

**Frankenmuth City Council  
Rules of Procedure  
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**Frankenmuth City Council  
Rules of Procedure**

**1. Authority.** These rules were adopted by resolution of the City Council pursuant to the authority of the Frankenmuth City Charter [Section 5.7(f)]. None of the rules herein stated may supersede the City Charter, City Code or Laws of the State of Michigan.

**2. City Council Meetings.**

**2.1 Regular Meetings and Work Session Meetings.** The regular meetings and work session meetings of the City Council shall be held on the first Tuesday of each month, unless otherwise determined by the Council. The Council will approve by resolution the regular meeting and work session meeting schedules for the following calendar year, including exceptions to the first Tuesday meeting, no later than the regular December Council meeting of each calendar year.

**2.2 Special Meetings.** Special meetings of the Council shall be called by the City Clerk upon the request of the Mayor, City Manager, or any two (2) members of the Council or by a majority vote of the Council. Notice of a special meeting shall be given to each member of the Council at least 18 hours in advance of the meeting. Such notice shall be served personally or left at each Council member's usual place of residence by the City Clerk or his/her designee. The notice shall contain the time, place and purpose of the meeting.

**2.3 Emergency Special Meetings.** Emergency special meetings shall be held only upon the consent of 2/3 of the Council members and only if a delay to allow notice would present a severe and imminent threat to health, safety or welfare of the public.

**2.4 Place of Meetings.** Regular, work session and special meetings of the Council will be held in the Meeting Chambers of the City & Township Government Center, unless otherwise determined by the Council. If the Meeting Chambers appear to be inadequate for members of the public to attend, the City Clerk may change the meeting to a larger room. A notice of such change shall be prominently posted on the door of the City & Township Government Center. If time permits the City Clerk will also publish notice of the change in meeting place in the Frankenmuth News.

**2.5 Time of Meetings.** Regular meetings of the Council will begin at 7:00 P.M., unless otherwise determined by the Council. Work session meetings will begin at 7:30 A.M., unless otherwise determined by the Council. Special meetings may be scheduled at other times provided the meeting time is included in the meeting notice. Meetings will not be scheduled at times which would discourage public attendance.

**2.6 Changes in Meeting Schedule.** Changes in the meeting schedule may be made upon the approval of a majority of the City Council members during a regular or special meeting. When time permits, the City Clerk will publish notice of such change in the Frankenmuth News.

**3. Public Notice of Meetings.** The City Clerk shall be responsible for providing the proper notice of all meetings of the Council.

**3.1 Meeting Schedule.** The City Clerk shall post a notice of the regular and work session meeting schedule for the next calendar year at the City & Township Government Center and publish said notice in the Frankenmuth News, prior to the beginning of each calendar year. Said notice shall indicate the dates, times and locations of the scheduled meetings.

**3.2 Schedule Change.** Whenever the Council changes its meeting date, the City Clerk shall post a notice of the change within three (3) days following the meeting in which the change was made. When time permits, the City Clerk will publish notice of such change in the Frankenmuth News.

**3.3 Special Meetings.** If a special Council meeting is called pursuant to Section 2.2 above, the City Clerk shall post notice of such meeting immediately. No meeting, except an emergency meeting, may be held until such notice has been posted at least 18 hours.

**4. Quorum.** Four (4) City Council members shall constitute a quorum for the transaction of business at all City Council meetings.

**5. Agendas.**

**5.1 Regular Meeting Agendas.** The City Manager shall prepare the agenda of business for all regular meetings. The City Manager will distribute copies of the agendas to the Council members on the Friday afternoon preceding each regular meeting. After the meeting is called to order the Council will vote to approve the agenda with or without the addition of any items presented to the City Manager after 12 o'clock noon on said Friday. A majority vote of the Council members present is required to approve the agenda and to add any additional items.

**5.2 Work Session Meeting Agendas.** The City Manager shall prepare the agenda of business for all work session meetings. The City Manager will distribute agendas to the Council on the Friday afternoon preceding each work session meeting. After the meeting is called to order the Council will vote to approve the agenda with or without the addition of any items presented to the City Manager after 12 o'clock noon on said Friday. A majority vote of the Council members present is required to approve the agenda and to add any additional items.

**5.3 Special Meeting Agendas.** The City Manager shall prepare the agenda of business for all special Council meetings. The agenda will consist only of the matters so stated in the notice of the meeting.

