



**ACME TOWNSHIP SPECIAL BOARD MEETING**  
**ACME TOWNSHIP HALL**  
**6042 Acme Road, Williamsburg MI 49690**  
**Friday, April 25, 2014, 1:30 p.m.**

**MEETING CALLED TO ORDER WITH THE PLEDGE OF ALLEGIANCE AT 1:40 p.m.**

**Members present:** C. Dye, A. Jenema G. LaPointe, P. Scott, J. Zollinger  
**Members excused:** D. White  
**Staff present:** N. Edwardson, Recording Secretary

**A. LIMITED PUBLIC COMMENT:**

B. Kelley, 4893 Ridge Crest, read a statement regarding his concerns with hiring a licensed State of Michigan, CPA.

**B. APPROVAL OF AGENDA:**

LaPointe requested that we change the sequence of the agenda by moving New Business Item 2 Budget 2014/15 work session to the end of the agenda.

**Motion by LaPointe, seconded by Jenema to approve the agenda with moving the Budget 2014/15 Work Session to the end of the agenda. Motion carried by unanimous vote.**

**C. INQUIRY AS TO CONFLICTS OF INTEREST: None**

**D. CONSENT CALENDAR:** The purpose is to expedite business by grouping non-controversial items together for one Board motion (roll call vote) without discussion. A request to remove any item for discussion later in the agenda from any member of the Board, staff or public shall be granted.

**ACTION – Consider approval:**

- 1. Township Board meeting minutes 4/8/14 and Special meeting 04/17/14**

**Motion by LaPointe, seconded by Dye to approve the consent calendar as presented. Motion carried by unanimous vote.**

**E. NEW BUSINESS:**

**1. Process and time line to fill open Trustee position:**

Zollinger stated he posted a notice for the Trustee position on the website. He also said that this position would then be filled until 2016. We have received 2 applications. Zollinger purposes that we set a deadline for submission of applications May 12<sup>th</sup>. We have 45 days to fill the position which would be June 1<sup>st</sup>.

**Motion by LaPointe, to put a deadline of May 2, 2014, for submission of applications, followed by a special meeting, date yet to be determined, for review. Seconded by Jenema. Motion carried by unanimous roll call vote.**

**2. Q-Concern about Clerk/Treasurer accounting assistance**

Jenema commented that the letter that was read at public comment was “food for thought” perhaps we need to look for a CPA. She stated that the Board was in agreement already to have the additional help Clerk and Treasurer will work together on a recommendation to the Board.

**Motion by Scott, seconded by Jenema to move the issue of a accounting assistance to the next scheduled board meeting, May 13, 2014. Motion carried by unanimous vote.**

**F. OLD BUSINESS:**

**1. Up date on Acme Web Search capability/Archived Data fixes**

Zollinger found out we have new and old data on two separate servers. The issue has been addressed by our website designers.

**2. Discuss procedures for conducting board meetings/use of parliamentary procedures**

LaPointe reference the handouts regarding parliamentary procedures from the previous meeting. The Board was also provided with the "Code of Ethics" for Peninsula Township. LaPointe believes that Acme Township needs to develop one as well. Discussion followed. Zollinger would like to see the Clerk's office work on this.

**Motion by LaPointe, seconded by Jenema to develop a Code of Ethics and use of Parliamentary procedures. Motion carried by unanimous vote.**

**3. Close on open issue of Record Eagle response**

Zollinger said that the Record Eagle recently called and asked what was happening. To date there has been no activity. LaPointe prepared a statement for the Board to review.

**Motion by Scott, seconded by LaPointe, to have township counsel review LaPointe's letter and bring back to the Board on the May 13<sup>th</sup> meeting for Board approval. Motion carried by unanimous vote.**

**Budget 2014-15 work session**

Zollinger prepared the first draft of the Budget for 2014-15. Board began a line by line discussion. Acme Township does the budget at the department level to derive a balance budget. Zollinger handed out a spreadsheet with comparisons of other Township legal fees. There was discussion about various line items and corrections will be made to the draft budget to prepare for our next budget review, with a copy sent out for all board members to view.

**PUBLIC COMMENT & OTHER BUSINESS THAT MAY COME BEFORE THE BOARD:**

**ADJOURN 3:40 p.m.**



**ACME TOWNSHIP SPECIAL BOARD MEETING**  
**ACME TOWNSHIP HALL**  
**6042 Acme Road, Williamsburg MI 49690**  
**Friday, April 25, 2014, 1:30 p.m.**

**GENERAL TOWNSHIP MEETING POLICIES**

- A. All cell phones shall be switched to silent mode or turned off.**
- B. Any person may make a video, audio or other record of this meeting. Standing equipment, cords, or portable microphones must be located so as not to block audience view.**

**CALL TO ORDER WITH PLEDGE OF ALLEGIANCE**  
**ROLL CALL**

**A. LIMITED PUBLIC COMMENT:**

Public Comment periods are provided at the beginning and end of each meeting agenda. Members of the public may address the Board regarding any subject of community interest during these periods. Comment during other portions of the agenda may or may not be entertained at the moderator's discretion.

**B. APPROVAL OF AGENDA:**

**C. INQUIRY AS TO CONFLICTS OF INTEREST:**

- D. CONSENT CALENDAR:** The purpose is to expedite business by grouping non-controversial items together for one Board motion (roll call vote) without discussion. A request to remove any item for discussion later in the agenda from any member of the Board, staff or public shall be granted.

**ACTION – Consider approval:**

- a. Township Board meeting minutes 04/08/14 and Special meeting 4/17/14**

**E. ITEMS REMOVED FROM THE CONSENT CALENDAR:**

- 1. \_\_\_\_\_

**F. NEW BUSINESS:**

- 1. **Process and time line to fill open Trustee position**
- 2. **Budget 2014/15 work session**
- 3. **Q- Concern about Clerk /Treasurer Accounting assistance**

**Old Business:**

- 1. **Update on Acme Web Search capability/Archived Data fixes**
- 2. **Discussion on parliamentary procedures**
- 3. **Close on open issue of RE response**

**PUBLIC COMMENT & OTHER BUSINESS THAT MAY COME BEFORE THE BOARD:**

**ADJOURN**



**ACME TOWNSHIP BOARD MEETING  
ACME TOWNSHIP HALL  
6042 Acme Road, Williamsburg MI 49690  
Tuesday, April 8, 2014, 7:00 p.m.**

**MEETING CALLED TO ORDER WITH THE PLEDGE OF ALLEGIANCE AT 7:05 p.m.**

**Members present:** C. Dye, A. Jenema, G. LaPointe, P. Scott, D. White, J. Zollinger  
**Members excused:** C. Collett  
**Staff present:** J. Jocks, Township Counsel  
N. Edwardson, Recording Secretary

**A. LIMITED PUBLIC COMMENT:**

B. Kelly 4893 Ridgecrest , read a prepared statement (attached to minutes) regarding Form Based code and Accessory Building ordinance on the agenda this evening. Zollinger stated that the Board would address his issues when it appears on the agenda.

Dye, Township clerk, read a prepared statement (attached to minutes)

**APPROVAL OF AGENDA:**

**Motion by LaPointe, seconded by Scott to approve the agenda with the addition of Voting Booths under New Business, under Old Business, letter to the Record Eagle regarding recent allegations, Replacement of bookkeeper, Hoxsie House update and the Budget process. Motion carried by unanimous roll call vote.**

**B. INQUIRY AS TO CONFLICTS OF INTEREST:** None noted

**C. CONSENT CALENDAR:** The purpose is to expedite business by grouping non-controversial items together for one Board motion (roll call vote) without discussion. A request to remove any item for discussion later in the agenda from any member of the Board, staff or public shall be granted.

**1. RECEIVE AND FILE:**

1. Treasurer's Report
2. Clerk's Report and Balance Sheet
3. Draft Unapproved Meeting Minutes:
  - a. Planning Commission 03/10/14
  - b. Parks & Rec Advisory 03/06/14
- d. Parks and Maintenance Report – Tom Henkel
- e. Planning & Zoning Report - Lennox
- f. North Flight February 2014

**2. ACTION – Consider approval:**

1. Township Board meeting minutes of 03/04/14 and Special 03/20/14
2. Accounts Payable Prepaid of \$20,067.37 and Current to be approved of \$24,968.69 (Recommend approval: Cathy Dye, Clerk)

**D. ITEMS REMOVED FROM THE CONSENT CALENDAR:**

LaPointe requested the Treasurer's report be removed.

**Motion by Jenema, seconded by Dye to approve the consent calendar with the removal of the treasurer's report. Motion carried by unanimous roll call vote.**

LaPointe commented on the \$14,000.00 in unrestricted accounts. Dye said this was the 2% tribal grant that the township had received. LaPointe stated in next month's treasurer report there needs to be a line item to reflect

that.

**Motion by White, seconded by LaPointe to approve the Treasurer's report as presented. Motion carried by unanimous roll call vote.**

**E SPECIAL PRESENTATIONS/DISCUSSIONS: None**

**F. REPORTS:**

1. **Sheriff's Report – Deputy: Ken Chubb: Reviewed by Chubb**
2. **County Commissioner's Report – Larry Inman: None**
3. **Road commission report-Bill Mouser: None**

**G. CORRESPONDENCE:**

1. **Memo dated 3/21/14 regarding Immanuel LLC/Bankruptcy Case No. 10-11585**  
Jocks reviewed briefly. The trustee has filed a motion for authority to sell real property and to pay closing costs, and broker's commission pursuant to 11 U.S.C. 363(B)

**H. NEW BUSINESS:**

**1. Approval/Adoption of US-31/M-72 Business District Ordinance #29**

Lennox stated that this proposed new zoning district would encompass much of the present US-31 corridor business district and a portion along M-72 from US-31 to the GTTC property border. It will replace B-1S, B-1P, and B-2. The plan consists of five regulating zones; three commercial and 2 residential. In the commercial zones the plan creates a uniform consistent placement of buildings on properties and specifies minimum and maximum building heights, floor heights and percentage of ground floor facade. The residential component retains the Single Family Neighborhoods, but also allows for Mixed Housing Neighborhoods of different densities. Discussion followed.

**Motion by LaPointe to approve the adoption of Ordinance # 29 as presented. Seconded by White. Motion carried by unanimous roll call vote.**

**2. Approval/Adoption of Accessory Building Amendment Ordinance # 31**

Lennox stated that she has received numerous calls from residents regarding the height of accessory buildings. Presently the accessory building ordinance only allows for a height of 14 feet. With this height, a garage door height of approx. 7' is the maximum, considering the roof pitch. Residents complaints included not being able to fit boats on trailers, or campers inside their accessory buildings because of lack of height. This adoption would amend Section 7.2. Supplementary Use and Area regulations; 7.2.1e with Accessory buildings with the delation of one story or fourteen feet in height, replaced with twenty four feet in height. Discussion followed.

**Motion by LaPointe, seconded by Dye to approve the adoption of Accessory Building Amendment Ordinance # 31 as presented. Motion carried by unanimous roll call vote.**

**3. Letter of resignation from Treasurer, Collett.**

Zollinger read into the record the letter of resignation from Treasurer, Collett, effective April 8, 2014. Zollinger stated that the keys from the treasurer and deputy treasurer were turned into the office today.

**Motion by LaPointe, seconded by Jenema to accept the letter of resignation submitted by Collett**

Discussion followed on the procedure to be followed with replacing an elected official.

**Motion carried by unanimous roll call vote.**

Jenema expressed her potential interest in applying for the treasurer's position. She will remove herself from any further discussion.

**Motion by LaPointe, Scott seconded to place an ad in the Record Eagle for the position of Treasurer**

on April 10, 11, 12, 2014, submissions due at 4:00 pm on Tuesday, April 15, 2014, scheduling interviews on April 17, 2014. Motion carried by unanimous vote.

4. **Resolution # R-2014 for the collection of summer taxes for TBAISD for year July 1, 2014**

**Motion by Scott, seconded by LaPointe to approve Resolution R-2014-12 for the agreement of the collection of summer school property taxes for TBAISD. Motion carried by unanimous roll call vote.**

5. **Auditors for 2013/14 response to RFT letter.**

Zollinger stated that we received three responses to the RFT for audit services for 2013/14, Gabridge & Company, Tobin & Company and Abraham & Gaffney. Pricing ran from \$9,900.00 to \$16,900.

**Motion by Dye, seconded by White to hire Gabridge & Company for a three year contract. Motion carried by unanimous roll call vote.**

6. **Resolution # R-2014 for Budget amendments to various accounts**

**Motion by LaPointe, seconded by Dye to approve Resolution R-2014-13 for budget corrections to bring the Budget in balance and improve our 2013/14 audit. Motion carried by unanimous roll call vote.**

7. **Discussion on New Engine 8 fire hall and community center/townhall offices**

Metro Fire Chief, Parker was in attendance. He stated that we are growing and many times in the past Station 8 ranked third in runs. Metro has found five locations and have narrowed them down to three. We have a model station in # 12 that would be followed only adding one more stall for Station 8. Parker comes tonight to ask the Board if they are interested in combining with Metro to create a fire hall/township offices. He is not looking for a decision. Parker, LaPointe and Zollinger visited Torch Lake Township and were pleased with what they saw. Parker stated that Metro needs about three acres and with a township hall four to five would be good. Parker will be going to his Board this month to have monies set aside for engineering.

LaPointe, as a taxpayer would be upset if we had two buildings. He was very impressed with Torch Lake and encouraged residents to take a drive up there.

**Motion by LaPointe to form a committee of interested residents to begin looking into this. Seconded by Scott. Motion carried by unanimous vote.**

8. **Voting Booths**

Dye stated that we have 4-5 old voting booths in storage that the clerk's office are no longer using. We are using circular ones that four people at a time can vote. Dye said this gives more room for voting. She is seeking permission from the Board to sell these older ones for about \$25.00 a piece.

**Motion by Jenema, seconded by LaPointe to proceed with the sales of the older voting booths. Motion carried by unanimous roll call vote.**

**Motion by Jenema, seconded by Scott if Clerk does not sell any of the voting booths she is to dispose of them. Motion carried by unanimous roll call vote.**

I. **OLD BUSINESS:**

1. **DNR Grants-Sayler Park and Bayside**

Zollinger stated that the grants for Sayler Park and Bayside have been submitted to the DNR Trust Fund for the April 1<sup>st</sup> deadline.

