

Marshall Township Board Rules of Procedure

Adopted 4-20-2020

1. **AUTHORITY.** These rules are adopted by the Marshall Township Board of pursuant to Michigan laws governing general law townships. These rules may be amended from time to time by the affirmative vote of at least three (3) members of the Board.

2. **MEETINGS**
 - 2.1 **REGULAR SCHEDULE.** The Township Board shall normally meet on the third Monday of each month in regular session. Prior to the start of the calendar year, the Township Board shall establish the schedule of meetings for the year. Changes in the regular schedule shall not be made except by majority vote of the Board.
 - 2.2 **SPECIAL MEETINGS.** The Township Board shall meet in special session upon notice from the Township Clerk when requested by the Supervisor or two members of the Township Board. Notice of special meetings shall be given to each Township Board member at least 24 hours in advance of the special meeting and Board members shall acknowledge receipt of the notice. Such notice shall be sent by email and/or text message, and by phone if necessary, to each member by the Township Clerk or the Clerk's designee. The notice shall contain the time, place, and the agenda for the meeting. The Clerk shall make a written record of notices, means of notification and acknowledgements by Board members. In establishing the date and time of the meeting, the Clerk will poll members to assure the presence of a quorum.
 - 2.3 **PLACE OF MEETING.** Regularly scheduled meetings shall be held at the Township Hall. Whenever the regular meeting place of the Township Board appears to be inadequate for the number of members of the public expected to attend, the Supervisor may change the meeting location to a larger facility located in the Township. At least 18 hours before the meeting, a notice of such change shall be posted on the door of the regular meeting place and the Clerk shall also post notice of such change in the place of meeting on the township's website.
 - 2.4 **TIME OF MEETING.** Regular meetings shall begin at 7:00 p.m. local time unless the Board by majority vote sets another starting time. The Township Board shall not begin considering any matter on the agenda not yet under consideration by the hour of 10:00 p.m. except by unanimous consent of the Board members present. Matters on the agenda and not yet acted upon at the time of adjournment will be placed on the agenda of the next regular meeting or special meeting if one is called.

2.5 CANCELLATION OR POSTPONEMENT. If the Township offices have been closed due to extreme weather conditions on the day of a scheduled Board meeting or the Clerk has received written notice that three (3) or more Board members will not be able to attend a scheduled Board meeting, the meeting may be cancelled or postponed by the Supervisor. Further, if the township is under a state of emergency declared by the Governor of Michigan the Supervisor may cancel or postpone a scheduled meeting by notice to the Clerk. Notice of a cancellation or postponement and the reason for it shall be posted at the building entrances and on the Township's website, with notice of the cancellation provided under Section 3.4.

3. PUBLIC NOTICE OF MEETINGS. The Township Clerk shall be responsible for providing the proper notice for all meetings of the Township Board. Such notification shall include but not necessarily be limited to the following:

3.1 REGULAR MEETINGS. The Clerk shall post a notice within ten days after the first meeting of the Township Board in each calendar year, indicating the dates of the Board's regular meeting schedule.

3.2 SCHEDULE CHANGE. Whenever the Board shall change its regular schedule of meetings, the Clerk shall post a notice of the change within three days following the meeting in which the change was made.

3.3 EMERGENCY MEETINGS. If the Board reschedules a meeting under the provisions of the Rule 2.1 or a special meeting is called under Rule 2.2, the Clerk shall post a notice of that rescheduled or special meeting at least 18 hours before the meeting. An emergency meeting may be held on less notice but only if two-thirds (2/3rds) of the serving Board members decide that a delay to provide the required notice would be detrimental to efforts to lessen or respond to a specified threatened severe and imminent danger to the health, safety, and welfare of the public. The township shall comply with emergency meeting noticing provisions as contained in section 5 of the Open Meetings Act as it may be amended.

