



Board of Education 2023 Agenda

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Mr. Paul Cook
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Meeting Date: April 6, 2023
Educational Services Building
25345 Taft Road
Novi, MI 48374



NOVI BOARD OF EDUCATION

Work Session – April 6, 2023

6:00 PM

AGENDA

I. CALL TO ORDER

II. COMMENTS FROM THE AUDIENCE

The board respectfully requests that any individual wishing to speak to the board provide their name, address, any organization they represent, keep their comments to the allotted time, and refrain from directing comments to individual members of the board, district employees, or members of the audience.

III. BOARD ROLES AND RESPONSIBILITIES

- a. Review Current Roles
- b. Discuss Synergistic Working Relationship with Superintendent/Cabinet

IV. OMA AND PUBLIC COMMENT PROCESS

- a. Review Public Comment History and Recommendations
- b. Review OMA Rules and Guidelines

V. BOARD OPERATING PROCEDURES (BOP) REVIEW

- a. Aspirational Statements - Review and Discussion
- b. Clarify Language and Expectations
- c. Future Updates and/or Considerations

VI. ADJOURNMENT

NOVI BOARD OF EDUCATION OPERATING PROCEDURES



NOVI BOARD OF EDUCATION OPERATING PROCEDURES

Vision Statement:

Students who are passionate, empowered, and prepared for their world and their future.

District Mission:

Provide impactful opportunities for all to cultivate lifelong learning.

District Goals:

- ❖ The Novi Community School District will provide an equity of opportunity for each student by honing curriculum, instruction, and assessment. Instructional quality and assessment practices will be improved for all students.
- ❖ The Novi Community School District will attend to the core components of a Multi-Tiered System of Supports (MTSS) to meet the learning needs of each student.
- ❖ The Novi Community School District will foster a district-wide culture of unity and well-being.
- ❖ Develop and implement strategies to attract and retain high caliber, diverse, and culturally competent faculty and staff.

Belief Statements

We believe in:

- an equity of opportunity
- a culture of unity,
- fostering and inspiring a curiosity of learning, and
- a community of well-being for all stakeholders.

Table of Contents

Vision Statement:	1
District Mission:	1
District Goals:	1
Belief Statements	1
1000 Bylaws	3
Governance Resolution	3
Code of Ethics Aspirational Statements	3
Vacancies	5
Duties and Responsibilities of the Board	6
Election of Officers	15
Reimbursement of Expenses	16
Board Committees	16
New Members	17
Meetings of the Board	19
Annual Organizational Meeting	20
Regular Meetings	20
Meeting Procedures	24
Broadcasting and Taping Streaming	27
Mission Statement	29
Purpose of the Committee	29
Authority	30
Committee Assignments	30
Chairperson Responsibilities	30
Standard Committee Procedures	30

NOVI BOARD OF EDUCATION OPERATING PROCEDURES

Governance Resolution

In effective school systems, the Superintendent and the Board function as a Team. A structured approach to first developing a vision for the District and setting goals is enhanced by first developing a system of standard operating procedures. The School Board is the corporate policy making body for the District and the Superintendent and staff provide the leadership to cause Board policies to be implemented. Therefore, the Novi Board of Trustees and Superintendent function as a Team to provide open communication to the staff and patrons of the District. The Novi Board of Education commits to the following governance standards developed by the Michigan Association of School Boards:

- The Board of Education, in cooperation with the superintendent and stakeholders, establishes and commits to a vision for the school district that emphasizes high expectations for achievement of all students and quality instruction.
- The Board of Education governs in a manner that is dignified and worthy of trust.
- The Board of Education is accountable to the school district community.
- The Board of Education holds the Superintendent accountable for creating the outcomes identified in the school district plan.

The Novi Board of Trustees adopts the following to effectively guide our work on behalf of the students were are elected to serve.

Oath of Office

I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of this State and that I will faithfully discharge the duties of the office of Member of the Board of Education of Novi Community School District, Michigan, according to the best of my ability.

~~Code of Ethics~~ Aspirational Statements

~~Novi Community School District Board of Education will follow high ethical standards which have our students as their primary focus.~~

The Novi Community Schools Board of Education “**aspires**” to the following outcomes. As a board of education, we seek to model and lead with these statements in mind that will help us serve as a positive and professional example for our community.

~~Board Members will promote the best interest of the School District aspire, as a whole, and will adhere to the following ethical standards and principles to the statements below for the benefit and betterment of all students:~~

- ~~1. Board Members will bring about desired changes through legal and ethical procedures, upholding and enforcing all laws, administrative rules and regulations, court orders pertaining to schools and School District policies and procedures.~~

1. Student-Focused Decisions. I will fairly and equally represent all students under the care of Novi

NOVI BOARD OF EDUCATION OPERATING PROCEDURES

Community School District, recognizing the number one concern is the educational welfare of all students.

- ~~2. Board Members will make decisions in terms of the educational welfare of all children in the School District, regardless of ability, race, creed, sex, sexual orientation, national origin, disability, or social standing.~~
2. No Surprises. We are better as a leadership team when we endeavor to communicate openly and honestly without looking to “surprise someone” at a meeting of any kind
- ~~3. Board Members will represent all School District constituents honestly and equally and refuse to surrender my responsibilities to any partisan principal, group or interest.~~
3. Open-Mindedness. Listen with curiosity and an open mind to what everyone has to say – we all come with different perspectives and priorities that bring depth to the conversation.
- ~~4. Board Members will avoid any conflict of interest prohibited by law or appearance of such that could result from their position, and will not use their membership on the Board for personal gain, where contrary to the interests of the School District.~~
4. Presuming Positive Intentions. Assuming that other’s intentions are positive promotes and facilitates meaningful dialogue and discussion, and prevents unintentional put-downs.
- ~~5. Board Members will recognize that individually they have no legal authority and that decisions can be made only by a majority vote at a public meeting of the Board.~~
5. Pursuing a Balance of Advocacy and Inquiry. Pursuing and maintaining a balance between advocating for a position and inquiring about one’s own and others’ positions assists the group in becoming a learning organization
- ~~6. Board Members will take no private action that might compromise the Novi Community School District Board or administration and will respect the confidentiality of privileged information.~~
6. Respecting Others. When we respect the differences in opinion of others, we do not hold the person in a negative light or view the disagreement as personal.
- ~~7. Board Members will abide by majority decisions of the Board, while retaining the right to seek changes in such decisions through ethical and constructive channels.~~
7. Remain Objective. I will render all decisions based on the available facts and my independent judgement and avoid the undue or prejudicial influence of outside groups. We will respect staff, employees, parents, students and other stakeholders verbally and nonverbally at all times.
- ~~8. Board Members will encourage and respect the free expression of opinion by my fellow Board members and will participate in Board discussions in an open, honest and respectful manner, honoring differences of opinion or perspective.~~
8. Unity Through Diversity. We will speak with one voice while accepting the decision of the group in words and actions both publicly and privately, and not undermining the final decision of the team.
- ~~9. Board Members will prepare for, attend, and actively participate in School Board meetings.~~

NOVI BOARD OF EDUCATION OPERATING PROCEDURES

- ~~10. Board Members will become sufficiently informed about and prepared to act on the specific issues before the Board.~~
- ~~11. Board Members will respectfully listen to those who communicate with the Board, seeking to understand their views, while recognizing my responsibility to represent the interests of the entire school community.~~
- ~~12. Board Members will strive for a positive working relationship with the Superintendent, respecting the Superintendent's authority to advise the Board, implement Board policy, and administer the School District.~~
- ~~13. The Board Members will model continuous learning and work to ensure good governance by taking advantage of leadership and professional development opportunities, including those sponsored by state and national school board associations, and encourage their fellow Board members to do the same.~~
- ~~14. Board Members will strive to focus on its primary work of supporting the District vision, mission, goals, through the allocation of resources and advocating for our students.~~

Vacancies

Procedures for Filling a Board Vacancy

- A. As soon as a vacancy occurs, the Board has 30 calendar days to fill that vacancy. This procedure applies to filling a vacancy created by one of the circumstances cited in Section 301 of the Election Code (resignation, death, loss of residency, etc.)
 1. A Special meeting date will be set to interview and appoint a new Board member.
 2. The vacancy will be announced via the District website and appropriate media outlets, and will supply all potential candidates with information needed (application, resume, etc.) in order to be considered for the vacant seat.
 3. All Board members will review candidate information prior to the Special meeting.
 4. The Board President, with input from other Board members, will create a list of questions to be answered by all applicants during the interview process.
 5. Based on the candidate information that was reviewed, and the number of applicants, the Board may limit the number of interviews conducted.
 6. All applicants who will be interviewed must be present at the start of the Board's Special meeting.
 7. Each applicant will draw a number to determine the order of the interview.
 8. Those who are not being interviewed will be sequestered in a room outside of the Board room.
 9. Applicants who are sequestered are not to use any electronic devices. This ensures that no one has an advantage by getting the questions from a friend or family member who may be in the audience.
 10. Any candidate that uses an electronic device will forfeit their application.
 11. Once interviewed, applicants may stay in the Boardroom to hear the answers of the other applicants.
 12. The Board will ask each applicant the same questions.

NOVI BOARD OF EDUCATION OPERATING PROCEDURES

13. Each applicant will have up to 30 minutes to answer the questions asked by Board members. An applicant who answers one question to a fuller extent may not be able to answer all the questions if their allotted time has elapsed. In addition, applicants can **only** answer the questions asked by Board members, even if there is still time remaining.
- B. After each applicant has been interviewed, the Board will narrow the list of candidates through the following process:
 1. Each applicant's name will be announced separately with a question of support asked.
 2. All Board members will narrow their support to their top 2 or 3 candidates.
 3. After each name is called and a tally of the number of Board members who support each candidate is announced, the top 2 candidates will then be announced.
 4. The Board will then discuss the top 2 candidates. After discussing both candidates, a Board member may make a motion to name a candidate as the new Board member.
 5. If a candidate's name is placed in nomination and supported, Board members should have another opportunity to discuss the candidate nominated.
 6. After the discussion is over, a vote is taken. (no written votes)
 7. If the candidate earns a minimum of 4 votes, they will be appointed as the new Board member.
 8. If the nominated candidate does not receive 4 votes, we then proceed back to 3.7B, 4 above, until either of the 2 candidates receives 4 votes.
- C. The Superintendent is not to be involved in making the selection.

Duties and Responsibilities of the Board

The board and superintendent have very distinct and separate roles. Together they form the district's leadership team. Both board members and the superintendent, in order to develop and maintain a working relationship that will enable the board to get its job done and the school district to move forward, must spend significant amounts of time and energy in developing the board/superintendent relationship.

In general, it's the school board's job to make policy, while the superintendent is charged with administering the policy. With effective board/superintendent teams, each side clearly understands its roles and responsibilities.

Board of Education Roles and Responsibility

Elected officials of the community, the Board is the fiduciary of the district and responsible for:

1. **Goal Setting:** The district vision is translated into long- and short-term goals. The board establishes the structure to accomplish the vision, and periodically evaluates the results.
 - **Establishment of the District's Vision, Mission and Annual Goals**
 - The Board and the Superintendent shall collaboratively develop and revise, as needed, the district vision, mission statement, and District goals.
 - The Board will review progress towards the District goals at least on an annual basis.
 - Each Board member will be given access to a copy of the District's progress towards goals by the administration prior to the review meeting.
 - The Board will review progress towards the District goals at least on an annual basis.

NOVI BOARD OF EDUCATION OPERATING PROCEDURES

- Each Board member will be given access to a copy of the District's progress towards goals by the administration prior to the review meeting.
2. **Policy:** Establishes policy for the district and shares in policy development.
- Curriculum: Approves recommended curriculum and textbooks based on standards, goals and policies established by the board.
 - Employment: Approves the employment of recommended professional staff based on policies established by the board.
 - Program Updates: The Board will periodically review instructional program updates as changes occur.
 - Policy Provider: The Board has retained a third party vendor specializing in school policy to provide new and updated Board policies.
 - New Board policies can be developed in response to District or administration needs or changes in federal or state regulations.
 - Policy Review: Each Board policy shall be reviewed and evaluated every three (3) years or as needed by the Board Governance and Policy Committee.
 - Administrative Guidelines are developed by the administration and reviewed by the Board thirty days prior to implementation.
3. **Designating and Evaluating the Superintendent:** Recruits, hires and evaluates the performance of the superintendent.
- A. The Board does not directly hire any personnel other than the Superintendent.
 - B. In accordance with Michigan State Law, the Board, based upon the recommendations from the Superintendent, will have final approval of personnel recommendations.
 - C. When hiring, the Superintendent will keep the Board informed.
 - 1. The rationale for hiring will be shared with the Board before the position(s) is/are posted.
 - 2. The Superintendent will select professional staff and support staff.
 - D. After the selection is completed, but before the recommendation comes to the Board for a vote, the Superintendent will:
 - 1. Provide the name of the recommended candidate in a Friday update, no later than the Friday before the upcoming Board meeting. Where the vote will take place.
 - 2. Provide the names of the finalists
 - 3. Provide the rationale for why the candidate is recommended.
 - E. The Superintendent, upon request of a Board member, will provide any feedback on the process gathered from the interview committee after the interview process has been completed.

