

**VILLAGE OF PINCKNEY**

**VILLAGE COUNCIL  
RULES AND PROCEDURES**

**A. REGULAR AND SPECIAL MEETINGS**

All meetings of the Village Council will be held in compliance with state statutes, including the Michigan Open Meetings Act, Public Act 267 of 1976, as amended, (MCL 15.261 *et seq*) and with these rules.

**1. Regular Meetings**

Regular meetings of the Village Council will be held on the 2nd and 4th Mondays of each month beginning at 7:00 p.m. in the Village Hall unless otherwise rescheduled by resolution of the Council.

**2. Special Meetings**

A special meeting shall be called by the Clerk upon the written request of the Village President or any three (3) members of the Council on at least twenty-four (24) hours written notice to each member of the Council provided as follows:

- via e-mail transmission to the Council member.
- via personal delivery to the Council member; or
- by leaving the notice at the Council member's usual place of residence.

No official action shall be taken at any special meeting of the Council unless the item has been stated in the notice of such meeting. Special meeting notice should state the purpose of the meeting.

**3. Posting Requirements for Regular and Special Meetings**

a. The schedule for Council meetings will be established at the first December meeting for the following calendar year. A public notice stating the dates, times, and places of the regular monthly Council meetings will be posted at the Village offices within ten (10) days.

b. The Clerk shall perform all posting and publishing functions required by the Michigan Open Meetings Act, MCL 15.261 *et seq*, as amended, and the Village Charter, being the Michigan General Law Village Act (MCL 61.1 *et seq*),

c. The notice described above is not required for a meeting of the Council in emergency session in the event of a severe and imminent threat to the health, safety, or welfare of the public when two-thirds of the members of the Council determine

that delay would be detrimental to the Village's efforts in responding to the threat.

#### **4. Minutes of Regular and Special Meetings**

In accordance with Section 64.5 of the General Law Village Act of 1895 (MCL 64.05, as amended) and the provisions of the Michigan Open Meetings Act, the Clerk shall record all the proceedings and resolutions of the Council and shall attend its meetings. In the absence of the Clerk the Council may appoint one of its own members or another person to temporarily perform the Clerk's duties.

A copy of the proposed and approved minutes of each regular or special Council meeting shall be made available to the public and available for public inspection at the Village offices during regular business hours as provided under the Michigan Open Meetings Act and published and posted as provided by the village statutory charter (General Law Village Act).

#### **5. Study Sessions**

Upon the call of the Village President or three (3) Council members and with appropriate notice to the Council members and to the public, the Council may convene a work session devoted exclusively to the exchange of information relating to municipal affairs. No votes shall be taken on any matters under discussion, nor shall any Council member enter into a formal commitment with another member regarding a vote to be taken subsequently. However, Council members may express their opinions and indicate their probable votes as a result of the discussion. Study Sessions are open to the public in accordance with the Michigan Open Meetings Act as set forth in Section B, below.

### **B. CONDUCT OF MEETINGS**

#### **1. Meetings to be Public**

All regular and special meetings of the Village Council shall be open to the public, and citizens shall have reasonable opportunity to be heard in accordance with the Michigan Open Meetings Act and such rules and regulations as the Council may determine.

All official meetings of the Council and its committees shall be open to the media, freely subject to recording by radio, television, and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meetings.

#### **2. Agenda Preparation**

An agenda for each regular Council meeting shall be prepared by the Village President with the following order of business:

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- a. Call to order and roll call of the Council
- b. Pledge of allegiance
- c. Public Forum
- d. Agenda approval
- e. Approval of minutes
- f. President's report
- g. Bills Payable
- h. Financials
- i. Monthly reports
- j. Minutes of other Village Boards
- k. Committee reports
- l. Agenda items
- m. Public forum
- n. Adjournment

**3. Use of Consent Agenda**

Items on the agenda may be grouped into a Consent Agenda recommended by the Village President and voted upon in one motion. Prior to the President calling for a vote on approval of the meeting's agenda, any member of Council shall have the opportunity to identify those items which should be removed from the Consent Agenda. Members of the public may, during Public Forum, request Council to remove items from the Consent Agenda. Those items identified by Council shall be removed from the Consent Agenda without requiring a vote and shall be placed on the regular agenda so that they may be discussed and voted on separately.

**4. Additions to the Agenda**

Any Council member shall have the right to request that items be added to the regular agenda prior to its approval. Items may be added with a majority vote of Council.

