

2021
RULES OF ORDER
BOARD OF COMMISSIONERS
ALPENA COUNTY, MICHIGAN

1. AUTHORITY

These rules are adopted by the Board of Commissioners of County of Alpena 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 and it shall be held the first business day of January at 1:00 p.m. (For example, next year's organizational board meeting shall be held January 3, 2022). At each such meeting, the county clerk shall preside. As the first item of business, the county clerk shall administer the oath of office to the commissioners if the oath has not previously been administered.

The second item of business shall be election of the chairperson of the board for a one year term and the vice-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 shall receive written ballots from the members. When one nominee receives a majority of the votes of the members elected and serving, that nominee shall be declared chairperson.

The newly elected chairperson shall assume the chairperson and proceed with the election to the office of vice-chairperson, which shall be conducted by roll call vote.

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 items, as they shall decide.

2.2 Regular Meetings

The county board shall meet on the last Tuesday of each month unless it falls on or near a holiday or if necessary to change from the usual date in which another date will be proposed. At its first meeting in each calendar year, the board of commissioners shall establish its schedule of regular meetings for the balance of the year.

2.3.1 Special Meetings

* Unless otherwise stated, "majority shall mean more than half the members elected and serving."

The board of commissioners shall meet in special session upon the written petition filed with the county clerk and signed by one-third or more of the members. The petition for a special meeting shall specify the time, date, place, and purpose of the meeting.

2.4 Place of Meetings

Meetings of the board of commissioners shall be held in the chambers of the board of commissioners in the county annex unless public notice of the meeting states a different location. 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 in the county. A notice of such change shall be prominently posted on the door of the regular meeting place and the other location. The clerk shall also give notice of the change in the meeting place in a newspaper if time permits.

2.5 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 evening meetings, the board shall not begin considering any matter on the agenda not yet under consideration by the time of 10:30 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.

2.6 Change 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.

3. PUBLIC NOTICE OF MEETINGS

The county clerk or secretary to the board 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 county 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.

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, this only will be done under extraordinary circumstances, facsimile transmission, e-mail or first class mail. Also, personal services by the clerk of the county to the office of the commissioners by hand delivery, will serve as notice to all members of the commission. No meeting, except emergency meetings, shall be held until the notice shall have been posted at least 18 hours.

3.4 Notification to Media and Others

The 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 newspaper or radio or television station has filed with the clerk a written request for such notice. The clerk or board secretary shall also notify other individuals or organizations of regular meeting schedules, changes in the schedule, or special and emergency meetings, but only upon their written request and agreement to pay the county for printing and postage expenses. With written consent of the persons or agencies requesting notification, notice may be made by facsimile transmission or e-mail. In the absence of such consent, notices shall be made by first class mail.

4. QUORUM, ATTENDANCE, CALL OF THE COUNTY BOARD

4.1 Quorum

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

4.2 Attendance

No member of the county 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. AGENDA FOR MEETINGS

The secretary of the board, after first reviewing pending matters and requests, shall prepare a draft of the agenda of business for all regularly scheduled commission meetings. The chairperson of the board shall review and add or delete 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 secretary of such item by 12:00 noon on the Tuesday preceding the next regular meeting of the board. The board, except upon the consent of a majority of the members present, shall not consider items not received by the secretary of the board by the stated deadline.

5.1 Agenda for Special Meetings

Whenever the board is called into session pursuant to Rule 2.3.1, 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. Agenda for special meetings pursuant to Rule 2.3.2 shall be provided along with the notice of the meeting to commissioners, if time permits. At other times, the chairperson shall declare the agenda upon the approval of a majority of the members present.

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., which relate to the matters of business on the agenda. Commissioners shall be entitled to receive such materials not later than two days prior the next regular meeting.

5.3 Consent Calendar (Defined)

The consent calendar shall consist of those matters that the commission has determined to be “routine” and usually are matters about which the board commonly concurs. Among such matters are the approval of minutes, approval of bills for payment, appointment of persons to budgeted and classified positions, and other matters that the board of commissioners is required by statute or board rule to approve.

5.4 Consent Calendar—Procedure

The board secretary, in preparing the meeting agenda, shall list those matters under the heading of “consent calendar” and include the associated materials with those distributed to the members in accordance with Rule 5.2.

