

# **Rochester Hills**

## **City Council Rules of Procedure**



**Adopted September 20, 2000**  
**Amended April 4, 2001**  
**Amended February 20, 2002**  
**Amended September 25, 2002**  
**Amended March 12, 2003**  
**Amended February 4, 2004**  
**Amended February 2, 2005**  
**Amended November 16, 2005**  
**Amended November 29, 2006**  
**Amended December 12, 2007**  
**Amended March 30, 2009**  
**Amended June 1, 2009**  
**Amended December 15, 2014**  
**Amended March 11, 2019**

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## **Article I. Authority**

### **Section .01 Charter:**

- (a) The Charter of the City of Rochester Hills provides that the Council can determine its own rules for meeting procedure. The following rules shall be in effect upon their adoption by Council until they are amended or new rules adopted.

## **Article II. General Rules**

### **Section .01 Meetings to be Public:**

- (a) All Regular and Special City Council Meetings (and Committees thereof) are open to the public except where State or Local Law allows Closed Sessions for certain limited Topics.

### **Section .02 Quorum:**

- (a) A majority of members currently holding office, or a greater number if required by State Law, shall constitute a quorum for the transaction of Council business. Any State Law requiring a vote of two-thirds (2/3) or three-fifths (3/5) of the Council shall require an affirmative vote by five (5) and any State Law requiring a vote of three-fourths (3/4) of the Council shall require an affirmative vote by six (6) Council Members.

### **Section .03 Attendance:**

- (a) Members of the Council who will be absent from a meeting should contact the President prior to the meeting indicating the reason for his/her inability to attend the meeting. If the Member is unable to contact the President, the Member should contact the City Clerk, who shall convey the message to the President.
- (b) Following Roll Call, the President shall inform the Council of the Member's absence and state the reason for such absence.
- (c) The City Clerk will make an appropriate notation in the Minutes.

### **Section .04 Journal of Proceedings:**

- (a) The City Clerk shall keep a permanent record of all City Council Proceedings in the City's Official Minutes Books. Once approved, these Minutes are the official records of the actions of City Council.

- (i) Audio recordings shall be made of each public meeting by the Clerk or his/her designee except for Special Meetings, which are specifically held to adopt a Resolution to convene to Closed Session. The recordings shall be retained for at least one (1) year and one (1) day following the meeting.
  - (ii) Regular City Council Meetings open to the public shall be broadcast over cable television subject to any cable casting policy adopted by the Council.
    - a. Joint City Council and Board/Commission and Special Meetings may be broadcast over cable television.
  - (iii) Digital recordings shall be made for each regularly scheduled Meeting. The recordings shall be retained for at least three (3) months.
- (b) The City Clerk shall keep Minutes of Closed Sessions but such Minutes shall not be available for public inspection and may only be disclosed by order of a Court. These Minutes shall be destroyed one (1) year and one (1) day after the date of the Closed Session.

**Section .05 Ordinances:**

- (a) Ordinances shall be enacted according to "*Chapter II, City Legislation,*" of the Charter of the City of Rochester Hills.

**Section .06 Recognition Before Speaking:**

- (a) The President will recognize Members desiring to speak, and confine remarks to the subject under consideration.

**Section .07 Mayor:**

- (a) The Mayor may attend all Council Meetings. The Mayor may make recommendations to the Council and may participate in all Council discussions in accordance with the Rules of Debate. The Mayor does not have a vote.

**Section .08 City Attorney:**

- (a) The City Attorney shall attend Council Meetings as needed.
- (b) Upon the request of any City Council Member, the City Attorney shall give either a written or oral opinion on questions of the law.

- (c) The City Attorney, or, in his or her absence, the Clerk or, his or her designee, shall serve as Parliamentarian.

**Section .09 City Clerk:**

- (a) The City Clerk or his/her representative shall attend all Council Meetings unless excused.
- (b) The City Clerk shall keep the Official Minutes and perform other duties as requested by the Council.

**Section .10 Officers and Employees:**

- (a) When City Department business is on the Council Agenda, City Department Heads or their designee may attend Council Meetings upon the Mayor's or City Council's request.

**Section .11 Rules of Order:**

- (a) Except where in conflict with these *Rules*, the City Charter, any ordinance or State Law, *Robert's Rules of Order* (current revision) shall govern the conduct of all meetings.
- (b) The President shall interpret and apply all rules, but the President's ruling may be challenged by a Member raising a point of order, upon which the President shall rule before continuing any further discussion. The President's ruling on a point of order may be appealed to the Council by any Council Member.
- (c) The Parliamentarian of Council shall advise on all questions of interpretations of these *Rules* and any other question of a Parliamentary nature that may arise at a Council Meeting.

