

# CITY OF STERLING HEIGHTS

## GOVERNING BODY RULES OF PROCEDURE

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### Sterling Heights City Council

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## **RULE 1. ORGANIZATION**

The City Council is the governing body of the City and consists of the Mayor and six Council members who are elected at large. The Council candidate receiving the highest number of votes at each regular City election shall serve as Mayor Pro Tem for a term expiring at the second regular meeting in November following the next regular City election.

As used herein, the term Mayor shall refer to the presiding officer of the Council. The Mayor Pro Tem shall act on behalf of the City in the absence or disability of the Mayor. In the event of absence or disability of both the Mayor and Mayor Pro Tem, the Council may designate another of its members to serve as acting Mayor during such absence or disability.

## **RULE 2. REGULAR MEETINGS**

Regular meetings of the Council shall be held in public on the first and third Tuesdays of each month at 7:00 P.M. in the Council Chambers of the Richard J. Notte City Center; provided, however, when the first or third Tuesday of a month shall be a legal holiday or election day, then, and in that event, the regular meeting of the Council shall be held on the following day.

## **RULE 3. SPECIAL MEETINGS**

Special meetings of the Council may be called by the Clerk of the Council on written request of the Mayor or any three members of the Council on twenty-four (24) hours' written notice to each member of the Council, designating the purpose of such meeting and served personally or left at his/her usual place of residence. Any special meetings of the Council shall be held in public at the Sterling Heights Civic Center or at such other place as may be designated in the notice of the special meeting.

No business shall be transacted at any special meeting of the Council unless the same has been stated in the notice of such meeting. However, if all the members of the Council are present at any special meeting of the Council, then any business which might lawfully come before a regular meeting of the Council, may be transacted at such special meeting.

## **RULE 4. MEETINGS OF THE COUNCIL TO BE PUBLIC**

All regular and special meetings of the Council shall be open to the public.

## **RULE 5. CITIZEN COMMUNICATION**

A person may address the Council once on each agenda item at the time the item is considered, but prior to Council consideration, and once under "Communications from

Citizens" as provided for on each agenda for regular and special meetings. The following rules shall apply when a person is addressing the Council:

- A. All comments shall be directed to the Chair. A person does not have the right to engage in discussion or debate with the Council or any member.
- B. A person may be called to order by the Chair or any Council member for failing to be germane to the business of the City, for use of vulgarity, for a personal attack on persons or institutions, or for announcing or advancing the speaker's candidacy for public office.
- C. A person is allowed four minutes to address the Council on each agenda item and/or under Communication from Citizens.
- D. Under "Communications from Citizens," a person may address the Council on issues not on the agenda. At this time, any person not a member of the Council may address the Council.
- E. Generally, no response shall be made by a Council member or Administration until all persons have finished addressing the Council. The Chair shall first request a response from the Administration and then Council members may comment.
- F. A person who is called to order for a violation of these rules shall thereupon take his/her seat until the Chair shall have determined whether he/she is in order. Every question of order shall be decided by the Chair subject to an appeal by any Council member to the Council. If a person so engaged in presentation shall be determined by the Council to be out of order that person shall not be permitted to continue to speak at the same meeting.

At a special meeting of the Council, any matter brought up from citizens may be deferred to another time or referred for study and recommendation upon the request of the Chair or the majority vote of the Council present; however, if all members of the Council are present at any special meeting, then any business which might come lawfully before a regular meeting of the Council, may be transacted at such special meeting.

#### **RULE 6. ADJOURNMENTS AND RECESS**

The Council shall have the power to recess any regular or special meeting to a day and time certain, which recess shall not be beyond the time of the next regular meeting, and the adjourned meeting, shall be considered as a continuation of the same regular or special meeting. Any business which would have been proper for the Council to consider at such meeting may be considered and acted upon at the recessed meeting. A two-thirds roll call vote of members elected or appointed and serving shall be required to call a closed session, except for closed sessions permitted under Section 8(a), (b),

(c), (g), (i), and (j) of Act 267 of 1976. A recess of any other legal purpose may be called by the Mayor, unless a majority of the Council present objects, or a recess may be called by vote of the majority of the Council present.

The discussions held in closed session and confidential material distributed in a closed session shall be held confidential by Members of the Council. The intentional dissemination of confidential information received in closed session, whether oral or written, shall constitute misconduct of office.

