

**EMMET COUNTY BOARD OF COMMISSIONERS
RULES OF PROCEDURE FOR THE CONDUCT OF MEETINGS
January 3, 2017**

1. AUTHORITY

These rules are adopted by the Emmet County Board of Commissioners (“Board”) pursuant to MCL 46.11, as amended.

2. MEETINGS

All meetings of the Board will be held in compliance with State law, including the Open Meetings Act, 1976 PA 267, as amended, and these Rules.

2.1 Organizational Meeting

The first meeting of each calendar year will be the Organizational Meeting. At the commencement of the meeting, the County Clerk will preside. As the first item of business, the Clerk will administer the oath of office to the Commissioners if the oath has not previously been administered.

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

The election of the Chairperson may be conducted by secret ballot upon the motion of a Commissioner and approval by a majority of those present.

The newly elected Chairperson will assume the chair and proceed with the election of the Vice-Chairperson.

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

2.1.1 Chairperson and Vice-Chairperson

The person elected Chairperson at the Organizational Meeting will preside at all meetings of the Board, will preserve order at all meetings, and will decide questions of order subject to appeal to the Board as provided in these rules.

In the absence of the Chairperson, the Vice-Chairperson will preside. If neither the Chairperson nor the Vice-Chairperson is present, the County Clerk will preside until the Commissioners present elect a Commissioner to preside during the absence of the Chairperson and Vice-Chairperson.

In addition to the foregoing, the Chairperson will have the following duties and responsibilities:

- (a) The Chairperson will act as the Board's agent in the signing of contracts, orders, bonds, determinations, and minutes of meetings of the Board, and in certification of the tax rolls.
- (b) The Chairperson will serve in such capacities and make appointments as required by law.
- (c) The Chairperson will preside at all meetings of the Committee of the Whole.
- (d) The Chairperson will be considered the chief elected official of the County for purposes of serving and representing the County in various functions and ceremonies.
- (e) The Chairperson, when appropriate, will refer matters coming before the Board to a committee of the Board, and will arbitrate all jurisdictional disputes between committees. Such decisions will be made subject to these rules and subject to appeal to the Board.

2.2 Regular Meetings

Regular meetings of the Board will be held in accordance with the schedule adopted annually by the Board at its Organizational Meeting.

If any regularly scheduled or adjourned meeting of the Board falls on a legal holiday, the Board will meet on the next day that is not a holiday.

2.3 Annual Meeting

The statutory "annual meeting" of the Board will be held in October before October 16 in compliance with MCL 46.1.

2.4 Special Meetings

A special meeting of the Board will be held upon written request to the County Clerk signed by at least 1/3 of the members of the Board, specifying the time, date, place and purpose of the meeting. Upon receipt of the request, the Clerk will immediately give written notice to each of the Commissioners. Public notice must be given as provided in Rule 3.3.

Alternatively, the Chairperson, in his or her discretion, may convene a meeting of the Board other than a regularly scheduled meeting, with notice as provided in Rule 3.3.

2.5 Emergency Meetings

In the event of a severe or imminent threat to the health, safety and welfare of the public, an emergency meeting of the Board may be held when 2/3 of the members of the Board decide

that a delay would be detrimental to efforts to lessen or respond to the threat. A meeting is defined as an “emergency meeting” only if it must be held before the 18-hour notice can be given as provided in Rule 3.3.

2.6 Place of Meetings

All regular meetings will be held in the Commissioners’ Room at the County Building, 200 Division Street, Petoskey, Michigan 49770, unless public notice of the meeting states a different location. Whenever the regular meeting place of the Board appears inadequate for the attendance of members of the public, the Chairperson of the Board may change the meeting location to a larger facility within Emmet County. A notice of the change will be prominently posted on the door of the regular meeting place. If time permits, notice of the change will also be given in a newspaper that is circulated within Emmet County.

