



**CITY OF
CHARLEVOIX**

**RULES OF PROCEDURE
FOR CITY COUNCIL**

ACKNOWLEDGEMENTS

*For their unanimous vote in Favor of these Rules
as amended and enacted December 18, 2017.*

City Council Members

Greg Bryan

Shane Cole

Aaron Hagen

Janet Kalbfell

Tom Oleksy

Leon Perron

And for the assistance of

Luther Kurtz, Mayor

Mark L. Heydlauff, City Manager

Joyce Golding, City Clerk

Scott Howard, City Attorney

RESOLUTION

Title: Resolution Adopting Revised Standing Rules of Procedure for the City Council of the City of Charlevoix as Permitted by Section 2.15(f) of the City Charter

On September 16, 1996, Council Member Bruce Reid introduced the original Resolution adopting the *Rules of Procedure for City Council* which was amended and ultimately ratified by Resolution 96-11-1 on November 4, 1996 by unanimous vote of Council. On May 2, 2016, Council Member Shirley Gibson introduced a Resolution to amend the rules, most importantly to Rule 4(a) which was subsequently ratified by Resolution 2016-05-03 on May 16, 2016 by unanimous vote of Council. On December 4, 2017, Council Member Shane Cole introduced a Resolution to replace Rule 1(c) which was subsequently ratified by Resolution 2017-12-02 on December 18, 2017 by unanimous vote of Council.

Rule 1: THE CITY COUNCIL:

- a. The Council members shall be elected for a term of two (2) years. The term of each Council member shall start on the first *regular* meeting following Election.
- b. The Mayor shall be elected at the annual General Election in even numbered years, for a two (2) year term, by the balloting of the electors of the City at large. The Mayor shall take office at the first *regular* City Council meeting after the Mayor's election. The names of the nominees shall appear on the ballots and election materials of the Primary and of the General Election without reference to ward residence.
- c. The Council shall from time to time establish, by resolution, dates and times for *regular* meetings of the Council in accord with the Open Meetings Act.
- d. *Special* meetings of the Council may be called by the City Clerk, or a City Staff member acting on behalf of the City Clerk; at the request of the Mayor, or Deputy Mayor, or any three members of the Council; giving at least twelve hours written notice to each Council Member served personally or left at the Council member's designated delivery location. Any *special* meeting at which all Council members are present or wherein all those absent have waived notice in writing, shall be a legal meeting without such notice, provided the public notice provisions of Charter Section 2.15 have been satisfied. *Special* meetings shall convene at such time as is specified in the notice of such meeting.
- e. When a quorum is present, the Council may adjourn any *regular* or *special* meeting to a later day by the vote of not less than three (3) Council members if, in the judgment of the Council, such adjournment is necessary and in the public interest. No such adjournment shall extend to a later time than the next *regular* Council meeting.

Rule 2: QUORUM:

Four members of the City Council shall constitute a quorum for the transaction of business. In the absence of a quorum, two or more members may adjourn any *regular* or *special* meeting to

a later date. In the event of such adjournment the City Clerk shall notify the absent members informally, and as soon as reasonably possible, but failure of such other members to receive such notice shall not excuse them from attending such adjourned meeting. Issues requiring a majority of Council require four votes to enact and, when applicable, are shown herein as **majority**. Issues requiring only a majority of the quorum present are shown as *majority*.

Rule 3: OPEN MEETINGS, HEARINGS:

- a. All meetings of the City Council, except during Closed Session, shall be open to the public and shall provide that the citizens present have a reasonable opportunity to be heard on all motions enacting or repealing any Resolution or Ordinance; citizen input will not be invited on motions of a procedural or administrative nature.
- b. A Closed Session may be held only for such purposes as are permitted by the Open Meetings Act.
- c. Any citizen desiring to be heard on any matter pending before the Council may notify the City Clerk by letter or by petition, stating therein the matter upon which the citizen desires to be heard, and at what meeting of the Council. All such communications shall be brought to the attention of the Council at its next *regular* meeting after receipt of such communication; the Council shall designate a time for such citizen to be heard except if a public hearing on that issue has been scheduled then the citizen shall be heard along with any others at such hearing.
- d. The Chair shall have the right to invite citizens present at any meeting to express their views upon any Ordinance or Resolution then under consideration.
- e. During any public comment, regardless of whether during general public comment, during public comment related to an agenda item or at any other time when public comment is permitted, the Chair shall have the right to limit the time to be accorded for comment and to otherwise moderate said public comment. Once time limits have been imposed, they shall be enforced throughout the rest of the session. Rule 16 applies.
- f. During any such public comment, a citizen, not participating in a presentation then being made, shall speak on any one such matter only once; except with the permission of the Chair. Rule 16 applies.
- g. The "Public Notice" in EXHIBIT A, attached hereto, shall be considered a part of these Rules of Procedure. The City Clerk shall, from time to time, publish that Notice either attached to, or on the reverse side of a Council Meeting Agenda which includes therein a Public Hearing. The Clerk shall also, once yearly, post said Notice on the notice board in the City Hall for not less than thirty days, commencing with the first meeting at which each new Council is seated. The footnote references therein need not be included in any such publications.

Rule 4: THE ORDER OF BUSINESS:

- a. The Order of Business at any *regular* meeting of the Council shall be as follows:
 1. Invocation or Pledge of Allegiance
 2. Roll Call

3. Presentations
(This section shall be used for presentations for which Council action is not required or anticipated. This section shall include, but not be limited to, reports of community groups, recognition of significant achievements, proclamations, or other items determined by the City Manager as appropriate presentations for this section.)
4. Inquiry Regarding Conflicts of Interest
5. Consent Agenda
(This section is to receive and list any item which is deemed by the City Manager to be of a routine nature. All items, including, but not limited to, reading of the minutes of the previous Meeting(s), the most recent Accounts Payable Check Register, the scheduling of Public Hearings, shall be listed and may be acted upon in one motion. All items to be received and acted upon under the Consent Agenda must be included in the packet for that meeting. Any Council member may request that any item(s) be taken from the consent agenda for discussion and possible action by Council.)
6. Actions Laid Upon the Table
(This section shall be omitted except when there are actions tabled at the previous *regular* or *special* Council meeting.)
7. Public Hearings and Actions Requiring Public Hearings
8. All Other Actions and Requests
9. Reports and Communications
 - i. Public Comments
(Public Comments shall be governed by *Robert's Rules of Order* and the rules found in Exhibit A of the *Rules of Procedure for City Council*.)
 - ii. City Manager Comments
 - iii. Mayor and Council Comments
10. Other Council Business
(This section shall be used for procedural motions which are in order under State statute, the City Charter, and the *Rules of Procedure for City Council* including, but not limited to, motion to reconsider, motion to add future agenda items, and motion to enter Closed Session. If the City Manager requests a Closed Session for any legally permitted reason, it shall be listed on the agenda for this section.)
11. Adjourn
 - b. The City Manager shall prepare an agenda before each *regular* meeting of the Council and furnish same to the Mayor and to the Councilmembers not later than the Saturday before each meeting. Additional matters may be acted upon at any *regular* meeting by consent of a *majority* of the Council members present. The agenda for any *special* meeting shall be included in the Call for such meeting and no other matters may be acted upon at such *special* meeting.
 - c. The agenda for any adjourned *regular* meeting shall consist of the unfinished business of the original meeting which shall include any matters as were then set for special consideration. Additional matters may be presented at an adjourned *regular* meeting by consent of a *majority*

of the Council members present at said adjourned *regular* meeting. No business shall be transacted at an adjourned *special* meeting except as set forth in the notice of the *special* meeting which was adjourned.

Rule 5: PROPER NOTICE:

Every Ordinance, Resolution and document to come before the Council any *regular* meeting shall, if practicable, be filed with the City Clerk before noon of the Friday preceding the Council meeting. The Council may, in its discretion, however, receive and act upon any such matter during the course of any such meeting.

Rule 6: THE CHAIR:

The Mayor, or in the Mayor's absence, the Deputy Mayor, shall take the Chair and preside at the hour appointed for the City Council to meet, and shall immediately call the members to order, and shall proceed with the agenda. In case of the absence of the Mayor and the Deputy Mayor, the Clerk shall call the Council to order and call the roll. If a quorum is found to be present, the Council shall proceed to elect, by a *majority* of those present, a Chairperson of the meeting to act until the Mayor or the Deputy Mayor appears.