No meeting shall be permitted to continue beyond 12:00 midnight without approval of a majority of the Council present. A new time limit must be included in the motion before taking a Council vote to extend the meeting. Items not acted on upon adjournment shall be deferred to the next regular Council meeting, unless the Council, by a majority vote of members present, determines otherwise.

#### **RULE 7. AGENDA - REGULAR MEETINGS**

The City Manager, or his/her designate, shall prepare an agenda of business to be considered at each regular Council meeting. Items of business generally must be submitted by close of business at the third Friday preceding the next regular meeting in order to be placed upon the agenda of the next regular meeting, subject to the discretion of the City Manager.

The Clerk of the Council, under the direction of the City Manager, shall arrange a list of such matters according to the order of business and prepare an agenda for the Council. A copy of the agenda and supporting materials shall be prepared for Council Members, the City Manager, the City Attorney, and the press on or before 5:00 PM three working days before a regular Council meeting. Council Members shall not request the City Manager to add an item to the agenda, except for ceremonial items, after the preparation of the agenda. The Council shall have the option of deleting any item from the agenda or deferring an item on the agenda to a subsequent Council meeting.

The agenda of regular meetings of the City Council shall be prepared in accordance with the following format:

1. Approval of Agenda
2. Report from City Manager
3. Public Hearings
  - (a) At any public hearing all persons who wish to be heard shall be heard. The Chair may change the order of speakers so that testimony is heard in the most logical groupings (i.e., proponents, opponents, adjacent owners, vested interests, etc.). If a member of the public is addressing the Council at a scheduled public hearing, he or she shall stand to obtain recognition by the Chair at the opening, of the hearing, or at the conclusion of the remarks of the previous speaker.

(b) The Chair introduces the agenda item, opens the public hearing, and announces the following Rules of Order:

- (1) "All comments by proponents, opponents, or the public shall be made from the speaker's podium and any individual making comments shall first give their name and address. This is required because an official record of the public hearing is being made."
- (2) "It is not necessary to be a proponent or opponent in order to speak."
- (3) "No comments shall be made from any other location, and anyone making 'out of order' comments may be subject to removal from the meeting."
- (4) "There will be no demonstrations during or at the conclusion of anyone's remarks or presentation."
- (5) "These rules are intended to promote an orderly system of holding a public hearing, to give every person an opportunity to be heard, and to ensure that no individual is embarrassed by exercising his or her right of free speech."

(c) The Chair closes the public hearing.

4. Ordinances - Introduction

5. Ordinances - Adoption

6. Consent Agenda

(a) The consent agenda is defined as those items on the Council agenda which are considered routine by the City Manager. Special consideration items such as labor agreements and waivers of bid requirements require action as a consideration and are not to be a part of the consent agenda. The suggested action should be printed as part of the agenda, and, unless a member of the Council specifically requests that such item on the agenda be removed therefrom and Council action taken separately on said item. The consent agenda shall be considered without debate by motion and vote of the Council. Those items so approved under the heading "Consent Agenda" shall appear in the Council minutes in the adopted form. The consent agenda shall include the following items:

1. Approval of Minutes
2. Approval of Bills
3. Award of Bids
4. Setting Dates for Public Hearings
5. Setting Dates for Hearings
6. Setting Dates for Receipt of Bids
7. Proclamations
8. Receive New Litigation
9. Final Plat Approvals
10. Final Payment on Contracts

11. Approval of annual recurring expenditures and/or contracts to the lowest bidder meeting specifications previously approved by Council in the annual budget
12. Additional Routine Items

  

7. Considerations
8. Communications from Citizens
  - (a) This item shall be taken up at 9:30 p.m. if the business portion of the agenda has not been concluded.
9. Reports from the City Administration and City Council and City Attorney
10. Unfinished Business
11. New Business
12. Closed Sessions Permitted under Act 267 of 1976
13. Adjourn

If the approval of minutes are removed from the consent agenda, any proposed corrections will be suggested to the City Clerk. The approval of the minutes will be postponed to the following meeting to allow the clerk to make the proposed corrections and to resubmit the minutes to City Council for approval.

#### **RULE 8. AGENDA - SPECIAL MEETINGS**

The City Manager, or his/her designate, shall prepare an agenda of business to be considered at each special Council meeting. The notice of such meeting, setting forth the time, place and purpose, together with the agenda, shall be served in accordance with the City Charter upon each member of the Council.

