

Darwin McClary

From: Teresa Rutt
Sent: Monday, July 17, 2023 10:08 PM
To: Darwin McClary; Susan Galezka
Cc: 'mkucharek@bhlaw.us.com'; Jerry
Subject: Rules of Procedure
Attachments: Rules of Procedure 2023 Draft July 17.docx

Hi Darwin,

I didn't meet my goal of 48 hours...last week kicked my butt. However, it is in your inbox ahead of the Tuesday deadline.

All changes are in red/bold/underlined where content was affected. I did not highlight typo corrections. A quick summary so you are aware of the relatively minor changes:

Section D – I changed the bullets to numbers and left the option for council to select 10 and 5 minutes or 5 and 3 minutes.

Section E – added “or council member”

Side note – we did talk about who is the Sergeant at Arms, etc. Our charter gives this power to the president: “He shall be a conservator of the peace, and may exercise within the village the powers conferred upon sheriffs to suppress disorder, and shall have the power to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the village, and to suppress riot and disorderly conduct.” I did not include that, but in case it becomes relevant thought I would highlight it for you.

Section G – There was debate on what was permissible under the charter for access to Village consultants and department heads. The charter allows for access to subordinates to the manager for purposes of inquiry or emergency/absence or disability of the VM but that everything else shall be dealt with through the village manager section 6.12. However, charter language in section 3.9 makes it seem that the Attorney and Clerk are not always subordinate to the VM “insofar as their duties...for the Council are concerned. Therefore, it makes me think we can specify that only the President/PT can initiate contact/direct the Attorney for duties for the Council. This is where legal opinion might be helpful. I reworded the section to say that only the VM can direct or request and then that the President/PT can initiate with the attorney for Council duties based on my reading of 3.9. I do not know if we can be more specific to say only President/PT can inquire and direct in an emergency which is more narrow than section 6.12 or if we can/should just leave as is.

Section G.9.B.4 I changed to mirror H.6.C as was requested by a council member. It generally says the same thing, just clear that it is uninterrupted by public.

I think that is it. Please feel free to call me tomorrow if you have any questions.

Teresa

Rules of Procedure
Village Council
Village of Lake Orion

(Adopted April 10, 2000)
(Amended August 11, 2003)
(Amended June 27, 2005)
(Amended November 13, 2018)
(Amended July 9, 2019)
(Amended _June 26, 2023)

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Resolution

WHEREAS, the Village Council of the Village of Lake Orion has considered the adoption of Rules of Procedure regarding the conduct of the meetings of the Village Council; and

WHEREAS, the Village Council of the Village of Lake Orion believes it is in the best interest of the citizens of the Village of Lake Orion to adopt Rules of Procedure to provide the structure for the orderly conduct of its meetings which provides for citizen participation and for the opportunity for review and discussion by the Council; and

WHEREAS, the Village Council of the Village of Lake Orion adopted their Rules of Procedure on April 10, 2000, and amended them on August 11, 2003, June 27, 2005, November 13, 2008, and July 9, 2019; and

THEREFORE, BE IT HEREBY RESOLVED: That the following Rules of Procedure for the Village of Lake Orion be the same are hereby amended and re-adopted:

BE IT FURTHER RESOLVED: In compliance with Section 3 (5) of the Open Meetings Act, Act 267 of the Public Acts of 1976, as amended, Rules of Procedure for the Lake Orion Village Council are hereby established and recorded as follows:

Rules of Procedure

A. Meetings

All meetings of the Lake Orion Village Council shall be held in accordance with the provisions of the Open Meetings Act, Act 267 of the Public Acts of 1976, as amended, and with all applicable provisions of the Charter of the Village of Lake Orion.

B. Notification of Meetings

The policy of the Lake Orion Village Council regarding notification of said meetings shall be in compliance with the Open Meetings Act and additionally as follows:

- Notice shall be provided to the local cable TV coordinator to be run on the Local Government Channel.
- Notice (Agenda) shall be emailed and/or delivered on the day of packet preparation to any individual who has a position on any Village board, commission or committee the meeting notice pertains to.
- Notice (Agenda) shall be published on the Village website or made available in print in the Village office by Friday for the following Monday's meeting.

