

Village of Newberry
Village Council Rules of Procedure
Resolution - August 20, 2019

WHEREAS the Village Council shall adopt Rules that govern its proceedings pursuant to MCL 65:5(1); and

WHEREAS the Village Council wishes to fulfill this requirement and provide for Rules that govern its proceedings in the most orderly, efficient, and open manner; now, therefore, be it

RESOLVED that the following Rules of Procedure of the Village Council are in the best interest of the public health, safety, and welfare and are hereby adopted:

Rule 1. Regular Meetings. The Regular Village Council meetings shall be held on the third Tuesday of each month in the Village Hall. Meetings shall begin at 6:00 pm.

Rule 2. Order of Business and Agenda for Regular Meetings. The order of business and agenda for Regular Meetings of the Village Council shall be as follows:

- (a) Pledge of Allegiance
- (b) Roll Call
- (c) Approval of Agenda
- (d) Approval of Minutes
- (e) Public Comments on agenda items
- (f) Village Presidents Comments
- (g) Submission of Bills and Financial Updates
- (h) Petitions and Communications
- (i) Introduction and Adoption of Resolutions and Ordinances
- (j) Unfinished or Old Business
 1. Public Comment follow-up from previous meeting
- (k) New Business
- (l) Reports of Boards
- (m) Reports of Committees
- (n) Reports of Village Officers and Management
- (o) Public Comment
- (p) Assignment of Public Comment Response
- (q) Comments By Council Members

A written draft agenda and information packet shall be prepared by the Village Manager (VM) or VM Designee and the Village President for every Regular Meeting, and shall be completed and copies made available to the members of the Village Council no later than 4:00 PM on the Friday preceding the date of said Regular Meeting. A written agenda shall be released for delivery to the news media and public and posted to the Village of Newberry website and social media pages not later than 4:00 PM on the Friday preceding said Regular Meeting.

Rule 3. Order of Business and Agenda at Special Meetings. Special Meetings shall consider only such matters as are specified in the notice of the meeting, unless all members of the Village Council are present and consent, or unless there is an emergency pursuant to these rules.

Rule 4. Presiding Officer. The Village President shall preside at all meetings and in the absence of the President, the President Pro Tem shall preside, and if both the President and the President Pro Tem are

absent the Village Clerk shall call the Village Council to order and shall preside until a presiding officer is chosen. The presiding officer may express an opinion on any subject without substitution of another presiding officer.

Rule 5. Rules of Order. The conduct of Village Council business shall be generally governed by the current edition of Robert's Rules of Order unless otherwise modified by law, ordinance, or these rules of the Village Council. The presiding officer shall decide all questions arising under these rules and general parliamentary practice subject to appeal, which appeal shall be determined by a majority of the members present. In the event an appeal is taken by any member from the ruling of the presiding officer, the Council Member desiring to appeal shall state that a claim of appeal is being taken and shall state briefly what in that Council Member's opinion the ruling should have been. If this appeal is seconded, the presiding officer shall state clearly the question at issue, and then shall call for the vote of the Council on the question: "Shall the decision of the presiding officer be sustained?" The presiding officer shall preserve order and decorum and may speak to points of order in preference to other questions.

Rule 6. Motions. Every Motion or Resolution shall require a second before being put to a vote, and it shall not be debated until it shall be reduced to writing if requested by the presiding officer or any Council Member, but it may be withdrawn by the Council Members moving and seconding the motion at any time before decision or amendment. No motion to reconsider shall be entertained unless made by a member voting with the majority.

Rule 7. Agenda Modification. The presiding officer may modify the order of the agenda at any Regular or Special Meeting of the Village Council to expedite the business of the Village Council. Such modification may be challenged by a Village Council member in the same manner as appeals from rulings of the presiding officer.

Rule 8. Consideration of Referred Matters at Regular Meetings. At a Regular Meeting as the first item after Roll Call, any Village Council member, may ask orally or in writing that a certain matter be added to the agenda for consideration by the Council at that meeting. By motion made that the matter in question be added to the agenda of that meeting, passed by the concurring vote of a majority of the Council Members present, any such matter may be added to the agenda under the appropriate order of business and may be considered at that Regular Meeting.

