



CITY COUNCIL
DOWNTOWN MANAGEMENT BOARD
PLANNING COMMISSION
ZONING BOARD APPEALS

February 24, 2020

Special Meeting

1. Call to Order – **5:30 P.M.** - City Hall Council Chambers
2. Recitation - Pledge of Allegiance to the Flag of the United States of America
3. Roll Call
4. New Business – Hear Robert's Rule of Order presentation by City Attorney James Murray
5. Adjournment



City of Petoskey

Agenda Memo

BOARD: City Council, DMB, Planning Commission and ZBA

MEETING DATE: February 24, 2020 **PREPARED:** February 20, 2020

AGENDA SUBJECT: Robert's Rule of Order Presentation

RECOMMENDATION: That City Council and Boards and Commissions hear presentation

Background City Attorney James Murray will give a brief presentation on Robert's Rule of Order and parliamentary procedures. Members from City Council, Downtown Management Board, Planning Commission and Zoning Board of Appeals have been invited to this special joint session.

Action That City Council and Boards and Commissions hear the presentation and ask any questions or comments.

sb
Enclosure

Section 2: Roles and Responsibilities

Chapter 6: Successful Meetings

Rules of Procedure

Adopting rules of procedure to govern its meetings may very well be one of the most important actions a council takes. These rules assist in ensuring that meetings are efficient and genial and provide guidelines for dealing lawfully and effectively with the public and the media

The council should review its rules of procedure at its first meeting after members elected at the municipality's regular election have taken office and when a quorum is present. Following discussion and any amendments, the council should adopt the rules of procedure by majority vote.

Typically, council rules contain provisions for:

- notification of meetings;
- regular and special meetings;
- attendance at meetings;
- meeting information packets;
- agenda preparation and distribution (including the use of a consent agenda);
- voting;
- public hearings;
- parliamentary procedure;
- conduct of meetings (decorum of council members; disorderly conduct);
- public participation;
- minute preparation;
- committees (establishing; appointments; duties and responsibilities);
- resolutions; and
- ordinances (introduction; public hearing; publication; amendments).

The rules should indicate the sequence of the council agenda as well as the procedure for holding public meetings. They might also include whether or not the mayor or president is entitled to speak in debate, any restrictions on abstentions, how items are added to the agenda, how the agenda is distributed, limits on speeches—basically

anything having to do with how you procedurally conduct your meetings.

Agendas

An agenda is a guide for conducting an official business meeting of a duly constituted body. Generally, the person who sets the agenda is the presiding officer (hereafter called the chair). The chair should set a deadline before each meeting to receive agenda items. The deadline should allow enough time before the meeting for an agenda to be produced and supporting information and documents to be mailed or delivered to the members. Board or council members should have enough time before the meeting to read and digest the information. Allowing time for the members to prepare will help the meeting proceed at a more efficient pace.

The chair should mail a message or verbally remind each person on the board or council of the deadline each time an agenda is being prepared. Most people can be verbally reminded before the preceding meeting is adjourned. Other interested and appropriate individuals should also be notified of the date and time when agenda items are due.

The person responsible for each agenda item should be listed on the printed agenda next to that item.

Sample Agenda Outline

1. Call to Order (Pledge of Allegiance, if there is to be one)
2. Roll Call
3. Approval of (regular/special) minutes of the last meeting
4. Approval of Agenda
5. Public Comments – Reserved Time (for items listed on this agenda)
6. Petitions and Communications
7. Consent Agenda

8. Introduction and Adoption of Ordinances and Resolutions; Public Hearings
9. Reports of Officers, Boards and Committees; Routine Monthly Reports from Departments
10. Unfinished Business (unfinished or pending matters)
11. New Business
12. Miscellaneous
13. Public Comments – General
14. Recess – Work Session
15. Closed Session (for situations that meet the circumstances specified in the Michigan Open Meetings Act.)
16. Adjournment

Open Meetings Act

The basic intent of the Open Meetings Act (OMA) is to strengthen the right of all Michigan citizens to know what goes on in government.

Briefly, the OMA requires that nearly all deliberations and decisions of a public body be made in public. While it sounds simple, problems arise in the definition of terms. What is a “public body”? Is a subcommittee of the council a “public body”? Is a discussion of the candidates for the manager’s position a “deliberation”? Does the council have to discuss its final offer to the fire union in public session? The answer to most of these questions is the same: “It depends.”

Remember, the general rule of thumb is to conduct the public’s business in public. Deliberate so the constituents know why decisions are made. Deliberations and documents may be kept confidential only when disclosure would be detrimental to the municipality, not when the matter would be uncomfortable or embarrassing.

