

County of Lapeer

Rules of Procedure
for the
Lapeer County
Board of Commissioners



2023

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LAPEER COUNTY BOARD OF COMMISSIONERS

RULES OF PROCEDURE

ARTICLE I

BOARD ORGANIZATION

- 1.1 **Board Membership:** The Board of Commissioners shall consist of *seven (7)* members elected from single member districts, apportioned on the basis of population as provided by law.
- 1.2 **Term of Office:** The term of each Commissioner shall be for two (2) years, concurrent with that of State Representatives.
- 1.3 **Vacancies on the Board:** Pursuant to MCLA 46.412, vacancies caused by death, resignation, removal from the district or removal from office shall be filled by appointment by the Board of Commissioners, within thirty (30) days, by a resident and registered voter of the district in which the vacancy occurred. If the vacancy occurs in an odd numbered year, the appointee shall serve until the vacancy is filled at a special election which the Board shall call. If the vacancy should occur in an election year, the appointee shall serve the remainder of the un-expired term. If the vacancy is not filled within thirty (30) days, it shall be filled by special election regardless of the year, as consistent with State law.
- 1.4 **Reapportionment:** With sixty (60) days after the publication of the latest United States Official Decennial Census figures, the Board shall be reapportioned, in the manner prescribed by law.
- 1.5 **Compensation:** Each member of the Board of commissioners shall receive a salary as adopted in the prior term plus any percentage increases awarded to all non-union personnel paid bi-weekly (26 pays annually). Mileage shall be reimbursed at a rate set by the Board of Commissioners.

Mileage and/or other related expenses shall be submitted on the County Travel Expense Voucher (GC-6). All reimbursement of mileage and other expenses shall follow current policy. County Commissioners' mileage/expense sheets (GC6 forms) are to be included in the Regular Board Meeting agenda packets.

- 1.6 **Officers, Agents, and Employees:** The Board shall elect at its Organizational Meeting each year a Chairperson and Vice-Chairperson, and may appoint at such other times other representatives, agents, and employees as necessary and desirable. The Board *may* elect a chairperson (but not a vice chairperson) by secret ballot.

- 1.7 **Powers and Duties:** The Board shall have such powers and duties as shall from time to time be provided by law. The authority of the Board of Commissioners is a collective one, and according to state law, no individual member can assume any action, decision, or endeavor on behalf of or in lieu of Board action. The Board meetings will be guided by Roberts Rules of Order.
- 1.8 **Indemnification:** The County shall indemnify and save harmless all board members against any damages incurred by them, or any judgment rendered against them, in connection with the defense of any action, suit, or proceeding in which they are made parties as the result of acting in the scope of their duties for the County of Lapeer as a member or a past member of the Board, except in relation to matters as to which any such member shall be adjudged liable due to a criminal act, for actions taken outside the scope of his or her authority, and to such matters as shall be settled by agreement predicated on the existence of such liability. The foregoing right to indemnification shall be exclusive of other rights which a member may be entitled.
- 1.9 **Committees:** The Board may create such standing and special committees as deemed necessary to accomplish the work of the Board. Said committees shall remain in effect as long as deemed necessary by the Board of Commissioners. *(This does not include Commissioners getting together for educational and/or informational tasks)*. All committees shall keep minutes. All subcommittee agendas and minutes are to be submitted to the County Clerk's Office for filing.

ARTICLE II

OFFICERS AND EMPLOYEES

- 2.1 **Chairperson:** The Chairperson shall be elected for a one-year term by and from the membership of the Board; If the Chairperson shall for any reason be unable to fulfill his/her duties on a permanent basis, a new election shall be held. The statutory duties and powers of the Chairperson shall include the following:
1. Preside at all Board Meetings;
 2. Administer oaths and issue subpoenas for witnesses and to compel attendance as provided by law;
 3. Sign all contracts, bonds, and other documents requiring signature of the Chairperson, including Board minutes;
 4. Certify the tax rolls;
 5. Appoint a F.O.I.A. Representative to handle requests under the Freedom of Information Act, with the consent of the Board;
 6. Serve on an intra-county and inter-county Drain Boards, or designate another Commissioner to do so.