Evaluation of the Superintendent

- A. The Board will adopt a state-approved evaluation process.
- B. The Board shall evaluate the Superintendent's performance annually in December.
- C. ~~In July, the Superintendent shall give the Board a self-evaluation including supporting documentation.~~

NOVI BOARD OF EDUCATION OPERATING PROCEDURES

- D. The Superintendent may choose to have his/her review during a Closed or Open Session of the Board.
- E. The Board will approve the Superintendent evaluation in open session.
- F. The Board will review and recommend contract ~~provision~~ **revisions** for the Superintendent.

Board Members Concerns about the Superintendent's Professional Performance

We value the Superintendent role in the community and how the District is represented. If this representation is less than favorable and witnessed by a Board member, the Board member shall:

- A. Communicate their concerns directly to the Superintendent.
- B. Communicate with the Board President to address questions and/or concerns. up....

4. Budget: Reviews the budget submitted by the superintendent and aligns the funding priorities with the district goals.

- The Board shall be involved in the development of the District budget.
- The Board President shall appoint three (3) members of the Board to be on the Finance Committee.
- The Finance Committee shall meet with the administration as needed during the year to review the school budget and recommend changes as necessary to meet the District goals within the expected revenues and expenses.
- The administration shall present to the Board an annual budget for approval every spring.
- The Assistant Superintendent of Business and Operations shall report to the Board regularly as to the budget status and any recommended changes.

Superintendent Roles and Responsibilities

As Chief Executive Officer of the school district, the superintendent is responsible for:

1. Implementing policy set by the board.
2. Making recommendations to the board based on their best educational knowledge and expertise for:
 - Personnel
 - When hiring, the Superintendent will keep the Board informed.
 - The rationale for hiring will be shared with the Board before the position(s) is/are posted.
 - The Superintendent will select professional staff and support staff.
 - After the selection is completed, but before the recommendation comes to the Board for a vote, the Superintendent will:
 - Provide the name of the recommended candidate in a Friday update, no later than the Monday before the upcoming Board meeting. Where the vote will take place.
 - Provide the names of the finalists
 - Provide the rationale for why the candidate is recommended.
 - The Superintendent, upon request of a Board member, will provide any feedback on the process gathered from the interview committee after the interview process has been completed.
 - Curriculum
 - Budget
3. Informing the board of all vital matters pertaining to the school district.
4. Developing and maintaining an efficient and effective management system for the school district.

NOVI BOARD OF EDUCATION OPERATING PROCEDURES

5. Delegating appropriate responsibilities and assigning duties to other employees of the district, but ultimately being accountable for their actions.
6. Recommending all candidates for employment and being directly and indirectly responsible for their administration.
7. Developing and improving instructional programming of the school including being alert to advances and improvements in educational programming.
8. Preparing and submitting a preliminary budget to the board and managing the financial operations of the school district.

District and Building Performance Objectives

~~The District and building performance objectives shall be presented to the Board by the Superintendent and approved by the Board.~~

Board's Approval of District and Building Improvement Plans

- ~~A. The Superintendent shall develop District and Building Improvement Plans from time to time and at least on an annual basis.~~
- ~~B. District and Building Improvement Plans shall be presented to the Board by the Superintendent and approved by the Board.~~
- ~~C. The Superintendent shall develop performance objectives for District and building performance from time to time and at least on an annual basis.~~

Board's Review of Programs Other than Instructional Programs

The Board will review non-instructional programs (i.e. Athletics, Clubs...) annually.

Self-Assessment

- A. The Board self-assessment is done annually in July.
- B. Self-assessments are done as a **Board** team (~~Board and Superintendent~~) **and** facilitated by an independent third party.

INCAPACITY OF THE SUPERINTENDENT

It is the legal duty of the Board of Education to appoint a Superintendent 'pro tempore' by a majority vote of the Board upon determination that the Superintendent is incapacitated in such a manner that s/he is unable to perform the duties of his/her office.

The Board shall fix the compensation of the Superintendent 'pro tempore' who shall serve until the Superintendent's incapacity is removed or until the expiration of the Superintendent's contract or term of office, whichever is sooner. S/He shall perform all of the duties and functions of the Superintendent, and may be removed at any time by a majority vote of the members of the Board.

The Board will exercise its authority under law to determine the incapacity of the Superintendent at the request of the Superintendent and with medical documentation, or upon certification of a physician selected and compensated by the Board.

If the Board determines that the Superintendent is unable to perform the duties of his/her office, s/he may:

- A. At his/her request, be placed on sick leave, with pay, not to exceed the amount of his/her

NOVI BOARD OF EDUCATION OPERATING PROCEDURES

accumulated but unused sick leave and any advancement of such sick leave which may be authorized by Board policy.

- B. At the request of the Board be place on sick leave with such pay to which s/he may be entitled or which may be authorized by Board policy
- C. At his/her request, be placed on a leave without pay.

The foregoing leave shall not extend beyond the contract or term of office of the Superintendent.

The Superintendent shall, upon request to the President of the Board, be returned to active duty status, unless the Board denies the request within ten (10) days of receipt of the request. The Board may require the Superintendent to establish to its satisfaction that s/he is capable of resuming such duties on a full-time basis.

The Board may demand that the Superintendent return to active service, and upon medical documentation that the Superintendent is able to resume his/her duties, the Superintendent shall return to active service.

The Superintendent may request a hearing before the Board on any action taken under this policy.

Superintendent Succession Procedure

Superintendent's Planned Departure

Circumstances that trigger the implementation of this Succession Procedure:

- Superintendent announces retirement or departure

The following are key activities that need to occur:

1. The Board will meet to determine the process to be followed to replace the Superintendent.
2. Until the new Superintendent assumes the position, the BOE shall:
 - Regularly update staff and other key stakeholders on progress
 - Announce public meetings as appropriate

‡ The process may be aided in this task by:

- A. A committee of Board members
- B. The services of professional consultants
- C. The counsel of the out-going Superintendent
- D. The participation of members of the community

Recruitment procedures may be prepared in advance of the search and may include:

- A. Preparation of a written job specification for the position of Superintendent
- B. Preparation of written specification of qualification in addition to proper State certification
- C. Preparation of informative material describing this District and its education goals
- D. Where feasible, the opportunity for applicants to visit the schools of the District
- E. The requirement that each selected candidate for the position be interviewed by Board members in a format that encourages him/her to express his/her educational philosophy
- F. Solicitation of applications from a wide geographical area
- G. Consideration of all applicants fairly without discrimination on the basis of race, color, gender, age, religion, national origin or ancestry, marital status, disability, height, weight, and/or any other legally protected characteristic unrelated to the position of Superintendent.

NOVI BOARD OF EDUCATION OPERATING PROCEDURES

All interviews of applicants by the Board or a committee of the Board shall be done in open meetings. At the time of application, the Board President shall see that each applicant has been informed that Michigan law may not permit the Board to protect his/her application from disclosure, and any interview must be open to the public.

The Superintendent must submit to a criminal history record check from the Michigan State Police. A person who is employed as Superintendent by this Board who was a school administrator in Michigan prior to January 4, 2010, is not required to have a school administrator's certificate issued by the Department of Education but must confirm that s/he meets the continuing educational requirements for school administrators established by the State Board of Education. All others must either have a valid school administrator's certificate or be enrolled or become enrolled, within six (6) months of beginning the position, in a program leading to certification as a school administrator. Certification must be completed within three (3) years, or the person may not continue to be employed as the Superintendent.

This succession procedure defines how the BOE will replace the Superintendent whether their departure is planned or unplanned as defined below.

Unplanned Departure: Emergency Superintendent Succession Procedure

If circumstances trigger the implementation of the Emergency Succession Procedure, then the responsibility for the day to day operations of the district will fall to the Assistant Superintendent of Academics.

Circumstances that trigger implementation of the Emergency Succession Procedure:

- Death of the Superintendent
- Superintendent becomes permanently incapacitated
- Superintendent's employment is terminated
- Superintendent leaves unexpectedly

1. The Board will meet to determine the process to be followed to replace the Superintendent.
2. If appropriate based on the circumstances, the Assistant Superintendent of Human Resources shall work with and direct others to work with the appropriate authorities on any questions or concerns regarding any potential legal issues.
3. If the Superintendent's employment was terminated for cause and it is deemed necessary, have the interim leadership team immediately begin taking steps to :
 - Secure cash and checks
 - Secure employee files
 - Secure contracts
 - Secure key fob and other building keys
 - Change security codes, passwords and combinations
 - Change locks
 - Safeguard personal property of the departing Superintendent
 - Cancel or change credit cards and authorization
 - Change signature cards
4. Until the new Superintendent assumes the position, the BOE shall:
 - Regularly update staff and other key stakeholders on progress

NOVI BOARD OF EDUCATION OPERATING PROCEDURES

- Publish a written memo to staff, District parents and other key stakeholders explaining the event and anticipated actions.

The Superintendent must be employed pursuant to a signed contract.

Such contract shall include:

- A. The term for which employment is contracted, including beginning and ending dates
- B. That tenure in a position shall not be granted
- C. The salary which the Superintendent shall be paid and the intervals at which s/he shall be paid
- D. The benefits to which s/he is entitled
- E. Such other matters as may be necessary to a full and complete understanding of the employment contract

The Superintendent so appointed shall devote himself/herself to the duties of his/her office.

Any candidate's intentional misstatement of fact material to his/her qualification for employment or the determination of his/her salary shall be considered by this Board to constitute grounds for his/her dismissal.

The person selected for the position of Superintendent shall be required to undergo a physical examination reasonably related to the duties s/he will be required to perform, the cost of which shall be borne by the District. M.C.L. 15.601, et seq., 380.1229, 380.1230, 380.1246, 380.1536

Board Members Campus Visits

- A. All Board members will be given semester building assignments, but are encouraged to visit all schools and attend District events.
- B. All Board members must notify the principal or designee of visits to campuses when they are not attending a scheduled or normal parental activity, during school hours.
- C. Board members will check in at the office.
- D. Board members will not individually undertake to observe the performance of employees, including classroom teachers, for the purposes of "evaluating" a ~~teacher's~~ **staff member's** performance.

Communications

Board Member Communication with Each Other

- A. All Board members shall have an understanding and comply with the Open Meetings Act.
- B. Electronic Communications:
 1. In order to avoid potential OMA violations, all communication intended for the entire Board shall go through the Superintendent's Executive Assistant with the subject heading, "For Information Only." Do not reply to all.

Board Member Responses to Employee Contacts

The Board recognizes that as elected officials there will be requests and contacts from employees, therefore strict adherence to this procedure is required.

- A. Explain to the employee that any information shared will be dealt with appropriately.
- B. Listen with empathy and understanding.
- C. Refer them to use every tool available as an employee.

NOVI BOARD OF EDUCATION OPERATING PROCEDURES

Board Member Communication with the Media

- A. The Superintendent or their designee is the spokesperson for the District.
- B. The Board President shall be the official spokesperson for the entire Board to the media/press.
- C. All Board members who receive calls from the media should direct them to the Board President or designee.
- D. Board members who receive calls that they believe requires their response will confer with the Board President before making any formal response.

Board Member Responses to the Community

The Board communicates formally with the community through public hearings, regular Board meetings and regular publications.

The Board recognizes that as elected officials there will be interactions, requests, and less formal contact from the public, therefore strict adherence to this procedure is require.

- A. Explain to the community member that any information shared will be dealt with according to District policy.
- B. Listen with empathy and understanding.
- C. Refer to the Concerns Flowchart and inform the Board President and Superintendent where appropriate.

Administration Communications with Board Members (Reword sections 1-3)

- A. The Superintendent will ~~exercise his/her best judgment and discretion to determine work~~ **to perform multiple forms of communication** when information should be shared with Board Members based on the specific situation.
- ~~B. Three types of communication with Board members:~~
 - ~~1. Not urgent or not in the media — Weekly Update in Board Book~~
 - ~~2. Very important, but not a crisis — Email to each Board member~~
 - ~~3. Crisis/Emergency situation — Phone call to each Board member~~
 - ~~a. In the case of an emergency or crisis, the Superintendent or his designee will provide the following six pieces of information: What, Where, When, Who, Action taken and a public statement for the Board members.~~
 - ~~b. Phone calls will be placed in the following order: President, Vice President, Secretary, Treasurer, and Trustees.~~
 - ~~c. The Superintendent or his/her designee will provide updates as appropriate.~~
- C. Monthly Meetings - The superintendent will meet with each Board member individually every month.**

Community Electronic Communications with the Board

- A. The Board will have a contact link or form on the District website to allow community members to email their issues to the entire Board.
 - 1. The website and/or form will state in a conspicuous place the following: “the school Board members are trustees primarily charged with the vision, budget, goals, and policy for the District. Any operational or staffing issues should go through the building principal first, then to the administration.” (See [Concerns Flowchart](#) on the District website.)

