

# **-HILLSDALE COUNTY BOARD OF COMMISSIONERS**

## **Rules of Procedure and By-Laws**

January 26, 2010

### **Article I**

#### **Board of Organization**

**1.1 Authority:** These rules are adopted by the Board of Commissioners of Hillsdale County pursuant to Section 46.11 of the Compiled Laws of Michigan, as amended.

**1.2 Board of Membership:** The Board of Commissioners consists of seven (7) members elected from single member districts, apportioned on the basis of population as provided by law.

**1.3 Term of Office:** The term of each Commissioner shall be for two (2) years, concurrent with that of the State Representatives.

**1.4 Vacancies on the Board:** Vacancies caused by death, resignation, removal from the district or removal from office shall be filled by appointment within thirty (30) days by the Board and shall be a resident and registered voter of that district. If the vacancy occurs in an odd numbered year, the appointee shall serve until the vacancy is filled at a special election, which the Board shall call. If the vacancy should occur in an election year, the appointee shall serve the remainder of the unexpired term. If the vacancy is not filled within thirty (30) days, it shall be filled by special election regardless of the year, per MSA 5.359(12).

**1.5 Reapportionment:** Within sixty (60) days after the publication of the latest United States Official Decennial Census figures, the Board shall be reapportioned in the manner prescribed by law.

**1.6 Compensation:** Each member of the Board of Commissioners shall receive \$6,000 per year salary. The Chairperson shall receive an additional \$1,000.00 annually. Per diem payments for all boards, committees and commissions that by statute require the appointment of members of the Board of Commissioners will be \$30 for a half day (up to 4 hours or any part thereof) and \$60 for a full day, unless otherwise compensated. Reimbursement for travel shall be the current allowable rate granted by IRS.

Each Commissioner shall be entitled to \$500.00 per year to attend MAC and NACO Legislative and Annual conferences. The \$500.00 shall include mileage or bus, train or airfare, per diem and out-of-pocket expenses directly related to the conference.

Registration fees are to be borne by the county. Expenses for other seminars and meetings pertaining to Hillsdale County business shall be subject to approval, in advance, of the Board of Commissioners.

**1.7 Officers, Agents and Employees:** The Board shall elect at its first meeting of each year a Chairperson and Vice-Chairperson, and may appoint at such other times other representatives, agents and employees as necessary and desirable.

**1.8 Powers and Duties:** The Board shall have such powers and duties as shall from time to time be provided by law. The authority of the Board of Commissioners is a collective one, and according to state law, no individual member can assume any action, decision or endeavor on behalf of or in lieu of Board action.

Property owned by Hillsdale County will be disposed of in the following manner:

- a. Items valued over \$1,000 will be advertised and sealed bids requested.
- b. Items valued under \$1,000 will be posted for sale on the public bulletin board in the Courthouse and on the County Web Site.
- c. The Board reserves the right to accept or reject any or all bids.

The Board shall comply with state law and require bids for purchases/projects costing over \$20,000.

**1.9 Indemnification:** The County shall indemnify and save harmless all board members against expenses actually and necessarily incurred by them as well as any judgment rendered against them in connection with the defense of any action, suit or proceeding in which they are made parties by reason of being or having been a board member, except in relation to matters as to which any such member shall be adjudged liable for actions taken outside the scope of his or her authority and to such matters as shall be settled by agreement predicated on the existence of such liability. The foregoing right to indemnification shall be exclusive of other rights to which a member may be entitled.

## **Article II**

### **Officers and Employees**

**2.1a Chairperson:** The Chairperson shall be elected by and from the membership of the board. The statutory duties and powers of the Chairperson shall include the following:

1. Preside at all Board Meetings.
2. Administer oaths and issue subpoenas for witnesses and to compel their attendance as provided by law.

3. Sign all contracts, bonds, and other documents requiring the signature of the Chairperson.
  - a. The Chairperson in conjunction with the Committee Chairperson shall be the signatories of all adopted Board recommendations and/or resolutions.
4. Certify the tax rolls.
5. Decide and sign denials of requests for public records under the Freedom of Information Act.
6. Serve on intra-county and inter-county Drain Boards.
7. Serve as Chief Executive of Emergency Services during a declared state of emergency.