**5.4 Order of Business.** The City Manager shall determine the order of business of the meeting when preparing the agenda. The Chair, upon hearing no objection, may change the order of business. Should an objection be made, such proposed change shall be approved by a majority vote of the members present.

## **6. Conduct of Meetings.**

**6.1 Chair.** The Mayor shall moderate and chair all meetings of the Council. In the absence of the Mayor, the Mayor Pro-Tem shall assume the duties of the Chair. If neither person is present at the meeting, the Council shall select one of its members to preside until the Mayor or Mayor Pro Tem is present.

**6.2 Members of the Public.** Members of the public in attendance at a Council meeting shall not speak unless recognized by the Chair. Members of the public shall be limited to speaking for a maximum of three minutes during any public hearing or public comment. The Council may waive the three minute limit by a majority vote of the Council members present. Prior to addressing the Council, members of the public must also identify themselves by stating their name and whether or not they are a resident of the City of Frankenmuth.

Any person shall be permitted to address the Council during the period set for public comment if that person has, prior to the commencement of the meeting, registered on a form provided by the Clerk. The form will require the person to provide their name and to indicate whether or not they are a resident of the City of Frankenmuth. When the meeting is called to order the Clerk will deliver the form(s) to the Chair who will recognize each registrant in whatever sequence the Chair thinks proper. The requirement for submittal of a written request to speak may be waived by the Chair. No person will be allowed to speak prior to being recognized by the Chair.

**6.3 Hearings.** Hearings shall be scheduled and due notice given in accordance with all applicable laws and ordinances. Public hearings shall be conducted by the Council in an orderly and timely fashion. This shall be accomplished by the following procedure:

- A.** The Chair shall recognize each person before they may speak.
- B.** When recognized by the Chair, the person must state his/her name and must indicate whether or not they are a resident of the City of Frankenmuth prior to speaking.
- C.** All comments, opinions and questions must be addressed directly to City Council.
- D.** No person will be allowed to speak for more than three minutes without approval of a majority vote of the Council members present.
- E.** The Chair may limit to one the number of times a person will be recognized to speak during each public hearing.
- F.** Speakers shall be respectful of all persons in attendance and the Council members.

**6.4 Disorderly Conduct at Meetings.** The Chair may call to order any person who is being disorderly by speaking when not recognized by the Chair or by speaking for more than the allotted time or by otherwise disrupting the proceedings. Such person shall thereupon be seated until the Chair has determined whether the person is in order. If a person so engaged in presentation is called out of order, he or she shall not be permitted to speak at the same meeting, except upon special permission by the City Council. If the person continues to be disorderly or disrupts the meeting, the Chair may order the Police

Department to remove the person from the meeting. No person will be removed from a City Council meeting except for an actual breach of the peace committed at that meeting.

## **7. Record of Meetings.**

**7.1 Meeting Records.** The City Clerk shall be responsible for the maintenance of the official record and minutes of each meeting of the Council. The minutes shall include all actions of the Council with respect to motions, including the name of the person who made the motion and the name of the person who seconded it. If the vote is by roll call, the minutes shall indicate who voted, "Yes", "No" or "Abstained". The number of "Yes", "No" and/or "Abstained" votes shall be recorded upon the passage and adoption of all ordinances and resolutions.

The City Clerk shall also maintain in the City & Township Government Center a file of all resolutions and ordinances acted upon by the Council.

**7.2 Record of Discussion.** The City Clerk shall not be responsible for maintaining a written record or summary of all the discussion or comments of the Council members or members of the public made at Council meetings.

**7.3 Public Access to Meeting Records.** The City Clerk shall make available to members of the public the minutes of all open meetings of the Council. Proposed minutes prepared by the City Clerk, but not yet approved by the Council, shall be available for public inspection not more than eight (8) business days following the meeting. Minutes approved by the Council shall be available within five (5) business days of the meeting at which they were approved.

**7.4 Publication of Minutes.** The City Clerk shall be responsible for the publication of a summary of the proposed minutes of all open Council meetings within a reasonable period of time after the meeting. The publication shall also list a website address link where a complete copy of the minutes will be available for public inspection. The Frankenmuth News is designated as the official newspaper for purposes of publication.