2.7 Time of Regular Meetings

The regular meetings of the Board will begin at 6:00 p.m. The Board will not begin considering any item on the agenda not yet under consideration by 11:00 p.m., except upon unanimous consent of the members present. Items on the agenda that have not yet been acted upon at the time of adjournment will be placed on the agenda of the next regular meeting, or special meeting if one is called.

2.8 Change in Regular Meeting Schedule

A change in the regular meeting schedule, including a change of the date, time and/or place of a meeting or the addition of meetings, will not be made except upon the approval of a majority of the members of the Board. In the event the Board meets and a quorum is not present, the members may adjourn the meeting to another time provided that proper notice is given to all members and to the public.

2.9 Recessed Meetings

A meeting that is recessed for more than thirty-six (36) hours will be reconvened only after public notice is given as provided in Rule 3.3 below.

3. PUBLIC NOTICE OF MEETINGS

The County Clerk will provide the public notice for all meetings of the Board, including the date, time and place of each meeting. Each public notice will give the name, address and telephone number (if one exists) of the Board, and will be posted in a conspicuous place at the Emmet County Building as deemed appropriate by the Clerk. Cable television and the Internet may also be used for purposes of posting public notice.

The County Clerk will prepare and retain an affidavit of posting to show that public notice has been given in each case.

3.1 Notice of Regular Meetings

There will be posted within ten (10) days after the first meeting of the Board in each calendar year, a public notice stating the dates, times and places of the Board's regular meetings during the year.

3.2 Notice of Schedule Change

If there is a change in the schedule of regular meetings, there will be posted within three (3) days after the meeting at which the change is made, a public notice stating the new dates, times and places of the regular meetings.

3.3 Notice of Special Meetings, Emergency Meetings and Rescheduled Regular Meetings

If the Board schedules a special meeting or an emergency meeting, or reschedules a regular meeting, a notice of the date, time and place of the meeting will immediately be:

- (a) Posted in a prominent and conspicuous place at the Clerk's office, and
- (b) Posted on a portion of the County's website that is fully accessible to the public, either on the homepage or on a separate webpage dedicated to public notices for non-regularly scheduled public meetings and accessible by a prominent and conspicuous link on the homepage that clearly describes its purpose for public notification of non-regularly scheduled public meetings, and
- (c) Delivered to the residence of each member of the Board by personal delivery, facsimile transmission, certified or registered mail, and/or e-mail.

No meeting, except an emergency meeting, will be held until the public notices have been posted at least eighteen (18) hours as provided in this Rule.

If the Board holds an emergency public meeting that does not comply with the 18-hour posted notice requirement, it shall make paper copies of the public notice for the emergency meeting available to the public at that meeting. The notice shall include an explanation of the reasons that the public body cannot comply with the 18-hour posted notice requirement. The explanation shall be specific to the circumstances that necessitated the emergency public meeting, and the use of generalized explanations, such as "an imminent threat to the health of the public" or "a danger to public welfare and safety" shall not meet the explanation requirement. In addition, the public notice of the emergency meeting and its explanation shall be posted on the County's website in the manner described in subsection (b) of this Rule.

The durational requirement for posting a public notice of a meeting under this Rule is the time that the notice is required to be accessible to the public.

3.4 Notice to Media and Others

At the same time a public notice of a meeting is posted as provided in these rules, a copy of the notice will be provided by first class mail, without charge, to any newspaper, radio station or television station located in Michigan that files a written request for such notice with the County Clerk.

Other individuals or organizations will be provided the notices by first class mail, upon written request and payment by the individual or organization of a yearly fee of the reasonable estimated cost for printing and postage of the notices.

Meeting notices will be emailed at no charge to any person who request such notice.

3.5 Notice of Cancelled Meetings

To the extent practicable, notice of the cancellation of a meeting will be posted prior to the scheduled date and time of the meeting that is being cancelled.

4. QUORUM

A majority of members of the Board, elected and serving, will constitute a quorum for the transaction of the ordinary business of the Board.

