

COUNTY BOARD OF COMMISSIONERS RULES OF ORDER

Effective March 6, 2019

(All previous versions of these rules are rescinded in their entirety)

1. AUTHORITY

These rules are adopted by the Grand Traverse County Board of Commissioners pursuant to MCL 46.11, as amended.

2. MEETINGS

2.1 Organizational Meeting

2.1.1 The first meeting in each calendar year shall be the organizational meeting.

2.1.2 Procedure in Odd Numbered Years

In each odd numbered year, the County Clerk shall preside. As the first item of business the County Clerk may administer the oath of office to the Commissioners, if they have not taken the oath of office.

The second item of business shall be the election of the Chairperson of the Board and Vice-Chairperson. The County Clerk shall call for nominations for the office of Chairperson and when nominations are closed by majority vote or no other nominations are forthcoming, the County Clerk shall order the roll of Commissioners to be called. When one nominee receives a majority of the votes of the members elected and serving, the nominee shall be declared the Chairperson.

The newly elected Chairperson shall assume the Chair and proceed with the election of the Vice-Chairperson, appointment of committee members, and the adoption of the Board Rules.

If the Commissioners present shall not cast a majority for one nominee, the County Clerk shall continue to preside until a majority of Commissioners elects one of its members to be Chairperson. The Board of Commissioners may proceed onto other agenda matters as they shall decide.

2.1.3 Procedure in Even Numbered Years

In even numbered years, the first order of business shall be the election to the office of Vice-Chairperson and appointment of Commissioners to standing committees and liaison positions. The Chairperson shall make all such appointments and shall appoint a Chairperson and Vice-Chair for each standing committee. All appointments shall be subject to approval of the full Board.

[MCL 46.1; 46.3]

2.2 Regular Monthly Meetings

Regular meetings of the Board of Commissioners shall be held on the 1st and 3rd Wednesday of each month, unless otherwise changed by the Board.

[MCL 209.5]

2.3 Study Sessions

Study sessions are meetings designed to provide an opportunity for in-depth discussion of a matter and the agenda for any study session shall be requested by the County Administrator, Board Chairperson, or three County Commissioners. The Board of Commissioners shall not take any action at study sessions on any items discussed at the study sessions. Study Sessions of the Board of Commissioners shall be scheduled on the 2nd and 4th Wednesday of each month at the same location where regular meetings are held. The Board Chairperson may cancel a study session if there is nothing to consider on the agenda after consultation with the County Administrator. Cancellation shall occur no later than 48 hours before the scheduled study session.

2.4 Annual Meeting

The annual meeting shall be the last September regular Board meeting. The annual meeting may be held concurrently with the Board's regular meeting.

[MCL 46.1; MCL 46.63]

2.5 Equalization Meeting

The equalization meeting shall be held on the Tuesday following the second Monday in April. The equalization report shall be completed before the first Monday in May.

[MCL 211.34; 209.5]

2.6 Emergency Meetings

Emergency meetings of the Board of Commissioners may be held only with the approval of two-thirds (2/3 (5)) of the members of the Board and only if delay would threaten severe and imminent danger to the health, safety, and welfare of the public. A meeting is defined as an emergency meeting only if it must be held before the public notice as provided in rule 4 can be given.

2.7 Place of Meetings

Meetings of the Board of Commissioners or any of its committees shall be held in the Governmental Center located at 400 Boardman Avenue, Traverse City, Michigan, unless public notice of the meeting states a different location. Whenever the regular meeting place shall appear inadequate for members of the public to attend, the Chairperson may

change the meeting location to a larger facility in the County. A notice of such change shall be prominently posted on the door of the regular meeting place. The County Clerk shall also give notice of the change in the meeting place in a newspaper if time permits.

2.8 Time of Regular Meetings and Study Sessions

Regular meetings and study sessions of the Board of Commissioners shall begin at a fixed time as established annually by the Board at the organizational meeting. The Board shall not begin considering any matter on the agenda not yet under consideration beyond four hours after the Board Chairperson calls the meeting to order except upon the unanimous consent of the members present. Matters on the agenda and not yet acted upon at the time of adjournment will be placed on the agenda of the next regular meeting or a special meeting if one is called.