C. Public Participation

Meetings of the Council shall be conducted in a manner which will encourage attendance by and participation of members of the public. The following guidelines for public participation are as follows:

- Members of the public shall address all remarks to the chair.
- Any member of the public who wishes to speak shall identify themselves by name and residence.
- A member of the public shall limit their remarks to one four-minute comment per agenda segment.
- Members of the Council will not engage in debate or respond during public comment. The chair may direct the administration to follow up on questions.
- A member of Council may choose to, during the approval of the agenda, request to add an item that may arise during public comment. Agenda item requests are subject to the rules under section G.6 Approval of Agenda.
- Individuals or other groups who wish to voice their opinion to the Village Council and who are unable to attend in person are encouraged to submit written comments to the Village Clerk via email, mail, or delivered to the Village offices. Written comments will be given to Council Members for the current meeting and placed on the consent agenda at the next meeting to receive and file for public record.

D. Conduct in Meetings

The following rules for conduct shall be observed for members of the Council:

- ♦1. In debate, members of the Council shall address the chair, or address each other through the chair, maintaining a courteous and respectful tone (RROO 3:12 and 4:30)
- ♦2. Before a member can make a motion or speak, they must first obtain the floor by being recognized by the chair. (RROO 3:30)
- ♦3. A member who makes a motion has preference to be recognized first in debate. (RROO 4:27)
- ♦4. In debate, each member has the right to speak twice on the same question, the same day, for no longer than ~~ten minutes~~TEN or FIVE the first time and ~~five~~FIVE or THREE minutes the second time, but may not speak a second time so long as any member who has not yet spoken desires the floor. The time that the member holds the floor includes member questions to and answers from staff and/or consultants.
- ♦5. Debates must be confined to the merits of the pending question. (RROO 4:29 and 43:20)

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E. Disorderly Conduct

The chair ~~or a council member~~ may call to order any person who is breaching the peace or being disorderly by speaking without recognition, interrupting, engaging in booing or catcalls, applauding, failing to be germane to the topic or issue being considered, speaking longer than the allotted time, speaking vulgarities, name calling, personal attacks, or engaging in other conduct which is determined by the chair to be disruptive. Any person so disrupting may be removed or excluded and guilty of a misdemeanor (MCL 750.170)

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F. Regular Meetings

The regular Meetings of the Council shall be held in the Village Hall at 7:30pm on the second and fourth Monday of each month. Change in time and/or place shall be permitted upon proper legal notifications. If any time set for the holding of a Regular Meeting of the Council shall be a holiday, then such meeting shall be held on the next secular day which is not a holiday.

Meets shall not extend past 10:30 unless by a majority vote of the Council ~~the~~ present at the meeting. Any items left on the agenda will be tabled to the following meeting.

Items of business to be transacted at Regular Meetings of the Council shall be in accordance with a prepared Agenda which has been submitted to the Council in advance of the meeting, and which shall be approved by the Council at the meeting to which it applies.

G. Agenda Preparation

To be included on the prepared Agenda, an item of business shall be submitted in written form to the Village Clerk no later than noon on the Tuesday preceding the Regular Meeting. Such written presentation of the item of business shall include sufficient detail to provide Council with full information regarding the scope and cost of any proposal. If such information is not provided, Council reserves the right to set aside action on the proposal until such time as full and complete information is available.

