

**CITY OF HILLSDALE  
CITY COUNCIL  
RULES OF PROCEDURE**

**1. AUTHORITY**

These rules are adopted by the Hillsdale City Council pursuant to Section 6.7 of the Hillsdale City Charter and other applicable law. These rules may be amended by formal resolution as Council might, from time to time, deem necessary.

**2. MEETINGS**

- 2.1 Regular Schedule.** The Council shall meet in regular session on the first and third Monday of each month excepting that, if any regular meeting falls on a legal holiday, the effected meeting shall be held on the next business day that is not a legal holiday. The Council may vote to postpone or cancel a meeting. A public notice shall be posted stating the dates, times, and places of regular meetings within 10 days after the first meeting of each calendar year.
- 2.2 Special Meetings.** The Council shall meet in special session at the call of the Mayor or upon the written request of two members of the Council. Public notice of any special meeting called shall be as provided in Section 3 of these rules. The public notice, which shall also be emailed to each member of Council, shall contain the date, time, place and purpose of the special meeting.
- 2.3 Place of Meetings.** Regular and special meetings of Council shall be held in the council chambers of the Hillsdale City Hall unless otherwise provided in the public notice of such meeting. In the event the council chambers do not appear to the Mayor to be adequate to accommodate all members of the general public wanting to attend a meeting of Council, the meeting shall either be recessed to a larger facility within the City of Hillsdale and be reconvened within 36 hours of said recess, but in no case earlier than 30 minutes after said recess; or, said meeting shall be adjourned and rescheduled to a larger facility for a date and time more than 36 hours after recessing, subject to public notice as provided in the Open Meetings Act. If the meeting is to be reconvened at a larger facility within 36 hours of recess as herein provided, the location and time of reconvening shall be conspicuously posted on the door to the council chambers in the Hillsdale City Hall.
- 2.4 Time of Meetings.** All regularly scheduled meetings of the Council shall commence at 7:00 p.m. with the exception of the first council meeting following each regular city election, which meeting shall commence at 8:00 p.m.
- 2.5 Change in Time of Regular Meetings.** There shall be no changes in the starting time for regular meetings of the Council unless approved by a majority of the council members present.
- 2.6 Quorum; Adjournment of Meetings.** A majority of the members of Council in office at the time 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, and, in the absence of all members, the clerk may adjourn any meeting, but for not longer than one week.

**2.7 Length of Meetings.** The Council shall not begin consideration of any matter on the agenda or any issues, however raised, after the hour of 10:00 p.m. except by the consent of a majority of the council members then present. Matters not acted on may be scheduled and placed on the agenda for a special meeting of the Council, if called for that purpose, and if no special meeting is called to consider such matters, they shall be placed on the agenda for the next regular council meeting.

### **3. PUBLIC NOTICE OF MEETINGS**

The clerk shall be responsible for providing the proper notice for all meetings in accordance with the requirements of Michigan's Open Meetings Act (MCL 15.261, et seq). No meeting of the Council shall be held unless public notice is given as provided in § 5 of said Act.

The clerk shall also notify any newspaper, radio, or television station providing written request for same notice of the regular meeting schedule of Council, the scheduling of any special meetings of Council and any changes in the scheduling of either without charge. Any such written request will be deemed to have expired on December 31 of each year.

The clerk shall also notify any other individual, firm, corporation, or other entity providing written request for same with notice of the regular meeting schedule of Council, the scheduling of any special meetings of Council and any changes in the scheduling of either, but only upon their written agreement to pay for printing and postage expenses incurred by the City in connection therewith. Any such written request will be deemed to have expired on December 31 of each year.

All notices contemplated by this rule shall be mailed to the requesting party by first class mail.

### **4. ATTENDANCE**

The attendance requirements, including the compulsory attendance provisions thereof, provided in Section 6.6 of the Hillsdale City Charter are applicable to and binding on all members of Council, including the Mayor.

