

RULES OF ORDER
BOARD OF COMMISSIONERS
ROSCOMMON COUNTY, MICHIGAN
Revised: January 26, 2022

STATEMENT

The Roscommon County Board of Commissioners assembles at least twice a month in order to conduct the business of the County of Roscommon. This is the primary function of the Board of Commissioners.

1. AUTHORITY

These rules are adopted by the Board of Commissioners of the County of Roscommon pursuant to Section 46.11 of the Compiled Laws of Michigan, as amended.

2. MEETINGS

2.1 Organizational Meeting

The first meeting in each calendar year shall be the organizational meeting. The chairperson of the board is elected on each odd year. On the odd year the County Clerk (herein referred to as clerk) shall preside. As the first item of business the clerk shall administer the oath of office to the commissioners if the oath has not previously been administered.

The second item of business on the odd year shall be election of the chairperson. The 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 clerk may receive written ballots from the members. If the commissioners present shall not cast a majority for one nominee, the clerk shall continue to preside until a majority of commissioners elect one of its members to be chairperson.

The newly elected chairperson shall assume the meeting and proceed with the election of the vice-chairperson, which shall be conducted by roll call vote. The election of vice-chairperson shall be on an annual basis.

The Board of Commissioners may proceed onto other agenda items, as they shall decide.

2.2 Regular Meetings

By the last regular meeting in each calendar year, the Board of Commissioners shall establish its schedule of regular meetings for the next year. The Board of Commissioners shall meet on the second and fourth Wednesday of each month. The exception to this will be the months of November and December where the board shall make changes as necessary. A work session will be scheduled at 9:00 a.m. and the regular board meeting will begin at 10:00 a.m. If any regularly scheduled meetings fall on a legal holiday the board may meet on the first available business day before or after that is not a holiday.

2.3 Special Meetings

The Board of Commissioners may meet in special session upon notification provided to the clerk by the chairperson or vice-chairperson. The notification for a special meeting shall specify the time, date, place, and purpose of the meeting. Notice shall be given as provided in Rule 3.3.

2.4 Emergency Meetings

Emergency meetings of the Board of Commissioners may be held only with the approval of two-thirds of the members of the board. Also, an emergency meeting may be called only if delay would threaten severe and imminent danger to the health, safety, and welfare of the public and when a meeting of the Board of Commissioners can have an impact on the emergency. A meeting is defined as an emergency meeting only if it must be held before public notice, as provided in the Open Meetings Act.

2.5 Place of Meetings

Meetings of the Board of Commissioners shall be held in the commissioner's meeting room and via the ZOOM meeting portal, unless public notice of the meeting states a different location or changed by board resolution. Whenever the regular meeting place of the Board of Commissioners shall appear inadequate for members of the public to attend, the chairperson may change the meeting location to a larger facility within the county. A notice of such change shall be prominently posted at the public entrance of the county municipal complex, the entrance of the regular meeting place, and on the county website. The clerk shall also, give notice of the change in the meeting place in the organization approved for printing, if time permits.

2.6 Time of Regular Meetings

The time of the regular meetings shall be stated in the regular schedule of meetings adopted under Rule 2.2. In the event evening meetings are scheduled, the board shall not begin to consider any matter on the agenda not yet under consideration by the time of 9:00 p.m. except with 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 special meeting if one is called.

2.7 Changes in Schedule

Change in the regular meeting schedule shall not be made except upon the approval of a majority of the members. In the event the board shall meet and a quorum is not present, the board, with the approval of those present, may adjourn the meeting to a later day and time provided that proper notice to members and the public is given.

2.8 Open Meetings Act

The business, which the Board of Commissioners may perform, shall be conducted at a public meeting of the board, held in compliance with Act. No. 267 of the Public Acts of 1976, as amended, being sections 15.261 to 15.275 of the Michigan Compiled Laws (M.S.A. 4.1800(11) – 4.1800(25)) and Public Act No. 528 of 2012. Amended December 28, 2012 under 2012 Public Act 528; Amended March 18, 2020 under Public Act 228 of 2020.

2.9 Adjourned Meetings

Any regular or adjourned meeting of the Board of Commissioners which falls on a legal holiday shall automatically be set over to the next non-holiday weekday at the same time and place, unless the board, in session, determines otherwise.

3. PUBLIC NOTICE OF MEETINGS

The clerk shall provide the proper notice for all meetings of the Board of Commissioners. Such notice shall include, but not necessarily be limited to, the following:

3.1 Regular Meetings

Posting a notice within 10 days after the first meeting of the board in each calendar year indicating the date, time, and place of the board's regularly scheduled meeting.