**Article III. Meetings of Council**

**Section .01 Meeting Schedule:**

- (a) At the first Regular Meeting in December of each year, the Council shall by resolution set the Regular Meeting Schedule of Council for the following calendar year.
  - (i) The Clerk shall post the calendar year schedule within ten (10) days after the first meeting of the Council in each calendar year. A Public Notice shall state the dates, times and places of the Meetings.

- (ii) Changes in Meeting Schedules may be made by adoption of a resolution of City Council.
- (iii) A meeting may be cancelled, due to lack of Agenda items, by the Council President, with concurrence of the Vice President.
- (iv) If there is a change in the Regular Meeting Schedule of the Council, the Clerk shall post within three (3) days after the meeting at which the change is made, a Public Notice stating the new date(s), time(s) and place(s) of the Meeting(s).

**Section .02 Regular Meetings:**

- (a) Regular Meetings of the Council shall be held in accordance with the adopted Regular Meeting Schedule.
- (b) Regular Meetings shall be held in the Rochester Hills City Hall, 1000 Rochester Hills Drive, commencing at 7:00 p.m. unless the time and/or place is changed by Council resolution or by the Council President pursuant to Section .01 (iii) and notice of such change, as required by the Open Meetings Act, is given.

**Section .03 Closed Sessions:**

- (a) Meetings of the Council that are not open to the public may be held only if called in compliance with the Open Meetings Act in order to consider matters listed among the permitted purposes of Closed Sessions as set forth in the Open Meetings Act as follows:
  - (i) To consider the dismissal, suspension, or discipline of, or to hear complaints or charges brought against a public officer, employee, staff member, or individual agent, when the named person requests a Closed Hearing;
  - (ii) For a strategy and negotiation session connected with the negotiation of a collective bargaining agreement or related issues when either negotiating party requests a Closed Hearing;
  - (iii) To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained;
  - (iv) To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only when an Open Meeting would have a detrimental financial effect on the litigation or settlement position of the Council;

- (v) To review the specific contents of an application for employment or appointment to a public office when the candidate requests that the application remain confidential. All interviews by a public body for employment or appointment to public office shall be held in an open Meeting pursuant to this Act;
  - (vi) To consider material exempt from discussion or disclosure by State or Federal Statute.
- (b) Calling Closed Session:** A two-thirds (2/3) Roll Call Vote of the Council Members elected and serving shall be required, except under Section .04 (a) (i) and (ii) above. The Roll Call Vote shall be taken at an open Meeting and the purpose of the calling of the Closed Session shall be entered into the Minutes of the Meeting at which the vote is taken.

#### **Section .04 Special Meetings:**

- (a)** Special Meetings may be called by the President or by resolution of the Council.
- (b)** Notice of the Special Meeting shall be prepared in writing by the Clerk, or his/her designee, containing the following information: date, time, place, and the purpose of the meeting and be posted at least eighteen (18) hours prior to the scheduled starting time of the Meeting in accordance with the Open Meetings Act.
- (c)** Notice of any Special Meeting shall be given to all Council Members at least twenty-four (24) hours prior to the scheduled starting time of the meeting by a personal conversation with each Council Member, and by placing a copy of the notice in each Council Member's City Hall mailbox; or by E-Mail, or by Voice Mail.
- (d)** 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, if all the Members of the Council are present at any such Meeting of the Council, then any business that may lawfully come before a Regular Meeting of the Council may be transacted at such a Special Meeting (all Members present and all Members are in agreement).

#### **Section .05 Emergency Meetings:**

- (a)** Emergency Meetings of the Council may be held without compliance with any notice requirements when five (5) members (two-thirds [2/3] of the members serving) of the Council determine that there is a severe and imminent threat to public health, safety, or welfare, and that delay would be detrimental to the efforts to lessen or respond to the threat. The Meeting shall be limited to discussion and action with respect to the emergency. The notice of such Meeting shall be provided as soon as

possible after becoming aware of the emergency and need for the Meeting.

**Section .06 Joint Meetings:**

- (a) The Council may hold Joint Meetings with Boards, Commissions, Committees, other Municipal Governments and School Boards, who share a community of interest with the City.
- (b) The Clerk will prepare and post an Agenda for these Meetings in accordance with the Open Meetings Act.

**Section .07 Media Attendance at Council Meetings:**

- (a) Upon written request of any newspaper published in the State or any radio or television station located within the State, a copy of any Meeting notice required to be posted shall be furnished to the requesting entity by the City Clerk.

**Article IV. Council Officers and Duties**

**Section .01 Election of Officers:**

- (a) At the first regular Meeting in December of each year, the Council shall elect a President and a Vice President from its membership.
- (b) **Procedure for Election**
  - (i) Each Council Member may nominate one (1) candidate. No second to any nomination shall be required.
  - (ii) A Roll Call Vote shall be called for by the President and Council Members shall indicate the nominee of their choice.
  - (iii) A nominee receiving a vote of a majority of the Council currently holding office shall be declared elected. If no nominee receives the vote of a majority of the Council Members currently holding office and there are more than two (2) nominees, the nominee receiving the fewest number of votes cast for any nominee shall be dropped from the list of nominees and a vote shall be taken on the remaining nominees. Voting shall continue until one (1) nominee receives the vote of a majority of the Council Members currently holding office.
- (c) **Term of Office:** The terms of office of the newly elected President and Vice President shall commence at the conclusion of the regular Council Meeting at which they were elected and shall terminate upon their

successors taking office, or upon the expiration of the officer's term as a Council Member, whichever occurs first.

