

**CITY OF FERNDALE
REQUEST FOR COUNCIL ACTION**

FROM: J. Cherilynn Tallman, City Clerk

SUBJECT: Consideration of Amendment to Council Rules of Procedure

SUMMARY & BACKGROUND:

The Michigan Zoning Enabling Act, MCL 125.3502 Sec. 502.(1) requires review and approval “as required by the zoning ordinance” for all Special Land Use applications. The City of Ferndale Zoning Ordinance, Section 3.04 B.2. requires a public hearing before the Plan Commission, and Section 3.04 B.4. requires Council to then consider the report and any recommendation by the Plan Commission, but gives Council discretion as to whether or not that consideration should be in the form of a public hearing.

Because the Michigan Zoning Enabling Act requires public notice to be given 15 days prior to a public hearing the time between Council meetings is rarely sufficient for Council to decide to hold a public hearing at one meeting and schedule that public hearing for the next. The result is that decisions can be delayed for up to a month and a half.

By amending Council’s Rules and Procedures to require a public hearing for all special land use applications, Council allows the public a second opportunity for input, sets a standard procedure for all applicants and builds on its reputation as “redevelopment ready”, friendly, service-oriented and efficient.

ATTACHMENTS: Proposed Amended Rules of Procedure

COUNCIL AGENDA DATE: December 22, 2008

CITY ATTORNEY REVIEW: PDC 12-15-08

FINANCE DIRECTOR REVIEW: n/a

RECOMMENDED ACTION:

Moved by , seconded by , to adopt the amended Rules of Procedure to add 8. Public Hearings for Special Land Uses, to Section II. Meeting Procedure.

Council Rules of Procedure

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FERNDALE CITY COUNCIL**

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Adopted: January 14, 2008
Revised: April 14, 2008
Revised: October 13, 2008
Proposed for Revision: December 22, 2008

RULES OF PROCEDURE FERNDALE CITY COUNCIL

I. Regular and Special Meetings

1. Regular Meetings

All regular meetings of the Council shall be held the second and fourth Monday of the month in the Council Chambers at 7:30 p.m., Eastern Standard Time. If the meeting day falls on a legal holiday, the Council shall meet on the next regular business day.

2. Special Meetings

The Mayor, any two (2) members of the Council, or the Manager, may call special meetings of the Council upon at least eighteen (18) hours' written notice to each member served personally or left at their usual place of residence.

3. Business at Special Meetings

No business shall be transacted at any special meeting of the Council unless the same has been stated in the notice of such meeting.

4. Regular and Special Meeting Notice (Posting) Requirements

For regular meetings of the Council, the Clerk shall post at the City Hall, within ten (10) days after the first meeting of the Council in each calendar year, a public notice stating the dates, times and places of its regular meetings for the year.

For a rescheduled regular or a special meeting of the Council, a public notice stating the date, time and place of the meeting shall be posted at least 18 hours before the meeting.

5. Minutes of Regular and Special Meetings

Minutes of the proceedings of each regular and special meeting will be kept in the English language by the Clerk and shall be signed by the Clerk and the Mayor, upon approval by Council.

Proposed minutes of regular or special meetings will be available for public inspection not more than eight business days after such meeting.

Approved minutes will be available for public inspection not later than five business days after the meeting at which the minutes were approved.

II. Meeting Procedure

1. Meetings to be Public

All regular and special meetings of the Council shall be open to the public and citizens shall have a reasonable opportunity to be heard under such rules and regulations as the Council may prescribe.

2. Order of Business

An agenda for each Regular Council meeting shall be prepared by the Manager and Clerk in accordance with the following order of business (as appropriate):

1. Pledge of Allegiance
2. Roll Call
3. Approval of Agenda
4. Presentations
5. Public Hearings
6. Call to Audience (Strict half-hour; excess of half-hour immediately prior to Call to Council)
7. Consent Agenda

All items listed under Consent Agenda are considered routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or citizen so requests; in which event, the items will be removed from the Consent Agenda and considered at the end of the Regular Agenda.

- A. Approval of Minutes
 - B. Petitions to be Referred
 - C. Setting of Public Hearing Dates
 - D. Routine Requests and Information
 - E. Requests to take Bids
 - F. Submission of Bids
 - G. Reports and Bonds
 - H. Bills, Payrolls, City Attorneys' Expense Statements
8. Regular Agenda
 9. Council Appointee Report (quarterly)
 10. Council Liaison Reports (if any)
 11. Call to Council
 12. Closed Session (if necessary)
 13. Adjournment

3. Quorum

A majority of all the members elected to the Council shall constitute a quorum. The affirmative votes of a majority of the Council shall be required for the passage of any ordinance or resolution, unless in any given case a greater number is required by the City Charter or state law.

