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# FREMONT

Michigan

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*“NOW AND ALWAYS -- A Fine City • A Great Community”*

## CITY OF FREMONT RULES AND PROCEDURES OF THE CITY COUNCIL

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CITY OF FREMONT

**RULES OF THE CITY COUNCIL**

**A. REGULAR, SPECIAL & EMERGENCY MEETINGS:**

1. REGULAR MEETINGS

Regular meetings of the City Council will be held on the first and third Monday of each month beginning at 7:00 p.m., local prevailing time, at the City Hall, 101 E. Main Street, Fremont. Regular meetings may be rescheduled to other times by a vote of the Council.

2. SPECIAL MEETINGS

A Special meeting shall be called by the City Clerk at the request of the Mayor or any of two (2) or more members of Council and upon at least 18 hours written notice to each member of the Council served personally or left at his or her usual place of residence. A special meeting may be held on shorter notice if all members of the Council are present or if the absent members of the Council have waived notice thereof in writing.

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 required notice of such meeting. However, any business that might lawfully come before a regular meeting may be transacted at such special meeting if all the members present consent thereto.

4. REGULAR & SPECIAL MEETING NOTICE (POSTING) REQUIREMENTS.

- a. For regular meetings of the Council, the Clerk shall post at the City Hall, within three (3) days after the first meeting of the Council in each calendar year, a public notice stating the dates, times, and places of its regular meeting for the year.
- b. 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 in City Hall at least 18 hours before the meeting. If the posting area is not open to the public for any part of the 18 hours prior to the meeting, the notice must be posted on the exterior doors of City Hall.
- c. However, such notice, as described in 4a. and b. above, is not required for a meeting of the Council in emergency session in the event of a widespread natural disaster or 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.

5. EMERGENCY MEETINGS

The Council may meet in an emergency session without complying with the above notice requirements in the event that it is necessary to hold a meeting to deal with a severe and imminent threat to the health, safety or welfare of the public when 2/3 of the members serving on the Council decide that delay would be detrimental to the efforts to lessen or respond to the threat.

6. MAILING OF REGULAR MEETING AGENDAS

A copy of meeting agendas shall be supplied to any newspaper published in the City of Fremont and to any radio station located in Newaygo County free of charge. Upon written request of an individual, organization, firm or corporation, the Clerk shall send to the requesting party a copy of regular meeting agendas via email. The agenda packet will also be made available on the city's website by the Monday morning meeting day.

7. MINUTES OF REGULAR, SPECIAL & EMERGENCY MEETINGS

- a. A journal of the proceedings of each regular, special and emergency meeting will be kept in the English language by the Clerk and shall be signed by the Presiding Officer and City Clerk present at the meeting, upon subsequent approval of the Council.
- b. Unapproved minutes of regular, special or emergency meetings will be available for public inspection not more than eight business days after such meeting.
- c. Approved minutes will be available for public inspection not later than five business days after the meeting at which the minutes were approved.

**B. MEETING PROCEDURES:**

1. MEETINGS TO BE PUBLIC

All regular and special meetings of the City 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

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

1. Call to Order/Welcome – 7:00 PM
2. Prayer and Pledge of Allegiance
3. Roll Call
4. Approval of Meeting Agenda
5. Brief Public Comment
6. Ceremonial Items
7. Consent Action Items (including Minutes of previous meeting)
8. Any Items Removed From Consent Agenda
9. Approval of Check Register
10. Public Hearings (if scheduled)
11. Action Items (new and unfinished business)
12. Board & Commission Appointments (if any)
13. Reports and Communications
14. Extended Public Comment (for items **not** on the agenda, if scheduled)
15. Closed Sessions (if scheduled)
16. Adjournment

3. QUORUM

Three (3) members of the Council in office at the time shall be a quorum for the transaction of business.

4. PRESIDING OFFICER

The presiding officer, hereinafter “Chair”, shall be responsible for enforcing the Rules of the City Council as contained herein. The Mayor shall be the presiding officer of the Council. In the absence of or disability of the Mayor, the Mayor Pro-Tem shall be the presiding officer of the Council. In the absence or disability of both, the Council may designate another of its members to serve as presiding officer during such absence or disability.

## C. CLOSED MEETINGS:

### 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. To consider the performance review, dismissal, suspension, or disciplining of, or to hear complaints or charges brought against a public officer, employee, staff member, or individual agent, when the named person requests a closed hearing.
- b. For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement or related issues 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. This does not include the sale, lease or other conveyance of 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 remain confidential. All interviews by a public body for employment or appointment to a public office shall be held in an open meeting pursuant to the Act.
- f. To consider and approve minutes of closed meetings.
- g. To consider material exempt from discussion or disclosure by state or federal statute.

### 2. CALLING CLOSED SESSIONS

A two-thirds roll call vote of the Council members elected and serving shall be required, except under Sections 1a. and 1b. above. 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 MEETING

A separate set of minutes shall be taken by the Clerk or the designated Secretary at the closed session. These minutes will be retained by the Clerk of the Council, shall not be available to the public, and shall only be disclosed by order of a court.