**Section .02 Filling of Vacancies in the Office of President or Vice President:**

- (a) Whenever a vacancy shall occur in the office of the President or Vice President, the Council shall elect a replacement within thirty (30) days from the date the vacancy occurred.
- (b) The nomination and election process to fill a vacancy shall be the same as set forth for the nomination and election of officers.
- (c) The person chosen to fill a vacancy shall serve for the balance of the term of the person being replaced.

**Section .03 Duties of Council Officers:**

**(a) The President shall:**

- (i) Preside over all meetings.
- (ii) Call to Order.
  - 1) The President of the Council shall call the meeting to order.
  - 2) If the President is absent, the Vice President shall assume the responsibilities.
  - 3) If both the President and Vice President of the Council are absent, the City Clerk will call the Meeting to order to elect a temporary chairperson. The temporary chairperson shall preside for the balance of the meeting or until the President or Vice President presides.
- (iii) **Preservation of Order:** The President of the Council shall preserve order and decorum, prevent attacks on personalities or impugning members' motives, and keep those in debate to the question under discussion.
- (iv) **Items on the Agenda:** The President shall identify each subject to be considered and may request the Mayor, any Council Member, staff member, or other interested person to explain the matter under consideration.
- (v) **Points of Order:** The President shall decide all points of order as outlined in Article II, Section II.

- (vi) **Questions to be Stated:** No motion or resolution shall be voted upon until it has been stated by the President. Any Council Member may require that the motion or resolution be put in writing before the vote is taken and, if necessary, the Meeting shall be recessed for that purpose.
- (vii) Enforce the Rules of Council, contained herein, as well as the Code of Conduct.
- (viii) Set and prepare Council Meeting Agendas.
- (ix) Serve as liaison between Council and Mayor.
- (x) Serve as Mayor Pro Tem of the City.
- (xi) Review and approve or disapprove all expenditures submitted by Members of the Council, subject to the right of any Council Member to appeal to the Council.
- (xii) Review monthly Council meeting attendance sheets pursuant to Council Attendance/Per Diem Compensation Policy adopted May 3, 2006
- xiii Act as representative of the Council at various functions.
- xiv Perform such duties as may be directed by the Council.

**(b) The Vice President**

- (i) In the absence of the President, shall perform the duties of the President as set forth in these *Rules of Procedure*, except the Vice President shall not serve as Mayor Pro Tem.

**Section .04 Filling of Council Vacancies:**

- (a) Whenever a vacancy shall occur in the membership of the Council, the Council shall elect a replacement Council Member within thirty (30) days from the date the vacancy occurs.
- (b) The City Clerk will publish a notice of the vacancy and the procedure for applying per City Charter.
- (c) The Council shall draw up an application form that contains relevant information to answer set questions posed by the Council. The application forms will be used in conjunction with an interview of each candidate to aid the Council's selection of the new Council Members.

**(d) Appointment Procedure:**

- (i) The nomination and election process to fill a vacancy in the membership of the Council shall be the same as set forth for the nomination and election of officers.
- (ii) The person chosen to fill a vacancy shall serve until the next regular City election.

**Article V. Order of Business and Agenda**

**Section .01 Order of Business:**

**(A) Regular Meetings**

Call to Order  
Roll Call  
Pledge of Allegiance  
Approval of Agenda  
Council and Youth Committee Reports  
Recognitions  
Presentations  
Public Hearings  
Ordinance for Introduction  
Ordinance for Adoption  
Planning and Economic Development  
Public Comment for Items not on the Agenda  
Consent Agenda  
Legislative and Administrative Comments  
Attorney's Report  
Nominations/Appointments  
Unfinished Business  
New Business  
Any Other Business  
Next Meeting Date  
Adjournment

**Section .02 Agendas**

**(a) Regular Meeting Agenda:**

- (i) The President shall be responsible for the preparation of an Agenda for each Regular Meeting and shall consider for inclusion on the Agenda items submitted by the Mayor, any Council Member or any member of the public.