NOVI BOARD OF EDUCATION OPERATING PROCEDURES

2. Any community email inquiries should be shared through the Superintendent's Office with other Board members.
3. An automated email response will acknowledge the receipt of the citizen's inquiry containing the text:
"Thank you for your inquiry to the Novi School Board. It will be shared with all the Board members. Please remember that individual Board members cannot address your inquiry individually and that Board members are charged with the visions, budget, goals, and policies for all children in the District. Any operational or staffing issues should go through the building principal first specific to the issue. If a citizen feels that a satisfactory resolution was not achieved after communicating with the principal, the citizen may then contact the appropriate District administrator. You should get a response to your inquiry within 3 business days."
- B. The Board President will respond to all email inquiries within 3 business days and will copy the Board on the response.
- C. Individual Board members that receive an email to their school email address, should forward the email to the Board President and the Superintendent, but may respond with direction to the individual of the appropriate chain of command and /or notification that the information has been passed along in order to facilitate an appropriate response. Any additional response should follow steps in 2.7, B.
- D. A Board member who wishes to respond beyond this, should contact the Board President to indicate their interest in doing so.

Community Communications Directly to a Board Member

The Board recognizes that as elected officials there will be requests and contact from the public, therefore strict adherence to this procedure is required.

- A. This does not apply to casual conversations with community members.
- B. The Board member should inform the Board President and the Superintendent about the issue.
 1. Listen with empathy and understanding.
 2. Direct the community member(s) to the Concerns Flowchart (link)
 3. Should the complaint rise to the Superintendent, information regarding the issue will be included in the Friday update as appropriate.
 4. Any response should include the substantial equivalent of 2.6A (1), (2).
(The website and/or form will state in a conspicuous place the following: "the school Board members are trustees primarily charged with the vision, budget, goals, and policy for the District. Any operational or staffing issues should go through the building principal first, then to the administration.")

Any community email inquiries should be shared through the Superintendent's Office with other Board members.)

Community Member Request for Privacy in Communications

- A. The Board encourages openness in all community communications.
- B. Any community member who requests privacy in communications should not expect a response.
- C. Any inquiry/response may be subject to public disclosure per FOIA.

NOVI BOARD OF EDUCATION OPERATING PROCEDURES

Board Member Protocol with Administration and District Personnel

- A. Board members hold no individual authority to direct the Superintendent.
- B. No single Board member should endeavor to deliver direction or make requests to District personnel without the express permission of the Superintendent. The Superintendent is held responsible through his evaluation for the effectiveness of all staff.
- C. Communications are, at times, necessary to gather information, express gratitude, or ask for clarifications. These are completely appropriate and would not undermine the authority of the Superintendent.
- D. Board members should not involve themselves in issues that may arise during casual conversations, but may wish to convey such issues to the Superintendent via email or phone. In order that he may respond or at a minimum be aware of the issue. If the issue involves Board policy, the Board President should also be informed.
- E. Board members should make every effort to visit their assigned school a number of times over the course of the semester. Communication with the administration of the school to ascertain appropriate events to attend or times to visit are encouraged. (Board members should be careful not to stop by during the school day unannounced.)
- F. Concerns about an administrator's actions/decisions should be shared with the Superintendent and the Board President and can be communicated via email. Additional dialogue with administration may be warranted as determined by the Superintendent.

Certification/Continuing Education

- A. New Board members are strongly encouraged to participate in MASB Certification classes their first year in office.
- B. In subsequent years, Board members are encouraged to participate in additional professional development activity such as county and state level conferences, workshops, offered through educational or legal organizations and additional MASB classes and offerings.

Concerns about Another Board Member's Performance

- A. If a Board member has a concern about another board member's performance, they should first discuss it with the other member.
- B. If concerns are unresolved, then they should discuss it with the Board President or other Board officer.
- C. The Superintendent is not to be involved.

Election of Officers

The Board shall elect a President and Vice-President as well as a Secretary and Treasurer.

There will be a nominating committee of the whole that will meet in December prior to the January election of officers.

Election of officers shall be by a majority of the full Board. Where no such majority exists on the first ballot vote, a second vote shall be cast for the two (2) candidates who received the greatest number of ballot votes.

Except for those appointed to fill a vacancy, officers shall serve for one (1) year and until their respective successors are elected and shall qualify. An officer may be removed for cause by a majority vote of the full

NOVI BOARD OF EDUCATION OPERATING PROCEDURES

Board. The Board shall fill a vacancy in any Board officer position within thirty (30) days of the occurrence of the vacancy. M.C.L. 380.11a

- A. Removal from consideration: An individual Board member may, by simple announcement, remove himself or herself from consideration for any or all offices of the Board.
- B. The Officers shall be President, Vice-President, Treasurer, and Secretary who shall be members of the Board. The Board may assign a district employee to provide clerical assistance to the Board. Board officers shall serve for a term of one year, or until a successor is elected. Officers may succeed themselves in office. Each officer shall perform any legal duties of the office and other duties, as required by the Board.
- C. At the first eligible public meeting of the Board after the Trustee and the term begins, the current Board President will ask for any Board officer nominations. Each office will be voted on separately by the Board.
- D. A vacancy among officers of the Board shall be filled by majority action of the Board.

Role and Authority of Officers

- A. No Board member or officer has the authority outside the Board Meeting.
- B. No Board member can direct employees in regard to performance of their duties.
- C. Duties of Officers – Refer to Board Policy 1001 – Organization and Functioning of the Board, President, Vice President, Treasurer, and Secretary.

Board Officer Transition Process

- A. The current officers shall relate their duties and responsibilities of the position to their replacement officers.
- B. The new officers shall review written descriptions of the position before taking office. (See Board policy 1001 – Organization and Functioning of the Board, President, Vice President, Treasurer, and Secretary.)

Compensation

Board members may receive compensation for attendance at meetings per district policy.

- Attendance may be in person or remote
- Meetings are defined as regular or nonconsecutive work sessions of the Novi Community School District Board of Education
- Compensation is paid yearly

Reimbursement of Expenses

Procedures for Board Travel and Training Opportunities

- A. Board members should arrange travel, accommodations and classes through the Superintendent's office.
- B. All Board members are to comply with the Board Policy on travel expenditures and submitting travel/training expenses.
- C. Board members should report on their conference attendance at the next Board meeting.
- D. Any discrepancy will go to the whole Board for approval.

NOVI BOARD OF EDUCATION OPERATING PROCEDURES

Board Committees

Role of a Committee

Committees can be a practical way to structure and manage the board's work. Sometimes a smaller group can be more focused and efficient in dealing with issues than the full board. A committee is created to provide counseling and advice for the board or to handle a task on the board's agenda. Any recommendations made by a committee needs to be approved by the board, but remember, the board is not obligated to go with committee recommendations or suggestions. Committees are more effective when their charter and scope of work is clearly defined by the board. It is understood that no action will be taken at any committee meeting.

Qualities of and Effective Committee

A streamlined committee structure makes board work easier. Involving board members in committee activities is a direct way of taking advantage of everyone's special skills and expertise. An effective committee has:

- A clear charter with defined goals.
- A chair who is able to involve all members in the committee work.
- Members who are committed and willing to spend the needed time to accomplish their tasks.
- A sense of being part of the full board and not working in isolation.
- An understanding of time constraints and deadlines.
- An understanding that it does not make decisions; rather it advises, recommends, or carries out a task.

Administrative Board Committees

In this type of committee structure, the committees may only consist of 3 board members or less, and are not open to the public. These committees will meet at times that are most convenient for board members who serve on them, but also scheduled at times that various experts within the district can attend when necessary. The committee is responsible for providing detailed reports at regular board meetings to update the whole board on the findings, recommendations, and work that the committee is engaged in.

Committees of the Whole

These committees meet at various times throughout the year, are run as meetings that are completely open to the public and anyone can attend. The same posting requirements for a regular board meeting exist for this type of structure. These committees are typically scheduled at times that are most convenient for the board members who serve on them.

Selection and Operation of Board Committees

- A. Committees are appointed by the Board President.
- B. Responsibilities of each standing committee:
 1. Finance – To review the annual district budget, budget amendments and audit report.
 2. Governance and Policy – To review and recommend revisions to Board policies and Board Operating Procedures.
 3. Legislative – To review new legislation, its impact on the district, and recommend resolutions for adoption.
 4. Diversity, Equity, and Inclusion - To promote and ensure a sense of belonging for all students within Novi Community School District.
 5. Capital Projects – To review and recommend proposed construction projects and updates and maintenance projects to existing facilities.

NOVI BOARD OF EDUCATION OPERATING PROCEDURES

- 6. Curriculum – To review and recommend proposed new or revised curriculum and resources.
- C. Ad Hoc committees may be assigned for a specific need or purpose, but will be time-limited. They will meet on an as needed basis.
- D. Minutes and notes of committee meetings will be posted in Board Books.

New Members

Candidates

The Board president and Superintendent will host an informal meeting for all candidates. Topics to be covered:

- District Overview
- Campaign Finance
- Acceptable District Campaigning
- Resources/Handouts given to each candidate (present and not present):
 - MASB Get on Board - 2018 Candidate's Guide to School Board Elections
 - MASB Recruiting School Board Candidates

Elected/Appointed

The following items shall be made available, explained or reviewed during new Board member orientation by the Board President with the assistance of the Superintendent.

- A. Orientation to the Board/Board responsibilities
- B. Access and use of the Board Policy manual
- C. Orientation to Board/Superintendent Roles and Relationship: The following items are generally shared areas of expertise between the Board and the Superintendent, and therefore should be a joint responsibility in the orientation process.
 - Clarification of roles and responsibilities including a discussion about “who decides” particular types of issues.
 - Explanation of how authority is delegated to the Superintendent.
 - Explanation of the District's administrative guidelines manual.
 - A copy of the Superintendent's job description and performance-based contract and discussion of how it evolved.
 - A copy of any Superintendent evaluation materials and discussion of how and when they are used.
 - An explanation of how communication flows between Board members and the Superintendent and how to use the chain of command.
 - A review of written Board policies governing the Board/Superintendent relationship.
- D. School Finance –
 - Access to the District's budget. Explanation of how, when and by whom it is prepared; how the district's mission and goals are translated into a dollar and cents plan; where the money comes from, where it goes and how it is spent.
 - An explanation of financial accountability processes: how funds are accounted for; how expenditures are authorized; what financial reports are provided and how to interpret them, etc.
 - An explanation of the state's school finance plan and what it means in terms of local District

NOVI BOARD OF EDUCATION OPERATING PROCEDURES

budget.

- Data on district per pupil cost and expenditures.
- An explanation of the assessed valuation and tax structure of the District.
- An explanation of the funding process for the school District.
- A description of the District's student enrollment trends and projections.
- Data on the existing bond indebtedness of the District and when various building debts will expire.
- Information on federal and state aid to your District's education program.

E. School District Facilities

- A list showing the number, location, and condition of schools and other buildings owned/operated by the District.
- An explanation of construction projects contemplated and in process.
- A description of the District's building maintenance program.
- A description of the geographic boundaries and attendance zones for each of the schools within the Novi School District.

F. School Curriculum and Instruction

- An explanation of curriculum standards required by state law and implemented by the State Board of Education.
- Access to recent state and/or accrediting agency evaluations.
- An explanation of the District's overall curriculum program.
- An explanation of local school improvement initiatives (what, why, who, how, etc.).
- An explanation of the education organization of the District, including student groupings, departmentalization, team-teaching, shared pupils/teachers, etc.
- An explanation of how elementary, middle school, and secondary curricula are coordinated.
- Student dropout statistics
- Information on state standardized testing, other applicable standardized testing, recent test results, and the utilization of test results.
- Data on the percentages of students who go on to college or other post high school programs.
- Documents showing teacher-pupil ratio and median class size for the District.
- An explanation of the District's involvement with the Oakland ISD and OTEC campuses, CASA, the International Academy, and other collaborative educational facilities/programs.
- The District's special education programs/courses offered for students.
- A description of libraries, technological tools and other instructional materials in use now or planned for the future.
- A listing of extra and co-curricular activities in the District.

G. Administration and Staff

- A copy of the job description of the Superintendent, Board Secretary and top administrators.
- An organizational chart of the school District's management structure.
- An explanation of personnel recruitment and hiring procedures.
- Data on average and median salaries of teachers and administrators.
- Data on staff/administrator ratios.
- A copy of the District's collective bargaining agreement(s), and a brief history of the recent collective bargaining activities in the District.

NOVI BOARD OF EDUCATION OPERATING PROCEDURES

- An explanation of the District's evaluation criteria and procedures for administrators, teachers and support staff.
- An explanation of the District's orientation program for new teachers.
- An explanation of the District's staff development program.
- An opportunity to meet individually with central office administrators.

H. School-Community Relations

- An explanation of programs, activities and interest of education-oriented groups and associations (i.e., PTSA, booster clubs, the Novi Education Foundation, advisory committees, etc.).
- An explanation of the District's public relations program, the District "Brand", how it is coordinated, and what activities regularly take place.

Meetings of the Board

All regular and those special meetings of the Board at which the Board is authorized to perform business shall be conducted in public. No act shall be valid unless approved at a meeting of the Board by a majority vote of the members elected or appointed to and serving on the Board and a proper record made of the vote. Meetings of the Board shall be public and no person shall be excluded therefrom.

