

BOARD RULES

Adopted: January 3, 2017

1. MEETINGS

1.1 Regular Schedule. Regular meetings of the board of commissioners are held on the second and fourth Tuesday of each month with the exception of November and December. Any regular or adjourned meeting of the board which falls upon a legal holiday (Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, the day after Thanksgiving, the day before Christmas, Christmas Day, the day before New Years, and New Years Day) shall automatically be set over to the next regular day following that is not a legal holiday at the same time and place indicated for the regularly scheduled meeting, unless the board, in session, determines otherwise.

1.2 Time. The regular meetings of the board of commissioners shall be held on the second Tuesdays at 9:00 a.m. and the fourth Tuesday at 4:00 p.m. with the exception of November having one meeting on the 14th and December meetings will be held on the 1st Tuesday at 9:00 a.m. and the 4th Tuesday at 4:00 p.m.

1.3 Place. The board shall meet in the Benzie County Government Center.

1.4 Change in Schedule. Changes in the meeting schedule, including time and place, additional meetings, and meetings adjourned or recessed to a specific time and place, may be made by majority vote of the board of commissioners, such change to be recorded in the minutes of the meeting in which the change is made. Meetings may be adjourned or recessed "at the call of the chair" by majority vote of the board of commissioners present and constituting a quorum. Meetings adjourned or recessed for more than 48 hours "at the call of the chair" unless the board provides otherwise may be reconvened upon telephonic or other communication at least 24 hours before the time of the reconvening and upon giving the public notice.

1.5 Special Meetings.

1.51 Petition and Notice. A special meeting of the board of commissioners shall be held only when requested by one-third of the members, which request shall be in writing, addressed to the county clerk and specifying the time, place and purpose of the meeting. When possible some evening meetings may be held. Upon receipt of the requests, the clerk shall immediately give notice to each board member personally, by leaving the notice at the residence of the commissioners or by letter with at least 18 hours notice before the time of such meeting, complying with the Open Meetings Act.

1.52 Emergency. The chairman, at any time upon finding and proclamation by him of the peacetime or civil disaster or an attack by a foreign enemy, may call a special meeting of the board at a time and place designated by him and give notice to the members by the best available means of communication. The vice chairman of the board, in the chairman's incapacity or absence from the county, may call such a meeting.

1.6 Public Notice of Meetings. The clerk of the board of commissioners each year shall give public notice of the regular schedule of time and place in one or more newspapers circulated in the county, and by posting the schedule in the Benzie County Government Center in compliance with the Open Meetings Act. Public notice of special or rescheduled meetings, and reconvening of meetings which have been adjourned or recessed for more than 48 hours "at the call of the chair" and not to "a time certain" shall be given by informing the newspaper in the county and posting notice in the courthouse at least 18 hours prior to the time of such a meeting.

1.7 Public Meetings. The meetings of the board of commissioners shall be open and accessible to the public and all persons may attend its meetings.

2. QUORUM

Quorum. A majority of commissioners shall constitute a quorum for the transaction of the ordinary business of the county.

Absence of Quorum. Upon the absence of a quorum, the members present may recess from time to time or to a time certain. Public notice is not required if the time set for reconvening is less than 48 hours, but should be posted.

3. VOTING

Majority Vote. All questions which shall arise at the meetings of the board of commissioners shall be determined by the votes of a majority of the members present, except (1) upon the final adoption of any measure of resolution, or the allowance of any claim against the county, which matters shall be determined by a majority of all the members elected and serving, and (2) upon the final adoption of any matters which by statute require a greater majority.

Roll Call Votes. The names and votes of members shall be recorded on an action which is taken by the board of county commissioners if the action is on an ordinance, resolution, expenditure of funds, or appointment or election of an officer, except that for the election of a board chairman the vote may be by secret ballot.

Secret Ballot Voting. No vote may be taken by secret ballot on any matter except on the question of election of the chairman of the board.

Voting Mandatory. Each member present shall be required to vote on every question unless excused by the chairman upon good cause shown.

