



Hancock City Council Rules of Procedure City of Hancock, Michigan

CITY OF HANCOCK RESOLUTION #20-15

RESOLUTION ENUMERATING THE RULES OF PROCEDURE OF THE HANCOCK CITY COUNCIL

WHEREAS, Rules of Procedure are intended to assist legislative bodies in running efficient meetings and fostering positive interaction with the public, media, and municipal employees; and

WHEREAS, the Charter for the City of Hancock allows for the establishment of Rules of Procedure (Charter Section 4.9c);

NOW, THEREFORE, BE IT RESOLVED, that the Rules of Procedure to be followed by the Hancock City Council are as follows:

REGULAR MEETINGS

1. The Council shall meet regularly on the third Wednesday of each calendar month at 6:00 p.m. in the Council Chambers of Hancock City Hall, 399 Quincy Street.
2. Regular meetings may be rescheduled if warranted by a majority vote of the Council.
3. A notice of all regular meetings including date, time, and place shall be posted at City Hall and on the City's website within 10 days of the first regular meeting of each calendar year.
4. All regular meetings are open to the public and shall comply with the Open Meetings Act (Act 267 of 1976).

SPECIAL MEETINGS

1. Special meetings may be called by the Mayor, City Manager, or any two (2) Councilors. (Charter Section 4.9c.)
2. Notices of all special meetings including date, time, place, and business (action items) to be transacted at the special meeting shall be posted at City Hall and on the City's website at least 18 hours prior to the meeting.
3. No business that was not stated within the notice of the special meeting may be transacted at a special meeting.
4. All special meetings are open to the public and shall comply with the Open Meetings Act.

EMERGENCY MEETINGS

1. Emergency meetings may be convened with less than 18 hours notice in the event of a severe and imminent threat to the health, safety, or welfare of the public when it is determined that delay would be detrimental to the City's efforts in responding to the threat by a 2/3 vote of the full Council.
2. All emergency meetings are open to the public and shall comply with the Open Meetings Act. (See MCL 15.265.)

WORK SESSIONS

1. Work sessions may be held as desired and scheduled by the Council.
2. Notices of all work sessions including date, time, and place shall be posted at City Hall and on the City's website at least 18 hours prior to the session.
3. Work sessions are intended for elongated discussion. No business (action items) may be transacted at a work session other than a vote to adjourn. However, work sessions may be scheduled to precede or follow a regular or special meeting for which proper notification has been given.
4. All work sessions are open to the public and shall comply with the Open Meetings Act.

CLOSED SESSIONS

1. The Council may enter closed session at any regular meeting, special meeting, emergency meeting, or work session pursuant to the manner and permissible purposes enumerated in the Open Meetings Act.

MEETING AGENDAS

1. The agenda of each Council meeting shall be prepared by the City Manager at least 48 hours prior to each regular meeting and prior to the posting (public notice) of each special meeting and/or work session.
2. Material pertinent to agenda items (meeting packets) shall be assembled by the City Manager and/or staff and delivered to Councilors at least 24 hours prior to each regular meeting and at least 12 hours prior to each special meeting and/or work session. Delivery of meeting packets is preferred at least 48 hours prior to any Council meeting, if feasible. Meeting packets shall be delivered to Councilors via email unless other arrangements are made with the City Manager and/or City Clerk.
3. Councilors may submit agenda item requests to the City Manager. Agenda items must pertain to a topic of interest to the City.
4. Members of the public may submit agenda items for consideration and approval by the City Manager. Agenda items must pertain to a topic of interest to the City.

ORDER OF BUSINESS

The order of business for Council meetings shall be as follows:

1. Public hearings (as applicable).
2. Call to order and pledge of allegiance.
3. Roll call and verification of quorum.
4. Review and approval of agenda.
5. Public comment. Including special presentations (as applicable).
6. Communications (as applicable). Communications from anonymous persons may be submitted, but it is within the Council's discretion to not acknowledge anonymous communications in the public record and/or place them on file.
7. Review and approval of previous meeting minutes (as applicable).
8. Reports of authorities, commissions, and committees (as applicable).
9. Administrative report (as applicable).
10. Old business to be considered by the Council (as applicable).
11. New business to be considered by the Council (as applicable).
12. Public comment. The second public comment session may be vacated at the discretion of the Council.
13. Councilors' announcements and comments.
14. Adjournment.

