

# CITY COUNCIL RULES OF PROCEDURE

## CITY OF ALBION

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## POLICY

The Albion City Council's function is a deliberative governmental one and in order to carry on a proper and well-ordered deliberation during its regular and special meetings, the Council adopts the following rules:

### Rule 1: Open Meetings – Who May Speak

All regular and special meetings of the Albion City Council shall be open to the public and the public shall be encouraged to address the Council on the business before the Council in accordance with Section 5.6(g) of the Albion City Charter and the Open Meetings Act.

#### 1.1 Citizen's Comments – Agenda Items

Any person other than a Councilperson may speak on any agenda item properly before the Albion City Council. The person shall speak only to the subject matter and shall avoid personalities. The person shall speak when recognized by the Mayor and shall cease speaking if ruled out of order. Before addressing the Council, the person shall walk to the microphone provided and give his name, address and reveal whom he represents if not solely himself.

Persons addressing the City Council shall limit their comments to no more than five (5) minutes. Proper protocol and decorum is required.

#### 1.2 Citizen's Comments – Non-Agenda Items

Any person other than a Councilperson may speak on any matter not on the Council agenda during Citizen's Comments at the end of the meeting. The person addressing the Council shall avoid personalities. The person may speak when recognized by the Mayor and shall cease speaking when ruled out of order. Before addressing the Council, the person shall walk to the microphone provided and give his name, address and reveal whom he represents if not solely himself.

Persons addressing the City Council shall limit their comments to no more than five (5) minutes. Proper protocol and decorum is required.

### Rule 2: Powers and Duties of the Mayor

#### 2.1 Questions on Procedure

The Mayor shall decide all questions on procedure arising under these rules of procedure and general parliamentary practice.

## 2.2 Rulings and Decisions Approved

All rulings and decisions of the Mayor may be appealed to the Council. An appeal, when duly made and seconded, shall be determined by a majority of the Councilmembers present and voting. No member shall speak more than once on an appeal from the ruling of the Mayor except by unanimous consent of the Council.

## 2.3 Preserve Order

The Mayor shall at all times preserve order and decorum. The Mayor may call upon the Director of Public Safety or any other Public Safety Officer in attendance at meetings of the Council to perform such duties as directed by the Mayor in preserving order and decorum.

### Rule 3: Councilmembers

#### 3.1 Recognition and Speaking Limitations

When a Councilmember is about to speak, said member shall respectfully address the Mayor only. When two or more Councilmembers wish to speak at the same time, the Mayor shall name the Councilmember who is first to speak. The Councilmember seeks recognition by raising his or her hand.

The Councilmember shall confine his speech to the question under debate and avoid personalities. Personal comments about or attacks upon other Councilmembers and/or City Staff members are prohibited. No Councilmember shall speak more than twice on any question until every other Councilperson has had an opportunity to speak at least once on the subject under debate. No Councilmember shall speak for more than ten minutes at any time without leave from the Council by a majority vote of the members present.

#### 3.2 Call Member to Order

If any Councilmember, in speaking or otherwise, transgresses the rules of the Council, the Mayor shall, or any Councilmember may, call said Councilmember to order. The question of order shall be decided by the Mayor, without debate, subject to appeal.

### 3.3 Preserving Order

While the Mayor is putting any questions or while the roll is being called by the Clerk/Treasurer, no Councilmember shall leave his/her seat or entertain private discourse. When a Councilmember is speaking, said Councilmember shall not be unduly interrupted.

## Rule 4: Motions

### 4.1 Precedence of Motions

When any question is under debate, no motion shall be received but the following, and they shall have precedence in the order in which they stand arranged:

- a. to adjourn – undebatable
- b. to rise to a question or privilege – undebatable
- c. to lay on the table – undebatable
- d. to call for the previous question – undebatable
- e. to limit or extend limits of debate – undebatable
- f. to postpone to a certain day – undebatable
- g. to commit or refer, or recommit, to a committee – undebatable
- h. to amend – debatable
- i. to postpone indefinitely – debatable

### 4.2 Adoption of Matters

A four member majority shall be sufficient to adopt all questions which shall arise, unless otherwise provided for by law, the Albion City Charter or by rules of the Council.

### 4.3 Second and Debate

No motion shall be debated or put by the Mayor until the same shall have been seconded, except privileged questions not requiring a second. The motion shall then be properly stated by the Mayor. No debate shall be heard until a motion is made and seconded except for public hearings.

