

OCEANA COUNTY BOARD OF COMMISSIONERS RULES OF ORDER

Effective – January 9, 2025

(All previous versions of these rules are rescinded in their entirety)

1. AUTHORITY

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

2. MEETINGS

2.1. Organizational Meeting

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

2.1.1. 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, which may be done by secret ballot and Vice-Chairperson, which must be done by open ballot. The Chairperson may be done by secret ballot Vice-Chairperson cannot. 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.

2.1.2. 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.

Shall be held on the 2nd and 4th Thursday of each month except for the following:

- If any other meeting shall fall on a legal holiday, the meeting shall be scheduled for the previous Tuesday.
- The meeting on the fourth Thursday of September is hereby designated as the Annual Meeting.
- In November the Board will not meet on the second Thursday.
- In December, meetings will be held on the first and third Thursday.

[MCL 46.1; MCL 46.63]

2.3. Public Hearings

Public Hearings shall be opened by the Chairperson who shall read the nature thereof and report on the method of giving notice. Each citizen wishing to be heard shall address the Chairperson and give his/her name and address before being heard. The Chairperson may refer any question to any officer of the County for answer or may answer the question. At the completion of each citizen's statement, commissioners shall be afforded an opportunity to question the citizen. After all citizens have been heard, commissioners shall be afforded an opportunity to question the county officers or agents. At the completion thereof, the public hearing shall be declared closed by the Chairperson.

2.3.1. The question before the Board upon which the public hearing is held shall be placed by the Chairperson on the agenda for the next Regular Board of Commissioners Meetings unless immediate action is moved and carried as provided in these rules or unless immediate action is required by law in which even the Clerk shall read the appropriate resolution and the matter shall be debated and voted as any other item on the agenda.

2.4. Special Meetings

A special meeting of the County Board of Commissioners shall be held only when requested by at least 1/3 (2) 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 2.5), 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; or, by text. 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 3, below.

2.5. Emergency Meetings

Emergency meetings of the Board of Commissioners may be held only with the approval of two-thirds (2/3 (4)) 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 can be given as written in rule (#3.1).

[MCL 15.265]

2.6. 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 (#3.1), has been posted.

2.7. Location of Meetings

Meetings of the Board of Commissioners or any of its committees shall be held in the Board of Commissioners Conference Room located on the main floor of the County Building, 100 S. State Street, Hart, Michigan, unless public notice of the meeting states a different location. (see #3.4 for change in

meeting location)

2.8. Time of Regular Meetings

Regular meetings 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. Order of Business – Regular Meetings

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

- Pledge of Allegiance
- Call to Order
- Roll Call and Determination of Quorum
- 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)
- Conflict of Interest Disclosure Regarding Agenda Items
- Changes to the Agenda
- Approval of the Agenda
- Public comment on Agenda Items
- Correspondence received and not included in new business
- Public Hearings, if any
- New business
 - Proposals and recommendations from County officers, agencies and boards
 - Proposals and recommendations from public citizens
 - Proposals and recommendations from other governmental agencies
 - Proposals and recommendations from Board members
 - New business not covered above
 - Opportunity for public to raise new issues not previously covered
 - Opportunity for Board members to raise new issues not previously covered
- Unfinished business
 - Reports by County officials previously requested
 - Reports and recommendations of standing committees of the Board
 - Reports and recommendations of special committees
 - Items postponed to this meeting not covered under Public Hearing
 - Items postponed indefinitely within the past 60 days
 - Other Unfinished Business
- Consideration of Chair and Board Appointments
- Scheduling time for any special meetings
- Approval of the payment of claims
- Other Reports from Commission Members
- Public Comment
- Adjournment

2.10. Order of Business – Special Meetings

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

- Pledge of Allegiance

- Call to Order
- Roll Call and Determination of Quorum
- Public comment
- Reading of the nature of the Special Meeting and report of compliance with statutory requirements
- Items contained in the motion or call of the Special Meeting in order listed
- Items to be introduced by Board members to be placed on the agenda for the next Regular Meeting with consent of all elected members of the Board.
- Adjournment

2.11. Changes in Meeting Schedule; Recessed 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.

2.12. 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. This majority must be present in person unless otherwise authorized by law. A non-majority may be present via two-way telephone or video, in compliance with Rule 10.6 as stated in these board rules.

The terms “majority” and “supermajority” or “2/3 majority” throughout these rules shall be based off of the number of Commissioners who have been elected and are serving. For reference, the table below has calculated the applicable number.