Other duties and powers of the **Chairperson** shall include the following:

1. Serve ex-officio on all Board Committees;
2. With the advice and consent of the Board, appoint members to all standing and special committees on the Board, and appoint the chairperson of each committee;
3. With the advice and consent of the Board, appoint representatives to attend national, state, and district conferences, or to serve on national, state, and district committees and other commissions and committees requiring the appointment of commissioners;
4. Preside over the Committee of the Whole except when otherwise designated;
5. Shall decide all questions on procedure under the Board rules of procedure and general parliamentary practices, subject to appeal by the Board;
6. Shall vote on all questions taken by ayes and nays except on appeal from his/her own decision;
7. May refer any communication to a standing committee;
8. Shall be the ceremonial representative of the County;
9. Shall perform other such duties as specified by law, the Board, or by custom.

2.2 **Vice-Chairperson:** The Vice-Chairperson shall be elected by and from the members of the Board for a one-year term. The duties and powers of the Vice-Chairperson shall include the following:

1. Preside at meetings in the absence of the Chairperson, or when the Chairperson desires to address the Board;
2. Sign 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 emergency which, in the opinion of the Board, prevents them from performing such functions of his/her office;
3. Perform other duties as may be from time to time assigned by the Chairperson or by the Board;
4. In the absence of the Chairperson, assume the duties and responsibilities of the Chairperson.

2.3 **County Clerk:** The County Clerk, or in his/her absence a Deputized Clerk, shall perform such duties as required by law or as assigned from time to time by the Board including, but not limited to, the following:

1. Record all official Board proceedings when a quorum is present in a book provided for that purpose; Minutes shall be prepared in a manner as prescribed in the Michigan Open Meetings Act;
2. Make regular entries of all Board Resolutions and decisions upon all questions, including maintaining a chronological file of all formal resolutions and ordinances adopted by the Board. All such resolutions shall be numbered beginning each year;
3. Record the vote of each commissioner on any question submitted to the Board, if required by any member present;
4. To preserve and file all documents acted upon by the Board, and on no account to allow such documents to be taken from his/her office.
5. To certify copies of any and all resolutions or decisions on any of the proceedings of the Board when requested by the Board or any member thereof;
6. File all communications as directed by the Board of Commissioners;
7. Publish all approved ordinances and other matters required by Law or otherwise directed by the Board of Commissioners in coordination and review with the Administration Office;
8. Receive and transmit to the Board recommendations of persons for appointments to the Elections Scheduling Committee and the Board of Canvassers;
9. Shall furnish a list setting forth the name of any appointee on any board, commission, or agency whose term is expiring, and the expiration date of said term, at least thirty days prior to the expiration of their term.
10. Obtains signature by Chairman (or appropriate official) for all contracts, grants, or other documents, etc. that have been approved by the entire Board following each regular board meeting.

2.4 **County Controller/Administrator:** The County Controller/Administrator, in addition to statutory responsibilities, shall carry out duties as assigned by the Board and shall provide general staff assistance to the Board and its Committees. The County Controller/Administrator shall approve the following, pursuant to the corresponding motions of the Lapeer County Board of Commissioners: Training Registration/Overnight Travel Requests (Motion #520-02); Hardship Withdrawals from the Employee Deferred Compensation Plan (Motion #362-03); Vacation Extension Requests (Motion #91-03); Family Medical Leave Requests (Motion #116-02); and Livestock Claims (Consensus of BOC on March 8, 2001); Grant Application Initial Submissions (Motion #55-21); Inclement Weather Building Closures (#121-00 in coordination with the Chief Judge).

ARTICLE III
APPOINTMENTS TO BOARDS AND COMMISSIONS

- 3.1 **Notice of Expiring Terms:** At least thirty (30) days prior to the expiration of any appointee's term on any board, commission, or agency, a list shall be furnished by the County Clerk's Office to the Board setting forth the name of the person(s) whose term(s) are expiring and the expiration date of such term(s).
- 3.2 **Applications and Appointments:** The Chairperson shall put the Board on notice that nominations will be accepted to fill said terms at a specified meeting and shall schedule an election for a Board Agenda. Persons desiring to serve on a committee may submit an Application for Appointment or resume to the Board of Commissioners' Office.
- Additional nominees may be submitted from the floor for nominations. A majority vote of the members elect shall appoint unless otherwise provided by law.
- Applicants are encouraged to attend and introduce themselves to the Board prior to the appointment being made.
- 3.3 **Compensation:** Compensation for such appointive positions shall be set by the Board of Commissioners;
- 3.4 **Quorum Required for Per Diem Payment:** No commissioner nor appointee of the Board shall receive per diem pay without a quorum of the committee, commission, or board present at a scheduled meeting, unless approved by the Chairperson of the Board of Commissioners.
- 3.5 **Frequency of Meetings** – The Board reserves the right to set the number or frequency of meetings of all Committees/Boards under its authority.

