

# CITY OF ALBION MICHIGAN

## CITY COUNCIL RULES OF PROCEDURE

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## **RULE 1. AUTHORITY**

- (a) City Council meetings shall comply with the state constitution, the Open Meetings Act, the Home Rule City Act, the City Charter and all other pertinent law.
- (b) Regular and special meetings of the City Council shall be open to the public and the rules of procedure of the City Council shall provide citizens with reasonable opportunity to be heard. City Charter § 5.6(g).
- (c) These rules of procedure (i) provide for constructive and democratic meetings, (ii) establish common rules and procedures for deliberation and debate, (iii) are intended to help, not hinder, the business of the City Council, and (iv) expedite and facilitate the transaction of the business of the City Council in an orderly fashion. The failure to strictly observe any such rules shall not affect the jurisdiction of, or invalidate any action taken by, the City Council.
- (d) The following words or phrases shall have the following meanings:
  - (1) *Administration* means the duly appointed and acting City Manager or that person's designee.
  - (2) *City Council or Council* means the duly elected or appointed and serving Mayor and Council Members.
  - (3) *Council Member or member* are used interchangeably and means members of the City Council.
  - (4) *Dates* - whenever a date in these rules for the doing or completion of an act falls on a Saturday, Sunday or holiday, such act shall be done or completed on the next succeeding day which is not a Saturday, Sunday or holiday.
  - (5) *Decision* means a determination, action, vote or disposition upon a motion, proposal, recommendation, resolution, order, ordinance or measure on which a vote by City Council has occurred.
  - (6) *Meeting* means the convening of a public body (the City Council) at which a quorum is present for the purpose of deliberating toward or rendering a decision on a public policy.
  - (7) *Procedural matters* mean votes upon motions having no other purpose than to adjourn, to receive and file, to refer a matter, to approve the minutes or accept or decline an invitation may be taken by a voice vote and the Chair shall announce the result of the voting. Upon any such matter, a majority of the quorum present shall be sufficient to

carry such a motion, unless the Charter or other rule shall specifically require a greater majority in any such matter.

(8) *Unanimous* means that all the members of the City Council who are present voted the same way.

(e) On all matters of procedure not addressed in these rules, the Council shall refer to the most current edition of Robert's Rules of Order for guidance in developing procedures for the conduct of meetings and shall not be 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.

(f) The Mayor shall hold regular, weekly meetings or conference calls with the City Manager, typically on Wednesdays, to confer on city business and upcoming agendas. These conferences may include one or two other Council Members and may also include other City staff members. It is expected that the City Attorney shall be present, as needed to provide legal counsel and perspective. Flexibility shall be allowed from meeting to meeting.

## **RULE 2. ROLES AND RESPONSIBILITIES OF CITY OFFICIALS**

(a) The City Council's duties and authority, as established in the City Charter and other law is as follows:

(1) Generally, the City Council is to "exercise all of the legislative and policy-making powers of the city and...provide for the performance of all duties and obligations imposed upon the city by law." City Charter §§ 5.1; 6.1.

(2) The Council works only through ordinances, resolutions, or motions. Ordinances (i) may be required by law (e.g., to establish some types of authorities or to issue some type of bonds), (ii) are required for all acts for which there is a penalty for violation (e.g., city health, safety, traffic codes, etc.), and (iii) are needed for acts where the city wishes to regulate actions or conduct of persons other than city officers, employees and agents. Resolutions are normally limited to internal affairs or concerns of the city government (e.g., approval of contracts), though resolutions may be specifically authorized for other purposes. Motions, by themselves, as opposed to motions to approve a resolution or an ordinance, are generally limited to routine procedural matters and to making decisions placed before the body.

- (3) The City Council, including the Mayor, acts as a body. The City Charter refers to the powers of the City Council, as opposed to the powers of individual Council members, or the Mayor. Therefore, individual Council members have no authority to act on behalf of or represent the city except as approved by an ordinance, resolution, or motion approved by the Council (e.g., designation to serve as a delegate to an MML body or to serve as the city's representative on another body).
- (4) The city Council sets policy by its actions. The following actions all set policy but are not the only City Council actions that can establish policy: (i) budget approval, (ii) tax levies, (iii) approving borrowing, (iv) setting city utility rates and other fees and charges, (v) specially assessing for projects, (vi) approving contracts, (vii) adopting or amending ordinances, (viii) adopting resolutions, (ix) appointing members of boards and commissions, (x) appointing the City Manager and City Attorney, setting their compensation, and providing regular reviews, and (xi) assigning duties to, changing and consolidating city departments.
- (b) The Mayor's duties and authority are as follows:
- (1) The Mayor is the ceremonial head and chief executive officer of the city and shall perform all duties provided or required of...[the Mayor] by law or by the council." City Charter § 5.4(a). The Mayor therefore serves when state or federal law specifies roles or responsibilities for a city's "chief executive officer" or the Mayor, or when the City Council by ordinance, resolution or motion authorizes or directs the Mayor to act.
- (2) The Mayor serves as the presiding officer of the Council but is a member of the Council with all the powers and duties of a Council member, including the right and duty to vote on questions before the Council. The Mayor advises the Council concerning the public affairs of the City and makes recommendations thereon. As a member of the City Council with voting rights, the Mayor does not have veto power. (This contrasts with strong-mayor governments in which the mayor is not a member of the council/commission and has no voting rights.)
- (3) In emergencies, the Mayor has powers conferred by law upon peace officers and shall exercise such powers to prevent disorder, to preserve the public peace and health, and to provide for the safety of persons and property. City Charter § 5.4(e).