### **5. REGULAR AND SPECIAL MEETING AGENDAS**

The City Manager shall prepare the agenda of business for regular and special meetings of Council. Subject to the City Charter and State and Federal laws, any item submitted by a member of the City Council before noon on the Wednesday preceding the next regular Council meeting shall be placed on the agenda for the next regular Council meeting. Any member or representative of any public or private committee, board, commission, or other entity, and any member of the general public may request the placement of a non-administrative type of item or issue on the agenda for a regular council meeting by submitting the same to the City Manager by noon on the Wednesday preceding the next regular Council meeting.

Any items or issues not placed on the agenda as requested shall be disclosed to the Council by the City Manager at the next regular council meeting along with the reason for not placing it on the agenda.

Items or issues not submitted for inclusion by the stated deadline shall be disclosed but shall not be considered by Council at its next regular meeting absent the consent of a majority of the council members present.

Items or issues submitted for and included in the agenda of a regular council meeting shall be placed under either Old Business or New Business on the agenda, as appropriate.

- 5.1 Special Meeting Agenda.** Whenever the Council is called into a special meeting, the matters to be considered shall be stated in the call of the meeting.
- 5.2 Distribution of the Agenda.** On completion of the agenda, the clerk shall immediately post the agenda and copies of all accompanying materials relating to the business to come before Council on the city website; the clerk shall then notify each Council member, the City Manager, and the City Attorney of these postings via email or other appropriate means of communication.
- 5.3 Order of Business.** The form of the agenda for each meeting shall be arranged as follows:
  1. Call to Order and Pledge of Allegiance
  2. Roll Call
  3. Approval of Agenda
  4. Public Comment Regarding Agenda Items
  5. Consent Agenda (which shall include, but not necessarily be limited to, approval of bills, written reports of City boards and committees, approval of minutes, etc.)
  6. Communications/Petitions
  7. Introduction and Adoption of Ordinances/Public Hearings
  8. Old Business
  9. New Business
  10. Miscellaneous
    - a. Proclamations
    - b. Committee Appointments
    - c. Other
  11. General Public Comment
  12. Closed Session (if necessary)
  13. City Manager's Report
  14. Council Comment
  15. Adjournment

## **6. CONDUCT OF MEETINGS**

- 6.1 Presiding Officer.** The Mayor shall be the presiding officer of the Council. In the absence of the Mayor, the Mayor Pro-Tem shall be the presiding officer of Council.
- 6.2 Speaking Rights of Council Members.** Any member of Council wanting to speak or address Council shall first obtain recognition and approval from the presiding officer. All comments shall be addressed to the presiding officer or other council members.
- 6.3 Speaking Rights of Members of General Public.** Any member of the general public or other person wanting to speak or address Council during the

Public Comment periods shall first obtain recognition and approval from the presiding officer; a person addressing the Council is requested to state his or her name and address. All comments and remarks shall be addressed solely to the presiding officer and, unless otherwise authorized by the presiding officer, the comments and remarks of any one person shall not exceed *five* (5) minutes in duration. Council members shall not respond to public comments during public comment periods, unless permitted by the presiding officer.

**6.4 Speaking Rights on Request of Presiding Officer.** The presiding officer may make such inquiry of any person in attendance as he or she deems necessary for the purpose of obtaining additional, supplemental, or confirming information with respect to any agenda item or issue being then discussed or considered by Council.

**6.5 Disorderly Conduct.** The presiding officer shall call to order any person who:

1. Speaks out of order without being first recognized by the presiding officer
2. Is contentious or otherwise embraces actual or threatened violence
3. Violates the public order
4. Speaks vulgarities or is abusive
5. Fails to be relevant and germane
6. Exceeds the allotted speaking time; or
7. Otherwise disrupts the meeting by word, act, or deed.

Any member of the general public who is called out of order shall immediately be seated and remain seated and quiet unless permitted to proceed by the presiding officer or a majority of Council present.

Any member of Council who is called out of order shall immediately become and remain quiet unless permitted to proceed by the presiding officer or a majority of Council present.

Any person who continues to be out of order after having been called out of order by the presiding officer shall be removed from the council chambers by the Sergeant-at-Arms upon the request of the presiding officer.