4. CONFIDENTIALITY OF CLOSED MEETING INFORMATION

City Councilmembers or 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 by the City Council. Councilmembers and staff shall honor the confidentiality of the debate, discussion, and preliminary action taken in closed session, and be aware of the potential financial liability and/or harm to the reputation of the City by premature disclosure.

**D. VOTING AND DISCUSSION**

1. ROLL CALL

In all roll call votes, the City Clerk shall call the names of the members of the Council. A vote upon all ordinance enactments, rezoning issues, calling of closed sessions, and liquor license requests shall be taken by a roll call vote and entered upon the records.

2. RESULTS OF VOTING

In all cases where a vote is taken, the Chair shall declare the result.

3. 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:

- a. That member shall have a qualifying conflict of interest and shall state his/her conflict of interest; or
- b. That member shall state that he/she has inadequate information upon which to base a reasonably informed vote and shall state the particulars of the information desired before a reasonable informed vote can be cast. Absence from a prior meeting shall not constitute the basis of the lack of information referred to above.

If a member is precluded from voting pursuant to a conflict of interest, that member shall refrain from participating in the discussion on the issue.

4. COUNCILMEMBER REQUEST FOR POSTPONEMENTS

Councilmember requests for postponement of agenda items require approval by a majority of the Council present.

5. 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 or with the Ordinances and Charter of the City of Fremont.

6. GENERAL CONSENSUS

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

**E. PUBLIC PARTICIPATION:**

1. GENERAL

Each Council meeting agenda shall provide time for public audience participation, as requested and limited herein.

2. PERSONS ADDRESSING THE COUNCIL

Members of the public at the meeting shall not speak unless recognized by the Chair. Prior to addressing the Council, members of the public shall state their name and address and, if appropriate, group affiliation.

3. CONDUCT OF PUBLIC HEARINGS

Unless otherwise required by State or local law, public hearings shall be opened by declaration of the Chair at the time stated in the public notice of the hearing. If no members of the public desire to speak or no members of the public are present, then the Chair may declare the hearing closed and take up consideration of the next agenda item. 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 and speaking on behalf of them shall be allowed up to ten (10) minutes to address Council during a hearing. The Chair shall notify the speaker when time is up.

4. REQUEST TO SPEAK DURING **BRIEF** PUBLIC PARTICIPATION

Members of the public shall have an opportunity, under Brief Public Participation, to address the Council for no more than three (3) minutes on any city-related item. All rules of conduct still apply.

5. REQUESTS TO SPEAK DURING REGULAR AGENDA ITEMS

Any person wishing to speak to an item included on the printed meeting agenda may do so if recognized by the Chair at the time the item is taken up by the Council. Upon recognition, they will be required to state their name and address and will 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. The Council may also, in its discretion, limit public comments to new information or matters not fully addressed at any previous meeting regarding the agenda item at issue. When all persons who wish to address that agenda item have been heard, the Chair shall announce that public comment on the agenda item is concluded. Councilmembers shall then discuss the agenda item, and no further public comment shall be entertained.

6. REQUEST TO SPEAK DURING EXTENDED PUBLIC PARTICIPATION

Members of the public who wish to address the Council for more than three (3) minutes on an item not included on the agenda shall have an opportunity under Extended Public Participation. Persons shall be recognized in the order in which they sign the attendance sheet indicating their desire to address the Council. Any additional persons desiring to address the board who did not sign the sheet shall be recognized following those who have signed. All rules of conduct still apply.

7. DEVIATION FROM PUBLIC PARTICIPATION RULES

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

8. 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 thereupon be seated until the Chair 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 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.



## F. AGENDAS

### 1. PREPARATION

The City Manager and City Clerk shall prepare an agenda for each regular or special meeting of the City Council. The deadline for submitting items to the City Manager or City Clerk for inclusion on the Council agenda is 12:00 noon on the Thursday preceding the Monday of the Council meetings. Agenda items from Councilmembers should be submitted in writing by the same deadline. Depending on the complexity of the issue, and the need for any research and preparation, staff will attempt to include requested items on a meeting agenda within two meetings after receipt of the request.

### 2. DISTRIBUTION

Agendas, resolutions, ordinances, and all background material shall usually be delivered to City Councilmembers at their residence the Friday before the scheduled regular meeting or at least 12 hours before a scheduled special meeting.

### 3. AGENDA MATERIAL

Department Heads and all others shall submit written requests for inclusion on the agenda to the City Manager or City Clerk with all necessary supporting data. Written presentations shall be submitted by noon on the Thursday preceding the Monday Council meeting for circulation with agendas. Agenda requests could be delayed if related information is not received in a timely manner.

## G. AMENDMENTS TO RULES

The rules of the City Council may be altered or amended by a majority vote of the entire Council.

Amended this 3<sup>rd</sup> day of July 2023.

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James Rynberg, Mayor

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Vicci TerVeer, City Clerk