5. AGENDAS

5.1 Agendas for Regular Meetings

The Clerk, in consultation with the Administrator, after first reviewing pending matters and requests, will prepare a tentative agenda of business for all regularly scheduled Board meetings. The Chairperson of the Board, in consultation with the Administrator, will review and add or delete issues as he or she considers proper. Requests to place items on the tentative agenda must be received by the Clerk no later than three (3) business days before the regular meeting for which the agenda is being prepared. Items not received by this deadline will not be considered by the Board except upon a *majority* vote of the members present. Approval of the Agenda by a majority vote of the members present will constitute compliance with this Rule.

The agenda, Administrator's report and related materials will be mailed, delivered or otherwise transmitted to each Commissioner and posted on the County website no later than three (3) business days in advance of the regular meeting.

All agenda items requiring a vote of the Board will be supported by a written summary from the department making the request, a written recommendation from the Administrator and a proposed motion for consideration by the Board.

5.2 Agendas for Meetings of the Committee of the Whole

The Clerk, in consultation with the Administrator, after first reviewing pending matters and

requests, will prepare a tentative agenda of business for all regularly scheduled Committee of the Whole meetings. The Chairperson of the Board, in consultation with the Administrator, will review and add or delete issues as he or she considers proper. Requests to place items on the tentative agenda must be received by the Clerk no later than four (4) business days before the regular Committee of the Whole meeting for which the agenda is being prepared. Items not received by this deadline will not be considered by the Board except upon a *majority* vote of the members present. Approval of the Agenda by a majority vote of the members present will constitute compliance with this Rule.

The agenda, Administrator's report and related materials will be mailed, delivered or otherwise transmitted to each Commissioner and posted on the County website no later than three (3) business days in advance of the regular meeting.

5.3 Agendas for Special Meetings, Emergency Meetings and Rescheduled Regular Meetings

If time permits, agendas for special meetings will be provided to the Board members along with the notice of the meeting as provided in Rule 3.3.

For other meetings, the Chairperson may declare the agenda upon the approval of a majority of the members present.

5.4 Order of Business

The agenda will be arranged in the following order:

- (a) Call to Order
- (b) Roll Call
- (c) Pledge of Allegiance
- (d) Approval of Agenda
- (e) Approval of Minutes
- (f) Public Comment
- (g) Scheduled Appearances
- (h) Administrator Report on County activities and financial condition
- (i) Unfinished Business
- (j) New Business
- (k) Committee / Task Force Reports
- (l) Communications
- (m) Public Comment
- (n) Announcements
- (o) Adjournment/Recess

The Chairperson will have the discretion to permit members of the public to speak at times other than the times reserved for public comment.

Anonymous communications will not be included in Board materials distributed by the Clerk.

5.5 Consent Agenda

The Board may direct the Clerk to utilize a Consent Agenda at a regular meeting consisting of those matters that the Board has determined to be routine and about which the Board commonly concurs, including, but not limited to, approval of minutes, acceptance of reports, correspondence requiring no action, routine contracts that fall within policies and guidelines, appointment of persons to budgeted positions, and other matters that the Board is required by statute or Board Rule to approve.

The Clerk, in preparing the meeting agenda, shall list such matters under the heading "Consent Agenda," and shall distribute any related materials in accordance with Rule 5.1.

The Board shall vote on approval of the Consent Agenda without discussion. Prior to voting, however, the Chairperson shall permit Board members to remove from the Consent Agenda those items which they wish to debate. The Chairperson shall then direct that such items be placed separately on the meeting agenda. A vote shall not be required to remove an item from the Consent Agenda.

Irrespective of the Board's utilization of a Consent Agenda, committees of the Board may decide to utilize a Consent Agenda in the conduct of committee meetings.

6. CONDUCT OF MEETINGS

6.1 Form of Address

Board members wishing to speak will first obtain the approval of the Chairperson, and each person who speaks will address the Chairperson. Other persons at the meeting will not speak unless recognized by the Chairperson.

