



# CITY OF WAKEFIELD

## RULES AND PROCEDURES OF THE CITY COUNCIL

OCTOBER 19, 2020

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## 1.0 MEETING OF THE COUNCIL

### 1.1 REGULAR MEETING

Regular meetings of the City Council shall be held on the second and fourth Monday of each month beginning at 5:30 p.m. at the Wakefield Municipal Building, 509 Sunday Lake Street, Wakefield, MI 49968. Regular meetings may be rescheduled to other times dates and times by a majority vote of the Council.

### 1.2 SPECIAL MEETING

The City Clerk shall call a special meeting at the request of the Mayor, any two (2) members of the Council, or the City Manager on at least twenty-four (24) hours written notice to each member of the Council, designating the date, time, place, and purpose of such meeting and served personally or left at his/her usual place of residence by the Clerk or someone designated by the Clerk. Special meetings shall be posted per the Michigan Open Meeting Act.

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

### 1.3 REMOTE AND HYBRID MEETING

A remote or hybrid meeting of the Council to conduct a regular or special meeting is permissible under limited circumstances to accommodate the absence of any member of the public body due to military duty, medical condition, or a statewide or local state of emergency or state of disaster declared pursuant to law or charter by the Governor or a local office or governing body that would risk the personal health and safety of members of the public or the public body if the meeting were held in person.

The remote and hybrid meeting format allows Council to conduct business by allowing elected officials and the public to conduct a meeting without being physically present at the same location.

Remote meetings are only temporary permitted and must adhere to unique requirements, a dedicated section of this document titled, Remote and Hybrid Meeting Rules and Procedures.

### 1.4 REGULAR AND SPECIAL MEETING POSTING REQUIREMENTS

For a special meeting or a rescheduled regular meeting of the Council, a public notice stating the date, time, place, and reason of the meeting shall be posted at the City Municipal Building and the City's Website at least eighteen (18) hours before the meeting.

## 1.5 MEDIA RECEIPT OF COUNCIL PACKETS

A copy of the Council's agenda and meeting packet shall be sent to the Ironwood Daily Globe and Wakefield News/Bessemer Pick and Axe via email. Upon request by the media, a hard copy of the agenda and meeting packet of the Council will be made available.

## 1.6 MINUTES OF THE COUNCIL (REGULAR AND SPECIAL)

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

Proposed minutes shall be made available for public inspection at all reasonable times within eight days after the applicable meeting. Approved minutes shall be available at all reasonable times for public inspection within five days after the Council's approval.

## 2.0 MEETING PROCEDURES

### 2.1 MEETINGS TO BE PUBLIC

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

### 2.2 ORDER OF BUSINESS

The City Clerk in accordance with the following order of business shall prepare an agenda for each Regular Council Meeting:

- (I) Call to Order
- (II) Pledge of Allegiance
- (III) Roll Call
- (IV) Approval of the Agenda
- (V) Consent Agenda
- (VI) Presentations

- (VII) Brief Public Comment (Limited to three (3) minutes per person)
- (VIII) Public Hearings
- (IX) Old Business
- (X) New Business
- (XI) Brief Public Comment (Limited to three (3) minutes per person)
- (XII) City Manager's Report
- (XIII) Council Comments
- (XIV) Announcements
- (XV) Work Session
- (XVI) Closed Session
- (XVII) Adjournment

## 2.3 QUORUM

Three (3) members of the Council, physically present in one location and in office at the time, shall be a quorum for business transactions.

## 2.4 PRESIDING OFFICER

The presiding officer, hereinafter "Chair," shall be responsible for enforcing the Council's Rules as contained herein. The Mayor shall be the presiding officer of the Council. In the absence of or disability of the Mayor, Mayor Pro-Tem shall be the Council's presiding officer. In the absence or disability of both, the most senior member of the Council from the standpoint of continuous service on the Council shall preside.