If an item of business is requested and the Village Manager determines that the item requested will require extensive staff research and preparation, the Manager may first prepare a resolution for Council to determine whether to proceed on said item, before staff undertakes extensive time and research

~~Except when otherwise authorized by the Council, only the Village Manager, President, or President Pro Tem shall initiate contact with~~ direct or issue requests of the Village consultants and department heads. ~~Except that the only the President and President Pro Tem may initiate contact with the Village Attorney insofar as their duties for the Council are concerned. Village Village consultants shall include the Attorney, Planner, and Engineer.~~

The prepared agenda, except for the first meeting in November following the General Election shall be in the following format:

1. Call to order by President or President Pro Tem
2. The Pledge of Allegiance
3. Roll Call and Determination of Quorum
4. Presentations
5. Call to the Public
 - a. This segment shall be for the public to make comments on non-agenda items, subject to the rules of public participation in section C. Public Participation.
6. Approval of the Agenda
 - a. In this portion of the Agenda the Council may consider the addition of the following:
 - Items that arise during public comment
 - Requests of items from the members of the Council.
 - Requests from Administration and/or the attorney.
 - b. Addition of items to the prepared Agenda shall be considered individually and shall require the affirmative vote of at least four (4) members of Council.
 - c. Unless Council shall decide a different placement of the item is more appropriate, approved items shall be added at the end of the prepared Agenda in order of their introduction.
 - d. In general, items added to the prepared Agenda which involve the expenditure of Public funds shall not be acted upon by Council until a successive meeting. It is the intent of this provision to require that Council be provide with written information fully explaining the scope and cost of a

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proposal in advance of the meeting at which action on the proposal is to be taken.

7. Consent Agenda

- a. The Consent Agenda includes items of a routine nature and will be approved with one motion. The motion will approve the recommended action for each item on the Consent Agenda. Any Council Member may ask a question regarding an item as well as speak on the recommended action by removing an item from the Consent Agenda and having it considered as a separate item. Any item removed from the Consent Agenda shall be considered after other items on the consent portion of the agenda have been heard.

8. Public Hearings

9. Agenda Items for Consideration

- a. Financial Matters
- b. Other Items
 - i. Every effort is to be made by the Administration in putting together the Agenda to put items of public interest or controversy and then items for which there will be input from consultants or other professionals and then items that may require comment from the Village Attorney before items of routine business.
 - ii. Council will proceed to address the items on the approved Agenda as follows:
 1. Presentation of item by sponsor, staff member, or consultant
 2. A motion and deliberation of the item by Council, utilizing staff and/or consultants.
 3. Call to the public for any comment of the item. This period is to allow members of the public a reasonable, uninterrupted opportunity to present information or express opinions regarding an item subject to the rules laid out in section C. Public Participation. This period of comment shall be closed by the chair when, at their discretion, the public has received a reasonable opportunity to participate.
 4. Action by Council on the Motion on the floor. The Council shall then re-address the item of business and take whatever action it deems appropriate. This period shall be uninterrupted by the public.

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10. Call to the Public

- a. This segment shall be for the public to make comments on non-agenda items, subject to the rules of public participation in section C. Public Participation.

11. Council Comments

- a. This segment shall afford Council Members the opportunity to make comments of various types. It is not an opportunity for debate or dialogue about issues nor to give direction to administration or consultants (Village Charter 6.12)
- b. The time limit for each Council Member shall be 4 minutes.

12. Village Manager Comments
13. Closed Session Items
14. Reconvene in Open Session
15. Business from Closed Session
16. Adjournment

H. Special Meetings

Special Meetings may be called by written request of the Council President or of 2 Council Members, in accordance with the provisions of the Charter of the Village of Lake Orion. The nature of items discussed at special meetings may be such that the topic requires an intensified degree of concentration of study and consultation with advisors. The following Rules of Procedure for the conduct of Special Meetings are therefore hereby established.

All Special Meetings shall be conducted in accordance with the provisions of the Open Meetings Act, Act 267 of the Public Acts of 1976, as amended, and with all applicable provisions of the Charter of the Village of Lake Orion. The conduct of the meeting shall be in accordance with the following format:

1. Call to order by President or President Pro Tem
2. Pledge of Allegiance
3. Roll Call and Determination of Quorum
4. Statement by President or President Pro Tem of the purpose of the meeting as outlined in the call to the meeting
5. Call to the Public
6. Agenda Item(s) for Consideration
 - a. The Council shall proceed to address the items of business stated in the call. The initial period of discussion shall be reserved for Council, staff, consultants, or advisors and shall afford adequate opportunity for the full and complete discussion of the subject by these individuals. This period of discussion shall be uninterrupted by members of the public.
 - b. When, at the discretion of the President or President Pro Tem, Council has had full opportunity to discuss the subject and secure adequate information from those advisors it has invited to be present, the President or President Pro Tem shall call on the public to afford members of the public a reasonable, uninterrupted opportunity to speak regarding the item under consideration, subject to the rules of public participation outlined in section C. When, at the discretion of the President or President Pro Tem, the public has received a reasonable opportunity to participate in the discussion, the President or President Pro Tem shall close this portion of the discussion.
 - c. The Council shall then re-address the item of business and take whatever action it deems appropriate. This period shall be uninterrupted by the public.
7. Closed Session, if needed
8. Reconvene in Open Session, if needed

9. Adjournment

Note: Only items listed in the call of a special meeting may be considered at a special meeting. However, if all members of Council are present, then any business which might lawfully come before a regular meeting of Council may be transacted as such special meeting.

I. Change in Order of Business

The order of business of any meeting may be changed upon the affirmative vote of at least four (4) members of Council.

J. Conflict of Interest

The ethics ordinance shall prevail as it applies to conflict of interest. In the absence of an ethics ordinance, the following shall apply:

A potential conflict of interest exists when a member of Council, an immediate family member of a Council member, or employer of a Council member has a financial interest in the outcome of a decision of Council.

If any member of Council believes he has a potential conflict of interest or what may be perceived as having a conflict regarding an item on the approved agenda, they shall reveal that potential conflict when the Presiding Officer introduces that item and before any comment has been made and shall explain the particulars of the potential conflict. After a Council member has revealed and explained the potential conflict the remaining Council members shall discuss, if necessary, and vote to excuse or not excuse that member from deliberating and voting on the item in question. It shall require a majority vote of the remaining Council members present to excuse a member from voting.

K. Requirement to Vote

Each Council member is required to vote on each item of business on the approved Agenda. A Council member shall not abstain from voting on any given item unless he has revealed a potential conflict of interest and has been excused by the other Council members from deliberating and voting on the item in question.

L. Parliamentary Procedure

Robert's Rules of Order, Newly Revised, shall prevail as to parliamentary procedure, except as modified by the Village Charter or these rules. The Village Attorney shall be the parliamentarian.

M. Conflicts with Statues or Charter

In all matters where the rules adopted herein may conflict with the Statues of the State of Michigan as adopted or with the provision of the Charter of the Village of Lake Orion, then and in such event, the State Law and Charter shall in all cases prevail.

Certification

I, Susan C. Galeczka, Clerk of the Village of Lake Orion, do hereby certify that the foregoing is a true and complete copy of a resolution, duly adopted by the Village Council of the Village of Lake Orion at ~~ta~~ Regular Meeting held on the 10th day of April, 2000 (On Motion By Council President Pro Tem, Van Portfliet, Seconded by Council Member Stephen and Adopted. Ayes – 7.)

Amended at a Regular Meeting held on the 11th day of August, 2003 (On Motion by Council Member Van Portfliet, Seconded by President Pro Tem Stephen and Adopted. Ayes – 7.)

Further amended at a Regular Meeting held on the 27th day of June, 2005 (On Motion by Council President Pro Tem Stephen, Seconded by Council Member Hollenbeck and Adopted. Ayes – 6, Absent – 1 (Albert).

Further amended at a Regular Meeting held on the ~~thirteenth-13th~~ day of November, 2018 (On a Motion by Council President Pro Tem Mathisen, seconded by Council Member Ranville, and adopted. Ayes 5; Nays: 0; Absent: 2 [Churchill, Rutt])

Further amended at Regular Meeting held on the ~~eighth-8th~~ day of July, 2019 (On a motion by Council President Pro Tem Mathisen, seconded by Council Member Ray Hammond and adopted. Ayes: 7, Nays: 0.)

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