6.2 Cards for Public Comment

If directed by the Chairperson, the County Clerk will make cards available in the meeting room for members of the public who wish to address the Board at the meeting. In that event, to be recognized by the Chairperson for public comment, each person will fill out a card giving his or her name and address, and indicating which agenda item(s) or other topic(s) he or she intends to address.

6.3 Time Limit for Public Comment

To accommodate greater public participation, the time for public comment will be limited to three (3) minutes per speaker on any one topic. This limit may be extended by the Chairperson or by a majority vote of the members present.

No person will be allowed to speak more than once on any particular subject until all other persons wishing to be heard on the subject have had an opportunity to speak.

6.4 Disorderly Conduct

The Chairperson will call to order any person who is being disorderly by disrupting the meeting, by failing to be germane, by speaking longer than the allotted time, by speaking vulgarities or by making a personal attack on a Board member or employee regarding conduct that is unrelated to the performance of his or her duties.

If a person so engaged in presentation is called out of order, he or she will not be permitted to speak further at the same meeting except by special leave of the Board. If the person continues to be disorderly and to disrupt the meeting, the Chairperson may request removal of the person by the appropriate law enforcement agency. In no event will a person be removed from a public meeting except for an actual breach of the peace committed at the meeting.

6.5 Use of Cell Phones

To avoid disruption of any meeting, all cell phones or other personal electronic devices will be turned off or set to "mute" or "vibrate" during the meeting. Any person choosing to answer a cell phone call during a meeting will leave the meeting room to take the call. Notice of this rule may be included in notices of meetings.

7. RECORD OF MEETINGS

7.1 Minutes of Meetings/Official Records

As the clerk of the Board, the County Clerk will be responsible for maintaining the official records and minutes of each meeting of the Board.

An electronic recording will be made of each regular or special meeting. Each recording will be maintained until the minutes of the meeting have been approved, unless a longer period is directed by the Board or required by law.

The minutes will include all actions and decisions of the Board with respect to substantive (nonprocedural) motions. The minutes will contain the date, time and place of the meeting; the members present and the members absent; the record of any decisions made, including the names of the mover and seconder and the vote of the Board. The record will also state whether the vote was by voice or by roll call; when by roll call, the record will show how each member voted. The Board may direct the Clerk to record summaries of the discussion.

Any Board member may have his or her comments printed as part of the record upon the concurrence of the other members. The comments to be included in the record will be provided in writing by the member or transcribed verbatim from the electronic tape recording.

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

A separate record will be kept of each public hearing held by the Board. If a public hearing is

held in conjunction with a meeting, the record of the public hearing will be kept separate from the record of the meeting.

7.2 Corrections to Minutes

Corrections of the minutes will be made no later than the next meeting after the meeting to which the minutes refer.

Corrected minutes will be available no later than the next meeting after the correction, and will show both the original entry and the correction.

7.3 Publication of and Public Access to Meeting Minutes

In accordance with MCL 46.9(1), the County Clerk will make a report of the proceedings of the Board available as soon as possible after each session in the office of the County Clerk for public inspection and copying without charge, mail copies of the report upon request without charge, and advertise that the report is available from the office of the County Clerk in at least 1 well-established newspaper in the County. In accordance with MCL 46.9(2), the County Clerk will also send a copy of a report of receipts and expenditures of the Board after each session to the news media.

Except for minutes taken at a closed session, all minutes are public records open for public inspection, and will be available for review, as well as copying, at the address designated on the public notice for the meeting. Proposed minutes will be available for public inspection not more than eight (8) business days following the meeting. Approved minutes will be available within five (5) business days after the meeting at which they were approved.

The Clerk will also promptly mail copies of minutes to persons who have subscribed and paid the applicable fee established by the Board.

8. MOTIONS

All motions, except procedural motions, will be required to be in writing. A request to recess for the purpose of writing out a motion will be in order.

