



CITY OF ALLEGAN CITY COUNCIL RULES OF PROCEDURE

Adopted: March 27, 2000
January 26, 2020

I. Scope.

These rules govern the city council meetings. No amendment of a rule shall be effective until the next regularly scheduled meeting of the council.

References to the "charter" are to the Revised Charter of the City of Allegan effective January 1, 1989.

II. Council Meetings.

A. Notice. All council meetings shall comply with the Open Meetings Act, 1976 PA 267, MCL 15.261 *et seq.* Public notice of all meetings shall be given as provided in the act by the city clerk.

B. Regular Meetings. Regular meetings shall be held on the 2nd and 4th Monday of each month unless cancelled or rescheduled by the council or unless that day is a legal holiday, in which case the meeting shall be held on the next day that is not a legal holiday.

C. Study Session Meetings. Prior to the regular meeting, the council will hold a study session meeting to discuss items in order to gain further clarification, regardless of whether the items are on the agenda. Study session meetings will comply with the Open Meetings Act. However, no votes will be taken during these meetings. Minutes of these meetings will generally only summarize the items discussed.

D. Special Meetings. Special meetings shall be called by the city clerk on the written request of the mayor or any 2 councilmembers. 18 hour's written notice stating each matter to be considered at the special meeting shall be given to each councilmember and the mayor.

E. Agenda and Meeting Packet. The city manager and/or the city clerk shall obtain reports for business matters and other items to be presented to the council. They shall prepare an agenda in accordance with IV.3 below and a meeting packet for each regular council meeting, which shall be sent electronically to the mayor, each councilmember and the city attorney at their city email on Friday, Saturday, or Sunday of the weekend preceding any regular meeting. The agenda and packet pertaining to a special meeting shall be delivered by at least the day before the meeting. The packet for all meetings shall contain the proposed meeting agenda and all matters proposed to be considered at the meeting plus any supporting documents. The Mayor or any councilmember may request that a hard copy be available for them to pick up at City Hall.

F. Quorum. A quorum of the council is established when 4 or more members are present in person at a meeting. Telephone or other electronic participation in a meeting will not count toward a quorum.

G. Attendance at Meetings.

1. Mayor and Councilmembers. The mayor and members of the council shall attend all council meetings.
2. City manager and city clerk. The city manager and the city clerk or their designees shall attend all council meetings and keep the minutes.

3. To the extent possible, councilmembers' prospective absences and the reason for absence shall be reported to the mayor, the city manager and/or the city clerk before the meeting. The council by motion may decline to excuse a councilmember's absence from the meeting.

H. Minutes. An account of all proceedings of the council and minutes of each meeting shall be prepared and kept by the city clerk or the clerk's designee. Minutes shall be available for public inspection within 7 days after a meeting.

I. Closed Sessions.

1. The council shall meet in closed session only for the purposes and as allowed by the Open Meetings Act.

2. A person requesting a closed session shall state the purpose or purposes of such session. The stated purpose(s) for the session shall constitute the only agenda items.

3. A motion and a roll call vote of the councilmembers serving is required to call a closed session. The council by majority vote may adjourn a closed session or open the meeting to the public. Councilmembers may deliberate during closed sessions but shall not make any decisions, determinations, actions, votes, or dispositions upon a proposal, recommendation, resolution, order, or ordinance in closed session. A separate set of minutes of the closed session shall be taken by the city clerk or other such designated person. These minutes shall be retained by the city clerk, shall not be available to the public, and shall only be disclosed as required by law. The minutes of a closed session shall be destroyed 1 year and 1 day after approval of the minutes of the regular meeting.

III. Public Participation.

A. Attendance. The public is invited and encouraged to attend all council meetings as provided in the Open Meetings Act. The council shall make every effort to reorder the agenda to encourage public participation.

B. Timing. Comments by members of the audience shall be limited to the public participation times set aside on the agenda or any public hearing and only consist of written and oral comments.

C. Requirements. Unless granted more time by the mayor, public comments shall be limited to 3 minutes and shall comply with the following requirements:

1. Anyone wishing to speak shall approach the podium and will be requested to state his/her name and address.

2. The council shall accept written comments and copies of any submitted materials and will be distributed to all councilmembers.

3. Public comment time is to hear *from* the public. Therefore, responses usually will not occur. The mayor may decide a response is appropriate and may, in the mayor's discretion, respond on behalf of the council, allow a councilmember to respond, or direct city staff or others who are present to respond.

4. Comments (i) are to be loud enough to be audible but not so loud as to be inappropriate for a meeting, (ii) must avoid coarse language or cursing, (iii) may not include personal attacks, (iv) may not be addressed to anyone other than the council or the mayor, and (v) may involve a single speaker (except when the speaker requires assistance). Comments may not include demonstrations, or materials that, when used, could be hazardous or unduly disruptive to the meeting.

D. Mayor's Discretion. The mayor shall have the discretion to curtail public comments that are repetitive and may limit public comments if they are so prolonged as to unduly interfere with the ability of the council to address other items on the meeting's agenda.

