

**BARRY COUNTY BOARD OF COMMISSIONERS
RULES OF PROCEDURE & REGULATIONS**

ARTICLE I

BOARD MEETINGS – TIME AND PLACE

A. Regular and Adjourned Regular Meetings. The Board shall convene for the purpose of holding meetings in the Commission Chamber of the County Courthouse, 220 W. State St., Hastings, Michigan or elsewhere at the discretion of the Board, provided proper notice is given to the public pursuant to the Open Meetings Act, 1976 PA 267, as amended, on the following days, except as otherwise provided in these rules:

1. The Organizational Meeting will be held on the first business day in January at 9:00 a.m., If the first business day is the first Tuesday of the month, a Committee of the Whole meeting will immediately follow the organizational meeting.
2. On the second and fourth Tuesday of each month at 9:00 a.m.
 - a) The Tuesday immediately following the second Monday in April, shall be the Statutory Equalization meeting (MCL 211.34 & 209.5).
 - b) The fourth Tuesday in September shall be the Statutory Annual Meeting. (MCL 46.1 & 211.37)

All above-listed meetings shall be considered regular meetings of the Board of Commissioners. Any other meetings not listed above shall be special meetings or adjourned sessions of the regular meetings, depending upon the means and methods used in calling said meeting. Unless the Board otherwise provides, the motion to “adjourn” any meeting of this Board, whether special or regular, shall mean to adjourn to the next succeeding regular meeting on the list above cited.

B. Special Meetings. The Board shall convene for the purpose of holding special meetings upon the written request of a least one-third (1/3) of the Commissioners, to the County Clerk, specifying the time, date, place and purpose of such meetings (MCL 46.10). When a special meeting is called as provided above, the County Clerk shall immediately give written notice thereof to each commissioner within 18 hours in one of the manners provided as follows:

- ◆ via a confirmed facsimile transmission to the commissioners’ residence;
- ◆ via personal delivery of the notice of the special meeting to the commissioner;
- ◆ leaving the notice of the special meeting at the residence of the commissioner;
- ◆ via an e-mail to the commissioner’s county e-mail address.

The Clerk shall post at least 18 hours before the meeting a public notice, as required by 1976 PA 267.

C. Meetings on Legal Holidays. Any regular or adjourned meetings of the Board which fall

on a legal holiday will be cancelled or rescheduled as soon as possible.

ARTICLE II

OFFICERS

- A. Election:** At the first meeting in each calendar year, the Board shall elect from among its members, a chairperson and vice-chairperson, who shall take office and assume their duties immediately upon election; provided that at the first meeting of each newly elected Board, the first order of business shall be the administration of the Constitutional Oath of Office by the County Clerk to the members-elect, if this has not previously been accomplished. The concurrence of a majority of all members of the Board shall be necessary for election. Said officers shall hold their respective offices for a term of one (1) year, or until their successors are duly elected and qualified, as set forth above.
- B. Duties.** The chairperson (and during his/her absence, the vice-chairperson) shall preside at all meetings of the Board and shall decide all questions of order, subject to appeal to the Board. Upon his/her election, the chairperson shall appoint all special committees, subject to approval by a majority of all members of the Board.
- C. Chairperson:** The chairperson shall be elected by and from the membership of the Board. His/her duties and powers shall include the following:
1. If present, shall preside at all meetings of the Board of Commissioners, preserve order, and decide questions of order subject to appeal to the Board.
 2. Shall be the agent for the Board in signing of contracts, orders, resolutions, determinations, and minutes of the Board and in the certification of the tax rolls.
 3. Shall serve in such capacities and make appointments as the law shall require.
 4. When he/she is present, shall preside at all meetings of the committee as a whole.
 5. Shall be considered as the chief elected official of the County for purposes of representing the County in various functional or ceremonial capacities.
 6. Shall, with the confirmation of a majority of the Board, appoint and may remove the members of all special committees of the Board.
 7. Shall have the power to administer an oath to any person concerning any matter submitted to the Board of Commissioners on any matter connected with the discharge of their duties, to issue subpoenas for witnesses and to compel their attendance in the same manner as courts of law (as authorized by State Statute).
 8. Shall prepare, or cause to be prepared by the Administrator, a written agenda for each meeting.
- D. Vice-Chairperson:** The Vice-Chairperson shall be elected by and from the Board. His/her duties and powers shall include the following:
1. He/she shall preside in the absence of the Chairperson.