2.9 Changes in Meeting Schedule; Recessed Meetings; Special Meetings By a majority vote of the Board members elected and serving, changes may be made to the meeting schedule including time and place, or to recess any meeting to a later date. A special meeting of the County Board of Commissioners shall be held only when requested by at least 1/3 (3) of the members of the Board. The request shall be in writing, shall be addressed to the County Clerk, and shall specify the time, date, place, and purpose of the meeting. Upon the reception of a request, the County Clerk shall give notice to each of the commissioners at least 18 hours prior to the meeting, except in the case of an emergency meeting called in accordance with MCL § 15.265 (see Rule 2.6), in one of the following manners: by causing notice to be delivered to the Commissioners personally; or by leaving the notice at the residence of the Commissioner; or, by telephone, including leaving a message on a telephone answering machine, to a telephone number previously supplied for such purposes by the Commissioner; or, by email to an address previously supplied for such purpose by the Commissioner; or, by confirmed facsimile transmission to a fax number previously supplied by the Commissioner. Notice may also be delivered to a Commissioner by mailing a copy of the notice to his or her post office address by certified mail with return receipt requested, at least 10 days before the time of the meeting. Public notice of the time, date, and place of the meeting shall be given in the manner required by the Open Meetings Act and Rule 4, below.

[MCL 46.10; 15.265]

3. QUORUM

A majority of the elected and serving members of the County Board of Commissioners constitutes a quorum for the transaction of the ordinary business of the County.

[MCL 46.3]

4. PUBLIC NOTICE OF MEETINGS

The County Clerk shall provide the proper notice for all meetings of the Board of Commissioners. A meeting of the Board shall not be held unless public notice is given as provided in this section by the County Clerk. Such notice shall include, but not necessarily be limited to the following.

4.1 Regular, Annual, Organizational, Study Sessions and Equalization Meetings

For regular meetings, as well as the annual meeting, organizational meeting, study sessions and equalization meeting, the County Clerk shall post a notice within 10 days after the organizational meeting of the Board in each calendar year a public notice stating the dates, times, and places of its regular, study sessions, annual, organizational and equalization meetings.

4.2 Schedule Change

If there is a change in the schedule of regular meetings of the Board, there shall be posted within 3 days after the meeting at which the change is made, a public notice stating the new dates, times, and places of its regular meetings. Except as provided in this subsection, for a rescheduled regular or a special meeting of the Board, a public notice stating the date, time, and place of the meeting shall be posted at least 18 hours before the meeting. The requirement of 18-hour notice shall not apply to special meetings of subcommittees of the Board.

4.3 Recessed Meetings

A meeting of the Board which is recessed for more than 36 hours shall be reconvened only after public notice, which is equivalent to that required under subsection 4.2, has been posted.

4.4 Emergency Meetings

Nothing in this section shall bar the Board from meeting in emergency session in the event of a severe and imminent threat to the health, safety, or welfare of the public when 2/3 (5) of the members serving on the Board decide that delay would be detrimental to efforts to lessen or respond to the threat.

4.5 Special Notice Requirements for Meetings at Residential Dwellings

A meeting of the Board may only take place in a residential dwelling if a nonresidential building within the boundary of the local governmental unit or school system is not available without cost to the Board. For a meeting of the Board of Commissioners which is held in a residential dwelling, notice of the meeting shall be published as a display advertisement in a newspaper of general circulation in the city or township in which the meeting is to be held. The notice shall be published not less than two days before the day on which the meeting is held, and shall state the date, time, and place of the meeting. The notice, which shall be at the bottom of the display advertisement and which shall be set

off in a conspicuous manner, shall include the following language: "This meeting is open to all members of the public under Michigan's open meetings act".

4.6 Notification to Media and Others

The County Clerk shall notify, without charge, any newspaper or radio or television station of the Board's meeting schedule, schedule changes, or special or emergency meetings whenever such media establishment has filed with the County Clerk a written request for such notice. The County Clerk shall also notify other individuals or organizations of regular meetings schedules, or special or emergency meetings, but only upon their written requests and agreement to pay the county for printing and postage expenses. The County Clerk shall mail all such notices required by the rule by first class mail or email.

[MCL 15.265 and 15.266; MCL 46.10]

5. AGENDA FOR REGULAR MEETINGS

The County Administrator, after first reviewing pending matters and requests, and subject to approval by the Chairperson, shall prepare the proposed agenda of business for all regularly scheduled Commission meetings. Any Commissioner, department head, elected official, or chair of any board, authority or commission, desiring to place a matter on the agenda shall notify the County Administrator of such item by 3:00pm on Monday of the week preceding the meeting. Items not included on the proposed agenda or received after the proposed agenda has been posted shall not be considered by the Board unless approved by a majority vote of the Board members elected and serving.

5.1 Agenda for Special Meetings

Whenever the Board is called into session pursuant to Rule 2.9, changed, recessed and special meetings, the agenda shall be included in the notice of the meeting and no other matter shall be considered except when all Board members are present and a majority concurs.