4. Presiding Officer

The Mayor shall be the presiding officer (Chair) of the Council. The Council shall, at the first regular meeting, elect a member of the Council as Mayor Pro Tem, who, during the absence or disability of the Mayor, shall perform those duties, during the time of such absence or disability, and exercise all the duties and possess all the powers of the Mayor. In the absence or disability of the Mayor Pro Tem, the Council may temporarily appoint one of its members to that office. The Mayor as a member of the Council shall have the right to vote upon all matters before the Council and shall possess all the other rights and powers of members of that body. The Mayor shall not have the right of veto.

5. Presentations by Community Organizations

Community/School groups wishing to announce a special event or present an award before the Council must first obtain approval from the Mayor, any two members of Council or the Manager. A written summary stating the purpose of the presentation shall then be submitted to the Manager's office. The presentation will be placed on the next available agenda, and the group will be notified by the Clerk's Office of the date.

6. Meeting Closure Time

A mandatory closure time of 12:00 a.m. (midnight) is set for all Council meetings. Remaining business will be rescheduled to the next regular meeting, unless there is a matter of urgency regarding a particular issue. In that case, Council may schedule a special session to address the item(s) or may suspend the Rules of Procedure to extend the closure time for that particular meeting.

7. Time Limitations

- Presentations 5 minutes
- Call to Council 5 minutes per member

8. Public Hearings for Special Land Uses

Upon completion of any report and any recommendation by the Plan Commission for a special land use pursuant to the provisions of the Ferndale Zoning Ordinance, Section 3.04, the City Council shall hold a public hearing on a special land use application at the next regularly scheduled Council meeting which permits sufficient time for public notice in compliance with the provisions of Michigan Public Act 110 of 2006, as amended.

III. Closed Sessions

1. Purpose

The Council may only meet in closed session for purposes defined in the Michigan Open Meetings Act (MCL 15.268).

2. Calling Closed Meetings

A two-thirds roll call vote of the Council members elected and serving shall be required, except as permitted under the Michigan Open Meetings Act. The roll call vote shall be taken at an open meeting and the purpose for calling the closed session shall be entered into the minutes of the meeting at which the vote is taken.

3. Minutes of Closed Meetings

A separate set of minutes shall be taken at the closed session by the Clerk or, in the absence of the Clerk, by a recording secretary designated by Council. These minutes will be retained by the Clerk, shall not be available to the public and shall only be disclosed if required by a civil action.

Closed meeting minutes will be distributed to Council for approval at a closed meeting and shall be returned to the Clerk at the same meeting.

4. Confidentiality of Closed Meeting Information

A person shall not divulge to any unauthorized person confidential information discussed in a closed session in advance of the time prescribed for its authorized release to the public by the Council. Council members shall honor the confidentiality of the debate and discussion taken in closed session.

IV. Voting and Discussion

On all parliamentary questions, Roberts' Rules of Order, 10th edition, and as amended, shall govern insofar as they are applicable and except as they conflict with any of these rules.

In putting questions to a vote, a roll call shall be had and the Clerk shall record the "ayes" and "nays" from each member of the Council voting. In all cases where a vote is taken the Chair, or the Clerk at the Chair's request, shall declare the result.

Roll call votes will be taken alphabetically, for all Council Members, upon first vote of the meeting; for each subsequent vote the voting order will rotate among all Council Members in a consistent manner with the name previously called first rotated to the last position. The Mayor will always vote last in the roll call order.

Any Council member shall have the right to change his/her vote on any question before the result is announced.

Any member of the Council shall have the right to explain his/her vote on any question.

A motion to reconsider a vote on any question may be made by any member of the prevailing side at the next regular meeting following the meeting at which the vote was taken, provided he/she has filed with the Clerk within seventy-two (72) hours after the motion he/she desires to reconsider was passed, written notice of his/her intention. Provided, further, that in the absence of the member who has filed such a notice, it shall be in order for any other member of the prevailing side, by virtue of said notice, to move for a reconsideration of the question. No motion to indefinitely postpone (or to lay on the table) a motion to reconsider shall be entertained at the same meeting at which the action proposed to be reconsidered was taken.

It is the duty of every Council member to vote, provided however, that no Council member shall be required to vote if that member identifies a potential conflict of interest. If a member is precluded from voting pursuant to a possible conflict of interest, that member shall refrain from participating in the discussion on the issue.