- (ii) The City Clerk shall be responsible for causing an Agenda Packet to be prepared, which shall be available to each Council Member five (5) calendar days preceding each Regular Meeting. A copy of the Agenda Packet shall be forwarded to the Rochester Hills Public Library, and the Mayor's Office. The City Clerk shall ensure that an electronic copy of the agenda packet is available online or by scanning the QR Code posted in the auditorium.
- (iii) Any Council Member, other City officials, or other persons may supplement the materials dealing with any agenda item prior to or at the public meeting for which the Agenda has been prepared.
- (iv) Agenda items from Council Members should be filed with the City Clerk. Requested items will appear on the next available Agenda within three (3) meetings after the request is made.
- (v) Agenda Summary Reports.
  - 1) Every Agenda Item in the Agenda Packet shall contain an Agenda Summary Sheet, a proposed resolution if action is being requested and any additional back-up information that may be deemed necessary.
  - 2) Any item listed on the Agenda for which an Agenda Summary Report has not been included will automatically be continued to the next Regular Meeting.
- (vi) Each Regular Meeting Agenda shall contain the following:
  - (1) An item entitled "Approval of Agenda at which time any Council Member shall have the option of changing the Agenda, deleting any item from the Agenda or deferring an item on the Agenda to a subsequent Regular Council Meeting by a majority vote.
  - (2) An item entitled "Public Comments" at which time any person may speak on any subject that does not appear on the Meeting Agenda.
  - (3) An item entitled "Any Other Business" at which time any Council Member may discuss any matter that does not appear on the Meeting Agenda.
- (vii) Regular Meeting Agendas may include a Consent Agenda which includes the following:
  - (1) All matters listed under Consent Agenda are considered to be routine and non-controversial in nature and will be enacted by one (1) motion, without discussion.

- (2) Such items include, but are not limited to, approval of Minutes, purchase authorizations, approval of recognition resolutions, approval of agreements, grants of easements, etc.
- (3) If any Council Member or citizen requests discussion of an item, it will be removed from the Consent Agenda for separate discussion.
- (4) If an Item is removed from the Consent Agenda, it shall be considered immediately after the approval of the Consent Agenda.

**(b) Special Meeting Agenda:**

- (i) Each Special Meeting Agenda shall contain an item entitled “Public Comments” at which time any person may speak on any subject that does not appear on the Meeting Agenda.
- (ii) Each Special Meeting Agenda shall contain an item entitled “Any Other Business” at which time any Council Member may discuss any matter that does not appear on the Meeting Agenda.

**Section .03 Discussion Items:**

- (a) The following shall apply to the discussion of all matters coming before the Council:
  - (i) Council Members and others wishing to speak shall address and be recognized by the President and shall address the President.
  - (ii) All discussion shall be relevant to the motion under consideration, or in the absence of a motion, items under discussion.
  - (iii) The comments of persons other than Council Members, other City officials and those persons directly involved in the Agenda Item under consideration, shall be permitted pursuant to the rules set forth in Article VIII, Citizens’ Rights, of these Rules.
  - (iv) **Rules of Debate for Regular Meetings:**
    - 1) The President shall recognize all Members of Council wishing to speak until there is a motion on the floor.
    - 2) When there is a motion on the floor, the maker of the motion shall have the first opportunity to speak on that motion.

- 3) Once the motion is on the floor for any particular item, each Member shall have one opportunity to debate the motion or discuss the issue for a maximum of five (5) minutes.
- 4) A Member who has the floor shall indicate when he/she is finished speaking.
- 5) A Member may request an extension of debate for all Members with one additional opportunity to speak for a maximum of three (3) minutes. The President shall grant such request unless a Member objects it to.
- 6) The mayor or designee shall be allowed to participate in debate in accordance with these Rules of Debate in place.
- 7) The Rules of Debate may be changed by resolution by a two-thirds (2/3) vote of the Council at the beginning of the debate.

#### **Section .04 Minutes:**

##### **(a) Regular and Special Meetings:**

- (i) A journal of the proceedings of each Regular and Special Meeting shall be kept in the English language by the City Clerk and shall be signed by the City Clerk and City Council President upon approval by Council.
- (ii) The Administrative Assistant to the City Clerk shall record and prepare the official minutes of each public meeting, which shall contain the date, time, place, Members present, Members absent and all actions taken by the Council, and a sufficient amount of the discussion to permit an understanding of what transpired at the meeting.
- (iii) A brief Synopsis of each meeting of the Council will be published on the City's website within ten (10) days following each meeting.
- (iv) Minutes of the Council Meetings shall be submitted to the Council for approval and/or correction in draft form. It is the policy of the City Council that only Members of the Council and the City Clerk have the authority to make revisions to the Minutes, subject to a majority vote of the City Council.
- (v) Corrections in minutes shall be made in accordance with the Open Meetings Act. Corrected minutes shall show both the original entry and the correction.

- (vi) The official copy of all Council Minutes shall be kept by the City Clerk, who shall make copies of them available to the public upon request and payment of the reasonable cost of copying according to current Michigan State Law.