5.2 Distribution of Agenda and Materials

Upon the completion of the proposed agenda, the County Administrator shall immediately distribute copies of the proposed agenda together with copies of reports, supporting information and documentation that relates to the matters of business on the agenda. Commissioners shall be entitled to receive such materials not later than close of business on the Friday preceding the next regular meeting.

5.3 Consent Calendar

5.3.1 Consent Calendar – Defined

The Consent Calendar shall consist of those matters that the Board of Commissioners has determined to be "routine" and usually matters about which the Board commonly

concur. Among such matters are the approval of minutes, reports of departments, committees and other boards, commissions and authorities, and other matters that the Board of Commissioners is required by statute or Board Rule to approve.

5.3.2 Consent Calendar – Procedure

The County Administrator, in preparing the meeting agenda, shall list those matters under the heading of “consent calendar” and include the associated materials with those distributed to the members in accordance with rule 5.2. At a meeting of the Commissioners where a consent calendar has been prepared, the Board, upon the motion of a Commissioner, shall vote on the approval of the matters included under the consent calendar. Before putting the question to the Commissioners, any member of the Board, the public, or staff may request that an item or items be removed from the consent calendar and such request shall be granted. The Chairperson shall then direct the County Clerk to remove such matters and place them in their usual place on the meeting’s agenda. A vote shall not be required to remove a matter from the consent calendar. The Chairperson shall then call a roll call vote to approve or disapprove the consent calendar.

5.4 Order of Business

After the Chairperson calls the meeting to order, the following shall be the order of the business for all regular meetings of the Board:

- a. Opening Ceremonies, Exercises, or Invocation*
- b. Roll Call
- c. Approval of Minutes of Last Regular (and/or special) Meeting(s) of the Board (reading aloud is waived as long as the Board has been furnished a copy in the packet prior to the meeting)
- d. First public comment†
- e. Approval of the proposed agenda
- f. Action on consent calendar
- g. Special orders of business
- h. Items removed from consent calendar
- i. Department Action Items (includes Administration)
- j. Unfinished business
- k. New business
- l. Second public comment†
- m. Commissioner committee reports++
- n. Notices
- o. Closed session, if needed
- p. Adjournment

*If the opening ceremonies include an invocation, the invocation should precede all other ceremonies, such as the singing of the National Anthem or Pledge of Allegiance, and shall be done in accordance with an invocation policy as adopted by the Board of Commissioners.

†Public comment may be allowed during the meeting in accordance with rule 6.3.2.6.

++ At the 2nd Board meeting of the month, each department director or appropriate staff member, on a rotating basis, will provide a 5 minutes report to the Board.

6. CONDUCT OF MEETINGS

6.1 Chairperson

The person elected Chairperson in each odd numbered year shall preside at all meetings of the Board. In the absence of the Chairperson, the person elected to the position of Vice-Chairperson in the first meeting each year shall preside. If neither the Chairperson nor Vice-Chairperson is present, the County Clerk shall preside until the Commissioners present elect a Commissioner to preside during the absence of the Chairperson and Vice-Chairperson. The Chairperson shall have all the same rights as other members with respect to procedural matters, debate and voting.

6.2 Rights and Duties of Board Members

A board member shall not speak on a motion unless recognized by the Chairperson. All Board members who wish to speak on a motion subject to debate shall be permitted to speak once before any Board members shall be allowed to speak a second time. When a Board member is speaking on any question before the Board, the Board member shall not be interrupted except to be called to order. When a Board member is called to order, the Board member shall immediately cease speaking. The Board, if appealed to, shall decide the case. If there is no appeal, the ruling of the Chairperson shall be final. When a Board member is commenting on a question before the Board, the Board member cannot conclude their comments by moving the previous question. Board members shall not engage in dialogue with members of the public who address the Board, however, questions are permitted. The Chairperson shall vote on all questions except on an appeal from his or her own decision.

6.3 Rights of the Public

6.3.1 Right of the Public to be Present

All persons shall be permitted to attend any meeting unless a closed meeting may be held in accordance with the provisions of sections 7 and 8 of the Open Meetings Act. No conditions on attendance may be placed on the public such as requiring that an attending person provide his name or other information. A person shall not be excluded from a public meeting except for a breach of the peace actually committed at the meeting.

6.3.2 Right of the Public to Address the Meeting. Any person shall be permitted to address a meeting of the Board which is required to be open to the public under the provisions of the Michigan Open Meetings Act, as amended, MCLA 15.261, et. seq. Public comment shall be carried out in accordance with the following procedure:

6.3.2.1 Name and Address

Any person wishing to address the Board may state his or her name and address.

