

City of Fraser

City Council Rules and Procedures



Adopted March 8, 2001

(Revised April 12, 2017)

FRASER CITY COUNCIL RULES AND PROCEDURES

**Adopted March 8, 2001
(Revised April 12, 2017)**

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I. AUTHORITY

1.1 Adoption of Rules and Procedures. These rules and procedures are adopted by the Council pursuant to Section 6.7 of the City Charter.

1.2 City Council. Section 4.1 of the City Charter provides:

"There shall be a City Council of seven (7) members consisting of the elected Councilmen and the Mayor, who shall be deemed a member of the Council for all purposes. The Council shall constitute the legislative and governing body of the City and shall have power and authority, except as otherwise provided in this charter or by statute, to exercise all powers conferred upon or possessed by the City, and shall have the power and authority to enact and adopt such laws, ordinances, and resolutions as it shall deem proper in the exercise thereof. In all cases where the word "Council" is used in this charter, the same shall be synonymous with the word "Commission," or any other term used in any statute or federal law referring to municipal legislative or governing bodies."

1.3 Council Authority. Section 6.7 of the City Charter provides:

The Council shall determine its own rules and order of business subject to the following provisions:

- (a) A journal of the proceedings of each meeting in the English language shall be kept by the Clerk and shall be signed by the presiding officer and clerk of the meeting.
- (b) A vote upon all ordinances and resolutions shall be taken by "Yes" and "No" vote and entered upon the records, except that where the vote is unanimous it shall only be necessary to so state.
- (c) No Council member shall vote on any question in which he or she has a financial interest, other than the common public interest, or on any question concerning his or her own conduct, but on all other questions each member who is present shall vote when his or her name is called unless excused by unanimous consent of the remaining members present. Any member refusing to vote except when not so required by this paragraph shall be guilty of misconduct in office.

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- (d) In all roll call votes the names of the members of the Council shall be called in alphabetical order.
- (e) Any standing committee of the Council shall be composed of at least two members.

II. GENERAL RULES

2.1 Rules of Parliamentary Procedure. The rules of parliamentary practice as contained in Robert's Rules of Order, most recent edition, shall govern the Council in all cases to which they are applicable, provided they are not in conflict with these Rules, City Code, Charter, or other applicable laws.

- (a) **Discussion.** A Council member may speak when no motion is pending upon recognition by the Presiding Officer as provided in these Rules. The Council member's comments should be limited to the next pending item of business on the Agenda, but need not result in a motion relating to that business.
- (b) **Precedence of Motions.** When any main motion is upon the floor and the question is under debate, no motions shall be received but the following and they shall have precedence in the following order:

Not Debatable

- Questions of privilege (general/personal)
- Recess.
- Adjourn.
- To lay on the table.
- To call for the previous question.
- To limit debate.

Debatable

- To postpone (limited to same or next meeting)
- To commit or refer the question.
- To amend.

Incidental Motions (Not debatable unless noted)

- Point of Order
- Appeal (Requires a second; debate limited)
- Point of Information

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- Parliamentary Inquiry
- Division (Requests verification of a vote)
- Division of a Question (Requires a second)
- Object to Consideration (Requires 2/3 vote)
- Permission to Withdraw

Restoratory Motions (Least precedence)

- Rescind (Requires a second) (Requires five (5) affirmative votes) (Debatable)
 - Reconsider (Requires a second) (Requires five (5) affirmative votes) (Can be made only by member of prevailing side) (Debatable) (Same day only) (The making takes precedence over all; consideration has precedence over none)
- (c) **Division of the Question.** A motion for a division of any question may be made when the question will admit of a division so distinct that if one part be taken away, the other will stand as an entire question for decision.
- (d) **Withdrawal of a Motion or Support.** A member may withdraw his or her motion or support at any time before it is put to a vote.
- (e) **Varying Order of Procedure.** The Mayor may, at any time, by a majority vote of the members of the Council present permit a member to introduce an item of business out of the regular order of business.
- (f) **Points of Order.**
- (1) The Presiding Officer shall be addressed as "Mr. Mayor/Madam Mayor" or "Mr. Chairman/Madam Chairwoman." The Mayor Pro Tempore, when acting for the Mayor, shall be addressed as "Mayor Pro Tern (surname)." Members of the Council shall be addressed as "Council member (surname)."
 - (2) A motion may be made by saying, "Mr. Mayor/Madam Mayor, I move that, etc." or "Mr.

