

# MARSHALL CITY COUNCIL RULES AND ORDER OF BUSINESS

## 1. AUTHORITY

These rules are adopted by the City Council of the City of Marshall pursuant to the City Charter adopted May 23, 1978. Council amended these rules on September 8, 1982, January 18, 1999, September 18, 2006, February 22, 2011, December 7, 2020, and May 15, 2023.

## 2. MEETINGS

### 2.1 Regular Schedule:

The Council shall meet on the first and third Monday of each month in regular session. If any regularly scheduled meeting falls on one of the following legal holidays, New Year's Day, Martin Luther King's Birthday, President's Day, Memorial Day, Juneteenth, Fourth of July, Labor Day or Christmas Day, the regular meeting shall be held on the next business day that is not a holiday.

### 2.2 Special Meetings

Special meetings may be called by the Clerk upon the written request of the Mayor or four (4) members of the council. Notice of Special Meetings shall be given to each member of the Council at least 18 hours in advance of the Special Meeting. Such notice shall be served personally, electronically, or left at the members usual place of residence by the Clerk or designee. The notice shall contain the time, place and purpose of the meeting.

### 2.3 Place of Meeting:

Regular scheduled meetings will be held in the Council Chambers at Town Hall. Whenever the regular meeting place shall appear to be inadequate for members of the public to attend, the Mayor and City Council may change the meeting location to an adequate location. A notice of such change shall be prominently posted on the door of the regular meeting place. If time permits, the Clerk or designee shall publish the change of the meeting place in the newspaper. Public meetings may be held electronically as provided under the Open Meetings Act, PA 267 of 1976, as amended. Remote/electronic public meetings will follow the MARSHALL CITY COUNCIL RULES OF PROCEDURE FOR REMOTE MEETINGS.

### 2.4 Time of Meetings:

Regularly scheduled meetings shall begin at 7:00 p.m. unless the *Council*, by majority vote, sets a different starting time. The Council shall not begin considering any matter on the agenda not yet under consideration by 10:00 p.m., except by a majority vote of the members present. Matters on the agenda and not yet acted upon at the time adjournment will be placed on the agenda for the next regular meeting or special meeting if one is called.

## 2.5 Changes in Schedule

Changes in the regular schedule of meetings may be made upon the approval of a majority of members in session.

## 2.6 Meeting Cancellations

Meetings may be cancelled for lack of quorum or inclement weather or lack of business.

## 3. PUBLIC NOTICE OF MEETINGS

The Clerk shall be responsible for providing the proper notice for all meetings of the Council.

### 3.1 Regular Meeting:

The Clerk shall post a notice within ten (10) days after the first meeting of the Council in each calendar year indicating the dates, times and places of the regular meeting schedule.

### 3.2 Schedule Change:

Whenever the Council shall change its regular scheduled meeting, the Clerk shall post a notice of the change within three (3) days following the meeting in which the change was made.

### 3.3 Emergency Meetings:

If the Council shall reschedule a meeting under the provisions of Rule 2.5 or call a special meeting under Rule 2.2, the Clerk shall post a notice of such a change immediately, and no meeting except an emergency meeting shall be held until the notice shall have been posted 18 hours in advance of the meeting. An emergency meeting shall be held only upon the consent of 2/3 of the members and only if a delay would threaten severe and imminent danger to the health, safety and welfare of the public, or as permitted under the Open Meetings Act

## 4. QUORUM

Four (4) members shall constitute a quorum for the transaction of business at all meetings of the Council.

## 5. MEETING AGENDAS

5.1 The City Manager shall prepare the agenda of business for all regularly scheduled Council meetings. Any other member or representative of Committees, Boards or Commissions desiring to place a matter on the agenda shall notify the City Manager of

such items by 12 o'clock noon on the Wednesday preceding the next regular meeting. The agenda of business and all related materials shall be available for Council in the afternoon of the Friday preceding the next regular meeting.

Items that the City Manager does not receive by the stated deadline shall not be considered by the Council except upon majority consent of the members present.