6.3.2.2 Permitted Topics

Persons may address the Board on matters or issues which are relevant and germane to County government as determined by the Chairperson.

6.3.2.3 Individuals

No person shall be allowed to speak more than once on the same matter, excluding time needed to answer Commissioners' questions. The Chairperson shall control the amount of time each person shall be allowed to speak, which shall not exceed three (3) minutes. The Chairperson may, at his or her discretion, allow an additional opportunity or time to speak if determined germane and necessary to discussion.

6.3.2.4 Groups

Whenever a group wishes to address the Board, the group shall identify itself and make it known ahead of time that it wishes to address the Board in order to facilitate the planning of time allotments to various portions of the agenda. The Chairperson may require that the group designate a spokesperson; the Chairperson shall control the amount of time the spokesperson shall be allowed to speak, which shall not exceed ten (10) minutes. The Chairperson may, at his or her discretion, extend the amount of time the spokesperson is allowed to speak.

6.3.2.5 Special Presentations

It is expected that most special presentations will take place at study sessions. Should a special presentation be scheduled at a regular meeting of the Board, the person(s) invited by the Board or County Administrator will provide information on a specific item limited to 10 minutes, exclusive of questions. The Board shall limit its questions to 5 minutes. The Chairperson may, at his or her discretion, extend the amount of time for the presentation, the questions, or both.

6.3.2.6 Time of Public Comment

Public comment will be solicited during the two public comment periods noted in Rule 5.4, Order of Business. However, public comment may be received during the meeting when a specific agenda topic is scheduled for discussion by the Board. Prior to the first public comment, the Chairperson will indicate the topics on the agenda for which public comment will be accepted. Members of the public

wishing to comment should raise their hand or pass a note to the County Clerk in order to be recognized, and shall not address the Board until called upon by the Chairperson. Neither the Chairperson nor the Board shall end or conclude any public comment period until each and every member of the public desiring and/or requesting to make a public comment during a public comment period has a full and fair opportunity to do so.

(See *Laurence v Grand Traverse County Board of Commissioners*, Grand Traverse County Circuit Court Case No. 13-30092 CZ)

6.3.2.7 Addition to Public Comment Language

The following phrase will be added to the public comment language on the agenda: “Please be respectful and refrain from personal or political attacks.”

6.4 Form of Address

Each person who speaks shall direct his/her comments to the Chairperson. In order to avoid unscheduled debates, the Board generally will not comment or respond to a person who is addressing the Board. Silence or non-response from the Board should not be interpreted as disinterest or disagreement by the Board. Board members wishing to address a member of the public during public comment shall first obtain the approval of the Chairperson.

6.5 Disorderly Conduct

The Chairperson shall call to order any person who is behaving in a disorderly manner by speaking or otherwise disrupting the proceedings, by failing to be germane, by speaking longer than the allotted time, or by speaking vulgarities. Such person shall thereupon be seated until the Chairperson shall have determined whether the person is in order. If a person so engaged in presentation shall be ruled out of order, he or she shall not be permitted to speak further at the same meeting except upon special leave of the Board of Commissioners. If the person shall continue to be disorderly and to disrupt the meeting, the Chairperson may order the sergeant-at-arms, who shall be the County Sheriff or any of his/her deputies, to remove the person from the meeting. No person shall be removed from a public meeting except for an actual breach of the peace committed at the meeting.

[MCL 15.263]

7. CHAIRPERSON; VICE-CHAIRPERSON

7.1 Election

At the organizational meeting held in January of each year, the Board shall elect, from among its members a Chairperson (in odd numbered years only) and a Vice-Chairperson. The concurrence of a majority of all members of the Board shall be necessary for election. The Chairperson and Vice-Chairperson shall begin their duties immediately

upon their election. The Chairperson shall serve a two year term; the Vice-Chairperson shall serve a one year term.

7.2 Duties

The Chairperson shall preside at a meeting of the Board, but if the Chairperson is absent from a meeting, the Vice-Chairperson shall preside. A Chairperson may administer an oath to a person concerning a matter submitted to the Board of Commissioners or connected with the discharge of its duties, may issue subpoenas for witnesses, and may compel the attendance of a witness in the same manner as a court of law. The Chairperson shall be the agent for the Board in the signing of contracts, orders, resolutions, Determinations, Board minutes and certifications. Unless otherwise agreed by the Board, the Vice-Chairperson is designated to affix his or her signature to contracts, bonds, and other documents requiring the signature of the Chairperson, if the Chairperson is unable to do so because of illness or other exigency which, in the opinion of the Board, prevents the Chairperson from performing the functions of the office.

