

MACOMB TOWNSHIP PUBLIC BODY MEETINGS

I. COMPLIANCE WITH OPEN MEETINGS ACT.

All meetings of the public body known as the Macomb Township Board of Trustees and all other public bodies of Macomb Township (collectively referenced hereinafter as the “Board,”) shall comply with the requirements of the Michigan Open Meetings Act, MCL 15.261, et seq. (OMA).

II. ADOPTION OF PARLIMENTARY RULES

Robert’s Rules of Order Newly Revised 10th Ed. (or the current edition) is adopted as the parliamentary rules of procedure for all Macomb Township meetings to the extent not inconsistent with the OMA, state law, other local ordinances, or these rules.

III. DEFINITIONS

- A. “Breach of the peace,” shall mean seriously disruptive conduct involving abusive, disorderly, dangerous, aggressive, or provocative speech and behaviors tending to threaten or incite violence.ⁱ “Breach of the peace” goes well beyond behavior acceptable in a civil society and is the only basis to eject, exclude or prevent a participant from attending all or part of a public body meeting.
- B. “Meetings” shall mean all regular meetings, study sessions and all other public hearings of Macomb Township “public bodies,” as defined under the Open Meetings Act, MCL 15.261 et seq. (OMA), including the Macomb Township Board of Trustees.
- C. “Participant” shall mean any person attending and/or addressing the public body at a meeting during public comment but does not include elected public officials.
- D. “Public comment” shall mean the audience communication period(s) prescribed in this ordinance or the approved by way of agenda of a meeting that is intended for members of the public to address a Macomb Township public body in compliance with the OMA. MCL 15.263(5).
- E. “Out of order,” shall mean verbal and/or nonverbal conduct by a participant disrupts the orderly administration of a meeting including but not limited to the interruption of the efficient Order of Business, violation of state or local

ordinance at a meeting, use of profanity, shouting, verbal threats of physical violence, or other acts of indecorum.

IV. ORDER OF BUSINESS – BOARD OF TRUSTEES MEETINGS

- A. The business of all regular meetings of the Macomb Township Board of Trustees shall be transacted, as far as practicable, in the following **Order of Business**:

Call Meeting to Order

Pledge of Allegiance

Roll Call

Approval of Agenda Items (with any changes)

Approval of current bill run (with any deletions or modifications).

Approval of Previous Meeting/Special Meeting Minutes.

PUBLIC COMMENTS, AGENDA ITEMS ONLY (3 MINUTE TIME LIMIT)

Consent Agenda Items

All Department Items that routine matters

Public Hearings

Public Hearing(s) as Required by Michigan Compiled Laws.

New Business

All Department New Business Items

PUBLIC COMMENTS, NON-AGENDA ITEMS ONLY- (3 MINUTE TIME LIMIT)

Board Comments

- Trustee Comments
- Treasurer Comments
- Clerk Comments

- Supervisor Comments

Adjournment

**V. RULES GOVERNING PUBLIC COMMENT
MACOMB TOWNSHIP BOARD OF TRUSTEES MEETINGS**

The following rules shall govern public comment during Board of Trustees meetings:

1. Public comment shall be allowed by the Board of Trustees one participant at a time.
2. Participants shall not speak until they are recognized by the Chairperson.
3. Each participant recognized by the Chairperson to address the Board of Trustees shall identify himself/herself by name and, if appropriate, group affiliation for purposes of recordation in the meeting minutes.
4. A participant addressing the Board of Trustees on any Township business shall be limited to three (3) minutes
5. The Chairperson or Board member may, in the discretion of the Chairperson, be allowed to respond to participant questions posed, but the overall time limit of 3 minutes shall continue to run against the participant's allotted time.
6. The Chairperson shall designate a timekeeper for purposes of enforcing the time limit.
7. There shall be public comment, as approved in the meeting agenda, wherein participants may address the public body on any new business (non-agenda items) items.
8. Participants addressing the Board of Trustees shall make responsible comments and shall refrain from making redundant, personal, impertinent, slanderous, or profane remarks.
9. Any participant who is "out of order" may be interrupted and gavelled "out of order" by the Chairperson with the end to maintain order and decorum of the meeting in the Chairperson's discretion.

10. A participant making public comment who is ruled “out of order” by the Chairperson:

- may be admonished by the Chairperson and instructed to refrain from the indecorum, disruptive or other prohibited conduct.
- shall be allowed to continue his or her public comment within the time limits prescribed only if it is in conformity with the Chairperson’s instruction.
- shall be allowed to continue his or her public comment to the extent that it is within the approved time limit, with allowance for time lapsed by the Chairperson’s “out of order” ruling(s), or other Board members’ discussion/commentary.
- without limiting the discretion of the Chairperson, if an “out of order” participant repeatedly violates the ruling(s) by the Chairperson three (3) or more times, the Chairperson may instruct the participant that his or her public comment is concluded and instruct him/her to withdraw from addressing the public body, vacate the lectern, and return to their seat or other position in the audience at the meeting, or may exercise other lawful measures to restore decorum and maintain order.
- the Chairperson may recess the meeting until such time as order and decorum is restored and shall allow the participant time to comply with the Chairperson’s instruction(s).
- during any recess called to restore order the Chairperson may summon law enforcement officers to monitor the public meeting, if not already provided.
- any “out of order” participant shall not be ordered to be removed or excluded from the meeting unless he/she is in “breach of the peace” or inciting a “breach of the peace” at that meeting.

11. A participant who is found to be “out of order,” shall be given a reasonable period of time to comply with the Chairperson’s directives.

12. A participant who is found to be “out of order,” ordered to cease public comment, suffer removal from the meeting for “breach of the peace,” or otherwise have his/her public comment limited or restricted, except as to the expiration of time limit, shall be allowed upon his/her request to appeal the Chairperson’s ruling to the other public body members present and this appeal shall be decided by a roll call vote.

13. No person shall be ejected, removed, or excluded from attending any part of a meeting unless he/she is causing a “breach of the peace” at that meeting.

14. Nothing in this policy shall be construed as creating a cause of action by a participant against Macomb Township, its public officers, law enforcement officers, or any other Macomb Township public officials.

(END)

ⁱ Authority: *Cusumano v. Dunn*, unpublished COA No.349959, decided 08/27/20.