3.4 NOTIFICATION TO MEDIA AND OTHERS. The Clerk shall notify by email, without charge, any newspaper, or radio or television station of scheduled Township Board meetings whenever such newspaper, radio or television station shall have filed with the Clerk a written request for such notice. The Clerk shall also notify by email other individuals or organizations of regular meeting schedules, changes in the schedule, or special meetings, upon their written request.

3.5 POSTING DEFINITION. Reference to the term "post" or "post a notice" under this section shall mean a written notice posted at the public entries to the township hall visible from the outside of the building and on the township's website.

4. QUORUM. Three (3) members shall constitute a quorum for the transaction of

business at all meetings of the Township Board, except less than three (3) members may adjourn a regular or special meeting to a later date if a quorum is not present.

5. AGENDAS

5.1 REGULAR MEETING AGENDA. The Township Clerk shall prepare the Agenda of business for all regularly scheduled Township Board meetings. Any other Board member or representative of Township committees, boards or commissions desiring to place a matter on the Agenda shall notify the Clerk of such item by close of business on the Wednesday prior to the next regular meeting. Items that the Clerk does not receive by the stated deadline shall not be placed on the Agenda by the Clerk but may be added to the Agenda by majority vote of the Board members present at the meeting.

5.2 CONSENT AGENDA. Each Board meeting Agenda may include a Consent Agenda consisting of items generally considered to be routine such as approval of Minutes, acceptance of reports, payment of bills, and other matters not anticipated to require discussion. Upon the request of any board member, an item shall be removed from the Consent Agenda for individual discussion and action on the regular agenda under new business or immediately after approval of the Consent Agenda as proposed by the Board member requesting removal unless decided otherwise by majority vote of the Board. Approval of all of the items not removed from the Consent Agenda shall be accomplished by a single majority vote to approve the Consent Agenda.

5.3 SPECIAL MEETING AGENDA. At a special meeting of the Board, the matters to be considered shall be stated in the notice of the meeting under Rule 2.2. No other matters shall be considered except when all members are present and a majority of the Board concurs.

5.4 DISTRIBUTION OF AGENDA AND MATERIALS. For regularly scheduled meeting, upon completion of the Agenda, the Clerk shall distribute to the Board and make available to the public, copies of the Agenda and materials submitted to the Clerk for any Agenda item by 4:00 p.m. on the Friday preceding a regular Board meeting. For good cause and with the approval of the Supervisor, or Treasurer in the Supervisor's absence, that deadline may be extended to no later than 4:00 p.m. on the following Monday. Agendas and materials for rescheduled and special Board meeting shall be distributed to the Board and made available to the public as far in advance of the meeting as possible. The Clerk will distribute such materials by email and posting to the Township website.

5.5 ORDER OF BUSINESS. The agenda prepared by the Clerk shall be arranged in the following order of business:

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Agenda
5. Consent Agenda Approval
Approval of Minutes

- Financial Reports
- Department Reports
- Correspondence
- Approval of Bills
- Other items not anticipated to require discussion
- 6. Items Removed from Consent Agenda, if any
- 7. Announcements
- 8. Public Comment
- 9. Presentations, if any
- 10. Pending Business
- 11. New Business
- 12. Closed Session Discussion, if any
- 13. Adjournment