Rule 7: QUESTIONS OF ORDER:

The Chair shall preserve decorum and decide all questions of order, and the interpretation of these rules; subject to an appeal under Rule 16 made by any Council member present. When such appeal is made, an affirmative **majority** vote of the Council is required to reverse or revise such decision or interpretation.

Rule 8: QUESTIONS OF LAW:

The Chair, or any member of the Council, may call upon the City legal counsel in any meeting of the Council, to decide upon any pertinent question of the law, but not to decide upon the interpretation of any Rule of Procedure; excepting upon the **unanimous** consent of the Council members present. The City Clerk normally shall be the advisor of the Chair on any point of order or procedure under these Rules.

Rule 9: MOTIONS (to be carried or adopted) AND RESOLUTIONS (to be adopted):

- a. Motions and Resolutions presented to the Council by the City Manager shall be provided to the Council in writing together with the City Manager's recommendations or reports thereon. Upon the Mayor opening such agenda item, it shall be in order for any member of the Council to move adoption, and if seconded, the question shall be on the adoption of the motion or Resolution as the case may be. In all actions of the Council, the City Manager shall have the right to speak.

- b. Before the question is put to a vote, opportunity for debate, or for amendments or other appropriate action thereon, shall be afforded the members of the Council. Each amendment proposed shall be considered a separate question under this Rule.
- c. A citizen present and desiring to be heard on the matter shall be permitted to be heard as provided in Rule 3. The Chair shall determine when the public has had reasonable opportunity to be heard and may close the floor to further public comment and order the question.
- d. Rule 16 applies. When a Roll Call on the question has been so ordered, the Clerk will immediately begin to call the roll, and the members, as their names are called, shall respond with either "Yes" or "No" on the question. During any Roll Call there shall be no discussion of the question or interruption of the Roll Call. After a Roll Call has been completed, any member of the Council may explain said Council member's vote, and if such explanation is brief, or in writing, such explanation shall be recorded in the minutes of the meeting.
- e. Resolutions (but not procedural or administrative motions) shall be put in writing before being acted upon by the Council, and all amendments to any Resolution offered during the discussion on or consideration of the original Resolution shall likewise be put in writing before the question of adoption thereof is put to a vote. Motions to adopt a written Ordinance or a Resolution need not, however, be put in writing, but shall be stated clearly. Lengthy motions of any character, on any subject, shall, before being put to a vote, be reduced to writing. It shall be the responsibility of the mover of any such motion to have it so reduced to written form.
- f. Resolutions, in the form of motions to adopt, may be adopted by the *majority* vote of the Council members present, except as otherwise provided by the Charter. The power of the Council to act by Resolution is limited to matters required or permitted by law or by the Charter, and to matters pertaining to the internal concerns of the City.

In case of a tie vote of the Council the Mayor shall cast the deciding vote. [Actions that require a **majority** vote of all members cannot result in a tie; therefore this cannot apply to Ordinances or certain other actions.]

Rule 10: INTRODUCTION OF ORDINANCES (to be enacted):

- a. All Ordinances and amendments thereto shall be in writing when presented to the Council. The original and not less than seven good copies thereof shall be handed to the Clerk before introduction. The draft of such proposed Ordinance shall contain a short title, and a space for the number, as required by the Charter, a style or enacting clause in the words: "The City of Charlevoix Ordains:" and shall consist of substantive matter and provisions divided into numbered sections. Sections upon related matter may, however, be grouped into numbered parts or chapters, for convenience. The word "Section" as used herein shall have the same meaning as used to designate Sections of Public Acts of the Legislature of Michigan.
- b. Drafts of proposed Ordinances of an administrative character, recommended by any Department of the City government, shall be submitted to the City Manager by such Department for the City Manager's consideration, and shall be presented to the City Council by the City Manager with recommendations thereon.
- c. This Rule does not limit the right of any member of the City Council to introduce any proposed Ordinance on the Council member's own motion. When a member of the Council introduces a

proposed Ordinance on the Council member's own motion, it shall be endorsed as "Introduced by Council member _____," by name; and such fact shall also be noted in the Official proceeding of the Council.

- d. Each proposed Ordinance shall be approved as to form by the City Clerk and the City Attorney and scrutinized to be sure there is no conflict with existing Ordinances; it shall then be properly numbered so as to fit into a logical order within the City Code.