(4) The Mayor makes all appointments, subject to Council approval, unless law or ordinance requires appointment by another officer or agency. City Charter §§ 5.4(f), 8.2(b). Stated slightly differently, whenever a City appointment is to be made, the Mayor is empowered to make that appointment, subject to the City Council's approval, unless state or federal law, the City Charter, or a City ordinance delegates the appointment to others. This generally applies to City bodies and City-related bodies.

(c) The City Manager's duties and authority are as follows:

- (1) The City Manager serves as "...the chief administrative office of the city." The City Manager therefore serves when state or federal law specifies roles or responsibilities for a city's "chief administrative officer." The City Manager exercises and performs all administrative functions of the City that are not imposed by law, the Charter or ordinance upon another official. No other city officer may perform the City Manager's duties. City Charter § 7.2(e).
- (2) The role of chief administrative officer includes broad authority including responsibility for all City administrative departments and personnel. The City Manager is to implement City personnel policies and enter into employment agreements with City employees.
- (3) The City Manager is to advise the Council and recommend to the Council adoption of such measures the Manager deems necessary or expedient.
- (4) The City Manager attends Council meetings with the right to take part in discussion, but without the right to vote.
- (5) More specific duties and responsibilities of the City Manager include:
  - (i) Enforcing all ordinances unless otherwise provided in the Charter, in the ordinance or by law.
  - (ii) Appointing the emergency preparedness coordinator and the planning and community development director. City Code § 2-148.
  - (iii) Proposing an annual budget to the City Council and administering the annual budget approved by the City Council.
  - (iv) Performing other duties as may be prescribed by ordinance or by direction of the Council.
  - (v) Adopting administrative regulations. City Code § 2-61.

- (vi) Acting as the City's purchasing agent or designating another purchasing agent and overseeing purchasing. City Code § 2-383.
- (vii) Recommending to the Council to prescribe by ordinance additional powers and duties to city officers and departments. City Charter § 8.17.
- (6) The City Manager serves at the pleasure of and is accountable to the City Council. Note, if there is a vacancy in the office of City Manager, the City Council must appoint non-elected person to serve as an interim City Manager. City Charter § 7.2(f).
- (d) The City Attorney's duties and authority are as follows:
  - (1) The City Attorney serves as legal adviser to: (i) the City Council concerning the performance of its functions and duties, (ii) the Clerk, Treasurer, Assessor and City Manager concerning their statutory and Charter duties, and (iii) City boards. The City Attorney attends Council meetings.
  - (2) The City Attorney prosecutes violations of City ordinances and represents the City in civil and administrative proceedings.
  - (3) The City Attorney prepares or reviews ordinances, regulations, contracts, bonds and other instruments.
  - (4) The City Attorney provides legal opinions regarding the documents the City Attorney reviews and on such other matters as requested, filing a copy with the Clerk.
  - (5) The City Attorney performs other duties as prescribed by law, the Charter or the Council.
- (e) The Director of Public Safety or a public safety officer designated by the Director of Public Safety shall serve as sergeant-at-arms for the City Council during its meetings to assist in the preservation of order and, while serving that role, shall serve at the direction of the Mayor or other chair of the meeting.

### **RULE 3. OATH OF OFFICE; DUTIES ASSUMED; MAYOR PRO TEM APPOINTED**

- (a) On the first Monday in December following their election, newly elected members of City Council shall take the oath of office and assume the duties of their office. City Charter § 5.3. See Appendix B: Sine Die Procedure.
- (b) On the first Monday in December after each City general election, the City Council shall appoint one of its elected members to serve as Mayor Pro Tem. City Charter § Section 5.5.

### **RULE 4. MEETINGS OF THE CITY COUNCIL**

- (a) *Regular Meetings* - Regular meetings of the City Council shall be held each month on the days prescribed by resolution beginning at 7:00 p.m. Each calendar year there shall be posted within 10 days after the first meeting of the Council a public notice stating the dates, times and places of the regular meetings. If there is a change in the schedule of regular meetings, a notice shall be posted within 3 days after the meeting at which the change is made listing the new dates, times and places of the regular meetings. Open Meetings Act; City Charter § 5.6.
- (b) *Special Meetings* - Special meetings of the council shall be held at the regular meeting place of the council or at an alternate meeting place when notice of such alternate meeting place is posted at the main entrance to the city hall during such meeting. Special meetings shall be called by the clerk on the written request of the mayor, or of any two (2) members of the council. If the capacity of the Council chambers is deemed insufficient to hold the audience that wishes to attend the council meeting, council may decide to move the meeting to a larger venue. City Charter § 5.6.

At least eighteen 18 hours written notice shall be given designating the time and purpose of a special meeting. Such notice shall be given personally by the clerk to each member of the council or written notice may be left at their usual place of residence or business by the clerk or by someone designated by him. A copy of such notice shall also be delivered at the place of business of each newspaper printed and published in the city, but this requirement shall not be jurisdictional to the holding of any such meeting. Such notice shall also be posted on the City's website.