**5. Agenda Distribution**

By the Thursday before the meeting, copies of the agenda shall be provided to Council members via e-mail transmission and the meeting packets are to be posted on the Village website. If information for an agenda item is not available by the Friday before the meeting, the item will be removed from the agenda, unless it is deemed especially urgent or time-sensitive by a majority of the Council.

**6. Quorum**

A majority of the elected or appointed and sworn members of the Council shall constitute a quorum for the transaction of business at all Council meetings. In the absence of a quorum, a lesser number may adjourn any meeting to a later time or date with appropriate public notice.

**7. Attendance at Council Meetings**

Election to the Village Council is a privilege freely sought by the nominee. It carries with it the responsibility to participate in Council activities and represent the residents of the Village. Attendance at Council meetings is critical to fulfilling this responsibility. The Village Council is empowered by MCL 65.5 to adjourn a meeting if a quorum is not present and compel attendance in a manner prescribed by its ordinance.

Pursuant to the Michigan Open Meetings Act, Council members unable to attend due to military duty shall be permitted to participate by telephone or videoconference in the discussion, votes of committee and board meetings, and shall count towards a quorum provided that the requirements of the Michigan Open Meetings Act are met.

The Council may excuse absences for cause. If a Council member has more than three (3) unexcused successive absences for regular or special meetings of the Council, the Council may enact a resolution of reprimand. In the event that the member's absences continue for more than three (3) successive regular or special meetings of the Council, the Council may enact a resolution of censure, or request the Council member's resignation, or both.

When possible, a remote attendance option will be provided to allow Village staff and consultants to attend Council meetings virtually.

**8. Prevention of Undue Influence by Council Members**

Since Council members are understood to have a voice in public policy at Council meetings, it is unnecessary for Council members to speak at public forum, or at the meetings of other Village boards as private individuals. This policy is meant to prevent undue influence by the Council member over these other Village government units (i.e., Planning Commission, Zoning Board of Appeals, etc.). Council members abusing public speaking privileges may face reprimand, censure, or request for resignation.

**9. Presiding Officer**

The presiding officer shall be responsible for enforcing these rules of procedure and for enforcing orderly conduct at meetings. The Village President is ordinarily the presiding officer. The Village Council shall appoint one of its members President Pro Tempore, who shall preside in the absence of the President. In the absence of both the President and the President Pro Tem, the Council shall appoint one of its members to preside.

**10. Disorderly Conduct**

The presiding officer may call to order any person who is being disorderly by speaking or otherwise disrupting the proceedings, failing to be germane, speaking longer than the allotted time, or speaking vulgarities. Such person shall be

thereupon seated until the chair determines whether the person is in order.

If the person so engaged in presentation shall be called out of order, he or she shall not be permitted to continue to speak at the same meeting except by special leave of the Council. If the person shall continue to be disorderly and disrupt the meeting, the chair may order the sergeant-at-arms to remove the person from the meeting.

## **C. CLOSED MEETINGS**

### **1. Purpose**

Closed meetings may be held only for the reasons provided in the Michigan Open Meetings Act, including the following:

- a. To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against a public officer, employee, staff member, or individual agent when the named person requests a closed meeting, as detailed in the Village's employee policy manual.
- b. For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement when negotiating party requests a closed hearing.
- c. To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.
- d. To consult with the Village attorney or another attorney representing the Village regarding trial or settlement strategy in connection with specific pending litigation, but only when an open meeting would have a detrimental financial effect on the litigating or settlement position of the Council.
- e. To review the specific contents of an application for employment or an appointment to a public office when a candidate requests that the application remain confidential. However, all interviews by the Council for employment or appointment to a public office shall be held in an open meeting.
- f. To consider material exempt from discussion or disclosure by state or federal statute.

### **2. Calling Closed Meetings**

At any regular or special meeting Council members by a two-thirds vote of the Council members elected or appointed and serving may call a closed session, except a closed session under Subsections C, 1, a, and C, 1, b, above, may be held with approval of a majority vote of the Council members elected or appointed and serving. The roll call vote and purpose or purposes for calling the closed meeting shall be entered into the minutes of the meeting at which the vote is taken.

**3. Minutes of Closed Meetings**

A separate set of minutes shall be taken by the Clerk or the designated Secretary of the Council at the closed session. These minutes will be retained by the Clerk, shall not be available to the public, and shall only be disclosed if required by a civil action, as authorized by the Michigan Open Meetings Act. These minutes may be destroyed one (1) year and one (1) day after approval of the minutes of the regular meeting at which the closed session was approved.