6. CONDUCT OF MEETINGS

- 6.1 MODERATOR. The Township Supervisor shall moderate and chair all meetings of the Township Board. In the absence of the Supervisor, the Deputy Supervisor shall act as moderator. In the absence of the Supervisor and Deputy Supervisor, the Treasurer or the Clerk, in that order, shall assume the duties of moderator.
- 6.2 BOARD MEMBERS WISHING TO SPEAK. Members shall first obtain the approval of the chair, and each person who speaks shall address the chair. Other persons at the meeting shall not speak unless recognized by the chair.
- 6.3 PUBLIC COMMENT. Members of the public shall have an opportunity, under Public Comment, to address the board for up to five (5) minutes. The time limit for comments may be reduced at the discretion of the moderator depending on the expected number of speakers and the remaining Agenda items to be addressed within the time left for the meeting under Rule 2.4, which will be announced at the beginning of public comment. If physically able, persons wishing to make public comment will address the board from the podium and be seated when they are finished speaking. The Board may not take action in response to a public comment at the same meeting the comment is presented unless by unanimous consent of the members. Individual Board members are not required to respond to questions presented during public comment. A Board member that believes a public comment or question should be discussed or addressed by the Board may have it place on a future Agenda as provided in Section 5.
- 6.4 RULES FOR CONDUCT AT MEETINGS. To promote open meetings without disruptions and the Board's performance of its functions without obstruction, impairment, or hindrance, in an atmosphere of fairness, courtesy and respect for different points of view, all persons in attendance at a Township Board meeting shall:
 - (a) Not engage in or encourage others to engage in behavior which disrupts or impedes the orderly conduct of

the meeting, with such prohibited conduct including making loud noises, clapping, shouting, booing, hissing, or interrupting Board members or other persons that are speaking.

(b) Not, by actions or words, create, provoke, encourage, engage, or participate in any type of assaultive threatening, or abusive behavior, or disturbance that disrupts the meeting.

(c) Silence and refrain from using mobile phones and/or pagers while the meeting is in session unless the device is being used to record the meeting and not for two-way conversations.

(d) Not use threatening, obscene, insulting, or abusive language during the meeting.

The meeting moderator shall determine compliance with and enforce these rules as provided in Section 6.5 Failure to comply with these rules will be considered a breach of the peace for which the offender may be excluded from (ordered to leave) the meeting as provided in Section 3 of the Open Meetings Act, MCL 15.263. Failure to leave a meeting upon being ordered to do so by the moderator shall be deemed a breach of the peace for which the violator may be arrested and physically removed from the meeting.

6.5 DISORDERLY CONDUCT AT MEETING. The meeting moderator may call to order any person who is not complying with one or more of the meeting conduct rules in Section 6.4. A person who continues to violate a rule after being called to order, shall be notified by the meeting moderator that they are subject to removal from the meeting as provided in Section 6.4 if the failure to comply continues. If further violations occur after such a notice, the offending person may be ordered to leave the meeting by the meeting moderator, and upon failure to comply with such and Order, may be arrested and physically removed from the meeting as provided in Section 6.4 by a law enforcement officer that is either in attendance at the meeting, or comes to the meeting for that purpose at the meeting moderator's request.

6.6 ELECTRONIC ATTENDANCE BY MEMBERS. No more than two (2) members may participate by electronic means so long as at least three (3) members are physically present at the meeting site. Members attending electronically shall be allowed, unless otherwise provided by law, to fully participate in the meeting the same as those physically present including, but not limited to voting. Members attending electronically shall comply with the Michigan Open Meetings Act, regardless of their location.

7. RECORD OF MEETINGS/PROCEEDINGS

7.1 CLERK RESPONSIBILITY. The Township Clerk or designee shall be responsible for maintaining the official record and minutes of each

meeting of the Board. The minutes shall include all the actions of the Board with respect to motions. The record shall include the names of the mover and seconder and the vote of the Board. The record shall also state whether the vote was by voice vote or by roll call, and when by roll call, the record shall show the yes, no, or abstention of each member.

The Clerk shall maintain in the office of the Clerk 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 or title descriptive of the Ordinance, Resolution, or other matter.

