

## **VILLAGE OF LEXINGTON VILLAGE COUNCIL**

These Rules of Procedure Policies are set forth as provided for in Chapter 5 of Public Act 3 of 1895 *The General Law Village Act*, being Section 5 (1) of 65.5 which states that the Council shall prescribe the rules of its own proceedings. Further, it is intended that this manual will provide for the efficient and uniform application of procedures for the Village of Lexington, where such procedures have not been provided for under state law.

At the January 23, 2006 Regular Council meeting these Rules of Procedure Policies were adopted unanimously by Elva Mills, Tom Constantineau, Jim Gresock, Charlene Hasper, John Lombardi and Dan Maliniak.

### **Roles of Elected and Appointed Officials:**

#### **Duties of the Chief Executive Officer**

The President shall be the Chief Executive Officer of the Village. He or she shall preside at the meetings of the Council. The President shall be considered a member of the Council and shall have the right to vote upon any question and make motions before the Council. He or she shall from time to time give the Council information concerning the affairs of the corporation, and recommend measures which he or she considered expedient. The President shall exercise supervision over the affairs of the Village and over the public property belonging to the Village and shall see that the laws relating to the Village and the ordinances and regulations of the Council are enforced.

#### **Duties of the Council**

The Council members shall be responsible for setting policy regarding the operations of the Village. Lexington Village officials shall be dedicated to making the Village of Lexington a better place in which to live. All decisions shall be made based on what is good for the community. Using intelligence, common sense, energy and good will all officials will perform the duties of their respective offices with the intent of providing and maintaining a safe environment and a continuum of public services to all of our residents.

The compensation for the President and Council Manager shall be determined by the Ordinance set forth in the Code of Ordinances for the Village of Lexington in Chapter 2, which may be amended from time to time.

#### **Duties of Village Manager**

The Manager shall report directly to the Village President on all matters regarding the fiscal and operational issues related to the Village. The Village Manager is the Chief Administrative Officer of the Village. The Manager shall supervise staff and implement Council policy within the budget approved by Council. Compensation for the Village Manager will be determined by the employment contract as approved by Council.

## **Section 1: Election of Officers**

- 1.1 As provided for in General Law Village Act, PA 3 of 1895, 65.3 Sec 3 (1) On October 1 of election years the Council shall appoint 1 of their number president pro tempore. In the absence of the both the President and the President Pro Tempore, the member with the longest current period of continuous service on the Council presides {GLV Act 3, 65.3 Sec 3 (2)}.
- 1.2 At the October 1 meeting of the Council, the President shall present his/her recommendations for Council Committee assignments for the approval of the Village Council {GLV Act 3, 65.3 Sec 3 (2)}.

## **Section 2: Agenda Preparation**

- 2.1 An agenda for each regular council meeting shall be prepared by the Village Manager with the President approving the final document for distribution.
- 2.2 Any Council member has the right to add items to the regular agenda before it is distributed.
- 2.3 All items to be placed on the agenda must be provided to the Clerk by Wednesday at close of business the week before the regular meeting is scheduled.
- 2.4 No items may be added to the agenda after its distribution without a majority\_vote of approval by council members.
- 2.5 The Village President or Village Manager may in emergency situations add items to the agenda at the regular Council meetings by a majority vote of Council members present.

## **Section 3: Council Meeting & Procedures**

- 3.1 In accordance with PA 3 of 1895 as amended the Council shall hold at least 1 regular meeting monthly for the transaction of business. The annual meeting schedule will be set before the January meeting of each year and shall be posted publicly in four locations within the Village.
- 3.2 The Council shall hold it's meetings in the Lexington Village Hall Council Chambers, 7227 Huron Avenue, Lexington, Michigan and the Clerk shall make public notice which shall include the time, date, and place of the meeting as required by Act 267 of 1976.

- 3.3 Any motion which results authorization to expend funds must be voted by roll call.
- 3.4 Four (4) members of the Council shall constitute a quorum for the transaction of business at all Council meetings. In the absence of a quorum, any number of members less than a quorum may adjourn any regular or special meeting to a later date of not later than one (1) week, or may compel the attendance of absent members {GLV Act 3, 65.5 Sec 5 (1)}.
- 3.5 For the 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 in four (4) public locations as follow:
  1. LMMHP, 2. Moore Library, 3. Village Hall, 4. Jeff's Marketplace and the website.
- 3.6 The notice procedure is not 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 Village's efforts in responding to the threat.
- 3.7 Regular meetings shall be held on the 4<sup>th</sup> Monday of each month, except as approved by a majority vote of the Council, with attendance being mandatory. Requests for excused absences shall be submitted to the Council through the Clerk's office, in writing, in advance except in emergency situations. Excused and unexcused absences shall be determined by vote of the Council utilizing the following guidelines:
  - a. In the event a member must excuse themselves from a regular Village Council meeting, the responsibility for reporting such absence will reside exclusively with the member, unless such absence makes it impossible to report in a personal and timely manner.
  - b. Reporting of such an absence must be made known at the earliest opportunity. Reporting of an absence shall be first to the Village Council President. Should the President be unavailable, the reporting of an absence will then be reported to the President Pro-Tempore, Village Clerk or any member of the Village Council, in that order.
  - c. Should an emergency condition arise that prohibits the member from reporting the absence in a timely fashion, the member must at the earliest opportunity report directly to the President, stating in clear terms the reason for the absence and delay in reporting.