**2.1b Chairperson:** Other duties and powers shall include the following:

1. With the advice and consent of the Board and in consultation with the Vice-Chairperson, appoint members to all standing and special committees of the Board, and appoint the Chairperson of each committee as listed under Article VI.
2. With the advice and consent of the Board, appoint representatives to attend state and district conferences or to serve on state and district committees and other commissions and committees requiring the appointment of Commissioners.
3. Preside over the Committee of the Whole except otherwise designated.
4. Decide all questions on procedure under the Board rules of procedure and general parliamentary practices, subject to appeal by the Board.
5. Vote on all questions taken by ayes and nays except on appeal from his/her own decision.
6. May refer any communication to a standing committee.
7. Shall be the ceremonial representative of the county.
8. Shall perform other such duties as specified by law, the Board or by custom.
9. Shall be a member of all negotiating teams.

**2.2 Vice-Chairperson:** The Vice-Chairperson shall be elected by and from the members of the Board. The duties and powers of the Vice-Chairperson shall include the following:

1. In the absence of the Chairperson, assume the duties and responsibilities of the Chairperson
2. Perform other duties as may be from time to time assigned by the Chairperson or by the Board.
3. Serve on inter-county Drain Board when a county Commissioner is disqualified.

**2.3 Clerk:** The County Clerk, or in his/her absence his/her deputy, shall perform such duties as required by law or as assigned from time to time by the Board, including but not limited to the following:

1. Record all Board proceedings in a book provided for that purpose.
2. Make regular entries of all Board resolutions and decisions upon all questions, including maintaining a chronological file of all formal resolutions and ordinances adopted by the Board. All such resolutions shall be numbered beginning each year.
3. Record the vote of each commissioner on any question submitted to the Board, if required by any member present.
4. To preserve and file all accounts acted upon by the Board, and on no occasion to allow such accounts to be taken from his/her office.
5. To certify copies of any and all resolutions or decisions on any of the proceedings of the Board, when requested by the Board or any member thereof.
6. File all communications addressed to and received by the Board of Commissioners.
7. Transmit to the Governor for approval matters adopted by the Board, which by law require the Governor's approval or concurrence.
8. Receive and transmit to the Board recommendations of persons for appointment to the Board of Canvassers.

### **Article III**

## Appointments to Boards and Commissions

**3.1** The Hillsdale County Board of Commissioners is charged with making certain appointments to various boards, commissions and committees, including, but not necessarily limited to:

- Board of Public Works
- Hillsdale County Building Authority
- Hillsdale County Building Inspection Board of Appeals
- Community Action Agency
- Tri-County District Health Board
- Emergency Telephone Service Board
- Department of Human Services Board (includes Medical Care Facility Board)
- Lifeways
- Local Emergency Planning Committee (LEPC)
- Mid-South Substance Abuse Commission
- Hillsdale County Planning Commission
- Region II Area Agency on Aging
- Remonumentation Board
- Hillsdale County Solid Waste Planning Committee
- South Central Michigan Works
- Veterans Affairs Board
- Economic Development Partnership
- Senior Services Center

The following policy will govern the rules and procedures:

### **3.2 Full-term appointments:**

In cases where a term is expiring, and the Board of Commissioners is legally obligated to appoint someone to that position, the Board will place at least two ads in a local periodical or newspaper of general circulation, with the first running at least 30 days prior to the appointment deadline, and the second not less than 10 days prior to the day scheduled for interviews. The ads should contain the following: the position title and description, starting date and end of term; responsibilities; helpful experience; salary/per diem, benefits (if included), as well as where applications may be obtained and filed, deadline for same and date(s) of interviews. As per practice (or statute), ad may state Hillsdale is an Equal Opportunity Employer.

Should the currant office-holder desire to continue, s/he may reapply, provided there is no legal or reasonable limitation preventing this (e.g. term-limit, conflict of interest, etc.), and s/he shall be given equal consideration as other applicants.

All selected applicants will be notified of the interview date, and will have the opportunity to state their interest in, and qualifications for the stated position. After the

interviews, the Board of Commissioners will, by a simple majority vote, determine the successful applicant.

**3.3 Term-completion appointments:**

On occasion, the Board of Commissioners will be called upon to make or formalize appointments due to resignation or death. In said case, the board, commission or committee seeking to replace said member shall have the option of:

- A. Making a recommendation as to a replacement to the Board of Commissioners, and asking them to approve the recommendation. Approved designee then serves until the end of the existing term. Or,
- B. Deferring the appointment to the Board of Commissioners, in which case the procedure would be the same utilized for full-term appointments as stated above in Section 3.2.
- C. If the board, commission or committee selects Option A, and the recommendation is not approved, said board, commission or committee may submit a second name. If that name is not approved, procedure reverts to Option B (above), and the Board of Commissioners shall make the appointment based on the interview process.