**(b) Closed Session Minutes:**

- (i) A separate set of Minutes shall be taken by the City Clerk or his/her designee at the Closed Session.
- (ii) These Minutes will be retained by the City Clerk, shall not be available to the public, and shall be disclosed by order of a Court filed in accordance with non-compliance of the provisions of P.A. 267 (1976).
- (iii) Minutes of the Closed Session must be retained for one (1) year and one (1) day after approval of the minutes of the Regular Meeting at which the Closed Session was approved.

**Article VI. Resolutions, Ordinances, and Motions**

**Section .01 Resolutions:**

- (a) An enacted resolution is the official action of the Council in the form of a motion. Such action shall not exceed the limitation established by the City.
- (b) A resolution becomes effective on the same day on which it is adopted unless a subsequent date is contained within the resolution.
- (c) Upon final action on a Legislative file by the adoption of a Resolution, the City Clerk shall assign it a unique number.

**Section .02 Ordinances:**

- (a) An ordinance shall be adopted pursuant to "*Chapter II, City Legislation*", of the Charter of the City of Rochester Hills.
- (b) Consideration of Ordinances: Each proposed ordinance is read by Title, once for First Reading, and then for Second Reading and Adoption at a subsequent meeting. Only an emergency ordinance can be adopted at the same meeting at which it is introduced and the Council must declare it an emergency ordinance.
- (c) When an ordinance is adopted by the Council, a unique number to the ordinance shall be assigned by the City Clerk, a notice of adoption shall

be published by the City Clerk, and the ordinance shall be immediately filed and preserved in the City Clerk's office.

**(d) Requests for Ordinances or Legal Opinions.**

- (i) Any City Council member may request the preparation of a proposed ordinance through the Mayor.
- (ii) Any City Council Member may request written legal opinions relating to City business from the City Attorney. A copy of such requests shall be submitted to the Mayor.
- (iii) Upon receipt, the Mayor shall distribute the proposed ordinance or written legal opinion to all Council Members so that they may be informed of the status of City affairs.
- (iv) Any Council Member may request, for purposes of inquiry, a verbal opinion or advice on City legal matters directly from the City Attorney.

**Section .03 Motions:**

**(a) Definitions of Motions:**

- (i) **Fix the time of the next meeting:** (Fix the time to which to adjourn): Sets a time and date to continue the present meeting as an adjourned meeting, but has no effect on when the present meeting will adjourn. Posting requirements for the adjourned meeting must be handled in accordance with the Open Meetings Act; that is if the meeting is recessed for more than thirty-six (36) hours, the date, time and place of the meeting shall be posted at least eighteen (18) hours before the meeting is reconvened.
- (ii) **Adjourn:** Closes the present meeting whether or not all business has been completed. It is a non-debatable motion; requires a second and majority vote.
- (iii) **Recess:** A short intermission in the meeting, which does not close the meeting. After a recess, business is taken up at exactly the point where it was interrupted.
- (iv) **Lay on the table:** Temporarily lays aside the pending question (motion).
  - 1) A lay on the table is Out of Order if a Council Member wants to avoid dealing with a question. If the motion is made to avoid dealing with a question, a motion to postpone

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indefinitely or to object to the consideration of the question is inappropriate.

- 2) To consider something else of immediate urgency, a motion to postpone indefinitely or a motion to object to the consideration of the question would be appropriate.
- 3) If made to postpone consideration until more information is available, move to postpone to a definite time. If made so that it can be investigated further, move to refer to a committee or staff.

(v) **Objection to consideration of question:** Enables the Council to avoid a particular motion altogether when it would be strongly undesirable for it to be considered. The motion must be made before any debate begins, and it does not require a second. The vote is taken on the question “shall the motion be considered.” A two-thirds (2/3) vote *against consideration* is required to sustain the objection.

(vi) **Vote immediately (call the question):** Used to close debate. A two-thirds (2/3) Roll Call Vote is required for adoption. If it passes, debate closes and a vote is taken on the pending question (Motion on the floor).

(vii) **Postpone to a certain time:** Postpones consideration of a motion until later in the same meeting or to the next meeting, as stated in the motion.

(viii) **Commit or refer:** Commits a pending question to a group of selected persons – a committee – so that the question may be carefully investigated, or refers the question to staff to obtain additional information.

(ix) **Amend:** Modifies the wording of a pending motion. An amendment must be germane, that is closely related to the subject of the motion. A motion may be amended by inserting or adding words, striking out words, or substituting.

(x) **Postpone indefinitely:** Indefinitely postpones a direct vote on the motion. Debate can go fully into the merits of the main motion.

**(b) Order of Motions**

- (i) When another motion is on the floor and under debate, no other motions shall be accepted by the President except one (1) or more of the following:

- 1) Fix the time of the next meeting.
- 2) Adjourn.
- 3) Lay on the table.
- 4) Objection to consideration of question.
- 5) Vote immediately (Call the Question).
- 6) Postpone to a certain time.
- 7) Commit or refer.
- 8) Amend.
- 9) Postpone indefinitely.