M.C.L. 380.1201

- A. Any time four or more Board members are gathered together to discuss school business, it is considered a meeting (quorum).
- B. In addition to the following procedures, at all times Board members shall adhere to the Board Aspirational Statements.

Annual Organizational Meeting

The Board of Education shall organize annually not earlier than January 1st immediately following an election held on a November regular election date and not later than the first meeting in January at a meeting held for that purpose. The meeting shall be called to order by the ranking officer of the preceding Board who shall serve as presiding officer until the election of a President.

- Organizational Meeting Items
- Overview of FOIA, FERPA, and Open Meeting Act
- Read ~~Code of Ethics~~ Aspirational Statements
- Election of Officers
- Committee Assignments
- Installation of new Board members (Every other year)
- Resolution of the Board – National School Board Month

Regular Meetings

Developing the Board Meeting Agenda

The Board President and the Superintendent shall prepare and submit to each Board member a written agenda prior to each regular meeting and each special meeting, unless otherwise directed by the Board. The agenda

NOVI BOARD OF EDUCATION OPERATING PROCEDURES

shall list the various matters to come before the Board and shall serve as a guide for the order of procedure for the meeting.

The agenda of the regular monthly meeting or special meetings shall be accompanied by a report from the Superintendent on information relating to the District with such recommendations as s/he shall make.

Each agenda may contain the following statement:

"This meeting is a meeting of the Board of Education in public for the purpose of conducting the School District's business and is not to be considered a public community meeting. There is a time for public participation during the meeting as indicated in agenda item ____."

The agenda for each regular meeting shall be mailed or delivered to each Board member so as to provide proper time for the member to study the agenda. Generally, the agenda should be received no later than seventy-two (72) hours prior to the meeting so as to provide time for the study of the agenda by the member. The agenda for a special meeting shall be delivered at least twenty-four (24) hours before the meeting, consistent with provisions calling for special meetings.

- It is the preference of the Board that action items not be added after this time.
- Discussion items may be added if there are time constraints that need to be accounted for.
- Action items should not be added unless timing is critical.

The Board shall transact business according to the agenda prepared by the Superintendent and Board President and submitted to all Board members in advance of the meeting. The order of business may be altered and items added at any meeting by a majority vote of the members present.

Use of Consent Agenda

The Board of Education may use a consent agenda to keep routine matters within a reasonable time frame.

Consent Agenda

When the agenda is prepared, the Board President and the Superintendent shall determine items, if any, that qualify to be placed on the consent agenda. A consent agenda shall include items of a routine and/or recurring nature grouped together under one action item. For each item listed as part of the consent agenda, the Board shall be furnished with background material. All such items shall be acted upon by one vote without separate discussion, unless a Board member requests that an item be withdrawn for individual consideration. The remaining items shall be adopted under a single motion and vote.

Consent items typically include, but are not limited to:

- Minutes of prior meeting(s)
- Bills for payment
- Resolution that require annual adoption, such as bank signatories, memberships in associations, etc.
- Other items deemed appropriate

NOVI BOARD OF EDUCATION OPERATING PROCEDURES

A member of the Board may request any item to be removed from the consent resolution and defer it for a specific action and more discussion. No vote of the Board will be required to remove an item from the consent agenda. A single member's request shall cause it to be relocated as an action item eligible for discussion. Any item on the consent agenda may be removed and discussed as a non-action item or be deferred for further study and discussion at a subsequent Board meeting if the Superintendent or any Board member thinks the item requires further discussion.

Regular Board Meeting Agenda Items

- A. Meeting Location
- B. Opening Items:
 - 1. Call to Order
 - 2. Pledge of Allegiance
 - 3. Agenda Approval – Roll Call
- C. Student Board Member Report
- D. Awards, Recognitions, and Celebrations
- E. Reports to the Board
- F. Consent Items Agenda
- G. Comments from the Audience
- H. Donations
- I. Action Items
- J. Information and Discussion
- K. Committee Reports
- ~~L. Comments from the Audience~~
- M. Superintendent's Report
- N. Administrative Reports
- ~~O. Committee Reports~~
- P. Board Communication
- Q. Adjournment

Board's Review of Instructional Programs Reports to the Board

- A. The Assistant Superintendent of Academic Services will report to the Board on updates and changes to the instructional programs.
- B. Each Board member will be given a copy of the instructional program prior to the meeting.

Annual Calendar of the Board Agenda Items

- A. In addition to monthly agenda items listed above, the items below may be presented as scheduled in the following annual outline:

Month	<u>Annual Board Reports</u>	<u>Annual Student/Partnership Reports</u>
July:	Board Self-Assessment	
August:	NEA Bargaining Group Wage Reopener - Info & Action	Robotics Annual Report
	Novi Public Library Café Agreement	
	Personnel Report	
September:	MICIP/AER/DIP Report	

NOVI BOARD OF EDUCATION OPERATING PROCEDURES

	Summer School Report	
	MASB Delegate Appointment(s)	
	Winter Tax Levy	
	Association Membership	
	MICIP Report - Action	
October:	Report - M-STEP/iReady Results	National Merit Semi-Finalists
	Resolution of the Board - National Principals' Month	Band Boosters Prior Year's Season
	Report - 2019 Bond Program Fall Update	
	Report - Financial Audit	
	Audit Report – Action	
November:	NEA, Administrative, Executive Council Contract Renewal	Novi Public Library - Summer Reading Program
		NM Bridgepointe Program - Community Service
December:	Pre-Organizational Meeting Items (Work Session) Superintendent Evaluation	
January:	Organizational Meeting	SEPAC (Special Education Parent Advisory Committee)
	Overview of FOIA, FERPA, and Open Meetings Act	
	After an election:	
	Post-election organization meeting	
	Election of officers	
	Committee assignments	
	Installation of new Board members	
	Read Code of Ethics (every other year)	
	Resolution of the Board - National Local School Board Month	
February:	Michigan School Scorecard Report	
	MASB Board of Directors Election - Info & Disc. then Action	
	Teacher of the Year	
March:	AP/IB Annual Report	
	Thrid Grade Reading Report	
	NEA Calendar Info & Disc. Then Action	
	Support Person of the Year	
	NEF Teacher of the Year	
April:	Approval of summer school plans	Athletics Winter Sports Summary
	Report - iReady	DECA
	EnviroClean Contract Renewal Info & Disc. Then Action	
May:	Staff Appreciation Week – Action	Wellness Committee
	Summer Tax Collection – Info & Disc. Then Action	
	Chartwell's Annual Report & Contract Renewal	HOSA
	Oakland Schools Budget – Info & Disc. then Action	
	Oakland Schools Biennial Election Resolution?	
June:	Board of Education Meeting Dates – Info & Disc. then Action	Athletics Spring Sports Summary

NOVI BOARD OF EDUCATION OPERATING PROCEDURES

	District Final Budget - Info & Disc. Then Action	
	District Preliminary Budget – Info & Disc. then Action	

Guidelines for Board Members

- A. Board members wishing to have something placed on the agenda will:
 - 1. Make the request to the Board President, after gaining the support of another Board member
 - 2. The request will be reviewed by both the Board President and the Superintendent.
 - 3. The Board President shall do one of more of the following:
 - a. notify the Board member when it will be placed on the agenda or when it may already be scheduled for discussion, or
 - b. refer it out to appropriate committee for initial discussion or recommendation.
 - c. place on agenda to be discussed at the table no later than two months from the initial request.
- B. Board members wishing to remove something from the agenda will:
 - 1. Make the request to the Board President.
 - 2. The request will be reviewed by both the Board President and the Superintendent.
 - 3. The Board President will make the final decision on the request.

Work Session

- A. Meeting Location
- B. Call to Order
- C. Pledge of Allegiance
- D. Approval of Agenda – Roll Call
- E. Public Comments
- F. Business Items (no audience discussion)
- G. Announcements/Comments

Meeting Procedures

Board Member Preparation for Meetings

- A. Board members will come to Board meetings prepared to discuss and/or take action on all agenda items.
 - 1. Study the material posted ~~online in Board Book~~ **electronically**.
 - 2. Requests for additional information may be made up to 48 hours before a meeting and addressed through the Superintendent prior to or at the Board meeting.
- B. Board member questions on agenda items:
 - 1. May be sent directly to the appropriate administrator along with the Superintendent. Administrators will reply to the board of education email group with a response.
 - 2. Should be submitted a minimum of 48 hours prior to a scheduled board meeting where items are to be discussed.

Board Meeting Protocols and the Decision Making Process

We, as a Board, must function as a team and, at all times, treat each other and the people we serve with the utmost courtesy, dignity, respect, and professionalism. The Board must be cordial and respectful while actively engaging, listening, and responding to others. The guiding principle behind

NOVI BOARD OF EDUCATION OPERATING PROCEDURES

all decisions made by the Board will be the Board's vision statement.

1. Identify the problem: at Board Meeting during Board Information
 - a. Sources: Administration, staff, public, legislature, the Board.
 - b. Restate what problem needs to be solved.
2. Define the Data Needs: at Board Meeting during Board Information
3. Gather and Disseminate Data:
 - a. Board Members and Administration may seek out sources of information at any time to research the pros and cons of an issue.
 - b. Include systematic engagement of the public.
 - c. To the extent feasible, provide data (including a citation) collected to Board Members and Administration prior to Board Analysis, Step 5 below. Data can be shared electronically or via the Friday packet.
4. Recommendations: Provide to Board via Friday packet
 - a. Provide all alternatives.
 - b. Forecast the consequences of each alternative:
 - i. What can be gained or lost
 - ii. Who will be affected, directly or indirectly
 - iii. What other programs or issues will be affected
 - iv. What will be the actual cost?
 - v. How does this affect student achievement?
 - vi. Will the decision benefit students?
 - c. Provide advantages and disadvantages for each alternative.
 - d. Provide Superintendent's recommendation with justification.
5. Board Analysis: at Board Work Session - Committee of the Whole
 - a. Measure alternatives against District vision, mission, and values.
 - b. Consider the Superintendent's recommendations and alternatives to solving the problem.
 - c. Consider the consequences and possible outcomes from the alternatives.
 - d. Seek feedback from stakeholders including the public.
6. Make decision: at Board Meeting as Action Item
 - a. Board receives final recommendations from the Administration.
 - b. Is this decision in harmony with our District's mission, vision and values?
 - c. Is this decision for the greatest good for the largest number of children?
 - d. Direct Administration.
 - e. Define who will be accountable for implementation of the decision.
 - f. Identify follow up action items, measurements and dates.

Board Meeting Protocol

- ~~A. Board members will demonstrate respect to fellow Board members, staff, and public participants through the following behavior:~~
- ~~● Listen and treat each other respectfully.~~
 - ~~● Be cordial when disagreeing.~~
 - ~~● Say what needs to be said as briefly and clearly as possible.~~
 - ~~● Direct comments solely to the business under deliberation~~

NOVI BOARD OF EDUCATION OPERATING PROCEDURES

- ~~Address each other, staff, and public by title (Dr., Mr., Mrs., Ms., Trustee, etc.) and last name~~
- ~~Only speak after acknowledgement from the Board President/Chair.~~
- ~~Support hearing the voice of all Board members on each agenda item that is being discussed and refrain from dominating the conversation.~~
- ~~Focus on issues, not people or personalities.~~
- ~~Courteously accept other viewpoints and Board votes, which were not supported by self.~~
- ~~Seek solutions and reasonable compromises or consensus when there are differences of opinions.~~
- ~~Make decisions in the context of what is best for all students in the District.~~
- ~~Be willing to accept responsibility for our own behavior and communications.~~
- ~~Attempt always to have dialogue (multiple perspectives) rather than simple discussions (yes or no decisions).~~
- ~~As a courtesy to others, electronic devices will be set in a non-audible mode during Board meetings. Emergency situation warrant exceptions.~~

Discussion of Motions

- A. All discussions shall be directed solely to the business currently under deliberation.
- B. The Board President or designated chair has the responsibility to keep the discussion to the motion at hand and shall halt discussions that do not apply to the business currently before the Board.
- C. A Board member prior to giving their comments shall ask for and receive recognition by the presiding officer.

Board Member participation in Discussion, Debate and Voting

Unless specifically authorized by Michigan conflict of interest laws, any Board member's decision to abstain shall be recorded and be deemed to acquiesce in the action taken by the majority. Failure to vote, absent a statutory exception, constitutes a breach of the Board member's duty as a public official. In situations in which there is a tie vote and the abstention represents the deciding vote, the motion shall fail for lack of a majority.

184 Mich App 681, 684 (1990)

- A. All Board members shall vote on all action items unless a conflict of interest applies. This conflict must be disclosed prior to discussion.
 - Familial
 - Financial
- B. All Board members may make motions, second motions and enter into debate on all agenda items.
- C. In case of a tie, the action item fails.
- D. In case of a less than unanimous vote, the Board will support the majority decision and go forward in harmony.
- E. A majority of the entire Board is needed to pass an action item.