### 4.4 Clarification Before Second

Provided, however, that any Councilmember may make explanatory remarks, before the seconding of such motion, for the

purpose of clarifying and enabling a better understanding of said motion.

#### 4.5 Prohibition – Non-Germane Amendment

No motion or proposition not germane to a subject under consideration shall be admitted under color of an amendment.

#### 4.6 Division of Question

On the call of any member, supported by a majority vote of the members present, a division of any question shall be made when the question will admit of a division so distinct that if one part be taken away, the other will stand as an entire question for decision.

#### 4.7 Ask for Previous Question

When the previous question is moved, it shall be put in these words: "I move the previous question." This shall be ordered only by a majority of the members present. The effect of the previous question shall be to put an end to all debate and to bring the Council to a direct vote on the pending question or questions in their order down to and including the main question. If the previous question is not ordered, the consideration of the subject shall be resumed as though no motion for the previous question has been made.

#### 4.8 Questions Put and Calling Roll

Questions shall be distinctly put in the following form: "All in favor say Aye." And after the affirmative vote is expressed, "All opposed, No." The Mayor may order a roll call vote, but a roll call vote is mandatory upon the request of any member or on the following actions of Council or a Committee of the Council: Ordinances, resolutions, the appointment or election of officers, except as provided otherwise by law or the rules of the Council. The calling of the roll shall be on a rotating alphabetical basis, so as to permit Councilmembers to first vote on an equal basis. It shall be the privilege of any member of the council to change his or her vote upon any question prior to the announcement of the vote by the Mayor.

#### 4.9 No Debate in Order During Roll

While the Mayor is putting any question, or once roll call voting has started, there shall be no interruption.

Rule 5: Public Hearings

5.1 Order of Presentation of Public Hearing

- a. The Mayor shall commence the public hearing by rapping his gavel and announcing that the public hearing is open.
- b. City staff shall next present its prepared reports, if any.
- c. The public shall offer any comments germane to the hearing so long as they are not excessive in length.
- d. The mayor shall close the public hearing, and
- e. Thereafter, the Council shall debate and decide the public issue.

Rule 6: Ordinances

6.1 Withdrawal of Resolutions or Ordinances

All resolution and ordinances may be withdrawn before a vote is taken thereon or before the same is amended, if there be no objection.

Rule 7: Motion to Adjourn

- 7.1 A motion to adjourn shall always be in order, except when a vote is being taken on any question before the Council or when a member has the floor. After a motion to adjourn is lost, there shall be some intervening business transacted before another motion to adjourn can be put. A motion to adjourn shall be decided by a vote of a majority of the Councilmembers present, but to be no less than four.

Rule 8: Matters to be in Writing

- 8.1 All matters to be acted upon by Council shall be presented to the Council in writing at least two days prior to any regular Council meeting except for emergencies as permitted by the Council.

Rule 9: Parliamentary Practice

- 9.1 The Rules of Parliamentary Practice comprised in “Roberts Rules of Order for Deliberative Assemblies (revised)” shall govern in all cases in which they are not inconsistent with the standing rules and order of the Council and not contrary to the Albion City Charter or any existing laws of the State of Michigan.

## APPENDIX A – SINE DIE PROCEDURE

The City Council biennially after the November City election adjourns the former Council “sine die,” Latin for “indefinitely.” The following is a recommended procedure for the transfer of Councils.

1. Call To Order (by current Mayor)
2. Invocation
3. Roll Call
4. Council Comments (This time is offered for outgoing Councilpersons to make final comments prior to the expiration of their term of office.)
5. Adjournment Sine Die

Mayor requests a motion and support to adjourn “sine die.” Once voted, the Council is adjourned “indefinitely”.

6. Reorganization of the Council
  - a. Mayor and Councilpersons step down from their places.
  - b. New Councilpersons and Mayor take their places at the Council table.
  - c. Clerk offers oath of office to new Mayor.
  - d. Clerk offers oath of office to each new Councilperson.
  - e. Clerk presents the Albion City Council to the Mayor and requests a “call to order”.
7. Call To Order (By new Mayor)
8. Roll Call
9. Nomination of the Mayor Pro Tempore
  - a. A motion to receive nominations is made and supported.
  - b. Nominations are received. No support for each nomination is required.
  - c. A motion to close nominations is made and supported.
10. Election of the Mayor Pro Tempore

A motion to elect the first nominee is made. If there is support, discussion is requested. If none, a vote is made, generally a roll call vote. If approved by the vote the nominee is elected Mayor Pro Tempore.