- (c) *Study Sessions* - In addition to regular and special meetings, the Council may hold study sessions from time to time for gathering information and for deliberating towards a decision on any matter. All actions and final decisions shall be made only at a subsequent regular or special meeting. The study sessions shall be open to the public and shall comply with the posting requirements of Act 267, Michigan Public Acts for 1976, as may be amended. For the purpose of posting only, the study sessions shall be considered as special meetings.
- (d) *Closed Sessions* - In accordance with the Open Meetings Act, MCL 15.268, the council may meet in a closed session only for one or more of the permitted purposes following a roll call vote:

- (1) 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, if the named person requests a closed hearing (that request may be withdrawn at any time)
- (2) For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if either negotiating party requests a closed hearing
- (3) Upon a 2/3 vote of the members elected or appointed, to consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.
- (4) Upon a 2/3 vote of the members elected or appointed, to consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the city.
- (5) Upon a 2/3 vote of the members elected or appointed, to review and consider the contents of an application for employment or appointment to a public office if the candidate requests that the application remain confidential. However, all interviews by the city for employment or appointment to a public office shall be held in an open meeting pursuant to the Open Meetings Act.
- (6) Upon a 2/3 vote of the members elected or appointed, to consider material exempt from discussion or disclosure by state or federal statute. (This is the basis for a closed session discussion of written legal opinions.)

## **RULE 5. STANDING COMMITTEES**

There shall be no standing committees of the City Council. This does not, however, prohibit the designation of three (3) or fewer Council Members working together, without compensation, to gather information and/or research a specific subject and to report back to the full City Council at a later date. City Charter § 5.6(b).

## **RULE 6. QUORUM**

At any regular or special meeting, four (4) members of the City Council shall be a quorum for the transaction of business. In the absence of a quorum, any number of members less than a quorum may adjourn any regular or special meeting. City Charter § 5.6(h). Regular



meetings that have been adjourned due to a lack of a quorum shall have the agenda material carried over to the next regular meeting unless a special meeting is scheduled prior to that time to deal with those items. Special meetings adjourned due to a lack of quorum shall be rescheduled to a date determined by the authority who called for the meeting. Notices shall be posted in accordance with state law.

## **RULE 7. CONDUCT OF MEETINGS**

- (a) *Chair* - The Mayor, or in the Mayor's absence, the Mayor Pro Tempore, shall be the Chair and preside over the meetings. If both the Mayor and Mayor Pro Tempore are absent, the City Clerk shall call the City Council to order and call the roll. If a quorum is present, the Council shall elect, by a majority of those members present, a temporary Chair to act until the Mayor or the Mayor Pro Tempore appear.
- (1) The Chair's role is to serve the Council by implementing these rules of procedure to facilitate the orderly conduct of Council business.
- (2) The Chair represents the Council during the meeting, declaring the Council's will and obeying the Council's commands resulting from motions and other actions in accordance with these rules of procedure.
- (3) The role as Chair is in addition to any other roles the Chair may have as Mayor, Mayor Pro Tem, or as another Council Member.
- (b) *Preservation of Order* - The Chair shall conduct the meeting, arrange the seating, preserve decorum, and decide, subject to appeal, questions of order and the interpretation of these rules. Appeals of such interpretation may be made by any Council Member present. The City Attorney normally shall be the advisor of the Chair on any point of order or procedure under these rules. Council Members shall remain seated, unless needing to leave the Council chamber on an urgent matter, refrain from private discourse, and refrain from electronic communication while the Council is in session. A Council Member speaking may be interrupted only: (i) when the Chair determines the speaking Council Member is out of order, (ii) for a point of order, (iii) when asked to yield, or (iv) when such interruption is needed to restore order due to the inappropriate conduct of others.

If attempts to restore order by calls to do so, instruction, and use of the gavel are unsuccessful, the Chair may: (i) call a recess, (ii) adjourn the meeting, or (iii) request that the

police officer serving as sergeant-at-arms for that meeting remove any person(s) engaging in conduct that is out of order. Rule § 2(e).

- (c) *Council Members* - When a Council Member wishes to speak, the Council Member shall respectfully request the Chair's recognition. If two or more Council Members wish to speak, the Chair shall normally first recognize the Council Member who asked the item to be placed on the agenda, then recognize the maker of the motion, and then recognize Council Members in the order they requested to speak. The Council Member seeks recognition by raising their hand. Council Members shall confine their comments and statements to the question under consideration. No Council Member 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 Council Member shall speak for more than ten minutes on an agenda item without approval from the Council which may be granted by the Chair if there are no objections from other Council Members or by a majority vote of the members present. A Council Member may participate in a meeting via telephone or other comparable telecommunications equipment, however, no Council Member may vote on any item of business or parliamentary matter unless the Council Member is physically present at the meeting.
- (1) *Calling A Member To Order* - If any Council Member, in speaking or otherwise, fails to comply with these, the Chair shall, either unilaterally or following a point of order by another Council Member, call the offending Council Member to order. The question of order shall be decided by the Chair, without debate, subject to appeal.
- (2) Personal comments about, attacks against, or imputing the motive of other Council Members, City Staff members, or members of the public are out of order.
- (d) *Legal Counsel* - The Chair, on the Chair's own initiative or at the request of a Council Member, may call upon the City's legal counsel in any meeting of the Council, to advise the Council upon any pertinent question of law. A decision by the Chair not to seek the advice of the City's legal counsel when sought by a Council Member may be appealed.
- (e) As outlined in the City Charter, the City Manager may participate in Council discussions but may not vote on any matter. City Charter § 7.2(d)(2).

## **RULE 8. PUBLICATION OF NOTICES**

Official notices or proceedings requiring publication or posting shall be displayed on the bulletin board located in City Hall or on the City's official web site. In the event publication is required by law in a newspaper of general circulation, The Recorder, and the Albion E-News which are circulated in Albion, are designated as the official newspapers for the City of Albion.