At a meeting of the commissioners for which a consent calendar has been prepared, the board, upon the motion of a commissioner, shall vote on the approval of the matters included under the consent calendar. Before putting the question to the commissioners, the chairperson shall permit the commissioners to remove from the consent calendar, those items on which they have questions or wish to debate. The chairperson shall then direct the clerk to remove such matters and place them in their usual place on the meeting’s agenda. A vote shall not be required to remove a matter from the consent calendar.

5.5 Order of Business

The agenda shall be arranged in the following order:

- a. Call to order
- b. Pledge of allegiance
- c. Roll call
- d. Approval of the agenda
- e. Brief public comment (3 minutes)
- f. Action on consent calendar

- g. Reports of officers, boards, and standing committees
- h. Reports of special or ad hoc committees
- i. Special orders
- j. Unfinished business and general orders
- k. New business
- l. Public comment (3 minutes)
- m. Adjournment

6. CONDUCT OF MEETINGS

6.1 Chairperson

The person elected chairperson in the first meeting each year of 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 clerk shall preside until the commissioners present elect a commissioner to preside during the absence of the chairperson or vice-chairperson.

6.2 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.

6.3 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.

PUBLIC COMMENT:

Public Comment is limited to 3 minutes per individual for the brief Public Comment period at the beginning of the meeting with a 15 minute limit unless approved otherwise by the Board.

All other public comment will be heard at the end of the current agenda and will be limited to 3 minutes per individual. Public Comment rules are attached.

7. RECORD OF MEETINGS

7.1 Minutes and Official Records

The county clerk shall be clerk of the board and together with the secretary to the board, 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 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 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.

7.3 Request for Remarks to Be Included

Any commissioner may have his or her comments printed as part of the record upon the concurrence of a majority of the other members. Comments to be included in the record shall be provided in writing by the member.

7.4 Public Access to Meeting Records

The board secretary or 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 therefor as determined by the board of commissioners.

Minutes will be posted on the County website and will be available for pickup at the Clerk's Office. No charge for the last three (3) months meetings for minutes only. A fee will be charged for copies of any attachments to the official minutes which includes committee meetings. Copies of minutes older than three (3) months will be charged the current copy fee or if a FOIA request has been filed, the FOIA fee allowable.

8.0 COMMITTEES

8.1 Appointment

Each year, following the election of the board chairperson, the chairperson shall appoint commissioners to standing committees listed under Rule 8.3 and other various committees.

8.2 Committee Chairperson

The person first listed on the roster of each committee shall be the committee chairperson. In the absence of the committee chairperson, the person next listed shall assume the chairperson.

8.3 Standing Committees and Responsibilities

Committees of the board shall consist of the following:

- | | | |
|---|-----------------------------|--------|
| Finance | | |
| Building Maintenance Recreation and Insurance | Personnel | Alpena |
| Ambulance | Court Committee | |
| Airport | Information Technology (IT) | |

Each committee shall thoroughly investigate any matter referred to it by the board or board chairperson and shall report in writing its 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.

8.4 Committee Meetings

A majority of the members of a committee shall constitute a quorum. Each committee shall comply with the provisions of the Michigan Open Meetings Act and the Freedom of Information Act.

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 members. Committee actions will follow statutes and board adopted personnel policies and procedures.

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 executive 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. The chairperson, vice-chairperson, or other member shall preside.

Work sessions shall conform to the requirements of the open meetings act with respect to public notice.

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.

Resolutions, ordinances, and other matters referred to the committee, unless otherwise ordered by the committee, shall be read aloud by the clerk and then considered and acted upon by section. Before an amendment is adopted it shall be fully written and read to the committee. Whenever the committee of the whole has completed its deliberations, a member shall move that the workshop meeting rise and report to the board of commissioners. The motion to rise is always in order and shall be decided by majority vote without debate. Motions recommending action by the board of commissioners shall take precedence in the same order as analogous motions in the meetings of the board of commissioners.

8.7 Commissioner appointments

- 1) The Board of Commissioners makes appointments to various boards and commissions. In an effort to avoid a potential conflict of interest in a Committee or with the Board, the Board shall not appoint a relative of any board member defined as parent, spouse, child, brother, sister, grandparent, someone residing in the same household (further defined as natural, adoptive, half, step or foster).
- 2) Commissioners individually recommend a representative to serve on select committees. These select committees shall consist of the following:
 - a. Older Persons Committee
 - b. Youth and Recreation Committee

The representative must reside in the Commissioner's district and actively participate in committee meetings. In an effort to avoid a potential conflict of interest in a Committee or with the Board of Commissioners, a Commissioner shall not recommend appointing a relative defined as parent, spouse, child, brother, sister, grandparent, someone residing in the same household (further defined as natural, adoptive, half, step or foster). These representatives shall be appointed by the Board of Commissioners upon the recommendation of the Commissioner of each district.