8.1 Motion to Reconsider

A motion to reconsider will be in order on any question the Board has decided, but no question will be reconsidered more than once. The motion to reconsider will be in order on the same day as the vote to be reconsidered was taken or in the next regular meeting following. The motion to reconsider must be made by a member who voted with the prevailing side.

8.2 Temporary Suspension of Rules

To achieve any legal objective of the Board in a legal manner, these rules may be temporarily suspended at any time by a vote of 2/3 of the members of the Board.

8.3 Appeal of Rulings by Chairperson

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

9. VOTING

9.1 Votes Required.

All questions arising at a meeting of the Board will be decided by a majority of the members present, except (1) the final adoption of any measure or resolution or the allowance of a claim against the County which will be determined by a majority of the members elected and serving, or (2) the final adoption of any other matter which by law has a higher voting requirement.

No vote may be taken by secret ballot on any question except the question of electing the Chairperson.

9.2 Roll Call Votes

The names and votes of members will be recorded if the action taken by the Board concerns the expenditure of money, or the final adoption of measures such as resolutions, ordinances, or the election or appointment of officers (except the election of the Chairperson), or if demanded by any member. If the vote is unanimous, it will be necessary only to so state in the minutes, unless a roll call vote is required by law.

In calling the names of the members in roll call votes, the order of the names will be rotated.

9.3 Abstention

Each member present will be required to vote on every question unless excused by the Chairperson or prohibited from voting by law.

9.4 Conflicts of Interest

Members will avoid conflicts of interest, including, but not limited to, deliberating, voting, or reviewing a question or case in which the member has a personal interest or a duty or loyalty to a third party that competes with or is adverse to the proper exercise of the member's official duties.

When a conflict of interest becomes apparent to a member, the member will do all of the following:

- (a) Disclose the apparent conflict as soon as practicable on the record at a meeting of the Board, and request the Chair to excuse him or her from participation;

- (b) Refrain from all participation in the matter; and
- (c) During the deliberation of the question or case, leave the meeting room until the agenda item is concluded.

The following relationships will be deemed a conflict of interest:

- (a) Relationships to other people, including:
 - (1) Family relationship whether by blood or affinity.
 - (2) Relationship as legal guardian, trustee, agent, broker or personal administrator.
 - (3) Relationship as employer/employee, mortgagor/mortgagee or consultant/client.
 - (4) Relationship as officer or member of a corporation, partnership, or limited liability company.
 - (5) Contractual relationship (for goods or services).
 - (6) Appointment on retainer, whether or not service has been provided.
- (b) Any of the above legal or contractual relationships associated with family members, members of partnerships, or officers or members of corporations or limited liability companies in which the Commissioner holds an interest.
- (c) An interest in real property near or affected by the decision being made, whether the interest is held as an individual or arises out of one of the above relationships.

The following will not generally be deemed a conflict of interest:

- (a) Relationship as officer or member of board of directors of a:
 - (1) Professional, fraternal, civic, or public service organization.
 - (2) Neighborhood association.
 - (3) Community organization.
 - (4) Nonprofit corporation.
- (b) Holding personal accounts, commercial accounts, or lines of credit in a financial institution.
- (c) Election or appointment to public office or as a member of a public body, unless otherwise prohibited by law.
- (d) Personal relationship.
- (e) Residing or owning property in the neighborhood.

10. CLOSED SESSIONS

10.1 Purposes

Closed meetings may be held only for the reasons authorized in the Open Meetings Act, as amended, which are the following:

- (a) To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against or to consider a periodic personnel evaluation of, a public officer, employee, staff member or individual agent, if the named person requests a closed hearing. A person requesting a closed hearing may rescind the request at any time, in which case the matter at issue shall be considered thereafter only in open sessions.
- (b) For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement when either negotiating party requests a closed hearing.
- (c) To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.
- (d) To consult with its attorney(s) regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental effect on the litigating or settlement position of the public body.
- (e) To review and consider the contents of an application for employment or appointment to a public office if the candidate requests that the application remain confidential. However, all interviews of a public body for employment or appointment to a public office shall be held in an open meeting.
- (f) To consider material exempt from discussion or disclosure by State or federal statute.

