

VILLAGE OF NASHVILLE
RULES OF PROCEDURE POLICY
Revised 12-13-18

A. REGULAR AND SPECIAL MEETINGS

All meetings of the village council will be held in compliance with state statutes, including the Open Meetings Act, 1976 PA 267 as amended, and with these rules.

1. REGULAR MEETINGS

Regular meetings of the village council will be held on the second and fourth Thursday of each month beginning at 7:00 pm at the village hall (with the exception of the Thanksgiving Holiday week in which the regular meeting will be held on Tuesday of that week) unless otherwise rescheduled by resolution of the council.

2. SPECIAL MEETINGS

A special meeting shall be called by the clerk upon the written or verbal request of the village president or written request any three members of the council with at least a 24 hours' written or verbal notice to be given to each member of the council served personally, by phone, or left at the councilmember's usual place of residence. Special meeting notices shall state the purpose of the meeting. No official action shall be transacted at any special meeting of the council unless the item has been stated in the notice of such meeting.

3. POSTING REQUIREMENTS FOR REGULAR AND SPECIAL MEETINGS

a. Within ten days after the first meeting of the council in March of each year, a public notice stating the dates, times and places of the regular monthly council meetings will be posted at the village office.

b. For a rescheduled regular meeting of the council, a special meeting of the council, or a meeting of a standing committee, a public notice stating the date, time and place of the meeting shall be posted at least 18 hours before the meeting at the village office.

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

The clerk shall attend the council meetings and record all the proceedings and resolutions of the council in accordance with Section 64.5 of the General Law Village Act of 1895 as amended and the Open Meetings Act. In the absence of the clerk, the deputy clerk will record the minutes or the council may appoint one of its own members or another person to temporarily perform the clerk's duties.

Within 15 days of a council meeting a synopsis showing the substance of each separate decision of the council or the entirety of the council proceedings shall be prepared by the clerk and shall indicate the vote of the trustees. It shall then be posted in the village hall for the public to view.

A copy of the minutes of each regular or special council meeting shall be available for public inspection at the village offices during regular business hours.

5. STUDY SESSIONS

Upon the call of the village president or the council and with appropriate notice to the trustees 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.

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 a reasonable opportunity to be heard in accordance with such rules and regulations as the council may determine, except that the meetings may be closed to the public and the media in accordance with the Open Meetings Act.

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 and subject to Village Meeting Taping Policy.

2. AGENDA PREPARATION

An agenda for each regular council meeting shall be prepared by the village president with the following order of business:

- A. Call meeting to order
- B. Pledge of Allegiance
- C. Roll call of council
- D. Approve agenda for meeting
- E. Public hearings (when needed)
- F. Approval of minutes from previous meeting
- G. Communications to council / public recognition
- H. Payment of bills (first meeting of the month only)
- I. Department reports (first meeting of the month only)
- J. Audience questions / comments
- K. Old & new business items
- L. Committee reports
- M. Roundtable by council members
- N. Adjournment

Items must be placed on the agenda by 4:00 p.m. on the Monday preceding the next regularly scheduled council meeting OR in the case of a holiday falling on that Monday, then items must be placed on the agenda by 4:00 p.m. on the Tuesday preceding the next regularly scheduled council meeting. Any council member can contact the clerk's office to have an item placed on

the agenda. Late items can be added with a majority vote of members present at the council meeting.

3. AGENDA DISTRIBUTION

All council members will receive an agenda on the Tuesday preceding the next regularly scheduled council meeting. All information pertaining to items on the agenda will be distributed at this time if not before.

4. QUORUM

A majority of the entire 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.

5. 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 Section 65.5 of the General Law Village Act as amended to adjourn a meeting if a quorum is not present.

The council may excuse absences for cause. If a council member has more than four unexcused successive absences for regular or special council meetings, the council may enact a resolution of reprimand. In the event that the member's absences continue for more than two additional 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 as prescribed by the Council Meeting Attendance Ordinance.

6. 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 member's president pro tempore, who shall preside in the absence of the president. In the absence of both the president and the president pro tempore, the member present who has the longest consecutive service on the council shall preside.

7. DISORDERLY CONDUCT

The president may call to order any person who is being disorderly by speaking out of order or otherwise disrupting the proceedings, failing to be germane, speaking longer than the allotted time or speaking vulgarities. Such person shall be seated until the chair determines whether the person is in order.

