

CITY OF ROCHESTER HILLS



Susan Galeczka, Deputy Clerk
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DATE: August 08, 2006

TO: AIS Committee Members

RE: Misc. "Housekeeping" changes
for City Council Rules &
Procedures [LF#2006-0119]

As suggested by Council Member Holder, I have reviewed the *City Council Rules & Procedures* and have attached suggested miscellaneous "housekeeping" changes that pertain to seven (7) individual pages. The affected pages have been extracted and attached for your review and consideration.

The titles for the miscellaneous changes are located in:

- Art. II. Gen. Rules, Sec. 04 Journal of Proceedings: (a)(i) and (b) [page 2]
- Art. III. Meetings of Council, Sec. 05 Special Meetings: (b) [page 6]
- Art. IV. Council Officers and Duties, Sec. 03 Duties: (a) and (b) [page 9]
Note: After discussions it was determined that the Youth Council would be best served by a Council Member who is interested in serving and not limit it to the Council's Vice President.
- Art. V. Order of Business and Agenda, Sec. 02 Agenda: (a)(v) [page 12]
- Art. V. Order of Business and Agenda, Sec. 04 Minutes: (a)(i), (v) [page 14 & 15]
- Art. VII. Boards, Commissions, Committees, Sec. 01 Boards & Commissions:
(b)(v) [page 21]
Note: This would provide the ability to track appointees, terms and votes in the Legislative tracking system.

At its July 11, 2006 meeting, AIS reviewed and made changes to Art. VIII, Sec. 06 Citizens' Rights - Written Communications. The recap is reflected in a separate memo attached to LF#2006-0119.

Also, in order to foster better communication and ensure that all Council members are receiving all information, Mayor Barnett, Council President Rosen and the Clerk's Office are currently working on a policy as to how Council members request information and how the Administration will respond to their requests. Once the draft policy has been finalized, it will be presented to the AIS Committee for review and discussion at a future AIS meeting.

If you have any questions, please feel free to contact me.

- (i) Audio ~~tape~~ recordings shall be made of each public meeting by the Clerk or his/her designee except for Special Meetings, which are specifically held to adopt a Resolution to convene to Closed Session. The ~~tapes~~ recordings shall be retained for at least one (1) year and one (1) day following the meeting.
 - (ii) Meetings open to the public may be broadcast over cable television subject to any cable casting policy adopted by the Council.
 - a. All Regular Council Meetings shall be broadcast over cable television.
 - b. The Council President shall determine if a regularly scheduled Work Session will be broadcast over cable television at the Work Session's respective Agenda Review meeting. If it is determined that a Work Session is to be broadcast, the meeting will be held in the City Hall Auditorium. If the Work Session is not to be broadcast, it may be held in the City Council Conference Room or other location deemed best to meet the needs of the meeting.
 - (iii) Video recordings shall be made for each regularly scheduled Meeting, unless otherwise specified by the Council President pursuant to Section .01(i)(b). The tapes shall be retained for at least three (3) months.
- (b) The City Clerk shall keep Minutes of Closed Sessions but such Minutes shall not be available for public inspection and may only be disclosed by order of a Court. These Minutes shall be destroyed one (1) year and one (1) day after the date of the Closed Session.

Section .05 Ordinances:

- (a) Ordinances shall be enacted according to "*Chapter II, City Legislation,*" of the Charter of the City of Rochester Hills.

Section .06 Recognition Before Speaking:

- (a) The President will recognize Members desiring to speak, and confine remarks to the subject under consideration.

Section .07 Mayor:

- (a) The Mayor may attend all Council Meetings. The Mayor may make recommendations to the Council and may participate in all Council

application remain confidential. All interviews by a public body for employment or appointment to public office shall be held in an open Meeting pursuant to this Act;

- (vi) To consider material exempt from discussion or disclosure by State or Federal Statute.

- (b) **Calling Closed Session:** A two-thirds (2/3) Roll Call Vote of the Council Members elected and serving shall be required, except under Section .04 (a) (i) and (ii) above. The Roll Call Vote shall be taken at an open Meeting and the purpose of the calling of the Closed Session shall be entered into the Minutes of the Meeting at which the vote is taken.