ARTICLE IV
MEETINGS

- 4.1 **Organizational Meeting:** The Board of Commissioners shall convene for its first meeting at a time set by the County Clerk within the first five business days of each year. This meeting shall be known as the Organizational Meeting and the Board shall transact such business of said meeting, or at the adjourned date of such meeting, as shall be provided by these rules or by laws, including the election of a Chairperson and the Vice-Chairperson and scheduling regular Board Meetings throughout the session. The County Clerk shall preside over the Organizational Meeting until a Chairperson of the County Board has been duly elected by a majority vote of the members elect.
- 4.2 **Regular Meetings:** The Board shall meet in regular session on scheduled days as determined at the organizational meeting, except when otherwise set by adjournment, by law, or by Board motion.

- 4.3 **Special Meetings:** Special Meetings of the Board shall be held only when requested by one-third of the Board to the County Clerk or the Chairperson of the Board and shall comply with the eighteen (18) hour posting required by Law. The request for a special meeting shall specify the time, place and purpose of such meeting. Upon receipt of such a request, the County Clerk shall deliver notice of said meeting to the County Controller/Administrator and contact each Commissioner in person or by telephone. Adjourned meetings at the call of the Chair shall not be considered special meetings. The attendance by any commissioner at a special meeting waives that commissioner's objection to notice of the meeting.

ARTICLE V
MEETING PROCEDURES

- 5.1 **General Conduct at Meetings:** Meetings of the Board of Commissioners are to be presided over by the Chairperson, or in his absence the Vice-Chairperson, in general accordance with Robert's Rules of Order, except as specified by State statute or these rules. In the absence of both the Chairman and Vice-Chair, the Commissioner with the most seniority on the Board will act as Chair for that meeting.
- 5.2 **Quorum:** A majority of the members elect shall constitute a quorum. No business shall be considered without the presence of a quorum, except to adjourn or recess.
- 5.3 **Order of Business:** The business of all regular meetings of the Board of Commissioners shall be considered and transacted in a manner prescribed by the Chairperson as approved by the Board of Commissioners. Meetings of the Board of Commissioners are established and conducted for all seven (7) members of the body to perform their elected legislative and administrative responsibilities. Motions for action will be permissible at any time in any meeting where the motion-maker has the floor. After a second/support is added by any member, the motion may then be debated as to its validity.
- 5.4 **Online Broadcasting:** The County Controller/Administrator, at the approval of the Board of Commissioners, may operate/maintain a social media account with the sole purpose of uploading live and/or pre-recorded weekly county commissioner meetings (Committee of the Whole and Regular Full Board).
- 5.5 **Agenda:** The County Controller/Administrator (in conjunction with the Chairperson) shall prepare the Agenda for all meetings of the Board except for the Agenda for the Regular Full Board Meetings, which is prepared by the County Clerk. The County Administrator will ensure that the Agendas and related information be placed in office mailbox of each Commissioner two (2) days or sooner prior to each scheduled meeting. All original contracts, grants, resolutions, or other agenda documents will be provided to the County Clerk's Office in preparation of signature by the Chairman prior to the regular board meeting.

Appointed/Elected Department Heads shall ensure that all Requests for Actions are submitted in a timely manner according to the adopted Annual Meeting Calendar but no less than one week prior to the meeting date, and all RFA's must include a draft motion and line item number for purchases. Failure to meet the submission deadline(s) will result in the item being held until the following appropriate meeting date.