2. He/she shall affix his/her signature to all contracts, bonds and other documents requiring the signature of the Chairperson when 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)
3. He/she shall perform such other duties as may be from time to time assigned by the Chairperson or by the Board. (MCL 46.3)

- E. **Board Leadership Succession**: In the absence of the Chairperson and the Vice Chairperson, Board leadership succession shall be based upon seniority of service as a County Commissioner in Barry County, regardless of whether the years of service are consecutive or not, and that person shall be the acting Chairperson of the Board of Commissioners and perform the duties of the Chairperson; provided, however, said acting Chairperson shall not affix his/her signature to any contracts, bonds, and other documents requiring the signature of the Chairperson unless, in the opinion of the Board, the Chairperson and the Vice Chairperson are prevented from performing the functions of the office because of illness or other exigency. If two or more members have the same seniority, then the tiebreaker will be for the members to draw straws
(MCLA 46.3)
- F. **County Administrator**: The County Administrator or his/her designee is responsible for the execution of policy established by the Board of Commissioners and acts as Chief Fiscal Officer.
- G. **Prosecuting Attorney**: The Prosecuting Attorney of the County, or his/her designated deputy or other attorney selected by the Board when the Prosecutor is unable to do so, shall advise the Chair and Board of Commissioners regarding questions of parliamentary procedures.

ARTICLE III

CLERK OF THE BOARD/OPEN MEETINGS ACT

- A. **Official Clerk and Duties**. The duly elected Clerk of Barry County shall be the Clerk of the Board. He/she or his/her duly appointed deputy shall perform all duties pertaining to such office, as required by law.
- B. **Open Meetings Act Posting**. The County Administrator shall perform all posting functions required by the Open Meetings Act, (1976 PA 267).
- C. **Changes in the meeting schedule**, subject to the Open Meetings Act requirements, including time and place, additional meetings, and meetings recessed to a specific time and place, may be made by majority vote of the Board of Commissioners, such change to be recorded in the minutes of the meeting in which the change is made. However the above excludes Special Board Meetings (see Article 1, section B).
- D. **Preparation of Minutes and Publication of Notice**: Proposed minutes of each Board meeting shall be available for public inspection not more than eight (8) business days after the meeting to which the minutes refer. Approved minutes shall be available in the County Clerk's office for public inspection and copying not later than five (5) business days after the

meeting at which the minutes are approved by the Board. Copies of minutes shall be mailed to individuals upon written request and a notice that the minutes are available in the County Clerk's office shall be published in at least one (1) well-established newspaper in the County.

- E. **Board Orders, Records:** Every order, resolution and determination of the Board shall be recorded in the records of the Board and signed by the Chairperson and Clerk of such Board. (MCL 46.29)
- F. **The Clerk of the Board of Commissioners** each year shall give public notice of the regular schedule of time and place in one or more newspapers circulated in the County, by informing the electronic news media in the County, and by posting the schedule in a conspicuous place in the County Courthouse, as required by the Open Meetings Act, (1976 PA 267).