Section .05 Special Meetings:

- (a) Special Meetings may be called by the President or by resolution of the Council.
- (b) Notice of the Special Meeting shall be prepared in writing by the Clerk, or his/her designee, containing the following information: date, time, and place, and the purpose of the meeting ~~business is to be transacted~~ and be posted at least eighteen (18) hours prior to the scheduled starting time of the Meeting in accordance with the Open Meetings Act.
- (c) Notice of any Special Meeting shall be given to all Council Members at least twenty-four (24) hours prior to the scheduled starting time of the meeting by a personal conversation with each Council Member, and by placing a copy of the notice in each Council Member's City Hall mailbox; or by E-Mail, or by Voice Mail.
- (d) No business shall be transacted at any Special Meeting of the Council unless the same has been stated in the Notice of such Meeting. However, if all the Members of the Council are present at any such Meeting of the Council, then any business that may lawfully come before a Regular Meeting of the Council may be transacted at such a Special Meeting (all Members present and all Members are in agreement).

Section .06 Emergency Meetings:

- (a) Emergency Meetings of the Council may be held without compliance with any notice requirements when five (5) Members (two-thirds [2/3] of the members serving) of the Council determine that there is a severe and imminent threat to public health, safety, or welfare, and that delay would be detrimental to the efforts to lessen or respond to the threat. The Meeting shall be limited to discussion and action with respect to the emergency. The notice of such Meeting shall be provided as soon as

- (iv) **Items on the Agenda:** The President shall identify each subject to be considered and may request the Mayor, any Council Member, staff member, or other interested person to explain the matter under consideration.
- (v) **Points of Order:** The President shall decide all points of order as outlined in Article II, Section II.
- (vi) **Questions to Be Stated:** No motion or resolution shall be voted upon until it has been stated by the President. Any Council Member may require that the motion or resolution be put in writing before the vote is taken and, if necessary, the Meeting shall be recessed for that purpose.
- (vii) Enforce the Rules of Council, contained herein, as well as the Code of Conduct.
- (viii) Set and prepare Council Meeting Agendas.
- (ix) Serve as liaison between Council and Mayor.
- (x) Serve as Mayor Pro Tem of the City.
- (xi) Review and approve or disapprove of all expenditures submitted by Members of the Council, subject to the right of any Council Member to appeal to the Council.
- (xii) Review monthly Council meeting attendance sheets pursuant to Council Attendance / Per Diem Compensation Policy adopted May 3, 2006
- ~~(xii)~~ (xiii) Act as representative of the Council at various functions.
- ~~(xiii)~~ (xiv) Perform such duties as may be directed by the Council.

(b) The Vice-President

- (i) In the absence of the President, shall perform the duties of the President as set forth in these *Rules of Procedure*, except the Vice-President shall not serve as Mayor Pro Tem.
- ~~(ii) Shall serve as Council's liaison to the Rochester Hills Government Youth Council (RHGYC)~~

- (v) Agenda Summary Reports.
 - 1) Agenda Summary Reports ~~will~~ shall be included in the Agenda Packet for each Agenda item.
 - 2) ~~Any item listed on the Agenda for which an Agenda Summary Report has not been included will automatically be continued to the next Regular Meeting.~~ Every agenda item in the Agenda Packet shall contain an Agenda Summary Sheet and proposed resolution and any additional back-up information that may be deemed necessary.
- (vi) Each Regular Meeting Agenda shall contain an item entitled "Public Comments" at which time any person may speak on any subject that does not appear on the Meeting Agenda.
- (vii) Each Regular Meeting Agenda shall contain an item entitled "Any Other Business" at which time any Council Member may discuss any matter that does not appear on the Meeting Agenda.
- (viii) Each Regular Meeting Agenda shall contain an item entitled "Approval of Agenda" at which time any Council Member shall have the option of changing the Agenda, deleting any item from the Agenda or deferring an item on the Agenda to a subsequent Regular Council Meeting by a majority vote.

(b) Consent Agenda

- (i) All matters listed under Consent Agenda are considered to be routine and non-controversial in nature and will be enacted by one (1) motion, without discussion.
- (ii) Such items include, but are not limited to, approval of Minutes, purchase authorizations, approval of recognition resolutions, approval of agreements, grants of easements, final reading and adoption of ordinances, etc.
- (iii) If any Council Member or citizen requests discussion of an item, it will be removed from the Consent Agenda for separate discussion.
- (iv) If an Item is removed from the Consent Agenda, it shall be considered immediately after the approval of the Consent Agenda.