10.2 Calling a Closed Session

At a regular or special meeting, the Board may, by a 2/3 roll call vote of the members elected and serving, call a closed session for the purposes set forth in subsections (c), (d), (e) and (f) of section 10.1. For the purposes set forth in subsections (a) and (b) of section 10.1, a closed session may be called by a majority vote of the members present. The roll call vote and purpose(s) for calling the closed session will be entered into the minutes of the public part of the meeting at which the vote is taken.

10.3 Minutes of Closed Sessions

For each closed session, the County Clerk will make a separate set of minutes. The record will not be disclosed to the public except upon court order. The minutes may be destroyed one year

and one day after the approval of the minutes of the meeting at which the closed session was approved. The electronic recording of a closed session must be retained for the same period as the written minutes.

10.4 Confidentiality

Unless disclosure is required by law, Board members shall maintain the confidentiality of information that is the subject of a closed session of the Board held in accordance with the Open Meetings Act, as amended.

11. COMMITTEE OF THE WHOLE

Meetings of a Committee of the Whole will be held in compliance with the Open Meetings Act, as amended, with respect to public notice, except when the Board will devolve into a Committee of the Whole at one of its regular meetings.

Upon the call of the Chairperson of the Board and with appropriate notice to members and to the public, the Board may convene work sessions devoted exclusively to the exchange of information related to County affairs. Whenever the Board meets in work sessions, it will meet as a Committee of the Whole, and the Chairperson or Vice-Chairperson will preside. No votes will be taken on any matters discussed.

Minutes will be kept of all meetings of a Committee of the Whole in accordance with Rule 7.1.

The Board may schedule regular meetings of a Committee of the Whole (referred to as the Administrative Committee) as work sessions to be held in advance of the Board's regular meetings.

12. COMMITTEES

12.1 Standing Committees

The Board will have no standing committees.

12.2 Special Committees/Task Forces

In addition to committees created by contract, memorandum of understanding, and/or statutory authority, special committees may be established for a specific task and specific period of time by the Chairperson, subject to approval of the Board.

Citizen task forces may be established for a specific task and specific period of time by the Board. Members must be residents of Emmet County.

12.3 Terms of Committees

Committee appointments will be for terms of one (1) year only, expiring on December 31.

12.4 Meetings of Committees

Committee meetings may be convened by the committee chairperson or by a majority of the members of the committee. A majority of the members of the committee will constitute a quorum.

Committee meetings will be held in compliance with these Rules, to the extent practicable, and the Open Meetings Act, as amended.

The names and votes of committee members will be recorded for any recommendation to the Board on an ordinance, resolution, or appointment or election of an officer. Upon the demand of 1/3 of the committee members present, a roll call vote will be recorded for recommendations to the Board on other questions.

12.5 Attendance

Unless otherwise provided by statute or these rules, two (2) consecutive unexcused absences, or three (3) unexcused absences within one (1) year, by a committee member will constitute a vacancy on that committee.

13. PARLIAMENTARY AUTHORITY

Robert's Rules of Order, Newly Revised, will govern all questions of procedure not otherwise provided by these rules or by State or federal law. Legal counsel to the Board, or another person so designated by the Board, will serve as the Board's parliamentarian, and will advise the presiding officer regarding rules of procedure.

14. AMENDMENT

These rules, having been adopted by 2/3 of the members of the Board, may be amended or rescinded by a like vote. The rules will be in effect until amended or rescinded. Any amendment of these rules properly adopted by the Board will take immediate effect upon adoption, unless otherwise stipulated by the Board.

15. APPLICATION OF RULES

No rule will be applied in a manner so as to completely deny the right of a member of the public to address the Board.

A person will not be excluded from a meeting of the Board otherwise open to the public except for a breach of the peace actually committed at the meeting.