If the person so engaged in presentation is 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. A civil infraction fine can also be applied per the Conduct at Meetings Ordinance if the chair so chooses. No person shall be removed from a public meeting except for an actual breach of the peace committed at the meeting.

C. CLOSED MEETINGS

1. PURPOSE

Closed meetings may be held only for the reasons authorized in the Open Meetings Act, which include 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 if the named person requests a closed meeting (majority vote).
- b. For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if either negotiating party requests a closed hearing (majority vote).
- 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 (2/3 roll call vote).
- d. To consult with the village attorney or another attorney 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 (2/3 roll call vote).
- e. To review the specific contents of an application for employment or appointment to a public office if a candidate requests that the application remain confidential (2/3 roll call vote). However, all interviews by a public body 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 (2/3 roll call vote).

2. CALLING CLOSED MEETINGS

At a regular or special meeting, the council may call a closed session under the conditions outlined in Section 1 above. The vote and purpose(s) for calling the closed meeting shall be entered into the minutes of the public part 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 will be approved by the council at the next regular meeting through the process of a signature being placed on the minutes by all councilmember's present at the closed session. (there will be no copy's of these minutes made and handed out to council member's) These minutes may be destroyed one year and one day after the meeting at which they are approved.

D. DISCUSSION AND VOTING

1. RULES OF PARLIAMENTARY PROCEDURE

The rules of parliamentary practice as contained in the latest edition of *Roberts Rules of Order* shall govern the council in cases to which they are applicable, provided that they are not in conflict with the Policies and Ordinances of the Village of Nashville, or state statutes applicable to the Village of Nashville. The village president may appoint a parliamentarian.

The chair shall preserve order and decorum and may speak to points of order in preference to other trustees. The chair shall decide all questions arising under this parliamentary authority, subject to appeal and reversal by a majority of the trustees present.

Any member may appeal to the council 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 question shall be, "Shall the decision of the chair be sustained?" If the majority of the members present vote "aye," the ruling of the chair is sustained; otherwise it is overruled.

2. CONDUCT OF DISCUSSION

During the council discussion and debate, no member shall speak until recognized for that purpose by the chair. 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 or privilege raised by another member. Speakers should address their remarks to the chair, maintain a courteous tone and avoid interjecting a personal note into debate.

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

The chair, at his or her discretion and subject to the appeal process mentioned in Section D-1, 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, and that subject shall be clearly stated in its 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 in the minutes, unless a roll call vote is required by law or by council rules.

4. ROLL CALL

In all roll call votes, the names of the members of the council shall be called in rotation with subsequent votes rotating the first name called during the previous roll call to the bottom of the list for the current vote with the exception of the president who will always vote last.

5. DUTY TO VOTE

Election to a deliberative body carries with it the obligation to vote. Trustees present at a council meeting shall vote on every matter before the body, unless otherwise excused or prohibited from voting by law. A councilmember who is present and abstains or does not respond to a roll call vote shall be counted as voting with the prevailing side and shall be so recorded, unless otherwise excused or prohibited by law from voting.

Conflict of interest, as defined by law, shall be the sole reason for a member to abstain from voting. The opinion of the village attorney shall be binding on the council with respect to the existence of a conflict of interest. A vote may be tabled, if necessary, to obtain the opinion of the village attorney.

If necessary, members may vote virtually or by phone. Voting by proxy is not allowed.

6. RESULTS OF VOTING

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

It shall be in order for any councilmember 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.

E. CITIZEN PARTICIPATION

1. GENERAL

Each regular council meeting agenda shall provide for reserved time for audience participation.

If requested by a member of the council, the presiding officer shall have discretion to allow a member of the audience to speak at times other than reserved time for audience participation.

2. LENGTH OF PRESENTATION

Any person who addresses the village council during a council meeting or public hearing shall be limited to three (3) minutes in length per individual presentation. The clerk will maintain the official time and notify the speakers when their time is up.

3. ADDRESSING THE COUNCIL

When a person addresses the village council:

1. He or she shall state his or her name and whether they are a resident or non-resident.
2. During a Public Hearing, remarks should be confined to the question at hand.
3. Remarks shall be addressed to the chair in a courteous tone and will not include any foul language, disrespect of others, or personal attacks.
4. 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 had the opportunity to speak.
5. No person shall speak while another is speaking - every will get their turn

F. DUTY OF OFFICERS, OFFICIALS, AND EMPLOYEES

To the public, an official is the governmental organization. An official's misuse of his or her position not only destroys public confidence in that public official, but it also destroys trust and confidence in the governmental organization as well. Therefore, Village officers, officials, and employees are prohibited from representing his or her own individual opinion as that of the Village or Village Council. With the exception of the Village President, Village officers, officials, and employees are prohibited from acting on behalf of the Village or on behalf of the Village Council, or creating the appearance of the same, when authority has not been specifically given. Village officers, officials, and employees shall not take any action or create the appearance of making a government decision outside official channels. Village officers, officials, and employees shall not take any action or create the appearance of impeding government efficiency or economy. Village officers, including the Village President, officials, and employees shall not take any action, or create the appearance, that adversely affects the confidence of the public in the integrity of the Village.

