



CITY COUNCIL RULES OF MEETINGS PROCEDURES

Amended by Resolution 18.29, 10/16/2018

Per the City Charter, Section 3.9, the City Council is authorized to determine its own rules, so long as such rules conform to the requirements found in State law and the City Charter. The following Rules of Procedure (“Rules”) are a compilation of existing rules and procedures found in the City Charter, State law, previous resolutions of the City Council, and existing practices. These rules were compiled to assist new members in learning how to govern, and to assist experienced members with quick reference answers. **These Rules of Procedure were adopted by resolution of the City Council on May 18, 2013; amended by City Council on May 4, 2016; amended by Resolution 18.29, October 16, 2018.** These rules supersede and replace all prior rules of procedure and the previously issued Guide to Public Participation issued by the City.

1. Regular Meetings

As established by the City Charter, Section 3.4, as amended, the City Council has set the third Monday of each month to be regular meeting date. Regular Meetings shall be at 6:30 PM, held in the Community Room at City Hall, 224 West Buffalo Street, New Buffalo, MI 49117. If the time set for the holding of a regular meeting of the Council shall be a holiday, the regular meeting shall be held at the same hour and place on the next secular day which is not a holiday. If the date, time, and/ or location are not available for a reason other than a holiday, the Calling a Special Meeting procedure in Rule 2 below shall be followed.

2. Calling a Special Meeting

As established by the City Charter, Section 3.5, as amended, “Special meetings of the City Council shall be called by the Clerk on the written request of the Mayor, or any two members of the Council on at least eighteen (18) hours written notice to each member of the Council, served personally or left at his [or her] usual place of residence....” All requirements of the Open Meetings Act must also be followed.

3. Business at Special Meetings

As established by the City Charter, Section 3.6, “No business shall be transacted at any special meeting of the Council unless the same has been stated in the notice of such meeting. However, any business which may lawfully come before a regular meeting may be transacted at a special meeting if all the members of the Council present consent thereto and all the members absent file their written consent.”

4. Notification of Meetings

Notification of meetings shall be compliant with the Open Meetings Act and Freedom of Information Act. Currently such requirements and City practices include transmitting notices via email of meetings to City Council Members, interested persons who have requested copies of such notices, posting such notices on both the interior and exterior public notice boards, and posting the meeting on the homepage of the City's official website – all at least eighteen (18) hours before the meeting.

5. Meeting Attendance

As established by the City Charter, Section 3.10, "Absence from three consecutive regular meetings shall operate to vacate the seat of a member [of the City Council] unless the absence is excused by the Council, by resolution setting forth such excuse and entered upon the journal [of Minutes.]"

6. Meeting Packets

City Council meeting packets, and agendas, shall be created by City staff, at the direction of the City Manager. Meeting packets, and agendas, for regular meetings shall be transmitted to City Council Members on the Friday before the regular meeting date. Meeting packets, and agendas, for special meetings shall be transmitted to City Council Members at least eighteen (18) hours before the meeting. Meeting packet material not available by the meeting packet transmittal deadline may only be reviewed during the regular or special meeting if consent is given by the City Council. Non-confidential meeting packet material shall be posted on the City's website at least eighteen (18) hours before the meeting.

7. Agenda Preparation

As applicable, the following agenda order shall be used to conduct regular meetings:

1. Oath of Office New Council Member (Only the first regular meeting after a Council Election)
2. Call Meeting to Order & Pledge of Allegiance
3. Roll Call
4. Approval of Agenda
5. Organizational Meeting Business (Only the first regular meeting after a Council Election)
 - a. Accept City Council Member resignations (if any)
 - b. Appoint replacement City Council Members (if needed; at the discretion of the Council)
 - c. Appoint Mayor (City Clerk administers oath of office; Mayor conducts rest of meeting)
 - d. Appoint Mayor Pro Tem (City Clerk administers oath of office)
6. Consent Agenda – Resolution to:
 - a. Approve City Council Minutes
 - b. Pay bills for the month
 - c. Receive monthly reports (e.g., Treasurer, Exempt Overtime, Police, and Water)

