



City Council BYLAWS

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**CITY OF NEWAYGO
RESOLUTION 2021-30**

Council Member Burns, supported by Council Member Black, moved to adopt the following resolution:

**RESOLUTION
ESTABLISHING BYLAWS FOR THE
CITY COUNCIL**

WHEREAS, the Newaygo City Council (“City Council”) has determined that there is a need for more definite procedures relative to the conduct of the City Council meetings; and

WHEREAS, the City Council meetings are subject to the Michigan Open Meetings Act (MCLA15.261 *et.seq.*; MSA 4.1800(11) *et.seq.*) (the “Act”). Even apart from the Act, however, City officials desire to have members of the public attend all open meetings of the City Council and to promote public attendance at the same. The City Council desires to provide members of the public with reasonable opportunity to discuss and comment on City related issues during such meetings in a reasonable fashion; and

WHEREAS, pursuant to the Act and other applicable Michigan laws, the City Council has the authority to prescribe reasonable rules and regulations regarding both the conduct of City Council meetings and the conduct of public comments and input at such meetings.

WHEREAS, Resolution 08-01 and Resolution 18-11 are hereby rescinded and any other resolution that is in conflict with this resolution.

BE IT RESOLVED by the City Council of the City of Newaygo that said Council does hereby adopt certain bylaws as follows:

**CITY OF NEWAYGO
CITY COUNCIL BYLAWS**

A. PURPOSE:

The Newaygo City Council shall determine all matters of policy of the City and adopt ordinances and necessary rules and regulations to make the same effective. Further, the Council shall, subject to the limitations of law, raise revenue and make appropriations for the operation of the City government, provide for the public peace and health and safety of persons and property, investigate municipal affairs and, when it deems necessary, any office or department of the City, and do and perform all acts required of it by the City Charter.

B. BOARD COMPOSITION & QUALIFICATIONS:

The City of Newaygo General Election is held every even year. The elective officers of the City are the Mayor and six Council Members. The office of Mayor serves a two year term and Council Members serve four year terms. For additional information refer to Section 5.4 in the City Charter for Eligibility Qualifications for the City Council and refer to Ordinance # 18-05 for conflict of interest guidelines.

C. MEETINGS-REGULAR, SPECIAL & EMERGENCY:

1. Regular Meetings:

Regular meetings of the City Council will be held on the second Monday of each month with the exception of June which has a meeting on the second and fourth Monday of the month, beginning at 7:00 p.m., Eastern Time, at Newaygo City Hall located at 28 N. State Road, Newaygo. Regular meetings may be rescheduled at other times by a vote of the Council.

2. Special Meetings:

A Special meeting shall be called by the City Clerk at the written request of the Mayor, City Manager or any of three (3) members of Council and upon at least 18 hours written notice to each member of the Council, and 18 hours written notice to the public designating the time, place and purpose of the meeting and served personally to Council Members or left at his or her usual place of residence by the Clerk or someone designated by the Clerk.

Notwithstanding the foregoing requirements for the calling of a special meeting, any special meeting of the Council shall be a legal meeting provided all members are present; or provided all members shall in writing waive the above requirements for notice and at which a quorum of the Council is present. 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, other than the enactment of an ordinance, any business which may lawfully come before a regular meeting may be transacted at a special meeting if all the members of the Council present consent thereto, and all of the members absent file their written consent.

3. Regular & Special Meeting Notice (Posting) Requirements:

- a) For regular meetings of the Council, the Clerk shall post at 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 meetings for the year. Dates of the meetings will also be posted on the City's website.

- b) For a special meeting or a rescheduled regular meeting of the Council, per the Michigan Open Meetings Act, a public notice stating the date, time, place, and reason of the meeting shall be posted at 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. A public notice shall also be placed on the City's website.
 - c) However, such notice, as described in 4a and 4b 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.
 - d) Posting Requirements may change should the Michigan Open Meetings Act be amended relating to posting requirements.
4. 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 severe and imminent threat to the health, safety or welfare of the public when two-thirds of the members serving on the Council decide that delay would be detrimental to the efforts to lessen or respond to the threat. Refer to Michigan Open Meetings Act section 15.265 for additional information.
5. Decision-Making:
All decisions must be made at a meeting open to the public per the Michigan Open Meetings Act (OMA). The use of e-mail, texting or other forms of electronic communications among board members during the course of an open meeting or outside a meeting that constitutes deliberations towards decision-making or actual decisions violates the OMA. Please see OMA MCL 15.263 Section 3.2 and Section 3.3 for additional information.
6. Agendas:
- a) Preparations: The City Clerk, under the guidance of the City Manager, shall prepare an agenda for each regular or special meeting of the City Council. The deadline for submitting items and supporting documentation to the City Manager or City Clerk for inclusion on the Council Agenda is 3:00 p.m. on the Tuesday proceeding the Monday of the Council Meeting. Agenda items from Council Members and City employees 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. The final content of each meeting agenda shall be decided by a majority vote of the Council Members present. See special provisions above for determining final agenda content of special meetings.
 - b) Distribution: Agendas, resolutions, ordinances and all background material will usually be delivered to the residence of the City Council Members the Thursday before the scheduled regular meeting or at least 12 hours before a scheduled special meeting.
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, approved by the City Council and shall be signed by the Mayor and City Clerk.