Reconsideration of Vote. When a question has been put and decided by a roll call of the members, any member who voted on the prevailing side may move reconsideration thereof. On all voice votes any member may move reconsideration. However, no motion for reconsideration shall be in order unless it is made in the same meeting or the meeting next succeeding the meeting on which the vote to be reconsidered was taken. No matter may be twice reconsidered. For purposes of this rule, the term "meeting" shall mean any session which proceeds uninterrupted by an adjournment or recess of greater than three hours.

4. ORGANIZATION

Chairman

4.11 Election. During the first meeting in each calendar year, the Board of Commissioners shall select, by majority vote of all the members, one of its members to serve as chairman of the board for a one-year term, effective January 1. He/She shall take office and assume the duties immediately upon election.

4.12 Duties.

4.121 The chairman, if present, shall preside at all meetings of the board of commissioners, preserve order, and decide questions of order subject to appeal to the board.

4.122 The chairman shall be the agent for the board in the signing of contracts, orders, resolutions, determinations, and minutes of the board and in the certification of the tax rolls.

4.123 The chairman shall serve in such capacities and make appointments as the law shall require.

4.124 The chairman shall serve ex officio on all board committees. He/She shall not have a right to vote in committee unless he/she is expressly named a member of that committee.

4.125 The chairman when he/she is present shall preside at all meetings of the committee of the whole.

- 4.126 The chairman, for purposes of representing the county in various functional or ceremonial capacities, shall be considered as the chief elected official of the county.
- 4.127 Upon his/her election and subject to the approval of a majority of all members of the board, the chairman shall proceed to appoint the members of all board standing committees, and shall designate the chairperson of each committee. The term of each appointee to a board standing committee shall be for one (1) year, but shall terminate as of the date such person ceases to be a member of the board of commissioners.

In addition, the chairperson shall, subject to the approval of all members of the board, appoint all board members who are designated to serve as a board liaison to those boards and commissions listed in section 4.4, below, as well as to any similar such board or commission where the appointee is to act as a liaison between said board or commission and the board of commissioners, and where such appointee serves as a member of such other board or commission by virtue of his or her board of commissioners membership. Such appointments shall be for one (1) year, but shall terminate as of the date such person ceases to be a member of the board of commissioners.

Further, the chairperson shall, subject to the approval of all members of the board, appoint all those board members who are appointed to serve on various authorities and other agencies. Except as may be required by statute or bylaw of such authority or other agency, such appointment shall be for one (1) year, but shall terminate as of the date such person ceases to be a member of the board of commissioners.

4.1271 All appointments assigned to sitting Commissioners are annual, except where dictated or mandated by statute.

4.1272 County Commissioners appointed to serve on boards and commissions shall be deemed to serve by virtue of their position as a County Commissioner. For such Commissioners, said appointment shall continue only so long as the commissioner continues in office, unless otherwise dictated or mandated by statute. At the point a Commissioner so appointed vacates the office of County Commissioner, all appointments enjoyed by virtue of that office shall also terminate.

- 4.128 The chairman of the board shall have the power to administer an oath to any person concerning any matter submitted to the board of commissioners or any matter connected with the discharge of their duties, to issue subpoenas for witnesses and to compel their attendance in the same manner as courts of law.
- 4.129 The chairman of the board, when appropriate, shall refer matters coming before the board to one of the committees of the board and he/she shall arbitrate all jurisdictional disputes between committees, decisions over which shall be subject to these rules and subject to appeal to the board.

Vice-Chairman.

- 4.21 Election. During the first meeting in each calendar year, the board of commissioners shall select, by majority vote of all the members, one of its members to serve as vice-chairman of the board. He/She shall take office and assume the duties immediately upon his election.
- 4.22 Duties.
 - 4.221 The vice-chairman shall preside over meetings of the board if the chairman is absent.

Clerk.