Rule 11: PROCEDURES FOR ENACTING PROPOSED ORDINANCES:

- a. A copy of the drafts of proposed Ordinances shall, before introduction, be given to each of the members of Council. Provided, however, that, should sufficient copies not be available, this requirement may be suspended on motion adopted by the Council.
- b. Before final enactment of a proposed Ordinance, the Clerk shall publish a summary of the proposed Ordinance in a local newspaper of general circulation in the City, together with a notice setting out the time and place for a public hearing on the proposed Ordinance. The public hearing may not be held sooner than five (5) days after publication. Copies of the Ordinance shall be available without charge at the office of the City Clerk.
- c. After the public hearing the Council may consider enacting the proposed Ordinance. No Ordinance shall be enacted except on the affirmative vote of a **majority** of all Council members, or by such other majority as may be required by the Charter or any law of the State applicable thereto.
- d. Every Ordinance appropriating money or ordering any street improvement, electric, sewer or water main to be installed therein, or making or authorizing the making of any contract, or granting any franchise or right to occupy or use the streets, highways, bridges, or public places shall be complete in the form in which it is expected to be enacted or adopted and shall remain on the table on file with the City Clerk for public inspection for at least one (1) week before it may be considered for final enactment or adoption. When such an Ordinance in the form in which it is to be enacted is so filed for inspection, it cannot be again amended, without further filing for inspection.
- e. No Ordinance shall be revised, altered, or amended by reference to its title only, but said Ordinance as revised, altered or amended shall be reenacted and published at length, [Rule 11(e) follows a provision in the State Constitution and in the City Home Rule Act and has been construed by the Supreme Court as requiring the entire section, as amended, to be published. Any part of a section or sub-section, as amended, omitted in the amending Ordinance, is thereby deemed repealed.]

Rule 12: MANNER OF TAKING AND RECORDING VOTE:

- a. The vote upon the passage of all Ordinances, and upon the adoption of all Resolutions shall be taken by a Roll Call of "Yes and "No" votes and entered upon the record except that where the vote is unanimous, it shall only be necessary to so state. The word "unanimous" as used herein shall be construed as meaning that all members of the Council are present and have voted "Yes" upon the case in question. In case of a vacancy on the Council the word "unanimous"

shall apply to the remaining members of the Council and record of the meeting shall affirmatively disclose such vacancy.

- b. Votes upon procedural motions having no other purpose than to adjourn, to receive and file, to refer a matter, to approve the minutes of a previous meeting, to lay on or take from the table, or to accept or decline an invitation, may be taken by show of hands or stated "Aye" and "Nay", and Chair shall announce the result of the voting. Upon any such matter, a *majority* of the quorum present shall be sufficient to carry a motion, unless the Charter or other of these Rules shall specifically require a greater **majority**.
- c. If a Council member so desires; that member may, immediately after such vote, change said Council member's vote as recorded, and such change shall be made upon the record and counted as changed. After such change has been once made, such member shall not be permitted to make any other change of vote upon such question excepting upon a reconsideration of the whole vote.
- d. In case of a vote upon a show of hands, if the Chair is in doubt as to the result, the Chair may order a Roll Call of "Yes" and "No" votes.
- e. The following questions shall require for adoption the affirmative majority as stated:
 1. On the question of permitting any member of the Council to personally profit by contract, job, or work authorized by the City Council, as being in the best interests of the City: **Unanimous affirmative vote** of all of the remaining members of the Council is required.
 2. On the question of approving or confirming a special assessment roll, over the objections of more than 50 percent of the property owners affected: **An affirmative vote of 5/6** of the members of the Council is required.
 3. Amendments to certain provisions of the City Zoning Ordinance, over qualifying protests: **An affirmative vote of 3/4** of the members of the Council is required.
 4. The question of the City Council, on its own motion, declaring for a revision of the Charter: **An affirmative vote of 3/5** of the members of the Council is required, the Charter not having otherwise provided.
 5. The question of proposing on its own motion an amendment to the Charter: **An affirmative vote of 3/5** of the members of the Council is required.
 6. A Resolution to establish joint public improvements with governmental entities under Act 81 P.A. 1925 (5.2451, Mich. Stat. Ann.): **An affirmative vote of 3/5** of the members of the Council is required.
 7. A Resolution to elect to come under the provisions of Act 135, P.A. 1945 (Municipal Retirement Act) (5.4001 et seq. Mich. Stat. Ann.): **An affirmative vote of 3/4** of the members of the Council is required.
- f. Actions permitted to be taken by less than a *majority* of the whole Council, viz:
 1. In the absence of a quorum, two or more members may adjourn any *regular* or *special* meeting of the Council to a later date.