**Article IV**

**Meetings**

**4.1 Organizational Meeting:** The Board of Commissioners shall convene for its first meeting at 9:00 a.m. on the first business day of each year. This meeting shall be known as The Organizational Meeting and the Board shall transact such business of said meeting, or at the adjournment date of such meeting, as shall be provided by these rules or by law, including the election of a Chairperson and a Vice-Chairperson and scheduling regular Board Meetings throughout the session. The County Clerk shall preside over the Organizational Meeting until a Chairperson of the County Board has been duly elected by a majority vote of the members elect.

**4.2 Regular Meetings:** The Board shall meet in regular session on scheduled days and times as determined at the organizational meeting or as amended, except when otherwise set by adjournment or by law.

**4.3 Special Meetings:** The Board of Commissioners shall meet in special session upon the written petition to the County Clerk signed by one-third (3) or more of the members. The petition for a special meeting shall specify the time, date, place and purpose of the meeting.

As an alternate means of calling meetings other than those regularly scheduled meetings, the Chairperson of the Board of Commissioners, with posted notice at least 18 hours before, may convene a meeting of the board upon his/her discretion.

## **Article V**

### **Meeting Procedures**

**5.1 General Conduct at Meetings:** Meetings of the Board of Commissioners are to be presided over by the Chairperson, or in his/her absence the Vice-Chairperson, in accordance with Robert's Rule of Order, except as modified by State statute or the Rules of Procedure and By-Laws of the Board of Commissioners.

**5.2 Quorum:** A majority of the members elect shall constitute a quorum. No business shall be considered without the presence of a quorum, except to adjourn or recess.

**5.3 Order of Business:** The business of all regular meetings of the Board of Commissioners shall be considered and transacted in the following order unless exceptions are made by a majority of the Board.

1. Call to Order
2. Prayer and Pledge of Allegiance
3. Review and Correction/Approval of Minutes
4. Agenda Approval
5. Public Comment
6. Correspondence
7. Standing Orders
8. Committee Reports
9. Public Comment
10. Additional Business
11. Adjournment at Call of the Chair

**5.4 Agenda:** The Chairperson shall have the agenda prepared for all regular Board meetings. The agenda and related information shall be available to all Commissioners at least two (2) days prior to a regularly scheduled Board meeting.

**5.5a Two-Thirds (2/3) Vote of members elected and serving required for board action (5 out of 7 members elect):**

1. To alter township boundaries.
2. To call a closed session in order to consider the purchase or lease of real property, up to the time an option to purchase or lease for that real property is

obtained; to consult with legal counsel regarding trial or settlement strategy in connection with specific pending litigation, but only when an open meeting could have detrimental financial effect on the litigation or settlement position of the public body. To review an employment application when requested by the candidate, and to consider material exempt from discussion or disclosure by state or federal statute.

3. Move the County Seat.
4. To select building sites, erect county buildings, to abolish or revise distinction between county and township property.
5. Authorize the making out of a new tax roll.
6. Authorize township borrowing to build or repair roads and bridges.
7. Care and management of county property and business where no other provision shall be made.
8. Establish a Department of Public Works.

**5.5b Majority Vote of members elected and serving required for board action (4 out of 7 members elect):**

1. Final passage or adoption of a measure or resolution.
2. Allowance of a claim against the county.

**5.5c Majority Vote of members present required for board action:**

1. All other questions which may arise at a meeting.

**5.6** The Chairperson shall entertain a call for roll call vote made by any member present on any question submitted to the Board.

**5.7** When two (2) or more members seek recognition, the Chairperson shall designate the member who is first called to speak.

**5.8** When a member is speaking on any question before the Board, he or she shall not be interrupted except to be called to order by the Chairperson.

**5.9** When a member is called to order, he or she shall immediately cease speaking. The Board, if appealed to, shall decide the propriety of the chairperson's call to order. If there is no appeal, the ruling of the chairperson shall be final.

**5.10** After a motion is stated by the Chairperson, it shall be deemed to be in possession of the Board, but it may be withdrawn at any time before amendment or decision is made, with consent of the supporting member.

**5.11** When any question is under debate, no motion shall be received but the following undebatable motions and they shall have precedence in the following order:

1. To adjourn
2. To rise to a point of order
3. To table
4. To call for the previous question
5. To limit or extend limits of debate
6. To commit or refer or re-commit to a committee
7. To amend

**5.12** All motions to reconsider any vote shall be made on the same day or the meeting following on which the vote proposed to be reconsidered was taken. All motions to reconsider must be made by a member who was absent when the vote was taken or by a member who voted on the prevailing side. However, a motion to reconsider shall be in order for any motion taken by a voice vote. A motion to reconsider having been lost shall not be renewed the same day. A motion to reconsider before being declared carried must receive a majority vote of all commissioners elect.