## **7. RECORD OF REGULAR AND SPECIAL MEETINGS**

**7.1 Recording Responsibility.** The clerk shall be responsible for maintaining the official record and minutes of each meeting of the Council. The minutes shall include all actions of the Council with respect to motions voted on. The record shall include the name of the council member moving the motion, the name of the council member who seconds it, the vote of the Council on the motion and all other information required by the Open Meetings Act. The record shall also indicate whether the vote was by way of voice vote or roll call and, if roll call, the record shall show the "yes" or "no" vote, or abstention, of each council member present. The clerk shall maintain a copy of each ordinance and resolution and other matter acted on by the Council in his or her office.

**7.2 Record of Discussion.** The clerk shall prepare and maintain a written summary of the council minutes. In addition, the clerk shall electronically record each meeting in its entirety, and each such recording (unless of a closed

session) shall be maintained in the office of the clerk for a period of not less than three years following the date of the meeting. Such minutes and recordings shall be public records. Electronic recordings and minutes of closed sessions shall be separately retained and shall be maintained by the clerk for not less than one year and one day following the date of the regular meeting at which the closed session was approved. Such recordings and minutes shall not be available to the public and shall not be disclosed absent a court order issued for their production and disclosure pursuant to applicable law. At the end of the period during which an electronic recording is to be maintained, the recording may be erased and/or destroyed by the clerk unless the recording is pertinent to a pending or expected legal proceeding.

**7.3 Request for inclusion of remarks.** Any council member may request to have his/her remarks concerning any issue being considered by Council printed as part of the written summary unless objected to by another member of Council in which case the request shall be decided by a majority of Council present. Any such remarks as are to be included in the official record shall be provided in writing by the council member requesting their inclusion and made a part of the written summary in their entirety or, if verbally provided during a regular or special meeting, they shall be transcribed verbatim into the written summary by the clerk from the electronic recording of such meeting.

**7.4 Public Access to Meeting Records.** The clerk shall make the records and minutes of the official regular and special meetings open to the public available for public inspection and copying in accordance with the provisions of the Freedom of Information Act and Resolution #1410 as adopted and/or amended by Council.

With respect to minutes of regular and special meetings open to the public, but not yet approved by Council, such minutes shall be available for public inspection and copying within *eight* (8) business days of the meeting from which they were generated.

With respect to minutes of regular and special meetings open to the public that have been approved by Council, such minutes shall be available for public inspection and copying within *five* (5) business days of the meeting at which they were approved.

The clerk shall promptly transmit copies of minutes to persons or entities that have subscribed and paid the fee therefore as established in Resolution #1410 and any amendments thereto.

**7.5 Publication of Minutes.** The clerk shall be responsible for and shall cause publication of a summary of the minutes of those portions of all regular and special Council meetings open to the public within 14 days after the date of the meeting from which the summary was generated. The publication shall be made in a newspaper selected by Council.

## **8. COMMITTEES**

**8.1 Appointment.** Each year within 30 days following each regular City election, the Mayor, with the approval of Council, shall appoint members of the

Council to the standing committees named in the following Rule 8.3. Vacancies thereafter occurring on any such committees shall be filled within 30 days of their occurrence in the same manner as the original appointment. The term shall be for two years, but in no case beyond the date an appointee holds the office of council member.

**8.2 Committee Chair.** Each committee shall elect one of its own members to be the committee chair.

**8.3 Standing Committees and Responsibilities.** The standing committees shall be: Finance, Public Safety, Public Service, Community Development, Operations and Governance, and such other committees as the Council might in the future deem necessary.

Each committee shall thoroughly investigate any matters referred to it by Council or the City Manager and shall report its findings and recommendations to Council in writing or in person without undue delay. On motion adopted by Council, a committee may be discharged from further consideration of any matter before it.

**8.4 Committee Meetings.** A majority of the members appointed to a committee shall constitute a quorum. All committees made up of a quorum of Council or which is attended by a quorum of Council shall be required to be open to the general public and shall comply with the notice requirements of the Open Meetings Act, unless otherwise exempt under applicable law.

Any committee that is not made up of a quorum of Council and is not otherwise empowered with authority to act may meet with or without compliance with the notice requirements of the Open Meeting Act, but all such meetings shall be open to the general public, unless otherwise exempt under applicable law.