5.6 Vote Required for Board Action:

1. Three-fifths (3/5) vote of members elected and serving to alter township boundaries;
2. Two-thirds (2/3) vote of members elected and serving:
 - a. Call a closed session;
 - b. Move the County seat;
 - c. Adopt the Annual Operating Budget in the October session;
 - d. To select building sites, erect county buildings, to abolish or revise distinction between county and township property;
 - e. Authorize the making out of a new tax roll;
 - f. Authorize township borrowing to build or repair roads and bridges;
 - g. Acquisition and disposal of county property and business where no other provision shall be made;
 - h. Establish a Department of Public Works;
 - i. Transfer funds from the Budget Stabilization Fund.
3. Majority vote of members elected and serving:
 - a. Final passage or adoption of a measure or resolution;
 - b. Allowance of a claim against the county.
4. Majority vote of members present – all other questions which may arise at a meeting. A unanimous vote of all the members shall be deemed a roll call vote.

5.7 Roll Call Vote: The Chairperson shall entertain a call for Roll Call Vote made by any member present on any question submitted to the Board.

5.8 Seeking Recognition: When two (2) or more members seek recognition, the Chairperson shall designate the member who is first called to speak; but in all cases the member who shall first address the Chair shall speak first.

5.9 Interruptions: When a member is speaking on any question before the Board, he or she shall not be interrupted except to be called to order by the Chair.

- 5.10 **Call to Order:** When a member is called to order, he or she shall immediately cease speaking. The Board, if appealed to, shall decide the propriety of the Chair's call to order. If there is no appeal, the ruling of the Chair shall be final.
- 5.11 **Debate:** After a motion is stated by the Chair, it shall be deemed to be in possession of the Board, but it may be withdrawn at any time before amendment or decision is made, with the consent of the supporting member.
- 5.12 **Un-Debatable Motions:** When any question is under debate, no motion shall be received but the following un-debatable motions, and they shall have precedence in the following order:
- a. To adjourn;
 - b. To rise to a Point of Order;
 - c. To table;
 - d. To call for the previous question;
 - e. To limit or extend limits of debate;
 - f. To postpone to a certain day;
 - g. To commit or refer, or re-commit, to a committee;
 - h. To amend;
 - i. To postpone indefinitely;
- 5.13 **Open Meetings:** Members of the public shall be encouraged to attend all open meetings and address the Commission at the meeting. To protect the rights of all people attending such meetings and to maintain reasonable order, the following rules are established in accordance with P.A. 267 (1976), as amended:
1. All public meetings shall be posted in the County Complex at the Board of Commissioners Office in accordance with the Open Meetings Act of 1976, as amended.
 2. No person shall be excluded from a public meeting except for a breach of peace committed at that meeting. However, members of the public who intend to attend an open meeting in groups of twenty (20) persons or more should notify the County Administration of their intention in order that the Board may make all efforts to secure adequate accommodations.
 3. Members of the public may address the Board after receiving recognition from the Chair and giving his or her name and township, city or village of residence. Public comments shall be limited to a period set aside at each meeting for such purpose and each speaker shall have the floor for not more than three (3) minutes unless the Board grants an extension.

4. In the event that a person desires to address the Board in an extensive manner, that person shall contact the Chairperson of the Board with a request to be placed on the agenda, no less than seven (7) days prior to the scheduled meeting; and further, following approval from the Chairperson, shall provide the County Clerk's Office with the date, time, and subject to be placed on the agenda.
- 5.14 **Closed Meetings:** Pursuant to the Open Meetings Act (PA 267 of 1967, section 15.263), there are eleven (11) purposes in which Closed Meetings may be called, such as for collective bargaining (union) negotiations; in order to consider the purchase or lease of real property, up to the time an option to purchase or lease for that real property is obtained; to consult with legal counsel regarding trial or settlement strategy in connection with specific pending litigation, but only when an open meeting could have a detrimental financial effect on the litigation or settlement position of the public body. In addition, a meeting may be closed by two-thirds (2/3) vote to review an employment application when requested by a candidate, and to consider material exempt from discussion or disclosure by state or federal statute, or for any other reasons allowed under the Open Meetings Act.
- 5.15 **Attendance of Closed Meetings:** The Board has sole discretion to determine who may be permitted to attend a Closed Session pursuant to the Open Meetings Act, particularly MCL 15.267 and 15.268. Routine attendance beyond the Board members, Administrator, Finance Director, and Clerk or Deputy Clerk, or exclusion of the Administrator or Finance Director, must be approved by the majority of the Board.
- 5.16 **Resolutions:** Pursuant to Motion 182-99 from the March 25, 1999 Regular Board Meeting, the Committee of the Whole shall have the authority to act on resolutions regarding commendation, congratulations, retirement, and appreciation; and further, that the Committee of the Whole be given authority to act on any other Resolution, when directed to other elected officials, and requiring immediate action, when two-thirds (2/3) of the members elected are present, which shall include forwarding the motion to the next regular meeting to be entered into the official record (effective January 17, 2019).