- 4.31 Designation. The clerk of the county shall be ex officio, clerk of the board. He/She, or his/her appointed deputy, shall perform all duties pertaining to such office.
- 4.32 Duties. The clerk's duties include the following:
 - 4.321 To record all the proceedings of the board in a book provided for that purpose.
 - 4.322 To make regular entries of all the board's resolutions and decisions upon all questions.
 - 4.323 To record the vote of each commissioner on any question submitted to the board.
 - 4.324 To preserve and file all accounts acted upon by the board and for no reason allow such accounts to be taken from his/her office.
 - 4.325 To certify, under Seal of the Circuit Court, without charge, copies of any and all resolutions or decisions on any of the proceedings of the board of commissioners, when required by the board or any of its members; or when required by any other person upon payment of fifty cents (\$.50) per folio.
 - 4.326 To preside, until a chairman or temporary chairman is elected, during the first meeting of the board of commissioners in every calendar year.
 - 4.327 To perform such other and further duties as the board, by resolution, may require.
- 4.33 Absence. In the event the clerk or his or her duly appointed deputy is absent from a meeting of the board, the chairman, with approval of a majority of the commissioners present and voting, shall appoint another person to act as temporary clerk until the clerk or the duly appointed deputy arrives.

In the absence of both chairman and vice chairman, the following commissioners will be delegated to be in charge, in the following order: Chairman, Vice Chairman, Board member seniority and then alphabetical order.

Parliamentarian. The county clerk of the county shall advise the chairman and the board of commissioners regarding questions of parliamentary procedures.

- 4.4 Committees. The board of commissioners shall have the following committees:

STANDING COMMITTEES

- EMS
- Courts – 3
- Budget/Finance/Accounts Payable
- Commission on Aging
- Fee Committee
- Interview Committee
- HR Committee (to include Labor, Grievance & Health Ins)
- Buildings & Grounds Committee
- Technology Committee

COUNTY COMMISSION LIAISON

- Building Authority
- Chamber of Commerce
- Conservation District
- Human Services Department (DHHS, Maples)
- MSU Extension
- Road Commission

Sheriff/Jail
911 Central Dispatch
Transportation

APPOINTMENTS TO AUTHORITIES AND OTHER AGENCIES

Airport Authority
Animal Welfare League/Advisory Board
Area Agency on Aging
Benzie Housing Committee (county)
Benzie Senior Resources (formerly Council on Aging & Benzie Home Health Care)
Betsie River Watershed
Betsie Valley Trailway Mgt Council
Benzie-Leelanau Public Health
Benzie-Leelanau Public Health Board of Appeals
Brownfield Authority
Centra Wellness -- CMH
 Central Dispatch Advisory
Domestic Violence Task Force
EDC/Benzie
Human Services Collaborative Body – HSCB
Land Bank Authority
LEPC
Manistee-Benzie Comm Corrections – PA 511
MAC Worker’s Comp Fund
Networks North/Council of Government
Northern Michigan Regional Entity
Northern Michigan Counties
Natural Scenic Rivers
Northwest Michigan Community Action Agency
ORV
Parks & Recreation Commission
Planning Commission
Platte River Watershed Committee
Point Betsie Lighthouse
Soil Erosion Board of Appeals
Solid Waste Advisory Committee
Township Association & Local Municipalities
Veterans Affairs

- 4.51 Duties: Each committee shall:
- 4.511 Report to the board.
 - 4.512 Review all appropriation requests most directly related to its own functions and make recommendations thereon for referral to and consideration by the board.
 - 4.513 Report and recommend allowance or disallowance of all claims relating to the jurisdiction of the committee as prescribed by these rules.
 - 4.514 Act as liaison between the board of commissioners and the several county officers, boards, commissions and agencies respecting matters under the jurisdiction of the committee as prescribed by these rules, except as the board shall otherwise direct.
 - 4.515 Have and perform such other duties as the board may direct.

- 4.52 Meetings. Meetings of a committee may be convened by its chairman or by a majority of its members at any time upon reasonable written or telephonic notice to its members.
- 4.53 Committee Voting. The names and votes of members shall be recorded on an action which is taken by a committee of the board.
- 4.54 Special Committees. Subject to the approval of the board of commissioners, the chairman of the board may establish special committees and designate commissioners to serve thereon. The membership of special committees shall automatically be terminated upon the succession to office of a new chairman of the board.