G. MISCELLANEOUS

1. ADOPTION AND AMENDMENT OF RULES OF PROCEDURE

These rules of procedure of the village council will be placed on the agenda of the first meeting of the council following the seating of the newly elected trustees for review and adoption. A copy of the rules adopted shall be distributed to each councilmember.

The council may alter or amend its rules at any time by a vote of a majority 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 council actions shall conform to state statutes and to the Michigan and the United States Constitution.

3. BID AWARDS

Bids will be awarded by the village council during regular or special meetings. A bid award may be made at a special meeting of council if that action is announced in the notice of the special meeting.

4. COMMITTEES

Standing and special committees of council

Each standing committee shall establish rules and regulations relating to its function. The village council reserves the right to establish by resolution such rules and regulations which shall then be in force for all standing committees.

The village shall have the following standing committees:

Department of Public Works – oversees the DPW department decisions and its employee's relations; draw up or revise when necessary, guidelines regarding employee working conditions and

compensation which will then be submitted to the council for action. Has the authority to approve purchases up to \$2,000.

Police – oversees the Police Department decisions and its employee’s relations; draw up or revise when necessary, guidelines regarding employee working conditions and compensation which will then be submitted to the council for action. Has the authority to approve purchases up to \$2,000.

Finance & Office Staff – administer rules and regulations concerning purchasing procedures for the village and all departments thereof; draw up and submit the proposed budget to the council by the first regular council meeting held in February of each year; oversee the office staff decisions and its employee’s relations; draw up or revise when necessary, guidelines regarding employee working conditions and compensation which will then be submitted to the council for action. Can only make recommendations to the council concerning the exercise of governmental authority – does not have the authority to approve purchases – all purchases above department heads limit of \$1,500 must go to the council for approval.

Parks/Buildings & Grounds – oversees the needs of all village buildings, village parks and other village grounds. Can only make recommendations to the council concerning the exercise of governmental authority – does not have the authority to approve purchases – all purchases above department heads limit of \$1,500 must go to the council for approval.

Policy & Ordinance – develops and updates village policy’s and ordinance’s. Can only make recommendations to the council concerning the exercise of governmental authority – does not have the authority to approve purchases – all purchases above department heads limit of \$1,500 must go to the council for approval.

Health, Safety & Loss – Create & maintain an active interest in safety; reduce accidents; promotes accident prevention. Can only make recommendations to the council concerning the exercise of governmental authority – does not have the authority to approve purchases – all purchases above department heads limit of \$1,500 must go to the council for approval.

Motor Vehicle Accident Review Board – to review any accident reported which involve village vehicles. Can only make recommendations to the council concerning the exercise of governmental authority – does not have the authority to approve purchases – all purchases above department heads limit of \$1,500 must go to the council for approval.

Committee members will be appointed by the village president at the first meeting of April of each year. They shall be members of the council. The committee member shall serve for a term of one year and may be re-appointed. The president shall fill any committee vacancies caused by the November election results by placing newly elected councilmember(s) on the committee(s) that has been vacated by the outgoing councilmember(s) until the first meeting of April of the next year.

Special committees may be established for a specific period of time by the village president or by a resolution of the council which specifies the task of the special committee and the date of its dissolution.

Citizen task forces

Citizen task forces may be established by a resolution of the council which specifies the task to be accomplished and the date of its dissolution. Members of such committees will be appointed by the village president, subject to approval by the majority vote of the village council and must

be residents of the village or the surrounding area. Vacancies will be filled by majority vote of the village council in the same way appointments are made.

5. AUTHORIZATION FOR CONTACTING THE VILLAGE ATTORNEY

The following village officials are authorized to contact the village attorney regarding village matters:

Village President

Village President pro tempore

Village Clerk (as directed by the President, President pro tempore, or council)

Village council as a whole

(Other councilmember's and appointed officials must gain permission from the Village President on a case by case basis)