- 7.2 RECORD OF DISCUSSION. The Clerk shall not be responsible for maintaining a written record or summary written record of the discussion or comments of the Board members or members of the public. The Clerk may make notes either in writing or electronically to assist in preparing the meeting proceedings required by law. Such notes shall be retained until the records are approved at a subsequent meeting
- 7.3 PUBLIC ACCESS TO MEETING RECORDS. The Clerk shall make available to members of the public the records and minutes of Board meetings in accordance with the Open Meetings Act and Freedom of Information Act. Proposed Minutes prepared by the Clerk, but not approved by the Board, shall be available for public inspection not more than eight (8) business days following the meeting. Minutes of regular and special Board meetings shall be reviewed and approved no later than the Board's next regular meeting. Minutes approved by the Board shall be available within five (5) business days of the meeting at which they were approved. The Clerk shall also promptly post the proposed and approved minutes to the Township website.
- 7.4 PUBLICATION OF PROCEEDINGS. The Clerk shall be responsible for publication of the proceedings of the Board as required by law.
- 7.5 RECORDING OF MEETINGS. As provided in the Open Meetings Act, any person with a right to attend a meeting has a right to make video and/or audio recordings of the meeting and to broadcast the recording live or at a later time. Any such broadcasts shall disclose that the recording is not a public record of the Township. The exercise of the right to record meetings shall be subject to the Township Board's right, exercised by the Supervisor, to impose reasonable rules and regulations as necessary to minimize the possibility of meeting disruptions. If, in the future the Township Board determines to make video and/or audio recordings of its meeting, this Rule will be amended to provide for that development.

8. COMMITTEES

- 8.1 CREATION. Subject to Board approval by majority vote, at any meeting of the Board, a standing or special committee of the Board may be created, which unless otherwise provided in the Board's approval,

shall consist of no more than three (3) members of the Board appointed by the Supervisor.

- 8.2 COMMITTEE CHAIR. The person first listed on the roster of the Supervisor's appointments for each Committee shall be the Committee chair. In the absence of the Committee chair at any Committee meeting, the person next listed shall assume the chair.
- 8.3 COMMITTEE DUTIES AND RESPONSIBILITIES. Each Committee shall thoroughly investigate any matters referred to it by the Supervisor or the Board and shall report, in writing, its findings to the Board without undue delay. Unless a Committee's existence was limited at the time of the appointments, it shall continue in existence until dissolved by the Board. Upon the motion of any Board member, and approval of a majority of the Board, the Board may dissolve or discharge a Committee from further consideration of any matter.
- 8.4 COMMITTEE MEETINGS. A majority of the members shall constitute a quorum.

Each committee that does not consist of a quorum of the Township Board may determine by majority vote whether its meetings shall be open to members of the public.

Each committee shall maintain a written record of its meetings and shall deliver such record to the Township Clerk. The Township Clerk shall maintain a separate file for each committee. The record of each committee shall include at least the following: date and place of the meeting, members attending, and any final recommendations that the committee has approved. Such meeting record shall constitute a public record within the meaning of the Freedom of Information Act, and shall be made available to any persons as required by that Act.

No committee shall meet during a meeting of the Township Board unless the Board grants it leave to do so.

- 8.5 WORK SESSIONS. In addition to or during its regular and special meetings, the Board may meet for work sessions that shall be conducted as provided in Section 6 and shall conform to the requirements of the Open Meeting Act with respect to public notice.

Unless otherwise stated in the published notice and Agenda, the Board may not introduce or adopt an ordinance, adopt a resolution, or take final action on any other business at a work session. This restriction does not prevent the Board from taking votes on preliminary or subsidiary issues related to the subject matter of the work session as necessary or appropriate to developing an ordinance, resolution, or other matter for final consideration and action by the Board at a regular or special meeting.

The rules in Section 10 shall not apply to Township Board work sessions.

9. CLOSED SESSIONS

9.1 PROCEDURE. The Township Board may meet in a closed session which is not open to the public for a reason allowed by the applicable provisions of the Open Meetings Act listed in Rule 9.2 that is identified in a motion by any member and that is approved by roll call vote of at least four (4) members for the reasons in subsections (c), (d), (e), and (f) in Rule 9.2 and by at least three (3) members for the reasons in subsections (a) and (b) of Rule 9.2. The vote shall be recorded in the minutes of the meeting at which the decision to hold a closed session was made.