MEETING ATTENDANCE

1. A majority of the full potential membership of the Council constitutes a quorum. (Charter Section 4.9d.) Once established, a quorum is defeated if less than a majority of Councilors remain to conduct business.
2. Regular attendance by Councilors is expected. It is requested as a courtesy that Councilors provide advance notification minimally to the City Manager and Mayor if they intend to be absent from a meeting. Absences may be excused by the Council for reasonable cause to be stated in the meeting minutes. (Charter Section 4.5a.)
3. Three (3) unexcused absences from regular meetings of the Council by any Councilor results in the forfeiture of elective office. (Charter Section 4.5a.)
4. The City Manager shall attend all Council meetings unless excused by the Council. The City Manager is invited and encouraged to participate in Council discussion but may not vote.

CONDUCT OF MEETINGS INCLUDING VOTING

1. The Mayor is the presiding officer for all meetings of the Council. The Mayor Pro-Tem shall be the presiding officer in the absence or disability of the Mayor. (Charter Section 4.9b.) In the absence or disability of both the Mayor and Mayor Pro-Tem, the City Clerk shall call the meeting to order and preside until an Acting Mayor is chosen by the Council.
2. The presiding officer shall endeavor to conduct the meeting in a fashion that strikes a balance between the informality and congeniality associated with communities the size of the City of Hancock and the decorum and formality necessary to conduct business in an orderly manner.
3. The presiding officer may speak and vote at meetings as any other Councilor. (Charter Section 4.9b.)

4. The Council has adopted the current edition of Robert's Rules of Order for conducting meetings. However, Robert's Rules are typically only consulted when questions regarding parliamentary procedure arise and they do not supersede the Council's Rules of Procedure.
5. Motions are passed by the affirmative vote of the majority of the Councilors present unless dictated otherwise by the City Charter, City Code of Ordinances, State Law, or other recognized authority.
6. Councilors may elect to abstain from any vote. Abstentions are never counted as votes cast, but nevertheless may affect the result of a vote. Abstentions also do not count toward a quorum. Some example situations are given below, all assuming a 7-member body:
 - a. 6 members are present for a motion requiring the affirmative vote of the majority of the Councilors present to pass; 3 ayes, 2 nays, 1 abstention; motions passes 3-2.
 - b. 4 members are present for a motion requiring the affirmative vote of the majority of the Councilors present to pass; 3 ayes, 1 abstention; motion fails for lack of a quorum.
 - c. 7 members are present for a motion requiring the affirmative vote of 2/3 of the full Council to pass; 4 ayes, 2 nays, 1 abstention; motion fails for lack of 5 affirmative votes.
7. Voting is done by seating order, oscillating from right to left and left to right throughout each meeting.
8. Voice votes shall be deemed to have passed unanimously if no Councilor states opposition to the motion.
9. The presiding officer may call for a roll call vote as opposed to a voice vote at any time.
10. The presiding officer shall declare the result of every vote taken.
11. Councilors must be physically present at a meeting to vote and to contribute to a quorum. [*The Council is interested in seeking legal input to loosen. Multiple Councilors currently view absentee voting as a violation of OMA.*]
12. Councilors may participate in Council discussion at a meeting via audio- or video-conference provided that all persons present at the meeting may clearly hear the Councilors not present and remote participation in Council discussion is allowed by an affirmative vote of the majority of the Councilors physically present.
13. During Council discussion, Councilors shall endeavor to speak in an orderly and courteous manner, confine comments to the topic at hand, and avoid interrupting others except by point of order. The presiding officer shall maintain order and decorum and may require speakers to be recognized if a less formal environment is contributing to a discussion becoming non-productive.
14. Any ruling of the presiding officer regarding the interpretation of the Council's Rules of Procedure (including interpretations of Robert's Rules of Order) is subject to appeal by any Councilor. Such appeals shall be determined by a majority vote of the Councilors present. Appeals should be made as immediately as possible and the presiding officer should assume that, in the absence of an appeal, the Council is in general agreement with their interpretation.

CONFLICT OF INTEREST

A conflict of interest is any interest competing with or adverse to a Councilor's primary duty of loyalty to the public interest. Pursuant to Act 196 of 1973, commonly referred to as the "State Ethics Act," Councilors shall not:

- divulge confidential information.
- represent their opinion as that of the Council.
- use City personnel, property, or funds for personal gain or benefit.

- solicit or accept gifts/loans/goods/services, etc. which tend to influence their performance of official duties.
- engage in a business transaction in which they may profit from confidential information.
- engage in or accept employment/render services for a public or private interest which is incompatible/in conflict with the discharge of official duties or which may tend to impair their independence of judgment.
- participate in the negotiation or execution of contracts/making loans/granting subsidies/fixing rates/issuing permits, certificates, or other regulation/supervision relating to a business entity in which the Councilor has a financial or personal interest.

Please see MCL 15.342 and the full State Ethics Act for greater detail. Also see Act 317 of 1968 regarding prohibitions on Councilors from pursuing certain public contracts and Act 566 of 1978 regarding incompatible public offices.

