

# Hastings City Council Rules of Procedure

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## Hastings City Council Rules of Procedure

**1. Authority.** These rules were adopted under the authority of the Hastings City Charter and shall be reviewed and adopted annually as required by Section 5.9 of the Charter. None of the rules herein stated may supersede City Ordinances or Laws of the State of Michigan. This policy is intended to revoke and replace any other council policy related to procedural rules previously adopted.

### **2. City Council Meetings.**

*2.1 Regular Meetings.* The regular meetings of the City Council shall be held on the second and fourth Monday of the month unless otherwise determined by the Council. The Council will approve by resolution the regular meeting schedules for each calendar year and establish the meeting location.

*2.2 Special Meetings.* Special meetings of the Council shall be called by the City Clerk upon the request of the Mayor, City Manager, or two (2) or more Council members. Notice of a special meeting shall be given to each member of the Council at least 18 hours in advance of the meeting. Notice shall include the time and purpose of the meeting. Such notice shall be emailed to each Council member and a phone call to each member shall be attempted if the meeting is called outside of a Regular Meeting. Official notice of the meeting shall be posted in accordance with the Open Meetings Act.

*2.3 Workshop/Study Session Meetings.* The Council may convene a work session meeting devoted exclusively to the exchange of information relating to municipal affairs. No votes shall be taken on any matters under discussion nor shall any council member enter into a formal commitment with another member regarding a vote to be subsequently taken.

*2.4 Emergency Meetings.* No public notice is required for a meeting of the Council in emergency session in the event of a severe and imminent threat to the health, safety or welfare of the public when two-thirds of the members of the council determine that delay would be detrimental to the City's efforts in responding to the threat. Notice to council members will be given in the same manner as in 2.2 above.

*2.5 Place of Meetings.* Regular and special meetings of the Council will be held in the Council Chambers on the second floor of City Hall unless otherwise determined by the Council. An alternative meeting location may be chosen if meeting in the chambers is not possible or practical given the time and reason for the meeting. A notice of such change shall be prominently posted at City Hall. If time permits, the City Clerk may also publish notice of the change in meeting place in the Hastings Banner.

*2.6 Time of Meetings.* Regular meetings of the Council will begin at 7:00 P.M., unless otherwise determined by the Council. Work sessions will begin at 6:00 P.M. unless otherwise determined by the Council. Special meetings may be scheduled at other times provided the meeting time

and location is included in the meeting notice. Meetings will not be scheduled at times which would discourage public attendance.

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

*2.8 Attendance at Council Meetings.* Attendance at Council meetings is critical to fulfilling the duty of a member. The Council may excuse absences for cause. If a council member has more than two unexcused successive absences for regular Council meetings, the Council may enact a resolution of reprimand. In the event the member's absences continue for two additional successive regular meetings of the Council (four total unexcused absences), the Council shall notify the council member that they have seven calendar days to provide council with an explanation and to appeal the absences not excused. Should such an appeal not be made or, after a hearing, council determines that the member's absences are still not excused, the Council shall enact a resolution removing the Council Member from membership and declaring a vacancy in accordance with Section 4.9 of the City Charter. If a Council Member has unexcused absences from 25% of the regular council meetings in any given year, the City Council shall enact a resolution removing the Council Member from membership and declaring a vacancy in accordance with Section 4.9 of the City Charter. Council is empowered to adjourn a meeting if a quorum is not present and compel attendance in a manner prescribed by its ordinance.

*2.9 Recording of Meetings.* The City may record any meeting of the City Council using an approved electronic device. Such recordings may be posted or distributed as previously approved by the City Council or in consultation with the FOIA coordinator. A member of the public may record any meeting through the use of an electronic device provided that the action of recording is not done in a way that is distracting or disruptive to the Council's business such as flash photography, use of artificial lighting, or equipment that blocks the view of other members of the public attending the meeting or negatively impacts the safety of those in attendance.

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

*3.1 Regular Meeting Schedule.* The City Clerk shall post a notice of the regular meeting schedule for the next calendar year at City Hall and publish said notice in the Hastings Banner, following the first council meeting each calendar year. Said notice shall indicate the dates, times and locations of the scheduled meetings.

