

ORDINANCE NO. 2004-04

An Ordinance to Amend Article II of the Code of Ordinances  
for the Village of Ontonagon.

The Village of Ontonagon hereby ordains, that Article II (Village Council) be amended to read as follows:

ARTICLE II. VILLAGE COUNCIL

Section 2-26. Rules of the Village Council

1. Authority.

These rules are adopted by the Council pursuant to the provisions of Article 3 of the Public Acts of 1895, as amended.

2. Meetings.

All meetings of the Village Council will be held in compliance with state statutes, including the Open Meetings Act, Public Act 267 of 1976 as amended, and with these rules.

2.1 Regular Meetings

The Council shall meet in regular session on the second and fourth Mondays of each month beginning at 6:00 p.m. at the Village office unless otherwise rescheduled by resolution of the council. If any regularly scheduled meeting falls on one of the following days, the regular meeting will be held on the next secular day that is not a holiday:

- 1) New Years Day
- 2) Presidents Day
- 3) Martin Luther King Day
- 4) The Last Monday of May; Memorial Day
- 5) Independence Day
- 6) Labor Day
- 7) Veteran=s Day
- 8) Thanksgiving Day
- 9) Christmas Eve
- 10) Christmas Day
- 11) New Years Eve
- 12) All national and state general election days

2.2 Special Meetings

A special meeting shall be called by the Clerk upon the call of the Village President or upon written request of any three members of the Council. Notice of special meetings shall be given to each member at least 18 hours in advance of the special meeting, and shall be served personally or left at the member=s usual place of residence by the clerk or a designee. Special meeting notices shall state the time, place and purpose of the meeting. No official action shall be transacted at any special meeting of the council unless the item has been stated in the notice of such meeting.

### 2.3 Posting Requirements for Regular and Special Meetings

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

a, Within ten days after the first meeting of the Council following the Village Elections, a public notice stating the dates, times and place(s) of the regular monthly council meetings will be posted at the Village office.

2. For a rescheduled regular or a special meeting of the Council, a public notice stating the date, time and place of the meeting shall be posted at least 18 hours before the meeting at the Village Office.

3. The notice described above is not required for a meeting of the Council in emergency session in the event of a severe and imminent threat to the health, safety or welfare of the public when two-thirds of the members of the Council determine that delay would be detrimental to the Village=s efforts in responding to the threat.

4. Changes in the regular schedule shall not be made except upon the approval of the majority of the members in session. In the event the Council shall meet and a quorum is not present, the Council, upon the action of a majority of those present, may adjourn the meeting to another day provided that proper notice to members and public is given.

5. Copies of the notice of public meetings shall be provided upon request and payment of an annual fee for the costs of printing and postage, which fee shall be determined from time to time by action of the council.

### 2.4 Minutes of Regular and Special Meetings

In accordance with Section 64.5 of the General Law Village Act of 1895 as amended and the Open Meetings Act, the Village Clerk shall attend all Council meetings and record all the proceedings and resolutions of the Council. In the absence of the Clerk, the Council may appoint one of its own members or another person to temporarily perform the Clerk=s duties.

Within 15 days of a Council Meeting, a synopsis showing the substance of each separate decision of the Council or the entirety of the Council proceedings shall be prepared by the Clerk and shall indicate the vote of the Council members. After the Village President approves the document, it shall be published in a newspaper of general circulation in the Village or posted in three public places in the Village.

A copy of the minutes of each regular or special Council Meeting shall be available for public inspection at the Village Office during regular business hours.

### 2.5 Study Sessions/Work Sessions

Upon the call of the Village President or the Council and with appropriate notice to the Council Members and to the public, the Council may convene a work session devoted exclusively to the exchange of information relating to municipal affairs. No votes shall be taken on any matters under discussion nor shall any Council Member enter into a formal commitment with another member regarding a vote to be taken subsequently. However, Council Members may express their opinions and preferences as a result of the discussion.

## Section 2-27. Conduct of Meetings

### 1. Meetings to be Public

All Regular and Special Meetings of the Council shall be open to the public, and citizens shall have a reasonable opportunity to be heard in accordance with such rules and regulations as the Council may determine, except that the meetings may be closed to the public and the media in accordance with the Open Meetings Act.

All official meetings of the Council and its Committees shall be open to the media, freely subject to recording by radio, television and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meetings.