[MCL 46.3(4)]

8. RECORD OF MEETINGS

8.1 Minutes and Official Records

The County Clerk, or in his or her absence the County Clerk's deputy, shall be the Clerk of the Board and shall be responsible for maintaining the official record and minutes of each meeting of the Board. The minutes shall include all the actions and decisions of the Board with respect to substantive (non-procedural) motions. The minutes shall include the names of the mover, the person seconding the action, and the vote of the Commissioners. The record shall also state whether the vote was by voice or by roll call, and shall show how each Board member voted.

The County Clerk shall maintain in the Office of the County Clerk copies of each resolution and ordinance or other matter acted upon by the Board. The official minutes, however, may refer to those matters by an identifying number and the descriptive title of the ordinance, resolution, or other matter.

8.2 Record of Discussion

The County Clerk shall not be responsible for maintaining a written record or summary record of the discussions or comments of the Board members, nor of the comments made by members of the public. The County Clerk, though, shall be responsible for keeping an electronic record of each meeting of the Board of Commissioners. Each such recording shall be maintained in the Office of the County Clerk for a period of six months following the date of the meeting. Thereafter, the recording may be discarded unless the recording shall be pertinent to any legal proceeding then underway, pending, or reasonably anticipated.

8.3 Public Access to Meeting Records

The County Clerk shall make available to members of the public the records and minutes of the Board meetings in accordance with the Freedom of Information Act. Board minutes, prepared but not approved by the Board, shall be available for public inspection not more than eight business days following the meeting. Minutes approved by the Board shall be available within five business days after the date of the meeting in which the minutes were approved. The County Clerk shall promptly mail copies of the minutes to persons who have subscribed.

8.4 Publication of Minutes

Immediately following each session of the Board of Commissioners, the County Clerk shall prepare a report of the proceedings of the Board at that meeting and make the report available as soon as possible in the Office of the County Clerk for public inspection and copying without charge, and mail copies of the report upon request without charge, and advertise that the report is available from the Office of the County Clerk in the Traverse City Record Eagle or other well-established newspaper in the County.

[MCL 46.4; MCL 15.269; MCL 15.231-15.244 and MCL 15.261-15.275]

9. OFFICIALS NOT TO BENEFIT

9.1 Conflicts of Interest, County Commissioners

County Commissioners shall comply with all requirements of MCL 15.322, Public Servants Contracting with the Public Entity they serve.

9.2 Conflicts of Interest, Other Board, Commission, Authority or Committee Members

Any person who serves on any County board, commission, authority, special or advisory committee and who qualifies as a public servant shall not be a party, directly or indirectly, to any contract between himself or herself and the public entity of which he or she is an officer or employee and shall comply in all respects with MCL 15.322, Public Servants Contracting with the Public Entity they Serve.

[MCL 46.30; MCL 46.30a; MCL 15.322 and 15.323]

10. MOTIONS, RESOLUTIONS AND ORDINANCES

10.1 Method of Making Motions.

No motion shall be put before the Board for discussion or decision unless seconded and shall be restated by the chairperson prior to debate. Any motion shall be put in writing at the request of any Board member. Any motion may, with the permission of the Board member who made the motion and the Board member who seconded the motion, be

withdrawn at any time before the motion has been adopted. All motions and amendments or substitutes thereto shall be entered in the minutes of the Board unless withdrawn.

10.2 Resolutions and Ordinances to be in Writing

All resolutions and ordinances shall be presented in writing and must be seconded before debate. Any resolution or ordinance may, with the permission of the member who made the motion and the second, be withdrawn at any time before the same has been adopted. All resolutions, ordinances, and amendments or substitutes thereto shall be entered in the minutes of the Board unless withdrawn.

10.3 Procedural Motions

10.3.1 Motion to Adjourn

A motion to adjourn shall always be in order except while a vote is being taken on any other motion already before the Board, or when a Board member has the floor; provided that there shall be other intervening business or a change in the circumstances between the two motions to adjourn.

10.3.2 Motion to Clear the Floor

This motion may be made by the Chairperson or a Board member at any time procedural matters have become sufficiently confused. If the motion to clear the floor has been adopted, it shall clear the floor of all motions as though they have been withdrawn. The motion shall not be subject to debate nor, if adopted, to reconsideration.

10.3.3 Motion to Reconsider

A motion to reconsider shall be in order on any question the Board has decided except for a motion to clear the floor. The motion to reconsider shall be in order only on the same day as the vote to be reconsidered was taken. The motion to reconsider shall be made only by a member who voted with the prevailing side.

10.3.4 Appeal Ruling of the Chairperson

Any Commissioner may appeal the ruling to the chairperson. On all appeals receiving a second, the question shall be, "Shall the decision of the Chairperson stand as the decision of the County Board?"