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

*3.3 Special Meetings.* If a special Council meeting is called pursuant to Section 2.2 above, the City Clerk shall post notice of such meeting as soon as possible. No meeting may be held until such notice has been publicly posted at least 18 hours in accordance with the Open Meetings Act.

**4. Quorum.** Five (5) City Council members shall constitute a quorum for the transaction of business at all City Council meetings. A member of the Council who is disqualified due to a conflict of interest may not be counted to establish a quorum to consider that matter.

## **5. Agendas.**

*5.1 Regular Meeting Agendas.* The City Manager is responsible for preparation of the agenda of business for all regular meetings, with the advice and input of the Mayor. The City Manager will distribute copies of the agendas to the Council members no later than the Friday preceding each regular meeting. The agenda packet will be posted on the City's website, [www.hastingsmi.gov](http://www.hastingsmi.gov). After the meeting is called to order, the Council will vote to approve the agenda with or without amendments of any items presented to the City Manager after the agenda was distributed to Council. A majority vote of the Council members present is required to approve the agenda and to add any additional items.

*5.2 Special Meeting Agendas.* The City Manager is responsible for preparation of the agenda of business for all special Council meetings. The agenda will consist only of the matters so stated in the notice of the meeting.

*5.3 Order of Business.* The order of business for the meeting will follow that described herein. The Chairperson, upon hearing no objection, may change the order of business. Should an objection be made, such proposed change shall be approved by a majority vote of the members present.

1. Call to Order
2. Roll Call
3. Pledge to the Flag
4. Approval of the Agenda
5. Approval of the Minutes of the Preceding Meeting(s)
6. Public Hearings
7. Public Comments
8. Formal Recognition and Presentations
9. Approval of Items by Unanimous Consent
10. Items of Business
11. Staff Presentations and Policy Discussion
12. City Manager Report
13. Reports and Communications
14. Public Comment
15. Mayor and Council Comment
16. Adjournment

*5.4 Paperless Agendas.* The City of Hastings seeks to be "paperless" and use electronic documents to the greatest extent possible. This includes documents for council such as agenda packets and corresponding documents. iPads have been provided to all council members which may be used to access these documents during council meetings and for official city emails.

## 6. Conduct of Meetings.

*6.1 Chair.* The Mayor shall moderate and chair all meetings of the Council and be responsible for enforcing these rules of procedure and orderly conduct at meetings. In the absence of the Mayor, the Mayor Pro Tempore shall assume the duties of the Chair. If neither person is present at the meeting, the Council shall select one of its members to preside until the Mayor or Mayor Pro Tem is present.

*6.2 Members of the Public.* Members of the public in attendance at a Council meeting shall not speak unless recognized by the Chair. Members of the public shall be limited to speaking for a maximum of three minutes during any public hearing or public comment. The Chairperson will maintain the official time and notify the speakers when their time is up. Prior to addressing the Council, members of the public will be asked by the Chairperson to identify themselves by stating their name and if they are a resident of the City of Hastings. However, no person shall be required to register or provide any information as a condition of *attending* a meeting.

Any person shall be permitted to address the Council during the period set for public comment. Questions or follow up to a citizen's comments may be referred to the City Manager or placed on the agenda for a future meeting if appropriate. Council members will not directly address members of the public during the meeting.

Agendas shall contain the following notice to the public:

Public Comment is welcomed and appreciated. Please follow these simple guidelines to ensure all have an opportunity to be heard.

All comments and questions will be made through the chair. All comments will be made in a courteous and civil manner; profanity and personal attacks will not be tolerated. Please limit the length of your comments to 3 minutes. If you are a member of a group, please appoint a spokesperson to speak on behalf of the group (those speaking on behalf of a group may be provided additional time). Please state your name before offering comment.

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

- A. The Chair shall recognize each person before they may speak.
- B. When recognized by the Chair, the person must state their name and indicate whether or not they are a resident of the City of Hastings prior to speaking.
- C. All comments must be addressed directly to City Council.
- D. No person will be allowed to speak for more than three minutes.
- E. The Chair may limit to one the number of times a person will be recognized to speak during each public hearing.
- F. Speakers shall be courteous of all persons in attendance and the Council Members.