## **8. Closed Meetings.**

**8.1 Purpose and Procedure.** Upon a 2/3 roll call vote of the total number of members of the Council (minimum of five), the City Council may go into a closed meeting for any of the following reasons in accordance with the provisions contained within the Open Meetings Act, as amended:

- A. Purchase of Real Property.** To consider the purchase or lease of real property up to the time an option to purchase said real property is obtained.
- B. Pending Litigation.** To consult with its attorney(s) regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have detrimental financial effect on the litigation or settlement position of the City.

- C. Applicant Information.** To review specific contents of an application for employment or appointment to a public office, but only when the candidate requests confidentiality. However, all interviews by the Council shall be conducted in an open meeting.
- D. Materials Exempt by Statute.** To consider materials specifically exempt from discussion or disclosure by state or federal statute.

Upon a simple majority roll call vote of the total number of Council members (minimum of four), the City Council may go into a closed meeting for the following reasons:

- A. Complaints and Evaluations.** To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, an employee, staff member or individual agent, but only when the named person requests a closed meeting.
- B. Union Contract Negotiations.** For strategy and negotiation discussions connected with the negotiation of a collective bargaining agreement.

The roll call vote to go into a closed meeting must be recorded in the minutes of the open meeting. Upon ending a closed meeting, the Council must reconvene the open meeting and affirm any actions taken in the closed meeting.

**8.2 Minutes of Closed Meetings.** Minutes of closed meetings must be kept and must be approved along with the open meeting minutes by the Council. Minutes of closed meetings shall include the date, time, place, members present and absent, purpose of the closed meeting, a record of all decisions made and actions taken, and the recording of roll call votes. However, the minutes of closed meetings are not to be made available to the public, unless required following a court order. Minutes of closed meetings shall be retained only by the City Clerk and shall be destroyed one year and one day after approval of the minutes of the open meeting at which the closed meeting was approved.

**9. Parliamentary Procedure.** The rules of Parliamentary Procedure as contained in Robert's Rules of Order, Newly Revised, most recent edition, shall govern the City Council in all cases to which they are applicable, unless they are in conflict with these rules, the City Code or City Charter or the laws of the State of Michigan.

## **10. Motions.**

**10.1 Statement of the Motion.** No motion, resolution or ordinance shall be adopted until it has been restated by the Chair. The Chair may ask the City Clerk for clarification in these matters.

**10.2 Non-Debatable Motions.** A motion to adjourn, recess, lay on the table or to vote immediately shall be voted upon without further debate.

## **11. Voting.**

**11.1 Duty to Vote.** An affirmative vote of the majority of the Council (minimum of four) shall be required for the approval of any proposed action or motion placed before the Council. Voting shall ordinarily be by voice vote, with the exception of roll call votes as specified in sub-section 11.2 below. Whenever a proposed action or motion is placed before the Council, all Council members present including the Chair shall vote. No Council member present shall abstain from voting, unless that member states a conflict of interest. Conflict of interest shall be the sole reason for a request to abstain from voting. If a question of conflict of interest arises, the Council shall by simple majority vote of the remaining members determine whether a conflict exists. Any member abstaining from a vote shall not participate in the discussion of that item.

**11.2 Roll Call Votes.** Roll call votes shall be taken when required by law or City Charter, or at the request of any Council member, or when the Chair cannot determine the results of a voice vote.

**12. Appointments.** Where no appointment procedure is defined by law, the City Charter or ordinance, appointments will be made by the Mayor and be subject to the approval of a majority of the Council. Boards and Commissions operating under the jurisdiction of the City Council may make recommendations to the Council regarding appointments, but the Mayor and Council shall not be bound by such recommendations.

In the event there are more nominees than openings for appointment, the Council shall vote by paper ballot to select those persons to be appointed. Each Council member shall write his/her name on their ballot. After the ballots have been cast and tabulated, the Council shall consider a motion to appoint the persons with the highest number of votes. Said ballots will be made available for public inspection.

**13. Freedom of Information.** All records, files, publications, correspondence and other materials are available to the public for reading, copying and other purposes as required pursuant to the Michigan Freedom of Information Act.

**14. Amendments.** These rules of procedure may be amended by the City Council by a concurring vote pursuant to Section 11 above during any open meeting, provided that all members have received a copy of the proposed amendments at least three (3) days prior to the meeting at which such amendments are to be considered.

I hereby certify that these Rules of Procedure were adopted by the City Council of the City of Frankenmuth, County of Saginaw, State of Michigan, at a regular meeting held on November 5, 2008, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

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Phillip W. Kerns, City Clerk