

Meetings:

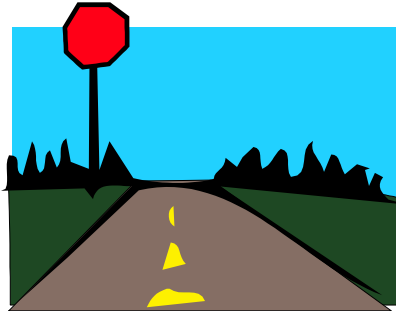


Expand Your Field of Vision

**Member Information Services
Michigan Townships Association**

Updated November 2006

Three Steps to Successful Regularly Scheduled Township Board Meetings





Open Meetings Act

General Law Township

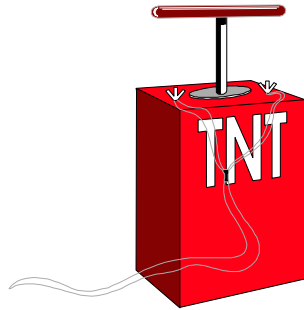
Charter Township



	<i>Schedule</i>	<i>Schedule</i>	<i>Schedule</i>
	Has to meet the definition of a meeting.	Shall hold no less than one regular meeting every 3 months.	Shall hold at least one regular meeting each month.
	<i>Notice</i> Shall be posted within 10 days after the first meeting in each calendar or fiscal year.	<i>Notice</i> See OMA.	<i>Notice</i> See OMA.
	<i>Change</i> A change in the schedule of a regular meeting date must be made by the board at a meeting. A new notice must be posted within 3 days after the date of the meeting where you made the change. (*) Note	<i>Change</i> (*) Note See OMA.	<i>Change</i> (*) Note See OMA.

(*) Note: A “rescheduled” meeting requires a notice shall be posted at least 18 hours before meeting. Note also, the word “cancel” is not in the Open Meetings Act.

Three Steps to Successful Special Township Board Meetings



Meetings Called for SPECIAL Purpose or Purposes

Open Meetings Act General Law Township Charter Township



	Open Meetings Act	General Law Township	Charter Township
	No mention who may call a special meeting.	Called by the following: 1. Board 2. Supervisor 3. Majority of board All in writing – to clerk with reason or reasons.	Called by the following: 1. Board 2. Supervisor 3. Two members of board All in writing – to clerk with reason or reasons.
	Notice shall be posted at least 18 hours before the meeting. Visible for the entire 18 hours ...	Notice shall be posted at least 18 hours before the meeting ... Reason(s) for meeting stated on notice	Notice shall be posted at least 18 hours before the meeting ... 24 hour notice to members. Reason(s) for meeting stated on notice
		Business transacted at a special meeting shall be on notice; however, if all members are present ... other lawful business may be conducted.	Business transacted at a special meeting shall be on notice; however, if all members are present ... other lawful business may be conducted.



General Law Township Act

RS 1846, Chapter 16, or Recodified as PA 77 of 1989

41.72a Township board; regular and special meetings; time and place; moderator; transaction of business; publication of proceedings; adjusted amount.

Sec. 72a. (1) The township board shall provide by resolution for the time and place of its regular meetings, and shall hold not less than 1 regular meeting every 3 months. If a time set for a regular meeting of the township board is a holiday, as designated by the township board, the regular meeting shall be held at the same time and place on the next secular day that is not a holiday.

(2) A special meeting of the township board shall be held at a time fixed by the board at a meeting or when the supervisor considers it necessary. Upon call of the supervisor, the township clerk shall give notice of the time and place of the meeting to each member, either in person or by leaving a written notice at the member's address. A special meeting of the township board shall be called by the township clerk upon receiving a written request for the meeting signed by a majority of the township board members.

(3) The 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 township clerk, shall elect by voice vote a member of the township board as a moderator of the meeting. The township clerk has the same powers and duties as the moderator until a moderator is chosen.

(4) The township board shall not transact business at a special meeting unless the business was stated in the notice of the meeting. However, if all the members of the board are present at a special meeting, business that might lawfully come before a regular meeting of the board may be transacted at the special meeting.