- d. Receive monthly minutes (e.g., Planning Comm., ZBA, Harbor Comm., and Library Board)
 - e. Other routine business approved by unanimous consent of the City Council
7. Public Comment & Presentations/Recognitions
- a. Sign-up sheet provided – Three-minute time limit enforced
8. Public Hearing & Subsequent Council Action
9. Old Business
10. New Business
11. Miscellaneous
- a. Board Resignations
 - b. Appointments & Re-Appointments
 - c. FYI – Vacant positions
 - d. LRSB & Pokagon Fund Updates & Subsequent Council Action
 - e. Correspondence
 - f. Department Reports & City Manager Report
12. Council Comments
13. Closed Session (if applicable, and with a resolution stating reason, per Open Meetings Act)
14. Adjourn

8. Voting

Votes shall be called by the presiding officer after a motion, a second, and an opportunity for discussion. First, the presiding officer shall call for a voice vote of City Council Members in favor of an action, with Members in support then indicating so. Then the presiding officer shall call for a voice vote of Members in opposition to such action, with Members in opposition or wishing to abstain indicating so. If any Members indicated opposition or abstention, the presiding officer would instruct the City Clerk to conduct a roll call vote, with the Mayor being roll called last. Upon each Member's name being called, each member shall indicate "yes," "no," or "abstain." Members present who do not abstain nor indicate a vote against a proposed action shall have their vote recorded as in favor of the proposed action. As established by the City Charter, Section 3.9, "... The vote upon the passage of all ordinances and upon the adoption of all resolutions shall be taken by "Yea" and "Nay" vote and entered upon the records. No member shall vote on any question in which he is financially interested (other than the common public interest) or any question concerning his own official conduct, but on all other questions each member of the Council who shall be recorded as present shall vote on all questions decided by the Council unless excused by the unanimous consent of the other members present...."

9. Public Hearings

As established by the City Charter, Section 8.4, "A public hearing on the budget shall be held before its final adoption at such time and place as the Council shall direct, and notice of such public hearing shall be published at least one week in advance by the

Clerk. A copy of the proposed budget shall be on file and available to the public for inspection during the office hours at the office of the Clerk for a period of not less than one week prior to such public hearing.” The City Council shall hold other public hearings in conformance with applicable laws or other germane requirements.

10. Parliamentary Procedure

The City Council shall follow the most recent edition of Robert’s Rules of Order for all parliamentary procedures not otherwise covered by State law, the City Charter, City Ordinances, or resolutions approved by the City Council.

11. Conduct of Meetings

As established by the City Charter, Section 3.16, ‘Duties of Mayor and Mayor Pro Tem,’ the Mayor, or in his or her absence the Mayor Pro Tem, is the “conservator of the peace,” and is responsible for suppressing “disorderly conduct.” The decorum of council members shall be kept civil. Council Members shall address and treat each other with respect.

12. Public Participation

(A) As established by the City Charter, Section 3.7, “All regular and special meetings of the Council shall be open to the public and rules of order of the Council shall provide that citizens shall have a reasonable opportunity to be heard.” During the Public Comments period of a meeting, members of the public have a three-minute time limit. Speakers shall not reserve time, or yield, share, loan or borrow time from or to other public participants. The public shall address their comments to the City Council as a whole, as mediated by the presiding officer.

(B) Citizens or concerned members of the public shall speak only during the “Public Comment” period as designated on the meeting agenda or during “Public Hearings” also as noted on the agenda. This is the only time that citizens or members of the public may participate during a Council meeting. The public shall not address the Council during its deliberations or voting on any matter. Council may adopt different procedures limited to a specific meeting for public participation during the meeting.