10.3.5 Division of Question

If a pending main motion (or an amendment to it) contains two or more parts capable of standing as separate questions, the Board can vote to treat each part individually in succession. Such a course is proposed by the motion for division of a question.

10.3.6 Withdrawal or Modification of Motion by the Maker

The Chairperson shall accept a "friendly amendment" of a motion when the following two requirements are met -- first, there is an agreement between the member who made

the motion and the member who seconded the motion and second, no other member objects to the friendly amendment. If these two requirements are not met, then the requirements stated in the below two paragraphs of this Rule 10.3.6 shall be followed.

Once a motion has been made, the member who made it may withdraw or modify the motion at any time prior to when the Chairperson states the motion. After the motion has been stated by the Chairperson, the mover must ask permission to withdraw the motion. Upon the making of such a request, the Chairperson shall announce: “Unless there is objection [pause] the motion is withdrawn.” If there is an objection, any other Commissioner can move that permission to withdraw be granted, and no second is required. A request for permission to withdraw a motion, or motion to grant such permission, can be made at any time before voting on the question has begun, even though the motion has been since modified. Any Board member can suggest that the maker of a motion ask permission to withdraw it, which the maker can do or decline to do, as he chooses. After a motion has been withdrawn, the situation is as though it had never been made; therefore, the same motion can be made again at the same meeting.

To modify a motion after it has been stated by the Chairperson, the maker asks Permission to do so, as in the case of withdrawal of a motion. If there is no objection, the Chairperson states the question on the modified motion. If anyone objects, and amendment is otherwise proper, the modification must be approved by a majority vote of those members present. The amendment requires a second if moved by the member who originally made the request.

10.3.7 Motion to Lay on the Table

A motion to lay on the table may be made by the Chairperson or any other Commissioner at any time prior to a vote on the main motion. A second is required and the motion requires a majority present to approve. If the motion to lay on the table is approved, consideration of the main motion is suspended temporarily without setting a time for resuming its consideration, but with the provision that it can be taken up again whenever a majority so decides.

10.3.8 Motion to Take from the Table

A motion to take from the table may be made by the Chairperson or any other Commissioner to reconsider a main motion that has been laid on the table. A second is required and a motion to take from the table must be approved by a majority present. A question that has been laid on the table remains there and can be taken from the table during the same session, or at the next session after it was laid on the table. If not taken from the table within these time limits, the question dies, although it can be renewed at a later date.

10.3.9 Motion to Amend; Secondary Amendments; No Tertiary Amendments

A motion to amend a main motion, called a “primary amendment,” takes precedence over the main motion. Any Commissioner may move to amend a main motion so long as they have the floor. A second is required. Amendments must be germane to the main motion, that is, it must in some way involve the same question that is raised by the motion to which it is applied. The Chairperson shall rule out of order any proposed motion to amend that is not germane.

A motion to amend an amendment to a main motion is called a “secondary amendment” and shall take precedence over a main motion or primary amendment. A secondary amendment also requires a second. A secondary amendment cannot be amended. Only one primary and one secondary amendment are permitted at a time, but any number of each can be offered in succession—so long as they do not again raise questions already decided.

10.3.10 Motion to Postpone Indefinitely

A motion to postpone indefinitely is a motion that the assembly decline to take a position on the main motion, and is in order only when the main motion is pending. Its adoption kills the main motion (for the duration of the session) and avoids a direct vote on the question. A motion to postpone indefinitely requires a second and a majority present to approve. An affirmative vote on the motion to postpone indefinitely can be reconsidered. A negative vote on it cannot be reconsidered.

10.3.11 Motion to Rescind

A member who makes a motion to rescind something previously adopted must provide prior notice of the intent to present such a motion either at: (1) a previous Board meeting so long as that meeting was within 90 days of the meeting where a vote on the Motion to Rescind is to occur, or (2) no less than seven days prior to the meeting where a vote on the Motion to Rescind is to occur. If the member fails to provide such pre-meeting notice, then the vote required to rescind is two-thirds of those members elected and serving at the meeting where the motion to rescind is voted upon.

10.3.12 Order of Precedence of Motions

Only one motion may be pending at one time. Generally, a main motion yields to all secondary motions. Secondary motions shall take precedence in the following order:

1. Fix the Time to Which to Adjourn
2. Adjourn
3. Recess
4. Raise a Question of Privilege
5. Call for the Orders of the Day
6. Lay on the Table (To interrupt the pending business so as to permit doing something else immediately)
7. Previous Question (Immediately to close debate and the making of certain motions)

8. Limit or Extend Limits of Debate
9. Postpone to a Certain Time
10. Commit
11. Amend
12. Postpone Indefinitely
13. Main Motion

11. VOTING

11.1 Roll call Votes

The names and votes of Commissioners shall be recorded on Board actions to adopt final measures as ordinances or appointment or election of officers. The Chairperson or any Commissioner may request a roll call vote be taken on a particular item.