### 2. Agenda Preparation

An agenda for each Regular Council Meeting shall be prepared by the Village President, Village Manager, and/or other responsible administrative officers or employees at the Village Office, with the following order of business:

1. Pledge of Allegiance
2. Call to Order and Roll Call of Council
3. Public Comment on Agenda Items
4. Approval of Consent Agenda [if used]
5. Approval of Regular Agenda
6. Public Hearings
7. Approval of Council Minutes
8. Approval of Bills
9. Reports from Council Committees
10. Reports from Village Officers [i.e., Manager, Treasurer, Attorney, etc.]
11. Unfinished Business
12. New Business
13. Announcements
14. Adjourn

Any Council Member, or representative of Committees, Boards or Commissions desiring to place a matter on the agenda shall notify the Village Manager and/or other responsible administrative officer or employee at the Village Office of such items by 2:00 p.m. on the Thursday preceding the next meeting. Items that are not received by the stated deadline shall not be considered by the Council except upon the consent of the majority of the members present.

### 3. Consent Agenda

A consent agenda may be used to allow the Council to act on numerous administrative or noncontroversial items at one time. Included on this agenda can be noncontroversial matters such as approval of minutes, payment of bills, approval of recognition resolutions, etc. Upon request by any member of the Council, an item shall be removed from the consent agenda and placed on the regular agenda for discussion.

#### 4. Agenda Distribution

Upon completion of the agenda and the compilation of any accompanying material related to items on the agenda, the Village Manager an/or other responsible administrative officer or employee at the Village Office shall immediately distribute the agenda packets. The packets may be distributed either by mail or by personal delivery.

#### 4. Quorum

A majority of the entire elected or appointed and sworn Members of the Council 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 with appropriate public notice.

No member of the Council may absent himself or herself without first having informed the Village Clerk of the impending absence and the reason for the absence.

#### 5. Attendance at Council Meetings

Election to the Village Council is a privilege freely sought by the nominee. It carries with it the responsibility to participate in Council activities and represent the residents of the Village. Attendance at Council meetings is critical to fulfilling this responsibility. A General Law Village Council is empowered by Section 65.5 of the General Law Village Act as amended to adjourn a meeting if a quorum is not present and compel attendance in a manner prescribed by its Ordinance.

The Council may excuse absences for cause. If a Council Member has more than three unexcused successive absences for Regular or Special Council Meetings, the Council may enact a resolution of reprimand. In the event that the member=s absences continue for more than three additional successive Regular or Special Meetings of the Council, the Council may enact a resolution of censure or request the Council Member=s resignation or both.

#### 6. Duties of the Council

The Council shall prescribe the rules of its own proceedings and shall keep a record of those proceedings. An office shall not be created or abolished; a tax or assessment imposed; a street, alley or public ground vacated; real estate or an interest in real estate purchased, leased, sold or disposed of; for the public improvement ordered, except by a concurring vote of two-thirds (2/3) of the members. Money shall not be appropriated except by Ordinance or Resolution of the Council. An Ordinance appropriating money shall not be passed or a Resolution appropriating money shall not be adopted, except by a concurring two-thirds (2/3) vote of the Members.

#### 6. Presiding Officer

The presiding officer shall be responsible for enforcing these rules of procedure and for enforcing orderly conduct at meetings. The Village President shall be the presiding officer. At the first meeting of the Council following the seating of the newly elected Council Members, the Council shall appoint one of its members as President Pro Tempore, who shall preside in the absence of the President. In the absence of both the President and the President Pro Tempore, the Council shall select a Presiding Officer by a majority vote of the Members present.

## 7. Disorderly Conduct

The presiding officer may call to order any person who is being disorderly by speaking out of order or otherwise disrupting the proceedings, failing to be germane, speaking longer than the allotted time or speaking vulgarities. Such person shall be seated until the presiding officer determines whether the person is in order.

If the person so engaged in presentation is called out of order, he or she shall not be permitted to continue to speak at the same meeting except by special leave of the Council. If the person shall continue to be disorderly and disrupt the meeting, the presiding officer may order the sergeant at arms to remove the person from the meeting. No person shall be removed from a public meeting except for an actual breach of the peace committed at the meeting.

The sergeant at arms shall be either the Ontonagon County Sheriff or his or her designee, or a trooper from the Michigan State Police.

## Section 2-28. Closed Meetings

### 1. Purpose

Closed meetings may be held only for the reasons authorized in the Open Meetings Act, which are the following:

1. To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against a public officer, employee, staff member or individual agent when the named person requests a closed meeting.
2. For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement when either negotiating party requests a closed hearing.
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 the municipal attorney or another attorney regarding trial or settlement strategy in connection with specific pending litigation, but only when an open meeting would have a detrimental financial effect on the litigating or settlement position of the Council.
5. To review the specific contents of an application for employment or appointment to a public office when a candidate requests that the application remain confidential. However, all interviews by a public body for employment or appointment to a public office shall be held in an open meeting.
5. To consider material exempt from discussion or disclosure by state or federal statute.