All actions requiring a vote may be conducted by voice, show of hands, or roll call provided that the vote of

NOVI BOARD OF EDUCATION OPERATING PROCEDURES

each member be recorded. All votes shall be by roll call when members of the Board participate from a remote location via electronic means. Proxy voting shall not be permitted. Any member may request that the Board be polled.

Public Comments

Persons Addressing the Board

- A. Audience participation at board meetings is limited to the portion of the meeting designated as Public Comments. At all other times during a Board meeting, the audience shall not enter into discussion or debate on matters being considered by the Board, unless recognized by the presiding officer. The board will designate a portion of the agenda for Public Comments.
- B. A person may address the Board on an agenda or non-agenda item by completing a note card located inside the Boardroom and giving the card to the Administrative Secretary/ or designee prior to the Public Comments period. Each speaker will be given a time limit of no more than 5 minutes. Attendees may address the Board without filling out a note card. Delegations of more than five persons addressing the same issue shall be encouraged to appoint one person to present their views before the Board.
- C. The board respectfully requests that any individual wishing to speak to the board provide their name, address, any organization they represent, keep their comments to the allotted time, and refrain from directing comments to individual members of the board, district employees, or members of the audience.

Board Response to Persons Addressing the Board

- A. Board members will hear comments during Public Comments as indicated in 1.3.2.
- B. Board members cannot respond or enter into discussion with the audience during the meeting as:
 - 1. Items on the agenda will be discussed as appropriate and scheduled on the agenda.
 - 2. Items not on the agenda do not permit Board members to respond or discuss except to make factual statements or refer to Board Policy.
 - 3. All public comments will be followed up by the Superintendent or designee within three business days.
- C. The board President may direct administration to investigate item(s) and report back to the Board and/or the individual citizen and/or to contact the citizen within 3 business days to have further dialogue.

Employee/Student Privacy

Discussion of Employee/Student Issues

The Board will not encourage or actively participate with negative comments on individual employees or students in a public session.

Hearing, Grievances, Student/Employee Discipline

- A. The Board will conduct all hearings in accordance with the applicable Board policies - See Policy 2006 – Behavior, Student Code of Conduct)
- B. During hearings, Board members will seek legal counsel as deemed necessary.
- C. The Board shall not use a student's name in any discussion.
- D. Student/Employee disciplinary hearings will be held in a Closed Special Session if requested.

Closed Session

NOVI BOARD OF EDUCATION OPERATING PROCEDURES

Board Member Responses to Inquiries about Closed Sessions

- A. Board members are to refer any inquiries about Closed Session to the Superintendent or the Board President.
- B. Any information from a Closed Session is confidential and shall not be discussed outside of the Closed Session.

Participation by People Other Than Board Members in Closed Session

Participants are limited to:

- A. The person requesting the Closed Session, their council, a union representative, their parent(s) or guardian(s) where applicable.
- B. Representatives of the administration that have pertinent information.
- C. Additional person that the Board approves.

Broadcasting and ~~Taping~~ Streaming

All meetings for the conduct of the affairs of and the transaction of business by the Board, ~~including committee~~, work session, and retreats shall be open to the public **and streamed live**.

To the extent available, all special meetings and work sessions will be audiotaped and archived.

Adopted 6/15/17

Development and Review of Board Operating Procedures

- A. New Board Operating Procedures are developed and revised in response to Board needs by the Governance and Policy committee.
- B. New and revised Board Operating procedures are adopted via consensus of the Board.

Curriculum Committee Charter May 17, 2021

Mission Statement

The Curriculum Committee is dedicated to creating a community of learners and critical thinkers by ensuring equity, inclusion, and enriching the quality of the academic content of Novi Community Schools District's curriculum.

Purpose of the Committee

This is an Ad Hoc committee of the Novi Board of Education with the designated purpose of addressing and proposing the curriculum in the District to ensure that it meets the state and federal standards and guidelines. This committee will ensure there is equity and inclusion for all by developing initiatives, strategies, and best practices in order to facilitate innovation in the programs to promote critical thinkers within our students.

NOVI BOARD OF EDUCATION OPERATING PROCEDURES

Authority

This committee cannot take action, but can make recommendations at a regular meeting of the Board based on its findings.

Committee Assignments

The members of this committee shall be appointed by the president of the Board of Education and comprised of existing board members. The president shall name the chairperson of the committee.

Chairperson Responsibilities

The Chairperson, in collaboration with the Superintendent and/or Assistant Superintendents, is responsible for:

- Setting the agenda
 - Members of the committee wishing to add items to the agenda, must submit them to the Chairperson 36 hours before the meeting to ensure they can be added to the agenda.
 - The Chairperson must either approve or deny the request and send them to the executive assistant to the superintendent in order that they can be added and the other committee members notified.
- Setting the pace, staying on task, and staying within the time constraints of the meeting.
- Allow for public comment
 - The public is allowed to comment without expectation that the committee members will respond at that moment.
 - Shall set time limits, if necessary, to ensure the meeting stays close to the time constraints.
 - Record the minutes in the absence of the executive assistant to the superintendent.

Standard Committee Procedures

Meeting Dates and Times

As designated in the Board Operating Procedures Manual, this committee will meet as needed and shall begin the first Board meeting in January and end on December 31 of that same year. These dates and times shall be posted no later than 18 hours before the meeting is to take place, in accordance with the Open Meetings Act.

Diversity, Equity, and Inclusion Committee Charter April 21, 2021

Mission Statement

The Diversity, Equity, and Inclusion (DEI) Committee is dedicated to ensure continued progress toward the vision of the Novi Community School District's equity, diversity, and inclusion initiative.

Purpose of the Committee

This is an Ad Hoc committee of the Novi Board of Education with the designated purpose of addressing equity, diversity, and inclusion in the District. This committee will ensure there is equity and inclusion for all by having bold, honest, and crucial conversations, exploring solutions for removing systemic barriers, developing and promoting strategies and best practices within the realms of racial, social, and gender diversity.

NOVI BOARD OF EDUCATION OPERATING PROCEDURES

Authority

This committee cannot take action, but can make recommendations at a regular meeting of the Board based on its findings.

Committee Assignments

The members of this committee shall be appointed by the president of the Board of Education and comprised of existing board members. The president shall name the chairperson of the committee.

Chairperson Responsibilities

The Chairperson, in collaboration with the Superintendent and/or Assistant Superintendents, is responsible for:

- Setting the agenda
 - Members of the committee wishing to add items to the agenda, must submit them to the Chairperson 36 hours before the meeting to ensure they can be added to the agenda.
 - The Chairperson must either approve or deny the request and send them to the executive assistant to the superintendent in order that they can be added and the other committee members notified.
- Setting the pace and staying within the time constraints of the meeting.
- Allow for public comment
 - The public is allowed to comment without expectation that the committee members will respond at that moment.
 - Shall set time limits, if necessary, to ensure the meeting stays close to the time constraints.
- Record the minutes in the absence of the executive assistant to the superintendent.

Standard Committee Procedures

Meeting Dates and Times

As designated in the Board Operating Procedures Manual, this committee will meet as needed and shall begin the first Board meeting in January and end on December 31 of that same year. These dates and times shall be posted no later than 18 hours before the meeting is to take place, in accordance with the Open Meetings Act.

Finance Committee Charter

June 1, 2021

Mission Statement

The Finance Committee will oversee the District's budget and develop strategies that will help to maintain a minimum of a ten percent fund balance.

Purpose of the Committee

This is a standing committee of the Novi Board of Education with the designated purpose of monitoring and overseeing the District's funds and balance sheets. This committee will provide recommendations on the District's financial strategy and shall oversee the capital structure, investments, and returns.

NOVI BOARD OF EDUCATION OPERATING PROCEDURES

Authority

This committee cannot take action, but can make recommendations at a regular meeting of the Board based on its findings.

Committee Assignments

The members of this committee shall be appointed by the president of the Board of Education and comprised of existing board members and the Assistant Superintendent of Business and Operations. The president shall name the chairperson of the committee.

Chairperson Responsibilities

The Chairperson, in collaboration with the Superintendent and/or Assistant Superintendents, is responsible for:

- Setting the agenda
 - Members of the committee wishing to add items to the agenda, must submit them to the Chairperson 36 hours before the meeting to ensure they can be added to the agenda.
 - The Chairperson must either approve or deny the request and send them to the executive assistant to the superintendent in order that they can be added and the other committee members notified.
- Setting the pace and staying within the time constraints of the meeting.
- Allow for public comment
 - The public is allowed to comment without expectation that the committee members will respond at that moment.
 - Shall set time limits, if necessary, to ensure the meeting stays close to the time constraints.
- Record the minutes in the absence of the executive assistant to the superintendent.

Standard Committee Procedures

Meeting Dates and Times

As designated in the Board Operating Procedures Manual, this committee will meet as needed and shall begin the first Board meeting in January and end on December 31 of that same year. These dates and times shall be posted no later than 18 hours before the meeting is to take place, in accordance with the Open Meetings Act.

Governance and Policy Committee Charter

May 25, 2021

Mission Statement

The Governance and Policy Committee is committed to creating meaningful policies that will guide and govern the Novi Community Schools District following the boundaries of the Michigan Compiled Laws.

Purpose of the Committee

This is a standing committee of the Novi Board of Education with the designated purpose of revising and creating District policies, under the guidance of the District's policy provider, Miller and Johnson

NOVI BOARD OF EDUCATION OPERATING PROCEDURES

and within the law, to ensure that they meet the state and federal guidelines.

Authority

This committee cannot take action, but can make recommendations at a regular meeting of the Board based on its findings.

Committee Assignments

The members of this committee shall be appointed by the president of the Board of Education and comprised of existing board members. The president shall name the chairperson of the committee.

Chairperson Responsibilities

The Chairperson, in collaboration with the Superintendent and/or Assistant Superintendents, is responsible for:

- Setting the agenda
 - Members of the committee wishing to add items to the agenda, must submit them to the Chairperson 36 hours before the meeting to ensure they can be added to the agenda.
 - The Chairperson must either approve or deny the request and send them to the executive assistant to the superintendent in order that they can be added and the other committee members notified.
- Setting the pace, staying on task, and staying within the time constraints of the meeting.
- Allow for public comment
 - The public is allowed to comment without expectation that the committee members will respond at that moment.
 - Shall set time limits, if necessary, to ensure the meeting stays close to the time constraints.
- Record the minutes in the absence of the executive assistant to the superintendent.

Standard Committee Procedures

Meeting Dates and Times

As designated in the Board Operating Procedures Manual, this committee will meet as needed and shall begin the first Board meeting in January and end on December 31 of that same year. These dates and times shall be posted no later than 18 hours before the meeting is to take place, in accordance with the Open Meetings Act.

OPEN MEETINGS ACT HANDBOOK



Attorney General Dana Nessel

Additional copies available at mi.gov/foia-ag

The Handbook is intended to be a quick reference guide. It is not intended to be encyclopedic on every subject or resolve every situation that may be encountered.

TABLE OF CONTENTS

THE BASICS

The Act	4
What bodies are covered?	4
Public notice requirements.....	4
Agendas and the OMA	6
Penalties for OMA violations.....	6
Lawsuits to compel compliance.....	6
Correcting non-conforming decisions	6

DECISIONS MUST BE MADE IN PUBLIC MEETINGS

All decisions must be made at a meeting open to the public	7
Meeting "informally" to discuss matters	7
Canvassing board members on how they might vote.....	7
May a quorum of a board gather outside an open meeting without violating the OMA?.....	8
Advisory committees and the OMA	8
Use of e-mail or other electronic communications during an open meeting.....	9

CLOSED SESSIONS

Meeting in closed session	10
A closed session must be conducted during the course of an open meeting	10
Going into closed session.....	11
Leaving a closed session	11
Decisions must be made at an open meeting, not the closed session	12
Avoid using the terms "closed session" and "executive session" interchangeably.....	12
Staff and others may join the board in a closed session	12
Forcibly removing a person from a closed session.....	12

PUBLIC ATTENDING OPEN MEETINGS

Excluding individuals	13
Identifying public attendees.....	13
Limiting public comment.....	13
Meeting location.....	14
Timing of public comment.....	14

Taping and broadcasting	14
-------------------------------	----

MINUTES

What must be in the minutes	15
When must the minutes be available	15
When must the minutes be approved	15
Closed session minutes	15
Inadvertent omissions from the minutes	16

PARLIAMENTARY PROCEDURES

Core principle.....	17
---------------------	----

QUORUM

Quorum	17
What is the quorum?	17
Disqualified members	17
Losing a quorum.....	18
Resigned members	18

VOTING

Abstain	19
Adjourning the meeting	19
Chairperson voting	19
Expired-term members	19
Imposing a greater voting requirement	19
Majority	19
Proxy voting.....	20
Roll call vote	20
Round-robin voting	20
Rule of necessity.....	20
Secret ballot.....	21
Tie vote	21

OPEN MEETINGS ACT

THE BASICS

The Act – the [Open Meetings Act \(OMA\)](#) is 1976 PA 267, MCL 15.261 through 15.275. The OMA took effect January 1, 1977. In enacting the OMA, the Legislature promoted a new era in governmental accountability and fostered openness in government to enhance responsible decision making.¹

Nothing in the OMA prohibits a public body from adopting an ordinance, resolution, rule, or charter provision that requires a greater degree of openness relative to public body meetings than the standards provided for in the [OMA](#).²

What bodies are covered? – the OMA applies to all meetings of a [public body](#).³ A "public body" is broadly defined as:

[A]ny state or local legislative or governing body, including a board, commission, committee, subcommittee, authority, or council, that is empowered by state constitution, statute, charter, ordinance, resolution, or rule to *exercise governmental or proprietary authority or perform a governmental or proprietary function*; a lessee of such a body performing an essential public purpose and function pursuant to the [lease agreement](#).⁴ [Emphasis added.]