**8.5 Record of Committee Meetings.** Each committee shall maintain a written record of its meetings and shall deliver a copy of such record to the clerk. The written record shall be maintained by the clerk in a separate file for each committee.

The record of each committee meeting shall include, as a minimum, the following: the date; time and place of the meeting; the names of all persons attending; the text of each motion presented and voted on which deals with or relates to a recommendation regarding a proposed or existing ordinance, resolution, appointment, or election of an officer; the vote of each committee member on each such motion; and all other matters which at least one-third of the committee membership requests be included.

No committee shall sit during a session of Council unless Council first grants leave so to do.

The meeting record of each such committee meeting, unless otherwise exempt under applicable law, shall constitute a public record and shall be available to the general public for inspection and copying in accordance with the Freedom of Information Act and Resolution #1410 and any amendments thereto.

- 8.6 Committee of the Whole,** Whenever Council shall meet, other than for a regular or special meeting, it shall be considered as meeting as a Committee of the Whole. The Mayor shall be the presiding officer over such meetings and, in his or her absence, the Mayor Pro-Tem shall so act.

Committee of the Whole meetings shall be subject to the notice requirements of the Open Meetings Act unless otherwise exempt under applicable law. The procedural rules generally applicable to Council shall remain in effect insofar as applicable.

The order of business at Committee of the Whole meetings shall be as follows:

1. Call to Order and Pledge of Allegiance
2. Roll Call
3. Communications and Petitions
4. Public Comments
5. Written Reports of Boards, Commissions, and Department Heads
6. Special Presentations
7. City Manager and Department Reports
8. Closed Session (if requested and permitted by law)
9. Adjournment

## **9. EXECUTIVE OR CLOSED SESSION**

Council and any committee may close a scheduled session or a meeting that is otherwise open to the public for any of the reasons permitted by law which, insofar as are pertinent to municipal government, are as follows:

- a. To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, employee, staff member, or individual agent, if the named person requests a closed hearing. A person requesting a closed hearing can rescind that request at any time, in which case the matter can only be considered after the rescission in open session (a roll call vote with a simple majority of those present is required to go into closed session);
- b. For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if either negotiating party requests a closed hearing (a roll call vote with a simple majority of those present is required to go into closed session);
- c. To consider the purchase (but not sale) or lease of real property up to the time an option to purchase or lease the subject real property is obtained (a 2/3 roll call vote of all elected or appointed and serving council members is required to go into closed session);
- d. To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the Council (a 2/3 roll call vote of all elected or appointed and serving council members is required to go into closed session);
- e. To review the specific contents of an application for employment or appointment to a public office if the applicant requests that the application

remain confidential. However, all interviews by a Council shall be held in open meeting pursuant to the act (a 2/3 roll call vote of all elected or appointed and serving council members is required to go into closed session); and

- f. To consider material exempt from discussion or disclosure under state or federal statute (a 2/3 roll call vote of all elected or appointed and serving council members is required to go into closed session).

**9.1 Minutes of Closed Session.** A separate set of written minutes shall be taken by the clerk at the closed session.

**9.2 Record of Closed Meetings; Retention.** Minutes of closed sessions shall be separately retained and shall be maintained by the clerk for not less than one year and one day following the date of the regular meeting at which the closed session was approved. Such minutes shall not be available to the public and shall not be disclosed absent a court order issued for their production and disclosure pursuant to applicable law.

## **10. PROCEDURE FOR COUNCIL DISCUSSIONS AND ACTION**

**10.1 Discussion of Issues.** The issues for discussion at each council meeting shall be addressed in the order of their appearance on the agenda and when announced to the Council by the Mayor. General discussion of any issue listed on the agenda may ensue by council members after that issue is announced by the Mayor with or without a motion being first placed on the floor. However, no action shall be taken on any issue without there first being a motion made and seconded.

**10.2 Main Motions.** Any council member (inclusive of the Mayor) may make or second any main motion. Each main motion shall clearly state the issue to be voted on by Council. Unless supported by a second, there shall be no vote taken on a main motion and said main motion shall be considered a nullity for lack of support.