1. Councilors are obligated to disclose any real, potential, or perceived conflict of interest pertaining to themselves and/or other Councilors as soon as it is known to them. Such real, potential, or perceived conflicts of interest may involve a Councilor, a member of their immediate family or household, their employer or employee, or any entity in which the Councilor or other person identified above has a personal financial interest. Ideally this is done in advance of any meeting for which an agenda item may represent a conflict of interest for one or more Councilors. Some example scenarios are given below:
 - a. A Councilor contacts the Mayor prior to a meeting and states their intention to abstain from voting on a particular agenda item, effectively recusing themselves due to a real, potential, or perceived conflict of interest.
 - b. A Councilor contacts another Councilor prior to a meeting and inquires if the second Councilor may have a conflict of interest regarding a particular agenda item.
 - c. A Councilor contacts the Mayor prior to a meeting and inquires if another Councilor may have a conflict of interest regarding a particular agenda item. The Mayor then follows up with the Councilor who may have a conflict of interest.
2. If the issue of a real, potential, or perceived conflict of interest is raised and the Councilor who may have a conflict of interest (aka the Councilor in question) does not recuse themselves from voting, any other Councilor may motion for the Councilor in question to be excused (prohibited) from voting on the particular agenda item in question. If such a motion is seconded and 2/3 of the Councilors present, not including the Councilor in question, vote affirmatively to excuse the Councilor in question from voting, then the Councilor in question will be recorded as abstaining on the particular agenda item in question.
3. A Councilor who has expressed their intention to abstain from voting or has been excused from voting by the remainder of the Council due to a real, potential, or perceived conflict of interest may not participate in the discussion pertaining to the particular agenda item in question.
4. An interest that a Councilor shares in common with the general public interest does not constitute a conflict of interest.
5. No Councilor may vote on a matter which they have a proprietary or financial interest in or which they may gain a financial benefit from. (Charter Section 4.6d; see also Charter Section 14.5.)

RECONSIDERATION

1. Any Councilor voting in the majority on any motion may move for reconsideration of the motion at the meeting the motion being reconsidered was voted on or at the immediately succeeding meeting of the Council.
2. Other than as outlined in the immediately preceding paragraph, no motion voted on by the council may be reconsidered within a period of 90 days following the initial vote.

PUBLIC PARTICIPATION

1. Members of the public are invited and encouraged to attend all meetings of the Council.
2. Members of the public shall have the opportunity to address the Council at every meeting during the designated public comment period(s). Persons addressing the Council shall state their name, residential address, and affiliation with the City (if applicable). The duration allotted individual speakers may be limited, with typical limits ranging from three (3) to five (5) minutes.
3. During public hearings, public comment shall be limited to the subject of the public hearing.
4. During special meetings, public comment shall be limited to the subject(s) on the agenda of the special meeting.
5. At times it is desirable to include one or more members of the audience (City staff, commission members, contractors, affected members of the public, etc.) in Council discussion. The presiding officer may allow a member of the audience to participate in Council discussion at their discretion. Other Councilors wishing to engage a member of the audience in Council discussion shall make such a request to the presiding officer.
6. Any Councilor objecting to a decision of the presiding officer with respect to this section may raise a prompt objection. Such objections shall be determined by a majority vote of the Councilors present. The presiding officer should assume that, in the absence of an objection, the Council is in general agreement with their action.

INTERACTION WITH CITY STAFF

1. In their role as City Council members, Councilors shall direct all requests regarding City-related activities to the City Manager. Councilors shall not give direction to City staff, either publicly or privately. (Charter Section 4.6b.)
2. In their role as City Council members, Councilors shall direct all requests pertaining to the City Assessor, City Attorney, and/or City Auditor to the City Manager.
3. The Council must recognize the supervisory nature of the City Manager's position and respect the authority necessary to perform the functions and duties of that position. The City Manager is accountable only to the Council as a whole, and not to individual Council members. The Council shall rely on the City Manager to give orders or direction to any of the subordinates of the City Manager.

COUNCIL COMMITTEES

1. Council committees may be standing (constituted annually or as necessary) or ad hoc (constituted for a specific task or topic).
2. All committees are advisory in nature. (Charter Section 4.16.) Committees and committee members shall not act or speak on behalf of the Council. Committees and committee members shall not expend funds or otherwise contract with non-members without advance approval by a majority vote of the full Council.
3. Committees shall be comprised of a maximum of three (3) Councilors. This maximum will be reduced to two (2) Councilors in the event that (3) Councilors constitutes a quorum of the Council. Although not typical, committees may include the City Manager, staff, and/or other individuals deemed valuable to the committee's charge.
4. Councilors shall not attend a committee meeting of a committee that they are not currently a member of without advance approval by a majority vote of the full Council.
5. All committee appointments shall be made by the Mayor and approved by a majority vote of the full Council.