As used in the OMA, the term "[public body](#)" connotes a collective entity and does not include an individual government official.⁵ The OMA does not apply to [private, nonprofit corporations](#).⁶

Public notice requirements – a meeting of a public body cannot be held unless public notice is given consistent with the [OMA](#).⁷ A [public notice](#) must contain the public body's name, telephone number, and address, and must be posted at its principal office and any other locations

¹ *Booth Newspapers, Inc v Univ of Michigan Bd of Regents*, 444 Mich 211, 222-223; 507 NW2d 422 (1993).

² MCL 15.261.

³ MCL 15.263. When the Handbook refers to a "board," the term encompasses all boards, commissions, councils, authorities, committees, subcommittees, panels, and any other public body.

⁴ MCL 15.262(a). The provision in the OMA that includes a lessee of a public body performing an essential public purpose is unconstitutional because the title of the act does not refer to organizations other than "public bodies." OAG, 1977-1978, No 5207, p 157 (June 24, 1977). Certain boards are excluded "when deliberating the merits of a case." MCL 15.263(7). See also MCL 15.263(8) and (10).

⁵ *Herald Co v Bay City*, 463 Mich 111, 129-133; 614 NW2d 873 (2000) – a city manager is not subject to the OMA. *Craig v Detroit Public Schools Chief Executive Officer*, 265 Mich App 572, 579; 697 NW2d 529 (2005). OAG, 1977-1978, No 5183A, p 97 (April 18, 1977).

⁶ OAG, 1985-1986, No 6352, p 252 (April 8, 1986) – the Michigan High School Athletic Association is not subject to the OMA. See also *Perlono v Iron River Cooperative TV Antenna Corp*, 122 Mich App 433; 332 NW2d 502 (1983).

⁷ MCL 15.265(1). *Nicholas v Meridian Charter Twp*, 239 Mich App 525, 531; 609 NW2d 574 (2000).

the public body considers appropriate.⁸ If a public body is a part of a state department, a [public notice](#) must also be posted in the principal office of the state department.⁹

Public notice requirements are specific to the type of meeting:

- (1) For regular meetings of a public body, there shall be posted within 10 days after the first meeting of the public body in each calendar or fiscal year a public notice stating the dates, times, and places of its regular meetings.
- (2) For a change in schedule of regular meetings of a public body, there shall be posted within three days after the meeting at which the change is made, a public notice stating the new dates, times, and places of its regular meetings.
- (3) For a rescheduled regular or a special meeting of a public body, a public notice stating the date, time, and place of the meeting shall be posted at least 18 hours before the meeting.
- (4) A meeting of a public body which is recessed for more than 36 hours shall be reconvened only after [public notice](#) has been posted at least 18 hours before the reconvened meeting.¹⁰

At their first meeting of the calendar or fiscal year, each board must set the dates, times, and places of the board's regular meetings for the coming year. The OMA does not require any particular number of meetings. The board's schedule of regular meetings is not, of course, set in stone. The board is free to cancel or reschedule its meetings.

The minimum 18-hour notice requirement is not fulfilled if the public is denied access to the notice of the meeting for any part of the [18 hours](#).¹¹ The requirement may be met by posting at least 18 hours in advance of the meeting using a method designed to assure access to the notice. For example, the public body can post the [notice](#) at the main entrance visible on the outside of the building that houses the principal office of the public body.¹²

A public body must send copies of the public notices by first class mail to a requesting party, upon the party's payment of a yearly fee of not more than the reasonable estimated cost of printing and postage. Upon written request, a public body, at the same time a public notice of a meeting is posted, must provide a copy of the public notice to any newspaper published in the state or any radio or television station located in the state, [free of charge](#).¹³

⁸ MCL 15.264(a)-(c).

⁹ MCL 15.264(c).

¹⁰ MCL 15.265(2)-(5).

¹¹ OAG, 1979-1980, No 5724, p 840 (June 20, 1980).

¹² OAG No 5724.

¹³ MCL 15.266.

Agendas and the OMA – while the OMA requires a public body to give public notice when it meets, it has no requirement that the [public notice](#) include an agenda or a specific statement as to the purpose of a meeting.¹⁴ No agenda format is required by the OMA.¹⁵

Penalties for OMA violations – a public official who "intentionally violates" the OMA may be found guilty of a [misdemeanor](#)¹⁶ and may be [personally liable](#) for actual and exemplary damages of not more than \$500 for a single meeting.¹⁷ The exemptions in the OMA must be strictly construed. The "rule of lenity" (i.e., courts should mitigate punishment when the punishment in the criminal statute is unclear) does not apply to construction of the OMA's exemptions.¹⁸

A decision made by a public body may be invalidated by a court, if the public body has not complied with the requirements of [MCL 15.263\(1\), \(2\), and \(3\)](#) [i.e., making decisions at a public meeting] or if failure to give notice in accordance with section 5 has interfered with substantial compliance with [MCL 15.263\(1\), \(2\), and \(3\)](#) and the court finds that the noncompliance has impaired the rights of the public under the OMA.

Lawsuits to compel compliance – actions must be brought within [60 days](#) after the public body's approved minutes involving the challenged decision are made publicly available.¹⁹ If the decision involves the approval of contracts, the receipt or acceptance of bids, or the procedures pertaining to the issuance of bonds or other evidences of indebtedness, the action must be brought within [30 days](#) after the approved minutes are made publicly available.²⁰ If the decision of a state public body is challenged, venue is in [Ingham County](#).²¹

Correcting non-conforming decisions – in any case where a lawsuit has been initiated to invalidate a public body's decision on the ground that it was not made in conformity with the OMA, the public body may, without being deemed to make any admission contrary to its interest, reenact the disputed decision in conformity with the OMA. A decision reenacted in this manner shall be effective from the [date of reenactment](#) and is not rendered invalid by any deficiency in its initial enactment.²² If the board acts quickly, the reenactment may defeat a claim for attorney's fees, since plaintiffs would not be successful in "obtaining relief in the action" within the meaning of the OMA.²³

¹⁴ OAG, 1993-1994, No 6821, p 199 (October 18, 1994). But, as discussed in OAG No 6821, other statutes may require a public body to state in its notice the business to be transacted at the meeting.

¹⁵ *Lysogorski v Bridgeport Charter Twp*, 256 Mich App 297, 299; 662 NW2d 108 (2003).

¹⁶ MCL 15.272.

¹⁷ MCL 15.273.

¹⁸ *People v Whitney*, 228 Mich App 230, 244; 578 NW2d 329 (1998).

¹⁹ MCL 15.270(3)(a).

²⁰ MCL 15.270(3)(b).

²¹ MCL 15.270(4).

²² MCL 15.270(5).

²³ *Leemreis v Sherman Twp*, 273 Mich App 691, 700; 731 NW2d 787 (2007). *Felice v Cheboygan County Zoning Comm*, 103 Mich App 742, 746; 304 NW2d 1 (1981).

DECISIONS MUST BE MADE IN PUBLIC MEETINGS

All decisions must be made at a meeting open to the public – the OMA defines "decision" to mean "a determination, action, vote, or disposition upon a motion, proposal, recommendation, resolution, order, ordinance, bill, or measure on which a vote by members of a public body is required and by which a [public body](#) effectuates or formulates public policy."²⁴ The OMA provides that "[a]ll decisions of a public body shall be made at a meeting open to the public," and that, with limited exceptions, "[a]ll deliberations of a public body constituting a quorum of its members shall take place at a meeting [open to the public](#)."²⁵

The OMA does not contain a "voting requirement" or any form of "formal voting requirement." A "consensus building process" that equates to decision-making would fall under the act.²⁶ For example, where board members use telephone calls or sub-quorum meetings to achieve the same intercommunication that could have been achieved in a full board or commission meeting, the members' conduct is susceptible to "round-the-horn" decision-making, which achieves the same effect as if the entire board had met publicly and formally cast its votes. A "round-the-horn" process violates the OMA.²⁷

Meeting "informally" to discuss matters – while the OMA "does not apply to a meeting which is a [social or chance gathering or conference](#) not designed to avoid this act,"²⁸ a meeting of a public body must be open to the public. The OMA does not define the terms "social or chance gathering" or "conference," and provides little direct guidance as to the precise scope of this [exemption](#).²⁹ To promote openness in government, however, the OMA is entitled to a broad interpretation and exceptions to conduct closed sessions must be construed strictly.³⁰ Thus, the [closed session exception](#) does not apply to a quorum of a public body that meets to discuss matters of public policy, even if there is no intention that the deliberations will lead to a decision on that occasion.³¹

Canvassing board members on how they might vote – an informal canvas by one member of a public body to find out where the votes would be on a particular issue does not violate the OMA,

²⁴ MCL 15.262(d).

²⁵ MCL 15.263(2) and (3).

²⁶ *Booth Newspapers, Inc v Univ of Michigan Bd of Regents*, 444 Mich at 229.

²⁷ *Booth Newspapers, Inc*, 444 Mich at 229 – "any alleged distinction between the [public body's] consensus building and a determination or action, as advanced in the OMA's definition of 'decision,' is a distinction without a difference."

²⁸ MCL 15.263(10).

²⁹ OAG, 1981-1982, No 6074, p 662, 663 (June 11, 1982).

³⁰ *Wexford County Prosecutor v Pranger*, 83 Mich App 197, 201, 204; 268 NW2d 344 (1978).

³¹ OAG, 1977-1978, No 5298, p 434, 435 (May 2, 1978). See also OAG, 1979-1980, No 5444, p 55, 56 (February 21, 1979) – anytime a quorum of a public body meets and considers a matter of public policy, the meeting must comply with the OMA's requirements. Compare OAG, 1979-1980, No 5437, p 36, 37 (February 2, 1979), where members of a public body constituting a quorum come together by chance, the gathering is exempt from the OMA; however, even at a chance meeting, matters of public policy may not be discussed by the members with each other.

so long as no decisions are made during the discussions and the discussions are not a deliberate attempt to avoid the OMA.³²

May a quorum of a board gather outside an open meeting without violating the OMA? – yes, in some instances. In addition to a purely [social gathering or chance gathering](#)³³ that does not involve discussions of public policy among the members of the board, a quorum may accept an invitation to address a [civic organization](#),³⁴ listen to the concerns of a neighborhood organization, or observe demonstrations, if the board doesn't deliberate toward, or make, a [decision](#).³⁵

A board quorum also may meet for a workshop, seminar, informational gathering, or professional conference designed to convey, to the conference participants, information about areas of [professional interest](#) common to all conference participants.³⁶ These kinds of meetings involve a conference designed primarily to provide training or background information and involve a relatively broad focus upon issues of general concern, rather than a more limited focus on matters or issues of [particular interest](#) to a single public body.³⁷ However, when gatherings are designed to receive input from officers or employees of the public body, the OMA requires that the gathering be held at a [public meeting](#).³⁸

The OMA was not violated when several members of the board of county commissioners attended a public meeting of the county planning committee (which had more than fifty members, two who were county commissioners), which resulted in a quorum of the board being present at the meeting (without the meeting also being noticed as a county commission meeting), so long as the nonmember commissioners did not engage in deliberations or render [decisions](#).³⁹

Advisory committees and the OMA – the OMA does not apply to committees and subcommittees composed of less than a quorum of the full public body if they "are merely [advisory](#) or only capable of making 'recommendations concerning the exercise of governmental authority.'"⁴⁰

Where, on the other hand, a committee or subcommittee is empowered to act on matters in such a fashion as to deprive the full public body of the opportunity to consider a matter, a decision of the committee or subcommittee "is an exercise of governmental authority which effectuates

³² *St Aubin v Ishpeming City Council*, 197 Mich App 100, 103; 494 NW2d 803 (1992).

³³ OAG, 1979-1980, No 5437, p 36 (February 2, 1979).

³⁴ OAG, 1977-1978, No 5183, p 21, 35 (March 8, 1977).

³⁵ OAG, 1977-1978, No 5364, p 606, 607 (September 7, 1978).

³⁶ OAG, 1979-1980, No 5433, p 29, 31 (January 31, 1979).

³⁷ OAG, 1981-1982, No 6074, at p 664.

³⁸ OAG No 5433 at p 31.

³⁹ OAG, 1989-1990, No 6636, p 253 (October 23, 1989), cited with approval in *Ryant v Cleveland Twp*, 239 Mich App 430, 434-435; 608 NW2d 101 (2000) and *Nicholas v Meridian Charter Twp*, 239 Mich App at 531-532. If, however, the noncommittee board members participate in committee deliberations, the OMA would be violated. *Nicholas*, 239 Mich App at 532.