### 2. Calling Closed Meetings

At a Regular or Special Meeting, the Council Members, elected or appointed and serving, by a two-thirds roll call vote may call a closed session under the conditions outlined in Section C.1 of the Open Meetings Act. The roll call vote and purpose(s) for calling the closed meeting shall be entered into the minutes of the public part of the meeting at which the vote is taken.

### 3. Minutes of Closed Meetings

A separate set of minutes shall be taken by the clerk or the designated secretary of the Council at the closed session. These minutes will be retained by the Clerk, shall not be available to the public, and shall only be disclosed if required by a civil action, as authorized by the Michigan Open Meetings Act. These minutes may be destroyed one year and one day after approval of the minutes of the regular meeting at which the closed session was approved.

### Section 2-29. Discussion and Voting

#### 1. Rules of Parliamentary Procedure

The rules of parliamentary practice as contained in the latest edition of Robert=s Rules of Order shall govern the Council in all cases to which they are applicable, provided that they are not in conflict with these rules, Village Ordinances or applicable state statutes. The Village President may appoint a parliamentarian.

The presiding officer shall preserve order and decorum and may speak to points of order in preference to other Council Members. The presiding officer shall decide all questions arising under this parliamentary authority, subject to appeal and reversal by a majority of the Council Members present.

Any Member may appeal to the Council a ruling of the presiding officer. If the appeal is seconded, the Member making the appeal may briefly state the reason for the appeal and the presiding officer may briefly state the ruling. There shall be no debate on the appeal and no other member shall participate in the discussion. The question shall be, AShall the decision of the presiding officer be sustained?@ If the majority of the members present vote AAye@, the ruling of the presiding officer is sustained; otherwise it is overruled.

#### 2. Conduct of Discussion

During the Council discussion and debate, no member shall speak until recognized for that purpose by the presiding officer. After such recognition, the Member shall confine discussion to the question at hand and to its merits and shall not be interrupted except by a point of order or privilege raised by another member. Speakers should address their remarks to the presiding officer, maintain a courteous tone and avoid interjecting a personal note into debate.

No member shall speak more than once on the same question unless every member desiring to speak to that question shall have had the opportunity to do so.

The presiding officer, at his or her discretion and subject to the appeal process mentioned in Section 2.29.1, may permit any person to address the Council during its deliberations.

The following order shall prevail:

1. Agenda item is read
2. Testimony by the person(s) causing the item to be before the Council
3. Presiding Officer shall call to each Council Member for their questions; each member shall have 5 minutes

4. Motion
5. Second
6. Repeat c. above
7. Vote
8. Presiding officer shall announce the result of the vote

### 3. Ordinances and Resolutions

No ordinance except an appropriation ordinance, an ordinance adopting or embodying an administrative or governmental code or an ordinance adopting a code of ordinances, shall relate to more than one subject, and that subject shall be clearly stated in its title.

A vote on all ordinances and resolutions shall be taken by a roll call vote and entered in the minutes unless it is a unanimous vote. If the vote is unanimous, it shall be necessary only to so state in the minutes, unless a roll call vote is required by law or by Council rules.

### 4. Roll Call

In all roll call votes, the names of the members of the Council shall be called in alphabetical order, and the names to be called first shall be advanced one position in rotation in each successive roll call vote.

### 5. Duty to Vote

Elective to a deliberative body carries with it the obligation to vote. Council Members present at a Council Meeting shall vote on every matter before the body, unless otherwise excused or prohibited from voting by law. A Council Member who is present and abstains or does not respond to a roll call vote shall be counted as voting with the prevailing side and shall be so recorded, unless otherwise excused or prohibited by law from voting.

Conflict of interest, as defined by law (Public Act 317 of 1968 as amended), shall be the sole reason for a Member to abstain from voting. No Member shall abstain from voting unless that Member states his or her conflict of interest. If a question of conflict of interest arises, the Council shall seek the opinion of the Village Attorney. The opinion of the Village Attorney shall be binding on the Council with respect to the existence of a conflict of interest. A vote may be tabled, if necessary, to obtain the opinion of the Village Attorney.

The right to vote is limited to the Member of Council present at the time the vote is taken. Voting by proxy or by telephone is not permitted.