(ii) The above motions take precedence in the order in which they are listed above.

**(c) The Following Motions are Non-debatable:**

- (i) Lay on the table.
- (ii) Adjourn.
- (iii) Recess.
- (iv) Objection to consideration of questions.
- (v) Vote immediately (Call the Question).

**(d) A request by a Member of the Council to reconsider a vote on any resolution that can be reconsidered shall be in order when:**

- (i) It is moved by one (1) who voted with the prevailing side when the vote was taken.
- (ii) The making of a motion to reconsider is subject to time limits as follows: the motion to reconsider can be made only during the meeting at which the resolution was adopted or at the next regular meeting, provided no action has been taken as a result of the previous vote.
- (iii) A motion to reconsider is debatable only if the action being reconsidered is debatable.

- (e) **Rescind, Repeal:** A motion to rescind or repeal may be made at any time at any Regular or Special Meeting of the Council. A majority vote is required for adopting, if such matter has been formally placed on the agenda for consideration by action of the City Council. If the item does not appear on the agenda, a two-thirds (2/3) vote or a majority of the entire membership is required.
- (f) **Division of the Question:** A motion for a division of any question may be made when the question is distinct enough so that each part can be taken up individually.
- (g) **Withdrawal of a motion:** A Member may withdraw his/her motion at any time before it is put to a vote.

**Section .04 Duty to Vote:**

- (a) Whenever a question is put before the Chair, every Member shall vote.
- (b) No Member shall be required to vote on a question in which the Member has a direct personal or pecuniary interest not common to other Council Members, or where the Member's participation is prohibited under MCL15.321, ET SEQ, as amended. A Member who abstains from voting due to a conflict of interest shall refrain from participating in deliberation on the question.
- (c) General Consensus: General Consent or consensus may be used to give direction and the Minutes should indicate that a majority consented.

**Section .05 Recording of Votes:**

- (a) **Voice (viva voce) or Roll Call Votes**
  - (i) Except in instances where a Roll Call Vote is required by Charter, Ordinance, State Law, these Rules, or demand by a Council Member, the President shall determine whether the vote shall be a Voice or Roll Call Vote.
  - (ii) Any Council Member declining to vote "aye" or "nay", their vote shall be counted as an "aye" vote.
  - (iii) During the taking of a Roll Call Vote, no person shall speak on the question being voted on and no new motion shall be made.
  - (iv) On the first Roll Call Vote at any meeting, the President shall be called to vote first, the Vice President shall be called to vote second and other Council Members shall then be called to vote in alphabetical order. On each succeeding vote taken at a meeting,

the vote shall be taken in the same sequence as the prior vote except that the person voting first in the prior vote shall vote last.

- (v) The President shall announce the results of all voting.
- (b) Majority Vote Required:** An affirmative vote from at least a majority of Council Members present will be necessary to pass an ordinance or resolution. Any State Law requiring a vote of two-thirds (2/3) of the Council shall require an affirmative vote by five (5), and any State Law requiring a vote of three-fourths (3/4) of the Council shall require an affirmative vote by six (6) Council Members.
- (c) Tie Vote:** If a motion ends in a tie, the motion will be considered defeated.

## **Article VII. Boards, Commissions and Committees**

### **Section .01 Boards and Commissions:**

- (a)** In order to provide a liaison and give the Council representation before various Boards, Commissions and Community-based Groups, the Council shall appoint members at the first meeting each December to serve as a liaison to one (1) or more Community-based Groups, Boards, or Commissions affecting the City.
- (b)** Whenever, under a provision of the Charter, an ordinance, a resolution or State Law, the Council is required to appoint a board, commission, or committee, such appointment shall be made in accordance with the following:
  - (i) Each Council Member may nominate one (1) person for appointment to each open position. No second to a nomination shall be required.
  - (ii) Voting on appointments shall take place at least two (2) weeks after the meeting at which nominations were made, except when only one (1) nomination is made, voting may be immediately following the nomination.
  - (iii) If there is more than one (1) person nominated for an appointment, the President shall call for a Roll Call Vote and each Council Member shall name the one (1) nominee he chooses to vote for.
  - (iv) A nominee receiving a vote of a majority of the Council currently holding office shall be declared appointed. If no nominee receives the vote of a majority of the Council currently holding office and there are more than two (2) nominees, the nominee receiving the fewest number of votes cast shall be dropped from the list of

nominees and a vote shall be taken on the remaining nominees. Voting shall continue until one (1) nominee receives the vote of a majority of the Council currently holding office.