11.2 Votes Required

Procedural and other questions arising at a meeting of the Commissioners, except for those decisions required by statute or Board Rule to have a higher authority, shall be decided by a majority of the members present. A majority of the members elected and serving, however, shall be required for final passage or adoption of a measure, resolution, or the allowance of a claim.

11.3 Measures Requiring Two-Thirds (2/3 (5)) Vote of Members Elect

The following actions of the Board shall require a two-thirds (2/3 (5)) vote of the members elected and serving:

Final passage or adoption of an item after the Board of Commissioners approves the proposed agenda. [MCL 46.3].

Removal of the County seat. [MCL 46.17].

Removal from office of a County officer who refuses or neglects to make a report under oath to the Board or to give a bond reasonable or necessary for the performance of the duties of the office. [MCL 46.11(k)].

To rescind a prior Board action when pre-meeting notice is not provided in compliance with Rule 10.3.11.

To meet in closed session for any of the reasons noted in Rule 15. Any other matter requiring a 2/3 (5) vote by law.

11.4 Measures Requiring Majority Vote of Members Elected and Serving

The following actions of the Board shall require a majority vote of the members elected and serving:

Final passage or adoption of any measure or resolution. [MCL 46.3(2)]

Final passage of an ordinance. [MCL 46.11(j)]

Allowance of any claim against the County. [MCL 46.3(2)]
Adoption of an annual budget. [MCL 46.3(2)]
Adoption or amendment of these Rules. [RONR 10th ed., p 573]
Appointment of Road commissioners. [MCL 224.6]
Appointment of Civil Counsel. [MCL 49.71]
Election of the Chairperson and Vice-chairperson of the board.
Any other matter which by law requires a majority vote of members elected and serving.

11.5 Measures Requiring Three-Fourths (3/4 (6)) Vote of Members Seated and Serving

Contract between the County and County Employees or Officials.

11.6 Method of Voting [MCL 46.3a]

Members of the Board of Commissioners must be physically present at a meeting to vote on an action taken by the Board of Commissioners or by a committee of the Board of Commissioners. Members are not permitted to vote by telephone or by means of video conferencing. The names and votes of members shall be recorded on an action taken by the Board of Commissioners or by a committee of the Board of Commissioners if the action is on an ordinance or the appointment or election of an officer. The vote and the name of the member voting on other questions or motions shall be recorded at the request of 1/5 of the members present if the question or motion is before the Board, or 1/3 of the members present if the question or motion is before a committee of the Board. A record that is made pursuant to this section shall be available for public inspection. All other measures shall be voted by voice vote. If a commissioner present does not respond to the call for the voice vote, his or her vote shall be recorded as an affirmative vote, unless good cause is shown for abstaining. If there is abstention or a nay vote, there shall be a roll call vote.

11.7 Procedure for Conducting Roll Call Vote

All roll call votes shall be conducted in accordance with the following procedures:

Prior to the first meeting of the Board in each odd numbered year, the County Clerk shall prepare four lists of the members of the Board in the following sequences, provided however, that the name of the Chairperson shall appear as the final name on each of the four lists: (1) alphabetical order; (2) reverse alphabetical order; (3) by district number; and (4) by reverse district number. The County Clerk shall randomly mix the four (4) different lists prior to each meeting of the Board. For each roll call vote at each meeting of the Board, the County Clerk shall proceed to select one list and call the roll in descending order in which the members appear on that list for all roll calls at that meeting.

[MCL 46.3 and 46.3a]

12. RULES OF PROCEDURE; APPEAL

12.1 Questions of Procedure Not Covered by Standing Rules

The rules contained in the latest edition of Robert's Rules of Order Newly Revised shall govern in all cases to which they are applicable and in which they are not inconsistent with these rules and any special rules of order the board may adopt.

12.2 Appeal

The Board as a whole, not the Chairperson, is the final authority in judging whether these rules have been violated. A Board member who disagrees with a ruling by the Chairperson may appeal the ruling to the Board as a whole. Without waiting to be recognized, a member wishing to appeal the ruling shall say, "I appeal from the decision of the Chairperson." An appeal requires a second. The appeal may be debated, however, unlike other motions, each member may speak only once. The Chairperson may speak in debate twice, the first time in preference over other members and the second time to close debate. An appeal is stated and put to a vote as "Shall the decision of the Chairperson be sustained?" It requires a majority vote in the negative to overturn the chair's ruling. A tie sustains the decision of the Chairperson, and loses the appeal.