2. **Letter to Record Eagle**

At the special board meeting on April 4, 2014, the Board instructed Zollinger to prepare a letter regarding the recent allegations from the Treasurer's office. A draft was before the board today.

Scott express concern that the letter had been reviewed by legal council and would not open up the

Board to any kind of lawsuit. Zollinger read the letter into the record and stated he had the letter reviewed by legal council. Discussion followed.

**Motion by LaPointe, seconded by Dye, that LaPointe will draft a response and bring back to the board on the 16<sup>th</sup> for all to look at. We will then have the supervisor ask the Record Eagle to publish in its entirety with no edits. If they don't agree this will be brought back to board for additional discussion on possible actions to take. Motion carried by unanimous roll call vote.**

**3. Replacment of Bookkeeper/Assistance**

Dye would like the Board to reconsider the accomplishments that Drennan has done and reinstate him.

**Motion by Dye to rescind Drennan's dismissal, seconded by LaPointe**

Discussion followed

T. Phillips, 2986 Wild Juniper Trail, commented that he believes the Board should get the new treasurer in place and then address the Drennan issue.

**Motion failed by two in favor (Dye, LaPointe) and 4 opposing (Jenema, Scott, White, Zollinger)**

**Motion by Scott, seconded by Zollinger to address the replacement of a bookkeeper/assistance after the treasurer's position has been filled. Motion carried with 4 in favor (Jenema, Scott, White, Zollinger) 1 opposing (Dye) and 1 abstaining (LaPointe)**

**4. Hoxsie house update**

Zollinger reviewed the recent meeting regarding the Hoxsie house with MDOT, Consumer Powers, Charter, Road Commission. He stated these companies are putting the cost together to move the Hoxsie House. The Hoxsie house advisory will be responsible for the expense of moving the house. Dave Hoxsie, president of the advisory recently expressed concerns about the weather and all the snow yet to melt. Zollinger told him to talk to the State permitting people to see what options are available.

**5. Budget process**

Jenema asked Zollinger how the budget process worked. He stated that he has the 3<sup>rd</sup> cut of the budget prepared and will be sending it out to the Board for review. Zollinger said the Board will have one or two special meetings before the adoption of the budget.

**J. PUBLIC COMMENT & OTHER BUSINESS THAT MAY COME BEFORE THE BOARD:**

**Meeting adjourned at 10:30 pm**

From: Brian Kelley, Acme Township resident  
To: Acme Board of Trustees  
April 8, 2014

The Form Based Code comes up before the board tonight.

I have some concerns with the fairly radical changes that the code proposes, and how the details were not shared with the public.

The Planning Commission attempted to send this document for the 63 day county review process. It was rejected by the county. Do you know why? It was rejected because township did not hold a public review.

This change to zoning process represents major changes for Acme. And yet the public review was almost an afterthought.

As for the actual document, it was only released to the public with the meeting agenda, immediately prior to the meeting.

Nobody else spoke at the public review. How could they? They had no time to review the document.

Our planner, who is paid by the taxpayers, says the document had been completed for 30 days prior to the meeting, but he did not share it with the public. It was not posted on the website that we pay for until the day of the meeting.

This Form Based Code represents major change for Acme. Few townships in Michigan have adopted such radical zoning changes, and none in the county that I am aware of. Jay was unable to name a single township as an example.

One of the changes in the Form Based Code will increase the housing density from a maximum of 3 housing units per acre to 18 units per acre. That is a dramatic change.

In the community survey, 63% of respondents said Apartments were either not a priority or were a low priority. That suggests the community is strongly against increased high density development. And yet this code, in opposition to the residents, is increasing the maximum density by six fold.

Holding meetings with special interests groups does not justify ignoring the will of the residents as expressed in their Community Survey. Why pay for a Community Survey if you will ignore it when it suits special interests?

Is a radical change like this consistent with the "Rural atmosphere" that 64% of people also want?

What percentage of the community is even aware of this radical change to housing density?

Who is driving this change?

Thank you,

Brian Kelley



Q7

Rate each of the following economic growth opportunities as a priority for development in Acme Township.

	Low Priority	Medium Priority	High Priority	Not a Priority
Agricultural Operations and Processing	20.3% 115	40.9% 232	29.5% 167	9.3% 53
Agricultural Tourism	25.7% 146	38.0% 216	25.0% 142	11.3% 64
Residential (Single-Family)	12.7% 72	42.1% 239	40.7% 231	4.6% 26
Residential (Multiple Family i.e. Apartments)	44.0% 248	25.9% 146	10.5% 59	19.5% 110
Retail (Locally-Owned)	10.3% 59	33.1% 190	52.6% 302	4.0% 23
Large Scale Retail (Regional and National Chains)	30.6% 176	23.0% 132	27.0% 155	19.5% 112
Restaurants and Entertainment	9.5% 55	37.4% 216	49.1% 284	4.0% 23
Professional Offices and Technology-Related Business	18.5% 106	42.3% 243	32.8% 188	6.4% 37
Mixed Use (combination of retail/professional/industrial in one building)	25.6% 147	38.0% 218	23.2% 133	13.2% 76
Recreation / Tourism	8.0% 46	34.3% 197	55.1% 316	2.6% 15
Warehousing and Distribution Facilities	44.3% 256	21.6% 125	6.4% 37	27.7% 160
Industrial	46.0% 265	17.7% 102	7.1% 41	29.2% 168

Q8

Rate each of the following as a priority for protection by Acme Township.

	Low Priority	Medium Priority	High Priority	Not a Priority
Farmlands and orchards	8.6% 50	31.0% 180	57.6% 334	2.8% 16
Opportunities for fishing and hunting	13.3% 77	34.0% 197	46.8% 271	5.9% 34
Rural character	12.8% 74	30.3% 175	53.0% 306	3.8% 22
East Bay shoreline	5.7% 33	17.4% 101	75.0% 436	1.9% 11
Water quality for streams, watersheds and East Bay	3.1% 18	12.7% 74	83.4% 486	0.9% 5
Wildlife habitat	7.7% 45	28.4% 165	62.0% 360	1.9% 11

Table: Acme Township will be faced with many issues in the next decade for which long-range planning is critical. Following is a series of items addressing various issues relevant to the township. First, please indicate the importance of each item when considering the future of Acme Township, and then rate Acme Township's efforts with regard to the item.

	How <i>important</i> is this issue to you?					How would you <i>rate</i> Acme Township with regard to this issue?					
	Very Imp.	Somewhat Important	Und.	Somewhat Unimp.	Very Unimp.	Exc.	Above Avg.	Average	Below Avg.	Poor	Don't Know
	% count	% count	% count	% count	% count	% count	% count	% count	% count	% count	% count
Cost of Living / Affordability	49.9% 284	25.5% 145	15.3% 87	4.6% 26	4.7% 27	7.3% 37	23.8% 120	55.8% 281	9.7% 49	3.4% 17	53
Property tax rate	57.5% 332	26.2% 151	9.7% 56	2.3% 13	4.3% 25	6.2% 33	26.4% 140	45.7% 242	13.4% 71	8.3% 44	28
Responsive Government	50.9% 289	29.6% 168	13.6% 77	2.3% 13	3.7% 21	8.7% 44	26.2% 133	40.0% 203	17.9% 91	7.3% 37	49
Quality of schools	50.2% 283	22.0% 124	18.3% 103	4.6% 26	5.0% 28	10.4% 44	27.8% 118	39.2% 166	13.2% 56	9.4% 40	119
Quality of roads	54.7% 315	31.8% 183	6.4% 37	2.1% 12	5.0% 29	3.5% 19	11.5% 62	26.3% 142	25.7% 139	33.0% 178	18
Recreation Opportunities for Adults	28.6% 164	36.0% 206	25.8% 148	6.1% 35	3.5% 20	11.2% 57	27.0% 138	40.1% 205	17.0% 87	4.7% 24	50
Recreation Opportunities for Children	28.7% 162	35.8% 202	22.8% 129	7.6% 43	5.1% 29	9.1% 44	20.5% 99	42.3% 204	21.6% 104	6.4% 31	75
Access to Health Care services	40.6% 232	31.5% 180	19.4% 111	4.4% 25	4.2% 24	9.8% 46	22.4% 105	49.5% 232	14.3% 67	4.1% 19	88
Availability of Emergency Services	55.9% 320	28.5% 163	9.3% 53	3.1% 18	3.1% 18	25.2% 119	35.3% 167	33.0% 156	5.5% 26	1.1% 5	86
Job Opportunities within Walking and Biking Distance of Acme Township	15.5% 88	18.6% 106	32.5% 185	18.1% 103	15.3% 87	2.5% 11	7.0% 31	32.0% 141	36.1% 159	22.4% 99	116
Rural atmosphere	32.0% 184	32.0% 184	19.8% 114	10.4% 60	5.7% 33	16.1% 85	38.4% 203	36.3% 192	6.6% 35	2.6% 14	30
Proximity to Traverse City	31.8% 181	33.6% 191	23.7% 135	6.3% 36	4.4% 25	30.6% 152	32.6% 162	34.6% 172	1.6% 8	0.6% 3	56
Sense of community	24.7% 140	35.1% 199	30.0% 170	7.1% 40	3.2% 18	7.9% 40	23.0% 117	41.1% 209	21.0% 107	7.1% 36	45
Access to water and East Bay	50.5% 291	27.1% 156	12.7% 73	4.7% 27	5.0% 29	29.3% 157	30.1% 161	23.9% 128	11.8% 63	4.9% 26	23
Proximity to family and friends	17.7% 100	25.3% 143	39.8% 225	8.5% 48	8.7% 49	9.1% 38	20.1% 84	60.8% 254	6.5% 27	3.6% 15	126
Other, please specify:	76.1% 51	6.0% 4	9.0% 6	1.5% 1	7.5% 5	10.5% 6	5.3% 3	12.3% 7	15.8% 9	56.1% 32	18

From: Brian Kelley, Acme Township resident  
To: Acme Board of Trustees  
April 8, 2014

The proposed change to the Accessory Building Ordinance, to increase the maximum height from 14 feet to 24 feet, seems reasonable.

But there is one exception. The setback from the edge of the property apparently remains un-changed, and that distance is only 10 feet. I was unable to find that height in the amendment. I did find it when I looked up the code.

If we are going to increase the height of accessory buildings to 24 feet, then the set back from the neighbor should be increased from 10 feet. 10 feet is too close, and it will damage property values and obstruct views. Those structures can tower over neighbors' properties.

25 feet seems a minimum reasonable setback. That is only 8 paces, and even more distance seems appropriate. If someone cannot locate their structure at least that far from their neighbor's property, then they should not be building such a tall structure.

I asked this question of the Planning Commission, but it was apparently missed.

Thank you,

Brian Kelley

I would like to address the board and the community regarding statements and baseless allegations made in the Record Eagle Publication on March 21st.

I've enjoyed serving the people of Acme Twp. For the past 11 months I have worked very hard as your Acme Twp. Clerk to provide accurate reports regarding the financial activities of the township to the board and residents of Acme. I have submitted Revenue/Expense reports, Accounts Payable reports with transparency of GL#. I'm especially proud of recently providing the board with a Balance Statement where the funds reconcile to the Treasurer's Report, this report has never been provided before. Upon closing the books for past year end 2013/2014...we received praise from our auditors Dennis Gartland, Niegarth encouraging us to continue with accounting assistance from someone like Mr Drennan who was able to validate bookkeeping procedures as correct. This practice would also strengthen and correct our area of internal control and segregation of duties that has been pointed out as a weakness for many years in the audit report and state evaluation of year end reports submitted. I strongly believe in educating myself in the Clerks position and have attended (2) 4 day MTA conferences, received clerks accreditation from the State of Mich attended 10 monthly county wide Clerks meetings and have built networking relationships with other area clerks including GT County Clerk Bonnie Scheele. I am Planning to attending other MTA education sessions this summer. Going forward I want the Board and residence to know how important it is to me personally to do a good job that is correct and something I can be proud of.

ON March 21<sup>th</sup>, while vacationing with my family over spring break, I was made aware of the Treasurer's resignation and certain public comments that cast doubt on the financial records of Acme the twp. No evidence to support the comments was submitted... or has since been submitted... by the Treasurer. I was stunned to read some of the comments and deeply hurt by the ridiculous allegations presented in the local media without documentation. I have done absolutely nothing illegal in my duties as Acme Township Clerk. These comments in the publication are completely inexcusable.

I accepted this position 11 months ago with a sense of pride that I could serve the people of Acme Twp. I've lived here for 30 years and I believe Acme Township is a great place to live, a lot of exciting and beautiful changes happening along our shorelines. In the 11 months, I have worked to inform the members of this board and the residents about the business affairs of the clerk's office. I have been transparent about my work to this board and have strived for more accurate financial accounting such as a Balance Statement regarding the township's multiple fund accounts. At certain times, this accounting has been extremely difficult because of the absence of accurate accounting in the past. Many questions have come up while sorting and going about Acme Township business that is why having a bookkeeper assistant come in to our office once a month is so helpful to ensure and validate the work process not just for the Clerks Dept but for the Supervisor's and Treasurer's Dept.. Having a third party to overlook and ask questions ensures monies are properly received and disbursed and the fund balances are reported accurately.. In the past 11 months the Treasurer has been available a total of three times for monthly meetings in regard to reconciling the multiple bank funds. The township bank fund accounts are so complex they simply can't be reconciled via email. Every adult understands the need to reconcile their checkbook each month, yet the 101 checking account was not reconciled for years prior to my arrival. This task requires cooperation and regular monthly meetings with the Treasurer's and Clerk's department to accomplish.. It's a task that every resident should expect the Clerk and Treasurer to perform. I am very proud that the 101 bank account along with the multiple bank funds have been reconciled, even though difficult at times, within this year along with Balance Statement that is now being reported to the Board each and every month.

Going forward, I want the board to know that I intend to continue my past practice of keeping the board and the residents informed on the business of the clerk's office. I will continue to be transparent in all areas of my work, continue to strengthen internal control and segregations of duties so the people of the twp can rest assure that their money and their interests are being handled in a safe, professional and public manner. Again, any suggestion that I would do anything less is false and baseless.

Along with my statement I have attached a letter from my former Employer Dr. Nowak at Women's Health Pavilion located here in Acme Township on behalf of my character.



**WOMEN'S  
HEALTH PAVILION**

3990 East M72 • P.O. Box 1739  
Acme, Michigan 49610  
231 938 2366



WILLIAM E. NOWAK, D.O., F.A.C.O.O.G.

