

Rules of Procedure of Commission

Requirement

The Commission shall determine its own rules of procedure and may punish its members for disorderly conduct. (Village Charter, Chapter VI, Rules of Procedure of Commission, Section 4)

At or prior to its first regular meeting in April each Commission shall prescribe the rules of its own proceedings and shall keep a record thereof; provided, however, that the rules of procedure of the preceding Commission shall be followed until such new Commission shall have passed its own rules of procedure. (Village Charter, Chapter VI, Rules and Regulations, Section 6)

Preparation

The previous meeting minutes, agenda for the next meeting, and any relevant documentation shall be given to the President and Trustees no later than the Sunday before the date of the scheduled meeting. This allows time for review of the documentation, and review of the previous meeting minutes, prior to the meeting. It also allows time to make additions or deletions to the agenda. These preparations will expedite the meeting.

Quorum

A majority of the Commission shall constitute a quorum for the transaction of business; a less number may adjourn from time to time, and may compete the attendance of absent members in such manner as shall be prescribed by ordinance or rules of the Commission; and all pending business and business noticed or set down for hearing at such meeting shall be taken up and heard at such adjourned meeting, or at the next regular meeting, without further notice. (Village Charter, Chapter VI, Rules of Procedure of Commission, Section 4)

The Commission shall hold regular meetings for the transaction of business, at such times as it shall prescribe, not less than two of which shall be held in each month (Charter, Chapter VII, Section 4, Regular Meetings). Should the meeting be canceled due to lack of quorum or for other reason, the meeting will be rescheduled for the following Tuesday unless a different day is approved by the Commission.

A quorum is considered four or more of the six elected or appointed Trustees. If no quorum is present, the only action that can be taken is to; 1) fix the time to which to adjourn, 2) adjourn, 3) recess, or, 4) recess to take steps to obtain a quorum. Discussion between the Trustees present and with the Audience can occur, but no actions can be taken.

Agenda

Topics may be added to the agenda if they are considered important and/or are a continuing subject that needs to be addressed for an indefinite period of time. Per MML.org, there is no law prohibiting discussion of an item not on the agenda.

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Call to Order

Meetings start at 7:00 pm every 1st and 3rd Tuesday of the month per resolution passed on 02/05/08. Upon meeting cancellation, the date of the Regular Meeting may be rescheduled if needed and if proper notification is provided.

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“Pledge of Allegiance”

The meeting starts with ALL present rising, facing the American flag (Hats off and right hand over the heart), and reciting the Pledge of Allegiance to the flag of the United States of America.

Roll Call of Commissioners

- The Clerk, or designee, will call out the names of each of the Council members. The Commissioners present will in turn respond signifying they are present, after which, the Clerk will then enter the names of those present and those absent into the official meeting minutes.
- Election to the Village Council is a privilege freely sought by the nominee, and carries with it the responsibility to participate in Village Council activities and represent the residents of the Village of Estral Beach. Attendance at Village Council meetings is critical to fulfilling this responsibility. The Council Members may take excused absences from Village activities as long as they are justifiable and are not excessive. The Council Member asking for an excused absence must notify the Clerk no later than 4:00 pm on the date of the activity or it will be considered an unexcused absence. To address excessive absences, the following wording has been added to the Council Rules:
 - If a Council Member has more than three unexcused successive absences for regular or special Village Council meetings, or is absent for over 25% of the meetings in any year of their term, the Village Council may, after a public hearing, declare a vacancy in their office. Any violation of this provision shall result in the matter being reviewed by the Board of Ethics for appropriate action, including but not limited to removal from the Village Council. This provision recognizes the duty of Village Trustees to be in attendance to represent the citizens in matters concerning the Village. Excessive absences are considered a “willful neglect of duty” as required for recall in Chapter XIII section 15(e) of the Village Charter.

Meeting Starts

- The Chairman, which is usually the President, presides over the meeting ensuring the rules are followed and that the meeting is conducted in an orderly fashion. Meetings should be governed by consistent rules. Motion 7-84-18 carried on 07/10/84 to adopt procedures of Robert’s Rule of Order. These rules are loosely followed based on the informality required for our small community. The rules and customs are designed to help and not hinder the process. This includes preventing side conversations, speakers being interrupted, and controlling rather than antagonizing potentially irate citizens. The chairman should announce each agenda item and note the rules that apply to the hearing. In the absence of the President, the President Pro Tempore presides. In the absence of both the President and President Pro Tempore, the member present who has the longest consecutive service on the council shall preside. If things get out of hand, take a recess.

The Clerk is responsible for taking the meeting minutes unless it is delegated to someone else (e.g., Clerk is absent) by one of the Trustees. It does not matter how well you did your job to

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follow the Charter and ordinances if you fail to properly document the actions of the Council. The meeting minutes should contain enough detail so that a person not present can understand what was discussed, who spoke and what their general comments were, actions taken by the Council, and why that action was taken and the basis.