*6.4 Disorderly Conduct at Meetings.* The Chair may call to order any person who is being disorderly by speaking when not recognized by the Chair or by speaking for more than the allotted time or by otherwise disrupting the proceedings. Such person shall thereupon be seated until the Chair has determined whether the person is in order. If a person so engaged in presentation is called out of order, he or she shall not be permitted to speak at the same meeting, except upon special permission of the City Council. If the person continues to be disorderly or disrupts the meeting, the Chair may order the removal of the person from the meeting. No person will be removed from a City Council meeting except for an actual breach of the peace committed at that meeting.

*6.5 Absence of a Member for Military Duty.* Any member of the council who is on military duty may continue to participate as an active member of the City Council. "Military Duty" means (a) training and service performed by an inductee, enlistee or reservist, or any entrant into a temporary component, of the armed forces of the United States, and (b) time spent in reporting for and returning from such training and service, or if rejection occurs, from the place of reporting, pursuant to a lawful order.

A member of the military who will be physically absent from a meeting due to military duty shall notify the City Manager of the intended absence as soon as possible. The member shall be permitted to participate in, and vote on, business before the body in a manner predetermined and approved to ensure 2-way communication wherever feasible, ideally utilizing a form of teleconferencing whenever possible.

A member of the council who will be physically absent from a public meeting due to military duty shall be considered to be present at the public meeting when that member has participated in the meeting as described above.

## **7. Council Vacancy Voting Procedure**

When a vacancy on the Council occurs, an official notice shall be published indicating that the City is accepting letters of interest from registered voters in the affected ward who are interested in being appointed to fill the vacancy. The Council shall hold a meeting to hear from prospective appointees and appoint an eligible person.

Voting on candidates shall be by signed paper ballot vote with each Council Member naming the candidate of his or her choice. In the event no candidate receives five votes on the first ballot, candidates receiving no votes or a number of votes less than the candidate receiving the second highest number of votes shall be eliminated. If the two top candidates are tied, those with a fewer number of votes shall be eliminated. Candidates tied for second place shall remain in the running and voting shall continue until a candidate receives five votes.

Should all candidates be tied for first place, voting shall continue until the tie is broken and the process outlined in the preceding paragraph shall be followed.

The candidate appointed shall take the oath of office at the next regularly scheduled Council meeting.

## **8. Record of Meetings.**

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

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

## **9. Closed Meetings**

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

- A. Purchase of Real Property. To consider the purchase or lease of real property up to the time an option to purchase said real property is obtained.
- B. Pending Litigation. To consult with its attorney(s) regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have detrimental financial effect on the litigation or settlement position of the City.
- C. Applicant Information. To review specific contents of an application for employment or appointment to a public office, but only when the candidate requests confidentiality. However, all interviews by the Council shall be conducted in an open meeting.
- D. Materials Exempt by Statute. To consider materials specifically exempt from discussion or disclosure by state or federal statute.

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

- A. Complaints and Evaluations. To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, employee, staff member, or individual agent, if the named individual requests a closed hearing. An individual requesting a closed hearing may rescind the request at any time, in which case the matter at issue must be considered after the rescission only in open sessions.
- B. Union Contract Negotiations. For strategy and negotiation discussions connected with the negotiation of a collective bargaining agreement.



The roll call vote to go into a closed meeting must be recorded in the minutes of the open meeting. Upon ending a closed meeting, the Council must reconvene the open meeting in order to take action on any items discussed in the closed session meeting.

A City Council member shall not divulge to any unauthorized person confidential information discussed in a closed session. Council members shall honor the confidentiality of the debate, discussion, and preliminary action taken in closed session; and be aware of the potential of both criminal prosecution and civil penalties under Open Meeting Act along with harm to the reputation of the City of Hastings by disclosure. A violation of confidentiality shall be construed as misconduct in office.

*9.2 Participation in a Closed Meeting.* Participants in a closed session meeting of the Council are limited to the Council Members, the City Attorney, The City Manager, and staff members approved to attend by the City Manager as necessary and appropriate.

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

## **10. Parliamentary Procedure.**

*10.1. Rules.* 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, unless they are in conflict with these rules, City Ordinance, or the laws of the State of Michigan. The Chair may appoint a parliamentarian. The Chair shall preserve order and decorum and may speak to points of order in preference to other Council Members. The Chair shall decide all questions arising under this parliamentary authority, subject to appeal and reversal by the majority of the Council Members present.