The agenda of a special Council meeting shall generally follow the same format as that provided for regular Council meetings.

#### **RULE 9. PRECEDENCE OF MOTIONS**

When any main motion is upon the floor and the question is under debate, no motions shall be received but the following and they shall have precedence in the following order, to wit:

##### *Not Debatable*

- To adjourn.
- To lay on the table.
- To call for the previous question.
- To postpone to a date certain.

##### *Debatable*

- To postpone indefinitely.
- To recess for a definite time.
- To refer.

- To amend.
- To amend the resolution to amend

#### **RULE 10. DIVISION OF THE QUESTION**

A motion for a division of any question may be made when the question will admit of a division so distinct that if one part be taken away, the other will stand as an entire question for decision.

#### **RULE 11. WITHDRAWAL OF A MOTION**

A member may withdraw his/her motion at any time before it is put to a vote.

#### **RULE 12. VARYING ORDER OF PROCEDURE**

The Mayor may, at any time, by a majority vote of the members of the Council present permit a member to introduce an item of business out of the regular order of business.

#### **RULE 13. POINTS OF ORDER**

- A. The Chair shall be addressed as "Mr. Mayor/Madam Mayor" or "Mr. Chairman/Madam Chairwoman". The Mayor Pro Tempore, when acting for the Mayor, shall be addressed as "Mayor Pro Tem (surname)". Members of the Council shall be addressed as "Councilmember (surname)".
- B. A motion may be made by saying, "Mr. Mayor/Madam Mayor, I move that, etc." or "Mr. Chairman/Madam Chairwoman, I move that, etc."
- C. A speaker is out of order when speaking of matters foreign to the issue.
- D. Rule violations must receive immediate attention from the Chair.
- E. It is the privilege of any member to request a roll call vote.
- F. On questions that are debatable, the minority has the undeniable right to deliberate.

#### **RULE 14. QUORUM**

The majority of the Council shall constitute a quorum for the transaction of business at all meetings of the Council, but, in the absence of a quorum, two or more members may adjourn any regular or special meeting to a later date.

#### **RULE 15. AUTOMATIC POSTPONEMENT**

On any matter which requires a vote of more than the majority of the Council members present at such meeting, and upon taking the vote, the matter receives a majority of those present but less than the required number of votes, then, and in that event, the item shall be automatically postponed to the next regular meeting, of the Council.

## **RULE 16. POSTPONEMENTS**

In the event a postponement is requested by the petitioner, the City Council will normally schedule all postponed items to the second regular meeting following the meeting in which a postponement was requested. Except in the most extreme circumstances, Council will take action following the first postponement and will not recognize a second postponement request.

## **RULE 17. TIE VOTE**

On any matter upon which a tie vote is recorded due to the absence of a Council member, the matter shall be considered automatically postponed. On any matter upon which a tie vote is recorded because of the abstention by a Council member, the matter shall be defeated and the tie vote is dispositive of the matter.

## **RULE 18. RECONSIDERATION**

A request by a member of the Council to reconsider a vote on any question which may be reconsidered shall be in order as hereinafter set forth:

- A. It must be moved by one who voted with the prevailing side or by one who was absent when the vote was taken. For the purpose of this section of the Rules of Procedure, a person who is absent shall be defined as any member of the Council who was not present at the meeting at which the vote was taken, or who abstained from participating in the vote at the meeting at which time the vote was taken.
- B. The making of this motion is subject to time limits as follows: The motion to reconsider can be made only on the same day the vote to be reconsidered was taken or either of the next succeeding two regular meetings after the original vote was taken.

## **RULE 19. RESCISSION OR REPEAL**

A motion to rescind or repeal some previous action may be made at any time at any regular or special meeting of the Council, provided, such matter has been formally placed on the agenda for consideration by action of the City Council.

## **RULE 20. VOTING**

A member who is present shall vote on all questions decided by the Council except as follows: no member of the Council shall vote on any question upon which he/she has a private interest by association because of reason of employment, kinship or a financial interest other than as a citizen of the City and any member may be excused for voting on a question by the majority of the remaining members of the Council present.

## **RULE 21. APPEAL FROM RULING OF THE CHAIR**

An appeal from the ruling of the Chair, if supported, must be put to a vote of the Council. A majority vote of the members of the Council present in favor of the appeal shall overrule the Chair.