## 5.2 Order of Business:

The Agenda shall be arranged in the following order of business:

- Call to Order
- Roll Call
- Invocation
- Pledge of Allegiance
- Approval of Agenda
- Public Comment on Agenda Items
- Consent Agenda
- Presentations and Recognitions
- Informational Items
- Public Hearings and Subsequent Council Action
- Old Business
- Reports and Recommendations
- Appointments/Elections
- Public Comment on Non-Agenda Items
- Council and Manager Communications
- Adjournment

## 5.3 Special Meetings Agenda:

Whenever the Council shall be called into a Special Meeting, the matters to be considered shall be stated in the call of the meeting. No other matter shall be considered except when all members are present and a majority of the body concurs.

## 6. CONDUCT OF MEETINGS

### 6.1 Chairperson:

The Mayor shall moderate and chair all meetings of the Council. In the absence of the Mayor, the Mayor Pro-Tem shall assume the duties of the chair. In the event of the absence or disability of the Mayor and the Mayor Pro-Tem the Council shall appoint one of its elected members to act as Mayor during the absence or disability of the Mayor and Mayor Pro-Tem.

### 6.2 Public Participation

Members of the public, both residents of the City of Marshall and others, are invited to address the Council during two portions of the regular Council agenda. Prior to the

Council discussion of regular agenda items, members of the public are invited to provide comment upon those agenda items. Comments related to any other matters will be welcomed during a second "public comment" time noted later on the agenda. The Chair will first recognize any member of the public wishing to address the Council. Individuals will speak from the podium or a hand-held microphone, state their name and address and limit their comments to a total of three (3) minutes for Agenda items, three (3) minutes for Public Hearing items, if being held, and two (2) minutes for Non-Agenda items during the "public comment" times. Members of the public will not routinely be involved in Council discussion or deliberation upon agenda items unless called upon by the Chair.

### 6.3 Meeting Decorum

Persons attending meetings of the Marshall City Council will at all times exhibit orderly behavior, respectful of others. A person exhibiting disorderly behavior may be asked by the Chair to be seated and refrain from further comment, or may be asked to leave the meeting.

## 7. RECORD OF 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 of the actions of the Council with respect to motions. The records shall include the names of the mover and supporter and the vote of the Council. The record shall also state if the vote was by roll call, and when by roll call, the record shall show the "Yes," "No," or abstention for each member.

The Clerk shall maintain in the office of the Clerk copies of each Resolution and Ordinance or other matter acted upon by the Council.

### 7.2 Record of Discussion:

The Clerk shall not be responsible for maintaining a written record or summary written record of the discussion or comments of the members and of comments made by the public.

### 7.3 Request for Remarks to be Included:

Any Council member may request to have his or her comments printed as part of the record. If there are no objections by any Council Member, the comments may be included. If there is an objection to such printing of the comments, the Council shall decide the matter by majority vote. Such comments are to be included as part of the official record

### 7.4 Public Access to Meeting Records:

The Clerk shall make available to members of the public the records and minutes of an official meeting in accordance with the Open Meetings Act, Freedom of Information Act,

and the City's Freedom of Information Act policy. Minutes prepared by the Clerk, but not approved by the Body, shall be available for public inspection not more than eight (8) business days following the meeting. Minutes approved by the Council shall be available within five (5) business days following the meeting at which they were approved. Minutes of Closed Sessions are only available as required under the Open Meetings Act or an ordered by a court of competent jurisdiction.

#### 7.5 Publication of Minutes:

The Clerk-Treasurer shall be responsible for publication of a summary of the minutes in a local newspaper of general circulation in the City within ten (10) days after a meeting.

### 8. CLOSED SESSIONS

#### 8.1 Procedure:

The Council may meet in closed session, closed to the public, as permitted under the Open Meetings Act, PA 267 of 1976, as amended. The vote shall be recorded in the minutes of the meeting at which the decision to hold a closed session was made.