9.2 PURPOSES. The Township Board may meet in closed session only for the following purposes:

- (a) To consider the dismissal, suspension, or disciplining of a public officer, employee, staff member, or individual; or to hear complaints of charges against such a person, but only when the subject of the proposed action or charges requests the meeting to be closed.
- (b) To consider strategy connected with the negotiation of collective bargaining agreement.
- (c) To consider the purchase or lease of real property prior to the time that an option to lease or purchase such real property is secured.
- (d) To consult with an attorney for the Township regarding trial or settlement strategy in connection with specific pending legislation but only when an open meeting would have a detrimental effect on the Township's litigating or settlement position.
- (e) To review the specific contents of an application for employment and the applicant requests that the application remain confidential. Whenever the Board shall meet to interview an applicant it shall be in open session.
- (f) Other matters exempt from disclosure by state or federal law.

It is the intention of the Board to fully follow the Michigan Open Meetings Act. Therefore, if there is a conflict between these rules and the Act, the requirements of the Act shall prevail.

9.3 MINUTES. At each executive session, the Clerk shall keep a separate Record. This record of minutes shall be stamped "Confidential" and shall not be disclosed to the public except upon court order. The Clerk may destroy said minutes after one year and one day have passed following the approval of the minutes of the meeting at which the Board approved the closed session.

10. MOTIONS AND RESOLUTIONS

10.1 MOTIONS, AND WRITTEN RESOLUTIONS. All Board action is by a motion that is made, seconded, and approved by the required number of affirmative votes. Board action to introduce or adopt an ordinance or adopt a written Resolution may be by a motion to do that without the need to read or include the language of the ordinance or resolution in the motion. Before voting on a verbal motion, a majority of the Board members present may vote to recess the meeting to allow the motion to be placed in written form.

10.2 PARLIAMENTARY PROCEDURES AND TYPICAL MOTIONS.

The Board wishes to ensure that basic rules of parliamentary procedure are followed in undertaking motions and actions of the Board. To this end, the Board hereby approves and adopts the following general rules of procedure and types of motions and how and when they are made as follows:

- (a) Table
- (b) Postpone
- (c) Call the Question (vote immediately)
- (d) Suspend Rules
- (e) Appeal Moderator Decision
- (f) Reconsider
- (g) Rescind or Amend

Whenever a motion is pending, no motion shall be received except a motion to:

- (a) Fix the time to adjourn
- (b) Adjourn
- (c) Recess
- (d) Vote immediately
- (e) Table the motion
- (f) Postpone to a certain time
- (g) Refer to committee or resume consideration
- (h) Amend the motion

These motions shall take precedence in the order in which they are stated above.

10.3 NONDEBATABLE MOTIONS. The motions to fix time to adjourn, adjourn, recess, table, vote immediately, and all motions relating to priority of business shall be voted upon without debate.

10.4 RULES ON PROCEDURAL MOTIONS. The subsections of this Rule, which summarize the features and use of the identified motion. In questions of parliamentary procedure, the moderator if provided the authority to make decisions so as to ensure the meeting is efficiently and effectively conducted.

10.4.1 VOTE IMMEDIATELY. Passage ends debate allowing for and requiring an immediate vote on a pending motion.

Requires a 2/3rds vote of the members present. If the Board rejects a motion to vote immediately, the consideration of the matter shall be resumed as if no motion therefore had been made.