2. The City Council may, by a vote of not less than two of its members compel the attendance of its members and other officers of the City at its *regular* meeting, and enforce orderly conduct therein.

Rule 13: MOTIONS:

- a. A SECOND IS REQUIRED: the Chair shall not put any motion, or question, to a vote of the Council unless, and until, the same is seconded, excepting as may be otherwise provided in these Rules.
- b. POINT OF ORDER: Any member of the Council may rise to a point of order, and after stating such point, may demand the ruling of the Chair thereon. When any such point is raised, the Chair shall promptly rule thereon. Any member of the Council may also arise to a point of personal privilege and shall be permitted to explain such point, and have the member's statement, if brief, made of record in the minutes of the meeting. The Council member may also file a statement in writing to like effect.
- c. DURING DEBATE: When a question is under debate, no motion shall be received but
 1. To fix the time to which to adjourn.
 2. To adjourn.
 3. To take a recess.
 4. To lay on the table.
 5. For the previous question.
 6. To amend.
 7. To postpone consideration.
- d. These several motions shall have precedence in the order 1 through 7.
- e. TO ADJOURN: A motion to fix the time to which to adjourn, or to adjourn, shall always be in order, except when a motion to fix the time to adjourn is already pending. A motion to set time to adjourn or to adjourn shall be decided without debate.
- f. TO RECESS: A motion for a recess, pending the consideration of other business, shall not be debatable. When a recess is taken during the pendency of any question, the consideration of such question shall be resumed upon the call to order.
- g. TO TABLE: Motions to lay on the table shall carry all pending subsidiary questions except in case of laying an appeal or motion to reconsider on the table. A motion taken from the table shall be divested of all subsidiary motions except motions to amend.
- h. TO CALL FOR THE PREVIOUS QUESTION: A motion to call for the previous question shall be decided without debate.
- i. TO AMEND: When a motion to amend by striking out and inserting other words is made, the same shall be deemed indivisible but either the words proposed to be struck out or to be inserted may be amended.

- j. TO DIVIDE: Any Council member may call for the division of any question, which shall be divided if it comprehends propositions so distinct that, one being taken away, a substantive proposition shall remain.
- k. TO RECONSIDER: When a question has once been decided, it shall be in order for any Council member to move the reconsideration thereof; but no motion for the reconsideration of any vote shall be in order unless made on the same day the vote was taken, or at, but not later than, the next *regular* meeting of the Council, nor shall the same questions, once having been passed, be reconsidered more than once. **The Council shall require the votes of the same majority of the Council on a timely motion to reconsider an action as was required for its passage.**
- l. To SUSPEND THESE RULES: Rule 13(k) may be suspended by **an affirmative vote of 2/3 of all Council members**. Any other rule may be suspended by **an affirmative vote of 2/3 of the Council members actually present** unless such would conflict with a state statute, the City Charter or a City Ordinance. Rule 20, however, shall not be suspended.
- m. DURING A VOTE: When a Roll Call of "Yes" and "No" votes is ordered upon any question; after the question is stated from the Chair, the Clerk will call the roll. After the first vote is given, Council members shall neither be entitled to speak on the question nor shall any motion be in order, until such Roll Call is finished and the result declared.

Rule 14: RECONSIDERATION SPECIAL RULE:

A motion to reconsider may be laid on the table. The tabling of a motion to reconsider shall not carry with it the original question but shall be equivalent to a refusal to reconsider. It shall not be in order to take from the table a motion to reconsider, nor shall the vote whereby any motion to reconsider was laid on the table be reconsidered.

Rule 15: CALLING FOR THE QUESTION:

Prior to the Chair calling for the question, any Council member may so Call. Upon being seconded, the Chair shall submit the Call. If there is an objection, the Chair shall have the Clerk call the roll. The Call for the Question is ordered if approved by a *majority* of the Council members present and voting. Calling the question shall instantly close debate and call for the vote on the pending question or questions. A motion for the previous question may be limited to one or more of the questions preceding the main question itself, in which case the Chair shall submit the Call as so limited. A "Yes" and "No" vote may be demanded on any question under this Rule. Any question of order or appeal from the decision of the Chair, pending the previous question, shall be decided without debate.