9.0 EXECUTIVE MEETINGS

9.1 The vote to hold an executive meeting shall be recorded in the minutes of the meeting at which the decision was made.

9.2 The board of commissioners may meet in executive 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.

9.2.5 Other Reasons

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

9.2.5.2 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.

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

9.3 Minutes, Executive Meetings

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 may destroy the minutes after one year and one day have passed after the meeting at which the board approved the minutes of the meeting at which the board voted to hold the executive meeting.

10. MOTIONS AND RESOLUTIONS

10.1 Statement by Chairperson, Motions, and Resolutions

No motion or resolution shall be adopted 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 Rank of Motions

The order of precedence of motions shall be:

- a. Privileged Motions
- b. Fix the time to which to adjourn (or set the time for next meeting)
- c. Adjourn
- d. Recess
- e. Raise a question of privilege
- f. Call for orders of the day

10.3 Subsidiary Motions

- a. Lay on the table
- b. Call the previous question (immediately to close debate and making of subsidiary motions except lay on the table.)
- c. Limit or extend the limits of debate
- d. Postpone to a certain time (postpone definitely)
- e. Refer to a committee
- f. Amend the main motion
- g. Postpone indefinitely
- h. Clear the floor of all motions

10.3.1 Main Motion

10.3.2 Non-debatable Motions

The motions to fix the time of the next meeting, adjourn, recess, point of privilege, call for orders of the day, to table, vote immediately, limit or extend debate shall be ordered and voted upon without debate.

10.4 Procedural Motions

10.4.1 Motion to reconsider

The motion to reconsider shall be in order on any question that the board has decided, but no question shall be reconsidered more than once. The motion to reconsider shall be in order 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. A motion to reconsider a motion to amend shall not be in order if the main question has been voted upon. If the board has adopted a motion to reconsider, however, motions to amend shall be in order.

10.4.2 Motion to clear the floor

The motion to clear the floor may be made by the chairperson or a member, whenever 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.

10.4.3 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.

10.4.3 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 county board of commissioners?"

11. VOTING

11.1 Abstaining from voting

Whenever the chairperson puts a question to the members, every commissioner present shall vote on the question unless a conflict of interest. No member present shall abstain from voting "yes" or "no" unless there is a conflict of interest. The Commissioner shall state that he/she has a conflict of interest prior to the item being discussed or a motion being made and what the conflict of interest is. The County Board can then take action to allow or not allow the abstention due to the conflict of interest.

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, 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 Voting viva voce

When in the judgment of the chairperson, the board of commissioners will cast a unanimous vote on the question on the floor, the chairperson may put the questions to the members by stating: "Without objection, the chair will direct the clerk to enter a unanimous affirmative (or negative) vote on the question. Is there objection? Hearing none, the clerk is directed to enter a unanimous affirmative (or negative) vote on the question." At this point, the clerk shall enter an affirmative (or negative) vote for each of the members present.

If any member objects, he or she should do so aloud. Whereupon, the chairperson shall direct the clerk to call the roll.

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 legal counsel to the board or other person so designated by the board 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:

13.3.1 Introduction, first reading by title, and reference to the appropriate committee, as determined by the board chairperson.

13.3.2 Report by the committee considering the proposal and placement on the agenda under new business—adoption of resolutions.

13.3.3 Full Board discussion and vote. Each member shall be given opportunity to discuss the resolution and offer such amendments as she or he shall consider appropriate. Amendments shall be made in the following forms:

“ I move to amend by striking the following (sections or words).”

“ I move to amend by striking the following (sections and words) and inserting the following (sections or words.)”

“ I move to amend by inserting the following (lines or words) after (describe the location).

“ I move to amend by adding the following (lines or words) after (describe the location).

Before calling for a vote on the proposed amendment, the chairperson shall direct the clerk to read the proposed amendment and to state how the section or sentence will read if the amendment is approved. Thereafter, the chairperson shall call the question on the amendment.

13.3.4 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 effected 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 a record 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 Notification

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

13.8 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, the record vote of each commissioner, and any amendments thereto adopted by the board.

14. Rules of Procedure

These rules of procedure shall be interpreted and applied consistent with state law. In the event of conflict, state law shall govern.

tsb