*10.2 Appeals.* Any member may appeal to the Council a ruling of the Chair. If the appeal is seconded, the member making the appeal may briefly state the reason for the appeal and the presiding officer may briefly state the ruling. There shall be no debate on the appeal and no other member shall participate in the discussion. The questions shall be, "Shall the decision of the chair be sustained?" If the majority of the members present vote "yes," the ruling of the chair is sustained; otherwise, it is overruled.

## **11. Conduct of Discussion**

*11.1 General Discussion.* During the Council discussion and debate, members shall confine discussion to the question at hand and to its merits and shall not be interrupted except by a point of order or privilege raised by another member. Speakers should address their remarks to the Chair, maintain a courteous tone, and avoid interjecting a personal note into debate. Council members should review all meeting materials provided for them in advance of the meeting and

ask the City Manager for any clarifications prior to the meeting if possible. This will enable better discussion and decision making.

*11.2 Speakers.* No member shall speak more than once on the same question unless every member desiring to speak to that question has had the opportunity to do so. The Chair, at his or her discretion, and subject to the appeal process mentioned in section 9.2, may permit any person to address the Council during its deliberations.

## **12. Voting**

*12.1 Duty to Vote.* An affirmative vote of the majority of the Council shall be required for the approval of any proposed action or motion placed before the Council. Voting shall ordinarily be by voice vote, with the exception of roll call votes as specified in sub-section 11.3. Whenever a proposed action or motion is placed before the Council, all Council members present including the Chair shall vote. No Council member present shall abstain from voting unless that member states a conflict of interest. Conflict of interest shall be the sole reason for a request to abstain from voting. If a question of conflict of interest arises, the Council shall by simple majority vote of the remaining members determine whether a conflict exists. An abstention is a refusal to vote. Any member abstaining from a vote shall not participate in the discussion of that item.

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

*12.3 Roll Call Votes.* Roll call votes shall be taken when required by law, for all resolutions and ordinances, or at the request of any Council member, or when the Chair cannot determine the results of a voice vote. In all roll call votes, the names of the members of the Council shall be called by the City Clerk in any order that he or she may choose.

*12.4 Results of Vote.* In all cases where a vote is taken, the Clerk shall declare the result.

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

**14. Council Member Communications.** All communications are subject to the requirements of the Michigan Open Meetings Act which restricts the use of electronic devices during council meetings. No Council Member shall engage in any form of electronic communications with any other council members or members of the public during Council meetings. Council Members must not participate in any emails, texts, and other communication with each other that include a quorum of members of the council. Cell phones should not be used during the meeting and should be turned to silent mode to avoid disruptions.

**15. Council Member Use of Social Media.** Council members shall be mindful of their position and responsibilities to the City of Hastings when using social media. Members should strive to be courteous and fair in their postings. Personal social media accounts should not be used for any

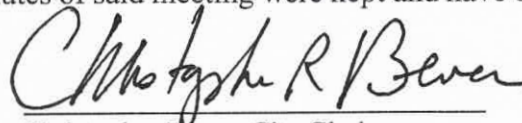
official City purposes. If posting content related to the City of Hastings, Council Members should not represent themselves as a spokesperson for the City and should express only their personal views as an individual. Members who post about the City of Hastings are encouraged to add a clarifying comment to their posts such as: "The postings on this site are my own and do not necessarily reflect the views of the City of Hastings". Members shall refrain from the use of any City logo, patch, badge, or sign on their social media without the express permission of the City Council. Members shall not use social media or any other means of communication to disclose any City material that has not already been made readily available to the public.

**16. Freedom of Information.** Records, files, publications, correspondence and other materials are available to the public for reading, copying and other purposes as required pursuant to the Michigan Freedom of Information Act. Requests for information are handled by the FOIA Coordinator.

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

**18. Suspend Rules.** The Rules of Procedure may be suspended for a specified portion of a meeting by an affirmative vote of two-thirds of the members present except that Council actions shall conform to state statutes and applicable laws.

**19. Certification.** I hereby certify that these Rules of Procedure were adopted by the City Council of the City of Hastings, County of Barry, State of Michigan, at a regular meeting held on January 8, 2024, by a vote of eight member(s) voting in favor thereof and zero member(s) voting against, and one member(s) absent, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and have been made available as required by said Act.



Christopher Bever, City Clerk