

BYLAWS, POLICIES AND PROCEDURES FOR WEST BRANCH CITY COUNCIL

ARTICLE I ELECTION OF MAYOR PRO-TEM

Section 1. Election of Council Officers. The Council shall, at its first meeting in January of each even-numbered year, elect one of its members to serve as mayor pro-tem for a term expiring two years from such date.

Section 2. Presiding Officers.

(a.) The Mayor shall preside over all the meetings of the Council (regular and special Council meetings, public hearings, and work sessions).

(b.) The Mayor Pro Tem shall preside over the meetings of the Council in the absence of the Mayor

(c.) If the Mayor and Mayor Pro Tem are absent from a meeting, the Council may designate another of its members to serve as acting Mayor.

ARTICLE II VACATED ELECTIVE POSITIONS

Section 1. Filling of Vacancies.

(a.) In the event of a vacancy in the office of any member of City Council, the remaining members by majority vote shall appoint within 30 days a qualified person to fill the balance of the original unexpired term; provided, however, that if the period remaining of such term is 90 days or less no appointment shall be made.

(b.) If any vacancy of any member of City Council which the Council is authorized to fill is not so filled within 30 days after such vacancy occurs, or if three or more vacancies exist simultaneously in the Council, such vacancies shall be filled for the balance of the respective unexpired terms at a special election.

Section 2. Procedures for Filling Vacancies.

(a.) Nomination to a vacant elected position shall occur by the self-nomination of the applicant or nomination by a Council Member.

(b.) All names nominated shall be notified and invited to attend a City Council meeting in order to be interviewed by Members of the council. A motion for appointment to fill a vacancy in office must be made and seconded and approved by majority vote of City Council.

Section 3. Vacancy in Presiding Office. Vacancy in the Mayor Pro Tem position

shall be filled by appointment no later than the second regular meeting following the effective date of the vacancy.

Section 4. Unfilled Vacancies. In the event an election to appoint an individual to a vacancy within an elective position is not able to be held, the same nomination and appointment procedure as noted in Article II, section 2 shall be utilized at every successive regular City Council meeting until an appointment is approved.

Section 5. Provisions for Filling Vacancies. The provisions for filling vacancies in Article II supersede Robert's Rules of Order.

ARTICLE III GENERAL POLICY

Section 1. Council Mail. Members of the Council shall be responsible for checking their email provided by the City Clerk's office.

Section 2. Absences.

Members of the Council shall notify the Mayor, via the City Clerk, if they are unable to attend any meetings and/or study sessions.

Section 3. Review of Bylaws, Policies and Procedures. Upon the written request of three or more Council Members, these bylaws shall be reviewed at a study session. Proposed revisions shall be voted upon at a regular Council meeting.

Section 4. Quorum. A majority of the members of the Council in office at the time shall be a quorum for the transaction of business at all council meetings but in the absence of a quorum a lesser number may adjourn any meeting to a later time or date, and in the absence of all members the clerk may adjourn any meeting for not longer than one week. Written notice shall be given of all adjourned meetings.

ARTICLE IV COUNCIL AGENDA

Section 1. Agenda Deadline.

- (a.) The deadline for agenda items will be the Thursday, prior to the Council meeting at 4:30 p.m.
- (b.) All information pertaining to an agenda item shall be submitted to the City Clerk by 4:30 p.m. on the Thursday, prior to the Council meeting date.
- (c) Electronically generated Council packets will be transmitted, by the Clerk's office, to Council by 4:30 p.m. the Friday before each meeting unless extenuating circumstances prevent it.

Section 2. Addition to Agenda by Council. Additional or Emergency agenda items and/or request for an addendum to the agenda may be approved at the discretion of the Mayor/Mayor Pro Tem.

Section 3. Order of Business. The Agenda/Order of Business shall consist of the following:

- Call the meeting to order
- Roll call
- Pledge of Allegiance to the Flag
- Scheduled matters from the floor
- Public hearings
- Additions to the agenda
- Public comment on agenda items
- Bids
- Unfinished business
- New business
- Approval of minutes
- Consent agenda
- Communications
- Reports from the Mayor
- Reports from Council Members
- Reports from City Manager
- Public comment on any item
- Adjournment

ARTICLE V COUNCIL MEETINGS

Section 1. Schedule of Regular Meetings.