BOARD CERTIFIED

Terri L. Glenn, MSN, FNP-BC  
Gynecology and Urogynecology

4/4/14

To whom it may concern:

Re: Cathy Izye

Cathy Izye was in our employment for approximately 3 years. Cathy was always responsible, punctual and extremely trustworthy. She left our employment for the job with Acme Township. I have known her for several years and believe that she is of exceptional character, and would not hesitate to give her my personal recommendation.

Sincerely,

William E. Nowak



**ACME TOWNSHIP SPECIAL BOARD MEETING**  
**ACME TOWNSHIP HALL**  
**6042 Acme Road, Williamsburg MI 49690**  
**Thursday, April 17, 2014, 3:00 p.m.**

**MEETING CALLED TO ORDER WITH THE PLEDGE OF ALLEGIANCE AT 3:05 p.m.**

**Members present:** C. Dye, A. Jenema (arrived at 3:20 pm) G. LaPointe, P. Scott, D. White, J. Zollinger  
**Members excused:** None  
**Staff present:** J. Jocks, Township counsel  
N. Edwardson, Recording Secretary

**A. LIMITED PUBLIC COMMENT:**

G. Trill, 7174 Deepwater Point, read a prepared statement into the record. (Attached to minutes)

T. Phillips, 2986 Wild Juniper Trail, encouraged the Board to allow for ‘ free flowing’ communication and public input.

**B. APPROVAL OF AGENDA:**

**Motion by White, seconded by Scott to approve the agenda as presented. Motion carried by unanimous vote.**

**C. INQUIRY AS TO CONFLICTS OF INTEREST: None**

**D. CONSENT CALENDAR:** The purpose is to expedite business by grouping non-controversial items together for one Board motion (roll call vote) without discussion. A request to remove any item for discussion later in the agenda from any member of the Board, staff or public shall be granted.

**ACTION – Consider approval:**

- 1. Township Board meeting minutes Special 4/4/14**
- 2. Accounts Payable Prepaid of \$1,280.53 and Current to be approved of \$495,536.50**  
(Recommend approval: Cathy Dye, Clerk)

**Motion by LaPointe, seconded by Dye to approve the consent calendar as presented. Motion carried by unanimous roll call vote.**

**F. NEW BUSINESS:**

- 1. Up date on Acme Web Search capability/Archived Data fixes**  
LaPointe has expressed concerns with finding information on the website. Zollinger stated that our web designer has been working on it.
- 2. Discuss procedures for conducting board meetings/use of parliamentary procedures**  
LaPointe provided some handouts regarding parliamentary procedures. Discussion followed.
- 3. Interview candidates for Open Treasurer position and possible make an appointment to the open position**

Jenema recused herself as she was a candidate for the treasurer’s position.

Zollinger stated that an ad was placed in Record Eagle as well as our website. We had one response, Jenema.

**Motion by Scott, seconded by White to approve the appointment of Jenema as Acme Township Treasurer. Motion carried by unanimous roll call vote.**

Jenema rejoined the meeting.

Jenema prepared a letter of resignation as Trustee effective to her appointment as Acme township Treasurer, and presented to Clerk, Dye.

**Motion by Scott, seconded by Dye to accept the resignation of Jenema as Acme Township trustee.  
Motion carried by unanimous vote.**

**PUBLIC COMMENT & OTHER BUSINESS THAT MAY COME BEFORE THE BOARD:**

J. Dye, 3573 Dock Rd, husband of Clerk, Dye thought the Board was going to address the issue of the allegations made to the Record Eagle, March 21, 2014., that was tabled from the previous meeting. He fully expects the Board to address this. Zollinger stated that we are unable to add this to the agenda now and will address at the next meeting.

**ADJOURN 3:50 p.m.**



I read in today's paper that Mrs. Jenema will be a candidate for the treasurer's position. I sincerely hope the board has determined that she is fully qualified to handle this responsibility.

Full disclosure of any conflicts of interest is essential to the democratic process. In the past, some conflicts of interest have been glossed over here. For example, no one has ever noted the fact that the spouse of the then-candidate for supervisor handled the election, counted, and had direct access to all the ballots. This seems to be in the past, but we should not make ignoring potential conflicts of interest public policy in Acme Township.

It is with this in mind that I would like to remind the board and the public that Mrs. Jenema does have and has had throughout her term of office, a potential conflict of interest as a board member and as a possible treasurer. Mrs. Jenema is a partner in the company which handles tax assessment for our township. This could be a matter of concern because this would make the person responsible for collecting taxes also responsible for setting the property values the taxes are based on. Even though Mrs. Jenema

in the past has not been directly responsible for setting the property tax values, her partner has been. This obviously puts their company in the position of being beholden to pressures from Acme Township officials. No one expects this sort of thing to happen, but clearly it can. As well as allowing a spouse to count votes in their election, this administration ignored the impropriety of the deputy clerk not adhering to the rules by ceasing to be deputy when the first, duly elected, clerk resigned, which the law requires.

These omissions, perhaps committed in all ignorance, call for the citizens to be aware and wary of potential conflicts of interest.

Gail Trill  
7174 Deepwater Point  
938-1333

**PENINSULA TOWNSHIP**  
**Resolution No. \_\_\_\_\_ of 2010**

At a regular meeting of the Peninsula Township Board held in the Peninsula Township Hall, located in Peninsula Township, Grand Traverse County, Michigan, on \_\_\_\_\_, 2010.

PRESENT: \_\_\_\_\_

ABSENT: \_\_\_\_\_

The following resolution was made by \_\_\_\_\_ and seconded by \_\_\_\_\_, to-wit:

**Recitals**

WHEREAS, one of the most important roles of township government is to foster public confidence in the decisions made by elected and appointed township officials;

WHEREAS, public confidence in the decisions of township government is enhanced when public officials avoid both actual conflicts of interest and the appearance of conflicts of interest;

WHEREAS, the establishment of a Code of Ethics for elected and appointed township officials which specify standards of conduct will assist those elected and appointed officials in avoiding circumstances that could negatively impact public confidence in the decisions those officials are called upon to make; and

WHEREAS, the Peninsula Township Board desires to adopt a Code of Ethics for all elected and appointed township officials by the adoption of this resolution.

**Resolution**

NOW, THEREFORE, BE IT RESOLVED that the Peninsula Township Board hereby establishes the following Code of Ethics which shall be applicable to all elected and appointed officials of Peninsula Township:

**PENINSULA TOWNSHIP**  
**CODE OF ETHICS**

- A. All elected and appointed officials of Peninsula Township (township officials) shall abide by all of the following standards of conduct when discharging the duties of their respective offices:
  - 1. Township officials shall treat each other and members of the public appearing before them with respect, fairness, and sincerity.

2. Township officials shall discharge the duties of their respective offices in accordance with prescribed constitutional, statutory, and regulatory procedures and shall apply the laws and policies of the township in an evenhanded manner without partiality, favoritism, or dishonesty and not for personal gain or benefit.
3. Township officials shall not divulge to any unauthorized person confidential information acquired in the course of their duties in advance of the time prescribed for its authorized release to the public.
4. Township officials who acquire confidential information in the course of their duties that is not available at the time to the general public shall not use such information to further their private interests or the private interests of another person.
5. Township officials shall not represent their personal opinions as that of Peninsula Township or the township board, committee, commission, or board on which they serve, unless expressly authorized to do so.
6. Township officials shall not, directly or indirectly, make use of or permit others to make use of township property, equipment, vehicles, or supplies of any kind for personal gain or benefit.
7. Township officials shall not, directly or indirectly, solicit or accept any gift or a loan of money, goods, services or other thing of value which tends to influence or creates the appearance that it influences the manner in which they perform their official duties or is intended or has the appearance of being intended as a reward for any official act on their part.
8. Township officials shall not engage in or accept employment or render services that are incompatible or in conflict with the discharge of their official duties or that tends to impair their independence of judgment when discharging their official duties.
9. Except as permitted under the Contracts of Public Servants with Public Entities Act, MCL 15.321, et seq., township officials shall not, directly or indirectly, solicit or be a party to a contract between themselves and Peninsula Township and shall not solicit a contract between an entity in which they have a financial or personal interest and Peninsula Township.
10. Township officials shall not participate in the negotiation or execution of contracts, making of loans, granting of subsidies, fixing of rates, issuance of permits or certificates or other regulation or supervision relating to any business entity in which they have, directly or indirectly, a financial or personal interest.
11. Township officials shall not participate in and vote on decisions in which the member's immediate family has, directly or indirectly, a financial or personal interest. For purposes of this paragraph "immediate family" means that member's spouse and children.

- 12. Township officials shall not participate in and vote on land use decisions when they reside on or have an ownership interest in land within 300 feet of the parcel regarding which the decision is to be made.
  - 13. When making discretionary, administrative decisions, including but not limited to land use decisions, township officials shall refrain from making statements or taking any actions outside the formal decision-making process that would suggest they have prejudged the matter before them or would in any way preclude them from affording the applicant and the public a fair hearing.
- B. A willful violation of these standards of conduct may be grounds for removal of an appointed township official following procedures required by law.

YES: \_\_\_\_\_

NO: \_\_\_\_\_

RESOLUTION DECLARED ADOPTED.

PENINSULA TOWNSHIP

By: \_\_\_\_\_  
Robert K. Manigold, Supervisor

I, the undersigned, the Clerk of Peninsula Township, Grand Traverse County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by said municipality of Grand Traverse County at its regular meeting held on \_\_\_\_\_, 2010, relative to adoption of the resolution therein set forth; that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Monica A. Hoffman, Clerk

# **PENINSULA TOWNSHIP BOARD**

## **RULES OF PROCEDURE**

### **1.0 AUTHORITY**

These rules are adopted by the Peninsula Township Board pursuant to its implied power to conduct meetings under Section 41.72a of the Compiled Laws of Michigan, as amended.

### **2.0 MEETINGS**

#### **2.1 Regular Meetings**

The township board shall meet on the 2<sup>nd</sup> Tuesday and the 4<sup>th</sup> Monday of each month in regular session, except as otherwise provided by the township board. At its first meeting in each fiscal year, the board shall establish its schedule of regular meetings for the balance of the year. If any regularly scheduled meeting falls on a legal holiday, the regular meeting shall be held on a date determined by the township board that is not a legal holiday.

#### **2.2 Special Meetings**

The township board shall meet in special session at the call of the supervisor or upon written request of a majority of the entire township board members filed with the township clerk. No less than 18 hours before the scheduled special meeting, the township clerk, or his/her designate, shall provide each member of the board a notice of the special meeting, specifying the date, time, place, and purpose of the special meeting. With written consent of a member of the board, that member's notice may be made by email. In the absence of such written consent, notice shall be given personally to each member of the board, left at the member's usual place of residence, or otherwise delivered as authorized by law.

#### **2.3 Emergency Meetings**

Emergency meetings of the township board may be held only 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 board elected and serving decide that delay would be detrimental to efforts to lessen or respond to the threat.

#### **2.4 Place of Meetings**

Meetings of the township board shall be held in the township hall or township office building, as determined by the township board, unless public notice of the meeting states a different location. Whenever the regular meeting place of the board shall appear inadequate for members of the public to attend, the supervisor may change the meeting location to a larger facility in the township, or surrounding area. A notice of such change shall be prominently posted on the door of the regular meeting place. The clerk shall also give notice of the change in the meeting place in a newspaper if time permits.

## **2.5 Time of Regular Meetings**

The time of the regular meetings will be 7:00 p.m. on the 2<sup>nd</sup> Tuesday and 1:00 p.m. on the 4<sup>th</sup> Monday and shall be stated in the regular schedule of meetings adopted under Rule 2.1, unless the township board by a vote of a majority of its entire membership specifies a different starting time. The township board shall not begin considering any matter on the agenda after 10:00 p.m. at the 2<sup>nd</sup> Tuesday meeting and after 5:00 p.m. at the 4<sup>th</sup> Monday meeting, except by unanimous consent of the members present. Matters on the agenda which have not been considered shall be placed on the agenda of the next regular meeting, or on the agenda of a special meeting, if one is called.

## **2.6 Change in Schedule**

Change in the regular meeting schedule shall not be made except upon the approval of a majority of the entire township board. In the event the board shall meet and a quorum is not present, the board, with the approval of those present, may only adjourn the meeting to a later day and time provided that proper notice to members and the public is given.

## **3.0 PUBLIC NOTICE OF MEETINGS**

The township clerk, or his/her designee, shall provide the proper notice for all meetings of the township board. All such notices shall comply with the Michigan Open Meetings Act and shall be posted in a conspicuous location at the township office building visible from the outdoors and include, but not necessarily be limited to, the following:

### **3.1 Regular Meetings**

A notice shall be posted within ten (10) days after the first meeting of the township board in each calendar year indicating the date, time, and place of the board's regularly scheduled meetings.

### **3.2 Schedule Change**

Whenever the township board changes its regular schedule of meetings, a notice of the change in the regular meeting schedule shall be posted within three (3) days following the meeting in which the change was made.

### **3.3 Special and Emergency Meetings**

If a special meeting of the township board is scheduled under Rule 2.2 or an emergency meeting of the township board is scheduled under Rule 2.3, then notice of such meeting shall be posted immediately. With written consent of a member of the board, that member's notice may be made by email. In the absence of such written consent, notice shall be given personally to each member of the board, left at the member's usual place of residence, or otherwise delivered as authorized by law. No meeting, except emergency meetings, shall be held until notice of the meeting has been posted at least eighteen (18) hours in advance of the meeting.

### **3.4 Notification to Media and Others**

The township clerk, or his/her designee, shall notify, without charge, any newspaper or radio or television station of the township board's meeting schedule, schedule changes, or special or emergency meetings whenever such newspaper or radio or television station has filed with the clerk a written request for such notice. The clerk, or his/her designee, shall also notify other individuals or organizations of regular meeting schedules, changes in the schedule, or special and emergency meetings, but only upon their written request and agreement to pay the township for printing and postage expenses.

## **4.0 QUORUM AND ATTENDANCE**

### **4.1 Quorum**

A majority of members of the township board elected and serving (four members) shall constitute a quorum for the transaction of business of the board.

### **4.2 Attendance**

No member of the township board may absent himself or herself without first having notified the township supervisor of his or her intent to be absent from a scheduled meeting.