5. CONDUCT OF MEETINGS

Order of Business

5.11 Regular Order. The regular order shall be as follows:

- Call to Order
- Roll Call
- Invocation and Pledge of Allegiance
- Approval of Agenda
- Approval and/or Correction of Minutes
- Public Input
- Elected Officials & Dept Head Comments
- Commissioner Reports
- County Administrator Report
- Finance -- Approval of Bills
- HR - Personnel
- Action Items
- Committee Appointments
- Presentation of Correspondence
- New Business
- Public Input
- Adjournment

Agenda. On the fourth day before each regular and adjourned regular meeting of the board, the clerk shall provide to each member an agenda for the meeting, by placing in their mailbox at the Government Center or by placing said agenda on the county web site. Contained therewith shall be a brief description of all matters to be considered and arranged in accordance with the order specified above. All information to be placed on the agenda must be received by the clerk of the board no later than 5:00 p.m. on the Wednesday immediately preceding said regular or adjourned regular meeting. Only with majority consent of the members present may any committee report, other than reports on routine claims, be acted upon by the board of commissioners at any regular or adjourned regular meeting.

5.21 Agenda Priorities. All matters to be placed on the agenda under one of the specific categories above shall be given priority of order on the basis of date and time received by the clerk of the board.

6. RIGHTS AND DUTIES OF COMMISSIONERS

Speaking Priorities and Limits

6.11 Each member desiring to speak shall address the chairman and, when recognized, speak from his or her place. If two or more members at the same time wish to speak, the chairman shall designate the order in which they shall speak.

- 6.12 No members, while addressing the board, shall be interrupted, except to be called to order; and thereupon he/she shall immediately cease speaking and be seated.
- 6.13 The sponsor of any properly moved and seconded motion, resolution, ordinance, or report, not appearing on the agenda for the meeting, shall have the right to speak for a time not longer than three minutes after the formal introduction but prior to any discussion on the matter on the floor. When a measure has more than one sponsor, the chairman of the board shall determine which person shall first speak under this rule.

Commentary: Matters brought up which are not on the agenda almost always are referred to committee and, of course, a motion to refer is not debatable. This rule guarantees the sponsor the right to explain the matter briefly, before its referral.

7. NON-MEMBERS ADDRESSES TO COMMISSION – Only members of the board of commissioners shall be given the floor to speak during any board meeting except: County officials who may speak after receiving recognition from the chairman of the board.

7.1 Any person who, with the consent of the chairman of the board or a majority of any board committee, has been given permission to be listed in an appropriate place on the agenda for the purpose of addressing the commission.

7.2 In compliance with the Open Meetings Act: The County Board will operate under the following rules. To allow for public input – There will be fifteen (15) minutes for visitors to be heard. Each person wishing to speak may have up to three (3) minutes to make a statement or an address (this does not include the right to question members or individuals present). If persons know they will need more time, they should contact the County Clerk **by 5:00 p.m. on the Wednesday prior to said meeting** so that time may be allotted them on the agenda.

If it develops during the initial time allotted for input that more time is needed there will also be fifteen (15) minutes allotted for visitor input prior to the end of the County Board meeting. The three (3) minute limit will prevail and each speaker will speak once before any visitor may speak a second time.

7.3 Time has been allotted in the above schedule so that people may be heard without interrupting the County Board agenda and conduct of essential business.

8. PARLIAMENTARY AUTHORITY AND PROCEDURE

Authority. “Robert’s Rules of Order Revised” shall govern all questions of procedures which are not otherwise provided by these rules or state law.

Procedure.

- 8.21 Motions, Resolutions, Committee Reports. No motion shall be debated or voted upon unless seconded. It shall then be stated by the chairman before debate. Any motion, with the permission of the person who moved and seconded it, may be withdrawn at any time before it has been adopted. Discussion does not constitute a second to a motion.
- 8.22 Motion to Clear the Floor. If in the judgment of the chairman, procedural matters have become confused, the chairman may request a “motion to clear the floor”. Such motion, if made and seconded, shall take precedence over all other motions and shall not be subject to debate, or if carried, to a motion to reconsider. The motion to clear the floor, if carried, shall clear the floor completely and with the same effect as if all matters on the floor were withdrawn.
- 8.23 Order of Precedence of Motions. When a motion is seconded and is before the board, no other motion shall be received except the following:
 - To fix the time to which to adjourn
 - To adjourn
 - To move the previous question

To lay on the table
To postpone indefinitely
To postpone to a time certain
To refer
To amend

These motions shall have precedence in the order as named above.