ARTICLE IV

MEETINGS

- A. **Quorum.** A majority of the members of the County Board of Commissioners shall constitute a quorum for the transaction of the ordinary business of the County, and questions which arise at meetings shall be determined by the votes of a majority of the members present, except upon the final passage or adoption of a measure or resolution, or the allowance of a claim against the county, in which case a majority of the members elected and serving shall be necessary.
- B. **Order of Business:**
 - 1. **Agenda:**
 - a. Call to Order
 - b. Moment of Silence/Invocation
 - c. Pledge of Allegiance
 - d. Roll Call
 - e. Approval of written agenda (including consent items & items for discussion)
 - f. Limited public comment (for items not on the Agenda) (3 minutes per person)
 - g. Various correspondence
 - h. Consent Items
 - 1. Approval of Board minutes
 - 2. Approval of Committee of the Whole minutes
 - i. Presentations
 - j. Public Hearings
 - k. Items for Consideration (roll call vote indicated)
 - 1. Approval of Transfers and Disbursements
 - l. Unfinished Business
 - m. New Business
 - n. Legislative Update
 - o. County Administrator's Report
 - p. Chairperson's Report
 - q. Vice Chairperson's Report
 - r. Member's Time (for items not on the Agenda)
 - r. Limited public comment (for items not on the Agenda) (3 minutes per person)

s. Adjournment

2. **Specific Agenda Priorities:** All matters shall be placed upon the agenda of the Board within a specific section, as listed immediately above.
3. **Deadline for Agenda Items:** All information to be placed on the succeeding Committee of the Whole and Board agendas must be received at County Administration by 5 p.m. on the Wednesday following Board meetings. Otherwise such submittals shall not appear on the printed agenda and will be assigned to the next Committee of the Whole / Board of Commissioners cycle. An item may be added to the agenda at any meeting prior to the closing of the agenda and shall be considered at such meeting or referred to the Committee of the Whole, whichever action seems appropriate, unless upon objection of any member of the Board and by majority vote of the Board, the Board refuses to consider said matter. An agenda for each meeting shall be prepared and such agenda shall be available in a timely manner, calculated to be received by each member of the Board prior to such meeting. The agenda shall also be available to the public and news media.

ARTICLE V

RULES OF GENERAL CONDUCT AND PROCEDURE

CONDUCT

- A. **General Conduct:** A Commissioner shall not use profane, intemperate, or discourteous language or conduct.
- B. **Conflict of Interest:** A Commissioner shall not be interested directly or indirectly in any contract or other business transaction with the County unless he/she complies with the requirements of MCLA 15.321 et seq. and/or MCLA 46.30.
- C. **False Statements:** No member shall make a false statement for the purpose of receiving compensation or reimbursement for expenditures.
- D. **Gift, Entertainment, and Favors:** County Commissioners shall not directly solicit nor accept any gift, whether in the form of money, services, loan, travel, entertainment, hospitality, promise, or any other form, under circumstances which could reasonably be inferred or expected, as determined by a majority vote of the Commissioners elected and serving, that the gift was intended to influence the Commissioner in the performance of his/her official duties.
- E. **Speaking Priorities:** The sponsor of any properly moved and seconded motion, resolution, ordinance or report shall have the right to speak for up to five minutes after the formal introduction, but prior to any discussion of the matter on the floor. In any case, where there may be more than one sponsor to a particular motion, resolution, ordinance or report, it shall be in the discretion of the chairperson which person shall exercise the right given by this Rule to first speak on the pending matter. Each commissioner shall be limited to speak for a 5-minute time limit per recognition by the chairperson. Before speaking, each member shall address himself/herself to the chairperson. If two or more members desire to speak at the same time, the chairperson shall designate the order in which they shall speak. No member, while addressing the Board shall be interrupted, except to be

called to order, and thereupon, he/she shall immediately cease talking. Every commissioner shall vote on all questions unless excused by the Board.