## **5.0 MEETING AGENDAS**

### **5.1 Agenda for Regular Meetings**

The township clerk, or his/her designee, shall prepare the agenda of business for all regular township board meetings. Any member of the township board, a board or commission created by the township board, a committee of the township board, or a member of the public desiring to place a matter on the agenda shall notify the clerk's office of such item by no later than 10:00 a.m. of the preceding Wednesday for the first regular meeting of the month and no later than 10:00 a.m. of the preceding Wednesday for the second regular meeting of the month. Such items shall be placed on the agenda under Business or other agenda category as appropriate in the order they were received by the clerk's office. The township board reserves the right to alter the agenda, the order of items on the agenda, and remove items from the agenda by a majority vote of the members present at the meeting. In addition, the township board reserves the right to consider an item at a regular meeting not received by the clerk's office by the applicable deadline upon the consent of a majority of the members present.

### **5.2 Agenda for Special and Emergency Meetings**

Whenever the township board is called into special session pursuant to Rule 2.2, the agenda shall be prepared by the township clerk, or his/her designee, and shall be included in the notice of the meeting, and no other matter shall be considered except when all members are present. The agenda for emergency meetings pursuant to Rule 2.3 shall be prepared by the township clerk, or his/her designee, and shall be provided along with the notice of the meeting to members of the township board, if time permits. At other times, the supervisor, or presiding



officer, shall declare the agenda upon the approval of a majority of the members present.

### **5.3 Distribution of Agenda and Materials**

Upon the completion of the agenda, the township clerk, or his/her designee, shall distribute copies of the agenda together with copies of reports, explanations, etc., which relate to the matters of business on the agenda. Members of the township board shall be entitled to receive such materials no later than noon on the Thursday preceding the first regular meeting date of the month and no later than noon on the Thursday preceding the second regular meeting date of the month.

### **5.4 Consent Agenda – Defined**

The consent agenda shall consist of those matters that the township board has determined to be “routine” and usually are matters about which the board commonly concurs. These matters include, but are not necessarily limited to, reports and announcements, correspondence, the approval of payroll and invoices for payment, the approval of minutes, the appointment of persons to township boards, commissions, and committees, the scheduling of public hearings, and other matters that the township board is required by statute or rule to approve.

### **5.5 Consent Agenda – Procedure**

The township clerk, or his/her designee, in preparing the meeting agenda, shall list those matters under the heading of “consent agenda” and include the associated materials with those distributed to the members in accordance with Rule 5.3. At a meeting for which a consent agenda has been prepared, the board, upon the motion of a member, shall vote on the approval of the matters included under the consent agenda. Before putting the question to the members, the supervisor, or presiding officer, shall permit any member of the board or any member of the public to remove from the consent agenda any item on which he/she has questions or wishes further discussion. The supervisor, or presiding officer, shall then direct the clerk to remove such item and place it within the business portion of the meeting’s agenda. A vote shall not be required to remove a matter from the consent agenda.

### **5.6 Order of Business**

The agenda shall be arranged in the following order:

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Conflict of Interest
5. Brief Citizen Comments – for items not on the Agenda and for requests to remove items from consent agenda
6. Approve/Revise Agenda
7. Approve Consent Agenda
8. Business
9. Citizens Comments

10. Board Comments
11. Adjournment

## **6.0 CONDUCT OF MEETINGS (OTHER THAN ZONING PUBLIC HEARINGS)**

### **6.1 Chair**

Except as provided herein, the supervisor shall preside at all meetings of the township board. In the absence of the supervisor, the township clerk shall assume the duties of the chair. In the absence of both the supervisor and township clerk, the township treasurer shall assume the duties of the chair for the purpose of the board electing one of its members present to preside at the meeting.

### **6.2 Form of Address**

Members of the township board wishing to speak shall first obtain the approval of the supervisor, or presiding officer. Other persons at the meeting shall not speak unless recognized by the supervisor, or presiding officer.

### **6.3 Rules for Citizen Comments to the Township Board**

1. The public may only address the township board at the times designated on the agenda, unless otherwise recognized by the supervisor, or presiding officer.
2. Members of the public addressing the board shall take into consideration the rules of common courtesy.
3. Members of the public shall not use the public participation portions of the meeting to make personal attacks against members of the board or against other township officials or employees. If the intended comments constitute a complaint or charge brought against a member of the board or against another township official or employee alleging that the official or employee has violated a federal or state statute, or an ordinance, resolution, or policy of the township, the individual shall contact the township clerk under Rule 5.1 to request placement on the agenda. Any such complaint or charge shall be in writing and signed by the individual making the complaint of charge as required by Rule 15.2.
4. Members of the public wishing to speak shall first obtain the approval of the supervisor, or presiding officer, and each person who speaks shall address the entire board.
5. The persons addressing the board shall identify themselves for the minutes.
6. Each member of the public addressing the board may speak for three (3) minutes unless they contact the township clerk under Rule 5.1 to request placement on the agenda and specify the purpose of the presentation and length of time requested (maximum time allowed 15 minutes per speaker or group).
7. A member of the public who desires to submit a written statement shall give the statement to the township clerk prior to the commencement of the

meeting or any comments. All written statements and documents presented to the board by an individual are considered public documents and shall be retained in the record of the meeting.

8. The above provisions, however, shall in no way impair the right of the supervisor, or presiding officer, to control the meeting as presiding officer.

#### **6.4 Disorderly Conduct**

The supervisor, or presiding officer, shall call to order any person who is being disorderly by speaking or otherwise disrupting the proceedings, by failing to be germane, by speaking longer than the allotted time, or by speaking vulgarities. Such person shall thereupon be seated until the supervisor, or presiding officer, has determined whether the person is in order. If a person so engaged in a presentation is ruled out of order, he or she shall not be permitted to speak further at the same meeting except upon special leave by the township board. If the person continues to be disorderly and to disrupt the meeting, the supervisor, or presiding officer, may request the sheriff, a deputy sheriff, or other police officer to remove the person from the meeting. No person shall be removed from a public meeting except for an actual breach of the peace committed at the meeting. The township board shall also have the right to adjourn the meeting if it is interrupted due to the disorderly conduct of any person.

### **7.0 RECORD OF MEETINGS**

#### **7.1 Minutes and Official Records**

The township clerk, or recording secretary, shall be responsible for taking the minutes of each meeting of the township board. The minutes shall include all the actions and decisions of the board with respect to substantive (non-procedural) motions. The minutes shall include the names of the mover and seconder and the vote of the members. The record shall also state whether the vote was by voice or by roll call; when by roll call, the record shall show how each member voted. The township clerk, however, shall be responsible for maintaining in his/her office the official minutes and records of the township board and copies of each resolution and ordinance or other matter acted upon by the board. The official minutes, however, may refer to those matters by an identifying number and the descriptive title of the ordinance, resolution, or other matter.

#### **7.2 Record of Discussion**

Except for zoning public hearings conducted under Rule 8.0 below which require that the minutes reflect a detailed summary of all comments made during the public hearing, the clerk or recording secretary shall not be responsible for maintaining a written record or summary of the discussion or comments of the members of the township board nor of the comments made by members of the public. The clerk or recording secretary, however, shall be responsible for making an audio tape recording of each regular meeting of the board. Each such recording shall be maintained in the office of the clerk until the minutes are transcribed and formally approved by the board. Thereafter, the recording may

be erased or destroyed, unless the recording is pertinent to any pending or reasonably anticipated legal proceeding.

### **7.3 Request for Remarks to Be Included**

Any member of the township board may have his or her comments printed as part of the record upon the concurrence of a majority of the other members present. Comments to be included in the record shall be provided in writing by the member.

### **7.4 Public Access to Meeting Records**

The township clerk shall make available to members of the public the records and minutes of the township board meetings in accordance with the Michigan Open Meetings Act and the Michigan Freedom of Information Act. Minutes of board meetings, prepared but not approved by the board, shall be available for public inspection not more than eight (8) business days following the meeting. Minutes approved by the board shall be available within five (5) business days of the meeting at which they were approved. Within twenty-one (21) days after a meeting of the township board, the township clerk shall publish in a newspaper of general circulation within the township either the entire minutes of the board meeting or a synopsis of the board meeting prepared by the township clerk and approved by the supervisor showing the substance of each separate decision of the board and the vote of each member on those decisions.

## **8.0 CONDUCT OF ZONING PUBLIC HEARINGS.**

### **8.1 Public Hearing Procedure**

The procedure for a zoning public hearing of the township board shall be as follows:

1. The supervisor, or presiding officer, shall open the public hearing by announcing the matter to be heard and by summarizing the standards or other regulations of the zoning ordinance on which the township board's decision must be based.
2. When the township planning commission has made a recommendation to the township board concerning the zoning matter before the board, the township board shall pass a motion incorporating by reference into the township board record the prior planning commission minutes and all evidence and exhibits compiled by the planning commission concerning the zoning matter before the board.
3. Determination by the supervisor, or presiding officer, whether a time limitation will be imposed on members of the public wishing to address the township board during the public hearing.
4. Staff report, if applicable.
5. Compilation of list of any additional exhibits (not presented to the planning commission) to be considered by the township board when making its decision.

6. Presentation by the applicant or applicant's attorney or other agents.
7. Correspondence not previously presented to the planning commission and/or persons speaking in favor of the application.
8. Correspondence not previously presented to the planning commission and/or persons speaking in opposition to the application.
9. Rebuttal comments by the applicant or applicant's attorney or other agents.
10. Supervisor, or presiding officer, declares public hearing portion of the case closed.
11. The township board begins its deliberations on the case.
  - a. During deliberations the township board may solicit information from the applicant, applicant's attorney or other agents, or from members of the public. However, the solicitation of additional information shall not be construed as the reopening of the public hearing, unless so declared by the supervisor, or presiding officer. If the public hearing portion of the case is reopened, then the procedures for the original public hearing shall be followed.
  - b. During deliberations the township board shall also specify in writing the findings of fact on which it bases its decision or may adopt by reference the findings of fact made by the planning, either with or without modifications.
  - c. If during deliberations the township board determines that additional information is needed to make its decision, it may adjourn the case to a specific time, date, and place to receive that additional information. At the adjourned time, date, and place, the public hearing portion of the case shall be reopened, but only to receive the requested additional information and other information relevant to that issue.
12. At the conclusion of its deliberations, the township board shall adopt a motion documenting its decision.

## **8.2 Members of the Public**

Members of the public wishing to address the township board during a public hearing shall first be recognized by the supervisor, or presiding officer, and each person who speaks shall state his or her name and shall address the entire township board.

## **8.3 Limitation of Public Comments during Public Hearings**

Prior to opening a public hearing, the supervisor, or presiding officer, shall determine the number of individuals from the general public who may desire to address the township board during the public hearing. Based on this determination, the supervisor, or presiding officer, may establish a reasonable time limitation for each member of the general public when addressing the township board during the public hearing. Members of the general public expressing a desire to address the township board may transfer their allotted time to another individual, who may act as a spokesperson for the group.

Provided, however, the time limitations imposed under this section shall not be less than three minutes for an individual and not less than five minutes for a group. Provided further, the time limitations imposed pursuant to this section shall not apply to the applicant or the applicant's attorney or other agents, since the applicant has the burden of proof on the matter before the township board.

#### **8.4 Written Statements Submitted by the Public**

All written statements and documents presented during a public hearing which are intended to be included in the public hearing record should be given to the township clerk prior to the commencement of the public hearing. All written statements and documents presented to the township board by an individual are considered public documents and shall be retained in the public record of the meeting.

#### **8.5 Disorderly Conduct at Meetings**

Individuals addressing the township board during a public hearing should take into consideration the rules of common courtesy. The comments by members of the public cannot be used to make personal attacks against members of the township board or township staff. The supervisor, or presiding officer, may call out of order any person who is being disorderly by speaking or otherwise disrupting the meeting, failing to be germane, speaking longer than the allotted time, yelling, shouting or speaking vulgarities. Such person shall thereupon be seated until the supervisor, or presiding officer, determines whether the person is in order. If a person is called out of order, he or she shall not be permitted to continue to speak at the same public hearing, except by a majority vote of the township board members present. If the person continues to be disorderly to the extent that the township board cannot continue to conduct the public hearing or its deliberations, the supervisor, or presiding officer, shall consider the person to be in breach of the peace and may request the assistance of a law enforcement officer to remove the person from the meeting. The township board shall have the right to adjourn the meeting if it is interrupted due to the disorderly conduct of any person. No person shall be removed from a public hearing, except for an actual breach of the peace committed at the hearing.

#### **8.6 Rehearings**

1. Except as provided in this subsection and the Peninsula Township Zoning Ordinance, a decision of the township board concerning an administrative, discretionary zoning decision (SUP) shall be final. The township board may grant a rehearing under exceptional circumstances for any administrative, discretionary zoning decision made by it. Exceptional circumstances shall mean any of the following:
  - a. The applicant who brought the matter before the township board made misrepresentations concerning a material issue which was relied upon by the township board in reaching its decision.
  - b. There has been a material change in circumstances regarding the township board's findings of fact which occurred after the public hearing.

- c. The township attorney by a written opinion states that in the attorney's professional opinion the decision made by the township board or the procedure used in the matter was clearly erroneous.
2. A rehearing may be requested by the applicant or by township staff, or a rehearing may be granted by the township board on its own motion, pursuant to the following procedure:
  - a. A request for a rehearing which is made by an applicant or by township staff must be made within twenty-one (21) days from the date of approval of the township board's minutes regarding the decision for which the rehearing is being requested.
  - b. A request for a rehearing made by township staff or a rehearing granted by the township board on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.
  - c. Whenever the township board considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first class mail at the applicants' last known address, or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the township board holds a hearing at which it considers whether to grant a rehearing.
3. If the township board grants a rehearing, then the rehearing on the merits shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

## **9.0 CONFLICTS OF INTERESTS**

### **9.1 Nonzoning Matters**

A member of the township board shall declare a conflict of interest in connection with a nonzoning matter pending before the township board and shall disqualify himself or herself from deliberating and voting on the matter when any of the following circumstances exist:

1. The township board member or the member's spouse; the member's parent or child (regardless of where they reside); or any relative or individual who resides in the member's household has a pecuniary interest in the outcome of the matter.
2. A non-pecuniary matter before the township board, including but not limited to personnel matters, involves the child, grandchild, great-grandchild, parent, grandparent, great-grandparent, brother, sister,

nephew, niece, aunt, or uncle of the township board member or the member's spouse.

