submitted in writing. The chairperson will 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 chairperson. The opportunity for Councilmembers to respond will generally occur during one of the business portions of the meeting or during the "Board Comments" section of the meeting.

### **6.9 Disorderly Conduct at Meetings**

The chairperson may call to order any person who is being disorderly by speaking when not recognized by the chair or otherwise disrupting the proceeding by failing to be germane, by speaking longer than the allotted time, or by speaking vulgarities. Such person shall be seated until the chair determines whether the person is in order.

If a person is called 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. A person who continues to disregard being called out of order is deemed to have committed a breach of the 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 govern the Council in all cases to which they are applicable, unless they are in conflict with these rules, the Village Charter, or 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**

Councilmembers 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 Councilmember shall vote or participate in the discussion of a question, issue or decision where the Councilmember has knowledge that the outcome of the question, issue or decision will provide a direct or indirect financial benefit, different from any financial benefit shared by the general public, to the Councilmember, a member of his or her immediate family or a business with which he or she is associated. In such event, the Councilmember 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 member of law, but a Councilmember is concerned that facts exist which may create the appearance of a conflict, the Councilmember may participate in discussion and shall vote on the matter, but before doing so 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 take action, then the member(s) with the conflict may be permitted to vote. In such event, in addition to stating on the record, or in writing for inclusion in the record, the facts which create the conflict, the Councilmember 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 utilizing 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 chairperson 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 a law, the Village Charter, or an ordinance defines ~~an~~ a **different** appointment procedure. Boards and Commissions 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.

## **10. Committees**

### **10.1 Standing Committees of Council**

The Village shall have the following standing committees:

Parks

Personnel

Water

Planning

Streets, Sidewalk and Equipment

Committee members shall be appointed by the President and shall be Councilmembers. The committee member shall serve for a term of one year and may be re-appointed.

### **10.2 Special Committees of Council**

Special committees may be established for a specific period of time by the President or by a 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 and Special) 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. The committee chairperson shall see that the rules of Section 2.2 regarding public notice of special meetings are complied with and that minutes are taken at each meeting.

### **10.4 Committee Authority**

No committee shall have any authority to take any action on behalf of the Village Council, unless the Council otherwise instructs it. 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 resolution of the council which specifies the task to be accomplished and the date of its dissolution. Members of such committees will be appointed by the Village President subject to approval by a majority vote of the 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.

## **11. Authorization for Contacting Village Professional Service Providers**

The President and Clerk (in consultation with the President or Council), are authorized to contact the Village professional service providers (i.e., Village Attorney(s), Auditor, Engineers, or other professional service providers) regarding Village matters. The President or Village Council may also authorize a Councilmember to contact a particular professional service provider. The person making contact with a professional service provider shall do so in writing, setting forth the reason for the contact, the authorization, all relevant facts and the action requested of the professional service provider. A copy of the written contact, including a printed copy of any e-mail, shall be submitted for filing to the Village Office and a copy shall be distributed to all councilmembers for the next regular or work session meeting. A request should be made that a response from an attorney or auditor shall be in writing, filed in the Village Office and distributed to each councilmember.

Unless there is immediate need, no contact with professional service providers shall be made regarding Village business and/or issues until fully disclosed to the Village Council and approved by the Council.

In the event the contact with the professional service provider is not in writing, the person making the contact shall prepare a written record of any and all contacts by the next Council meeting, setting forth the date, method of contact, authorization, people present and to the best recollection of the person, the statements of every person party to the conversation. A copy of such record shall be filed in the Village records and distributed to all council members. Also, the response from the professional service provider shall be in writing, filed in the Village Office and distributed to all council members.

**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 Village Charter 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

**Amended:** September 17, 2002

**Amended:** November 21, 2006

**Amended:** December 19, 2006

**Amended:** March 20, 2007

**Amended:** April 22, 2008

**Amended:** August 25, 2009

**Amended:** November 12, 2015

**Amended:** June 28, 2016

**Amended:** December 8, 2016

**Amended:** April 25, 2017

**Amended:** June 27, 2017

**Amended:** July 24, 2018

**Village of Empire is an Equal Opportunity Provider and Employer. Complaints of discrimination should be sent to: USDA, Director of Civil Rights, Washington DC 20250-9410**