- b) Per the Michigan Open Meetings Act, at a minimum, the minutes must 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 must include all roll call votes taken at the meeting.
- c) Unapproved minutes of regular, special or emergency meetings will be available for public inspection within eight (8) business days after the meeting to which the meetings refer.
- d) Approved minutes will be available for public inspection within five (5) business days after the meeting at which the minutes were approved by City Council.

D. MEETING PROCEDURES:

1. Meetings to be Public:

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

2. Order of Business:

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

- Call to Order
- Pledge of Allegiance
- Roll Call
- Excuse Absent Members
- Approval of Agenda
- Public Comments (agenda items only)
- Consent Agenda (approval of minutes and accounts payable)
- Reserved Time
- Committee & Board Reports
- City Manager Report
- Department Reports
- Board Business
- Public Comment
- Council Member Comments
- Adjournment

a) Motions:

- i. No motion shall be debated unless it has been seconded
- ii. The initiator of a motion may withdraw any motion at any time before it has been adopted. However, if the motion has been seconded, the seconding party must also consent to withdrawal
- iii. All motions, resolutions and amendments or substitutions thereto, and the vote thereon, shall be entered in the minutes unless withdrawn
- iv. When an appeal is taken from a decision by the Chair, the member taking the appeal shall be allowed to state his or her reason or doing so. The questions shall then be immediately put in the following (or substantially similar) form-“Shall the ruling of the Chair be sustained?”

3. Quorum:

A majority of the members of the Council in office shall be a quorum for the transaction of business at all Council meetings, but in the absence of a quorum a lesser number may adjourn any meeting to a later time or date, and in the absence of all members the Clerk may adjourn any meeting for not longer than one week.

4. Presiding Officer:

The presiding officer, hereinafter "Chair", shall be responsible for enforcing the Rules of the City Council as contained herein.

- a) The Chair. The Mayor shall chair (i.e. preside at) the meetings of the City Council. If the mayor is absent or unable to chair a particular meeting of the City Council, the Mayor Pro Tem shall do so. If both the Mayor and Mayor Pro Tem are not present or unable to chair a meeting of the City Council, the Council member who has served on the City Council the longest shall chair the particular meeting.
- b) It shall be the duty of the Chair to preside at all meetings of the City Council, to preserve order and to decide all questions of order and procedure subject to appeal to the City Council.
- c) The Chair shall rule on all procedural issues which might arise at a City Council meeting, subject to being overturned regarding any such ruling by a vote of a majority of the City Council Members present (including the Chair).
- d) Any of the rules and procedures contained in these bylaws may be waived unless required by City Charter or other law for a given City Council meeting or agenda item at a City Council meeting by the vote of two-thirds of the City Council Members present at a meeting where a quorum is present (including the Mayor).

E. CLOSED MEETINGS:

1. Purpose:

The Council may meet in closed session only for the purposes defined in the Michigan Open Meetings Act 267 of 1976, as amended, summarized 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, 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) For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if 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.
- 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 and consider the contents of an application for employment or appointment to a public office if the candidate requests that the application remain confidential. However, except as otherwise provided in this subdivision, all interviews by a public body for employment or appointment to a public office must be held in an open meeting pursuant to this Act.
- f) To consider and approve minutes of closed meetings.
- g) To consider material exempt from discussion or disclosure by state or federal statute.

- h) For a compliance conference conducted under section 16231 of the public health code, 1978 PA 368, MCL 333.16231, before a complaint issued.

2. Calling Closed Sessions:

A closed session must be conducted during the course of an open meeting. A two-thirds roll call vote of the Council members elected and serving shall be required, except under Sections 1a, 1b, and 1h listed 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. These minutes will be destroyed one year and one day after the minutes were approved by Council.

4. Confidentiality of Closed Meeting Information:

City Council members 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. Council members 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.

F. ELECTRONIC MEETINGS:

Electronic meetings may be offered at times if allowed by State Order or the Michigan Open Meetings Act (OMA) and will follow all OMA guidelines. In situations where an electronic meeting may be offered, Council may have a meeting entirely electronically or a meeting where some council members participate electronically and some council members are face-to-face. Electronic meetings may be in the form of teleconference, audio-conference, or videoconference.

1. Guidelines:

- a) Meetings must be conducted in a manner that permits two-way communication so that council members can hear and be heard by other council members, and so that public participants can hear council members and can be heard by council members and other participants during public comments.
- b) At the start of each meeting the Mayor (Chair) must publicly declare why the meeting is being held electronically.
- c) For each member of the council attending the meeting remotely, a public announcement at the start of the meeting by that member, to be included in the meeting minutes, that the member is in fact attending the meeting remotely. If the member is attending the meeting remotely for a purpose other than for military duty, the member's announcement must further identify specifically the member's physical location by stating the county, city, township, or village and state from which he or she is attending the meeting remotely.
- d) For each member of the council attending the meeting remotely, they must state their name prior to speaking or making a motion.
- e) Members attending the meeting remotely must announce their departure if prior to the end of the meeting.
- f) The Mayor (Chair) may cause or direct the disconnection or muting of a member or public connection if it is causing undue interference with the meeting.