10.4.2 RECONSIDER. Passage puts a previously adopted motion back before the Board as if it had not been voted on, allowing it to then be voted on again, amended, withdrawn, postponed, or otherwise disposed of. Requires a majority vote of the members present and must be made no later than the next Board meeting by a member who voted on the prevailing side of the vote to be reconsidered. The vote on a motion to reconsider may not be reconsidered and a motion may not be subject to more than one motion to reconsider Is not in order regarding a motion to amend if the main question has been voted upon, an affirmative vote whose provisions have been partly carried out or that is in the nature of a contract the other party has been notified of, or a vote that has caused something to be done that is impossible to undo

10.4.3 A MOTION TO TEMPORARILY SUSPEND THE RULES. May be made at any time to temporarily suspend the strict application of one or more of these Rules for a specified item of business to facilitate the accomplishment of any legal objective of the Board in a legal manner. Requires a 2/3rds vote of the members present and may be for a full or partial suspension of a rule and include conditions that apply to the suspension.

10.4.4 APPEAL FROM A DECISION OF THE MODERATOR. A decision or ruling by the moderator may be challenged by an immediate appeal being stated by a Board member and seconded by another Board member. On all appeals the question shall be, "Shall the decision of the moderator stand as the judgment of the Township Board?" Appeals shall be debatable except when decision or ruling relates to a pending motion that is not debatable or the priority of business, with each member entitled to speak once and the moderator entitled to speak twice. A majority vote of the members present is required to approve an appeal and the moderator is entitled to vote unless the moderator is the Deputy Supervisor.

10.4.5 POINT OF ORDER. This procedure is available to a Board member that thinks one of these Rules are not being complied with and, upon being presented, calls for the moderator to make a ruling on and enforce the Rule. Generally, may be made at any time, does not require a second, is not debatable, and does not involve a vote of the Board unless the moderator refers the Point of Order to the Board, in which case it is debatable and decided by

a majority vote of the members present.

10.4.6 TABLE AND REMOVE FROM TABLE. A motion to table delays consideration of an item of business or further debate on a pending motion, requires a majority vote of the members present, and should not be used when the intent is to postpone to a future meeting, date, or event. A motion to remove a matter from the table may be made and seconded when no other motion is pending, is not debatable, and requires a majority vote of the members present.

10.4.7 POSTPONE. A motion to postpone to a future time or after a designated event is debatable as to the proposed postponement and requires a majority vote of the members present. A motion to postpone indefinitely is debatable, including on the merits of the motion proposed for postponement, requires a majority vote of the members present, and is only a subject to reconsideration if it passes.

10.5.8 RESCIND/AMEND SOMETHING PREVIOUSLY ADOPTED. Passage of a motion to rescind or amend something previously adopted has the effect of changing or cancelling all or part of a previously adoption motion. Requires a 2/3rds vote of the members present, or a majority vote of the members present if advance notice of an intent to make the motion has been provided to the Clerk as provided in Rule 5.1. Although there is no time limit for making this motion, it is out of order if a motion to reconsider the same motion is pending, or if something has been done as a result of the vote on the motion to be rescinded/amended that is impossible to undo. An approved motion to rescind/amend may not be reconsidered.

11. VOTING. Whenever a question is put by the moderator, every member present shall vote on all questions decided by the Township Board. No member present may abstain from voting “yes” or “no”, unless they state on the record a direct conflict of interest exists and the nature of the conflict or gives a personal or financial reason for doing so.

11.1 On demand by any Township Board member the vote on any pending question shall be taken by a record roll call vote.

11.2 When a record roll call vote is demanded on a question and after the moderator has stated the question, the Township Clerk is directed to call the roll; no member of the Township Board is entitled to speak on the question, nor shall any motion be in order until such roll call is completed and the result announced.

12. RECORD OF ORDINANCES. Following the publication of any new or amended Ordinance, the Township Clerk shall comply with state law with respect to the recording of such Ordinances.

13. RECORD OF RESOLUTIONS. The Clerk shall keep a written record of each resolution of the Board in a separate file or book. The record of each resolution shall provide the date of adoption, the record vote of each Board member by name, and any amendments thereto adopted by the Board. The Clerk shall develop a system of numbering and titling such resolutions and an index of matters included in the total of such resolution.