- F. **Leaving Seat, Interruptions:** While the chairperson is putting any question or while the roll is being called by the clerk, no member shall leave his/her seat or entertain private discourse. When a member is speaking, he/she shall not be unduly interrupted.
1. While the Commission or a Committee of the Whole is in session, all cell phones must be silenced.
 2. Commissioners shall refrain from being involved in personal discussions or "side bars" while the Commission or a Committee of the Whole is in session.
- G. **Leaving the Meeting:** No member shall leave a meeting prior to adjournment unless first excused by the chairperson. The clerk shall record in the official journal the time and point in the proceedings at which a member enters and leaves the meeting while the Board is in session.
- H. **Order and Decorum:** The chairperson shall at all times preserve order and decorum pursuant to these Rules. A member shall not use profane, intemperate or discourteous language or conduct.
- I. **Commissioner Attendance:** Commissioners are expected to attend meetings as scheduled and be punctual. If a member is unable to attend a meeting, he/she shall notify the Chairman of the Board and the Administrator's Office in advance of the meeting.

PROCEDURE

- A. **Agenda:** The agenda shall be distributed to the Commissioners at least two (2) business days prior to the meeting. The Chairperson shall prepare or cause to be prepared by County Administration the Board agenda subject to the following:
1. The item of "Recommendation for Approval of Transfers and Disbursements" shall automatically be placed on each Board agenda.
 2. Any Commissioner may place an item on any future Board agenda.
- B. **Voting:** The voting procedure shall be as follows:
1. No votes shall be taken by secret ballot, except the vote for Chairperson may be by secret ballot provided a motion to elect the chairperson by secret ballot is approved by the Board. (MCLA 46.3a)
 2. Except as otherwise provided by statute or rule, all questions shall be determined by the votes of the majority of the Commissioners present, except upon the final passage or adoption of any measure or resolution, or the allowance of any claim against the County, in which case the majority of all the Commissioners elected and serving shall be necessary. (MCLA 46.3)
 3. A roll call vote shall be taken on the adoption of an ordinance, resolution, or

appointment or election of an officer; the adoption of the budget; the adoption of a Consent Agenda; or at the request of any Commissioner. The call of the roll shall not be interrupted. A Commissioner at the completion of the call may give a brief statement for the record, without argument or repetition, of his/her reasons for voting "aye," "nay," or for abstaining.

- C. **Consent Agenda:** The Board may use a Consent Agenda under the following conditions:
1. The Board Chairperson and/or Board Vice Chairperson shall, with input from staff, determine which items on the Board Agenda shall be considered on the Consent Agenda. Any Commissioner may remove an item from the Consent Agenda up to Approval of the Written Agenda.
 2. During Approval of the Written Agenda the Chairperson shall announce that if a citizen wishes to comment on an item on the Consent Agenda, to please request such at that time. If a request is made, then the item will be removed from the Consent Agenda and voted on separately.
 3. A Commissioner shall announce and move for approval the items on the Board agenda which shall be considered on the Consent Agenda. Those items which are not announced by the Commissioner shall be considered separately.
 4. There shall be no discussion of any item on the Consent Agenda. If a request for discussion or a question is raised concerning a Consent Agenda item before the vote, that item shall be removed from the Consent Agenda and voted on separately.
 5. A roll call vote shall be taken on the Consent Agenda motion.
- D. **Citizen Participation:** Any citizen may comment upon agenda items prior to the taking of a vote thereon. Speakers other than Commissioners, after being recognized, shall identify themselves by name and address and shall ordinarily limit their presentation to three (3) minutes, unless the time is otherwise extended by the Chairperson or by vote of the Board.
- E. **General Conduct:** No Commissioner nor other person shall speak until duly recognized by the Chairperson; if a Commissioner or other person speaks without being recognized by the Chairperson, he/she shall immediately cease speaking if ruled out of order.
- F. **Codification:** All laws, regulations, policies, and ordinances shall be codified by the staff in such form as may be required for their proper use.
- G. **Parliamentary Authority and Procedure:** "Robert's Rule of Order" shall govern all questions of procedure which are not otherwise provided by law.