Time Limitations

- Making a Motion 3 minutes
- Discussion/Debate 5 minutes
- Explanation of Vote 2 minutes

V. Citizen Participation

1. General

Each Council meeting agenda shall provide time for audience participation to be known as *Call to Audience*.

2. Time Limitations for Public Comments

- Call to Audience 3 minutes
- Public Hearings 3 minutes
- Regular Agenda Items 3 minutes

3. Persons Addressing the Council

Any individual addressing Council may at his or her discretion omit their address when speaking, but must provide the Council with their address placed on the log-in sheet. Every speaker, after being recognized by the Chair, shall approach the public microphone and give his/her name prior to speaking.

4. Disorderly Conduct at Meetings

Persons addressing the Council shall make responsible comments and shall refrain from making personal, impertinent, slanderous or profane remarks. The Chair may call to order any person who is being disorderly by speaking when not recognized by the Chair or otherwise disrupting the proceeding by failing to be germane, by speaking longer than the allotted time, or by speaking vulgarities. Such persons shall be seated until the Chair shall have determined whether the person is in order. If the person shall continue to be disorderly and disrupt the meeting, the Chair may order the Police Department to remove the person from the meeting.

5. Complaints against City Employees

Council Members receiving complaints against City employees will utilize the established procedure for processing said complaints, said procedure being titled, "Citizens Complaint Policy Involving City Employees (adopted March 15, 1993 as Resolution No. 105, Page 75)."

VI. Agenda

1. Preparation

The Manager and Clerk shall prepare an agenda for each regular or special meeting of the Council.

Items of business may be placed on the agenda by the Mayor, any one (1) member of the Council, or a Council Appointee (City Attorney, City Clerk, City Manager, Fire Chief or Police Chief). The deadline for Appointees to submit items to the Clerk's Office and for all City staff to submit items to the Manager's Office for a Council agenda is 12:00 noon on the Monday preceding the Monday Council meeting. All items shall be properly prepared on the standard template and shall contain a suggested motion for Council's consideration.

Requests from governmental entities and authorities, or City boards and commissions shall be made through the Manager's Office by 12:00 noon at least two weeks prior to the Council meeting. The request shall be submitted on the standard template. The Manager shall review the materials submitted and may suggest additional information and/or changes. A recommendation to Council on the request shall be prepared by the Manager as part of the standard template.

2. Agenda Material

The deadline for submitting all supporting data for an agenda item is 12:00 noon on the Tuesday preceding the Monday Council meeting. Any agenda item not submitted in its entirety by Tuesday at noon will be pulled from the agenda and postponed until the next regular Council agenda. The Clerk or Manager may make exceptions in the case of emergencies .

3. Distribution

Agenda packets will be delivered to Council members at their residence at least 48 hours before the scheduled regular meeting, or at least 12 hours before a scheduled special meeting.

VII. Board and Commission Appointments and Reappointment

1. Appointment of Mayor and Council Members

Council shall, at its first regular meeting, under the direction of the Mayor confirm appointments of its members to City boards and commissions.

2. Appointments of Citizens

The Clerk's Office shall receive and forward applications to the appointing authority (Mayor, Council or Manager) and to the board/commission secretary as information only. The board/commission secretary shall provide the appointing authority with a written recommendation regarding appointments when vacancies occur. The appointing authority, or secretary at the direction of the appointing authority, may submit a nomination to the Clerk's Office to be placed on a Council meeting agenda. Normal agenda deadlines apply. The Clerk shall maintain a copy of all applications to be used as a resource for nominations.

3. Reappointments of Citizens

Board/Commission members whose terms of office are due to expire and who wish to be reappointed shall file with the board/commission secretary an updated application. The board/commission secretary shall provide the appointing authority with a written recommendation regarding reappointments when terms of office are due to expire. Normal agenda deadlines apply.

4. Resignations

Resignations from members of boards and commissions will be forwarded to the Mayor and Council in their meeting packets by the -Clerk's Office as Information Only items. The staff liaison will then submit a recommendation to the Mayor and Council for filling the vacancy.

VIII. Miscellaneous

1. Travel

Council Members are required to obtain advance approval prior to incurring expenses for official out-of-town travel as detailed in the Council Policy on Education, Training and Travel adopted July 23, 2007.

2. Amendment of Rules

These rules may be amended by a majority vote of the Council provided notice of the proposed amendment has been given at the regular session of the Council immediately preceding, or they may be suspended for a single session by a majority vote of the Council.