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Chairman/Madam Chairwoman, I move that, etc."

- (3) A speaker is out of order when speaking of matters foreign to the issue.
- (4) Rule violations must receive immediate attention from the Presiding Officer.
- (5) It is the privilege of any member to request a roll call vote. No vote on the request is required.
- (6) On questions that are debatable, the minority has the undeniable right to deliberate.

2.2 City Manager. The City Manager/Clerk shall attend all meetings of the Council, and is entitled to attend all meetings of City Committees, Boards, or Commissions. The City Manager/Clerk shall have the right to take part in all discussions and make recommendations to the Mayor and Council. (Charter § 4.7; City Code § 2-18)

2.3 City Attorney. The City Attorney shall attend all regular meetings of the Council and shall, upon request, give an opinion, either written or oral, on questions of law. The City Attorney shall act as the Council's parliamentarian and shall rule on questions of order. (Charter § 4.10)

2.4 Recorder. The City Manager/Clerk shall attend all meetings of the Council and shall keep a permanent journal (minutes). The City Manager/Clerk shall perform such other recording duties as may be requested by the Council. (Charter § 4.7, 6.7; City Code § 2-18)

2.5 Department Heads and Employees. Administrative personnel of the City shall attend Council meetings upon request of the Council or the City Manager/Clerk.

2.6 Quorum/Attendance.

- (a) A majority of the members of the Council in office shall be a quorum for the transaction of business at all meetings of the Council, but in the

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absence of a quorum a lesser number may adjourn any meeting to a later date, and in the absence of all members the Clerk may adjourn any meeting to a date not later than one week hence. (Charter § 6.5)

(b) Any three or more members of the Council may by vote either request or compel the attendance of its members and other officers of the City at any meeting. Any member of the Council or other officer who when notified of such request for his or her attendance fails to attend such meeting for reasons other than confining illness or absence from the County of Macomb shall be deemed guilty of misconduct in office unless excused by the Council. (Charter § 6.6)

(c) No member of the Council may absent himself or herself without first having informed the Mayor or City Manager/Clerk of the impending absence and the reasons therefore. A member's office shall be declared vacant by the Council if such member shall miss four consecutive regular meetings of the Council, or twenty-five per cent of such meetings in any fiscal year of the City, unless such absences shall be excused by the Council and the reason therefore entered in the proceedings of the Council at the time of each absence. (Charter § 5.2)

2.7 Meetings. 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. The dates, times, and places of such regular Council meetings shall be posted within ten (10) days of the Council's first meeting in a calendar year. Any deviation to changing a regularly scheduled Council meeting shall be voted upon by Council by a majority vote. A public notice stating the new dates, times, and places of the Council's regular meetings shall be posted within three (3) days after the meeting at which the change is made. All regularly scheduled Council meetings shall be televised and all other Council meetings involving the majority of members of Council shall be televised, unless Council shall expressly decide by a simple majority vote at a televised Council meeting that a future meeting shall not be televised. (Charter § 6.1; MCL 15.265) (Amended February 14, 2002)

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- 2.8 Minutes of Regular Meetings.** Each regular meeting shall be recorded by the Recorder. The Clerk shall keep a permanent journal (minutes) of the proceedings of each regular meeting. The minutes shall be signed by the presiding officer and Clerk of the meeting. Corrections in the minutes shall be made not later than the next meeting after the meeting to which the minutes refer. Corrected minutes shall be available no later than the next subsequent meeting after correction. The corrected minutes shall show both the original entry and the correction. Proposed minutes shall be available for public inspection not more than eight (8) business days after the meeting to which the minutes refer. Approved minutes shall be available for public inspection not later than five (5) business days after the meeting at which the minutes are approved by the public body. (Charter § 4.7, 6.7; MCL 15.269).
- 2.9 Records of Meetings.** The Clerk shall be responsible for maintaining the official record and minutes of each meeting of the Council. The minutes shall include all the actions of the Council with respect to motions. The minutes shall show the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose or purposes for which a closed session is held. The minutes shall include all roll call votes taken at the meeting, and shall include the names of the mover and supporter for each motion and the vote of the Council. The minutes shall also state whether the vote was by voice or by roll call. For votes upon all ordinances and resolutions, the "Yes" and "No" votes of each member (or abstention) shall be included in the minutes, except that where the vote is unanimous it shall only be necessary to so state. (Charter § 6.7; MCL 15.269)
- 2.10 Requests for Remarks to be Included.** Any member of the Council may request to have his or her comments printed as part of the record. If there are no objections by any member of Council, the comments may be included. If there is an objection to such printing of the comments, the Council shall decide the matter by majority vote. Such comments to be included as part of the official record shall be provided in writing by the member at the meeting in question or, if the comments are oral and transcription is requested after the meeting in question, transcribed exactly by the Recorder from the electronic recording. Any dispute regarding the accuracy of the comments shall be resolved by the