No motion shall be debated or voted upon unless seconded. Any motion, resolution or committee report, with the permission of the person who moved and seconded it, may be withdrawn at any time before it has been adopted. At the request of any member of the Board, a motion shall be presented in writing.

The Board, by a majority of all its members, may discharge any special committee from further consideration of any matter referred to the committee if the motion to discharge was properly placed upon the meeting agenda at which action is desired. Any

motion to discharge that was not placed upon the agenda of the meeting at which action is desired shall require a two-thirds (2/3) vote of all members of the Board in order to secure passage.

H. **Public Meetings:** Board meetings shall be open to the public, as required by the Open Meetings Act, 1976 PA 267.

I. **Comments from the Floor:** Only members of the Barry County Board of Commissioners shall be given the floor to speak during any Board meeting, except:

1. Anyone who desires to speak under subsections B.1(g) and (q) of Article IV.
2. County officials and/or personnel may speak with the consent of the chairperson.
3. Any person, with the consent of the chairperson and/or a majority of the Board.
4. Public comment shall be limited to no more than three minutes per individual and at the times designated as stated above, except where extended privileges are granted by the chairperson.

J. **Voting:**

1. The names and votes of members shall be recorded on an action which is taken by the Board of Commissioners. Upon the demand of any member present, a roll call vote shall be ordered and recorded by the Board Clerk.
2. No vote may be taken by secret ballot on any matter except on the question of election of the Chair of the Board.
3. Every member present shall vote for or against the motion, unless excused from voting, by the Board, in which case he or she shall not vote.

K. **Payments for Per Diem and Mileage:** Commissioners will be paid per diem in the manner authorized by state statute and amount as determined by the Board of Commissioners (MCL 46.415). In accordance with Resolution #10-22, "Resolution to Change Compensation and Method of Compensation for Barry County Board of Commissioners", as adopted on July 13, 2010, no per diem will be paid. Instead, a flat salary system has been implemented to compensate County Commissioners for regular, special and liaison assignment meetings.

L. **Mileage reimbursement:** Commissioners are entitled to reimbursement for travel at the current Internal Revenue Service rate provided it does not exceed the mileage reimbursement set for State Officers as determined by the State Officers Compensation Commission (MCL 46.415). Mileage reimbursement forms to be submitted to the Committee of the Whole shall include the following for each day or trip for which reimbursement is requested:

1. The date.
2. The meeting & time.
3. The city or location of the meeting.

4. If the reimbursement is taxable or non-taxable.
5. The number of miles round trip.

M. Allowable reimbursement is for:

1. Trips from home to Commissioner and Board Committee meetings and return.
2. Trips from home to meetings of boards, commissions, committees or sub-committees of same to which the Commissioner has been appointed by the Board of Commissioners and return.
3. Trips to and from conferences which have been approved for attendance by the Board.
4. Trips where the Commissioner is representing the Board of Commissioners in an official capacity; e.g.; legislative hearing.
5. Trips where the commissioner is on designated county business.

Mileage reimbursement paid to County Commissioners for attending meetings that are located in Hastings shall be reported on the mileage reimbursement form as taxable mileage.

Reimbursement for travel will not be paid for attendance at township board, village board or city council meetings or for trips to investigate complaints lodged with the Commissioner by a citizen.

Mileage request forms are due in the County Administrator's Office on the last day of the month at noon. If the last day of the month falls on a Saturday or Sunday, the forms will be due on the Friday before the last day at noon.

N. Training Seminar Attendance: Upon delivery of a report to the Board of Commissioners including discussion topics, seminar materials, etc., registration fee and mileage shall be reimbursed.

O. Conflict of Interest: Board members shall comply with MCL 46.30 as stated below:

A member of the county board of commissioners shall not be interested directly or indirectly in any contract or other business transaction with the county, or a board, office, or commission thereof, during the time of which he is elected or appointed, nor for one year thereafter unless the contract or transaction has been approved by $\frac{3}{4}$ of the members of the county board of commissioners and so shown on the minutes of the board together with a showing that the board is cognizant of the member's interest. This prohibition is not intended to apply to appointments or employment by the county, or its officers, boards, committees, or other authority, which appointments and employment shall be governed by the provisions of section 30a of this act.