3.2 Schedule Change

Whenever the board shall change its regular schedule of meetings, a posting of notice of the change within three days following the meeting in which the change was made shall be posted at the main entrance of the county municipal complex and on the county website.

3.3 Special and Emergency Meetings

If the board shall schedule a special meeting under Rule 2.3 or an emergency meeting under Rule 2.4, notice of such meeting shall be posted immediately and delivery of the notice to the residence of each commissioner by personal delivery, facsimile transmission, email, or telephone. In the case of a special meeting, notification must take place at least eighteen (18) hours prior to the time of the meeting. However, if a public body 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

3.4 Notification to Media and Others

The clerk shall notify, without charge, any newspaper, radio or television station of the board's meeting schedule, schedule changes, or special or emergency meetings whenever such newspaper or radio or television station has filed with the clerk a written request for such notice. Individuals or organizations wishing to receive notice of posted Board of Commissioners meetings may sign up for email notification at www.roscommoncounty.net

3.5 Notification on County Website

Public notice stating the date, time, and place of any regular, special or emergency meeting shall be posted at least 18 hours before the meeting and on the official county website that is fully accessible to the public.

4. QUORUM, ATTENDANCE, CALL OF THE COUNTY BOARD

4.1 Quorum

A majority of the Board of Commissioners, elected and serving shall constitute a quorum for the transaction of ordinary business of the board.

4.2 Attendance

No member of the board may absent himself or herself without first having notified the chairperson of his or her intent to be absent from a scheduled meeting.

5.0 AGENDA FOR REGULAR MEETINGS

The board secretary, after first reviewing pending matters and requests, shall prepare a draft of the agenda of business for all regularly scheduled commission meetings. The chairperson shall review and add items, as he/she considers proper. Any commissioner, or chairperson of a committee, board, or other commission of the county, desiring to place a matter on the agenda, shall notify the board chairman of such item by 4:00 p.m. on the Wednesday of the week preceding the next regular meeting of the board. The board, except upon the consent of the chairperson or the vice-chairperson, shall not consider items received after the stated deadline.

5.1 Agenda for Special Meetings

Whenever the board is called into session pursuant to Rule 2.3, the agenda shall be included in the notice of the meeting and no other matter shall be considered except when all members are present and a majority concurs.

5.2 Distribution of Agenda and Materials

Upon the completion of the agenda, the board secretary shall immediately distribute copies of the agenda together with copies of reports, explanations, etc., (board packets) which relate to the matters of business on the agenda via e-mail. Commissioners shall be entitled to receive such materials no later than the Friday prior to the day of the meeting at 4:00 p.m. The agenda should also be posted on the county website by Friday, prior to the day of the meeting at 4:00 p.m.

5.3 Order of Business

The agenda shall be arranged in the following order:

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of the Agenda
5. Approval of Minutes
6. Public Comment – Agenda Items Only – Please limit to 5 minutes/person
7. Class A/Claims and Accounts
8. Controller’s Report
9. Correspondence
10. Monthly Department Reports
11. Visitors
12. Unfinished Business/New Business
13. Motions/Resolutions
14. Committee Reports

15. Public Comment – Please limit to 5 minutes/person
16. Adjournment

5.4 Public Comment

During public comment, an opportunity shall be afforded to any member of the general public in attendance to deliver his/her comments to the Board of Commissioners. These comments will be limited to a maximum of five minutes unless extended by the chairperson. Comments should be made directly to the board. Discussions within the audience during the public comment section of the agenda are expressly forbidden unless solicited by the chairperson.

6. CONDUCT OF MEETINGS

6.1 Chairperson

The person elected chairperson by the Board of Commissioners shall preside at all meetings of the board. In the absence of the chairperson, the person elected vice-chairperson shall preside. If neither the chairperson nor the vice-chairperson is present, the most senior board member present shall preside.

6.2 Authorization Authority

The chairperson of the Board of Commissioners is the designated signatory of the county. However, 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 function of the office, the vice-chairperson will then become the designated signatory of the county. In the case where both the chairperson and the vice-chairperson are unable to carry out these duties, the board may designate one (1) member to affix his/her signature to contracts, bonds, and other documents requiring the signature of the chairperson. *

6.3 Duties of the Chairperson

The chairperson shall have, in addition to any duties elsewhere herein contained, the following duties:

- a. The chairperson shall be the agent for the Board of Commissioners in the signing of contracts, orders, resolutions, determinations and minutes of the board, and in the certification of the tax rolls.
- b. The chairperson shall serve in such capacities and make appointments as the law shall require.
- c. The chairperson, for the purposes of representing the county in various functional or ceremonial capacities, shall be considered as the Chief Elected Official of the County.
- d. The chairperson, with the advice of the vice-chairperson, shall appoint all committees of the Board of Commissioners and shall name members of the committees.