## **RULE 9. PUBLIC PARTICIPATION**

Members of the audience attending regular or special meetings shall have a reasonable opportunity to be heard, except as otherwise may be provided by law, as follows:

- (a) *Regular and Special Meetings* - The Chair will recognize each person wishing to make comments and the person shall state the person's name, address and group affiliation (if appropriate) prior to speaking. No citizen shall speak more than once during each of the following segments unless permission is given either by the Chair, if there is no objection from any Council Member, or upon a motion of the Council.

  - (1) *Public Hearings* - When a public hearing on a matter has been scheduled, City Council will hear and consider any comments presented by interested parties or audience members on the specific subject of the hearing. The Chair may, if appropriate, limit the amount of time per person based on the requests and determine when the public has had its opportunity to be heard. Public speakers may address the council on the issue of the public hearing for one three (3) minute period.
  - (2) *Public Comment* - At the appointed times at the beginning of regular and special meetings, speakers may address the City Council on agenda items only, for one three (3) minute period. Additionally, at the conclusion of the agenda, speakers may address the council on any issue they wish to speak, also for one three (3) minute period.
- (b) *Study Sessions* - At the conclusion of the Special Meeting agenda, speakers may address the council on any issue they wish to speak, also for one three (3) minute period.
- (c) *No Response* - Public hearings and public comment periods are times to hear from the public. Therefore, the Chair and other Council Members shall refrain from answering questions, correcting speakers or otherwise responding or reacting to any comments until after the public hearing or public comment period is closed and Council comments are appropriate under the agenda item.

- (d) *Time Deviation* - Time allowed for a speaker during a public hearing or public comment period may be extended beyond the three (3) minute limit for good reason either by the Chair if there is no objection from any Council Member or upon a motion of the Council. Good reason for allowing more time includes, for example and not for limitation, that a speaker is representing a group and the extension of time granted the speaker will reduce the numbers of persons who speak and the overall time expended, the complexity of the issue addressed, and other reasons as determined by the Council. The time allowed for speaking may for good reason also be further limited, either by the Chair if there is no objection from any Council Member or upon a motion of the Council. Good reason for further limiting the time allowed includes, for example and not for limitation, the number and complexity of agenda items and the number of persons wishing to address the City Council.
- (e) *Conduct of Speakers and Audience Members* - Comments (i) are to be loud enough to be audible but not so loud as to be inappropriate for a meeting, (ii) must avoid coarse language or cursing, (iii) may not include personal attacks, (iv) may not be addressed to anyone other than the Council or the Chair, and (v) may involve a single speaker (except when the speaker requires assistance). Comments may not include demonstrations, or materials that, when used, could be hazardous or unduly disruptive to the meeting. To preserve the order and decorum of Council meetings, the audience shall refrain from cheering and applauding during the course of the meeting.
- (f) *Disorderly Conduct* - The Chair may call to order any person or persons who are being disruptive, disorderly, speaking out of turn or beyond the allotted time, etc. Such persons shall promptly obey the rulings of the Chair if called to order. If the person fails to obey the ruling, the Chair may direct the removal of the person from this meeting.
- (g) *Written Communication*: The Council shall accept written comments and copies of any submitted materials will be distributed to all Council Members. Individuals or groups are encouraged to submit written comments to the City Council via mail, e-mail or delivered to the City Clerk's office for distribution. If requested by the writer, the communication may be added to the appropriate agenda for receipt and/or action as deemed appropriate by the City Council. Written comments may be submitted during the meeting. They may, with permission of the Chair, be handed to the Clerk for distribution to the Council.

(h) *Handouts, Supporting Materials, Photographs, Etc.* - Persons wishing to provide copies of comments, handouts, presentations, supporting materials, photographs, etc., are encouraged to submit such items to the City Clerk's office prior to the start of the meeting for distribution to the City Council. The use of audio or electronically displayed materials by citizens during public comment segments is not allowed. An exception may be given if prior permission is given by the chair and the material is provided to the City Clerk's office at least two (2) business days prior to a meeting. Materials shall be appropriate for viewing by all and consistent with the public comment requirements in Rule 9(e). Electronic materials shall be compatible with City equipment and software.

## **RULE 10. AGENDAS AND ORDER OF BUSINESS**

(a) *Regular Meeting Agendas* - The City Clerk, with the City Manager and supporting staff, shall be responsible for the preparation of the agenda and supporting material for each regular meeting as follows:

- (1) Requests by the Mayor, City Council Members, or the Administration for resolutions and documents to come before the City Council at any regular meeting shall be submitted to the City Clerk and City Manager before 12:00 p.m. EST on the Wednesday prior to the next council meeting.
- (2) As permitted by the City Charter, the Mayor, City Council Members, or the Administration may add items to the agenda at any time before noon on the day of the Council meeting. Agenda items added to the agenda after 12:00 p.m. EST on the Wednesday prior to the City Council meeting shall generally be considered **only for discussion** at that meeting. If the item is a matter of urgency or emergency due to circumstances arising after the Wednesday preceding the meeting or if the item is a matter that requires no additional research or background and has general consensus from Council Members, the item added after the general agenda deadline may be considered for action by the City Council during that meeting.
- (3) The agenda shall be furnished to the City Council on the Thursday prior to the regular meeting. On the day following delivery of the agenda to the City Council, if practicable, the agenda will be available on the City's web site and a paper copy can be viewed at the City Clerk's office during normal business hours.