P. False Statements: No member shall make any false statement for the purpose of receiving compensation or reimbursement for expenditures.

- Q. **Enforcement:** No penalty shall be assessed against any member for violation of the rules of conduct except on the filing of written charges and a hearing before the entire Board. No member shall be found guilty except on a three-fifths (3/5) vote of the entire Board and the punishment may include censure or such other penalty as may be permitted by law.
- R. **Biennial Board and Commission Appointments:** Unless otherwise prohibited by law, all non commissioner appointments to boards and commissions where a term has expired or a vacancy exists shall be interviewed and appointed by the newly elected Board of Commissioners.

ARTICLE VI

ADMINISTRATION

- A. **Notice of Board Action:** When the Board has acted upon a written request or demand for action presented to the Board from other than among its membership, the clerk shall promptly notify the person or agency making the request or demand of the Board's action thereon.
- B. **Minutes:** The county Clerk or his/her designee shall prepare minutes as required by the Open Meetings Act, 1976 PA 267.
- C. **Resolutions:** All resolutions finally adopted by the Board in each calendar year shall be consecutively numbered in the order of their adoption.

ARTICLE VII

COMMITTEES OF THE BOARD

- A. **Special (Ad Hoc) Committees:** The Board may establish from time to time such special committees as are deemed necessary which shall only be advisory in nature. The purpose shall be determined at the time the special committee is established. At least two (2) Commissioners shall be a member of a special committee. A special committee may report recommendations to the Board for appropriate action and shall be automatically dissolved when their specific task is completed.
- B. **Time and Place of Regular Committee of the Whole Meetings:**
1. Unless the Board or the Committee of the Whole shall otherwise specify, the Board shall meet as a Committee of the Whole on the first and third Tuesdays of each month, at such time that the Board or the Committee of the Whole shall determine in accordance with the Open Meetings Act. If a regular meeting date shall be a national holiday, the meeting shall be held on the next secular day.
 2. All regular meetings of the Committee of the Whole shall be held in the County Courthouse unless the Board or the Committee of the Whole shall otherwise specify.
 3. Minutes shall be prepared for all meetings pursuant to the Open Meetings Act and shall be a public record.

- C. **Committee of the Whole Rules:** A majority of the Commissioners shall constitute a quorum and a majority vote of the Commissioners present shall be able to vote to recommend to the Board any potential action.
- D. **Committee of the Whole Agenda:** The agenda shall be distributed to the Commissioners at least two (2) business days prior to the meeting. The Chairperson shall determine which items shall be placed on the Board agenda subject to the following:
1. Any Commissioner may place an item on any future Committee of the Whole or Board agenda.
- E. **Board Liaison:** A Commissioner who is appointed by the Board as liaison to a County board or commission should attend the meetings of the board or commission and shall act as a conduit of information to the Board of Commissioners. Reports on these activities are to be made during "MembersTime" at Board meetings.

ARTICLE VIII

TITLES AND SUBTITLES

The titles and subtitles of these Rules and the citations appended thereto are for convenience only and shall not be considered as part of these rules.

ARTICLE IX

AMENDMENT TO AND EFFECTIVE DATE OF THESE RULES

These Rules may be amended, suspended or rescinded only by a majority vote of the commissioners. They shall remain in effect until rescinded, amended or suspended.

Any amendment to these Rules properly presented to the Board of Commissioners and adopted, shall take immediate effect unless otherwise stated by the Board at the time of adoption.

ARTICLE X

CONCLUSION

To the extent that any of the rules herein are contrary to statutory requirements, they shall be of no force and effect.

Adopted 1/14/14