(c) Special Meeting Agenda:

- 7) At the conclusion of debate by Members, the Chair shall have the floor to provide his/her comments about the item under discussion.
- 8) Once it has been determined that no further discussion will take place, the Chair shall close discussion and proceed to the vote, or next agenda item. Once discussion is closed on an item, no Member shall be recognized to speak on that item, including the Chair, administrative staff or Mayor.
- 9) Call the Question.
 - a) The motion to Call the Question cannot be made while someone is speaking.
 - b) A Member, after being recognized by the Chair, may make a motion to close debate (Call the Question). The motion needs a second.
 - c) The Chair, prior to restating the motion, may provide comment on the issue under discussion. Upon conclusion, the Chair must state the motion to Call the Question which must be adopted by a two-thirds (2/3) vote of Council without further discussion.
 - d) Upon passage, the Chair shall have Council proceed with the vote of the motion under debate.
- 10) The Mayor, or his/her designee, shall be allowed to participate in debate in accordance with the *Rules of Debate* established by Council.
- 11) The *Rules of Debate* may be changed by resolution by a two-thirds (2/3) vote of Council at the beginning of debate for any agenda item or at the beginning of the Council Meeting.

Section .04 Minutes:

(a) Regular and Special Meetings:

- (i) A journal of the proceedings of each Regular and Special Meeting and Regular and Special Work Session shall be kept in the English language by the City Clerk and shall be signed by the City Clerk and City Council President upon approval by Council.
- (ii) The Administrative Assistant to the City Clerk shall record and prepare the official minutes of each public meeting, which shall

contain the date, time, place, Members present, Members absent and all actions taken by the Council, and a sufficient amount of the discussion to permit an understanding of what transpired at the meeting.

- (iii) A brief Synopsis of each Meeting of the Council will be published in a newspaper of general circulation within the City within ten (10) days following each meeting.
- (iv) Minutes of the Council Meetings shall be submitted to the Council for approval and/or correction in draft form. It is the policy of the City Council that only Members of the Council and the City Clerk have the authority to make revisions to the Minutes, subject to a majority vote of the City Council.
- (v) ~~Minutes shall be made available to the public and~~ Corrections in minutes shall be made in accordance with the Open Meetings Act. Corrected minutes shall show both the original entry and the correction.
- (vi) The official copy of all Council Minutes shall be kept by the City Clerk, who shall make copies of them available to the public upon request and payment of the reasonable cost of copying according to current Michigan State Law.

(b) Closed Session Minutes:

- (i) A separate set of Minutes shall be taken by the City Clerk or his/her designee at the Closed Session.
- (ii) These Minutes will be retained by the City Clerk, shall not be available to the public, and shall be disclosed by order of a Court filed in accordance with non-compliance of the provisions of P.A. 267 (1976).
- (iii) Minutes of the Closed Session must be retained for one (1) year and one (1) day after approval of the minutes of the Regular Meeting at which the Closed Session was approved.

Article VI. Resolutions, Ordinances, and Motions

Section .01 Resolutions:

- (a) In order to provide a liaison and give the Council representation before various Boards, Commissions and Community-based Groups, the Council shall appoint members at the first meeting each December to serve as a liaison to one (1) or more Community-based Groups, Boards, or Commissions affecting the City.
- (b) Whenever, under a provision of the Charter, an ordinance, a resolution or State Law, the Council is required to appoint a board, commission, or committee, such appointment shall be made in accordance with the following:
- (i) Each Council Member may nominate one (1) person for appointment to each open position. No second to a nomination shall be required.
 - (ii) Voting on appointments shall take place at least two (2) weeks after the meeting at which nominations were made, except when only one (1) nomination is made, voting may be immediately following the nomination.
 - (iii) If there is more than one (1) person nominated for an appointment, the President shall call for a Roll Call Vote and each Council Member shall name the one (1) nominee he chooses to vote for.
 - (iv) A nominee receiving a vote of a majority of the Council currently holding office shall be declared appointed. If no nominee receives the vote of a majority of the Council currently holding office and there are more than two (2) nominees, the nominee receiving the fewest number of votes cast shall be dropped from the list of nominees and a vote shall be taken on the remaining nominees. Voting shall continue until one (1) nominee receives the vote of a majority of the Council currently holding office.
 - (v) Upon completion of the vote, Council shall adopt a resolution appointing the nominee to the position including the Board/Commission/Committee term of appointment.
- (c) In all instances where appointments by the Mayor must be confirmed by the Council, Council action shall be taken by resolution.
- (d) Removal of Members from Board and Commissions: Council may remove any member of any Board, Committee, or Commission which it has created or has been created by the City Charter by a vote of at least a majority of Council serving.