If the motion is seconded, the Mayor shall allow comments and debate on the main motion except as otherwise provided in Rule 10.3. During discussion and debate, if any, the question may be called by way of a motion to call the question. When seconded, a motion to call the question shall be voted on immediately without debate and, if passed by a majority of the Council members then present, shall serve to call the question on the main motion.

Once called, there shall be no further discussion or debate on the main motion and the matter will proceed to a vote of Council.

Unless otherwise required by applicable law or Charter provisions, a simple majority of those present shall suffice to pass or defeat a main motion.

**10.3 Amendatory Motions.** Any council member (inclusive of the Mayor) may seek to amend the main motion by way of one or more amendatory motions. Each amendatory motion shall clearly state the requested amendment to the main motion by way of one or more amendatory motions. Each amendatory motion shall clearly state the requested



amendment to the main motion to be voted on by Council. Unless supported by a second, there shall be no vote taken on an amendatory motion and said amendatory motion shall be considered a nullity for lack of support.

If the amendment is seconded, the Mayor shall allow comments and debate on the amendatory motion. During discussion and debate, if any, the question may be called by way of a motion to call the question. When seconded, a motion to call the question shall be voted on immediately without debate and, if passed by a majority of the Council members then present, shall serve to call the question on the main motion.

Once called, there shall be no further discussion or debate on the main motion and the matter will proceed to a vote of Council.

Unless otherwise required by applicable law or Charter provisions, a simple majority of those present shall suffice to pass or defeat an amendatory motion.

Amendatory motions and the main motion shall be voted on in the reverse order in which they were made and seconded.

- 10.4 Nondebatable Motions.** Motions to fix the time of the next meeting; to adjourn; to recess; to table; to limit or extend debate; and to call the question shall, once supported by a second, be voted upon immediately without debate.
- 10.5 Motions to Reconsider.** A motion to reconsider any decision made or action taken by Council may be brought not more than once during the meeting at which such decision was made or action was taken. A motion to reconsider may be made only by a member who voted on the prevailing side of the decision or action for which reconsideration is sought.
- 10.6 Temporary Suspension of Rules.** A temporary suspension of the rules may be accomplished by motion and second and adoption by a simple majority of those Council members present for the purpose of achieving any legal objective of Council.

## **11. VOTING**

All council members present are required to vote on all motions before it at the time the question is presented, and no council member may abstain from voting except as hereinafter set forth.

- 11.1 Roll Call Votes.** A roll call vote shall be taken on all ordinances, resolutions, the appointment and election of officers, and all matters affecting the financial interests of the City. When a roll call vote is taken, the names of the council members and his or her "yes" or "no" vote shall be recorded. Each council member shall be called on to vote by the clerk in alphabetical order. In successive roll call votes, the name to be called first shall be advanced one position alphabetically from the position it occupied in the preceding roll call vote.
- 11.2 Voice Votes.** In all votes of council members wherein a roll call is not required, the presiding officer shall decide the outcome of the voice vote taken. Any council member may call for a division of the vote in which

case the presiding officer shall poll each council member on the question and the motion thereupon decided on the results thereof.

**11.3 Obligation to vote; Abstentions.** Each council member who is present shall vote on all questions submitted for the vote of the Council when his or her name is called by the clerk on a roll call vote or when a voice vote is requested by the presiding officer except:

- a. on questions in which he or she has a financial interest, other than the common public interest;
- b. on any question concerning his or her own conduct; or
- c. on any question from which he is expressly excused from voting on by the unanimous consent of the remaining council members then present.

**11.4 Discussions or Debate During Vote.** There shall be no further discussion, comments, or debate on any question, nor any amendatory motions made at any time after a motion is submitted to a vote until the vote is completed and the result announced.

## **12. INTERPRETATION OF RULES**

The presiding officer of each council meeting shall be responsible and have the authority to interpret and apply these rules. The presiding officer's interpretation and application shall be final and conclusive unless overturned by a 2/3 majority of the council members present.

8/18/97

Amended 10/1/07

Revisions (second round after attorney review) approved by O&G Committee 5/6/19.