3. The township board member concludes in good faith that because of prior business or personal relationships with the individual involved in the matter before the township board, or for other reasons, the member cannot decide the matter in a fair and unbiased manner and in furtherance of the township's best interests.
4. The township board member's participation in the matter would be in violation of the Peninsula Township Code of Ethics.

## **9.2 Zoning Matters**

A member of the township board shall declare a conflict of interest in connection with a zoning matter pending before the township board and shall disqualify himself or herself from deliberating and voting on the matter when any of the following circumstances exist:

1. The applicant is the township board member, the member's spouse, or the child, grandchild, great-grandchild, parent, grandparent, great-grandparent, brother, sister, nephew, niece, aunt, or uncle of the township board member or the member's spouse.
2. The township board member or the member's spouse; the member's parent or child (regardless of where they reside); or any relative or individual who resides in the member's household has a pecuniary interest in the outcome of the matter.
3. The township board member or the member's spouse resides on or has an ownership interest in land within 300 feet of the parcel regarding which the decision is to be made.
4. While being a member of the township board the township board member has made statements or taken any action outside the formal decision-making process that would suggest that he or she has prejudged the matter before the township board or would in any way preclude him or her from affording the applicant and the public a fair hearing.
5. If the township board member has expressed an opinion concerning a matter before the township board prior to becoming a member of the township board and cannot in good faith set aside that prior opinion and decide the matter based on the information provided at the public hearing and the zoning ordinance requirements.



6. The township board member concludes in good faith that because of prior business or personal relationships with the applicant or with other participants in the public hearing process, or for other reasons, he or she cannot afford the applicant and the public a fair hearing.
7. The township board member's participation in the matter would be in violation of the Peninsula Township Code of Ethics.

## **10.0 COMMITTEES**

### **10.1 Standing Committees; Establishment; Appointment**

The township board hereby creates two standing committees, entitled "Personnel Committee" and "Public Utilities Committee." Each standing committee shall be composed of three (3) members of the township board. The members of each standing committee shall be appointed by the township board and shall serve for a term of one (1) year.

1. Except as provided herein, the Personnel Committee shall be responsible for evaluating, resolving and making recommendations to the township board regarding all township personnel matters, including but not limited to, the appropriate number of township employee positions, job descriptions for township employee positions, appropriate compensation for township employee positions, the township personnel policies, workplace safety issues, the interview and selection of candidates for employment with the township, periodic employee evaluations in conjunction with that employee's immediate supervisor, and issues related to employee discipline in conjunction with that employee's immediate supervisor or to consider complaints made against or involving township employees. Provided, however, the Personnel Committee shall have no responsibilities concerning township employees to the extent the township board has delegated its personnel responsibilities over those employees to another board or committee, as authorized by law.
2. The Public Utilities Committee shall be responsible for evaluating, resolving and making recommendations to the township board regarding all township utility matters, including but not limited to, sewer, water, rights-of-way, and tower questions.

### **10.2 Ad hoc Committees; Establishment; Appointment**

If deemed advisable, the township board by a vote of a majority of the entire township board may establish ad hoc committees. At the time an ad hoc committee is established, the township board shall specify the number of and appoint the committee members, which shall not be limited to members of the township board, shall define the responsibilities of the committee, and shall specify the duration of the committee, which can be extended by a vote of a

majority of the entire township board. The township board by a vote of a majority of the entire township board may at any time dissolve an ad hoc committee or may relieve the committee from further consideration of any matter originally included in its defined responsibilities.

### **10.3 Committee Meetings**

A majority of the members of a committee shall constitute a quorum. Each committee shall comply with the provisions of the Michigan Open Meetings Act and the Freedom of Information Act.

### **10.4 Exercise of Governmental Function**

A committee shall not exercise a governmental function as defined by the Michigan Open Meetings Act in a meeting not open to the public unless the act permits the action to be considered in a meeting closed to the public. The responsibility of each committee is to make recommendations to the township board and to report matters considered and rejected as well as those considered and recommended.

## **11.0 CLOSED MEETINGS**

### **11.1 Vote Required**

The vote to hold an executive meeting shall be recorded in the minutes of the meeting at which the decision was made.

### **11.2 Grounds for Closed Meeting; 2/3 Vote**

The township board may hold a meeting closed to members of the public upon the motion of any member and roll call approval by two-thirds of the entire members for the following purposes:

1. To consider the purchase or lease of real property, until an option to purchase or lease that property is obtained.
2. 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 township.
3. To meet with an attorney to consider the attorney's written opinion.
4. To review the specific contents of an application for employment to a township position and the applicant requests that the application remain confidential. Whenever the personnel committee or township board meets to interview an applicant, the meeting shall be open to the public.

### **11.3 Grounds for Closed Meeting; Majority Vote**

The township board may also hold a closed meeting upon the motion of any member and roll call approval by a majority of the entire members for the following purposes:

1. 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 person requests a closed hearing. If the person rescinds his/her request for a closed meeting the matter at issue shall thereafter be considered only in open public meeting.
2. To consider strategy connected with the negotiation of a collective bargaining agreement.

### **11.4 Minutes, Closed Meetings**

For each closed meeting, the township clerk or recording secretary shall make a separate record of the topics discussed. This record shall not be disclosed to the public except upon the order of a court. The township clerk shall destroy the minutes after one year and one day have passed after the meeting at which the board approved the minutes of the meeting at which the board voted to hold the closed meeting.

## **12.0 PROCEDURAL MOTIONS AND RESOLUTIONS**

### **12.1 Statement by Supervisor, or Presiding Officer; Motions; and Resolutions**

No motion or resolution shall be entertained unless the same is seconded. No motion or resolution shall be adopted until the supervisor, or presiding officer, states the motion. All motions, except procedural motions and resolutions, may be required to be in writing upon the demand of any member. A request to recess for the purpose of writing out a motion or resolution shall be in order.

### **12.2 Non-debatable Motions**

The motions to fix the time of the next meeting, adjourn, recess, point of privilege, to table, vote immediately, limit or extend debate shall be ordered and voted upon without debate.

### **12.3 Motion to Reconsider**

The motion to reconsider shall be in order on any question that the township board has decided, but no question shall be reconsidered more than once. The motion to reconsider shall be in order on the same day as the vote to be

reconsidered was taken or at the next succeeding meeting at which the question may lawfully be raised. The motion to reconsider shall be made only by a member who voted with the prevailing side. A motion to reconsider a motion to amend shall not be in order if the main question has been voted upon. If the board has adopted a motion to reconsider, however, motions to amend shall be in order.

#### **12.4 Motion to Clear the Floor**

The motion to clear the floor may be made by the supervisor or a member, whenever procedural matters have become sufficiently confused. If the motion to clear the floor has been adopted, it shall clear the floor of all motions as though they had been withdrawn. The motion shall not be subject to debate nor, if adopted, to reconsideration.

#### **12.5 Temporary Suspension of the Rules**

These Rules may be suspended temporarily at any time by vote of two-thirds of the members elected and serving to achieve any legal objective of the township board in a legal manner.

#### **12.6 Appeal Rulings of the Supervisor, or Presiding Officer,**

Any member of the township board may appeal the procedural ruling of the supervisor, or presiding officer. On all appeals receiving a second, the question shall be, "Shall the procedural decision of the supervisor, or presiding officer, stand as the decision of the township board?"

### **13.0 VOTING**

#### **13.1 Abstaining from Voting**

Except as provided herein, whenever the supervisor, or presiding officer, puts a question to the township board, every member present shall vote on the question. No member present shall abstain from voting "yes" or "no". Provided, however, if a township board member has a conflict of interest, such conflict of interest shall be fully stated on the record. If a question exists whether the circumstances actually present a conflict of interest, the township board may, by majority vote of the members present, adjourn the matter under consideration to a specific time, date, and place in order to obtain a written opinion from the township attorney. Once the conflict of interest is declared or confirmed, the township board member with the conflict of interest shall abstain from participating and voting in the matter under consideration.

#### **13.2 Roll Call Votes**

The names and votes of members shall be recorded on board actions to adopt final measures such as ordinances, resolutions, appointment or election of

officers, etc. A roll call vote shall be taken on other motions and actions at the request of any board member.

### **13.3 Votes Required**

Except as provided elsewhere in these Rules and except for those decisions required by statute to have a higher majority, procedural and other questions arising at a meeting of the township board shall be decided by a majority of the members present. A majority of the members elected and serving shall be required for final passage or adoption of an ordinance, resolution, or the allowance of a claim.

## **14.0 PARLIAMENTARY AUTHORITY**

Generally, *Robert's Rules of Order, Newly Revised* (10<sup>th</sup> Edition) shall govern all questions of procedure not otherwise provided by these Rules or by state or federal law. The township attorney shall serve as the board's parliamentarian and shall advise the supervisor, or presiding officer, regarding the Rules of Procedure.

## **15.0 MISCELLANEOUS PROCEDURES**

### **15.1 Distribution of Correspondence**

All correspondence received by the township supervisor, township clerk or township treasurer shall be distributed to all members of the township board either as part of the township board meeting agenda materials or independent of the meeting agenda materials, whichever method is the most efficient, given the urgency of the correspondence.

### **15.2 Personnel Complaint Procedures**

Any complaint against a township employee or official to be considered by the township board shall be in writing and signed by the individual making the complaint. A copy of this written complaint shall be given to the employee or official prior to the township board meeting at which the complaint will be considered. The township employee or official shall then be given the opportunity to request a closed meeting of the township board to consider the complaint against that employee or official, as authorized by the Michigan Open Meetings Act.

## **16.0 AMENDMENTS**

These Rules of Procedure may be added to, amended or repealed in whole or in part. Proposed changes to these Rules of Procedure must be submitted in

writing to the members of the township board at least one (1) month in advance of the meeting at which the proposed changes will be considered. A majority vote of the entire regular township board shall be required to amend these Rules of Procedure.

**17.0 SEVERABILITY**

If any section, provision or clause of these Rules of Procedure or the application thereof to any person or circumstance shall be invalid, such invalidity shall not effect any remaining portion or application of these Rules of Procedure which can be given effect without the invalid portion or application.

The Peninsula Township Board Rules of Procedure were adopted by the Peninsula Township Board at its meeting held on \_\_\_\_\_, 2013.

\_\_\_\_\_  
Monica A. Hoffman, Clerk

# Limit or extend limits of debate

From Wikipedia, the free encyclopedia

The motion to **limit or extend limits of debate** is used to modify the rules of debate.

## Contents

- 1 Explanation and Use
  - 1.1 Robert's Rules of Order Newly Revised
  - 1.2 The Standard Code of Parliamentary Procedure
- 2 References

## Explanation and Use

### Robert's Rules of Order Newly Revised

The default norm is allowing each member of a deliberative assembly to make two ten-minute speeches, with a requirement that a member wait for other members who have not spoken on the question to speak before making his second speech.<sup>[1]</sup>

### The Standard Code of Parliamentary Procedure

TSC (The Standard Code) implements this concept as the motion to extend or limit debate. As with Robert's Rules of Order, a variety of limits may be imposed on the debate, including:

- Limiting the number of minutes allotted to each member. As TSC normally allows for speeches of unlimited length, this motion can impose time limits.
- Limiting the number of minutes allotted to the entire debate.
- The number of speeches each member may make.
- The number of speeches that may be made both for and against the motion, regardless of who makes them.

Alternatively, the motion can also modify or remove limits already imposed. For example, if each speaker is given three minutes, and a speaker reaches their maximum, they may use this motion to request an additional 30 seconds to finish their remarks.

Because this motion by definition limits or changes the limits of the freedom of the body, it requires a vote of two-thirds to pass.

### Limit or extend limits of debate (RONR)

<b>Class</b>	Subsidiary motion
<b>In order when another has the floor?</b>	No
<b>Requires second?</b>	Yes
<b>Debatable?</b>	No
<b>May be reconsidered?</b>	Yes; but if vote was affirmative, only unexecuted part of order. A negative vote on this motion can be reconsidered only until such time as progress in business or debate has made it essentially a new question
<b>Amendable?</b>	Yes
<b>Vote required:</b>	Two-thirds

### Limit or extend debate (TSC)

<b>Class</b>	Subsidiary motion
<b>In order when another has</b>	No

TSC does not normally limit the length of speeches as Robert's does, noting, "Parliamentary law fixes no limit on the length of speeches during debate...Debate can ordinarily be kept within reasonable time limits by the presiding officer's insistence that all discussion be confined strictly to the subject."<sup>[2]</sup> Also, TSC allows the motion to limit or extend debate to be debated, but only on the merits of the limitations. As with all subsidiary motions, TSC does not allow this motion to be reconsidered.

<b>the floor?</b>	
<b>Requires second?</b>	Yes
<b>Debatable?</b>	Yes
<b>May be reconsidered?</b>	No
<b>Amendable?</b>	Yes
<b>Vote required:</b>	Two-thirds

## References

- <sup>^</sup> Robert, Henry M. (2000). *Robert's Rules of Order Newly Revised*, 10th ed., p. 41
- <sup>^</sup> Sturgis, Alice (2001). *The Standard Code of Parliamentary Procedure*, 4th ed., p. 127

Retrieved from "[http://en.wikipedia.org/w/index.php?title=Limit\\_or\\_extend\\_limits\\_of\\_debate&oldid=592658670](http://en.wikipedia.org/w/index.php?title=Limit_or_extend_limits_of_debate&oldid=592658670)"

Categories: Subsidiary motions

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# Section 2: Roles and Responsibilities

## Chapter 6: Successful meetings

### Rules of procedure

Adopting rules of procedure to govern its meetings may very well be one of the most important actions a council takes. And, in a general law village, it is mandated (MCL 65.5). These rules assist in ensuring that meetings are efficient and genial and provide guidelines for dealing lawfully and effectively with the public and the media.

Typically, council rules contain provisions for:

- notification of meetings
- attendance at meetings
- meeting information packets
- agenda preparation
- voting
- public hearings
- parliamentary procedure
- conduct of meetings (decorum of council members; disorderly conduct)
- public participation
- minute preparation
- committees (establishing; appointments; duties and responsibilities)
- resolutions, and
- ordinances (introduction; public hearing; publication; amendments).

The rules should indicate the sequence of the council agenda as well as the procedure for holding public meetings. They might also include whether or not the president is entitled to speak in debate, any restrictions on abstentions, how items are added to the agenda, how the agenda is distributed, limitation on speeches, basically, anything having to do with how you procedurally conduct your meetings.

Rules of procedure should be adopted by a majority vote and reexamined regularly. As a new trustee, you should become familiar with any rules of procedure adopted by previous councils.