IV. Conduct of Meetings.

A. Presiding Official. The mayor shall preside at all council meetings. The mayor pro tem shall preside in the mayor's absence. If neither the mayor nor mayor pro tem is present at a meeting, the

council shall select one of its members to preside until the mayor or mayor pro tem is present and seated. All matters to come before the meeting shall be addressed to the presiding officer. The presiding officer shall endeavor to conduct the meeting in a fashion that draws a balance between the informality and congeniality possible in a small community the size of the city while also maintaining the decorum and formality necessary to transact business in an orderly fashion.

B. Agenda. All regular meetings shall be subject to an agenda that will be prepared by the city manager and/or city clerk. The mayor or any 2 councilmembers may add an item to the agenda. Any item placed on the agenda shall appear on each successive agenda unless disposed of, tabled indefinitely, or tabled until a certain date at which time the item shall reappear. The agenda of each regular meeting shall consist of the following, as applicable:

1. Call to order;
2. Roll call;
3. Pledge of Allegiance;
4. Approval of the agenda;
5. Approval of minutes;
6. Special presentations and recognitions by the mayor or council;
7. First readings of ordinances;
8. Public hearings and adoption of ordinances;
9. Public comment for items not included in the agenda;
10. Unfinished business and tabled items;
11. Written petitions and reports from special committees;
12. Reports from the following:
 - a. City boards, commissions, and area agencies;
 - b. The Finance Department ;
 - c. The Police Department;
 - d. Water Utilities;
 - e. Public Works; and
 - f. The City Manager.
13. Board appointments;
14. Communications from the City Manager, Council, and Mayor; and
15. Adjournment.

C. .

V. Voting/Conduct of Councilmembers.

A. Required Vote of Members Present. Unless otherwise stated in these rules or required by the charter, city ordinance, state law, or federal law, the passage of all matters before the council shall require the affirmative vote of 4 members present at any meeting.

B. Calling for the Vote. In the first instance the mayor or member presiding over the council meeting shall call for a voice vote for and against the matter by “yes” and “no” responses. If on a voice vote no councilmember states opposition to the motion, it shall be deemed to have passed unanimously. In the event any councilmember votes against a proposition, it shall be recorded in the minutes of the meeting.

C. Abstentions. Every councilmember present shall vote on all questions, unless a councilmember has a conflict of interest, in which case the councilmember's conduct shall be governed by law. A councilmember may also abstain from a vote for approval of minutes if the member did not attend the meeting for which the minutes apply.

D. Councilmember Conduct. Each councilmember shall comply with the city's ethics ordinance. Each councilmember shall participate in a manner consistent with the dignity and decorum of the office and shall act in a manner which accords respect to the public, staff members, the mayor, and fellow councilmembers.

E. Motions.

1. The council shall take action by motion. No motion may be acted upon until supported or seconded by another councilmember.
2. A councilmember who wishes to make a motion or second a motion must first be recognized by the mayor. Except where permission is otherwise granted by the mayor, only council may discuss a motion before the council or other pending business.
3. The mayor is a member of the council and may make a motion and/or support a motion.
4. An agenda item may be presented by the mayor for discussion before a motion is made.
5. Any motion may be withdrawn by the sponsor at any time before decision or amendment by the council.
6. The maker of a motion and the councilmember seconding or supporting the motion may consent to modifying the motion at any time before a vote is taken on the motion. Before the vote is taken, the mayor shall restate the motion as modified.
7. The following motions may be offered:
 - a. To offer a resolution or ordinance.
 - b. To call the question.
 - c. To amend or modify a motion made to take action. An amending motion will be disposed of before any other motion to amend or modify the original motion will be in order.
 - d. To postpone for subsequent consideration.
 - e. To reconsider a vote (including a vote resulting in a tie) or other action that has been taken by the council but only if no action has been taken in reliance upon such vote or action.
 - f. Any councilmember on the prevailing side on a vote or action may move for reconsideration of such vote or action only at the same meeting the vote or action was made or at the next regular meeting of the council. However, a motion may be made for council to revisit an issue, policy decision, or other action in light of significant new information that was previously unknown or unavailable to council at the time it was last considered or based upon a material change in the proposed action.
 - g. To go into closed session as permitted by and in accordance with the Open Meetings Act.

VI. Election of Mayor/Mayor Pro Tem.

The council shall elect 1 member to be the mayor and 1 member to be the mayor pro tem for terms of 1 year. Council shall hold this election during the 1st meeting in November.

VII. Board and Commission Selection Process.

These rules shall be used to create a uniform process for the filling of vacancies of city boards and commissions. The council can suspend this section of the rules by a vote of 5 members.

A. Membership Lists. The city clerk shall keep an up to date membership list for all city boards and commissions.

B. Applications. The city clerk shall continuously accept applications from members of the community looking to volunteer and make the city a better place. Annually, the city shall publicly notice that the city is accepting volunteer applications for various boards and activities to keep an active file of potential volunteers.

C. Process to Fill Vacancies. Once a board or commission opening is official or a term is near expiration, the city clerk shall gather the volunteer applications that stated they are interested in sitting on the board or commission for which there is an opening. The city clerk shall share these applications with the Mayor, Mayor Pro Tem and City Council. If there are no volunteer applications for the specific opening, city staff shall notice the vacancy through both electronic and printed means.

D. Interviews and Recommendations. The Mayor and Mayor Pro Tem will confer with each other, interview applicants if there are more than 1 application for the opening and make recommendations to the individual or body with authority to appoint new members to the respective board or commission.