Rule 9. Procedure for Calling Special Meetings. Special Meetings shall be called by the Village Manager (VM) or VM designee if the Manager is on leave on the written request of the President or any three (3) Council Members. When the request to call a Special Meeting is initiated by a Council Member, the initiating Council Member shall submit a written request to the Village Manager or VM designee requesting the Special Meeting; the request shall contain the item(s) to be considered. The Village Manager or VM designee shall then forward the request to the Village Council and request if there are two (2) additional Council Members who would like to call the Special Meeting; and any Council Member who would like to join in making the request shall respond directly to the Village Manager or VM designee. If a special meeting is called, notification of such meeting will be given to the Village President and all Village Council members along with an agenda for the special meeting.

Rule 10. Consideration of referred matters at Special Meetings:

- (a) Notice. Except as provided in the following subsection, the Village Council shall not consider at a Special Meeting any matter referred or submitted to it unless by a Village Council

member which appears on the written notice of said Special Meeting as posted and released for delivery to all of the members of the Village Council.

- (b) Emergency items. At a Special Meeting as the first item of business after taking the roll, any Village Council member may ask orally or in writing that a certain matter not appearing in the notice of that Special Meeting as posted and released for delivery to the members of the Village Council be considered at the Special Meeting. Any such matter may be considered at that Special Meeting if all Council Members elected and serving are present and if a motion is adopted by vote of not less than five Council Members that the matter in question is an emergency and that it should be considered at the meeting.

Rule 11. Procedure for calling Emergency Meetings. As required by Michigan Law, emergency meetings of the Village Council may be held only with the approval of two-thirds (2/3) of the members of the Village Council, which approval shall be coordinated by the Village Manager, and only if delay would be detrimental in the Village's effort to lessen the impact of a severe and imminent threat to the health, safety and welfare of the public. A meeting is defined as an emergency meeting only if it must be held before an eighteen-hour prior notice of the meeting can be given.

A written agenda shall be prepared by the Village Manager (VM) or VM designee for every Emergency Meeting and shall be completed and made available to the news media, released for delivery to the members of the Village Council, posted on the website and at the physical location of the meeting.

Rule 12. Reconsideration of Matters. The Village Council shall not consider substantially the same matter upon which it has voted for a period of 90 days from date of said prior vote, unless two Council Members, at least one of whom voted on the prevailing side in the prior vote, shall submit a written request to the Village Manager or Village President for such matter to be placed on the agenda of a specific regular or special meeting. An email request is considered a written request for purposes of this rule. This rule does not apply to motions which resulted in a tie vote, or which failed but received a majority of votes from those Council Members actually voting. The Village President shall determine whether a matter is substantially the same as a prior matter and that determination is final and not reviewable by the Village Council.

Rule 13. Public Comment at Regular Meetings. The Village Council welcomes public comment and has prescribed the following to facilitate the conduct of public business.

- (a) Public Comment on agenda items during designated section. A person may address the Village Council on agenda items during the designated "Public Comment" time on the agenda or upon request by the presiding officer or any Council Member. All persons are encouraged to identify themselves and their address and shall direct their comments to the Council. The comment of any member of the public or any special interest group shall be limited in time to three (3) minutes except as provided in subsection (e). Each speaker may only speak once during public comments and may not yield their time to other speakers. Questions asked during public comments may be assigned to council or staff for answers to be given at the next regularly scheduled council meetings.
- (b) Public Comment during the designated Public Comment Section – Reserved. Any interested person or any special interest group wishing to address the Village Council for a reserved time, shall submit a written request to the Village Manager or Village President no later than 12:00 p.m. of the Friday immediately preceding the date of said Regular Meeting. The communication must (1) identify the writer's name and address and (2) identify with

reasonable specificity the subject matter. The same shall appear on the written agenda under the designated "Public Comment" section for said Regular Meeting as made available to the news media and released for delivery to the members of the Village Council. All persons are encouraged to direct their comments to the Council. The comment of any member of the public or special interest group may be limited in time to seven (7) minutes except as provided in subsection (e). Each speaker may only speak once during public comments and may not yield their time to other speakers. Questions asked during public comments may be assigned to council or staff for answers to be given at the next regularly scheduled council meetings.