### Agendas

An agenda is a guide for conducting an official business meeting of a duly constituted body. Generally, the person who sets the agenda is the presiding officer (hereafter called the chair). The chair should set a deadline before each meeting to receive agenda items. The deadline should allow enough time before the meeting for an agenda to be produced and supporting information and documents to be mailed or delivered to the members. Board or council members should have enough time before the meeting to read and digest the information. Allowing time for the members to prepare will help the meeting proceed at a more efficient pace.

The chair should mail a message or verbally remind each person on the board or council of the deadline each time an agenda is being prepared. Most people can be verbally reminded before the preceding meeting is adjourned. Other interested and appropriate individuals should also be notified of the date and time when agenda items are due.

The person responsible for each agenda item should be listed on the printed agenda next to that item.

### Sample Agenda Outline

1. Call to Order (Pledge of Allegiance, if there is to be one)
2. Roll Call
3. Approval of (regular/special) minutes of the last meeting

4. Approval of Agenda
5. Public Comments – Reserved Time (for items listed on this agenda)
6. Petitions and Communications
7. Consent Agenda
8. Introduction and Adoption of Ordinances and Resolutions; Public Hearings
9. Reports of Officers, Boards and Committees; Routine Monthly Reports from Departments
10. Unfinished Business (unfinished or pending matters)
11. New Business
12. Miscellaneous
13. Public Comments – General
14. Closed Session (for situations that meet the circumstances specified in the Michigan Open Meetings Act.)
15. Adjournment

### **Open Meetings Act**

The basic intent of the Michigan Open Meetings Act (OMA) is to strengthen the right of all Michigan citizens to know what goes on in government.

Briefly, the OMA requires that nearly all deliberations and decisions of a public body be made in public. Remember, the general rule of thumb is to conduct the public's business in public. Deliberate so the constituents know why decisions are made. Deliberations and documents may be kept confidential only when disclosure would be detrimental to the municipality, not when the matter would simply be embarrassing.

When specific circumstances cause you to question the appropriateness of a closed session or the appropriate posting requirements, the safest course of action is to follow the guidance of your municipal attorney. The specific details of the situation and recent legislation and court decisions will make each situation unique.

### **Closed meetings**

In order for a public body to hold a closed meeting, a vote must be taken; depending on the circumstances, either two-thirds of its members must vote affirmatively in a roll

call or it must be a majority vote. Please See Appendix 2: Overview of the Open Meetings Act. Also, the purpose for which the closed meeting is being called must be stated in the meeting when the roll call is taken. The law provides for closed meetings in a few specified circumstances:

- to consider the purchase or lease of real property;
- to consult with its attorney about trial or settlement strategy in pending litigation, but only when an open meeting would have detrimental financial effect on the public body's position;
- to review the contents of an application for employment or appointment to a public office when the candidate requests the application to remain confidential. However, all interviews by a public body for employment or appointment to a public office have to be conducted in an open meeting; and
- to consider material exempt from discussion or disclosure by state or federal statute.

### **Recording minutes**

Minutes are recorded to provide an accurate written history of the proceedings of a board, commission or committee meeting. Specifically, the record must include those official actions taken by the group of persons legally charged with conducting the business of the organization. Minutes must be kept for all meetings and are required to contain:

- a statement of the time, date and place of the meeting;
- the members present as well as absent;
- a record of any decisions made at the meeting and a record of all roll call votes; and
- an explanation of the purpose(s) if the meeting is a closed session.

Except for minutes taken during a closed session, all minutes are considered public records, open for public inspection, and must be available for review as well as copying at the address designated on the public notice for the meeting.

Proposed minutes must be available for public inspection within eight business days after a meeting. Approved minutes must be available within five business days after the meeting at which they were approved.

Corrections in the minutes must be made no later than the next meeting after the meeting to which the minutes refer. Corrected minutes must be available no later than the next meeting after the correction and must show both the original entry and the correction.

#### **Closed meeting minutes**

Minutes of closed meetings must also be recorded, although they are not available for public inspection and would only be disclosed if required by a civil action. 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.

#### **Public hearings**

Council rules should include a procedure for public hearings. A *public hearing* is that portion of a meeting designed specifically to receive input from the public on a single issue. It may be required by ordinance, charter or statute. The time, place and subject of the hearing must be posted as required by the ordinance, charter or statute and only the posted subject can be discussed. The hearing may be before, during or after a regular meeting or may be at a special meeting called specifically for that purpose. Public hearings are formal meetings of the council to obtain input from the public. Public hearings offer citizens an opportunity to be heard, and should be viewed as a serious effort on the part of elected officials to secure as much information as possible about a topic before a final decision is made. Public hearings are legal requirement for some matters, such as:

- adoption of the budget and
- changing the zoning ordinance

Even if not required by law, a public hearing can be useful in helping municipal

officials understand how their constituents feel and why they feel that way.

#### **Parliamentary procedure**

A good working knowledge of meeting management and the basic elements of parliamentary procedure will engender a sense of confidence at your first public meeting. You should feel comfortable with how to make a motion, what is expected of you in debate, and how a vote is taken. In other words, know your rights and how to enforce and protect them.

Parliamentary procedure is not meant to be restrictive or prevent free expression of opinion, but rather to serve as a protection of the rights of all – the majority, the minority, individual members, absent members and all of these together. For a governmental body, that also includes the public, your constituency. The purpose is to expedite business, maintain order, insure justice, and make sure that the will of the organization is accomplished properly and fairly. In other words, these procedures are designed to help, not hinder, the process.

In a message to Congress in 1961, President John F. Kennedy stated “The basis of effective government is public confidence.” As a member of your city or village council, you can help inspire that confidence by being professional in your duties, by having a good working knowledge of parliamentary procedure and by projecting your image as an efficient, fair-minded, knowledgeable official. An orderly, smoothly run meeting, one that accomplishes the tasks at hand, should be your goal. And it shouldn’t last too long either.

It all sounds so simple. A motion is made, we talk about it, and then we vote on it. How much easier can it get? Well, we have a tendency to make it much more difficult than it has to be.

Parliamentary law is composed of the rules and customs governing deliberative assemblies. The most widely used authority is *Robert’s Rules of Order Newly Revised (Roberts Rules)*, used by more than 75

percent of all deliberative assemblies, including governmental bodies. Meetings of governmental bodies are regulated by federal and state laws (such as the Open Meetings Act), which take priority, and local charters (i.e. the GLV Act stipulates the president is a voting member of council), and any rules that your municipality has adopted regarding procedure. **If you have adopted the current version of *Roberts Rules*, it should be consulted as a last resort if nothing else applies, not as the first and foremost authority.**

As a member of the public body, you have the responsibility to become familiar with requirements and restrictions under Michigan's Open Meetings Act, your own governing documents, especially your charter, and any council rules that have been adopted regarding the conduct of business. Your agenda, how business is introduced, how debate is conducted, how the vote is taken – all of these things have their basis in parliamentary procedure.

There are some basic concepts that are common to all organizations: a quorum must be present to take legal action, only one main proposition can be on the floor at a time, only one member can speak at a time, the issue and not the person is always what is under discussion, and usually, a majority vote decides.

A motion is handled in the following manner:

1. A member is recognized and makes a motion by stating "I move . . ." (Never use "I want to . . ." or "I think we should . . ." or "I motion . . ." or "So moved.")
2. Another member "seconds" the motion, without waiting for recognition. This means that another person thinks the subject is important enough for discussion and vote. (To expedite business and avoid confusion when no second is offered, you might want to adopt a rule that eliminates the requirement for a second.)
3. The chair states the question: "It is moved and seconded that . . ." The

motion now belongs to the assembly for discussion.

4. The chair asks: "Is there any discussion?" or "Are you ready for the question?" The motion is opened for debate, and the member who made the motion has first priority in speaking to the question. According to *Roberts Rules*, each member has the right to speak twice in debate, but may not speak the second time until everyone has had a chance to speak the first time.
5. The chair states "The question is on the adoption of the motion to . . ." the vote is taken by whatever means is established in your community. If by voice vote, "All those in favor say 'aye'. All those opposed, say 'no'."
6. The chair announces the results of the vote. "The ayes have it and the motion is adopted." Or "The noes have it, and the motion is lost."

The chair must be comfortable not only with procedures in handling motions, but also showing impartiality, keeping the discussion focused, soliciting opinions from members, not allowing blame-oriented statements, protecting staff and colleagues from verbal abuse or attack, encouraging alternate solutions, making sure everyone knows what is being voted on, and even explaining what a yes or a no vote mean.

Individual members should respect their colleagues and the chair, obtain the floor by being recognized by the chair before speaking, use correct terminology, limit remarks to the issue under consideration, raise concerns and objections during debate, and actively listen to citizen input and discussion.

Also, remember silence gives consent. Some communities have a restriction on the ability of members to abstain from voting or they may need approval of a majority, or even unanimous approval, of the other members, in order to abstain from voting. If you have no such rule, you may abstain, but the abstention is not counted as a "yes" or "no" vote. In essence, you have given your

permission to the will of the majority, whatever that might be.

Following are the five classes of motions and some examples of when to use them:

1. Main motion
  - to introduce a subject, *make a main motion*
2. Subsidiary motions assist the members in treating or disposing of a main motion
  - to kill or reject a main motion without a direct vote on it, *move to postpone indefinitely*
  - to change a pending motion, *move to amend*
  - to send a pending question to a small group for further study, *move to commit or refer*
  - to put off action or a decision until later in the same or next meeting, *move to postpone definitely*
  - to change the rules of debate, *move to limit or extend limits of debate*
  - to close debate, *move the previous question*
  - to set aside the pending question temporarily in order to take up more pressing business, *move to lay on the table*
3. Privileged motions deal with rights and privileges of members and do not directly affect the main motion.
  - to return to the printed agenda, call for the orders of the day
  - to secure a privilege, such as insuring your ability to see or hear, raise a question of privilege
  - to take a short break in the meeting, *move to recess*
  - to close a meeting, *move to adjourn*
  - to set a time to continue the business to another day without adjourning the current meeting, *move to fix the time to which to adjourn*
4. Incidental motions are incidental to the business at hand
  - to endorse the rules, rise to a point of order
  - to reverse or question the decision of the chair, *appeal*

- to question the correctness of a voice vote as announced by the chair, call for a division of the assembly (*rising vote*)
5. Motions that bring a question again before the assembly allow the assembly to reopen a completed question
    - to give members a chance to change their minds, some motions can be redebated and revoted. The move must come from the prevailing side (yes if it was adopted; no if it failed), *move to reconsider*
    - to change what was adopted at a previous meeting, *move to amend something previously adopted*
    - to change the outcome of an affirmative vote, *move to rescind*

Each of these motions, of course, has its own rules regarding when it is in order, if it must be seconded, if it is debatable or amendable, and what vote is required for adoption; and even if it can be reconsidered. Make it your business to become as knowledgeable as you can, and then share your knowledge with others.

As you perform your duties as an elected official in the public meetings in your community, keep in mind the wisdom of General Henry Robert, who wrote the following:

*“In enforcing the rules there is a need for the exercise of tact and good sense. In small assemblies, and especially when the members are unfamiliar with parliamentary procedure, a strict enforcement of the rules is unwise. It is usually a mistake to insist upon technical points, so long as no one is being defrauded of his rights and the will of the majority is being carried out. The rules and customs are designed to help and not to hinder business.”*

**Would you like to learn more?**

Contact the Michigan Municipal League's Member Resource Services staff at 1-800-653-2483 for training opportunities in basic parliamentary procedure for elected officials. In addition, the League's Inquiry Service can provide you with information on running public meetings effectively, and provide samples of rules of procedure adopted by other communities.

**About the authors . . .**

**Connie M. Deford** retired as city clerk of Bay City in 2000. She has been a Professional Registered Parliamentarian since 1988 and has worked extensively as an instructor on Parliamentary Procedure for both Michigan State University and Kent State University and is well known among municipalities for her parliamentary expertise. She was elected Michigan City Clerk of the Year in 1990, received a Special Award of Merit from the Michigan Municipal League in 1997, and the prestigious Quill Award from the International Institute of Municipal Clerks in 1999. Connie currently serves as Vice-president of the National Association of Parliamentarians.

**Member Resource Services**

The Member Resource Services Department is comprised of many different services of the League, including educational services, publications, web and graphic design, the business partnership program, and information services. This department provides member officials with resources and educational opportunities on a vast array of municipal topics.

## Parliamentary Procedure for Meetings

*Robert's Rules of Order* is the standard for facilitating discussions and group decision-making. Copies of the rules are available at most bookstores. Although they may seem long and involved, having an agreed-upon set of rules makes meetings run easier. *Robert's Rules* will help your group have better meetings, not make them more difficult. Your group is free to modify them or find another suitable process that encourages fairness and participation, unless your bylaws state otherwise.

Here are the basic elements of *Robert's Rules*, used by most organizations:

1. **Motion:** To introduce a new piece of business or propose a decision or action, a motion must be made by a group member ("I move that.....") A second motion must then also be made (raise your hand and say, "I second it.") After limited discussion the group then votes on the motion. A majority vote is required for the motion to pass (or quorum as specified in your bylaws.)
2. **Postpone Indefinitely:** This tactic is used to kill a motion. When passed, the motion cannot be reintroduced at that meeting. It may be brought up again at a later date. This is made as a motion ("I move to postpone indefinitely..."). A second is required. A majority vote is required to postpone the motion under consideration.
3. **Amend:** This is the process used to change a motion under consideration. Perhaps you like the idea proposed but not exactly as offered. Raise your hand and make the following motion: "I move to amend the motion on the floor." This also requires a second. After the motion to amend is seconded, a majority vote is needed to decide whether the amendment is accepted. Then a vote is taken on the amended motion. In some organizations, a "friendly amendment" is made. If the person who made the original motion agrees with the suggested changes, the amended motion may be voted on without a separate vote to approve the amendment.
4. **Commit:** This is used to place a motion in committee. It requires a second. A majority vote must rule to carry it. At the next meeting the committee is required to prepare a report on the motion committed. If an appropriate committee exists, the motion goes to that committee. If not, a new committee is established.
5. **Question:** To end a debate immediately, the question is called (say "I call the question") and needs a second. A vote is held immediately (no further discussion is allowed). A two-thirds vote is required for passage. If it is passed, the motion on the floor is voted on immediately.
6. **Table:** To table a discussion is to lay aside the business at hand in such a manner that it will be considered later in the meeting or at another time ("I make a motion to table this discussion until the next meeting. In the meantime, we will get more information so we can better discuss the issue.") A second is needed and a majority vote required to table the item being discussed.
7. **Adjourn:** A motion is made to end the meeting. A second motion is required. A majority vote is then required for the meeting to be adjourned (ended).