ORDINANCES AND RESOLUTIONS

1. Any Councilor may propose an ordinance or resolution for adoption.
2. It is requested as a courtesy that Councilors planning to propose an ordinance or resolution provide the full text of such to all Councilors and the City Manager sufficiently in advance of the meeting that said ordinance or resolution will be proposed for adoption.

ELECTION OF MAYOR AND/OR MAYOR PRO-TEM

A Mayor and Mayor Pro-Tem are elected by the Council from the members of the Council each November (Charter Section 4.9b.) and whenever a vacancy occurs in either position.

Election of Mayor

1. The City Clerk, or the designee thereof, is the initial presiding officer at a November organizational meeting or, in non-election years, the first regular meeting in November.
2. The presiding officer calls for nominations from the floor for Mayor.
3. Any Councilor may make a nomination for Mayor. Nominations need not be seconded and Councilors may nominate themselves. Councilors need not be present to be nominated. Each Councilor is limited to making one nomination that is not declined (see below).
4. The presiding officer repeats the name of the nominee for the assembly.
5. The Councilor nominated may decline the nomination and in the absence thereof is presumed to accept the nomination. If the Councilor nominated is not present it is recommended, but not necessary, to have foreknowledge that the Councilor is willing to serve in the position if elected.
6. Nominations are accepted from the floor until it appears that all Councilors desiring to make a nomination have spoken. The presiding officer then asks the assembly if there are any further nominations. The presiding officer closes nominations when no further are forthcoming.
7. Following the close of nominations the presiding officer repeats the names of the nominees to the assembly in the order in which they were nominated.
8. If there is only one nominee, the presiding officer calls for a vote for the election. If there are multiple nominees, the presiding officer calls for a vote for the election of the first nominee. If

the first nominee receives the affirmative vote of the majority of the Councilors present, they are elected. Otherwise, the presiding officer calls for a vote for the election of the second nominee. If the second nominee receives the affirmative vote of the majority of the Councilors present, they are elected. Voting continues in this manner until someone is elected.

9. If present, the Mayor becomes the presiding officer immediately upon election.
10. There is no rite of succession from Mayor Pro-Tem to Mayor. If the position of Mayor is vacant it shall be filled by nomination and vote from all members of the Council.

Election of Mayor Pro-Tem

1. The Mayor, or the presiding officer in the absence or disability of the Mayor, calls for nominations from the floor for Mayor Pro-Tem.
2. Nominations and voting proceed in the identical manner as described for the election of Mayor above.

SUSPENSION OF RULES

1. Any portion of the Council's Rules of Procedure may be temporarily suspended by an affirmative vote of four (4) Councilors.

MISCELLANEOUS

1. As the legislative body, the Council is responsible for establishing policies and goals for the City. It is incumbent on the Council to communicate its visions, objectives, priorities, and concerns to the City Manager.
2. Councilors shall not represent anything that is contrary to the public record of the City. (Charter Section 15.2.) Councilors shall not act or speak on behalf of the Council or represent the Council in any manner without the consent of the Council. Councilors are advised to proceed judiciously at all times in City-related communications, publicly and privately. Other than some largely procedural functions assigned to the Mayor, all authority resides with the Council and not with individual Councilors.
3. Councilors shall not divulge confidential or privileged information, such as legal opinions and minutes of closed sessions.
4. A photograph of each Councilor as well as a telephone number and/or email address where each Councilor may be contacted shall be published on the City's website.
5. Councilors are expected to be knowledgeable on municipal government function as it pertains to the City of Hancock. Periodic review of the City Charter, Council's Rules of Procedure, Master Plan, and commonly referenced municipal law such as the Open Meetings Act is encouraged, be it individually or as a group, as is participation in training opportunities provided by the Michigan Municipal League and/or other applicable entities.
6. The Council's Rules of Procedure are not all-inclusive in that they do not contain every situation the Council may encounter. The Council is advised to use common sense when dealing with a topic not within the Rules.
7. The Council's Rules of Procedure may be amended by a majority vote of the full Council.

CONTROLLING AUTHORITY

1. The Council's Rules of Procedure shall be followed unless superseded by the City Charter, City Code of Ordinances, State Law, or other recognized authority.

Motion offered at a special meeting of the Hancock City Council on Tuesday, September 29, 2020, by Councilor Haeussler and seconded by Councilor Slivon.

Ayes: Councilors Blau, Lytle, Slivon, LaBine, Seguin, Warstler, and Haeussler.

Nays: None.

Adopted this 29th day of September, 2020.

Paul LaBine, Mayor

Ashley Freeman, City Clerk