Meetings shall typically be held on the first and third Monday of every month at 6:00 p.m.; however, at the first meeting of each calendar year, the Council shall provide by resolution for the time and place of its regular meetings and shall hold at least one regular meeting each month. A regular meeting shall be held at 7:00 p.m. on Monday, January 4, 5, 6, 7, 8, 9 or 10 of each even-numbered year.

Section 2. Special Meetings.

- (a) Special meetings shall be called by the clerk on the written request of the Mayor or any two members of the Council on at least 24 hours' written notice to each member of the Council, served personally or left at his usual place of residence; but a special meeting may be held on shorter notice if all members of the council are present or have waived notice thereof in writing.
- (b) No business shall be transacted at any special meeting of the Council unless the same has been stated in the notice of such meeting. However, any business which may lawfully come before a regular meeting may be transacted

at a special meeting if all the members of the Council present consent thereto and all the members absent file their written consent.

Section 3. Robert's Rules of Order Adopted. The rules of parliamentary procedure as contained in Robert's Rules of Order, most recent edition, shall govern the City Council in all cases to which they are applicable, provided they are not in conflict with the, "Bylaws," adopted by the West Branch City Council, (2) the Charter of the City of West Branch, or (3) State or Federal Law. In certain cases, these Bylaws intentionally supersede Robert's Rules of Order.

Section 4. Suspension of Rules. West Branch City Council bylaws may be suspended for good cause pertinent to a specific agenda item by a 2/3 majority vote of City Council, provided no less than five affirmative votes are recorded.

Section 5. Open Meetings Act Compliance.

All regular and special Council meetings shall be open to the public pursuant to Public Act 267 of 1976, as amended by Act. No. 256 of 1978, known as the Michigan's Open Meeting Act.

Section 6. Recording of Minutes. West Branch City Clerk or Clerk's designee shall take the meeting minutes and provide the keeping of the Council records as per the City Charter

Section 7. Voting. A vote upon all ordinances and resolutions shall be taken by a roll call vote and entered upon the records. The names of the members of the council shall be called in alphabetical order and the name to be called first shall be advanced one position alphabetically in each successive roll call vote.

Section 8. Duties of City Attorney.

(a.) The City Attorney or a representative shall be present at Council Meetings upon the request of City Council. If any Council Member feels the City Attorney should be at any other meeting, that Council Member should contact the Mayor prior to the Council meeting with specific reasons why the City Attorney should be present.

(b.) In the City Attorney's absence and during a meeting of the Council, all requests for legal opinions, etc. shall be sent to the attorney in writing through the City Clerk's office.

Section 9. Citizens' Comments.

(a.) Chapter 6, Section 6.4 of the West Branch City Charter states, "Citizens shall have a reasonable opportunity to be heard." Section 15.263(5) of the Michigan Open Meetings Act provides that persons shall be permitted to address the meeting of a public body under the rules established by the public body, and also provides that the public body may limit the right to address the public body to prescribed times.

(b.) Council hereby establishes a three (3) minute time limit for speakers under these two (2) categories:

(1) “Public comment on agenda items”. This section will allow citizens to be recognized only at the beginning of the meeting to address the Council pertaining to items that are specifically on the business agenda at that meeting.

(2) “Public comment on any item”. This section will allow a citizen to be recognized at the conclusion of the Council’s regular business to make general comments that may or may not pertain to the business that was before the Council at that meeting.

(c.) Any citizen may additionally speak once at a public hearing for three (3) minutes.

(d.) The Mayor shall have the authority to maintain order during the meeting.

(e.) Persons wishing to speak during the “scheduled matters from the floor” section of the agenda shall notify the Clerk’s office by Thursday at 4:30 pm before the Council meeting in which they wish to speak. Persons speaking during this section of the agenda will be afforded 10 minutes to speak.

(f.) When a citizen is done addressing the Council, or when their time has been exhausted, they must immediately be seated. They may not return to the podium for any reason – unless requested to do so by the Mayor/Pro Tem.

Section 10. Suspension of Three Minute Rule.

Any citizen wishing to speak longer than three (3) minutes shall make the request to City Council before the start of their three (3) minutes. The City Mayor or by vote of City Council may allow for additional time if deemed to be necessary.

Section 11. Yielding of Time Prohibited. Robert’s Rules of Order does not allow a person to yield time to another person. The West Branch City Council shall not allow a person to yield time to another person.

Section 12. Time Keeping.