All votes must be held and determined in public; no secret ballots are permitted.

### 6. Results of Voting

In all cases where a vote is taken, the presiding officer shall declare the result.

It shall be in order for any Council Member voting in the majority to vote for a reconsideration of the vote on any question at that meeting or at the next succeeding meeting of the Council. When a motion to reconsider fails, it cannot be renewed.

## Section 2-30. Citizen Participation

### 1. General

Each Regular Council meeting agenda shall provide for reserved time for audience participation.

If requested by a Member of the Council, the presiding officer shall have discretion to allow a member of the audience to speak at times other than the reserved time for audience participation.

### 2. Length of Presentation

Any person who addresses the Council during a Council meeting or Public Hearing shall be limited to five (5) minutes in length per individual presentation. The Clerk will maintain the official time and notify the speakers when their time is up.

### 3. Addressing the Council

When a person addresses the Council, he or she shall state his or her name and home address. Remarks should be confined to the question at hand, address their remarks to the presiding officer in a courteous tone, and avoid interjecting a personal note into their remarks. No person shall have the right to speak more than once on any particular subject until all other persons wishing to be heard on that subject have had the opportunity to speak.

## Section 2-31. Miscellaneous

### 1. Adoption and Amendment of Rules of Procedure

These rules of procedure of the Council will be placed on the agenda of the first meeting of the Council following the seating of the newly elected Council Members for review. A copy of the adopted rules shall be distributed to each Council Member.

The Council may alter or amend its rules by ordinance at any time by a vote of a majority of its members after notice has been given of the proposed alteration or amendment.

### 2. Suspension of Rules

The rules of the Council may be suspended for a specified portion of a meeting by an affirmative vote of two-thirds (2/3) of the Members present except that Council actions shall conform to state statutes and to the Michigan and the United States Constitutions.

### 3. Bid Awards

Bids will be awarded by the Council during Regular or Special meetings. A bid award may be made at a Special meeting of Council if that action is announced in the notice of the Special meeting.

### 4. Committees

#### 1. Standing and Special Committees of Council

The Village shall have the following Standing Committees

\$ Finance/Budget

\$ Personnel



\$ Police

\$ Community Development

Committee members will be appointed by the Village President at the first Regular Meeting of the Council after January 1 of each year. They shall be members of the Council. The Village President shall fill any committee vacancies. Committee members shall serve for a term of one year, and may be reappointed.

Special committees may be established for a specific period of time by the Village President or by a resolution of the Council which specifies the task of the special committee and the date of its dissolution.

## 2. Citizen Task Forces

Citizen task forces may be established by a resolution of the Council which specifies the task to be accomplished and the date of its dissolution. Members of such committees will be appointed by the Village President, subject to the approval by a majority vote of the Council, and must be residents of the Village. Vacancies will be filled by majority vote of the Council in the same way appointments are made.

## 5. Authorization for Contacting the Village Attorney

The following officials are authorized to contact the Village Attorney regarding municipal matters:

\$ Village President

\$ Village President Pro Tempore

\$ Village Manager

## 6. Compensation of President and Trustees

The President and Trustees of the Village shall each receive an amount determined by an ordinance adopted by the Village Council from time to time for each Regular Meeting or legally called Special Meeting of the Village Council. Council members must be physically present and in attendance for over one-half of the length of each meeting in order to be considered present. The Village Clerk shall keep records of attendance at all such meetings. Compensation shall not be received for more than two Special Meetings in addition to Regular Meetings during any calendar month. Payment shall be made out of the General Fund of the Village.

1. Effective April 24, 1995, the Village President shall receive \$75.00 per meeting, and each Trustee shall receive \$75.00 per meeting.

## 7. Smoking

While a meeting of the Village Council is in session, no person shall smoke or possess lighted tobacco in the room wherein the meeting is being conducted.

A sign reading ANo Smoking@ shall be conspicuously posted by the Village Clerk prior to each meeting of the Village Council.

Violation of this section, whether or not such notice is posted as provided in this section, shall be a misdemeanor and upon conviction, punishable as provided in section 1-10, as it may be amended from time to time.

#### 8. Firearms

While a meeting of the Village Council is in session, no person shall carry or possess a firearm, whether loaded or unloaded, in the room wherein the meeting is being conducted.

Violation of this section shall be a misdemeanor and upon conviction, punishable as provided in section 1-10, as it may be amended from time to time.

This Ordinance shall take effect immediately upon publication.

ORDINANCE DECLARED ADOPTED. Date: November 22, 2004