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electronic recording of the meeting.

II. MEETING PROCEDURES

3.1 Presiding Officer.

- (a) The Mayor shall be the presiding officer of the Council. In the absence or disability of the Mayor, the Mayor Pro Tern shall perform the duties of Mayor. In the event of absence or disability of both, the Council may designate another of its members to serve as Acting Mayor during such absence or disability, and the Acting Mayor shall perform the duties of Presiding Officer. (Charter § 4.4, 4.5)
- (b) The Presiding Officer shall enforce orderly conduct at meetings and shall preserve order and decorum, prevent attacks on personalities or the impugning of members' motives, and confine members in debate to the question under discussion. Any police officer designated by the Presiding Officer of the meeting shall serve as the Sergeant-at-arms of the Council in the enforcement of the provisions of this subsection. (Charter § 6.6)

3.2 Special Meetings. Special meetings shall be called by the Clerk on the written request of the Mayor or any three members of the Council on at least twenty-four (24) hours written notice to each member of the Council served personally or left at his or her 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. A public notice stating the date, time, and place of the special meeting shall be posted at least (eighteen) 18 hours before the meeting. No business shall be transacted at any special meeting of the Council unless the same is stated in the notice of such meeting. However, any business which might lawfully come before a regular meeting may be transacted at such special meeting if all the members present consent thereto and all the members absent file their written consent. (Charter § 6.2, 6.3; MCL 15.265)

3.3 Place of Meetings. All regular and special meetings of the Council shall be open to the public and citizens shall have a reasonable opportunity to be heard. Regularly scheduled meetings shall be held in the Council Chambers at City Hall. Whenever the regular meeting

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place of the Council shall appear to be inadequate for members of the public to attend, the Mayor may change the meeting to a larger facility located in the City of Fraser. A notice of such change shall be prominently posted on the door of the regular meeting place, and advertised on the City cable channel if available. (Charter § 6.1, 6.4)

- 3.4 Time of Meetings.** Regular meetings shall begin at 7:00 P.M. in the evening unless the Council shall by majority vote in session set a different starting time. (Amended March 12, 2009)
- 3.5 Study/Work Sessions.** The Council may meet informally in Study/Work Sessions (open to the public) at the call of the Mayor or majority of the Council, to review forthcoming programs of the City, receive progress reports on current programs or projects, or receive other similar information from the City Manager, provided that all discussions and conclusions thereon shall be informal. Study/Work Sessions shall be conducted in accordance with the City Charter and state law requirements governing special meetings.
- 3.6 Recessed Meetings.** Any meeting of the Council may be recessed to a later date and time, provided that no adjournment shall be for a longer period than until the next scheduled meeting. Meetings adjourned by the Clerk for lack of all members shall be rescheduled for a date not more than one week later. Meetings recessed for more than thirty-six (36) hours shall be reconvened only after a public notice stating the date, time, and place of the meeting has been posted at least eighteen (18) hours before the meeting. (Charter § 6.5; MCL 15.265)
- 3.7 Meetings to be Public.** All meetings shall be open to the public and shall be held in a place available to the general public. All persons shall be permitted to attend any meeting except as otherwise provided by state law, and all persons shall have a reasonable opportunity to be heard. The right of a person to attend a meeting includes the right to tape-record, to videotape, to broadcast live on radio, and to telecast live on television the proceedings at a public meeting. The exercise of this right shall not be dependent upon the prior approval of the City Council. Reasonable rules and regulations adopted by the Council may be utilized to minimize the possibility of disrupting the meeting. All decisions of the Council shall be made at a meeting open to the public. All deliberations of the Council constituting a quorum of its members shall take place at a meeting open to the public except as otherwise provided by law. (Charter § 6.4; MCL