(a.) The City Clerk shall be responsible for keeping track of the Citizen’s allotted time of three (3) minutes and notifying the Mayor/Pro Tem when time has elapsed. A time clock will be kept within view of the timekeeper. The clock will start upon the first words of the speaker and will not stop while the speaker is recognized from the floor. The clock will not be stopped by request once it is started. The clock will continue to run until the speaker is completed or their speaking time is exhausted. The speaker may be allowed to extend the allotted time if the City Council has questions or comments and deems it necessary for follow up.

(b.) If the Mayor/Pro Tem announces the intention to close “Public comment” and there are no requests to be recognized by the Citizens, then the Mayor shall close the Public comment section of the agenda for the remainder of the meeting.

Section 13. Citizens’ Comments Policies.

(a.) A public notice of sufficient size and easily readable print shall be posted on the premises during the City Council meetings and/or printed at the top of the Agenda with a brief and understandable explanation of the Council’s procedures for a citizen speaking at Council meetings.

(b.) Any citizen wishing to address the Council shall provide their name and shall address their comments through the Mayor when speaking from the podium. Only the Citizen recognized by the Mayor shall be allowed to speak during the “Public comment” portion of the agenda without Council and/or others commenting, unless a question is directed through the Chair, by that Citizen, toward a specific Council Member, the Mayor or other City official. All City officials may elect to respond to questions directed to them through the Chair. Additionally, the Mayor (or designee in the Mayors’ absence), or any Council Member may elect to respond to any comment directed toward them or another City official at any time during a meeting in order to correct an error or misstatement of fact.

(c.) If the Mayor, City Council Member, or other City Official interrupts the speaker and it is not in response to a direct question, then the clock will be stopped and then re-started when the Citizen is again allowed to speak.

(d.) The Mayor shall call to order any person who is being disorderly by speaking when not having been recognized by the Mayor, or is being disruptive to the proceedings. If any person, after being called to order, continues to be disorderly and disruptive to the meeting, the Mayor may order that person removed from the meeting.

Section 14. Motions.

(a.) A motion shall be made and seconded prior to any discussion on that subject or pending action by Council Members. All discussion shall be confined to the merits of the pending motion. Speakers shall address their remarks through the Mayor.

(b.) Members of the Council may speak on all agenda items. The maker and supporter of a motion shall be recognized to provide discussion as first and second speakers if they so desire. No Member of Council shall speak a second time on an item under discussion, until all other members wishing to speak on that item have been heard. The presiding officer of the Council shall be permitted to participate in debate with regard to an agenda item without relinquishing the chair.

Section 15. Duty to Vote. Duty to Vote – Whenever a question is put before the

Council every member shall vote Yes, No, or Abstain, provided, however, that an abstention vote shall be cast only if a conflict of interest exists. If a Council Member intends to abstain from the vote, the Council Member shall state for the record their intention to abstain and the reason for doing so. The Council Member shall be prohibited from participating in further discussion or debate on the item under consideration. A roll call vote must take place to approve the abstention with the member abstaining required to vote.

Section 16. Recesses. The Mayor may call a recess of up to ten minutes unless challenged by a Council Member in which event a majority vote would be required.

Section 17. Extension of Time for Meetings.

(a.) Regular Council meetings shall be adjourned no later than 12:00 a.m. One (1) extension of the adjournment time may be considered for not more than 30 minutes. Extensions shall be offered in the form of a motion and shall be subject to a vote by the City Council.

(b.) If a Council meeting has not been completed, a Council meeting shall be posted and scheduled to commence at 6:00 p.m. the following non-City holiday business day.

Section 18. Reviving Denied Agenda Items. Items that are brought before Council and denied, can be brought back to the Council at any meeting succeeding its denial upon the affirmative vote of five members of the Council

ARTICLE VI COUNCIL STUDY SESSIONS

Section 1. Calling Study Sessions.

(a.) Study sessions shall be held when necessary at the call of the Mayor/Pro Tem.

(b.) The Mayor/Pro Tem shall determine if a study session is needed. The Mayor/Pro Tem shall schedule dates and times of the study sessions. The City Clerk shall notify all appropriate people of the scheduled study session.

Section 2. Study Session Procedures.

(a.) Written requests for Study Sessions shall be sent to the City Clerk, addressed to the Mayor/Pro Tem and must state the reasons for the request.

(b.) Minutes of all Study Sessions (Closed and Open) shall be recorded.

Section 3. Agenda. All study session notices should include the topics of discussion, including a provision for Public Comments. Citizen comments will be at the end of the meeting, after all presentations have been made and the Council comments have been concluded.