## **RULE 22. COMPLAINTS AND SUGGESTIONS TO COUNCIL**

When citizen complaints or suggestions are presented to Council, other than items already on the agenda, the Chair shall first determine whether the issue is legislative or administrative in nature and then:

- A. If legislative, and a complaint about the letter or intent of legislative acts or suggestions for changes to such acts, and if the Council finds such complaint suggests a change to an ordinance or resolution of the City, the Council may refer the matter to the Administration for study and recommendation or place the item upon the agenda of a future Council meeting.
- B. If administrative and a complaint regarding administrative staff performance, administrative execution or interpretation of legislative policy, or administrative policy within the authority of the City Manager, the Chair should then refer the complaint directly to the City Manager for his or her review if said complaint has not been so reviewed. The City Council may direct that the City Manager brief or report to the Council when his or her response is made.

## **RULE 23. COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS. OR COMMITTEES**

Appointments and reappointments are to be made only under prescheduled agenda items and reappointments are to be made at the Council meeting preceding the expiration date of the terms. Appointments to vacancies which occur in mid-term are to be made within one month of vacancy. Each Board and Commission appointment will be made by a separate motion; if an objection is made to any appointment or reappointment, a roll call vote is necessary. Each motion will state whether it is a reappointment, filling of a vacancy or filling of a new position and the term of office. New applications are to be included in the weekly Council information briefs. New applications are to be delivered to all Council members twelve days before the appointment is considered.

Prior to an appointment to the Planning Commission, Zoning Board of Appeals, Board of Ordinance Appeals, Board of Review, Police and Fire Pension Board, and General Employees Retirement System Board, an appointee shall be nominated, as applicable, by the Mayor or City Council at a prior regular meeting.

**RULE 24. PHOTOGRAPHS, MOTION PICTURES, VIDEO TAPE - PERMISSION REQUIRED FOR ARTIFICIAL ILLUMINATION**

No photographs, motion pictures, or video tapes that require the use of flash bulbs, electronic flashes, flood lights, or similar artificial illumination shall be made at City Council meetings without the consent of the Chair. The approved rules of cable casting as promulgated by the City Cable Communications Commission shall apply to all meetings of the City Council.

**RULE 25. COUNCIL TRAVEL**

The Council shall appropriate funds for Council travel in the legislative portion of the annual City budget. Any Council member who desires to expend Council travel funds, shall complete the regular City authorization and reporting forms and comply with the established travel policy. The City Manager shall provide a summary of all City travel reports to the Council at least quarterly.

**RULE 26. PARLIAMENTARY AUTHORITY**

The current edition of *Robert's Rules of Order Newly Revised* shall govern the Council in all cases to which they are applicable and in which they are not inconsistent with these rules, the Charter, ordinances or law.

**RULE 27. ELECTRONIC COMMUNICATION**

A Council member shall not engage in electronic communication with another Council member or a member of the public during a regular or special meeting. Electronic communication is defined as an e-mail, text message, instant message, website or blog posting, or other form of communication transmitted or retrieved through the use of an electronic device.

**RULE 28. INDEMNIFICATION AND DEFENSE OF COUNCIL MEMBERS**

The City shall indemnify a Council member from any liability, loss, or damages to which a Council member may be subjected as a result of any claims, demands, costs, or judgments against a Council member arising, from any acts or omissions of a Council member in the course of that Council member's official duties.

The City shall authorize the City Attorney or such other legal counsel as directed by the City Council, to defend against any and all claims brought, or actions filed against a Council member arising from any acts or omissions of a Council member in the course of that Council member's official duties, whether such claims or actions are rightfully or wrongfully brought or filed.

## **RULE 29. ETHICAL PRINCIPLES**

The City Council shall be subject to and governed by the Ethics Principles and Guidelines Resolution adopted December 19, 1990.

## **RULE 30. SUSPENSION AND AMENDMENT OF RULES**

These rules may be suspended or amended at any time, in accordance with the Charter of the City of Sterling Heights by a vote of the majority of the quorum; provided, however,

- A. The Rules regarding information items of a special Council meeting may not be suspended or amended except by a vote of all of the Council members elected or appointed and serving.
- B. The Rule regarding indemnification and defense of Council members may be suspended or amended on a prospective basis only, and may not be suspended or amended with respect to any particular claim or action brought or filed against a Council member.