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15.263)

3.8 Closed Sessions. The City Council may only meet in closed session for purposes allowed in the Open Meetings Act as follows:

- (a) 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, employee, staff member, or individual agent, when the named person requests a closed hearing.
- (b) For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement when either negotiating party requests a closed hearing.
- (c) To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained. A 2/3 roll call vote of members elected or appointed and serving is required to call a closed session for this purpose.
- (d) 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 litigating or settlement position of the Council. A 2/3 roll call vote of members elected or appointed and serving is required to call a closed session for this purpose.
- (e) To review and consider the contents of an application for employment or appointment to a public office when the candidate requests that the application remain confidential. All interviews for employment or appointment to a public office shall be held in an open meeting pursuant to the Open Meetings Act. A 2/3 roll call vote of members elected or appointed and serving is required to call a closed session for this purpose.
- (f) To consider material exempt from discussion or disclosure by state or federal statute. A 2/3 roll call vote of members elected or appointed and serving is required to call a closed session for this purpose. (MCL 15.267, 15.268)

3.9 Minutes of Closed Sessions. The roll call vote and the purpose or

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purposes for calling the closed session shall be entered into the minutes of the open meeting at which the vote is taken. A separate set of minutes shall be taken by the Clerk or designee at the closed session. These minutes shall be retained by the Clerk, are not available to the public, and shall only be disclosed if required by a civil action filed under the Open Meetings Act. These minutes may be destroyed 1 year and 1 day after approval of the minutes of the regular meeting at which the closed session was approved. (MCL 15.267)

- 3.10 Confidentiality of Closed Session Information.** City Council members and individuals in attendance at closed sessions shall not divulge confidential information discussed in a closed session in advance of the time prescribed for its authorized release to the public by the City Council. Council members shall honor the confidentiality of the debate, discussions, and preliminary action taken in executive session. Premature and/or unauthorized disclosure may subject the Council member to civil and criminal penalties as set forth in the Open Meetings Act. (Penalties, MCL 15.272, 15.273)

III. ORDER OF BUSINESS

- 4.1 Agenda.** The City Manager, or his/her designee, shall prepare an agenda of business to be considered at each regular Council meeting. Three (3) Council members, in writing, email communication or telephone conversation with the City Manager, may add any reasonable agenda item. Items of business including requested items for inclusion on the agenda by Council members must be submitted by close of business on the Wednesday, eight (8) days prior to the regular meeting held on the second Thursday of the month. The agenda at any Council meeting may be amended by a majority of the quorum. (Amended October 13, 2016)
- 4.2 Distribution.** The agenda and supporting materials shall be prepared for the Mayor and City Council, City Attorney, press and public and be distributed to Council members the Thursday preceding the regular Council meeting. The agenda shall then be posted the Friday preceding the regular Council meeting by no later than 4:30 p.m. The Council shall have the option of deleting any item from the agenda or postponing an item on the agenda to a

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subsequent Council meeting. Should an item be tabled but not to a certain date, it shall not appear until it is requested to be removed from the table by Council. (Amended January 9, 2014)

- 4.3 Additional Materials.** Additional supporting materials relating to any agenda item shall be furnished by the City Manager to the City Council at least 24 hours prior to the City Council meeting, if practical.
- 4.4 Format.** The agenda of a Regular Meeting of the City Council shall be prepared in accordance with the following format:
- Call Meeting to Order
 - Pledge of Allegiance
 - Roll Call of Council Members
 - Approval of Agenda
 - Citizen Participation on Agenda Items
 - Consent Agenda
 - Request for Council Action
 - Pending Items of unfinished business/Report of City Administration
 - Report of Mayor/City Council/New Business
 - Citizen Participation
 - Closed Session (If required and approved)
 - Adjournment
- 4.5 Call to Order.** The meetings of the Council shall be called to order by the Presiding Officer. In the absence of both the Mayor and the Mayor Pro Tern, the meeting shall be called to order by the City Manager/Clerk for the election of an Acting Mayor during such absence. (Charter § 4.4,4.5)
- 4.6 Public Hearings.**
- (a) The Presiding Officer opens and closes the Public Hearing. All persons who wish to be heard shall be heard. However, the Presiding Officer may change the order of speakers so that testimony is heard in the most logical grouping (e.g., Petitioners, Proponents, Opponents, Adjacent Owners,

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Vested Interests, etc.) If a member of the public is addressing the Council at a scheduled public hearing, he or she shall stand or signal to obtain recognition by the Presiding Officer at the opening of the hearing, or at the conclusion of the remarks of the previous speaker.