- (4) The City Council may by an affirmative vote of at least five (5) members approve the addition, modification, or removal of agenda items. Motions to add, modify, or remove an item or topic on the agenda shall occur during the Approval of the Agenda portion of the meeting.
- (5) Except for routine items, an agenda shall not request final action on any item for which that agenda is the first communication about that item.
- (b) *Special Meeting Agendas* - When necessary, the City Clerk shall prepare an agenda for special meetings, in consultation with the Mayor or requesting City Council Members, and the Administration, based on a written request for a special meeting. No additional Agenda items can be added during a Special Meeting.
- (c) *Order of Business for Regular Meetings* - The order of business at any regular meeting, not a special meeting or study session, shall be as follows:
- Call to Order
  - Moment of Silence
  - Pledge of Allegiance
  - Roll Call
  - Approval of the Agenda (*Includes any proposed additions, deletions, or other changes to the agenda*)
  - Presentations and Recognitions (*These items include proclamations, commendations and recognitions or items prepared by the administration, City boards and commissions, or other City-related agencies. Presentations shall be limited to 10 minutes or less unless the extended either by the Chair if there is no objection from any Council Member or upon a motion of the Council.*)
  - Public Hearings (*Resolutions and/or ordinances applicable to a public hearing shall be considered immediately following the hearing.*)
  - Agenda Public Comment - Persons addressing the City Council shall limit their comments to agenda items only, and to no more than 3 minutes. Proper decorum is required. Please state your name and address.
  - Closed Session
  - Consent Agenda (*Includes approval of all minutes of meetings called by council—i.e. regular, special, study session—routine permits and other routine approvals, routine bid awards, routine approvals of bills and payments, scheduling of special meetings or study sessions, scheduling of public hearings, and other routine matters. At the request of any Council Member a consent agenda item*

*shall be removed from the consent agenda and considered under the Items for Individual Action or Discussion section of the agenda.)*

- **Items for Individual Action or Discussion** *(The work of the council; approval of resolutions, ordinances, postponed items, action of the City Manager that requires approval of Council, Council items of discussion, approval of board appointments, Approval of contracts, etc.)*
- **Future Agenda Items** *(The Mayor, City Council Members, or the Administration may request or propose items or topics for action or discussion by the City Council at a future meeting.)*
- **Public Comment** - Persons addressing the City Council shall limit their comments to not more than three (3) minutes. Proper decorum is required. Please state your name and address.
- **City Manager Report**
- **Mayor and Council Member Comments**
- **Motion to Excuse Absent Council Member(s)**
- **Roll Call** *(Unless they are present for both roll calls or excused, Council Members will be recorded as inexcusably absent from the meeting.)*
- **Adjournment**

**(d) Order of Business for Special Meetings** - The order of business at any special meeting shall be the same as the order of business at any regular meeting, except that no items may be added to the agenda if the items were not included in the notice of the special meeting. A special meeting agenda may be modified to the extent that items may be tabled, postponed, or removed from the agenda.

**(e) Order of Business for Study Sessions** - The order of business at any study session shall be as follows:

- **Call to Order**
- **Roll Call**
- **Items for Individual Discussion** *(No action shall be taken by council, but a consensus may be sought)*
- **Public Comment** - Persons addressing the City Council shall limit their comments to not more than three (3) minutes. Proper decorum is required. Please state your name and address.
- **City Manager Report**
- **Mayor and Council Member Comments**

- Adjournment

## **RULE 11. RESOLUTIONS**

- (a) A resolution or motion shall be limited to matters required or permitted to be done by the Charter, or by state or federal laws, or pertaining to the internal affairs, or concerns of the city government. Except when it is impractical to do so or for procedural motions, all resolutions, and long or complicated motions or amendments, shall be in writing before being acted upon by the City Council.
- (b) Upon the reading by the Mayor of the title of the resolution, and a brief summary, it shall be for any member of the City Council to move for its adoption. City Council Members can request the Mayor to allow for explanatory or clarifying comments from the City Manager or relevant staff member before an initial motion is made. Before the question is put to a vote, an opportunity for debate, amendment or other appropriate action shall be afforded the City Council.
- (c) A resolution is an official City Council action in the form of a motion adopted by an affirmative vote of at least four (4) members, unless otherwise provided by law. A resolution becomes effective on the same day on which it is adopted unless a subsequent date is contained within the resolution.

## **RULE 12. ORDINANCES**

- (a) An ordinance is a legislative act establishing a more permanent influence on the City other than a resolution and requires greater formalities in its adoption. In addition to other acts required by law or by specific provision of the City Charter to be adopted by ordinance, acts which do any of the following shall be by ordinance:
  - (1) Each proposed ordinance shall be introduced in written form. The style of all ordinances passed by the council shall be, "The City of Albion Ordains:"
  - (2) No ordinance shall be passed at the same meeting at which it is introduced, unless it is declared to be an emergency ordinance by a vote of not less than five (5) members of the council.
  - (3) An ordinance may be repealed or amended only by an ordinance passed in the manner provided in this section.



- (4) An ordinance may be repealed by reference to its number or title only.
- (5) If a section of an ordinance is amended, such section shall be re-enacted and published at length. This requirement shall not apply to zoning ordinance amendments or to the schedules of one-way streets and of parking limitations contained in any traffic ordinance.
- (6) Each ordinance, after adoption, shall be identified by a number.
- (7) Each ordinance shall be recorded by the clerk forthwith in the ordinance book, and the enactment of such ordinance shall be certified by him therein by his signature.

