



Leanne Scott &lt;scottl@rochesterhills.org&gt;

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## Council Rules of Procedure question

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**P. Daniel Christ** <dchrist@hsc-law.com>

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To: "Scott, Leanne (scottl@rochesterhills.org)" &lt;scottl@rochesterhills.org&gt;

Leanne: Following up on the prior inquiry regarding whether Council President Deel is required to read into the record all of the resolutions on Council's consent agenda. The reading of each resolution is not legally required under state law or the Home Rules City Act. The City's Charter provides in Section 7.1 City legislative body "The Council shall have the power and authority to adopt such ordinances and resolutions as it shall deem proper in the exercise of its powers".

However, there are a few Council Rule of Procedure which need to be considered. The relevant rules are the following:

Article IV. Council Officers and Duties Sec .03 (a) (vi) provides: 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.

Article V. Order of Business and Agenda Sec .02. Agendas (a) Regular Meeting Agenda (vii) Regular Meeting Agendas may include a Consent Agenda which includes the following: (1) All matters listed under Consent Agenda are considered to be routine and non-controversial in nature and will be enacted in one (1) motion, without discussion.

The question is does the rule in Article V for approval of the consent agenda (which are to be non-controversial in nature and which if there is a question by Council Member or citizen may be removed from the consent agenda for separate discussion) in one motion mean or contemplate that items within the consent agenda which are resolutions do not need to be stated by the president as provided in Article IV? Understanding the context and purpose of the Consent Agenda to be able to efficiently address matters before Council that are routine and non-controversial would suggest that separately reading each resolution (within the Consent Agenda) may not be required. Further Article II, Sect .11(b) provides that the President shall interpret and apply all rules (subject to the right of any Council Member to appeal to the Council).

Overall, at some point, for better clarity it might be presented to Council as to consider whether it would like a minor text amendment to its Rules of Procedure to more clearly state its preference on the issue. In

the meantime, it would appear to be within Council President Deel discretion in his presiding over the Council meetings. A copy of a possible draft text amendment to the Rules of Procedure is below. If you have questions or want to discuss in more detail, please let me know.

Dan

Article IV. Council Officers and Duties Sec .03 (a) (vi) provides: Questions to be Stated: No motion or resolution, **except any motion or resolution within the Consent Agenda**, 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.



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