⁴⁰ OAG, 1997-1998, No 6935, p 18 (April 2, 1997); OAG No 5183 at p 40.

public policy" and the committee or subcommittee proceedings are, therefore, subject to the [OMA](#).⁴¹

If a joint meeting of two committees of a board (each with less than a quorum of the board) results in the presence of a quorum of the board, the board must comply in all respects with the OMA and notice of the joint meeting must include the fact that a [quorum](#) of the board will be present.⁴²

Use of e-mail or other electronic communications among board members during an open meeting – e-mail, texting, or other forms of electronic communications among members of a board or commission during the course of an open meeting that constitutes deliberations toward decision-making or actual decisions violates the OMA, since it is in effect a "closed" session. While the OMA does not require that all votes by a public body must be by roll call, voting requirements under the act are met when a vote is taken by roll call, show of hands, or other method that informs the public of the public official's decision rendered by his or her vote. Thus, the OMA bars the use of e-mail or other electronic communications to conduct a secret ballot at a public meeting, since it would prevent citizens from knowing how members of the public body have [voted](#).⁴³

Moreover, the use of electronic communications for discussions or deliberations, which are not, at a minimum, able to be heard by the public in attendance at an open meeting are contrary to the OMA's core purpose – the promotion of openness in government.⁴⁴

Using e-mail to distribute handouts, agenda items, statistical information, or other such material during an open meeting should be permissible under the OMA, particularly when copies of that information are also made available to the public before or during the meeting.

⁴¹ *Schmiedicke v Clare School Bd*, 228 Mich App 259, 261, 263-264; 577 NW2d 706 (1998); *Morrison v East Lansing*, 255 Mich App 505; 660 NW2d 395 (2003); and OAG, 1997-1998, No 7000, p 197 (December 1, 1998) – a committee composed of less than a quorum of a full board is subject to the OMA, if the committee is effectively authorized to determine whether items will or will not be referred for action by the full board, citing OAG, 1977-1978, No 5222, p 216 (September 1, 1977).

⁴² OAG, 1989-1990, No 6636, at p 254.

⁴³ See *Esperance v Chesterfield Twp*, 89 Mich App 456, 464; 280 NW2d 559 (1979) and OAG, 1977-1978, No 5262, p 338 (January 31, 1978).

⁴⁴ See *Booth Newspapers, Inc*, 444 Mich at 229; *Schmiedicke*, 228 Mich App at 263, 264; and *Wexford County Prosecutor*, 83 Mich App at 204.

CLOSED SESSIONS

Meeting in closed session – a public body may meet in a [closed session](#) *only* for one or more of the permitted purposes specified in section 8 of the OMA.⁴⁵ The [limited purposes](#) for which closed sessions are permitted include, among others⁴⁶:

- (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](#)*.⁴⁷
- (2) For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement *if either negotiating party requests a [closed hearing](#)*.⁴⁸
- (3) To consider the purchase or lease of real property up to the time an option to purchase or lease that [real property](#) is obtained.⁴⁹
- (4) To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, *but only if* an [open meeting](#) would have a detrimental financial effect on the litigating or settlement position of the public body.⁵⁰
- (5) 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, all [interviews](#) by a public body for employment or appointment to a public office shall be held in an open meeting pursuant to this act.⁵¹
- (6) To consider material [exempt](#) from discussion or disclosure by state or federal statute.⁵² But note – a board is not permitted to go into closed session to discuss an attorney's oral opinion, as opposed to a written legal memorandum.⁵³

A closed session must be conducted during the course of an open meeting – section 2(c) of the OMA defines "[closed session](#)" as "a meeting or part of a meeting of a public body that is

⁴⁵ MCL 15.268. OAG, 1977-1978, No 5183, at p 37.

⁴⁶ The other permissible purposes deal with public primary, secondary, and post-secondary student disciplinary hearings – section 8(b); state legislature party caucuses – section 8(g); compliance conferences conducted by the Michigan Department of Community Health – section 8(i); and public university presidential search committee discussions – section 8(j).

⁴⁷ MCL 15.268(a) (Emphasis added.)

⁴⁸ MCL 15.268(c) (Emphasis added.)

⁴⁹ MCL 15.268(d).

⁵⁰ MCL 15.268(e) (Emphasis added.)

⁵¹ MCL 15.268(f) (Emphasis added.)

⁵² MCL 15.268(h).

⁵³ *Booth Newspapers, Inc v Wyoming City Council*, 168 Mich App 459, 467, 469-470; 425 NW2d 695 (1988).

closed to the public."⁵⁴ Section 9(1) of the OMA provides that the [minutes](#) of an open meeting must include "the purpose or purposes for which a closed session is held."⁵⁵

Going into closed session – section 7(1) of the [OMA](#)⁵⁶ sets out the procedure for calling a closed session:

A 2/3 roll call vote of members elected or appointed and serving is required to call a closed session, except for the closed sessions permitted under section 8(a), (b), (c), (g), (i), and (j). The roll call vote and the purpose or purposes for calling the closed session shall be entered into the minutes of the meeting at which the vote is taken.

Thus, a public body may go into closed session only upon a motion duly made, seconded, and adopted by a [2/3 roll call vote](#) of the members appointed and serving⁵⁷ during an open meeting for the purpose of (1) considering the purchase or lease of real property, (2) consulting with their attorney, (3) considering an employment application, or (4) considering material exempt from disclosure under state or federal law. A majority vote is sufficient for going into closed session for the other OMA permitted purposes.

We suggest that every motion to go into closed session should cite one or more of the permissible purposes listed in section 8 of the [OMA](#).⁵⁸ An example of a motion to go into closed session is:

I move that the Board meet in closed session under section 8(e) of the Open Meetings Act, to consult with our attorney regarding trial or settlement strategy in connection with [the name of the specific lawsuit].

Another example is the need to privately discuss with the public body's attorney a memorandum of advice as permitted under section 8(h) of the OMA – "to consider material [exempt](#) from discussion or disclosure by state or federal statute."⁵⁹ The motion should cite section 8(h) of the OMA and the statutory basis for the closed session, such as section 13(1)(g) of the [Freedom of Information Act](#), which exempts from public disclosure "[i]nformation or records subject to the attorney-client privilege."⁶⁰

Leaving a closed session – the OMA is silent as to how to leave a closed session. We suggest that you recommend a motion be made to end the closed session with a majority vote needed for

⁵⁴ MCL 15.262(c).

⁵⁵ MCL 15.269(1).

⁵⁶ MCL 15.267(1).

⁵⁷ And not just those attending the meeting. OAG No 5183 at p 37.

⁵⁸ MCL 15.268.

⁵⁹ MCL 15.268(h). Proper discussion of a written legal opinion at a closed meeting is, with regard to the attorney-client privilege exemption to the OMA, limited to the meaning of any strictly legal advice presented in the written opinion. *People v Whitney*, 228 Mich App at 245-248.

⁶⁰ MCL 15.243(1)(g).

approval. Admittedly, this is a decision made in a closed session, but it certainly isn't a decision that "effectuates or formulates public policy."

When the public body has concluded its closed session, the open meeting minutes should state the time the public body reconvened in open session and, of course, any votes on matters discussed in the closed session must occur in an open meeting.

Decisions must be made during an open meeting, not the closed session – section 3(2) of the OMA requires that "[a]ll decisions of a public body shall be made at a meeting [open to the public](#)."⁶¹ Section 2(d) of the OMA defines "[decision](#)" to mean "a determination, action, vote, or disposition upon a motion, proposal, recommendation, resolution, order, ordinance, bill, or measure on which a vote by members of a public body is required and by which a public body effectuates or formulates public policy."⁶²

Avoid using the terms "closed session" and "executive session" interchangeably – we suggest that a public body not use the term "executive session" to refer to a "closed session." The term "executive session" does not appear in the OMA, but "closed session" does. "Executive session" is more of a private sector term and is often used to describe a private session of a board of directors, which is not limited as to purpose, where actions can be taken, and no minutes are recorded.

Staff and others may join the board in a closed session – a public body may rely upon its officers and employees for [assistance](#) when considering matters in a closed session. A public body may also request private citizens to assist, as appropriate, in its considerations.⁶³

Forcibly excluding persons from a closed session – a public body may, if necessary, exclude an [unauthorized individual](#) who intrudes upon a closed session by either (1) having the individual forcibly removed by a law enforcement officer, or (2) by recessing and removing the closed session to a new location.⁶⁴

⁶¹ MCL 15.263(2). *St Aubin v Ishpeming City Council*, 197 Mich App at 103. See also, OAG, 1977-1978, No 5262, at p 338-339 – the OMA prohibits a voting procedure at a public meeting which prevents citizens from knowing how members of the public body have voted and OAG, 1979-1980, No 5445, p 57 (February 22, 1979) – a public body may not take final action on any matter during a closed meeting.

⁶² MCL 15.262(d).

⁶³ OAG, 1979-1980, No 5532, p 324 (August 7, 1979).

⁶⁴ OAG, 1985-1986, No 6358, p 268 (April 29, 1986), citing *Regents of the Univ of Michigan v Washtenaw County Coalition Against Apartheid*, 97 Mich App 532; 296 NW2d 94 (1980).

PUBLIC ATTENDING OPEN MEETINGS

Excluding individuals – no one may be excluded from a meeting otherwise open to the public except for a [breach of the peace](#) actually committed at the meeting.⁶⁵

Identifying public attendees – no one may be required to register or otherwise provide his or her name or other information or otherwise to fulfill a [condition](#) precedent to attend a public meeting.⁶⁶

Building security at the meeting site may cause issues. Members of the public might object, based on the [OMA](#), to signing in to gain access to the building where a public meeting is being held.⁶⁷ We, therefore, recommend that public bodies meet in facilities or areas not subject to public access restrictions.

If the public body wishes the members of the public to identify themselves at the meeting, we suggest the board chair announce something like this:

The Board would appreciate having the members of the public attending the meeting today identify themselves and mention if they would like the opportunity to speak during the public comment period. However, you do not need to give your name to attend this meeting. When the time comes to introduce yourself and you do not want to do so, just say pass.

Since speaking at the meeting is a step beyond "attending" the public meeting and the OMA provides that a person may address the public body "under rules established and recorded by the public body," the board may establish a [rule](#) requiring individuals to identify themselves if they wish to speak at a meeting.⁶⁸

Limiting public comment – a public body may adopt a [rule](#) imposing individual time limits for members of the public addressing the public body.⁶⁹ In order to carry out its responsibilities, the board can also consider establishing rules allowing the chairperson to encourage groups to designate one or more individuals to speak on their behalf to avoid cumulative comments. But a [rule](#) limiting the period of public comment may not be applied in a manner that denies a person the right to address the public body, such as by limiting all public comment to a half-hour period.⁷⁰

⁶⁵ MCL 15.263(6).

⁶⁶ MCL 15.263(4).

⁶⁷ In addition, "[a]ll meetings of a public body . . . shall be held in a place available to the general public." MCL 15.263(1).

⁶⁸ MCL 15.263(5). OAG, 1977-1978, No 5183, at p 34.

⁶⁹ OAG, 1977-1978, No 5332, p 536 (July 13, 1978). The rule must be duly adopted and recorded. OAG, 1977-1978, No 5183, at p 34.

⁷⁰ OAG No 5332 at p 538.

Meeting location – the [OMA](#) only requires that a meeting be held "in a place available to the general public;" it does not dictate that the meeting be held within the geographical limits of the public body's jurisdiction.⁷¹ However, if a meeting is held so far from the public which it serves that it would be difficult or inconvenient for its citizens to attend, the meeting may not be considered as being held at a place available to the general public. Whenever possible, the meeting should be held within the public body's geographical boundaries.

Timing of public comment – a public body has discretion under the OMA when to schedule [public comment](#) during the meeting.⁷² Thus, scheduling public comment at the beginning⁷³ or the [end](#)⁷⁴ of the meeting agenda does not violate the OMA. The public has no right to address the [commission](#) during its deliberations on a particular matter.⁷⁵

Taping and broadcasting – the [right](#) to attend a public meeting includes the right to tape-record, videotape, broadcast live on radio, and telecast live on television the proceedings of a public body at the public meeting.⁷⁶ A board may establish reasonable [regulations](#) governing the televising or filming by the electronic media of a hearing open to the public in order to minimize any disruption to the hearing, but it may not prohibit such coverage.⁷⁷ And the exercise of the [right](#) to tape-record, videotape, and broadcast public meetings may not be dependent upon the prior approval of the public body.⁷⁸

⁷¹ OAG, 1979-1980, No 5560, p 386 (September 13, 1979). Of course, local charter provisions or ordinances may impose geographical limits on public body meetings.

⁷² MCL 15.263(5).

⁷³ *Lysogorski v. Bridgeport Charter Twp*, 256 Mich App at 302.

⁷⁴ OAG, 1979-1980, No 5716, p 812 (June 4, 1980).

⁷⁵ OAG, 1977-1978, No 5310, p 465, 468 (June 7, 1978).

⁷⁶ MCL 15.263(1).

⁷⁷ OAG, 1987-1988, No 6499, p 280 (February 24, 1988).