(5) Subject to subsection (6), if a township has a taxable value, as calculated under section 27a of the general property tax act, 1893 PA 206, MCL 211.27A, of \$50,000,000.00 or more, the township board, not more than 21 days after a meeting of the board, shall publish the proceedings of the meeting in a newspaper of general circulation in the township. The publication of a synopsis of the proceedings, prepared by the township clerk and approved by the supervisor, showing the substance of each separate proceeding of the board is a sufficient compliance with the requirements of this subsection.

(6) The \$50,000,000.00 amount provided for in subsection (5) shall be adjusted as of January 1 of each year, beginning January 1, 1998. The department of treasury shall determine on or before December 1 of each year, beginning December 1, 1997, an adjusted amount for the following year. The adjusted amount for each year shall be determined by comparing the consumer price index for the 12-month period ending the preceding October 31 with the corresponding consumer price index of 1 year earlier. The percentage increase or decrease shall then be multiplied by the current adjusted amount. The product shall be rounded up to the nearest multiple of \$1,000,000.00 and shall be the new adjusted amount. The department of treasury shall provide the adjusted amount upon request. As used in this section, "consumer price index" means the annual average percentage increase in the Detroit consumer price index for all items as reported by the United States department of labor.

History: Add. 1951, Act 46, Imd. Eff. May 14, 1951 ;--Am. 1971, Act 159, Eff. Mar. 30, 1972 ;--Am. 1973, Act 95, Imd. Eff. Aug. 8, 1973 ;--Am. 1980, Act 264, Imd. Eff. Sept. 16, 1980 ;--Am. 1989, Act 77, Imd. Eff. June 20, 1989 ;--Am. 1996, Act 465, Imd. Eff. Dec. 26, 1996 ;--Am. 1999, Act 198, Imd. Eff. Dec. 20, 1999 .

Year	Taxable Value
2007	70 million
2006	67 million
2005	65 million
2004	64 million
2003	62 million
2002	60 million
2001	58 million

Charter Township Act PA 359 of 1947

42.7 Township board; meetings; conducting business at public meeting; notice of meeting; transacting business at special meeting; quorum; adjournment; rules and order of business; journal; voting; availability of certain writings to public; attendance and conduct at meetings; misconduct in office; sergeant-at-arms.

Sec. 7.

(1) The township board shall provide by resolution for the time, date, and place of the board's regular meetings, and shall hold at least 1 regular meeting each month. If a time set for the holding of a regular meeting of the township board is a holiday, then the regular meeting shall be held at the same time and place on the next day that is not a Saturday, Sunday, or holiday.

(2) A special meeting of the township board shall be called by the township clerk pursuant to subsection (3) on the written request of the supervisor or of 2 members of the township board and on at least 24 hours' written notice to each member of the township board. The notice shall designate the time, place, and purpose of the meeting and shall be served personally or left at the member's usual place of residence by the township clerk or someone designated by the township clerk.

(3) The business that the board may perform shall be conducted at a public meeting of the board held in compliance with the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

(4) Business shall not be transacted at a special meeting of the township board unless the business has been stated in the notice of the meeting. However, if all the members of the board are present at a special meeting, then business that might lawfully come before a regular meeting of the board may be transacted at the special meeting.

(5) Four members of the township board are a quorum for the transaction of business at a meeting, but, in the absence of a quorum, 2 members may adjourn a regular or special meeting to a later date.

(6) The township board shall determine its own rules and order of business and shall keep a journal of its proceedings in the English language. The journal shall be signed by the supervisor and the township clerk. The vote upon the passage of an ordinance, and upon the adoption of a resolution and ordinance shall be taken by yes and no votes and shall be entered upon the record, except that if the vote is unanimous, it shall only be necessary to record that fact. Except as otherwise provided in this subsection, 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 members present. If, at a meeting of the township board, a member of the township board states that he or she desires to be appointed by the township board to fill a vacancy in a township office, that member may abstain from voting on the appointment to fill the vacancy.