**Note:** If more than one motion is proposed, the most recent takes precedence over the ones preceding it. For example if #6, a motion to table the discussion, is proposed, it must be voted on before #3, a motion to amend, can be decided.

In a smaller meeting, like a committee or board meeting, often only four motions are used:

- To introduce (motion.)
- To change a motion (amend.)
- To adopt (accept a report without discussion.)
- To adjourn (end the meeting.)

Remember, these processes are designed to ensure that everyone has a chance to participate and to share ideas in an orderly manner. Parliamentary procedure should not be used to prevent discussion of important issues.

Board and committee chairpersons and other leaders may want to get some training in meeting facilitation and in using parliamentary procedure. Additional information on meeting processes, dealing with difficult people, and using *Robert's Rules* is available from district office staff and community resources such as the League of Women Voters, United Way and other technical assistance providers. Parliamentary Procedure at a Glance, by O. Garfield Jones, is an excellent and useful guide for neighborhood association chairs.

## Tips in Parliamentary Procedure

The following summary will help you determine when to use the actions described in *Robert's Rules*.

- **A main motion must be moved, seconded, and stated by the chair before it can be discussed.**
- **If you want to move, second, or speak to a motion, *stand and address the chair.***
- **If you approve the motion as is, *vote for it.***
- **If you disapprove the motion, *vote against it.***
- **If you approve the idea of the motion but want to change it, *amend it or submit a substitute for it.***
- **If you want advice or information to help you make your decision, *move to refer the motion to an appropriate quorum or committee with instructions to report back.***
- **If you feel they can handle it better than the assembly, *move to refer the motion to a quorum or committee with power to act.***
- **If you feel that there the pending question(s) should be delayed so more urgent business can be considered, *move to lay the motion on the table.***
- **If you want time to think the motion over, *move that consideration be deferred to a certain time.***
- **If you think that further discussion is unnecessary, *move the previous question.***
- **If you think that the assembly should give further consideration to a motion referred to a quorum or committee, *move the motion be recalled.***
- **If you think that the assembly should give further consideration to a matter already voted upon, *move that it be reconsidered.***
- **If you do not agree with a decision rendered by the chair, *appeal the decision to the assembly.***
- **If you think that a matter introduced is not germane to the matter at hand, *a point of order may be raised.***
- **If you think that too much time is being consumed by speakers, *you can move a time limit on such speeches.***
- **If a motion has several parts, and you wish to vote differently on these parts, *move to divide the motion.***



## PARLIAMENTARY PROCEDURE AT A GLANCE

TO DO THIS	YOU SAY THIS	MAY YOU INTERRUPT SPEAKER	MUST YOU BE SECONDED	IS MOTION DEBATABLE	WHAT VOTE REQUIRED
Adjourn meeting*	I move that we adjourn	No	Yes	No	Majority
Recess meeting	I move that we recess until..	No	Yes	No	Majority
Complain about noise, room temperature, etc.*	Point of privilege	Yes	No	No	No vote
Suspend further consideration of something*	I move we table it	No	Yes	No	Majority
End debate	I move the previous question	No	Yes	No	2/3 vote
Postpone consideration of something	I move we postpone this matter until..	No	Yes	Yes	Majority
Have something studied further	I move we refer this matter to committee	No	Yes	Yes	Majority
Amend a motion	I move this motion be amended by..	No	Yes	Yes	Majority
Introduce business (a primary motion)	I move that..	No	Yes	Yes	Majority
Object to procedure or personal affront*	Point of order	Yes	No	No	No vote, Chair decides
Request information	Point of information	Yes	No	No	No vote
Ask for actual count to verify voice vote	I call for a division of the house	No	No	No	No vote
Object consideration of undiplomatic vote*	I object to consideration of this question	Yes	No	No	2/3 vote
Take up a matter previously tabled*	I move to take from the table..	No	Yes	No	Majority
Reconsider something already disposed of*	I move we reconsider our action relative to..	Yes	Yes	Yes	Majority
Consider something already out of its schedule*	I move we suspend the rules and consider	No	Yes	No	2/3 vote
Vote on a ruling by the Chair	I appeal the Chair's decision	Yes	Yes	Yes	Majority

\*Not amendable

## PARLIAMENTARY PROCEDURE AT A GLANCE

		Debatable	Amendable	Can Be Reconsidered	Requires 2/3 Vote
Privileged Motions	Fix Time at Which to Adjourn	No	Yes	No	No
	Adjourn	No	No	Yes	No
	Question of Privilege	No	Yes	Yes	No
	Call for Order of Day	No	No	Yes	No
Incidental Motions	Appeal	Yes	No	Yes	No
	Objection to Consideration of a Question	No	No	Yes	Yes
	Point of Information	No	No	No	No
	Point of Order	No	No	No	No
	Read Papers	No	No	Yes	No
	Suspend the Rules	No	No	No	Yes
	Withdraw a Motion	No	No	Yes	No
Subsidiary Motions	Lay on the Table	No	No	Yes	No
	The Previous Question (close debate)	No	No	Yes	Yes
	Limit or Extend Debate	No	Yes	Yes	Yes
	Postpone to a Definite Time	Yes	Yes	Yes	No
	Refer to Committee	Yes	Yes	Yes	No
	Amend the Amendment	Yes	No	No	No
	Amendment	Yes	Yes	Yes	No
	Postpone Indefinitely	Yes	No	Yes	No
Main Motion	Main or Procedural Motion	Yes	Yes	Yes	No

This table presents the motions in order of precedence. Each motion takes precedence over (i.e. can be considered ahead of) the motions listed below it. No motion can supersede (i.e. be considered before) any of the motions listed above it.

**PLEASE NOTE:** many organizations use only the Main Motion and Subsidiary Motions, handling other matters on an informal basis.

## **IN THE MEETING**

### ***TO INTRODUCE A MOTION:***

Stand when no one else has the floor.

Address the Chair by the proper title.

Wait until the chair recognizes you.

- Now that you have the floor and can proceed with your motion say "I move that...", state your motion clearly and sit down.
- Another member may second your motion. A second merely implies that the seconder agrees that the motion should come before the assembly and not that he/she is in favor of the motion.
- If there is no second, the Chair says, "The motion is not before you at this time." The motion is not lost, as there has been no vote taken.
- If there is a second, the Chair states the question by saying "It has been moved and seconded that ... (state the motion). . ., is there any discussion?"

### ***DEBATE OR DISCUSSING THE MOTION:***

- The member who made the motion is entitled to speak first.
- Every member has the right to speak in debate.
- The Chair should alternate between those "for" the motion and those "against" the motion.
- The discussion should be related to the pending motion.
- Avoid using a person's name in debate.
- All questions should be directed to the Chair.
- Unless there is a special rule providing otherwise, a member is limited to speak once to a motion.
- Asking a question or a brief suggestion is not counted in debate.
- A person may speak a second time in debate with the assembly's permission.

### ***VOTING ON A MOTION:***

- Before a vote is taken, the Chair puts the question by saying "Those in favor of the motion that ... (repeat the motion)... say "Aye." Those opposed say "No." Wait, then say "The motion is carried," or "The motion is lost."
- Some motions require a 2/3 vote. A 2/3 vote is obtained by standing
- If a member is in doubt about the vote, he may call out "division." A division is a demand for a standing vote.
- A majority vote is more than half of the votes cast by persons legally entitled to vote.
- A 2/3 vote means at least 2/3 of the votes cast by persons legally entitled to vote.
- A tie vote is a lost vote, since it is not a majority.

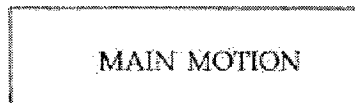
# AMENDMENTS ILLUSTRATED

Any main motion or resolution may be amended by:

1. Adding at the end
2. Striking out a word or words
3. Inserting a word or words
4. Striking out and inserting a word or words
5. Substitution

A member rises, addresses the chair, receives recognition, and states the motion:

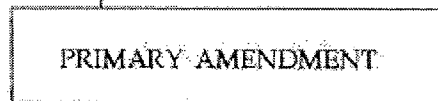
"I move that . . ."



Another member seconds the motion.

The Chair repeats the motion and says, "Is there any discussion?"

To improve the motion, a member rises, receives recognition and says, "I move to amend the motion by . . ."

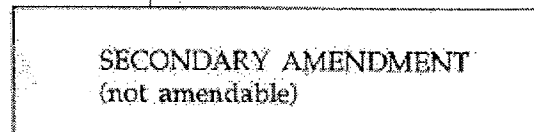


Must be germane to the main motion

Another member seconds the amendment.

The Chair repeats the amendment and says, "Is there any discussion on the amendment?"

To improve the amendment, a member rises, receives recognition, and says, "I move to amend the amendment by . . ."



Must be germane to the primary amendment

Another member seconds the amendment.

The Chair repeats the amendment to the amendment and says, "Is there any discussion on the amendment to the amendment?"

- When discussion ceases, the Chair says, "Those in favor of the amendment to the amendment say 'Aye.' Those opposed say 'No.'"
- If the vote was in the affirmative, the amendment is included in the primary amendment. The Chair then says, "Is there any discussion on the amended amendment?"
- If there is no discussion, a vote is taken on the amended amendment. If the vote is in the affirmative, the amendment is included in the main motion. The chair then says, "Is there any discussion on the amended motion?"
- At this place, the motion can again be amended.
- If there is no further discussion, a vote is taken on the amended motion.
- Even though the amendments carried in the affirmative, the main motion as amended can be defeated.

# ***Come to Order!***

## **Parliamentary Procedure and the Township Board**

By Eleanor "Coco" Siewert,  
Parliamentarian

*Been there. Done that.*

*Does this sound familiar?*

*The evening of the board meeting comes, and what could  
have been wrapped up in a few short hours drags on and on.*

*Board members get off-subject, and discussion takes  
far longer than necessary.*

*Why do some meetings run so long? And what  
can board members do to ensure more  
effective meetings? Parliamentary procedure,  
a familiar term, but perhaps an unfamiliar  
concept, could mean the difference  
between effective, efficient meetings  
and drawn-out, unproductive ones.*

This continuing education article and accompanying self-assessment is worth 2.0 elective credits as part of MTA's Township Governance Academy. See page 16 for details.



#### **OBJECTIVE**

• To explain the fundamentals of parliamentary procedure, and how the process can help make township board meetings more efficient

#### **CORE COMPETENCIES**

*Interpersonal Skills:* Communicates effectively; listens attentively; and works effectively with individuals, departments and committees to achieve desired outcomes

*Leadership Abilities:* Understands how to conduct effective board meetings and is knowledgeable about parliamentary procedure

### What is Parliamentary Procedure?

What exactly is parliamentary procedure, and why is it a recommended tool for meetings? Parliamentary procedure is the method of procedure, discussion and debate used in deliberative bodies and organized assemblies. It is the process by which groups make decisions.

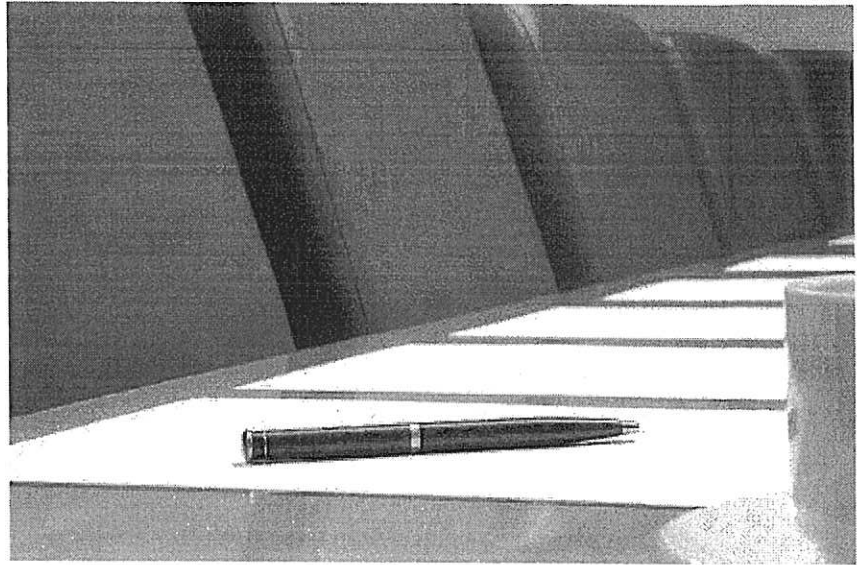
While some may contend that parliamentary procedure consists of confusing rules and creates conflict in meetings, an understanding of parliamentary rules can actually help a meeting run more fairly, smoothly and orderly. The four key tenets of parliamentary rules are:

- to accomplish the objectives for which the group is organized;
- to expedite business;
- to ensure fairness and equality to all; and
- to maintain order.

These objectives are supported by a set of parliamentary procedures that promote focused discussion through an organized system allowing one individual to speak at a time while others listen. The value of the rules of parliamentary procedure is in their ability to promote decision-making. However, the use of parliamentary procedure alone does not ensure that these objectives will be met. The township board must work to create an atmosphere of trust, honesty, respect and shared purpose.

There are numerous systems of parliamentary procedure, and townships can choose whichever method—or variation of a method—that best suits the board's needs. An important thing to keep in mind is that all board members should work from the same method of parliamentary procedure. This ensures that, if a question or concern arises, all officials are referencing and following the same procedures. (*For parliamentary procedure resources, turn to the sidebar on page 14.*)

Among the most commonly used parliamentary procedure manuals is *Robert's Rules of Order Newly Revised*, which is also the model used for this article. Written in 1876 by General Henry M. Robert, a West Point graduate and member of the Corps of Engineers of the United States Army, the text has been



revised many times, and is now in its 10th edition. A board choosing to adopt *Robert's Rules*, or any other manual or method of parliamentary procedure, as its parliamentary authority should vote to do so.