For additional guidance on meeting protocol, refer to Henry M. Robert's book "Robert's Rules of Order", ISBN 1-599869-41-1, or visit MML.org, or other similar reference.

- Speaking:

All statements should be between the speaker and the Chairman, statements or questions clearly stated and loud enough for all to hear.

- Motions:

Motions are made to accept, or put a subject out on the table for the Council to consider. It takes one Council member to make the motion, and a separate Council member to second the motion before it can be considered. Unless the motion is seconded, the motion cannot be voted on. After which, the Council quorum votes on the issue. Village business cannot be conducted where motions or resolutions need passed unless a quorum is present. A quorum is also required for the Council to allocate funds.

- Voting:

Election to a deliberative body carries with it the obligation to vote. 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 (i.e., silence gives consent). Conflict of interest, as defined by law, shall be the sole reason for a member to abstain from voting. In all cases where a vote is taken, the Chairman shall declare the result. You should be confident with your vote and open to explaining why you voted the way you did, whether for or against the issue. Do NOT feel compelled to make a hasty decision on the night of the meeting. Decisions are always based on the standards of the ordinances and facts, not on emotion or opinion of the applicant, or due to real or perceived pressure from individual(s). Approvals and denials must be thoroughly supported, clearly stating how the ordinance standards were or were not met. A quorum must be present to take legal action. On other matters, usually a majority vote decides. Only one main proposition can be on the floor at a time, only one member can speak at a time, and only the issue (not the person) is under discussion.

The following excerpts are taken from the Village Charter and describe when a majority of the quorum vote is needed versus when a majority of the Commission-elect is needed.

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MAJORITY VOTE OF THE COMMISSION - DEFINITION:

Section 15. When in this Charter the term "**Majority** Vote of the Commission" is used, such term shall mean "The concurring vote of a **majority** of the members of the Commission present at any legal meeting of the Commission."

When four (4) or more votes required – Two-thirds of Commission Elect

- Supplement or change the duties of the Clerk and Treasurer, and to prescribe, change, or alter the duties of such other officers, or administrative boards.
- No office shall be created or abolished, street, alley or public ground be vacated, real estate or interest therein purchased, leased, sold, or disposed of, or private property be taken for public use.
- No office shall be created or abolished nor any tax or assessment be imposed; street, alley or public ground be vacated, real estate or any interest therein purchased, leased, sold or disposed of, or any public improvement ordered.
- No money shall be appropriated except by ordinance or resolution adopted by a **two-thirds** ye and nay vote of all members of the Commission, nor shall any resolution be passed or adopted except by the vote of a **majority** of all the members of the Commission elected to office, except as herein otherwise provided. (*Appropriate: Devote money or assets to a special purpose. Funds are appropriated by the passage of the budget.*)
- No money shall be appropriated except by ordinance, or resolution of the Commission, nor shall any such ordinance be passed, nor any resolution appropriating money be adopted, except by a concurring ye and nay vote of **two-thirds** of all the Commissioners-elect.
- All ordinances except as herein otherwise provided shall require, for their passage, the concurrence of a **majority** of the Commission.
- Provide for the manner in which such regulations and boundaries of districts or zones shall be determined and enforced, or from time to time amended, supplemented or changed.
- Pay such part of the expense of building or re-building, maintaining and keeping in repair, such sidewalk as they may deem proper from the highway fund.
- Provide by ordinance for the removing of all ice and snow there from (sidewalks), and for keeping the same free from encumbrances and pay the expense thereof from the highway fund.
- When the Commission shall deem it advisable to vacate, discontinue, or abolish any highway, street, lane, alley, or public ground, or any part thereof.
- ... thereon; provided however, that by a vote of **two-thirds** of the members of the Commission-elect, such contracts may be made without advertisement, the consideration for which shall not exceed One Thousand Dollars (\$1000.00).

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When simple majority of Trustees present is required – Majority of Quorum Present

- Filling elective positions with Presidential nominees.
 - Filling appointive offices by the Trustees.
 - The Commission may remove from office any of its members, including the President, and remove any other officers of the Village, either elective or appointive, for any of the following causes, to-wit:
 - (a) Conviction by a court of competent jurisdiction of any offense under the Charter or Ordinances or any Law of this State or of the United States.
 - (b) Willful violation of any provision of the Charter or Ordinances
 - (c) Intoxication or habitual drunkenness.
 - (d) Incompetency to perform the duties of his office.
 - (e) Willful neglect of duty.
 - (f) Corrupt or willful malfeasance or misfeasance in office.
 - (g) Willful misconduct to the injury of the public service.
 - No contract shall be entered into by the Village for the making of any public improvement or for the purchase of any materials, tools, apparatus, or any other thing or things, the consideration or cost of which shall exceed Five Hundred Dollars (\$500.00), until specifications shall be prepared therefore and published advertisement made for sealed proposals thereon; provided ...
 - All other votes made by Council.
- Tabling:
- Meant to mean that any issue which needs further investigation or additional information prior to making a decision will be postponed for a specified length of time. For example, “I move to table the issue of the building exception until the next scheduled meeting pending further review of the design plans”.