[RONR (10th Ed), pp 247-252]

13. COMMITTEES

Each committee shall thoroughly investigate any matter referred to it by the Board or Board Chairperson and shall report in writing the findings to the Board without undue delay. Upon the motion of any Board member, and approval by a majority of the Board, the Board may discharge a committee from further consideration of any matter.

13.1 Special Committees

The Board may create such special or advisory committees as it deems necessary or appropriate. Special or advisory committees shall automatically expire on December 31st of the year in which they are created unless a different term is specified in the resolution establishing the special or advisory committee, such as until a date certain, or until completion of the appointed task. The term of a special or advisory committee may be extended by the Board. The terms of all members of a special or advisory committee shall automatically expire upon the termination of the special or advisory committee. Special or advisory committees may consist, in whole or in part, of persons who are not Board members. Members of special committees shall be made by the Board Chairperson subject to Board approval.

13.2 Open Meetings Act

Meetings of all committees of the Board of Commissioners shall conform to the requirements of the Open Meetings Act.

13.3 Rules of Order

The rules of order adopted by the Board of Commissioners, to the extent that they are applicable, shall govern all matters of procedure related to committees.

14. APPOINTMENTS TO OTHER BOARDS, COMMISSIONS AND AUTHORITIES.

14.1 Appointments of Commissioners to Other Boards, Commissions and Authorities

Appointment of Commissioners to other boards, commissions and authorities shall be made by the Chairperson at the organizational meeting and ratified by a majority of the Board elected and serving.

14.2 Vacancies on Other Boards, Commissions and Authorities.

Whenever there shall arise the need to make an appointment to other boards, authorities or commissions, the Chairperson shall appoint an ad hoc committee to review applications for the position and make recommendations for the appointment to the full Board. All appointees to other boards, authorities and commissions shall be ratified by the Board. However, appointment to the Road Commission and Health and Human Services Board shall be made by the full Board.

15. CLOSED SESSIONS

15.1 Motion for Closed Session

The vote to hold a closed session meeting shall be recorded in the minutes of the meeting at which the motion was made.

15.2 Two-thirds Vote (5 members)

The Board of Commissioners may meet in closed session, closed to the members of the public, upon the motion of any Board member and a roll call vote approval by two-thirds (5) of the Board members for the following purposes:

To consider the purchase or lease of real property, until an option to purchase or lease that property is obtained. To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only when an open meeting would have a detrimental financial effect on the litigating or settlement position of the county board. To meet with an attorney to consider the attorney's written opinion. To review the specific contents of an application for employment to a County position and the applicant requests that the application remain confidential. Whenever the Board meets to interview an applicant, it shall be in open session.

15.3 Other Reasons

The Board may also meet in closed session for the following reasons without the requirement of the two-thirds (5) vote:

To reconsider 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. If the person rescinds his/her request for a closed hearing the matter at issue shall thereafter be considered only in open public meeting. To consider strategy connected with the negotiation of a collective bargaining agreement.

15.4 Attendance, Closed Session

A member of the Board of Commissioners must be physically present at a meeting in order to attend a Closed Session. A member may not attend a closed session by telephone or by means of video conferencing.

15.5 Minutes, Closed Session

For each closed session, the County Clerk shall make a separate record of the topics discussed. This record shall not be disclosed to the public except upon the order of a court. The County Clerk may destroy the minutes after one year and one day have passed after the meeting at which the approved minutes of the meeting at which the board voted to hold the executive meeting.

[MCL 15.267; *Booth Newspapers v City of Wyoming* (425 NW2d 695)].

16. COMPENSATION

The Board shall by budget resolution fix the compensation, per diem, mileage reimbursement, retirement, health benefits and allowed expenses of members of the Board of Commissioners and its committees. The Board shall also establish a per diem policy setting forth the appropriate guidelines for per diem payments. Changes in compensation shall become effective only after the time members of the Board commence their terms of office after a general election, provided that it is voted upon before the commencement of the new terms of office. This rule shall not be construed to prohibit a structured change in compensation implemented in phases over the term of office.

[MCL 46.415; 1977-1978 OAG 81].

17. AMENDMENT TO AND EFFECTIVE DATE OF THESE RULES

These Rules may be amended, suspended, or rescinded only if approved by at least a majority of the Commissioners elected and serving. These Rules shall remain in effect

until rescinded or amended. Any amendment to these Rules shall take immediate effect unless otherwise stated by the Board at the time of adoption.