## 3.0 CLOSED MEETING

### 3.1 PURPOSE

The Council may meet in closed session only for the purposes defined in the Michigan Open Meetings Act (1976 PA 267, as amended), summarized as follows:

- a) Considering the dismissal, suspension or disciplining of, or to hear complaints or charges brought against a public officer, employee, staff member, or individual when the person request a closed session.
- b) Strategy and negotiation session necessary in reaching a collective bargaining agreement when either party request 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. This does not include the sale, lease, or other conveyance of the City property to others.
- 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 City.
- e) To review the specific contents of an application for employment or appointment to a public office when the candidate requests that the application remains confidential. All interviews by a public body for employment or appointment to a public office shall be held in an opening meeting pursuant to the Act.
- f) To consider material expert from discussion or disclosure by state or federal statute.
- g) Any other legally permissible purpose.

## 3.2 CALLING CLOSED SESSIONS

A roll call vote of the Council members elected and serving shall be required. The roll call vote shall be taken at an open meeting, and the purpose of calling the closed session shall be read aloud and entered into the minutes of the meeting at which the vote is taken.

## 3.3 MINUTES OF CLOSED SESSION

Closed session minutes shall be kept separate from the main meeting minutes and will not be disclosed to the public, except as required under the Open Meetings Act or by civil action. Closed session minutes are approved in an open meeting (with contents of the minutes remaining confidential). The Council may meet in closed session to consider approving the minutes.

Closed session minutes may be destroyed one year and one day after approval of the regular meeting minutes at which the closed session occurred

## 3.4 CONFIDENTIALITY OF CLOSED MEETING INFORMATION

City Council members and City Staff shall not divulge to an unauthorized person confidential information discussed in a closed session in advance of the time prescribed for its authorized release to the public. Council members and staff shall honor the confidentiality of the debate and

discussion in closed session and be aware of the potential financial liability and/or harm to the City's reputation by premature disclosure.

## **4.0 VOTING AND DISCUSSION**

### **4.1 ROLL CALL**

In all roll call votes, the City Clerk shall call the names of the Council members, and the roll call shall be entered upon the records.

### **4.2 DUTY TO VOTE**

Whenever a question is put before the Council by the Chair, every member shall vote, provided, however, that no member shall be required to vote if:

1. The member shall have a conflict of interest and shall state their conflict of interest.
2. If a member is precluded from voting pursuant to conflict of interest, that member shall refrain from participating in the discussion on the issue.

### **4.3 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 apply, provided they are not in conflict with these Rule and Procedure or with the Ordinances and Charter of the City of Wakefield.

### **4.4 GENERAL CONSENSUS**

General consent or consensus may be used to give direction, and the minutes should indicate that a majority vote consented.

## **5.0 PUBLIC PARTICIPATION**

### **5.1 INTRODUCTION**

All regular and special meetings of the Council shall be open to the public. The Council shall provide that all citizens and the general public be given a reasonable opportunity to be heard. In

order to carry out the Council responsibilities, the Council may create and enforce reasonable rules to maintain the peace and order of the meeting.

## 5.2 ATTENDANCE

The public may attend any regular or special meeting of the Council and shall not be required to register or otherwise provide their name or information or otherwise fulfill a condition precedent.

## 5.3 PERSONS ADDRESSING THE COUNCIL

Since speaking at a public meeting is a step beyond attending the public meeting, the Michigan Open Meetings Act provides that a person may address the public body under rules established and recorded by the Council. Members of the public at a regular or special meeting shall not address the Council outside of the public comment period, as identified on the agenda unless recognized by the Chair. Before addressing the Council, public members shall state their name and address, and if appropriate, their group affiliation. All comments shall be directed to the Chair, and not individual members of the Council.