When specific circumstances cause you to question the appropriateness of a closed session or the appropriate posting requirements, the safest course of action is to follow the guidance of your municipal attorney. The specific details of the situation and recent legislation and court decisions will make each situation unique.

Closed meetings

In order for a public body to hold a closed meeting, a roll call vote must be taken; depending on the circumstances, either two-thirds of its members must vote affirmatively or it must be a majority vote. (See Appendix 2: Overview of the Open Meetings Act). Also, the purpose for which the closed meeting is being called must be stated in the meeting when the roll call is taken. The law provides for closed meetings in a few specified circumstances:

- to consider the purchase or lease of real property (2/3 vote);
- to consult with its attorney about trial or settlement strategy in pending litigation, but only when an open meeting would have a detrimental financial effect on the public body’s position (2/3 vote);
- to review the contents of an application for employment or appointment to a public office when the candidate requests the application to remain confidential (2/3 vote). However, all interviews by a public body for employment or appointment to a public office must be conducted in an open meeting; and
- to consider material exempt from discussion or disclosure by state or federal statute (2/3 vote); and
- to consider dismissal, suspension or disciplining of, or to hear complaints or charges brought against or to consider a periodic personnel evaluation of, a public officer or employee if requested by the named person (majority vote).

Recording Minutes

Minutes are recorded to provide an accurate written history of the proceedings of a board, commission, or committee meeting. The OMA contains the legal requirements for minutes of public body meetings. Minutes must be kept for all meetings and are required to contain:

- a statement of the time, date, and place of the meeting;
- the members present as well as absent;

- a record of any decisions made at the meeting and a record of all roll call votes; and
- an explanation of the purpose(s) if the meeting is a closed session.

Except for minutes taken during a closed session, all minutes are considered public records, open for public inspection, and must be available for review as well as copying at the address designated on the public notice for the meeting.

Proposed minutes must be available for public inspection within eight business days after a meeting. Approved minutes must be available within five business days after the meeting at which they were approved.

Corrections in the minutes must be made no later than the next meeting after the meeting to which the minutes refer. Corrected minutes must be available no later than the next meeting after the correction and must show both the original entry and the correction.

Closed Meeting Minutes

Minutes of closed meetings must also be recorded, although they are not available for public inspection and would only be disclosed if required by a civil action. 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.

Public Hearings

Council rules should include a procedure for public hearings. A *public hearing* is that portion of a meeting designed specifically to receive input from the public on a single issue. It may be required by ordinance, charter, or statute. The time, place, and subject of the hearing must be posted as required by the ordinance, charter, or statute. The hearing may be before, during, or after a regular meeting or may be at a special meeting called specifically for that purpose. Public hearings are formal meetings of the council to obtain input from the public. Public hearings offer citizens an opportunity to be heard, and should be viewed as a

serious effort on the part of elected officials to secure as much information as possible about a topic before a final decision is made. Public hearings are legal requirement for some matters, such as:

- adoption of the budget, and
- changing the zoning ordinance.

Local charters may also include provisions on public hearings, such as requiring a public hearing for the consideration of a proposed ordinance. Even if not required by law, a public hearing can be useful in helping municipal officials understand how their constituents feel and why they feel that way.

Parliamentary Procedure

A good working knowledge of meeting management and the basic elements of parliamentary procedure will engender a sense of confidence at your first public meeting. You should feel comfortable with how to make a motion, what is expected of you in debate, and how a vote is taken. In other words, know your rights and how to enforce and protect them.

Parliamentary procedure is not meant to be restrictive or prevent free expression of opinion, but rather to serve as a protection of the rights of all—the majority, the minority, individual members, absent members, and all of these together. For a governmental body, that also includes your constituency—the public. The purpose is to expedite business, maintain order, insure justice, and make sure that the will of the organization is accomplished properly and fairly. In other words, these procedures are designed to help, not hinder, the process.

In a message to Congress in 1961, President John F. Kennedy stated “The basis of effective government is public confidence.” As a member of your city or village council, you can help inspire that confidence by being professional in your duties, by having a good working knowledge of parliamentary procedure, and by projecting your image as an efficient, fair-minded, knowledgeable official. An orderly, smoothly run meeting, one that

accomplishes the tasks at hand, should be your goal. And it shouldn't last too long either.

It all sounds so simple. A motion is made, discussed, and voted on. How much easier can it get? Well, we have a tendency to make it much more difficult than it has to be.

