

General Law Village: Common Procedural Questions

Does a majority vote mean a majority of those present or a majority of those on council?

The General Law Village Act specifically states that, “[i]n all votes for which not less than a majority vote of council is required, the calculation shall be based on the maximum number that constitutes council.” (MCL 62.1 (1)) So, a majority vote means a majority of those on council (i.e. four for a seven-member council and three for a five-member council, even if a trustee position is vacant or one or more trustees are absent.)

What is a quorum?

A quorum is the minimum number of trustees who must be present in order to legally transact business. (i.e. four for a seven-member council and three for a five-member council, even if a trustee position is vacant or one or more trustees are absent). (MCL 61.1 (a)) It refers to the number of members present, not the number actually voting on a particular question.

What can a council do if a quorum is not present?

According to the principles of parliamentary procedure, the only action that can be taken if a quorum is not present is:

- 1) Fix the time to which to adjourn;
- 2) Adjourn. A lesser number may adjourn and compel the attendance of absent members in a manner as prescribed by ordinance. (MCL 65.5);
- 3) Recess; or
- 4) Recess to take steps to obtain a quorum

Does the president of a general law village vote?

Yes. The president of a general law village is a voting member of the council. (MCL 64.1)

How is a tie vote broken?

There is no way to “break” a tie vote. A tie vote means that the motion fails to pass.

If a motion is made, but not seconded, can it be voted on?

No, unless it is a specific parliamentary motion that does not require a second. However, after debate has begun, or if there is no debate, after any member has voted, the lack of a second is immaterial. If a motion is considered and adopted without having been seconded, the absence of a second does not affect the validity of the motion’s adoption.

Must the person who makes a motion vote for the motion?

Unless council rules have been adopted stating otherwise, the maker of a motion may vote against his or her motion but may not speak against the motion. The maker does not need to speak at all, but if he or she does, he or she is obliged to take a favorable position.

How are vacancies on council filled?

The council appoints a person to fill a vacancy occurring in the office of president, trustee, or any other elective office. (MCL 62.13) The appointee serves until the next regularly scheduled election. If the appointee is serving in the first year or two of a four-year term, the next regularly scheduled election should include a council position for two years, to fill the remainder of the four-year term. Vacancies in any other office shall be filled by the president, with the consent of the council.