## 5.4 REQUEST TO SPEAK DURING PUBLIC COMMENT

Any person wishing to address the Council may do so under the public comment agenda item, once recognized by the Chair. Upon recognition, they will be required to state their name and address and be allowed up to three (3) minutes to address the Council. A speaker representing a group or association present at the meeting may be allowed up to ten (10) minutes to address the Council. The Council may suspend the time limitation when warranted at the discretion of the Chair. The Council may also, at its discretion, limit public comment to new information or matters not fully addressed at any previous meeting regarding any agenda item or issue. When all persons who wish to address the Council have been heard, the Chair shall announce that public comment has concluded. Once the public comment has ended, no further public comment shall be entertained.

## 5.5 WRITTEN COMMENT TO THE COUNCIL

Members of the public, whether or not they are joining the electronic public meeting, may submit written comments and questions regarding any matter, including items of business that will come before the City Council. Written comments and questions may be submitted at any time. Written comments submitted before the public comment portion of the agenda will be read aloud during the agenda's public comment section. The City reserves the right to summarize long written comments and questions rather than reading them aloud but will provide City Council members the full text of these comments after the meeting.

To be considered for inclusion in the agenda packet or to be read aloud during the meeting, public comments and questions must include the name and home address of the person submitting them and must not include language that would be considered vulgar or be interpreted as hate speech or fighting words. The comments and questions should also indicate the date of the electronic public meeting for which they are being submitted.

Written comments and questions shall be submitted to [clerk@cityofwakefield.org](mailto:clerk@cityofwakefield.org)

## 5.6 DEVIATION FROM PUBLIC PARTICIPATION

Under unique or desirable circumstances, the Chair may recognize a member of the audience who shall be permitted to address the Council at a time other than public comment periods. However, all other rules provided herein shall apply.

## 5.7 CONDUCT OF PUBLIC HEARINGS

Unless otherwise required by state or local law, public hearings shall be opened by the Chair's declaration at the time stated in the public notice of the hearing. If no members of the public desire to speak or no public members are present, then the Chair may declare the hearing closed. Members of the public shall be limited to speaking for a maximum of three (3) minutes during any public hearing. A person representing a group of citizens present and speaking on behalf of them shall be allowed up to ten (10) minutes to address the Council during a hearing. The Clerk shall notify the Chair when the speaker's time is up.

## 5.8 TAPING AND BROADCASTING

The public has the right to attend a public meeting, including the right to tape-record, videotape, broadcast live on radio, and telecast live on television the proceedings of the Council. To minimize disruption, the Council shall designate an area for equipment placement that requires a tripod.

## 5.9 DISORDERLY CONDUCT

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 proceedings by failing to be germane, by speaking longer than the allocated time, speaking vulgarities, or by displaying obscene or offensive material. If a person so engaged in presentation shall be called out of order, they shall not be permitted to speak at the same meeting, except upon the Council's special permission. If the person shall continue to be disorderly and disrupt the meeting, the Chair may order Law Enforcement to remove the person from the meeting.

## 6.0 AGENDA

### 6.1 PREPARATION

The City Manager and City Clerk shall prepare the agenda for each regular and special meeting of the Council. The Council's deadline to submit items to the City Manager or Clerk for inclusion on the Council agenda is noon on the Friday preceding the Monday of the Council meeting. However, due to unforeseen circumstances, the agenda may be amended during the Council meeting to accommodate additions, subtraction, and alterations.

### 6.2 DISTRIBUTION

Council packets (agenda, resolutions, ordinances, and all background material) shall be delivered by email to all Council members. A hard copy shall be provided upon request of individual Council members.

## 7.0 VIRTUAL AND HYBRID MEETING RULES AND PROCEDURES

### 7.1 PERMISSIBILITY

Virtual meetings are permitted under Public Act 0228 of 2020, an act to amend Public Act 267 of 1976, entitled "An act to require certain meetings of certain public bodies to be open to the public; to require notice and the keeping of minutes of meetings; to provide for enforcement; to provide for invalidation of governmental decisions under certain circumstances; to provide penalties; and to repeal certain acts and parts of the act."

A virtual meeting may be called by the Mayor, or by request of two Council members, or as allowable by law. A virtual or hybrid meeting is permissible under the following conditions:

- a) A virtual or hybrid meeting may be called for any circumstance before January 1, 2021, and retroactive until March 18, 2020.