Parliamentary law is composed of the rules and customs governing deliberative assemblies. The most widely used authority is *Robert's Rules of Order Newly Revised* (*Roberts Rules*), used by more than 75 percent of all deliberative assemblies, including governmental bodies. Meetings of governmental bodies are regulated by federal and state laws (such as the Open Meetings Act), which take priority, and local charters (which may stipulate that the president votes only to break a tie), and any rules that your municipality has adopted regarding procedure. **If you have adopted the current version of *Roberts Rules*, it should be consulted as a last resort if nothing else applies, not as the first and foremost authority.**

As a member of the public body, you have the responsibility to become familiar with requirements and restrictions under the OMA, your own governing documents—especially your charter—and your council rules of procedure. Your agenda, how business is introduced, how debate is conducted, how the vote is taken—all of these things have their basis in parliamentary procedure.

There are some basic concepts that are common to all organizations: a quorum must be present to take legal action; only one main proposition can be on the floor at a time; only one member can speak at a time; the issue, not the person, is always what is under discussion; and usually, a majority vote decides.

A motion is handled in the following manner:

1. A member is recognized and makes a motion by stating “I move...” (Never use “I want to...” or “I think we should...” or “I motion...” or “So moved.”)

2. Another member “seconds” the motion, without waiting for recognition. This means that another person thinks the subject is important enough for discussion and vote. (To expedite business and avoid confusion when no second is offered, you might want to adopt a rule that eliminates the requirement for a second).
3. The chair states the question: “It is moved and seconded that . . .” The motion now belongs to the assembly for discussion.
4. The chair asks: “Is there any discussion?” or “Are you ready for the question?” The motion is opened for debate, and the member who made the motion has first priority in speaking to the question. According to *Roberts Rules*, each member has the right to speak twice in debate, but may not speak the second time until everyone has had a chance to speak the first time.
5. The chair states “The question is on the adoption of the motion to...” the vote is taken by whatever means is established in your community. If by voice vote, “All those in favor say ‘aye’. All those opposed, say ‘no’.”
6. The chair announces the results of the vote. “The ayes have it and the motion is adopted.” Or “The nays have it, and the motion is lost.”

The chair must be comfortable not only with procedures in handling motions, but also showing impartiality; keeping the discussion focused; soliciting opinions from members; not allowing blame-oriented statements; protecting staff and colleagues from verbal abuse or attack; encouraging alternate solutions; making sure everyone knows what is being voted on; and, even explaining what a “yes” or a “no” vote means.

Individual members should respect their colleagues and the chair; obtain the floor by being recognized by the chair before speaking; use correct terminology; limit remarks to the issue under consideration; raise concerns and objections during debate;

and, actively listen to citizen input and discussion.

Also, remember silence gives consent. Some communities have a restriction on the ability of members to abstain from voting, or they may need approval of a majority, or even unanimous approval, of the other members, in order to abstain from voting. If you have no such rule, you may abstain, but the abstention is not counted as a “yes” or “no” vote. In essence, you have given your permission to the will of the majority, whatever that might be.

Following are the five classes of motions and some examples of when to use them:

1. Main motion
 - To introduce a subject, *make a main motion*
2. Subsidiary motions assist the members in treating or disposing of a main motion
 - To kill or reject a main motion without a direct vote on it, *move to postpone indefinitely*
 - To change a pending motion, *move to amend*
 - To send a pending question to a small group for further study, *move to commit or refer*
 - To put off action or a decision until later in the same or next meeting, *move to postpone definitely*
 - To change the rules of debate, *move to limit or extend limits of debate*
 - To close debate, *move the previous question*
 - To set aside the pending question temporarily in order to take up more pressing business, *move to lay on the table*
3. Privileged motions deal with rights and privileges of members and do not directly affect the main motion.
 - To return to the printed agenda, *call for the orders of the day*
 - To secure a privilege, such as insuring your ability to see or

hear, *raise a question of privilege*

- To take a short break in the meeting, *move to recess*
 - To close a meeting, *move to adjourn*
 - To set a time to continue the business to another day without adjourning the current meeting, *move to fix the time for which to adjourn*
4. Incidental motions are incidental to the business at hand
 - To endorse the rules, *rise to a point of order*
 - To reverse or question the decision of the chair, *appeal*
 - To question the correctness of a voice vote as announced by the chair, *call for a division of the assembly* (rising vote)
 5. Motions that bring a question again before the assembly allow the assembly to reopen a completed question
 - To give members a chance to change their minds, some motions can be redebated and revoted. The move must come from the prevailing side (yes if it was adopted; no if it failed), *move to reconsider*
 - To change what was adopted at a previous meeting, *move to amend something previously adopted*
 - To change the outcome of an affirmative vote, *move to rescind*

Each of these motions, of course, has its own rules regarding when it is in order, if it must be seconded, if it is debatable or amendable, and what vote is required for adoption; and even if it can be reconsidered. Make it your business to become as knowledgeable as you can, and then share your knowledge with others.

This chapter is based on materials provided by **Connie M. Deford**, retired city clerk of Bay City.