Such requests shall be limited to one (1) per meeting and shall appear on the written agenda. A Village resident request shall take precedence over a non-Village resident request. In such case, the non-Village resident request shall be postponed and placed on the written agenda of a future meeting. In no case shall the non-Village resident request be postponed more than one time.

- (c) Public Comment during the designated Public Comment Section – General. Any interested person wishing to address the Village Council regarding other matters may do so under the designated Public Comment section. All persons are encouraged to identify themselves and their address and direct their comments to the Council. The comment of any member of the public or any special interest group may be limited in time to three minutes except as provided in subsection (e). Each speaker may only speak once during public comments and may not yield their time to other speakers. Questions asked during public comments may be assigned to council or staff for answers to be given at the next regularly scheduled council meetings.
- (d) Public Comment during the designated Public Comment Sections – President and Village Council members. The President and Village Council members interested in making a public comment may do so under the designated Public Comment section. Further, the President and Village Council members may briefly respond for clarification purposed as a result of public comment.
- (e) Order and Duration of any Public Comment. The presiding officer shall control the order and duration of any public comment subject to appeal. The presiding officer shall have the authority to limit and terminate any public comment that becomes disruptive, unduly repetitive, or impedes the orderly progress of the meeting. Items not appearing on the agenda will not be acted upon by the Village Council except in accordance with these rules. The clerk will maintain the official time and notify the speakers when their time is up.

Rule 14. Organizational Meeting. For purposes of these Rules, the Organizational meeting of the Village Council shall be considered a special meeting.

Rule 15. Procedure for calling Study Sessions. Study Sessions may be called by the Village Clerk on the request of the Village President, any three Council Members or the Village Manager. Study Sessions starting times shall be established in the notice of the meeting.

Notice of Study Sessions shall be delivered to all Council Members and to the Village Manager and posted in compliance with the Open Meetings Act at least 48 hours prior to the study session. Such notice shall include the time and place of the Study Session. Village Council members and the Village

Manager shall also be given notice of the intended purpose of the Study Session. Additional matters may be considered at the Study Session in the discretion of the Village Council.

Rule 16. Public Comment at Study Sessions and Special Meetings. A person may address the Village Council during the designated Public Comment Section. The comment of any member of the Public or any special interest group may be limited in time to three (3) minutes. The presiding officer shall control the order and duration of any public comment. The presiding officer shall have the authority to limit and terminate any public comment that becomes disruptive, unduly repetitive, or impedes the orderly progress of the meeting. All persons addressing the Village Council are encouraged to identify themselves and their address. The clerk will maintain the official time and notify the speakers when their time is up.

Rule 17. Suspension of Rules. Unless otherwise provided by these rules, the rules may be suspended upon the vote of five (5) Council Members. However, the following rules may be suspended only upon the vote of six (6) Council Members:

- Rule 8. Consideration of referred matters at Regular Meetings.
- Rule 10. Consideration of referred matters at Special Meetings.
- Rule 17. Suspension of Rules.

Village Council Rule 11 cannot be suspended as it is required by Michigan Law.

Rule 18. Amendment of Rules. These Rules may be amended upon concurring vote of not less than that required for their suspension.

BE IT FURTHER RESOLVED that these Rules shall be effective immediately and shall supersede all rules to the contrary.

Ayes: Stokes, Dishaw, Freese, Hendrickson

Nays: none

Absent: Brown, Hardenbrook, Hitts

RESOLUTION DECLARED ADOPTED.

By: *Lori A. Stokes*, Village President

By: Terese Schummer, Clerk
Date: _____, 2019

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Village Council of the Village of Newberry, County of Luce, State of Michigan, at a regular meeting held on August 20, 2019 that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said act.

Terese Schummer, Clerk