#### 8.2 Purposes:

The Council may hold closed sessions, upon motion of any council member, only for the following purposes:

1. 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 may rescind the request at any time, in which case the matter at issue shall be considered after the rescission only in open sessions.
2. For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if either negotiating party requests a closed hearing.

The Council may hold closed sessions, upon motion of any council member and 2/3 roll call vote of Council members elected or appointed and serving, for the following purposes:

3. To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.
4. 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 public body.
5. To review and consider the contents of an application for employment or appointment to a public office if the candidate requests that the application remain confidential.

However, except as provided in this subdivision, all interviews by a public body for employment or appointment to a public office shall be held in an open meeting pursuant to this act.

6. To consider material exempt from discussion or disclosure by state or federal statute.

### 8.3 Minutes:

At each closed session, the Clerk or designee shall keep a separate record. This record of minutes shall not be disclosed to the public except upon court order. The Clerk or designee may destroy said minutes after one year and one day have passed following the approval of the minutes of the meeting at which the Council approved the closed session.

### 8.4 Approving Closed Session Minutes:

Minutes of closed sessions will be distributed to the members of the Council immediately prior to the meeting at which they are to be approved. The Clerk shall collect the copies of the minutes given to the members at the end of the meeting at which they are approved.

## 9. MOTIONS AND RESOLUTIONS

### 9.1 Statement by Chair:

No motion or resolution shall be adopted until the motion or resolution is restated by the person chairing the meeting.

### 9.2 Order of Motions:

Whenever a question is under debate, no motion shall be received except a motion to:

- Fix the time of the next meeting.
- Adjourn.
- Recess.
- Vote immediately.
- Lay on the table.
- Postpone to a certain time.
- Postpone indefinitely.
- Amend.
- Approve abstention from voting.

These motions shall take precedence in the order in which they are stated above.

### 9.3 Non-Debatable Motions:

The motions to adjourn, to recess, to lay on the table and to vote immediately shall be ordered and voted upon without debate.

#### 9.4 Chairpersons:

The Chair of the City Council shall not be allowed to be the mover or the supporter of any motion.

### 10. VOTING

Whenever a question is put by the Chair, every member present shall vote. No member present shall abstain from voting "yes" or "no" unless excused by a majority of the other members of the Council present. Conflict of interest shall be the sole reason for a request to abstain from voting. Once a member has been excused from voting on a particular item due to a conflict of interest (Policy adopted December 6, 2010). That member remains excused from further voting on the item unless or until the conflict has been removed and Council so notified.

#### 10.1 Roll Call Vote:

Roll call votes will be taken on any ordinance or any action involving money.

10.2 On demand by any member the vote on any pending question shall be taken by a roll call vote.

10.3 In all roll call votes, the names of the members of the Council shall be called in alphabetical order and the name called first on any roll call shall be called last on the next roll call vote.

### 11. PARLIAMENTARY PRACTICE RULES

The rules of Parliamentary Practice as contained in Robert's Rules of Order, most recent edition, shall govern the Council in all cases to which they are applicable, provided they are not in conflict with these rules, with the Ordinances or Charter of the City of Marshall, or the laws of the state of Michigan.

### 12. ORDINANCE ADOPTION

#### 12.1 Introduction:

Every proposed ordinance shall be introduced in writing. Following introduction of a proposed ordinance, the Council may accept the proposed ordinance for first reading and set a date for the Public Hearing on the proposed ordinance.

#### 12.2 Publication:

Following introduction of a proposed ordinance, the Clerk shall publish a summary of the proposed ordinance in a local newspaper of general circulation in the City. The Public Hearing may not be held sooner than five (5) days after the publication.

### 12.3 Addition:

After the Public Hearing, the Council may consider enacting the proposed ordinance. The enactment of the ordinance shall require a majority vote of the entire Council.

### 12.4 Changes:

If there are any substantive changes in an ordinance after the Public Hearing as determined by Council, the Council must set another Public Hearing.