**D. DISCUSSION AND VOTING**

**1. Rules and Parliamentary Procedure**

The rules of parliamentary practice as contained in the latest edition of Roberts Rules of Order shall govern the Council in all cases to which they are applicable, provided that they are not in conflict with these rules, the ordinances of the Village of Pinckney, or state statutes applicable to the Village of Pinckney. The Village President may appoint a parliamentarian.

The presiding officer shall preserve order and decorum and may speak to points of order in preference to other Council members. The presiding officer shall decide all questions arising under this parliamentary authority and shall be subject to appeal, which shall be determined by a majority of the Council members present.

Any member may appeal to the Council from a ruling of the presiding officer. If the appeal is seconded, the member making the appeal may briefly state the reason for the appeal and the presiding officer may briefly state the ruling. There shall be no debate on the appeal and no other member shall participate in the discussion.

The following order shall prevail:

- a. Agenda item is read
- b. Testimony by the person(s) causing the item to be before the Council
- c. The President shall call to the Council for questions.
- d. Motion
- e. Second
- f. Repeat c.
- g. Vote (if a roll call vote is required, voting shall start in rotation)
- h. The presiding officer shall announce results of the vote.

**2. Conduct of Discussion**

During the Council discussion and debate, no member shall speak until recognized for that purpose by the presiding officer. After such recognition, the member shall confine discussion to the question at hand and to its merits and shall not be interrupted except by a point of order raised by another member. Speakers should

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address their remarks to the presiding officer, maintain a courteous tone, and avoid interjecting a personal note into the debate.

No member shall speak more than once on the same question unless every member desiring to speak to the question shall have had the opportunity to do so.

The presiding officer, at the presiding officer's discretion and subject to the appeal process mentioned in Section D, 1, above, may permit any person to address the Council during its deliberations.

**3. Ordinances and Resolutions**

No ordinance except an appropriation ordinance, an ordinance adopting or embodying an administrative or governmental code, or an ordinance adopting a code of ordinances, shall relate to more than one subject, which shall be clearly stated in the title. A vote on all ordinances and resolutions shall be taken by a roll call vote and entered in the minutes unless it is a unanimous vote. If the vote is unanimous, it shall be necessary only to state so in the minutes, unless a roll call vote is required by law or Village Ordinance.

**4. Roll Call**

In all roll call votes, the names of the members of the Council shall be called. Names may be called with all names in alphabetical order with the President voting last, or on a rotating basis with the President voting last.

**5. Duty to Vote**

- a. Election to a deliberative body carries with it the obligation to be a voting member. Council members present at a Council meeting are expected to vote on every matter before the body. Unless otherwise provided by law or excused by the Council, a member of the Village Council who is recorded as present shall vote on all questions decided by the Council. A Council member who is present and does not vote shall be counted as voting with the prevailing side and shall be so recorded.
- b. Conflict of interest shall be the sole reason for a member to abstain from voting. No member shall abstain from voting unless that member states his or her conflict of interest. A Conflict of Interest shall be defined in the Village's *Policy for Conflict of Interest*, as adopted by Council Resolution 2021-09 (Copy attached), and as it may be hereinafter amended.

Before participating in a decision or hearing or casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Council.

If such a conflict of interest is identified, the member shall disqualify himself or herself at the outset of the hearing or discussion and shall not participate in the discussion or decision.

If there is a question whether a conflict of interest exists or not, the question shall be determined by a majority vote of the remaining members of the Council present.

- c. The right to vote is limited to the members of Council present at the time the vote is taken. Voting by telephone or any other electronic means is not permitted except as provided by the Michigan Open Meetings Act for Council members unable to attend due to military duty. Voting by proxy is not permitted.

## **6. Results of Voting**

In all cases where a vote is taken, the presiding officer shall declare the result.

It shall be in order for any Council member voting in the majority to move for a reconsideration of the vote on any question at that meeting or at the next succeeding meeting of the Council. When a motion to reconsider fails, it cannot be renewed.