### **RULE 13. MOTIONS**

- (a) *Generally* - All motions shall be moved and seconded before being considered. All motions, especially long or complicated motions shall be put in writing, except when it is impractical to do so or for procedural motions. An opportunity for debate, amendments, or other appropriate action, shall be afforded the members of the City Council, except as otherwise stated in these rules. Each amendment proposed shall be considered a separate question.
- (b) *Debate* - Council Members wishing to speak during debate shall first obtain the approval of the Chair and each member who speaks shall address the Council. A Council member cannot speak against his or her own motion, but may vote in the negative. The member making the motion may speak on it first, if he or she expresses a desire to do so.
- (c) *Withdrawal* - A Council Member, with the consent of the supporting Council Member, may modify or withdraw his or her motion provided no member objects if the motion is modified or withdrawn. If a member objects to the withdrawal of a motion and a second is received, a vote is immediately taken on the request to withdraw the motion. Friendly revisions to motions agreed to by the Council Member moving and seconding the motion may be made.
- (d) *Passage* - Passage of all procedural motions or appeals of the Chair shall be on the affirmative vote of at least a majority of those Council Members present, unless otherwise provided for by law, the Albion City Charter, or by these rules. Approvals of any ordinance, resolution or other official Council action requires the affirmative vote of at least four (4) Council Members, unless a larger majority is required by law.
- (e) *Motion Under Consideration* - Whenever a main motion or question is under consideration, no other motion can be made except:

- to adjourn - undebatable
- to rise to a question or privilege - undebatable
- to lay on the table - undebatable
- to call for the previous question - undebatable
- to limit or extend limits of debate - undebatable
- to postpone to a certain day - undebatable
- to commit or refer, or recommit, to a committee - undebatable
- to amend - debatable
- to postpone indefinitely – debatable

See Appendix A: Basic Parliamentary Information for further details regarding handling the various types of motions.

- (f) *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.
- (g) *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 2/3 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.
- (h) *Questions Put and Calling Roll* - Questions shall be distinctly put in the following form: “All in favor say ‘Yes’.” 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 basis, so as to permit Council Members 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.

- (i) *Debate During Roll* - While the Mayor is putting any question, or once roll call voting has started, there shall be no interruption.

#### **RULE 14. POINT OF ORDER**

When a member believes the rules are not being followed, a member may demand the ruling of the Chair. The Chair shall promptly rule and enforce the rules, if appropriate. The Chair's ruling on a Point of Order may be appealed.

#### **RULE 15. APPEALS**

Any Council Member may appeal a ruling/decision of the Chair and the appeal is debatable. The Chair shall then put the question, generally phrased as, "Shall the decision of the Chair stand as the decision of the Council?" If adopted, the ruling of the Chair is sustained (stands); otherwise, it is overruled (ruled against). If an appeal is tabled, it does not carry with it the subject matter being discussed at the time of the appeal.

#### **RULE 16. RESCIND**

Any vote taken may be rescinded, unless something has been done as a result of the vote that the Council cannot undo. Legal counsel shall determine whether or not reconsideration creates a potential legal liability for the city and will advise accordingly.

#### **RULE 17. SUSPEND THE RULES**

Any rule may be temporarily suspended by an affirmative vote of at least five (5) members, unless a different number of votes are specifically stated in a rule. Rule 20 shall not be suspended, nor shall any rule be suspended if it is a restatement of a requirement of state law, the City Charter or City Code.

#### **RULE 18. RECONSIDERATION.**

- (a) A motion to reconsider a vote, including a vote resulting in a tie, or other action that has been taken by the Council may be made, provided no action has been taken in reliance upon such vote or action in accordance with the following:

- (1) A Council Member on the prevailing side on a vote or action may move for reconsideration of such vote or action at the same meeting the vote or action was made or at the next regular Council meeting, but at no other subsequent meeting.
- (2) No vote or other action shall be reconsidered more than once. A motion to reconsider shall require the affirmative vote of a majority of Council Members serving.
- (3) If a motion to reconsider fails, it cannot be renewed.
- (4) This does not preclude the Council from again dealing with an issue, policy, decision or other action based upon significant new information unavailable to the Council when the decision or other action was initially taken.

## **RULE 19. VOTING**

- (a) The Chair determines when to close debate after determining if all Council Members have been given an opportunity to be heard and to call for a voice vote or a roll call vote of the question. Roll call votes shall be taken when required by law or by these rules of procedure. If a voice vote is taken, and the vote is less than unanimous, either the Chair or any Council Member may request a show of hands to verify the motion was approved. Any Council Member voting against a motion may request that the minutes reflect his or her “no” vote.
- (b) Council Members in attendance shall have a duty to vote for or against all measures before the City Council, unless there is a financial conflict of interest and they have been excused by the remaining council members. Conflicts shall be governed as follows:
  - (1) Except for public contracts governed by the Contracts of Public Servants with Public Entities Act (Act 317 of 1968), no member of the City Council shall have an interest, directly or indirectly, in any contract, job or work with the City. No member of the City Council shall be financially interested directly or indirectly in the sale to the City of any land, materials, supplies or services. This does not apply to the official services of his or her office.
  - (2) The foregoing prohibitions of paragraph (a) above, as they apply to a Council Member or Council Members, shall not apply if the City Council shall declare on its records by an affirmative vote of five (5) of the remaining members of the City Council that the best interests of the City are served despite a personal interest, direct or indirect, and if in

compliance with the Contracts of Public Servants with Public Entities Act (Act 317 of 1968).