(7) A writing prepared, owned, used, in the possession of, or retained by the board in the performance of an official function shall be made available to the public in compliance with the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

(8) The township board, by vote of not less than 2 members, may compel the attendance of board members and other officers of the township at a regular or special meeting and enforce orderly conduct in the meeting. A member of the board or any other officer of the township who refuses to attend a meeting or conduct himself or herself in an orderly manner is guilty of misconduct in office. The township marshal shall serve as the sergeant-at-arms of the township board in the enforcement of this section.

History: 1947, Act 359, Eff. Oct. 11, 1947 ;--CL 1948, 42.7 ;--Am. 1949, Act 70, Eff. Sept. 23, 1949 ;--Am. 1977, Act 157, Imd. Eff. Nov. 8, 1977 ;--Am. 1992, Act 15, Imd. Eff. Mar. 16, 1992 .

Closed Sessions at Regularly Scheduled or Special Township Board Meetings



. . . unless it's for:

Permissible reasons under MCL 15.268	Board Vote
(a) To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, employee, staff member, or individual agent, <u>if the named person requests a closed hearing</u> . A person requesting a closed hearing may rescind the request at any time, in which case the matter at issue shall be considered after the rescission only in open sessions.	Simple Majority
(c) For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement <u>if either</u> negotiating party requests a closed hearing.	Simple Majority
(d) To consider <u>the purchase</u> or lease of real property up to the time an option to purchase or lease that real property is obtained.	2/3 vote
(e) To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, <u>but only if an open meeting</u> would have a detrimental financial effect on the litigating or settlement position of the public body.	2/3 vote
(f) To review and consider the contents of an application for employment or appointment to a public office if the candidate requests that the application remain confidential. However, except as otherwise provided in this subdivision, <u>all interviews by a public body for employment or appointment</u> to a public office shall be held in an open meeting pursuant to this act. This subdivision does not apply to a public office described in subdivision (j). (j) In the process of searching for and selecting a president of an institution of higher education	2/3 vote
(h) To consider <u>material exempt</u> from discussion or disclosure by state or federal statute.	2/3 vote

MINUTES

Closed Session Minutes

MCL 15.267(2): A **separate set of minutes** shall be taken by the clerk or the designated secretary of the public body at the closed session. These minutes shall be retained by the clerk of the public body, shall **not** be available to the public, and shall only be disclosed if required by a civil action filed under section 10, 11, or 13. These minutes **may be destroyed 1 year and 1 day** after approval of the minutes of the regular meeting at which the closed session was approved.

How do we approve the minutes of a “closed session?”

Suggested: Approve any closed session minutes at a regular meeting, not at a special meeting.

Evie’s suggestions for approving closed session minutes:

Method 1: The clerk keeps minutes of the closed session. *Before leaving the closed session, circulate the clerk’s handwritten notes for each township board member in attendance to initial. The original notes are kept by the clerk until the next regular meeting, when they are circulated for board members’ “eyes only.” The supervisor states, “If there are no additions or corrections, the minutes are approved as presented.”* The clerk seals the minutes in an envelope, writes the dates of disposal on the outside, and files it for safekeeping.

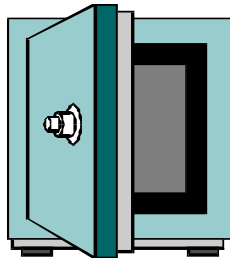
Method 2: The clerk keeps minutes of the closed session. *The original handwritten notes are kept by the clerk until the next regular meeting, when they are circulated for board members’ “eyes only.” A motion is made to approve or approve with corrections. Once the minutes are approved, the clerk seals the minutes in an envelope, writes the dates of disposal on the outside, and files it for safekeeping.*

Reminder: Always identify the status of your minutes . . . in the corner or after your name

Minutes must be available:

Proposed (tentative, draft or unapproved) ° within 8 business days of the meeting they cover