	Majority	2/3 Majority (“Supermajority”)
Five Commissioners	3	4

[MCL 46.3]

3. 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.

3.1. 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.

3.2. 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".

3.3. 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 via electronic means.

3.4. Change in the Location of Meetings

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 and by electronic means, if time permits.

[MCL 15.265 and 15.266; MCL 46.10]

4. AGENDAS

4.1. 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 the chairperson of any public board, authority, or commission of Oceana County, desiring to place a matter on the agenda shall provide completed documentation to the County Administrator for such item by 1:00pm on Thursday 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.

4.2. Special Meetings

Whenever the Board is called into session of a changed, recessed and special meeting, 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.

4.3. Distribution

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 closed of business on the Friday preceding the next regular meeting.

5. CONDUCT OF MEETINGS

5.1. 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.

5.2. Rights and Duties of Board Members

Board members 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.

5.3. Rights of the Public

5.3.1. 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 the Open Meetings Act (Section 14). 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.

5.3.2. 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:

5.3.2.1. Name and Address

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

5.3.2.2. Permitted Topics

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

5.3.2.3. 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 five (5) minutes. The Chairperson may, at his or her discretion, allow an additional opportunity or time to speak if determined germane and necessary to discussion.

5.3.2.4. 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.

5.3.2.5. Time of Public Comment

Public comment will be solicited during the period noted in Rule 2.9 or 2.10, Order of Business. However, public comment may be received during the meeting when a specific agenda topic is scheduled for discussion by the Board and must be germane to the agenda item being discussed. 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)

5.3.2.6. 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."

5.4. Form of Address

Each person who speaks shall direct his/her comments to the Chairperson. In order to avoid unscheduled debates and to promote the freedom of each public person to speak, the Board shall not comment or respond to a person who is addressing the board, either by verbal or non- verbal communication. 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 shall first obtain the approval of the Chairperson.

5.5. Board response to public comment

If a member of the public requests an answer to a question (or questions) during public comment or if an item needs to be corrected to avoid public misperception, the response shall be addressed at the end of public comment by the Chairperson or by a commissioner who shall first seek permission of the Chairperson. If more time is needed to provide a response the Chairperson will make a good faith effort of delegating the county administrator, another commissioner, or his/herself to respond before the next board meeting. Note: The Chairperson reserves the right to determine that a question doesn't warrant a response.

5.6. 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]

6. CHAIRPERSON; VICE-CHAIRPERSON

6.1. 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.

6.2. 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)]

7. RECORD OF MEETINGS

7.1. 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.

7.2. 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 shall, however, be responsible for collecting an electronic recording of each meeting of the Board of Commissioners. Each such recording shall be uploaded to an electronic repository which is accessible to the public to be retained. Thereafter, any physical copies of such recordings may be discarded unless the recording shall be pertinent to any legal proceeding then underway, pending, or reasonably anticipated.

7.3. 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 email or mail copies of the minutes to persons who have subscribed.

7.4. 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 Oceana Herald Journal 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]

8. OFFICIALS NOT TO BENEFIT

8.1. 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. If the Board Chair finds that he/she has a conflict, they may step down and allow the Vice-Chair to conduct the meeting.

8.2. 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 15.322 and 15.323]

9. MOTIONS, RESOLUTIONS AND ORDINANCES

9.1. 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 substitute thereto shall be entered in the minutes of the Board unless withdrawn.

9.2. 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.

9.3. Procedural Motions

9.3.1. 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.

9.3.2. 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.

9.3.3. 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.

9.3.4. 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?"

9.3.5. 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.

9.3.6. 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 9.3.6 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.

9.3.7. Motions to Postpone

A motion to postpone can either be for a definite or indefinite period and can be made at any time. A second is required, the motion is debatable, and the motion must be approved by a majority present. If made while a main motion is pending, adoption of the motion to postpone kills the main motion for the duration of the session and avoids a direct vote on the question. A matter that has been postponed indefinitely shall be placed on a subsequent agenda in the same manner as any other matter to be placed on an agenda.

9.3.8. 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.

9.3.9. 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.