- (3) If a Council Member shall have a conflict or believes he/she may have a potential conflict of interest as shown in paragraph (a), the member shall immediately disclose the nature and extent of his or her interest prior to the consideration of the agenda item involved. If it is determined, in consultation with legal counsel and review of the Charter and state law that a conflict does not exist, or the City Council has declared on its record the best interests are served despite the personal interest, the member may participate in the deliberations and shall vote on such matter.
- (c) Roll call votes shall be called by the City Clerk in a rotating order and entered upon the record, except that when the vote is unanimous, it shall only be necessary to so state. The Chair shall always vote last. Once voting begins, no Council Member shall be entitled to speak on the question, nor shall any motion be in order, until the roll call is finished, and the results declared.
- (d) Procedural matters may be decided by a voice vote if declared by the Chair. Such procedural matters include motions to adjourn, receive and file, refer a matter, approve the minutes or to accept or decline an invitation. The Chair shall announce the result of the voting. Upon any such matter, a majority of the quorum present shall be sufficient to carry such a motion, unless the Charter or other rule herein specifically requires a greater majority.
- (e) All resolutions, ordinances, motions or declarations shall be adopted or passed by an affirmative vote of at least four (4) members, unless otherwise provided by law.
- (f) A Council Member may change their vote if he or she makes a request to do so immediately following the vote and prior to the time that the next item in the order of business is taken up. The vote shall be changed and the record shall reflect the Council Member's changed vote. Such member shall not be permitted to make any other change of vote upon the same question, except upon a properly introduced motion to reconsider.

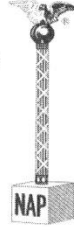
## **RULE 20. AMEND/REPEAL RULES**

These rules may be amended or repealed by resolution of the City Council and shall not be finally passed at the same meeting at which it is introduced, and such resolution shall be

postponed for final consideration until the next regular meeting or until such further time as the City Council shall determine. This rule shall not be suspended.

## APPENDIX A. BASIC PARLIAMENTARY INFORMATION

**BASIC PARLIAMENTARY INFORMATION**  
**NATIONAL ASSOCIATION OF PARLIAMENTARIANS®**  
 213 South Main Street, Independence, MO 64050-3808  
 (888) NAP-2929 • Fax (816) 833-3893 • Email: [hq@nap2.org](mailto:hq@nap2.org)  
[www.parliamentarians.org](http://www.parliamentarians.org)  
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### PROCEDURE FOR HANDLING A MAIN MOTION

What is Happening/Notes	The Chair Says/Does	Members Say/Do
<b>Obtaining and assigning the floor</b>		
A member rises when no one else has the floor		"Mr./Madam President/Chairman"
	Recognizes the member by name, title or nodding	
<b>How the motion is brought before the assembly</b>		
Member sits after		"I move that (or "to")..."
Another member believes the motion is worth discussing		"I second the motion" or just "Second"
"Is there any debate?" is a less formal alternative to "Are you ready for the question?"	"It is moved and seconded that (or "to") ... Are you ready for the question?"	
<b>Consideration of the motion</b>		
See rules for debate (sidebar)		Debate
<b>The chair puts the question to a vote of the assembly</b>		
	"Are you ready for the question?"	Further debate
After debate is ended, or if the formal motion Previous Question has been moved and adopted to stop debate, a vote is taken	"The question is on the adoption of the motion that ..." "Those in favor of the motion, say aye." (Pause) "Those opposed say no." (Pause)	Members vote
<b>The chair announces the results of the vote</b>		
	"The ayes have it, the motion is adopted, and ... (indicating the effect of the vote or ordering its execution)." OR "The noes have it and the motion is lost."	

### PRINCIPLES UNDERLYING PARLIAMENTARY LAW

As stated in *Robert's Rules of Order Newly Revised*, rules of parliamentary law balance the rights of individuals or groups within an organization's total membership. These rules are based on a regard for the rights:

- of the majority,
- of the minority, especially a strong minority greater than one third,
- of individual members,
- of absentees, and
- of all these together.

Ultimately the will of the majority decides matters, but only after full and free discussion. The rights of all (even those absent) must be protected. This pamphlet will help you run meetings more efficiently and effectively and help protect the rights of all members.

### RULES FOR DEBATE

1. Members first obtain the floor.
2. The maker of the motion may speak first.
3. Debate is made to the chair; it is confined to the merits of the motion and not the motives or personalities of other members.
4. Amendments may be offered to improve the motion. They must be approved by the body, and the motion must still be adopted as amended.
5. Debate can be closed only by the assembly (2/3 vote) or by the chair if no one seeks the floor for further debate.

### PERTINENT FACTS

- A **main motion** brings business before the assembly.
- A **subsidiary motion** assists the assembly in treating or disposing of a main motion.
- A **privileged motion** deals with matters of immediate importance. It does not relate to the pending business.
- An **incidental motion** is related to the parliamentary situation so that it must be decided before business can proceed.

### MEANING OF SYMBOLS

- # Main motion when no other motion is pending.
- I In order when another has the floor; may interrupt.
- S Requires a second.
- D Is debatable.
- A Can be amended.
- M Requires a majority vote (i.e. more than half of votes cast).
- $\frac{2}{3}$  Requires a 2/3 vote (twice as many in the affirmative as in the negative).
- + Usually no vote is taken; the chair decides.
- N No vote; chair responds.
- R Vote may be reconsidered.
- \* See *Robert's Rules of Order Newly Revised*, current edition, for specific rules.