Approved ° within 5 business days of the meeting where the minutes are approved



Public Comment at Regular AND Special Meetings



“Meeting” means the convening of a public body at which a quorum is present for the purpose of deliberating toward or rendering a decision on a public policy. (Open Meetings Act, MCL 15.262)

**All decisions
All deliberations**

The right of a person to attend a meeting of a public body includes the right to tape-record, to videotape, to broadcast live on radio, and to telecast live on television the proceedings of a public body at a public meeting. (MCL 15.263)

The exercise of this right shall not be dependent upon the prior approval of the public body. (MCL 15.263)

However, a public body may establish reasonable rules and regulations in order to minimize the possibility of disrupting the meeting. (MCL 15.263)

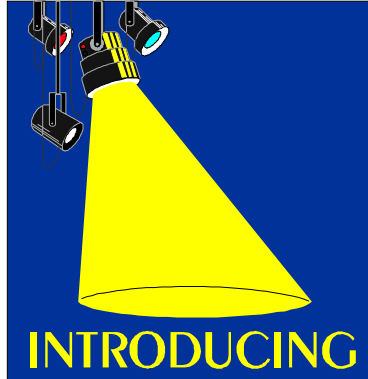
A person shall be permitted to address a meeting of a public body under rules established and recorded by the public body. (MCL 15.263)

Consider establishing a limit of 3 minutes per speaker for public comment (you can say a lot in 3 minutes!). With the board’s approval, large groups representing a particular position can be given the option of appointing a spokesperson, who may be given more time to present the group’s position.

A public hearing scheduled by a Township Board is scheduled within a regular or special meeting.

A public hearing will never stand alone!

A public hearing is one element of a meeting.



A Public Hearing is conducted because the law requires you to hold it before you can accomplish your goal!

Examples: Adopting budget, establishing a special assessment district, entering into a PA 425 agreement, approving tax abatements, and the list goes on and on . . .

The Township Board establishes the date of the meeting where the public hearing will be held.

Notice generally is required to be mailed to the interested parties and/or published in a newspaper of general circulation in the township.

Notice must be given prior to the meeting at which the public hearing is going to be held.

Your agenda includes the “public hearing” as an agenda item. Make the public hearing the first agenda item.

Establish a time limit for persons to “appeal” to the board regarding their concern. For example, 10 minutes per person (if needed).

Seven Steps to Basic Parliamentary Procedure



“ _____ Township Rules of Order”

A township board may choose to adopt an established form of parliamentary procedure, such as Robert’s Rules of Order or Mason’s, but you are not required to.

The following seven steps are basic rules of order that a township board may find useful.

1. **Fact-finding, Discussion, and Debate to reach Consensus**
2. **Motion is made by board member**
3. **Second to Motion by board member**
4. **Moderator Restates Motion before vote is taken**
5. **Vote is requested by moderator**
6. **Moderator Announces the Outcome of Vote ***
7. **Assignment of responsibility to accomplish action.**

***Secret Ballots? – NEVER ALLOWED FOR TOWNSHIP PUBLIC BODY**

General Law and Charter Township Board

Issue to be voted on	MCLA Statute	* Votes needed to approve
closed session when held under statute 15.267(1) (d)(e)(f)(h)	15.267 °	2/3 elected & serving (roll call vote) The Open Meetings Act
zoning ordinance adoption zoning ordinance decisions	125.272° 125.281°	majority of the membership majority of its membership
general ordinance adoption	41.171 °	majority of members elected
alternate annual meeting date \	41.8 °	majority of the township board
real property purchase, gift, lease, condemnation, construction or may convey or lease same not needed for public purpose	41.2(3) °	majority of the members serving
PA 425 of 1984 Agreement "Conditional Transfer of Property"	124.24 °	majority vote of members elected and serving of each affected local unit
reject recommendation of [O.C.C.]	42.6(b) °	2/3 members elected to and serving

The above issues all relate to the township board voting procedures.

*** Most issues require a majority of those present and voting unless statute provides otherwise.**

2002 - Voting Evelyn David