9.3.10. 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:

- Fix the Time at which to Adjourn
- Adjourn
- Recess
- Raise a Question of Privilege
- Call for the Orders of the Day
- Postpone
- Previous Question (Immediately to close debate and the making of certain motions)
- Limit or Extend Limits of Debate
- Commit
- Amend
- Main Motion

10. VOTING

- 10.1. 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.
- 10.2. 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.
- 10.3. Measures Requiring Two-Thirds (2/3 (4)) Vote of Members Elected and Serving**
The following actions of the Board shall require a two-thirds (2/3 (4)) 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 14. Any other matter requiring a 2/3 (4) vote by law.
- 10.4. 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.
- 10.5. Method of Voting [MCL 46.3a; MCL 15.263a]**
Members of the Board of Commissioners must be 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 may participate remotely and vote by two-way telephone or video conference only in circumstances requiring the accommodation of a member who is absent due to military duty.
- If the member will be participating remotely due to military duty, County Administration staff shall provide the member with a virtual meeting link. Staff shall also post on the Board of

Commissioners' webpage and the meeting agenda notice of the absence of the member and the member's email address so as to permit the public to contact the member to provide input on any business that will come before the Board of Commissioners. For a member attending the meeting remotely, the member must make a public announcement at the outset of the meeting, to be included in the meeting minutes, that the member is in fact attending the meeting remotely.

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.

10.6. 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 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]

11. RULES OF PROCEDURE; APPEAL

11.1. 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.

11.2. 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.

12. COMMITTEES

The Board of Commissioners shall have the following standing committees consisting of a Chairperson, Vice-Chairperson, and all remaining members of the Board of Commissioners. The Chairperson and Vice-Chairperson shall serve at the pleasure of the Chairperson of the Board of Commissioners. 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.

12.1. Standing Committees and their jurisdiction

A. Finance and Administration

- Serves as the county's statutory "Finance Committee"
- Budget and amendments thereto
- Audit of claims against the County
- Grants, financial statements, borrowing, purchasing
- Lawsuits
- Liaison with County Clerk's Office
- Liaison with County Treasurer's Office
- Liaison with Register of Deeds' Office
- Liaison with County Administrator/Fiscal Officer
- Apportionment Reports
- Liaison with State and Federal agencies

B. Personnel and Health and Human Services

- County Housing Commission
- Liaison to Human Services agencies – public health, mental health, social services, substance abuse, veterans' affairs, council on aging and related
- Liaison with the Medical Care Facility

C. Courts and Public Safety

- Circuit Court and its subdivisions
- District Court and its subdivisions
- Probate Court and Juvenile Court
- Prosecuting Attorney's Office
- Sheriff's Office and all Divisions
- Animal Control Department
- Emergency Ambulance Service
- Emergency Management
- Medical Examiner

D. Properties, Environment, and Economic Development

- County-owned buildings and land other than under the jurisdiction of some other agency (i.e., state or federal park land)
- Liaison with Airport Committee
- Insurances on County buildings, officers and employees
- Construction and remodeling projects
- Liaison with the Building Authority and Public Works

- Environmental Issues
- County Planning Commission
- Drain Commission
- County Ordinances
- Agricultural services and MSU Extension
- Liaison with Road Commission
- Review and recommend Farmland Agreements
- Liaison with local and regional economic development organizations
- Liaison with Conservation District
- Liaison with Transfer Station
- Liaison with DNR and Forestry
- Parks and Recreation
- Remonumentation project
- Equalization Department and County Equalization
- Soil erosion and sedimentation control inspection services
- Building, plumbing, electrical and mechanical inspection services

12.2. 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.

12.3. Open Meetings Act

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

12.4. 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.

13. APPOINTMENTS TO OTHER BOARDS, COMMISSIONS AND AUTHORITIES.

13.1. 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. The Chair, with Board approval, may assign positions to the most qualified Member who serves on a different Committee.

13.2. 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.

14. CLOSED SESSIONS

14.1. 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.

14.2. Two-thirds Vote (4 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 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.

[MCL 15.267; MCL 15.268]

14.3. Other Reasons

The Board may also meet in closed session for the following reasons without the requirement of the two-thirds (4) 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.

[MCL 15.267; MCL 15.268]

14.4. Attendance, Closed Session

A member of the Board of Commissioners must be present at a meeting in order to attend a Closed Session. A member may attend a closed session by telephone or video conference and the members are considered present when participating through these two means.

14.5. 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)].

15. 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 County Board of Commissioners commence their terms of office after a general election, provided that it is voted upon before the primary filing deadline prior to commencement of the new terms of office. This rule is intended as a supplement to the protections for the public presented in MCL 46.415.

[MCL 46.415; 1977-1978 OAG 81].

16. 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.