On or after January 1, 2021 through December 31, 2021:

- b) A virtual or hybrid meeting may be called when a statewide or local state of emergency or state of disaster is declared pursuant to law or Charter by the Governor or a local official or local governing body when the risk to the personal health or safety of the members of the public or the public body if the meeting were held in person. This circumstance applies only as follows:
  - i. To permit the virtual attendance of a member of the Council who resides in the affected area.
  - ii. To permit the virtual meeting of a Council that usually hosts its meetings in the affected area.
- c) To accommodate the absence of any member of the public body due to military service.
- d) To accommodate the absence of any member of the Council due to a medical condition.

After December 31, 2021

- e) To accommodate the absence of any member of the Council due to military duty.

At a meeting that accommodates members absent due to military duty or a medical condition, only those members absent due to military duty or a medical condition may participate remotely. Any member who is not on military duty or does not have a medical condition must be physically present at the meeting to participate

## 7.2 QUORUM

Except as otherwise provided by the Open Meetings Act, a physical place is not required for a virtual meeting or hybrid meeting, and members of the Council are to be considered present and

in attendance at the meeting for all purposes. Three (3) members of the Council, virtually present and in office at the time, shall be a quorum for the transaction of business.

### 7.3 NOTIFICATION

The City shall post advice notice at least eighteen (18) hours before the virtual meeting to be held on the City's official internet presence accounts (website and Facebook), in addition to any other notice required under the Open Meetings Act. Notice of a virtual meeting must include the following:

- (a) Why the public body is meeting virtually.
- (b) How members of the public may participate in the meeting virtually. If a phone number, Internet address, or both are needed to participate, that information will be specially provided.
- (c) How members of the public may contact members of the Council to provide input or ask questions on any business that will come before the Council at the meeting.
- (d) How persons with disabilities may participate in the meeting.

The City, upon notification, that a Councilperson will attend a meeting virtually, will post a notification on the City's Website. The notification shall include the City Clerk's contact information, the Councilperson's official email account, and additional contact information as authorized by the Councilperson.

### 7.4 AGENDA

The City, at least two hours before a virtual or hybrid meeting begins, shall make the agenda available on the City's internet presence accounts. The publication of the agenda does not prohibit subsequent amendments to the agenda at the time of the meeting.

### 7.5 SOFTWARE PLATFORM

To promote public participation and conduct the business of the City in full transparency, the Council shall deploy software that will allow maximum participation from the public and ensuring those with limited technological abilities can easily access virtual and hybrid meetings of the Council. At a minimum, the software shall provide the for two-way communication so that members of the Council can hear and be heard by other members of the Council, and that public

participants can hear members of the Council and can be heard by members of the Council and other public participants during public comment periods.

The City shall utilize software that permits two-way communication and allows the Council and public participants to be heard and seen. The software shall also permit typed public comments during the meeting, which is submitted by members of the public that may be read aloud or shared with members of the Council and other participants attending the meeting.

## 7.6 ACCESS (GENERAL PUBLIC)

In compliance with Public Act 0228 of 2020, the Council is prohibited from requiring participants to register to attend a virtual or hybrid meeting. Therefore, the Council has elected to provide the general public two options to access the meeting as follows:

**Audio Only:** Those who wish to attend a virtual or hybrid meeting of the Council may do so anonymously. However, should a caller wish to address the Council, they will be required to provide their name and address for the record.

**Audio and Visual:** Those who wish to provide their name and email address voluntarily may participate in a virtual or hybrid meeting utilizing audio and visual features.

## 7.7 ACCESS (GOVERNING BODY)

Council members shall make every attempt to attend virtual and hybrid meetings utilizing audio and visual features activated. Council members, upon notification to the Clerk of their intention to participate in the meeting remotely, shall be provided an electric invite by email, which will allow the Councilperson to connect directly to the meeting.