*Exigency, the state or quality of requiring immediate action, an urgent situation, a requirement of need

- e. The chairperson, when appropriate, shall refer matters coming before the board to one of the committees of the board. The chairperson shall arbitrate all jurisdictional disputes between the committees.
- f. The chairperson and vice-chairperson shall oversee the preparation of the agenda. In their absence the chairperson shall designate the responsibility to another board member.
- g. The vice-chairman, in the absence of the chairman, shall have the authority to execute all chairperson's responsibilities as outlined above, in "a – f".

6.4 Form of Address

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

6.5 Disorderly Conduct

The chairperson shall call to order any person who is being disorderly 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 by 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 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.

7. RECORD OF MEETINGS

7.1 Minutes and Official Records

The clerk shall be 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 all motions. The minutes shall include the names of the mover and seconder and the vote of the commissioners. The record shall also state whether the vote was by voice or by roll call; when by roll call, the record shall show how each member voted. The clerk shall maintain, in the office of the 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 Electronic Streaming of Proceedings

Recorded proceedings of meetings shall be maintained pursuant to the Open Meetings Act.

7.3 Record of Discussion

The clerk shall not be responsible for maintaining a written record or summary of the discussion or comments of the board members nor of the comments made by members of the public.

7.4 Requests for Remarks to Be Included

Any commissioner may have his or her comments printed as part of the official record by requesting, and receiving, consent of the board. Comments to be included in the record shall be provided in writing by the member.

7.5 Public Access to Meeting Records

The 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 of the meeting at which they were approved. The board shall also promptly mail copies of minutes to persons who have subscribed and paid the fee therefore as determined by the Board of Commissioners.

8.0 COMMITTEES

8.1 Appointment

Each year at the organizational meeting, the chairperson shall appoint commissioners to serve on assigned standing committees.

8.2 Committee Chairperson

The name of the person serving as chairperson of each committee shall be listed first on the committee's roster. In the absence of the committee chairperson, the person listed next shall assume the duties of the position.

8.3 Standing Committees and Responsibilities

The Board of Commissioners reserves the right to add, delete, and amend the existence of any committee of the board. Public notice of committee meetings shall be given in accordance with the Open Meetings Act. Each committee shall thoroughly investigate any matter referred to it by the board or board chairperson, and shall require the committee chairperson to report the committees' recommendation to the full board during his/her commissioner report. 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.

8.4 Committee Meetings

A majority of the members of a committee shall constitute a quorum. Each committee, whether it consists of a majority of the county board or not, shall consider its meetings as being subject to the Open Meetings Act. Exceptions to holding its meetings open to the public shall be specified in the Open Meetings Act or decisions of the state courts.

Each committee shall maintain a written record of its meetings and shall deliver such record to the clerk or secretary to the board. The clerk or board secretary shall maintain a separate file for each committee. The record of each committee meeting shall include at least the following: the date and

place of the meeting, members attending, and the vote of each on any action relating to an ordinance, resolution, appointment or election of an officer that the committee has approved. Committee votes on other matters must be included as part of the meeting record upon the demand of one-third of the committee members.

Such a meeting record shall constitute a public record in the meaning of the Freedom of Information Act, and shall be made available to any person as required by law.

8.5 Exercise of Governmental Function

A committee shall not exercise a governmental function as defined by the Open Meetings Act in a meeting not open to the public unless the Open Meetings Act permits the action to be considered in closed session, closed to the public. The responsibility of each committee is to make recommendations to the Board of Commissioners and to report matters considered and rejected as well as those considered and recommended.

8.6 Work Sessions

Whenever the board shall meet in "work sessions" the board shall meet as a committee of the whole. Work sessions shall conform to the requirements of the Open Meetings Act with respect to public notice except when the board shall devolve into a workshop meeting at one of its regular meetings. The rules of the Board of Commissioners shall be observed in work sessions as far as they are applicable, except with respect to limiting debate, moving to vote immediately, and taking a roll call vote.

9.0 CLOSED SESSIONS

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

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

9.2.1 To consider the purchase or lease of real property, until an option to purchase or lease that property is obtained.

9.2.2 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.

9.2.3 To meet with an attorney to consider the attorney's written opinion.

9.2.4 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, the meeting shall be open to the public.

9.3 The board may also meet in closed session for the following reasons without the requirement of a two-thirds vote:

9.3.1 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. If the person rescinds his/her request for a closed hearing the matter at issue shall thereafter be considered only in open public meeting.