### 12.5 Publication After Adoption:

Each ordinance shall be published in full in a local newspaper of general circulation in the City at least one time within ten (10) days after its adoption by Council.

## 13. APPOINTMENTS

Where no appointment procedure is defined by law, the City Charter or ordinance, such appointments will be made by the Mayor and be subject to the approval of a majority of the Council.

## 14. RULES OF PROCEDURE FOR ELECTRONIC/REMOTE MEETINGS

14.1 PA 228 of 2020 amended the Open Meetings Act, PA 267 of 1976, section 3 and added section 3a, to allow for the following:

1. The Council may conduct electronic meetings with remote participation for any reason through the end of 2020, as provided below.
  - a) Any member of an elected or appointed board may choose to attend a meeting of that board electronically for any reason.
  - b) All members of elected or appointed boards may be required to attend meetings of those boards electronically by vote of the City Council.
  - c) All members of the media and public wishing to attend a meeting of any of the City's elected or appointed boards must do so electronically.
2. Between January 1, 2021 and December 31, 2021, the City of Marshall provides:
  - a) Any member of an elected or appointed board may choose to attend a meeting of that board electronically due to military duty, a medical condition (i.e., an illness, injury, disability or other health-related condition), or a statewide or local state of emergency or state of disaster declared pursuant to law or charter by the governor or a local official or local governing body that would risk the personal health or safety of members of the public or the public body if the meeting were held in person.



- b) Upon a vote requiring such by the City Council, all members of an elected or appointed board may be required to attend a meeting of that board electronically if a statewide or local state of emergency or state of disaster is declared pursuant to law or charter by the governor or a local official or local governing body that would risk the personal health or safety of members of the public or the public body if the meeting were held in person.
  - c) Upon a vote requiring such by the City Council, all members of the media and public wishing to attend a meeting of any of the City's elected or appointed boards must do so electronically if a statewide or local state of emergency or state of disaster declared pursuant to law or charter by the governor or a local official or local governing body that would risk the personal health or safety of members of the public or the public body if the meeting were held in person.
3. After December 31, 2021, only members of public bodies who are absent due to military duty may participate remotely in public meetings.

#### 14.2 Procedures:

- 1. A meeting of a public body held electronically must be conducted in a manner that permits 2-way communication so that members of the public body can hear and be heard by other members of the public body, and so that public participants can hear members of the public body and can be heard by members of the public body and other participants during a public comment period.
- 2. For each member of the public body attending the meeting remotely, a public announcement at the outset of the meeting by that member, to be included in the meeting minutes, that the member is in fact attending the meeting remotely. If the member is attending the meeting remotely for a purpose other than for military duty, the member's announcement must further identify specifically the member's physical location by stating the county, city, township, or village and state from which he or she is attending the meeting remotely.
- 3. A public body shall not, as a condition of participating in an electronic meeting of the public body, require a person to register or otherwise provide his or her name or other information or otherwise to fulfill a condition precedent to attendance, other than mechanisms established and required by the public body necessary to permit the person to participate in a public comment period of the meeting. A request to comment may be made through the chat function, raising of the hand icon, or if by telephone, by entering "9" and state your name when called upon to do so.
- 4. Members of the general public otherwise participating in a meeting of a public body held electronically are excluded from participation in a closed session held electronically during that meeting if the closed session is convened and held in compliance with the requirements of the Open Meetings Act applicable to a closed session.

### 14.3 Notice:

1. Notice of the electronic meeting must be posted at least 18 hours in advance of the meeting to be held electronically on the City's website on the homepage. The notice shall include:
  - a) A statement as to why the public body is meeting electronically.
  - b) How members of the public may participate in the meeting electronically. If a telephone number, internet address, or both are needed to participate, that information must be provided specifically.
  - c) How members of the public may contact members of the public body to provide input or ask questions on any business that will come before the public body at the meeting.
  - d) How persons with disabilities may participate in the meeting.
  - e) If an agenda exists, the agenda shall be available to the public on the City website homepage at least 2 hours before the electronic meeting begins.