(C) Citizens or members of the public wishing to address City Council must sign in *before the start of the Council meeting*. A failure or refusal to sign in will prevent a member of the public from participation in public comment. A sign in sheet will be located in the Council Room on the back table. Using the sign in sheet to establish priority, the Mayor will call upon members of the public to speak. When citizens or members of the public are called by the Mayor, they must move to the podium located next to the Council table, wait to be acknowledged by the Mayor or other presiding officer before speaking, and use the microphone located on the podium for public comment. All citizen or public comment must be made using the microphone and directed to the Mayor or presiding officer and Council. Public comment shall not be addressed to other members of the public present at the meeting.

(D) Speakers are not to swear or use expletives or make derogatory or disparaging comments about any one person or group. Speaker comments must be civil and respectful. Comments on physical appearance, race, gender, other protected status or character unrelated to public issues or performance of duties will not be tolerated.

Speakers should also be careful to avoid making comments that could subject them to civil liability, such as slander and defamation.

(E) Members of the public shall not talk over or interrupt other speakers or Councilmembers who are properly holding the floor. Members of the public are expected to respect the views of others and not interrupt or harass speakers.

(F) When in the council chambers during a meeting all electronic devices must be set on silent mode.

(G) No person, other than Council Members, the Mayor, or City Manager is permitted to enter into any discussion with the member of the public speaking at the podium.

(H) Members of the public are not permitted to make or exercise any actions of parliamentary procedure, such as objections, points of order, motions or calls for a vote.

(I) Councilmembers shall not talk over or interrupt other speakers or Councilmembers who are properly holding the floor.

(J) All communications occurring during Council meetings are potentially subject to the requirements of the Michigan Open Meetings Act. Therefore, with the exception of reasonable emergency personal communication related to safety or similar practical considerations, members of the City Council shall not engage in any form of wire communication, as defined by U.S. Code Title 18, Part I, Chapter 119, Section 2510, during any meeting of the Council, including texting or other types of messaging or receiving or transmitting e-mail. Council members may use electronic devices (laptop, tablet etc.) to conduct research related to topics being discussed as part of the adopted agenda.

(K) Violations of the above rules will be addressed by the presiding officer of the Council meeting with immediate consequences, including, but not limited to the following:

1. One oral warning;
2. Podium or table microphone turned off;
3. Deletion of the violator's comments from the record or any re-broadcast of the meeting; subject to council approval for any deletion.
4. Loss of the violator's remaining speaking time; or
5. Expulsion of the violator from the meeting for the remainder of the meeting.

(L) In certain circumstances, disturbance of a lawful public meeting may lead to arrest and/or prosecution State law, MCL 750.170, and/or City Ordinance Section 12-33.

(M) The chief of police or his designee shall serve as the sergeant-at-arms at City Council meetings for purposes of enforcement of the rules set out above.

13. Minutes Preparation

As established by the City Charter, Section 4.6, “The City Clerk shall be Clerk of the Council. He [or she] shall attend all meetings of the Council and shall keep a permanent journal in the English language of its proceedings [meeting minutes.]” In the absence of the City Clerk, the Deputy Clerk shall act as Clerk of the Council. Meeting minute preparation shall conform to the requirements of the Open Meetings Act.

14. Committees

As established by the City Charter, Section 3.11, “There shall be no standing committees of the Council.” The City Council may, by resolution, establish advisory ad-hoc committees, with a defined scope and purpose, and established duties and responsibilities for the committee members. All recommended actions by such ad-hoc committees shall be reported to the City Council, who may, at their discretion, adopt, revise, or not adopt such recommendations. Not more than two City Council Members shall be appointed onto a single committee, board, commission, or similar body.

15. Resolutions and Ordinances

As established by the City Charter, Section 7.2, “All official action of the Council shall be by ordinance or resolution adopted by not less than three members of the Council, unless otherwise required by law. All actions of the Council which do not constitute ordinances shall be deemed to be resolutions. Action by resolution shall be limited to matters required or permitted to be so done by law or pertaining to the internal affairs or concerns of the City government. All other acts of the Council and all acts carrying a penalty for the violation thereof, shall be by ordinance. Each ordinance shall be identified by a short title and by a number, and by a code section number when the codification of the ordinances is completed.” See City Charter, Chapter 7, for more requirements regarding ordinances.