- d. All absences will be reviewed at the appropriate Council meeting. Council members shall by simple majority vote, determine whether the absence is excused or unexcused. The affected member will be excluded from the voting process even if present during the review.
- 3.8 If any business arises after the Regular Meeting that requires Council action, a Special Meeting may be called by the Clerk at the request of the President or a majority of the Council members. All meetings of the Village Council shall be in accordance with the State Law and the Michigan Open Meeting Act 267 of 1976. Written notice and an agenda stating each matter to be considered at the Special Meeting shall be given to each Council member and the President, unless the entire Council and President are present and waive notice. No business shall be conducted at any special meeting unless the same has been stated in the notice of such meeting.
- 3.9 Workshop meetings shall be held at the direction of the President and shall be designated as a workshop meeting. Council member's attendance shall not be mandatory. Each Council member, however, must take it upon themselves to remain current and updated on these council activities. No business shall be conducted at a Workshop meeting that requires a vote of the Council.
- 3.10 The Village Council, by a majority vote, will set Public hearings to be heard in from the Village Council at least one Meeting prior to such public hearing or as outlined by the Charter, Ordinance, or statute. No public hearing will be held in front of The Village Council without Council approval.
- 3.11 The Council may meet in an emergency Session without complying with the Meeting Notice Posting Requirements, in the event that is necessary to hold a meeting to Deal with a severe and imminent threat to the health, safety or Welfare of the public when two –thirds of the members of the Council decide that the delay would be detrimental to the Village's Efforts in responding to the threat.  
(ref, PA 267 of 1976 Open Meetings Act, section 6)
- 3.12 The agenda and supporting packet for a regularly scheduled Council meeting will be delivered to the location determined by each individual Council member no later than three (3) days prior to the meeting.

### 3A: ELECTRONIC MEETING PROCEDURES

Through December 31, 2020

3A.1 All deliberations and decisions of a public body must be made at a meeting to the public.

3A.2 members of the council may participate in public meetings via remote electronic means provided that all members of the public body can see and/or hear each other and be seen and/or heard by the public. Exception to attending a meeting in person shall only be permissible if the members is absent due to military duty, a 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 official or local governing body that would risk the personal health or safety of members of the public or the public body if the meeting were held in person.

3A.3 Each member of the council must, at the outset of each meeting, verbally certify that they are attending remotely and must declare their physical location ( city state country).

3A.4 The presider of the meeting must state clearly, for the record, the reason all members are participating in the electronic meeting.

3A.5 Meetings to be held with all members participating remotely by electronic means, shall be so noticed a minimum of 18 hours in advance of the meeting on the Village website in location immediately accessible to all members of the public.

3A.6 Each council member must consent to having their email addresses displayed on the Village website so the interested members of the public may communicate with them regarding agenda items.

3A.7 Any member of the public may attend any electronic meeting by logging into an electronic meeting (ZOOM). Electronic information must be provided on the Village website. Members of the public shall state their name and address in order to address the public body.

January 1, 2021-December 31, 2021

3A. 8 Any member of an elected or appointed board can choose to attend a meeting of that board electronically due to military duty, a 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 official or local governing body that would risk the personal health or safety or members of the public or the public body if the meeting were held in person.

3A.9 Upon a vote requiring such by the Village Council, all members of an elected or appointed board, public and media may be required to attend a meeting of that board electronically, if a statewide or local state of emergency or state of disaster declared pursuant to low or charter by the governor or a local

official or local governing body that would risk the personal health or safety of members of the public or the public body if the meeting was held in person.

3A.10 A meeting of a public body held electronically must be conducted in a manner that permits 2 way communication so that members of the public body can hear and be heard by other members of the public body and can be heard by members of the public body and other participants during a public comment period.

3A.11 A notice of all electronic meeting will be posted on the Village website and must include the meeting information.

3A.12 Members of the general public participating in an electronic meeting are to be excluded from participation in closed session of the public body.