### <sup>1</sup>TYPES OF AMENDMENTS

- To insert (within) or add (at the end of a sentence or paragraph) a word, consecutive words, or paragraph.
- To strike out a word, consecutive words, or a paragraph.
- To strike out and insert (which applies to words) or to substitute (which is applied to at least a paragraph of one or more sentences.)
- To strike out a word or paragraph and insert it in a different place.

## RANKING MOTIONS

Motions on this page are listed in rank order, with the highest ranking at the top. After a motion has been stated by the chair, higher ranking motions are in order but not lower ranking

motions except that Amend and Previous Question can be applied to amendable and/or debatable motions of higher rank than themselves.

	Interrupt	Second	Debate	Amend	Vote	Reconsider
<b>PRIVILEGED MOTIONS</b>						
# Fix the Time to Which to Adjourn		S		A	M	R
# Adjourn		S			M	
# Recess		S		A	M	
Raise a Question of Privilege	I				+	
Call for the Orders of the Day	I				+	
<b>SUBSIDIARY MOTIONS</b>						
Lay on the Table		S			M	R*
Previous Question		S			$\frac{2}{3}$	R*
# Limit or Extend the Limits of Debate		S		A	$\frac{2}{3}$	R*
Postpone to a Certain Time (or Definitely)		S	D	A	M	R*
# Commit or Refer		S	D	A	M	R
Amend <sup>1</sup>		S	D	A*	M	R
Postpone Indefinitely		S	D		M	R*
<b>MAIN MOTIONS</b>						
		S	D	A	M	R



NON-RANKING MOTIONS	Interrupt	Second	Debate	Amend	Vote	Reconsider
<b>INCIDENTAL MOTIONS</b>						
Appeal Chair's Decision	I	S	D*		M*	R
Close Nominations or Close the Polls		S		A	$\frac{2}{3}$	
Consider by Paragraph or Seriatim		S		A	M	
Create a Blank		S			M	
Division of the Assembly	I				N	
Division of the Question		S*		A	M*	
Object to Consideration of a Question	*				$\frac{2}{3}$ *	R*
Parliamentary Inquiry	I				N	
Point of Order	I		*		+	
Reopen Nominations or Reopen the Polls		S		A	M	R*
Request for Information	I				N	
<sup>2</sup> Request for Permission to Withdraw a Motion	*	*				neg
Suspend the Rules		S			$\frac{2}{3}$ *	
<b>MOTIONS THAT BRING A QUESTION AGAIN BEFORE THE ASSEMBLY</b>						
Take from the Table		S			M	
<sup>3</sup> Rescind or Amend Something Previously Adopted		S	D	A	*	R*
<sup>3</sup> Discharge a Committee		S	D	A	*	R*
<sup>4</sup> Reconsider	*	S	D*		M	

## NOTES

<sup>2</sup> Before a motion has been stated by the chair, it can be withdrawn or modified by the maker. After it has been stated by the chair, it can be withdrawn or modified only by unanimous consent or by a majority vote of the assembly.

<sup>3</sup> An Incidental Main Motion which usually requires a majority vote with previous notice, a  $\frac{2}{3}$  vote without previous notice, or a majority vote of the entire assembly/membership.

<sup>4</sup> Hasty or ill-advised action can be corrected through the motion to Reconsider. This motion can be made only by one who voted on the prevailing side and made only on the same day the original vote was taken. In a session of more than one day, a reconsideration can also be moved on the next succeeding day within the session on which the meeting is held.

## FORMS OF VOTING

- A **voice vote** is the most commonly used form of voting (ayes and noes).
- A **rising vote** is the normal method of voting on motions requiring a  $\frac{2}{3}$  vote for adoption. It is also used to verify a voice vote or a vote by show of hands. The chair can order a rising vote or a single member can call for a Division of the Assembly.
- A **show of hands** is an alternative for a voice vote, sometimes used in small boards, committees, or very small assemblies, or for a rising vote in very small assemblies, but only if no member objects.
- Some conventions use **voting cards**, provided to delegates, to raise for voting.
- A **count** can be ordered by the chair or by a majority vote of the assembly.
- **Unanimous consent** is a vote of silent agreement without any objection.
- A **ballot** or **roll call** vote can be ordered by a majority of the assembly.

## APPENDIX B. ADJOURNMENT SINE DIE PROCEDURE

The City Council biennially adjourns the former City Council *sine die*, Latin for indefinitely, after each regular November general City election. The following is a recommended procedure for the transfer of power between City Councils.

1. Call To Order (*By current Mayor*)
2. Moment of Silence
3. Pledge of Allegiance
4. Roll Call
5. Mayor and Council Member Comments (*This time is offered for outgoing Council Members to make final comments prior to the expiration of their term of office.*)
6. Adjournment Sine Die (*Mayor requests a motion and support to adjourn “sine die.” Once voted, the Council is adjourned “indefinitely”.*)
7. Reorganization of the City Council
  - a. Outgoing Mayor or Council Members step down from their places.
  - b. City Clerk offers oath of office to each new Council Member.
  - c. City Clerk offers oath of office to new Mayor.
  - d. New Mayor or Council Members take their places at the City Council dais.
  - e. City Clerk presents the Albion City Council to the Mayor and requests a “Call to Order.”
8. Call To Order (*By new Mayor*)
9. Roll Call
10. 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.
11. 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.*)