- (v) Upon completion of the vote, Council shall adopt a resolution appointing the nominee to the position including the Board/Commission/Committee and term of appointment.
- (c) In all instances where appointments by the Mayor must be confirmed by the Council, Council action shall be taken by resolution.
- (d) Council Members may caucus with the appointees to advise and ensure compliance with the following:
  - (i) Conduct in a professional and ethical manner befitting a Rochester Hills employee or official as set forth in Chapter 50 of the Code of Ordinances;
  - (ii) Representation and promotion of the interests of the City and its residents as identified by Council, and as more specifically identified by the Council liaison where there is a Council liaison to a Board, Commission or Committee;
  - (iii) Regular attendance at meetings; and
  - (iv) Maintenance of fiduciary duties to the City, including, but not limited to:
    - a. Undivided loyalty, impartiality, and prudence in actions;
    - b. Due care in the performance of responsibilities; and
    - c. Regular reporting to Council of the activities of the Board, Commission or Committee which may be accomplished through the Council liaison, or directly to Council where there is no liaison.
- (e) Removal of Members from Boards, Commissions and Committees: Council may remove any member of any Board, Commission or Committee which it has created or has been created by the City Charter by a vote of at least a majority of Council present.
- (f) The City Clerk shall deliver, by mail or otherwise, a copy of these Rules and Chapter 50 of the Code of Ordinances to newly appointed Board, Commission and Committee members at the time of appointment.

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**Section .02      Technical Review Committees of Council:**

- (a) The Council may, from time to time, establish Committees for the purpose of assisting the Council in carrying out its duties. Committees shall be established by Council resolution setting forth the following:
- (i) Request for the formation of a Committee may be made by City Council Members, the Administration or the public.
  - (ii) Council will consider each request and make a determination whether a Committee will be created and whether the Committee will be created immediately or at some time in the future.
  - (iii) Committees shall be established by Council resolution setting for the following:
    - 1) Purpose and Charge
      - a. Charge/responsibility of the Committee.
      - b. Expected results including, but not limited to, time line.
    - 2) Membership and selection, including number of members, solicitation of members and qualifications of members.
      - a. Each committee shall include at least two (2) and not more than three (3) Council Members.
      - b. Committees may include citizen members which shall be appointed by Council.
      - c. Committees may include Administrative Staff Members which shall be appointed by the Mayor.
      - d. Committees may include one (1) Rochester Hills Government Youth Council (RHGYC) Representative selected by the Youth Council
      - e. Term of appointment, where appropriate
    - 3) All recommendations from Committees to City Council shall follow the same procedures for placement on a City Council Agenda as outlined in Article V, Section .02.
    - 4) Upon creation of a Committee, the Administration will determine which Department is responsible for coordinating the meetings and maintaining the “notes” for the meeting.

- 5) The City Clerk or his/her designee will be responsible for ensuring that all Committee Meetings are noticed and agendas posted.
- (b) The Council may discharge a committee from further consideration on any matter.

**Article VIII. Citizens' Rights**

**Section .01 Rights to Address Council:**

- (a) Any person shall have the right to address a meeting of Council under Rules established and recorded by the Council. A time will be reserved on each Regular Meeting Agenda to provide an opportunity for members of the public to directly address the Council on items of interest to the public, but not an Agenda Item, under "Public Comments." Each person shall be subject to the provisions of these *Rules of Procedure*. Any item of interest not appearing on the Agenda that is presented by a member of the public under "Public Comments" shall be handled in one (1) of the following manners.
  - (i) The item may be added to the Agenda for the Meeting at which it was brought up by a member of the public only if the Council determines by a two-thirds (2/3) vote (or if less than two-thirds [2/3] of the Members are present, then by a unanimous vote of the Members present) that the need to take action arose after the Agenda was posted and the Council believes it is necessary to take action immediately.
  - (ii) If the item is not added to the Agenda as described in Paragraph 1 above, then the item automatically shall be referred to the Mayor for investigation or to the City Council President for placement on a future Agenda, if necessary, without any action.

**Section .02 Requests to Speak:**

- (a) Each Council Meeting Agenda shall provide for a time for audience participation for Non-Agenda Items known as "Public Comments." Each speaker will be allowed three (3) minutes maximum to address the Council. Persons wishing to speak may do so by filling out the required *Speakers Request Form* and submitting same to the City Clerk prior to "Public Comments."
- (b) Public Hearings: For the purpose of public participation during Public Hearings, each speaker will be allowed three (3) minutes maximum to address the Council. Persons wishing to speak may do so by filling out

the required *Speakers Request Form* and submitting same to the City Clerk prior to the Public Hearing.

- (c) During Regular Agenda Items: Any person who wishes to speak on an item included on the printed Meeting Agenda may do so by filling out the required *Speakers Request Form* and submitting same to the City Clerk prior to that Agenda Item being discussed. Each speaker will be allowed three (3) minutes maximum to address the Council.
- (d) Deviations
  - (i) Upon the request of a Member of the Council, the President may recognize a member of the audience who shall be permitted to address the Council at a time other than audience participation; however, all other Rules as provided herein shall apply.
  - (ii) There may be an occasion where justification for more time is warranted for public commentary. Citizens must ask for this at the outset of the comment period and have it approved by the President.