#### *The Principles of Parliamentary Procedure*

Many aspects of township board meetings are governed by Michigan statutes. While parliamentary procedure can be used to enhance statutes and ensure a more effective meeting, it can never replace what is required by law. The basic principles of parliamentary procedure, while not required of township boards, can help direct conduct of business during board meetings. A township board may use the following rules as a guideline, but can adjust the rules to comply with state law and the board's preference for more (or less) formal procedures:

- 1) In meetings, board members should focus on the adopted goals and intended outcomes when making decisions for their community.
- 2) All board members have equal rights, and all board members have an equal vote.

3) A parliamentary standard that is also governed by Michigan statute is the need for a quorum to be present to hold a meeting. This means at least three members of a five-member township

#### SAMPLE LANGUAGE

"The rules contained in (the current edition of) *Robert's Rules of Order Newly Revised* [or parliamentary procedure guide of the township's choosing] shall govern the township in all cases to which they are applicable and in which they are not inconsistent with any federal or state laws, township ordinances or any special rules of order the township board may adopt."

board, or four members of a seven-member board must be present to do business. (MCLs 41.70 and 42.7)

4) Only one main proposal may be before the township board at a time, and only one member may have the floor. While the responsibility to make this

occur rests most heavily on the supervisor as meeting moderator, all members contribute through their conduct.

According to MCLs 41.72a and 41.97, a general law township supervisor, if present, shall be the moderator of a regular or special meeting of the township board. If the supervisor is not present, the township board, under the direction of the clerk, shall elect by voice vote a board member to serve as meeting moderator. The clerk has the same powers and duties as the moderator until a moderator is chosen.

MCL 42.5(2) states that a charter township supervisor "shall be the presid-

*continued* ▶

ing and executive officer of the board and shall have an equal voice and vote in the proceedings of the board. ... If the supervisor is absent from a meeting of the township board, the board shall appoint one of its members president pro tem for that meeting."

5) Full debate among board members should be allowed before the vote on a main motion, except when the members, by motion, impose limitations. According to *Robert's Rules* procedure, a vote must be taken to impose a limitation on the debate; if a member calls the question or makes a motion to stop debate, it requires a two-thirds vote to be adopted.

6) According to *Robert's Rules*, a question, once settled, may not be presented again in the same form, in the same session, except by a motion to reconsider (*discussed later in this article*). This prevents continuous repetition of a motion when one member is dissatisfied with the outcome of a vote.

7) A proposition or issue is the item under discussion, never the person who introduced it.

### Before the Meeting

Although not outlined in parliamentary procedure, all township boards should strive to make the best use of officials' time, focus and energy. Board meetings should be spent making decisions and *using* information, rather than collecting it. To best achieve this goal, board members should be given a meeting packet to review *prior* to the meeting.

This is not to say that all questions or discussion during a meeting are bad—to the contrary, there are ways to make discussion during meetings more organized. Asking questions is a way for board members to ensure the goals that have been set for the meeting are being met. However, board members who come to a meeting unprepared, and ask questions that were answered in written reports they simply hadn't yet read, waste time for fellow board members and members of the audience.

A prepared board can tackle the issues at hand, saving time and making the best use of the meeting.

### Making Motions

Once a prepared board assembles at a township meeting, members make motions to bring actions before the board and facilitate discussion. A **main motion** is the basis of all parliamentary procedure. All business to be considered by the board is introduced by a main motion. According to *Robert's Rules*, there are specific steps in making a motion. First, the board member seeks recognition from the supervisor. Once the supervisor has recognized the board member, the board member states the motion. Then it is seconded by another board member. If the motion is not seconded, it is not considered for discussion.

If a motion has been made and seconded, the supervisor repeats the motion, placing it before the board for discussion and action. The maker of the motion is invited to address the motion first. According to *Robert's Rules*, seconds are not always needed in small boards, such as township boards. Each township can make its own decision as to whether or not to require seconds.

In *Robert's Rules*, there are also three types of secondary motions:

1) **Subsidiary motions** can direct or change how the main motion is handled. Examples include:

- The *motion to table* is used to temporarily postpone discussion until the board decides to resume discussion. By adopting a motion to "lay on the table," a majority of the board can immediately halt consideration of a question without debate. To resume discussion, the board must pass a motion to take *from* the table (*see bring-back motions on page 13*). That being said, tabling a motion is not meant to "kill" the motion—it merely sets aside debate until a later time. If a motion is not taken from the table by the end of the next regular meeting, the motion dies. The issue can be made at a later meeting as a new question.

- A *motion to amend* is intended to

change or modify a motion before a vote is taken. When the amendment has been made, seconded and stated by the supervisor, it is open for discussion. Now, the discussion centers specifically on the amendment. Using words such as "strike out" and "insert" indicates which words are to be eliminated and where the new words should go. After discussion, a vote is taken on the amendment and, if it is adopted, then discussion returns to the main motion, as amended. In this manner, discussion is always focused on the specific issue at hand.

- The *motion to refer* is useful when the board decides that more information is needed. The motion is referred to an existing committee or it can be used to create a committee that will

research additional information and present their findings to the board at an upcoming meeting. The motion is sent to the committee without a vote on the main motion. At the future meeting, the committee would present its report, and action would be taken on the referred motion.

- The *motion to postpone* to a certain time is intended to delay consideration of a question until later in the current meeting or to a future meeting. A motion should not be postponed further than three months beyond the present month.

2) **Privileged motions** are unrelated to the current motion, but are of such urgency or importance that they are considered immediately. These include motions to *adjourn*, *recess* or "*call for the orders of the day*." The latter is a demand from a board member that the group return to the meeting's agenda if discussion gets too off-track.

### SAMPLE LANGUAGE

"I move to [or that] ... " To second a motion, another member says, "I second the motion." [Or "I second it," "Second" or "Support."]

### SAMPLE LANGUAGE

"I move to refer the motion to the XYZ Committee, and that the committee be instructed to report at the next meeting."

### SAMPLE LANGUAGE

"I move to postpone the motion to the next meeting."

3) **Incidental motions** are “housekeeping” issues, and though they are related to the business being considered, they do not directly modify the pending motion. They include a *request to withdraw a motion* that has already been put before the board, or a *division of a question*, which allows a motion to be divided into separate parts to be considered.

**Bring-back motions** are a fourth type of motion, which actually falls under a special type of main motion. These restorative motions contradict the parliamentary rule that once a question has been decided, it cannot be brought up again at the same meeting, and allow the board to consider previously handled business. This may include a *motion to reconsider*, which allows a board to reconsider a vote on a previous motion if a board member feels the vote was hasty, ill-advised or even illegal. *Robert’s Rules* prevent abuse by board members who are simply unhappy with the vote by including the statement that a motion to reconsider can be made only by a member who voted on the prevailing—i.e., the winning—side and only on the same day the original vote was taken.

A *motion to discharge a committee* takes a matter out of a committee’s hands and places it again before the township board as a whole.

A *motion to rescind* can cancel or countermand a motion previously passed, even at a previous meeting. Such a motion is *not* required to be made by a member who voted on the prevailing side, and with previous notice, it requires a majority vote. A motion to *take from the table* allows the board to resume consideration of a motion previously laid on the table.

### Order of Motions

According to parliamentary rule—and to make board decision-making as

streamlined as possible—only one motion should be considered at a time. But with all the different types of motions, in which order should they be considered?

The final vote on a main motion is taken only after all other legitimate motions are taken up and acted upon. Privileged motions should be promptly acted upon, and subsidiary and incidental motions must be given priority so that the action finally taken on the main motion accurately reflects the board’s wishes. Motions that bring a question again before the board can be considered only when no other business is pending.

### The Rules of Debate

One way to have effective decision-making and to keep discussion on-track during meetings is to establish rules for debate. Parliamentary procedure provides numerous guidelines for debate that township boards may wish to consider using, though boards can adjust the rules depending on their desired level of formality.

Parliamentary procedure dictates that every board member has the right to speak on every debatable motion before it is voted upon. All remarks should be limited to the subject, or

specific motion, immediately under discussion. The supervisor can monitor this and remind participants if the conversation heads in another direction. All remarks must be addressed to or through the supervisor. A common cause of disruption is board members speaking out without being recognized.

Personal comments about other individuals should always be avoided. It is the supervisor’s responsibility to object if any board member does so.

Calling on members by title—i.e., Trustee Brown—is another step toward setting an atmosphere of civility, and can indicate that the board conducts its business in a serious manner. During board discussion, the supervisor can make an effort to alternate between supporting and opposing arguments in an effort to provide for maximum dialogue and allow all sides to be stated.

Throughout the meeting, a board member may choose to make a “point of order,” which is used when a member wishes to call the supervisor’s attention to the fact that the rules are not being followed. The usual procedures of not interrupting and waiting for recognition do not apply.

### Voting Procedures

Under Michigan law, a township board member has a general duty to vote on motions before the board when he or

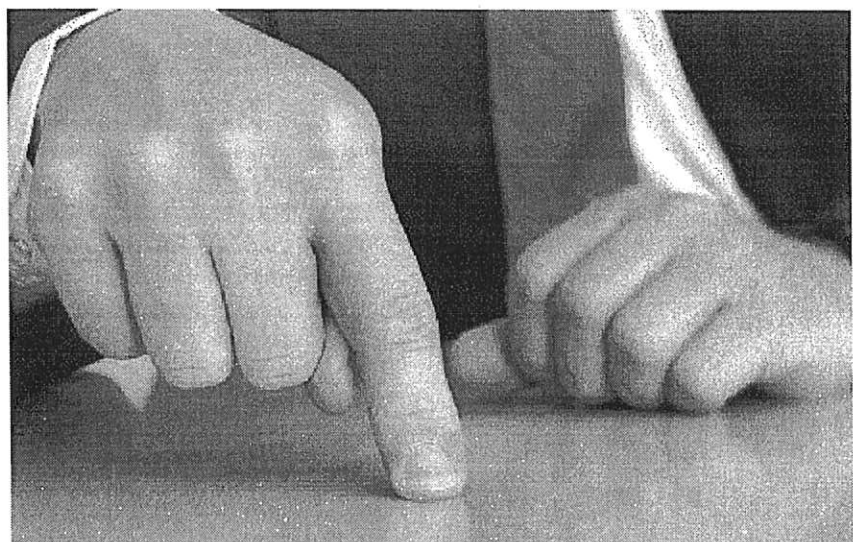
*continued* ▶

### SAMPLE LANGUAGE

“I move to reconsider the vote on the motion relating to the annual township clean-up day.”

### SAMPLE LANGUAGE

“I move that the committee considering upcoming volunteer projects be discharged.”





## Resources for Local Officials

### Parliamentary Procedure Manuals

- *Robert's Rules of Order Newly Revised* (10th ed.) by Henry M. Robert III, William J. Evans, Daniel H. Honemann and Thomas J. Balch
- *Robert's Rules of Order Newly Revised, In Brief* (10th ed.) by Henry M. Robert III
- *Robert's Rules in Plain English* (1997 ed.) by Doris P. Zimmerman
- *Mason's Manual of Legislative Procedure* (2000 ed.) by Paul Mason
- *The Standard Code of Procedure* (4th ed.) by Alice Sturgis
- *Parliamentary Law* (1975 ed.) by Henry M. Robert

### Parliamentary Procedure Web Sites

- [www.parliamentaryprocedure.org](http://www.parliamentaryprocedure.org)

The Web site for the American Institute of Parliamentarians, which works for the improvement of parliamentary procedure to the end that decisions are made by parliamentary means.

- [www.parliamentarians.org](http://www.parliamentarians.org)

The official site of the National Association of Parliamentarians has "basics" pages providing an overview of procedures and a way to contact a professional parliamentarian to assist your township board. ■

she is present at a meeting. A board member who abstains from voting on an issue, unless there is a conflict of interest, is committing a breach of duty. Township board members should consider voting at a township board meeting a duty of office.

When serving on a township board, there are restrictions on the times when a person can choose to abstain. A main reason to abstain is a conflict of interest. A legal conflict of interest is a financial or contractual interest in a matter before the board. A resigning township board member may not vote to appoint his or her successor. A charter township board member may also abstain from voting on an appointment to fill a vacancy for which he or she wishes to be considered.

For charter townships, MCL 42.7 says, "A member of the township board who is recorded as present shall vote on all questions decided by the board unless excused by the unanimous consent of the other board members present."

Following thorough discussion among board members, the motion is put to a vote. Typically, a township board must use a voice vote or a roll call vote, and the supervisor (or meeting chair) can announce the result of the vote. Many

statutes require a *resolution*, rather than a motion.

Statute dictates how many votes are necessary to pass a motion at a township board meeting. If no state law governs the issue the board is voting on, a majority vote by those members present and

voting is sufficient, according to Attorney General Opinion 5238 of 1977.

Various statutes require a majority vote of the township board membership. For example, a majority vote of the township board membership is required to set the date of the annual meeting (MCL 41.8); buy, sell or lease property (MCL 41.2 and other statutes authorizing the purchase or sale of property/equipment); adopt or amend a non-zoning ordinance (MCL 41.181) or a zoning ordinance (MCLs 125.272, 125.281 and 125.285); or approve a 425 Agreement (MCL 124.24).

A two-thirds vote of board membership is required to go into closed session for specific purposes outlined by the OMA (MCL 15.267), or to reject the recommendation of a compensation commission (MCLs 41.95 and 42.6a).

This is not an exhaustive list; other statutes require a majority or two-thirds vote. The township board should consult the statutes and their township attorney when in doubt.

According to *Robert's Rules*, there are times when a formal vote, or even a motion, is not necessary. A board can use unanimous consent in cases when there



seems to be no opposition in routine business, or when the supervisor senses the group is in agreement. For example, approval of bill payments can be accomplished by unanimous consent. This can be a great time-saver and help expedite the meeting.

#### *Productive, Proficient Meetings*

Using parliamentary procedure, while not required of townships, can help meetings run more smoothly, with greater productivity and less disruption. By conducting township business in a professional, efficient manner, boards will not only save time, but may find themselves encountering fewer complaints from the public, and could see improved citizen participation in township meetings and activities. By working

#### **SAMPLE LANGUAGE**

**"If there are no objections, the payment of bills is approved as presented."**

well together, boards may even achieve a heightened sense of teamwork. Understanding the fundamentals of this common practice can help your township realize the type of efficiency it desires. ■

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Candidates in MTA's Township Governance Academy may obtain 2.0 continuing education elective credits by successfully completing the self-evaluation on page 10. For details about the Academy, contact MTA Education Specialist Shelley Tucker at (517) 321-6467, ext. 251 or e-mail [shelley@michigan-townships.org](mailto:shelley@michigan-townships.org).