## 7.8 PUBLIC PARTICIPATION

All virtual and hybrid meetings of the Council shall be open to the public. The Council shall provide participants, and the general public reasonable opportunity to be heard. Both the Council and public shall adhere to the rules and procedures as outlined in Section 6.0 of this document. Additionally, the following rules and procedures apply to virtual and hybrid meetings:

- All microphones of the public will be muted upon entry and remain muted until the designated public comments periods, as found in the agenda.

- Participants who elect to access the meeting using audio and visual services must ensure their background is free from vulgar or obscene images.
- Participants who elect to access the meeting using audio and visual services may be removed from the meeting for making vulgar or obscene hand-gestures.
- The public may submit public comments in advance by email to the Council.
- Participants who voluntarily reregister to use the audio and visual features may submit typed comments utilizing the adopted meeting software. Comments submitted by typed message will be read allowed.

## CLOSED SESSION MEETING PROCEDURE

Closed meetings will be conducted in accordance with the Open Meetings Act and Section 3.0 of this document. Once the Council resigns itself into a closed session, the public will be removed from the meeting and placed into a digital lobby. Once in the lobby, the public will no longer see, hear, or participate in the meeting. At the closed session's conclusion, the public will automatically be brought back into the open meeting. However, in order to be brought back into the meeting automatically, participants must not leave or otherwise disconnect from the meeting. Participants who accidentally disconnect from the meeting may rejoin the meeting and automatically be placed into the virtual lobby until the closed session concludes.

### Public Comment

Members of the public, whether or not they are joining the virtual or hybrid meeting, may submit written comments and questions regarding any matter, including items of business that will come before the Council. Written comments and questions may be submitted at any time. Those submitted prior to the public comment portion of the agenda will be read aloud during the agenda's public comment section. The City reserves the right to summarize long written comments and questions rather than reading them aloud but will provide Council members the full text of these comments subsequent to the meeting.

## 7.9 AMERICANS WITH DISABILITY ACT PROVISION

Participants requiring reasonable accommodation in order to attend and participate in a virtual or hybrid meeting due to ADA difficulties, please contact Sue Ahonen at [clerk@cityofwakefield.org](mailto:clerk@cityofwakefield.org) or 906.229.5131 ext 1002. Individuals can call 711 for relay support.

## 7.10 VOTING AND DISCUSSIONS

Section 5.0, unless altered by this section, shall be adhered to.

### Attendance

Councilpersons shall inform the Clerk before the meeting of their intent to attend the meeting virtually. At the outset of the meeting, the Councilperson(s) attending v shall publicly announce that they are attending the meeting remotely virtually, for which purpose other than military why they are participating remotely, and identify their physical location stating the country, state, and city, village, or township which shall be recorded into the meeting minutes.

### Roll Call

All votes of the Council during a virtual or hybrid meeting shall be by roll call only. The Clerk shall call the names of the members of Council, and record their vote upon the record.

Voice votes are prohibited during virtual and hybrid meetings. Voice votes are when the Chair says, "all in favor say, Aye."

## **ALTERATIONS**

### ALTERATION BY COUNCIL

The Council by a majority vote may amend the Rules and Procedures of Council, in so much as any amendments are not in conflict with Federal or State law, local Charter, or local law.

### ALTERATION BY ADMINISTRATION

In order to respond to rapid changes, the City Manager may amend the Rules and Procedures of the Council to comply with changes in Federal or State law, by Executive Order of the Governor, or a Directive issued by a body with legal standing such as the Michigan Department of Health and Human Services, or the Michigan Occupational Safety and Health Administration.

Any amendments made by the City Manager shall take effect immediately, be limited to changes that would be required to comply with Federal or State law, Executive Order of the Governor, or a Directive issued by a body with legal standing, and shall be submitted to the Council at their next regular meeting for consideration and ratification.

City Council Approved: October 26, 2020

Effective Date: October 26, 2020

Mayor's Signature: Digital Version