Review and acceptance of previous meeting minutes

- The Chairman asks the Council to review the last meeting minutes for accuracy. Council members have the opportunity to ask for changes to the Meeting Minutes as written. A motion is made to accept the Meeting Minutes, including any changes, with a seconding of the motion to put it on the table for acceptance. A vote is taken by yea (yes) or nea (No) for accepting or rejecting of the meeting minutes with a majority vote needed for acceptance. The Michigan Open Meetings Act (1976 PA 267, MCL 15.261 et seq.) requires that corrections in the minutes must be made no later than the next meeting to which the minutes refer.

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Review and acceptance of the Payment of the Bills

- The Chairman asks the Council to review the Payment of the Bills for accuracy. Council members have the opportunity to ask for changes to the Payment of Bills as written. A motion is made to accept the meeting minutes, including any changes, with a seconding of the motion to put it on the table for acceptance. A vote is taken by yea (yes) or nea (No) for accepting or rejecting of the Payment of Bills with a majority vote needed for acceptance.

Review and acceptance of the Treasurer's Report

- The Chairman asks the Council to review the Treasurer's Report for accuracy. Council members have the opportunity to ask for changes to the Treasurer's report as written. A motion is made to accept the meeting minutes, including any changes, with a seconding of the motion to put it on the table for acceptance. A vote is taken by yea (yes) or nea (No) for accepting or rejecting of the Treasurer's Report with a majority vote needed for acceptance.

Building Inspector's Report

- The Building Inspector, or Village designee, reports to the Council on important information pertaining to the Building Department (e.g., permits opened and closed).
- The Building Inspector, or Village designee, will present all building permits that may require an exception to the Council at one meeting with the vote on whether to approve the exception to occur at the next meeting, thus giving the Commissioners at least two weeks to evaluate the requested exception. This requirement was agreed upon at the 11/20/07 Council meeting. Motion 1084-15 carried on 10/02/84 required all permits to come before the Council. This has changed over the years so that only permits that require an exception or a variance come before the Council.

Fire Department's Report

- The Fire Chief, or designee, reports to the Council on important information pertaining to the Fire Department. This may be to advise the Council of upcoming training, to request funds to support the operation of the Fire Department, to nominate a new member to the fire department, etc.

Grant Administrator

- The Grant Administrator either in person, or through written documentation, indicates what is being worked and the progress.

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DPW Supervisor (Maintenance) Report

- The maintenance personnel either in person, or through written documentation, indicates what was worked on over the past month.
- Makes requests for needed material, equipment, or equipment repair services for the Council to approve expenditure.

Other Appointed Official or Assigned Duty Supervisors

- These personnel can be added to the Agenda as needed to report the status of their activities.

Communications

- Letters or other documents received by the Village or Village Council pertaining to Village business. A motion is made to accept and file all communications received.
- In addition, to allow the Council to decide on what action(s) to take in response to the communication if an action is required.

New Business

- Issues that have not been brought up at previous meetings, or old business that was thought to have been resolved but was determined to have continuing issues, is brought before the Council. The business may be purely informative, or may require a Council vote.

Old Business

- The Clerk tracks the issues from past meetings, both new and old business, that have not been resolved. These issues are either resolved or tabled and left on the old business list until they are resolved.

Audience Participation

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

- The audience is to direct their questions and comments to the Chairman (i.e., President), not to others at the meeting.
- Each member of the audience is allowed to speak to the Chairman for up to three minutes unless permission is given by the Chairman to exceed the three minute limit based on the circumstances (e.g., subject matter). The three minute limit was passed by Council Motion 10-85-23 on 10/01/85.
- When a person addresses the council, he or she shall state his or her name and home address. This may not be required if it is obvious that the speaker is known by all present.

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Trustee's Comments

- Each Commissioner has the opportunity to bring up a question, issue, etc. between the Council members. All comments should be directed to the Chairman.

Treasurer's Comments

- The Treasurer has the opportunity to bring up a question, issue, information, etc. to the President and Council members.

Clerks Comments

- The Clerk has the opportunity to bring up a question, issue, information, etc. to the President and Council members.

President's Report

- The President has the opportunity to bring up a question, issue, information, direction, etc. to the Council members.

Adjournment

- A motion is made to adjourn. The motion is seconded. And a vote taken to adjourn.

Approved at the Regular Meeting dated _____ by motion _____

Carol A. Vandercook – Clerk

Date

Danny Swindle – President

Date