### **Section .03 Addressing the Council:**

- (a) Any person desiring to address the Council must first be recognized by the President of City Council.

### **Section .04 Manner of Addressing the Council – Time Limit:**

- (a) Each person addressing the Council will approach the microphone, give his/her name and address in an audible voice for the record, and will limit their remarks to three (3) minutes.
- (b) All remarks will be addressed to the Council President on behalf of the Council Body, and not to any specific Member.
- (c) No person, other than Council Members, the Mayor and the person having the floor, will be permitted to enter into any discussion either directly or through the Council Members. A staff member may respond at the request of the Mayor.
- (d) No questions will be asked by the Council Members except through the President.
- (e) Second opportunities for public comment to speak on the same issue will not be permitted.

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**Section .05 Personal and Slanderous Remarks:**

- (a) Any personal and slanderous remarks toward the Council, Mayor, Staff or other individuals will be grounds for terminating the citizen's comment period.
- (b) Continued inappropriate behavior or comments will also be grounds for removal from the Meeting at the request of the Council President.
- (c) Council shall not be belligerent or make disparaging commentary toward the speaker.
- (d) If a member of the public fails to follow these rules after being warned once, the Council may bar that individual, by resolution, from further testimony for the evening.

**Section .06 Written Communication:**

- (a) Interested parties or their authorized representatives may address the Council in writing through letters or email regarding any matter listed on the Agenda.
  - (i) Communication received prior to a City Council meeting.
    - (a) Written communications received by 4:00 PM on the date of a Council meeting will be copied and provided to City Council as Supplemental Information.
    - (b) At the City Council meeting under the respective item, the President of Council may summarize the letters and other communications.
  - (ii) Communications received during a City Council meeting
    - (a) Any written correspondence or other materials received at a City Council Meeting shall be documented by the City Clerk,
    - (b) In order to be incorporated as part of the record, written communications must be received by the City Clerk.

**Section .07 Complaints and Suggestions to Council:**

- (a) When citizen complaints or suggestions are brought before the City Council, other than for items already on an Agenda, the President shall first determine whether the issue is legislative or administrative in nature and then:

- (i) If legislative, and a complaint about the letter or intent of legislative acts or suggestions for changes to such acts, and if the Council finds such complaint suggests a change to an ordinance or resolution of the City, the council may refer the matter to a Committee, Administration or to Council as a whole for study and recommendation.
- (ii) If administrative, and a complaint regarding administrative staff performance, administrative execution or interpretation of legislative policy, or administrative policy within the authority of the Mayor, the President should then refer the complaint directly to the Mayor for his/her review if said complaint has not been so reviewed. The City Council may direct that the Mayor provide a report to Council when his/her response is made.

## **Article IX. Suspension and Amendment of these Rules**

### **Section .01 Suspension of these Rules:**

- (a) A majority of the Council currently holding office may resolve to waive or suspend any rule as applied to any matter of business appearing on the Council Agenda.

### **Section .02 Amendment of these Rules:**

- (a) These rules may be amended or supplemented by a vote of a majority of the Council currently holding office, provided that no vote to amend shall take place at the same meeting at which such amendment or supplement is initially proposed.

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As discussed at the May 31, 2000 City Council Work Session  
 As discussed at the July 05, 2000 City Council Meeting  
 As presented at the July 19, 2000 City Council Work Session  
 As presented at the September 13, 2000 City Council Meeting  
 As adopted at the September 20, 2000 City Council Meeting  
 As amended at the April 04, 2001 City Council Meeting  
 As discussed at the January 16, 2002 City Council Work Session  
 As amended at the February 20, 2002 City Council Meeting  
 As amended at the September 25, 2002 City Council Meeting  
 As amended at the March 12, 2003 City Council Meeting  
 As amended at the February 4, 2004 City Council Meeting  
 As amended at the February 2, 2005 City Council Meeting  
 As amended at the November 16, 2005 City Council Meeting: Art IV, Sec.03b, Art VII, Sec. 03, Art II, Sec. 04  
 As amended at the November 29, 2006 City Council Meeting: Art II, Sec .04a; Art III, Sec .02, .03, .04; Art IV, Sec .03; Art V, Sec .01, .02, .03, .04; Art VII, Sec .01, .02, .03; Art VIII, Sec .06  
 As amended at the December 12, 2007 City Council Meeting: Art III, Sec .01a(i); Sec .02a; Sec .03abcd; Art V (a)(ii)  
 (b) (ii)

As amended at the March 30, 2009 City Council Meeting: Art III, Sec .02(b), Sec .03(b)  
As amended at the June 1, 2009 City Council Meeting: Art V, Sec .04 (iii)  
As amended at the December 15, 2014 City Council Meeting  
As amended at the March 11, 2019 City Council Meeting: Art VII, Sec .01(d,e,f)