#### **Section 4: Voting Requirements**

- 4.1 No member of the Council shall vote on any question in which they have a financial interest or on any questions concerning their own conduct.
- 4.2 On all other questions pertaining to the common public interest, each member must vote when their respective name is called unless excused from the vote by unanimous consent of the remaining members of the Council in attendance. ***(ref to the Point of Order GLV)***
- 4.3 Any Council member refusing to vote except when not so required by this section shall be found guilty of misconduct in office.
- 4.4 Roll Call votes shall be taken by the clerk with the motion maker being called first, the seconder of the motion called next and then followed by the remaining members called in random order.
- 4.5 The right to vote is limited to the members of council present at the time the vote is taken. Voting by proxy, electronically or by telephone is prohibited.
- 4.6 All voice votes shall be taken by “Yes” and “No” votes and the number of votes of each entered into the minutes.

- 4.7 A Roll Call vote shall be taken on the following items: all matters involving the finances or spending of village funds, all resolutions and ordinances, and contracts.

### **Section 5: Minutes of Meetings and Agendas**

- 5.1 The Clerk shall attend the Council meetings and record all the proceedings and resolutions of the council in accordance with Section 64.5 of the General Law Village Act of 1895 as amended and the Open Meetings Act. In the absence of the Clerk, the Deputy Clerk or a member of the Council may be appointed to temporarily perform the clerk's duties.
- 5.2 A record shall be taken of all meetings and the actions taken at the meetings. The names of Council members present and absent will be part of the minutes. Additionally, any individual addressing the council shall have their names entered into the minutes. The minutes will be signed by the presiding officer and the clerk or scribe.
- 5.3 A separate set of minutes shall be taken by the clerk or designee of the council at closed sessions. These minutes will be retained by the clerk, and shall not be available to the public, and shall only be disclosed if required by a civil action, as authorized by the Michigan Open Meetings Act. These minutes may be destroyed one year and one day after approval of the minutes of the regular meeting at which the closed session was approved.
- 5.4 The Clerk will make available a synopsis showing the substance of each separate decision of the Council or the entirety of the Council proceedings at each meeting. The document shall indicate the vote of the Council members.
- 5.5 Minutes approved by Council shall be posted in four (4) places:  
1. LMMHP, 2. Moore Library, 3. Village Hall, and Village Website within eight (8) days after the approval as required by the Open Meeting Act, 1976 PA 267; MCL15.269. Copies of the minutes shall be available for public inspection at the Village offices during regular business hours.
- 5.6 All meetings of the Village Council will be recorded and the recordings will be kept until minutes are approved.
- 5.7 The Council President, Committee Chairperson, and the Village Manager are permitted and encouraged to review draft minutes for technical accuracy and clarity. Clerical staff is permitted to review a peer's draft minutes for grammatical correctness.

## **Section 6: Ordinances and Resolutions**

- 6.1 Ordinances proposed for adoption shall relate to no more than one subject, and that subject shall be clearly stated in its title.
- 6.2 A vote on all ordinances and resolutions shall be taken by roll call vote and entered in the minutes unless it is a unanimous vote.

## **Section 7: Maintaining Order**

- 7.1 The presiding officer shall have primary responsibility for enforcing these rules of procedure and for enforcing orderly conduct at meetings. The Village President is ordinarily the presiding officer.
- 7.2 All Council members shall have the responsibility to preserve order and will refrain from conducting themselves in a manner, overtly or covertly, that will delay, impede or interrupt the proceedings of the Council.
- 7.3 The presiding officer has the responsibility to recognize a Council member's right to speak before the body.
- 7.4 No member shall speak more than once on the same question unless every member desiring to speak to that question shall have had the opportunity to do so.
- 7.5 Council members may speak to a question for no more than five (5) minutes unless all members unanimously agree to extend the time period.
- 7.6 During the Council discussion and debate, no member shall speak until recognized by the chair. After such recognition, the member 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 the debate.
- 7.7 Each Council member shall have the right to speak on any subject before the Council unless precluded by ethical, financial or legal conflicts or subjects concerning their personal conduct.
- 7.8 Any member, duly recognized shall be allowed to speak on the topic under discussion for the prescribed time and be interrupted only if a point of order is raised. If a member is judged to be out of order, he/she must change their remarks or surrender the right to continue speaking.

- 7.9 A. The President may call to order any person who is being disorderly. Behaviors which will be considered disorderly: speaking longer than the allotted time or using vulgarities, failing to be germane, speaking out of order or otherwise disrupting the proceedings. Such person shall be seated until the Chair determines the person is in order again.
- B. A Council Member speaking may be interrupted only (1) when the chair determines the speaking Council Member is out of order, (2) for a point of order, (3) when asked to yield or (4) when such interruption is needed to restore order due to then inappropriate conduct of others.
- C. In attempts to restore order by calls to do so, instruction, and use of the gavel are unsuccessful, the Chair may, (1) call a recess, (2) request that the police officer serving as sergeant-at-arms or that meeting remove any person(s) engaging that is out of order or (3) adjourn the meeting,
- 7.10 The Lexington Village Council has adopted Robert's Rules of Order and will continue to conduct meetings following these procedures. The Chair shall decide all questions under this parliamentary authority, subject to appeal and reversal by a majority of the council members present. The Village President may appoint a parliamentarian.