- 8.24 Suspension of the Rules. These rules may be temporarily suspended only by a majority vote of all the members of the board in order to facilitate the accomplishment of any legal objective of the board in a legal matter.
- 8.25 For any future grant applications, the county board shall receive them in a timely manner so that the Commissioners can read, understand and render informed decisions pertaining to any grant applied for, effective January 4, 2002.

9. ADOPTION AND AMENDMENT OF RULES

These rules having been adopted by not less than a majority of all the members of the board may be amended or rescinded by majority vote of all the members of the board. 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.

10. ETHICAL PRINCIPLES OF CONDUCT RELATING TO THE PROCESS AND MANAGEMENT OF CONFIDENTIAL MATTERS

It is imperative from time to time that matters will come before the county that require confidential management. Matters and/or opinions sought require the action and direction of the Corporate Counsel or other properly retained Legal Advisory.

Those matters which come before the Benzie County Board of Commissioners that are subject to the attorney-client privilege or are protected by the attorney work product doctrine are considered confidential matters. Confidential matters include written opinions protected by the attorney-client privilege and/or communications between the Benzie County Board of Commissioners and its Corporate Counsel or other Legal Advisory retained by the Benzie County Board of Commissioners. Nothing in this rule shall be construed to be contrary to Michigan's Open Meetings Act or should be construed to prohibit the disclosure or dissemination of material that is subject to disclosure under Michigan's Freedom of Information Act.

- 10.1 Those services (tasks) of the Corporate Counsel, or other properly retained Legal Advisory, retained by the Benzie County Board of Commissioners, shall be discussed by the Board of Commissioners in open session and subject to a motion authorizing the Corporate Counsel or other Legal Advisory to perform legal services on behalf of the Benzie County Board of Commissioners, prior to said services (tasks) being performed whenever possible. When legal services are required prior to the Board of Commissioners meeting or in preparation for that meeting, then the County Administrator, after conferring with the Chairman or Vice Chairman, is authorized to obtain and task for such legal services.

- 10.1.1 Once the Benzie County Corporate counsel or other Legal Advisory has been properly retained by the Benzie County Board of Commissioners and provided a detailed explanation of the services sought, the Chairman of the Benzie County Board of Commissioners, or the County Administrator will communicate with the Benzie County Corporate Counsel or other outside Legal Advisory with regard to the

status of the project and shall be the recipient of written Status Reports and other communications from the Benzie County Corporation Counsel or outside Legal Advisors.

- 10.1.2 Any party (Commissioner) seeking information or query prior to final disposition or legal opinion will be referred to section 10.3 of the Board Rules.
- 10.2 The Administrator for the County of Benzie shall maintain a separate file for those communications with the Benzie County Corporate Counsel and/or other Legal Advisory which are subject to the attorney-client privilege. Upon request, any member of the Benzie County Board of Commissioners may review said materials but shall not disseminate or discuss to any third party the contents of communication subject to the attorney-client privilege.
- 10.3 In the event that a member of the Benzie County Board of Commissioners has questions regarding a confidential matter including, but not necessarily limited to, a communication that is subject to the attorney-client privilege, that Commissioner or party shall prepare a written communication to the Benzie County Administrator and Board Chair outlining any issues or questions regarding the confidential matter or communication. Responses to those written communications then will be processed by the Chairman of the County Board of Commissioners and in most situations simultaneously shared with the entire Board of Commissioners.
- 10.4 One set of documents or related materials submitted to the Administrator or Chairman will be kept and on file. Files are not to be copied nor leave the Administrator's office. Also, sharing or communicating any information related to the confidential work, including conversations, in progress or content of the documents (file) will be considered a breach of the "Board's" trust.
- 10.5 Members of the Benzie County Board of Commissioners may, by majority roll call vote, move for entry into a closed session for those purposes authorized under the Michigan Open Meetings Act.