If the motion fails, a motion to elect the second nominee is made and supported, discussed if needed and voted. If approved, the nominee is elected Mayor Pro Tempore. (And so on.)

## APPENDIX B – EXECUTIVE SESSIONS

There are eight types of Executive Session under the Open Meetings Act. Wording for each is shown below. The first blank is for the individual (City Manager, City Attorney, Mayor, Councilperson, etc.) who requests the Executive Session.

- A. \_\_\_\_\_ requests an Executive Session under the Open Meetings Act (Section 15.268 (a), P.A. 267 of 1976, as amended) 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 of individual agent, if the named person requests a closed hearing.
- B. NOT APPLICABLE TO THE CITY OF ALBION.
- C. \_\_\_\_\_ requests an Executive Session under the Open Meetings Act (Section 15.268 (c), P.A. 267 of 1976, as amended) for strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement when either negotiating party requests a closed hearing.
- D. \_\_\_\_\_ requests an Executive Session under the Open Meetings Act (Section 15.268 (d), P.A. 267 of 1976, as amended) to consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.
- E. \_\_\_\_\_ requests an Executive Session under the Open Meetings Act (Section 15.268 (e), P.A. 267 of 1976, as amended) to consult with the City Attorney regarding trial or settlement strategy in connection with specific pending litigation.
- F. \_\_\_\_\_ requests an Executive Session under the Open Meetings Act (Section 15.268 (f), P. A. 267 of 1976, as amended) to review the specific contents of an application for employment or appointment to a public office when the candidate requests that the application remain confidential.
- G. NOT APPLICABLE TO THE CITY OF ALBION.
- H. \_\_\_\_\_ requests an Executive Session under the Open Meetings act (Section 15.268 (h), P.A. 267 of 1976, as amended) to consider material exempt from discussion or disclosure by state or federal statute.

APPENDIX C  
TYPES OF VOTING REQUIRED

A Roll Call Vote is Required: (these also call for five [5] or more votes to pass, known as a “super-majority”)

1. To add an item to the agenda. (Section 5.6(m) of the Charter)
2. To pass an emergency ordinance (an ordinance being passed on only one reading rather than two readings. Section 6.3 of the Charter)
3. To sell, lease, purchase or dispose of any real estate. (Section 15.3(b) (2) of the Charter)
4. To allow business dealings with the City. (Section 15.4 of the Charter)
5. To establish a special assessment district where owners of property which will bear fifty (50) percent or more of the estimated cost of the improvement, or where more than fifty (50) percent of the owners of such property protest the necessity of the public improvement. (Code of Ordinances Chapter 70-12 and Section 11.1 of the Charter)
6. To levy a special assessment against a property based on a citizen petition. (Code of Ordinances Chapter 70-25 and Section 11.1 of the Charter)
7. To enter Executive Session of any type except when considering 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, when the named person requests a closed hearing (Section 15.268(a) P.A. 267 of 1976, the “Open Meetings Act”) and for strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement when either negotiating party requests a closed hearing (Section 15.268(c) P.A. 267 of 1976, the “Open Meetings Act”)
8. To authorize use of unexpended bond proceeds only as noted in Section 12.1(e) (1-4) of the Charter.
9. To remove any citizen member of the Board of Review (Section 10.6(b) of the Charter)

A Roll Call Vote is Recommended: (four [4] or more votes to pass)

1. To approve the Consent Calendar. (Many times the Consent Calendar contains items which require a roll call vote.)

2. To approve ordinances on first and second reading.
3. To approve resolutions of the Council.
4. To amend the City Budget to allow an additional expenditure of City funds for a particular purpose.
5. In any case where it is questioned how each Councilmember voted or when it is unclear how many voted for an item and how many opposed it.

Voice Votes may be used in all other cases.

Minutes notation will include the type of vote and the members dissenting on either roll call or voice votes.

(6-1 rcv., Smith dissenting) (a roll call vote sample – rcv)

(5-2 vv., Butler and Bobbin dissenting) (a voice vote sample – vv)