- (b) The Presiding Officer introduces the agenda item, opens the public hearing, and may announce the following rules of order:
 - (1) "All comments by proponents, opponents, or the public shall be made from the speaker's table and any individual making comments shall first give their name and address. This is required because an official record of the public hearing is being made."
 - (2) "It is not necessary to be a proponent or opponent in order to speak."
 - (3) "No comments shall be made from any other location, and anyone making 'out of order' comments may be subject to removal from the meeting."
 - (4) " There will be no demonstrations during or at the conclusion of anyone's remarks or presentations."
 - (5) "These rules are intended to promote an orderly system of holding a public hearing, to give every person an opportunity to be heard, and to ensure that no individual is embarrassed by exercising his or her right of free speech."

4.7 Consent Agenda.

- (a) The consent agenda is defined as those items on the Council agenda which are considered routine by the City Manager. Special consideration items such as waivers of bid requirements require action as a consideration and are not to be a part of the consent agenda. The suggested action should be

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printed as part of the agenda, and, unless a member of the Council specifically requests action taken separately on said item, the consent agenda shall be considered without debate by motion and vote of the Council. Those items approved under the heading "Consent Agenda" shall appear in the Council Minutes in the adopted form. The Consent agenda shall include the following items:

- Approval of Minutes
- Approval of Payment of Bills
- Award of Bids
- Setting Dates for Public Hearings
- Proclamations
- Approval of annual recurring expenditures and/or contract to the lowest bidder meeting specifications and approved by Council in the Annual Budget
- Additional Routine Items

IV. PUBLIC PARTICIPATION AND COMMENTS

5.1 Procedure for Addressing Council. Each person addressing the Council shall approach the microphone and give his/her name and address in an audible tone of voice for the record. All remarks shall be addressed to the Council as a body, and not to any individual member thereof. No person, other than members of the Council and the person having the floor shall be permitted to enter into any discussion, either directly or through the members of the Council. No questions shall be asked by the Council Members, except through the Mayor. (Authority to establish rules, MCL 15.263)

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5.2 Time Limits. Citizen participation for up to five (5) minutes on any agenda item at the beginning, no participation on agenda items during the meeting, and at the end of the meeting, up to five (5) minutes on City business. **Part B:** Citizen participation for those who have not spoken previously on citizen participation at the beginning, will have up to five (5) minutes on each agenda item during the meeting and up to an additional five (5) minutes on any City business at the end of the meeting. (Charter § 6.4) (Amended July 27, 2006)

5.3 Profanity, Topicality, and Personal Remarks.

- (a) Persons addressing the Council shall make responsible comments relating to matters before the Council, City business or policy, or issues of community concern or interest. Such persons shall refrain from making defamatory or profane remarks, or remarks constituting a personal attack upon a Councilperson or City official or employee which is totally unrelated to the manner in which the Councilperson, official, or employee performs his or her public duties. While commenting upon the actions, inactions, or performance of the Council or any of the City's commissions, boards, employees, or consultants, profane, vulgar, or abusive language will not be tolerated. (Personal attacks, OAG, 1977-1978, No 5332, p 536 (July 13, 1978))
- (b) The Mayor shall call to order any person who is being disorderly or disruptively boisterous by speaking when not recognized by the Mayor or otherwise disrupting the proceedings by failing to be germane, or by making personal attacks or vulgar or defamatory remarks. Such persons shall thereupon be seated until the Mayor shall have determined whether the person is in order. If a person so engaged in presentation shall be called out of order, he or she shall not be permitted to speak at the same meeting, except upon special leave by the Council. If a person shall continue to be disorderly and disrupt the meeting, the Mayor may order the Sergeant-at-arms or the Department of Public Safety to remove the person from the meeting.