Section 10.1 amended – 10/18/2005
Section 4.11 amended – 1/10/2006
Section 4.1271 amended – 1/10/2006
Section 4.1272 amended – 1/10/2006
Sections 1.1, 1.2, 4.33, 4.51, 5.11 amended – 1/19/2010
Sections 1.2, 4.4 amended – 1/4/2011
Sections 1.2, 4.4 and 5.11 amended – 1/4/2012
Section 1.1, 1.2, 4.4 and 5.11 amended – 1/2/2013
Section 1.1, 1.2, 4.4 and 5.11 amended – 1/15/2013
Section 1.2 and 5.11 – 1/7/2014
Section 4.4 – 1/6/2015
Section 4.127 – 2/10/2015
Sections 5.11, 7.2, page 10 items 2 and 3 – 1/3/2017

POLICY ON COMPENSATION

1. A motion by Knox, seconded by Smith, effective January 1, 1995, per diem be set at \$35.00 for each meeting four hours or less, meetings lasting longer than four hours is considered two meetings (\$70.00) and after eight hours will be considered 3 meetings (\$105.00) for per diem.
2. Per diem shall not be paid for attending scheduled regular or reconvened county board meetings. However, per diem shall be paid for attending village, city and township board meetings of the district they represent, special board meetings, committee meetings, and special assignment meetings. Special assigned meetings are meetings attended at the direction of the Board of Commissioner or by the Chairman of the Board of Commissioners and may also be paid per diem. Proper documentation can be obtained and filed with the County Administrator.
3. Mileage will be authorized for attending reconvened or special county board meetings, village, city and township meetings of the district they represent, committee meetings, special assignment meetings, functions benefiting Benzie County, or meetings attended at the direction of the Board of Commissioners or by the Chairman of the Board of Commissioners, at the rate established by the Board of Commissioners.
4. Living expenses will be paid while attending special assignments, functions or meetings attended by the direction of the Board of Commissioners or by the chairman of the Board of Commissioners that are held outside of Benzie County.
5. Per diem to be paid for weekly Accounts Payable (A/P) review by a designated board member.
(Added 1/12/2016)

County department heads will be expected to administer their yearly budgets in a reasonable and prudent manner, and should not expect supervision from the county board or its finance committee except:

- (a) When unexpected changes in county financing make it necessary, by board action, to request or impose adjustments in all departmental appropriations.
- (b) When, due to unforeseen circumstances or an emergency, it is necessary for a department head to request a supplemental appropriation not included in his or her original departmental budget.
- (c) When, in the judgment of a majority of the members of the county board, a department head demonstrates clear inability to administer public funds in a reasonable and prudent manner.
- (d) When the county board, through the chairman and vice-chairman, is reviewing budgetary requirements for the upcoming year.

BOARD PRACTICES

1. Decisions shall be made by a majority vote of all commissioners present at board meetings.
2. No one individual commissioner has any authority to advise Government Center employees what to do or what not to do. This applies to any chairman of a committee.
3. The services of Corporate Counsel will be coordinated through the County Board Chair and the County Administrator.
4. Individual commissioners should not write memos to Department Heads without going through the full board.
5. Commissioners who write and sign individual letters may not imply that the letter is by board decision and may not use Board of Commissioners letterhead.
6. Department liaison positions are only to take information from the board of commissioners to a department and vice versa, not to advise those departments how they should or should not be run.
7. Alternates on committees will not be paid unless they are filling in for an assigned member. Commissioners who attend committee meetings to which they have not been assigned will not be reimbursed for that attendance.
8. The Board is encouraged to present motions in writing to the Clerk prior to the meeting, if possible.
9. Effort should be made to car pool to out-of-town meetings.
10. Every effort should be made to have members of the Board of Commissioners submit per diems on a monthly basis.
11. All requests must go thru committees, HR, Finance or Buildings & Grounds, unless determined by the Chair and/or County Administrator to require immediate action by the board. (Added 2/9/2016)