- g) Any business transacted during loss of meeting room connection is null and void, unless there is a quorum in the meeting room at such time.
- h) No action shall be invalidated on the grounds that the loss of, or poor quality of, a member's individual connection prevented participation in the meeting as long as a quorum is still present.
- i) Refer to the Open Meetings Act and Robert's Rules of Order for additional information.

2. Electronic Meeting Notice (Posting) Requirements:

For an electronic meeting of the Council, per the Open Meetings Act, a public notice shall be posted at 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. A public notice shall also be placed on the City's website. The public notice must contain:

- a) A statement as to why the public body is meeting electronically.
- b) How members of the public may participate in the meeting electronically. If a telephone number, internet address, or both are needed to participate, that information must be provided specifically.
- c) How members of the public may contact council members of the public body to provide input or ask questions on any business that will come before the public body at the meeting.
- d) Council shall not, as a condition of participating in an electronic meeting, require a person to register or otherwise provide his or her name or other information to fulfill a condition precedent to attendance.
- e) Refer to the Open Meetings Act for additional information.

3. Minutes of Electronic Meeting:

The meeting minutes of an electronic meeting must list who is present and who is remote. All votes shall be taken by roll call and listed in the minutes.

G. 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, financial transactions and liquor license requests shall be taken by a roll call vote 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 conflict of interest and shall state his/her conflict of interest and determined to be a conflict by vote of the Council. Refer to Ordinance 18-05 for Conflict of Interest Information.
- b) Excused by vote/approval of at least four Council Members. See Charter Section 7.5 (h) for additional information.

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. Council Member Request for Postponements:
Council member requests for postponement of agenda items require approval by a majority of the Council present.
5. Rules of Parliamentary Procedure:
Meetings of the City Council shall generally utilize Roberts Rules of Order, unless otherwise provided for in these bylaws.
6. General Consensus:
General consent or consensus may be used to give direction and the minutes should indicate that a majority consented.

H. PUBLIC PARTICIPATION:

1. General:
Each Council Meeting Agenda shall provide time for public audience participation, as requested and limited herein. Members of the public may comment only during the public comment portions of the meeting. Public comment shall not be in order except during designated times or as approved by the Chair. Any person shall have the right to record or broadcast the proceedings of the City Council, but they shall not utilize the electrical outlets or internet bandwidth of the City without the prior permission of the Chair.
 - a) Specific answers to citizen's questions need not be given by the Chair or other City officials at the time requested, but may, at the City's discretion, be followed up later.
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 for the record.
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 five (5) minutes to address Council during a hearing. The Chair shall notify the speaker when time is up.
4. 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. 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 five (5) minutes to address the Council. No citizen shall speak for more than three (3) minutes during either public comment periods. If the application of such time limits has the effect of

completely denying one or more persons the ability to address the City Council, such persons shall be given at least two (2) additional minutes each to address the City 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 the meeting or 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. Council Members shall then discuss the agenda item, and no further public comment shall be entertained.

- a) In addition to the above-mentioned public comment period, as well as the second public comment period, the Chair may permit limited public comment for particular agenda items.
- b) All public comments shall be directed to and through the Chair. No member of the public shall directly address any other member of the public or any other City Official.
- c) All public comments shall be related to City matters. Public comments must be relevant and germane to the business and functions of the City.
- d) No citizen can “transfer”, reserve or delegate any public comment time to any other person.
- e) The Chair has the authority to extend the comment period for citizens at the Chair’s discretion.
- f) The City Clerk shall be responsible for timing the length of public comments and informing the Chair when a citizen has thirty seconds remaining and when time has expired.
- g) No person shall be allowed to speak more than once on the same matter at the same meeting. Person purporting to speak to the same general subject matter in his and her personal and representative capability shall be recognized only once.

5. Requests to Speak Second Public Comment Section:

Members of the public shall have an opportunity, under the second Public Comment section, to address the Council for no more than three (3) minutes on any item that is not on the approved agenda. All rules of conduct still apply from item 5a-5g.

6. Deviations 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.

7. Disorderly Conduct at Meetings:

Persons addressing the Council shall make responsible comments and shall refrain from making personal, impertinent, slanderous, profane remarks or obscene speech or gesture. No person shall disrupt a meeting of the City Council. 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.

- a) Members of the public shall not talk among themselves during a meeting of the City Council in a volume greater than a whisper, and upon being asked by the Chair to quiet down, shall do so.

I. AMENDMENTS TO THE RULES:

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

Adopted this 11th day of October, 2021

Ed Fedell, Mayor

Kim Goodin, City Clerk