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5.4 Response to Public Comment. Council members shall not respond to general audience participation, unless permitted to do so by the Mayor. Matters raised by the public may also be referred to the City Manager, the appropriate department head, or to the City Attorney by the Mayor.

5.5 Council Position on Citizen Participation. The Mayor and Council encourage citizen participation so that the views of each citizen may be heard and expressed in an amicable, professional manner. Council members and citizens should refrain from disparaging remarks, confining their comments to the matter at hand and not personalizing any issue so as to arouse, demean, or defame any Council member, employee or citizen.

V. CERTIFICATES

6.1 Certificates of Appreciation, Thanks or Goodwill. The City Council may issue plaques, awards, and certificates to express appreciation, thanks, or goodwill. The following certificates may be issued on behalf of the City by the City Manager/Clerk without prior vote or approval of the Council:

- (a) Certificates of appreciation for work done on a strictly voluntary basis by any person or group.
- (b) Awards for merit in areas of academics, service to the City, or service to the community at large.
- (c) Certificates of appreciation for retiring employees.
- (d) Certificates of appreciation from the City Council may be awarded by the Mayor (or in his/her absence, the Mayor Pro Tern) whenever delaying the award for the next scheduled meeting would be detrimental to the City's image or timeliness of the award. These instances include, but are not limited to, death or injury of an employee while serving in the line of duty, or death or injury of a former or retired employee.

VI. COUNCIL DECORUM

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- 7.1 Conduct.** Each Council member shall conduct himself or herself in a manner consistent with the dignity and decorum of the office and shall act in a manner which accords respect to the public, staff members, the Mayor, and fellow Councilmembers.
- 7.2 Time Limits/Order.** There shall be no formal time limit for Council members to discuss a topic, except when Council agrees to set a temporary limit on discussion for a particular topic, by means of a vote of the majority of Council.
- 7.3 Seating Assignments** - The Mayor has the discretionary authority at the beginning of each elective term of office, or when a vacancy occurs or is filled, to decide seating arrangements for members of Council. In case of disability, long hospitalization, or death of the Mayor, those decisions will remain in effect until a new Mayor is elected.
- 7.4 Requests by Council.** If a request to the City Attorney, City Manager or a Department Head would involve any substantial costs to the City, such requests shall first be submitted to the City Manager who will decide if the request is warranted. If the City Manager finds that the request would involve any substantial costs to the City, such request shall be submitted to Council for discussion and vote.
(Amended January 12, 2012)
- 7.5 Voting and Discussion.**
- (a) Roll call votes shall be taken when required by policy/law, at the request of any member of Council, or when the Presiding Officer cannot determine the results of a voice vote. In all roll call votes, the names of the members of the Council shall be called in alphabetical order. (Charter § 6.7)
- (b) The following actions require the affirmative vote of five members of the Council:
- Creation or abolition of an office
 - Imposition of a tax or assessment
 - Vacation or abolishment of a street, lane, alley, or other public place

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- Sale or disposition of real estate or any interest therein
- Condemnation of private property for public use
- Appropriation of money; authorization to incur obligations and to expend public funds for a stated purpose.
- Reconsideration or rescission of any vote of the Council (Charter § 7.7)

7.6 Duty to Vote. Whenever a question is put before the Presiding Officer, every member who is present shall vote, provided that no member shall be required to vote if:

- That member has a financial interest in the question before the Council;
- The question concerns the member's own conduct; or
- The member is excused from voting by unanimous consent of the remaining members present. (Charter § 6.7)

7.7 Conduct of Discussion. During Council discussion and debate, no member shall speak until recognized by the Presiding Officer. After such recognition the member shall confine discussion to the question at hand. Personal comments about other individuals should be avoided. When addressing other members of the Council they should be addressed by title and/or last name but not by first name. No member shall be permitted to speak a second time on a motion as long as another is requesting recognition to speak for a first time.

7.8 Interruptions. A member of Council once recognized, shall not be interrupted when speaking, unless the Mayor calls the meeting or the member to order. If a member, while speaking, is called to order, the member shall cease speaking until the question(s) of order are determined and if in order, shall be permitted to proceed.

7.9 Liaison Appointments. The Mayor may appoint, upon concurrence of Council, a member of Council to serve as an official liaison between Council and any City commission, board, or committee.