Rule 16: RECONSIDERATION SPECIAL RULE:

Any Council member may appeal from any decision of the Chair. On all appeals the question shall be:

"Shall the Council sustain the appeal of _____ from the decision of the Chair?"

Appeals shall be debatable except when the Council is under operation of the previous questions or the decision appealed from relates to priority of business. An affirmative vote of a **majority** of the Council is required to sustain the appeal.

Rule 17: TO TABLE AN APPEAL:

An appeal may be laid on the table, but the tabling of an appeal shall not carry with it the subject matter before the Council at the time such appeal is taken.

Rule 18: PRIORITY OF BUSINESS:

All questions relating to the priority of business shall be decided without debate.

Rule 19: ORDER WITHIN THE COUNCIL:

When a Council member shall be called to order, that member shall assume his or her seat until the Chair determines that the member is in order. Every question of order shall be decided by the Chair, subject to an appeal under Rule 16.

Rule 20: AMENDMENT OR REPEAL OF COUNCIL RULES:

These Rules may be amended or repealed by Resolution of the Council, but such Resolution shall not be voted upon at the meeting of the Council at which introduced, but shall be tabled until the next *regular* meeting thereof, or at such further time as the Council shall determine. This Rule 20 shall not be suspended.

Rule 21: GENERAL RULES:

Except as otherwise specified herein, the latest edition of *Robert's Rules of Order* shall govern in all cases where they are not in conflict with the Constitution of the State of Michigan, the statutes thereof, the Charter of this City or any Ordinances thereof.

Rule 22: LIBERALLY CONSTRUED:

These Rules shall be liberally construed to effectuate their primary purpose of reducing the procedure of the City Council to a certain and orderly method so that the legislative action of the Council may be stabilized and the public be better served.

EXHIBIT A: PUBLIC NOTICE

This meeting will be conducted under Michigan Statute, the City Charter, the "Rules of Procedure of City Council" and "Robert's Rules of Order", in that priority. No "Outbursts" or conversations between persons in the audience will be permitted.¹ The Chair has determined that the less formal rules of Robert's, that apply to small boards (less than twelve members), will apply.² The present practice of informal discussion by Council members while no motion is pending, will be continued. Under the small board rules, Council members are not required to obtain the floor or permission of the Chair before making motions or addressing either one another or City Staff. The Chair will, on request by a Council member, generally grant that member permission to directly question or address a Citizen who has the floor, any response by the Citizen shall be to the Chair, except as permitted by the Chair.

When a Citizen is given the floor, as stated in Robert's: "*Speakers must address their remarks to the Chair, maintain a courteous tone, and should avoid injecting a personal note into debate...they must never attack or make any allusion to the motives of members.*"³ The word "members", as used therein, shall be deemed to include Council, Mayor, City Staff and all other speakers.

The Chair may limit public input to three (3) minutes per person except for those persons presenting an agenda item, responding to Council questions, or as otherwise stipulated (in the Agenda or by Council). Any address to anyone other than the Chair, offensive statements and other disruptions to the smooth conduct of the meeting are out of order and the speaker will forfeit the floor. If an offender does not immediately be seated, or if the offense is repeated, the offender will be asked to leave. This constitutes the required first warning that the Chair will, if then necessary, require the offender to leave the meeting and, if not so done voluntarily, will cause the offender to be removed.⁴ Thank you for your understanding of the need for more professional meetings and the resulting implementation of these long standing rules. Your orderly input is appreciated; this action will assure you of being heard without interruption or background distractions.

¹ Rules of Procedure for City Council, City, 21 August 1978, p. 3, Rule 3, last and Rule 33.

² Robert's Rules of Order, 9th Edition, Scott, Foresman, 1990, p. 477, last ¶ & p. 478.

³ Robert's Rules of Order, 9th Edition, Scott, Foresman, 1990, p. 42.

⁴ See ¹ & Robert's Rules of Order, 9th Edition, Scott, Foresman, 1990, p. 642, last ¶ p. 643.