⁷⁸ MCL 15.263(1).

MINUTES

What must be in the minutes – at a minimum, the minutes must show the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose or purposes for which a closed session is held. The [minutes](#) must include all roll call votes taken at the meeting.⁷⁹ The OMA does not prohibit a public body from preparing a more detailed set of minutes of its public meetings if it chooses to do so.⁸⁰

When must the minutes be available – proposed minutes must be made available for public inspection within eight days after the applicable meeting. Approved [minutes](#) must be made available for public inspection within five days after the public body's approval.⁸¹

When must the minutes be approved – at the board's [next meeting](#).⁸² Corrected minutes must show both the original entry and the correction (for example, using a "strikethrough" word processing feature).

Closed session minutes – a separate set of minutes must be taken for closed sessions. While closed session minutes must be approved in an open meeting (with contents of the minutes kept confidential), the board may meet in [closed session](#) to consider approving the minutes.⁸³

Closed session minutes shall only be disclosed if required by a civil action filed under sections 10, 11, or 13 of the [OMA](#).⁸⁴ The board secretary may furnish the minutes of a closed session of the body to a board member. A member's [dissemination](#) of closed session minutes to the public, however, is a violation of the OMA, and the member risks criminal prosecution and civil penalties.⁸⁵ An audiotape of a closed session meeting of a public body is part of the minutes of the session meeting and, thus, must be filed with the clerk of the public body for retention under the OMA.⁸⁶

Closed session minutes may be [destroyed](#) one year and one day *after approval of the minutes of the regular meeting at which the closed session occurred*.⁸⁷

⁷⁹ MCL 15.269(1).

⁸⁰ Informational letter to Representative Jack Brandenburg from Chief Deputy Attorney General Carol Isaacs dated May 8, 2003.

⁸¹ MCL 15.269(3).

⁸² MCL 15.269(1)

⁸³ OAG, 1985-1986, No 6365, p 288 (June 2, 1986). This, of course, triggers the need for more closed session minutes.

⁸⁴ MCL 15.270, 15.271, and 15.273; *Local Area Watch v Grand Rapids*, 262 Mich App 136, 143; 683 NW2d 745 (2004); OAG, 1985-1986 No 6353, p 255 (April 11, 1986).

⁸⁵ OAG, 1999-2000, No 7061, p 144 (August 31, 2000).

⁸⁶ *Kitchen v Ferndale City Council*, 253 Mich App 115; 654 NW2d 918 (2002).

⁸⁷ MCL 15.267(2).

Inadvertent omissions from the minutes – the OMA does not invalidate a decision due to a simple error in the minutes, such as inadvertently omitting the vote to go into closed session from a meeting's minutes.⁸⁸

⁸⁸ *Willis v Deerfield Twp*, 257 Mich App 541, 554; 669 NW2d 279 (2003).

PARLIAMENTARY PROCEDURES

Core principle – for the actions of a public body to be valid, they must be approved by a [majority vote](#) of a quorum, absent a controlling provision to the contrary, at a lawfully convened meeting.⁸⁹

QUORUM

Quorum – is the minimum number of members who must be present for a board to act. Any substantive action taken in the absence of a quorum is invalid. If a public body properly notices the meeting under OMA, but lacks a quorum when it actually convenes, the board members in attendance may receive reports and comments from the public or staff, ask questions, and comment on matters of interest.⁹⁰

What is the quorum? – look to the statute, charter provision, or ordinance creating the board. On the state level, the Legislature in recent years has taken care to set the board quorum in the statute itself. The statute will often provide that "a majority of the board appointed and serving shall constitute a quorum." For a 15-member board, that means eight would be the quorum, assuming you have 15 members appointed and serving. Without more in the statute, as few as five board members could then decide an issue, since they would be a majority of a [quorum](#).⁹¹ But, be careful, recent statutes often provide that "voting upon action taken by the board shall be conducted by [majority vote](#) of the members appointed and serving." In that instance, the board needs at least eight favorable votes to act.⁹² The Legislature has a backstop statute, which provides that any provision that gives "joint authority to 3 or more public officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it shall be otherwise expressly declared in the law giving the authority."⁹³

Disqualified members – a member of a public body who is disqualified due to a [conflict of interest](#) may not be counted to establish a quorum to consider that matter.⁹⁴

⁸⁹ OAG, 1979-1980, No 5808, p 1060 (October 30, 1980). Robert's Rules of Order Newly Revised (RRONR) (10th ed.), p 4. We cite to Robert's Rules in this Handbook as a leading guide on parliamentary procedures. This is not to imply that public bodies are, as a general rule, bound by Robert's Rules.

⁹⁰ OAG, 2009-2010, No 7235, p (October 9, 2009).

⁹¹ See OAG, 1977-1978, No 5238, p 261 (November 2, 1977).

⁹² See OAG, 1979-1980, No 5808, at p 1061.

⁹³ MCL 8.3c. *Wood v Bd of Trustees of the Policemen and Firemen Retirement System of Detroit*, 108 Mich App 38, 43; 310 NW2d 39 (1981).

⁹⁴ OAG, 1981-1982, No 5916, p 218 (June 8, 1981). But see MCL 15.342a, which provides a procedure for disqualified public officials to vote in some limited circumstances where a quorum is otherwise lacking for a public body to conduct business.

Losing a quorum – even if a meeting begins with a quorum present, the board loses its right to conduct substantive action whenever the attendance of its members falls below the necessary quorum.⁹⁵

Resigned members – the common law rule in Michigan is that a public officer's resignation is not effective until it has been accepted by the appointing authority (who, at the state level, is usually the governor). Acceptance of the [resignation](#) may be manifested by formal acceptance or by the appointment of a successor.⁹⁶ Thus, until a resignation is formally accepted or a successor appointed, the resigning member must be considered "appointed and serving," be counted for quorum purposes, and be permitted to vote.

⁹⁵ RRONR (10th ed.), p 337-338.

⁹⁶ OAG, 1985-1986, No 6405, p 429, 430 (December 9, 1986), citing *Clark v Detroit Bd of Education*, 112 Mich 656; 71 NW 177 (1897).

VOTING

Abstain – means to refuse to vote. Thus, a board member does not "vote" to abstain. If a vote requires a majority or a certain percentage of the members present for approval, an abstention has the same effect as a "no" vote.⁹⁷

Adjourning the meeting - a presiding officer cannot arbitrarily adjourn a meeting without first calling for a vote of the members present.⁹⁸

Chairperson voting – perhaps as a spillover from the well-known constitutional rule that the vice president can only vote to break a tie in the United States Senate⁹⁹ or that a legislative presiding officer usually refrains from voting unless his or her vote affects the result,¹⁰⁰ some believe that a board's presiding officer (usually, the chairperson) can only vote to break a tie. However, absent a contrary controlling provision, all board members may [vote](#) on any matter coming before a board.¹⁰¹ A board's presiding officer can't vote on a motion and then, if the vote is tied, vote to break the tie unless explicitly authorized by law.¹⁰²

Expired-term members – look first to the statute, charter provision, or ordinance creating the public body. Many statutes provide that "a member shall serve until a successor is appointed." Absent a contrary controlling provision, the general rule is that a public officer holding over after his or her term expires may [continue](#) to act until a successor is appointed and qualified.¹⁰³

Imposing a greater voting requirement – where the Legislature has required only a majority vote to act, public bodies can't impose a greater voting requirement, such as requiring a two-thirds vote of its members to [alter](#) certain policies or bylaws.¹⁰⁴

Majority – means simply "more than half."¹⁰⁵ Thus, on a 15-member board, eight members constitute a majority.

⁹⁷ RRONR (10th ed.), p 390-395.

⁹⁸ *Dingwall v Detroit Common Council*, 82 Mich 568, 571; 46 NW 938 (1890),

⁹⁹ US Const, art I, §3.

¹⁰⁰ RRONR (10th ed.), p 392-393 – an assembly's presiding officer can break or create a tie vote.

¹⁰¹ See OAG, 1981-1982, No 6054, p 617 (April 14, 1982).

¹⁰² *Price v Oakfield Twp Bd*, 182 Mich 216; 148 NW 438 (1914).

¹⁰³ OAG, 1979-1980, No 5606, p 493 (December 13, 1979), citing *Greyhound Corp v Public Service Comm*, 360 Mich 578, 589-590; 104 NW2d 395 (1960). See also, *Cantwell v City of Southfield*, 95 Mich App 375; 290 NW2d 151 (1980).

¹⁰⁴ OAG, 1979-1980, No 5738, p 870 (July 14, 1980). OAG, 2001-2002, No 7081, p 27 (April 17, 2001), citing *Wagner v Ypsilanti Village Clerk*, 302 Mich 636; 5 NW2d 513 (1942).

¹⁰⁵ RRONR (10th ed.), p 387.

Proxy voting – the OMA requires that the deliberation and formulation of decisions effectuating public policy be conducted at open meetings.¹⁰⁶ Voting by proxy effectively forecloses any involvement by the absent board member in the board's public discussion and deliberations before the board votes on a matter effectuating public policy.¹⁰⁷ Without explicit statutory authority, this [practice](#) is not allowed.¹⁰⁸

Roll call vote – there is no bright line rule for conducting a [roll call vote](#).¹⁰⁹ We suggest some rules of thumb. When a voice vote reveals a divided vote on the board (i.e., more than one no vote), a roll call vote should be conducted to remove doubt about the vote's count. When the board is acting on matters of significance, such as, contracts of substantial size or decisions that will have multi-year impacts, a roll call vote is the best choice.

Round-robin voting – means approval for an action outside of a public meeting by passing around a sign-off sheet. This practice has its roots in the legislative committee practice of passing around a tally sheet to gain approval for discharging a bill without a committee meeting. "[Round-robinning](#)" defeats the public's right to be present and observe the manner in which the body's decisions are made and violates the letter and the spirit of the OMA.¹¹⁰

Rule of necessity – if a state agency's involvement in prior administrative or judicial proceedings involving a party could require recusal of all of its board members or enough of them to prevent a quorum from assembling, the common law rule of necessity precludes recusing all members, if the disqualification would leave the agency unable to adjudicate a question.¹¹¹ But the rule of necessity may not be applied to allow members of a public body to vote on matters that could benefit their [private employer](#).¹¹²

¹⁰⁶ *Esperance v Chesterfield Twp*, 89 Mich App at 464, quoting *Wexford County Prosecutor v Pranger*, 83 Mich App 197; 268 NW2d 344 (1978).

¹⁰⁷ Robert's Rules concur: "Ordinarily it [proxy voting] should neither be allowed nor required, because proxy voting is incompatible with the essential characteristics of a deliberative assembly in which membership is individual, personal, and nontransferable." RRONR (10th ed.), p 414. The Michigan House and Senate do not allow proxy voting for their members.

¹⁰⁸ OAG, 2009-2010, No 7227, p (March 19, 2009). OAG, 1993-1994, No 6828, p 212 (December 22, 1994), citing *Dingwall*, 82 Mich at 571, where the city council counted and recorded the vote of absent members in appointing election inspectors. The Michigan Supreme Court rejected these appointments, ruling that "the counting of absent members and recording them as voting in the affirmative on all questions, was also an inexcusable outrage."

¹⁰⁹ "The fact that the Open Meetings Act prohibits secret balloting does not mean that all votes must be roll call votes." *Esperance v Chesterfield Twp*, 89 Mich App at 464 n 9. The OMA does provide that votes to go into closed session must be by roll call. MCL 15.267.

¹¹⁰ OAG, 1977-1978, No 5222, at p 218. See also, *Booth Newspapers*, 444 Mich at 229, which concluded that "round-the-horn" deliberations can constitute decisions under the OMA.

¹¹¹ *Champion's Auto Ferry, Inc v Michigan Public Service Comm*, 231 Mich App 699; 588 NW2d 153 (1998). The Court noted that the PSC members did not have any personal financial interest in the matter. *Id.* at 708-709.

¹¹² OAG, 1981-1982, No 6005, p 439, 446 (November 2, 1981). After OAG No 6005 was issued, the Legislature amended section 2a of 1973 PA 196, MCL 15.342a, to provide a procedure for voting by public officials in some limited circumstances where a quorum is otherwise lacking for a public entity to conduct business.

Secret ballot – the OMA requires that all decisions and deliberations of a public body must be made at an open meeting and the term "[decision](#)" is defined to include voting.¹¹³ The OMA prohibits a "[voting procedure](#)" at a public meeting that prevents citizens from knowing how members of a public body have voted."¹¹⁴ Obviously, the use of a secret ballot process would prevent this transparency. All board decisions subject to the OMA must be made by a public vote at an open meeting.¹¹⁵

Tie vote – a tie vote on a motion means that the motion did not gain a majority. Thus, the motion fails.¹¹⁶

¹¹³ See MCL 15.262(d) and 15.263(2) and (3).

¹¹⁴ OAG, 1977-1978, No 5262, at p 338-339.

¹¹⁵ *Esperance*, 89 Mich App at 464.

¹¹⁶ *Rouse v Rogers*, 267 Mich 338; 255 NW 203 (1934). RRONR (10th ed.), p 392.