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7.10 Public Comment. A Council member is free to give his/her opinion, free to say which way he/she plans to vote, and free to speculate on which way he/she thinks the Council will vote, but shall not speak as if the vote has already taken place.

7.11 Standing Committees. Any standing committee of the Council shall be composed of at least three (3) members. (Charter § 6.7)

7.12 Vacancies in Office/Removal from Office.

(a) Any elective City office shall be declared vacant by the Council upon the occurrence of any of the following events before the expiration of the term of such office:

- For any reason specified by statute or by the City Charter as creating a vacancy in office;
- If no person is elected to, or qualifies for, the office at the election at which such office is to be filled;
- If the officer shall be found guilty by a competent tribunal of any act constituting misconduct in office under the provisions of the Charter;
- If the officer shall absent himself/herself continuously from the City for more than thirty consecutive days in any one year without the permission of the Council; or
- If a Council member shall miss four consecutive regular meetings of the Council, or twenty-five percent of such meetings in any fiscal year of the City, unless such absences shall be excused by the Council and the reason therefore entered in the proceedings of the Council at the time of each absence. (Charter § 5.2)

(b) The office of any member of any board or commission created by, or pursuant to, the Charter shall be declared vacant by the Council:

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- (1) For any reason specified by statute or by the Charter as creating a vacancy in office
 - (2) If the officer shall be found guilty by a competent tribunal of any act constituting misconduct in office under the provisions of the Charter;
 - (3) If such officer shall miss four consecutive regular meetings of such board or commission, or twenty-five per cent of such meetings in any fiscal year of the City, unless such absences shall be excused by such board or commission and the reason therefore entered in the proceedings of the Council at the time of each absence. (Charter § 5.2)
- (c) Removals of officers by the Council shall be made for either of the following reasons:
- (1) For any reason specified by statute for removal of City officers by the governor; or
 - (2) For misconduct in officer under the provisions of the Charter.
- (d) Such removals by the Council shall be made only after hearing of which such officer has been given notice by the Clerk at least ten (10) days in advance, either personally or by delivering the same at his/her last known place of residence. Such notice shall include a copy of the charges against such officer. The hearing shall afford an opportunity to the officer, in person or by attorney, to be heard in his/her defense, to cross-examine witnesses, and to present testimony. If such officer shall neglect to appear at such hearing and answer such charges, his/her failure to do so may be deemed cause for his/her removal. A majority vote of the members of the Council in office at the time, exclusive of any member whose removal is being considered, shall be required for any such removal. (Charter § 5.2)
- (e) Resignations of elective officers shall be made in writing and filed with the Clerk and shall be acted upon by the Council at its next regular meeting following receipt thereof by the Clerk.

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Resignations of appointive officers shall be made in writing to the appointing officer or body and shall be acted upon immediately. (Charter § 5.3)

- (f) Vacancies in elective offices shall be filled by appointment of the Council of a person possessing the qualifications for the office. Any person appointed to a vacancy in any such elective offices shall hold office until such vacancy is filled at the next regular City election. The process for this appointment will be to contact the next highest vote getter from the previous election to see if he/she is interested in filling the vacancy. If so, that person shall fill the vacancy. If not, the same process will be followed for the next highest vote getter and so on. If all persons are not interested in filling the vacancy, Council may appoint any person possessing the qualifications for office. (Amended January 14, 2016)

If three (3) or more vacancies exist simultaneously in the positions of Mayor and Council members, the Clerk shall within ten (10) days call a special election to be held within sixty (60) days to fill such vacancies for the unexpired terms of the officers whose offices have become vacant. This section shall not apply to the filling of vacancies resulting from recall. Vacancies in appointive offices shall be filled in the manner provided for making the original appointment. (Charter § 5.4)

- 7.13 Electronic and Telephone Communication During Session.** While Council is in session, Council persons shall not send or review electronic communications relating to City business from other Council members, staff or public at large. While Council is in session, Council members are permitted to receive, review and respond to electronic communications involving matters other than City business and are emergency in nature.

VIII. SUSPENDING RULES OF CONDUCT

- 8.1 Suspension of Rules.** Any provision of these rules not governed by the City Charter or City Code may be temporarily suspended by a roll call vote of a majority of Council.