ARTICLE VI
COMMITTEES

- 6.1 **Standing Committees:** There shall be eight (8) standing committees of the Board:
 1. Committee of the Whole
 2. County Properties
 3. Personnel
 4. Negotiations
 5. Public Safety
 6. Human Services
 7. Strategic Planning
 8. Policies, Procedures & Bylaws

6.2 **General Duties of Committees:** The general duties of each committee shall be making recommendations to the Board on issues of County business, act as liaison between the Board and departments and agencies, and to coordinate interrelated activities and to act on other items of business placed on the agenda by the Chairperson of that Committee.

6.3 **Specific Duties of the Committee of the Whole:**

1. All policy, financial, and other topics for Board of Commissioners consideration shall generally be brought to the Committee of the Whole prior to final decision at Regular Board Meetings. In addition, if a scheduled Committee of the Whole meeting is canceled or not held for any reason, topics on that agenda may be brought to the next Regular Board meeting for action.

6.4 **Specific Duties of the Personnel Committee:**

1. Make recommendations with regards to interviewing and hiring Department Heads;
2. Make recommendations with regard to employee relations, including personnel policies, employee negotiations, fringe benefits, job classifications and salaries;
3. At the request of the Full Board of Commissioners, evaluate and review the performance of County Department Heads and the County Controller/Administrator for Board approval;
4. Consider vacation extension requests and employee requests for leave of absence denied by the County Controller/Administrator.
5. Develop and revise the County's Personnel Policy for Board Approval.
6. Perform the process of Job Review and Analysis in compliance with the job analysis procedure.

6.5 **Specific Duties of the Negotiations Committee:**

1. Negotiate Labor Agreements as directed by the Board of Commissioners;
2. Make recommendations with regard to collective bargaining to the Board of Commissioners;
3. Hold grievance hearings as prescribed by respective labor contracts.

6.6 Specific Duties of the County Properties Committee:

1. Recommend office space allocations in county buildings;
2. Recommend policies to the Board related to purchasing, inventory of county property, placement and use of county property, and disposal of county property.
3. Recommend policies on maintenance of county buildings, grounds, and other properties.
4. Recommend alterations and additions to county buildings and grounds and oversee such construction, including procurement and recommendations on bids.
5. Make recommendations related to major capital outlays;
6. Recommend short and long term planning needs regarding capital improvements, office space needs and storage space needs;
7. Review needs regarding Real Property Capital Improvements for Board approval.

6.7 Specific Duties of the Public Safety Committee:

1. Enhance and encourage interagency collaboration and cooperation of Courts, law enforcement services, community corrections, and emergency response services.
2. Act as liaison between the Board and the Courts, law enforcement services, community corrections, and emergency response services.

6.8 Specific Duties of the Human Services Committee:

1. Enhance and encourage interagency collaboration and cooperation of human service agencies.
2. Act as liaison to health and human service agencies.

6.9 Specific Duties of the Strategic Planning and Review Committee:

1. Provide leadership to the Board to plan for a process to periodically (3-5 years) engage the County (Board, Administration, Department Heads) in establishing longtime goals and objectives for the County.
2. Help the Board annually review established goals and objectives to determine progress and modify plans as needed.
3. Ensure that County departments: (a) submit annual written and oral reports to the Board; and (b) annual programs/services performance measures furnished for the budget process are submitted and reviewed.

6.10 **Specific Duties of the Policies, Procedures & Bylaws Committee:**

1. To review and update items at least annually.

ARTICLE VII
AMENDMENTS TO THE RULES OF PROCEDURE

- 7.1 **Amendments:** These Rules of Procedure may be amended or repealed in whole or in part, at any regular or duly called special meeting of the members at which a Quorum shall be represented, by two-thirds vote of the Board members elected and serving, provided a statement of the character of such proposed amendments has been included in the notice of the meeting.