## **7. Electronic Communication.**

- a. During meetings of the Village Council, including Committee meetings, all cell phones or other electronic devices shall be turned off or set to “mute” or “vibrate” in order to avoid disruption. Council members choosing to answer cell phone calls shall leave the table, and if necessary, the room, in order to avoid disruption. Notices of Board and Committee meetings shall include a request that all cell phones or other electronic devices be turned off or set to “mute” or “vibrate” in order to avoid disruption during the meeting. Disruption of a meeting by inappropriate use of a cell phone may be addressed in the same manner as other inappropriate disruptions.
- b. A Council member shall not engage in electronic communication with another Council member or a member of the public during a regular or special meeting. Electronic communication is defined as an e-mail, text message, instant message, website or blog posting, or other form of communication transmitted or retrieved through the use of an electronic device. Council members shall not post on any form of social media during a regular or special meeting.
- c. Each Council member shall be provided a Village email account for Village business use. Notices of Council regular, special and committee meetings, and other communications regarding other Village matters shall be provided to Council members via this email and it is expected that Council members will regularly monitor their issued email account for such notifications. Use of the Village email system by Council members shall conform to the same requirements as established by Village Policies on employee’s email use, being Village Policies within Policy Number 508, *Computer Use Policy*, and Policy Number 509, *Electronic Mail Retention*. Council member’s use of the Village email account shall also comply with the Michigan Open Meeting Act and other applicable laws. (*e.g.*, participating in an email conversation chain discussion on business that may come before Council that includes a quorum of the Council members may create situations that could be construed as deliberations of the Council contrary to the Michigan Open Meetings Act).



**E. CITIZEN PARTICIPATION**

**1. General**

Each Council meeting agenda shall provide for time for general audience participation.

If requested by a member of the Council or by the Presiding Officer, the Presiding Officer shall have discretion to allow a member of the audience to speak outside of public forum.

**2. Length of Presentation**

Any person who addresses the Village Council during public forum or public hearing shall be limited to five (5) minutes in length per individual presentation. The Clerk will maintain the official time and notify the speakers when their time is up. Persons requiring longer than five (5) minutes for their complete presentation may be allowed a longer allotment, in increments of five (5) minutes, at the discretion of the presiding officer.

**3. Addressing the Council**

When persons address the Village Council, they shall state their name and home address. They should confine discussion to the question at hand and to its merits. Speakers should address their remarks to the presiding officer, maintain a courteous tone, and avoid interjecting a personal note into debate. No person shall have the right to speak more than once on any particular subject until all other persons wishing to be heard on that subject have the opportunity to speak. Minutes shall be kept of public forum and recorded with Council minutes.

**F. MISCELLANEOUS**

**1. Adoption and Amendment of Rules and Procedure**

These rules of procedure of the Village Council will be reviewed and adopted by a majority vote at the first meeting of the Council following the seating of the Council members elected in November. A copy of the rules adopted shall be distributed to each Council member.

The Council may alter or amend its rules at any time by a majority vote of its members after notice has been given of the proposed alteration or amendment.

**2. Suspension of Rules**

The rules of the Village Council may be suspended for a specified portion of a meeting by an affirmative vote of two-thirds of the members present except that

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Council actions shall conform to state statutes and to the Michigan and the United States Constitutions.

**3. Bid Awards**

Bid proposals shall be opened by the Clerk and the Department Head for which the bid relates, and any such other consultants or staff members as the Village President deems appropriate for the bids being opened. The bids are forwarded to the relevant committees or consultants for review and evaluation and then presented to the Village Council for consideration and award. Committees

a. Standing and Special Committees of the Council

The Village Council shall have the following standing Committees:

1. Street & Sidewalk
2. Budget
3. Sewer/Water
4. Parks and Recreation
5. Personnel

Committee members will serve terms of one (1) year and will be appointed by the Village President. They shall be members of the Council and/or electors of the Village. The President shall fill any committee vacancies.

Special committees may be established for a specific period of time by the Village President in writing or by a resolution of the Council that specifies the task of the special committee and the date of its dissolution.

b. Citizen Task Forces

Citizen task forces may be established by a resolution of the Council that specifies the task to be accomplished and the date of its dissolution. Members of such committees will be appointed by a majority vote of the Village Council and must be citizens of the Village. Vacancies will be filled by majority vote of the Village Council.

c. Ad Hoc Committees

Ad Hoc Committees may be established and appointed by resolution of the Council to address specific Village issues on an as needed basis. Ad Hoc Committees may be comprised of Council members, Village staff and consultants, and members of the public. Ad Hoc Committees may be dissolved at any time by resolution of the Council.

**4. Authorization for Contacting Village Attorney**

In the event that the Village hires outside legal services, prior approval by the President must be secured before legal expenses are incurred.

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