9.3.2 To consider strategy connected with the negotiation of a collective bargaining agreement.

9.4 Closed Session Minutes

For each executive meeting, the 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 clerk will destroy the minutes one year and one day after the meeting at which the board voted to hold the closed session.

9.5 Closed Session Attendance

The Board of Commissioners reserves the right to request the attendance of any person(s) that, the board may believe, could contribute to the purpose of the closed session.

10. MOTIONS AND RESOLUTIONS

10.1 Statement by Chairperson, Motions, and Resolutions

No motion or resolution shall be voted on until the presiding officer states the motion. All motions, except procedural motions and resolutions, may be required to be in writing upon the demand of any member. A request to recess for the purpose of writing out a motion or resolution shall be in order.

10.2 Temporary Suspension of the Rules

These rules may be suspended temporarily at any time by vote of two-thirds of the members elected and serving to achieve any legal objective of the board in a legal manner.

10.3 Appeal Rulings of the Chairperson

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

11. VOTING

11.1 Abstaining from Voting

Whenever a question is put by the chairperson, every commissioner present shall vote on the question. No member present shall abstain from voting "yes" or "no" unless excused by a majority of those present.

11.2 Roll Call Votes

The names and votes of commissioners shall be recorded on board actions to adopt final measures such as ordinances, resolutions, funding issues, appointment or election of officers, etc. The election of the board chairperson may be by secret ballot with the approval of a majority of commissioners present. Upon the demand of one fifth of the commissioners, a roll call vote shall be taken on other motions and actions.

11.3 Votes Required

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

12. PARLIAMENTARY AUTHORITY

Robert's Rules of Order (Newly Revised) shall govern all questions of procedure not otherwise provided by these rules or by state or federal law. The office of the clerk shall serve as the board's parliamentarian and shall advise the presiding officer regarding rules of procedure.

13. INTRODUCTION AND ADOPTION OF ADMINISTRATIVE RESOLUTIONS

13.1 Definition

Any action regarding the operation or administration of a department of the county government or containing policies of the Board of Commissioners applicable to one or more departments of the county, and not adopted as an ordinance, shall be declared administrative policy.

13.2 Introduction

Any commissioner may introduce an administrative resolution at any regular or special meeting of the Board of Commissioners in the regular order of business.

13.3 Order for Consideration

The regular order for consideration of proposed administrative resolutions shall be:

- Introduction, first reading by title, and reference to the appropriate committee, as determined by the board chairperson.
- Report by the committee considering the proposal and placement on the agenda under new business – adoption of resolutions.
- Final consideration and vote.

13.4 Form

Each administrative resolution shall conform to the form required for introduction and adoption.

13.5 Committee Review

The chairperson of the Board of Commissioners shall refer all proposed administrative resolutions to an appropriate committee of the board. The committee shall review the proposal and invite affected departments of the county to comment and offer explanations. The committee, in its report, shall include a summary of the comments and objections to the resolution. Any administrative resolution reported without recommendation shall automatically lie on the table until ordered removed by the board.

13.6 Adoption

The Board of Commissioners may adopt the committee recommendation or refer the report to the committee of the whole where further consideration can be given. On the final adoption of a proposed amendment, the vote shall be taken by roll call, or in accordance with Rule 11.3. A majority of the commissioners elected and serving shall be required for adoption, unless a statute requires a larger number of votes to adopt the policy.

13.7 Board Orders and Records

Every order, resolution and determination of such Board of Commissioners, made in pursuance of Public Act 156 of 1851 as amended, shall be recorded in the records of such board, and signed by the chairperson and the clerk of such board.

13.8 Notification

Upon the final adoption of an administrative resolution, the clerk shall notify each county department head of the board action. Such notification shall be by title or summary. The clerk shall make available a copy of the full administrative resolution.

13.9 Record of Administrative Resolutions

The clerk shall keep a copy of each administrative resolution of the board in a separate file or book with appropriate subcategories according to subjects covered. The record of each administrative resolution shall provide the date of adoption.

14. ADOPTION AND AMENDMENT OF BOARD RULES

These rules, having been adopted by not less than a majority of all the members of the Roscommon County Board of Commissioners elected and serving, may be amended or rescinded by a majority vote of all the commissioners elected and serving. They shall remain in effect until amended or rescinded. Any proposed amendment to these rules, properly presented to the Board of Commissioners, shall take immediate effect when adopted, unless the board, at the time of adoption, stipulates otherwise. These rules also shall be reviewed at the beginning of each calendar year.

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Revised 1/22/10
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Revised 1/13/21
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