## **Section 8: Committees**

- 8.1 The Village of Lexington shall have the following standing committees:

Personnel Committee –

	Village President	Chairperson,
	Two council members appointed by the President	
Purpose:	To review and provide oversight on hiring, employment practices, and personnel policies of the Village.	

- 8.1.5 Meeting Schedule – Regular Committee meetings shall be scheduled at a time and day agreed upon by all members of that committee.

- 8.1.6 Other Committees, Commissions, and Boards Appointed by Council.

Planning Commission: shall be a commission appointed by Council and exists in conformance with Public Act 285, MCL 125.31 to 125.45, and Village of Lexington Code of Ordinances Chapter 50, and the Planning Enabling Act of 2003.

Purpose: To prepare and approve the Master Plan and assure its implementation through zoning and site plan reviews.

Downtown Development Authority: shall be an authority created and appointed by Council and exist in conformance with MCL Public Act 197 of 1975, Section 125.1654, and Village of Lexington Code if Ordinances Chapter 26.

Purpose: To improve and enhance the property values in the district while increasing commerce.

Cemetery Board: Exists in conformance with Public Act 3 of 1895 as amended 67.55.

Purpose: To care for and manage the cemetery grounds.

Parks and Recreation Committee: Established in accordance with Chapter 42 of the Lexington Code of Ordinances.

Purpose: To insure adequacy of parks and recreational activities for area residents.

#### Environmental Committee

Composed of seven members, which includes one member from Council and six residents.

Purpose – to maintain and improve the environmental health of the Village

#### Zoning Board of Appeals

Composed of three members appointed by the Village Council and two alternates also appointed by the Village Council

Purpose: To hear and decide requests for variances from the strict terms of the zoning ordinance.

#### Fire Department Oversight Committee

Composed of three members, Fire Chief, the Village President and one resident appointment by the Village President

Purpose: Its purpose is the preservation and protection of life and property from and during any fire, disaster, or emergency that may occur, and to provide emergency medical assistance in our service areas.

#### MHP ADVISORY BOARD

Composed of seven members, two council, two full time residents, two part time residents and one full time Village resident.

Purpose – To identify the problems work out solutions and make recommendations to Council.

- 8.2 All Committees, Commissions, Authorities and Boards of the Village shall be governed by Roberts Rules of Order
- 8.3 Committee members shall be recommended for appointment and voted on by Council except where a public act or local ordinance provides for an alternate process.
- 8.4 Committee members will be expected to attend all meetings of their respective committees.
- 8.5 Committee members who have unexcused absences for three (3) consecutive regularly scheduled meetings and/or work sessions during their appointed term shall be deemed to have vacated his/her seat and will be removed from the seat. Exceptions will be considered if they are due to the conduct of other business related to Village Council activities or sickness.
- 8.6 Ad-hoc/Special Committees may be appointed by the Village President or by a resolution of the Council; to study specific matters and a time limit shall be placed upon the length of the study. Committees will make regular reports to the council at predetermined times. All committee recommendations shall be in written form and copies made available to each member of the Council in their respective Council Packets.
- 8.7 Rule of Procedure Policies applies to Council appointed committees.

### **Section 9: Citizen Participation**

- 9.1 Each regular council meeting agenda shall provide for reserved time for audience participation.
- 9.2 If requested by a member of the council, the presiding officer shall have discretion to allow a member of the audience to speak at times other than reserved time for audience participation.
- 9.3 Any person who addresses the Village Council during a council meeting or public hearing shall be limited to three (3) minutes in length per individual presentation. The clerk will maintain the official time and notify the speakers when their time is up.
- 9.4 When a person addresses the Village Council, he or she shall state his or her name and home address. Remarks should be confined to the question at hand and addressed to the chair in a courteous tone. No person shall have the right to speak more than once on any particular subject until all other persons wishing to be heard on that subject have had the opportunity to speak.

## **Section 10: Amending Procedure Policies of Council**

- 10.1 This policy can be revised with a vote of two-thirds of the Council membership. Supplements will be distributed in order to assure that the policy manuals will always be kept current.
- 10.2 The rules and procedures of the Village Council may be suspended for a good cause for specified portion of a meeting by two thirds (4) vote of the entire Council.
- 10.3 These rules and procedures shall control unless preempted by the Village Charter, State Laws or the courts.

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**Amended and approved by Council 1/23/12**  
**Amended and approved by Council 10/26/2020**  
**Amended and approved by Council 2/22/2021**