**5.13** Members of the public shall be encouraged to attend all open meetings and address the Commission at the meetings. To protect the rights of all people attending such meetings and to maintain reasonable order, the following rules are established, in accordance with PA 267 (1976) as amended:

1. All public meetings shall be posted in the County Courthouse, on an announcement board designated for this purpose and on the County Web Site in accordance with The Open Meetings Act of 1976, as amended.
2. No person shall be excluded from a public meeting except for a breach of peace committed at that meeting. However, members of the public who intend to attend an open meeting in groups of twenty (20) persons or more shall notify the County Clerk of their intention in order that the Board may make all efforts to secure adequate accommodations.
3. A member of the public may address the Board after receiving recognition from the Chairperson and giving his or her name. Public comment shall be limited to a period set aside at each meeting for such purpose and each speaker shall have the floor for no longer than five (5) minutes unless the Board grants an extension.
4. In the event that a person desires to address the Board in an extensive manner, that person shall be placed on the agenda for a reasonable period of time by contacting the administrative office no less than seven (7) days prior to the scheduled meeting.

## **Article VI**

### **Committees**

**6.1** The Board may create such standing and special committees as deemed necessary to accomplish the work of the Board.

All Standing Committees shall meet as Committees of the Whole. The Chairperson of a committee shall be recommended by the Chairperson of the Board subject to Board approval as follows:

#### **Board of Commissioners – Standing Committees**

##### **MANAGEMENT & PERSONNEL**

Commission Appointments, Personnel, Negotiations, SCMI Works Consortium, Lifeways.

##### **FINANCE**

Budget, negotiations, Civil Claims, Personnel, County Clerk, County Treasurer, Fiscal Officer, Insurance and Community Action Agency.

##### **PUBLIC SAFETY/JUDICIARY**

Circuit Court/Friend of the Court, Probate Court, District Court, Prosecuting Attorney, Sheriff, Animal Control, Emergency Telephone Service Board (911), Ambulance, Emergency Services and County Medical Examiner.

##### **HUMAN SERVICES**

Medical Care Facility, Department of Human Services, Human Services Network, South Central Michigan Works Consortium, Lifeways, Community Action Agency and District Health.

##### **SENIOR AND COMMUNITY SERVICES**

MSU Extension, Veterans Trust/Veterans Affairs, Region II Area Agency on Aging, and Senior Services Board.

##### **TECHNOLOGY AND ECONOMIC DEVELOPMENT**

Economic and Industrial Development, Information Technology, GIS/CIS, Equalization/Mapping, Register of Deeds, County Planning Commission, Brownfield Re-development Authority, Mid South Substance Abuse Commission and Economic Development Partnership.

##### **BUILDING AND GROUNDS**

Maintenance Department, Equipment, Drain Commission, Road Commission, Parks Commission, County Building Inspection and Environmental Services and Building Construction and Renovation.

## **Board of Commissioners – Permanent Special Committees**

### **EXECUTIVE COMMITTEE**

Board Chairperson and Vice-Chairperson

### **UNION/SPECIAL COMMITTEE**

Board Chairperson, Finance/Management Committee Chairperson and Vice-Chairperson

**6.2** The Board Chairperson may appoint special committees of a maximum of three (3) members from time to time to handle certain specific temporary matters or issues not properly coming within the jurisdiction of the several Standing Committees.

**6.3 Committee of the Whole** Whenever the Board shall meet in “working meetings” the Board shall meet as a Committee of the Whole and the Chairperson, Vice-Chairperson or another member shall preside. Meetings of the Committee of the Whole shall conform to the requirements of the Open Meetings Act with respect to public notice except when the Board shall convene as a Committee of the Whole at one of its regular meetings.

The rules of the Board of Commissioners shall be observed in meetings of the Committee of the Whole as far as they are applicable, except with respect to limiting debate and moving to vote immediately.

Whenever the Committee of the Whole has completed its deliberations, a member shall move that the committee 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.

**Note:** The Committee of the Whole provides a mechanism for the Board to conduct its working sessions in a somewhat less formal atmosphere. At the same time, these rules provide a set of procedures for the Board to conduct its working sessions with enough structure and decorum to accomplish its work.

**6.4** No official report or release of any information concerning the proceedings of any Committee of the Board shall be given by the Committee Chairperson or any member of his/her Committee to the news media. This shall be done by the Chairperson or in the absence of the Chairperson, the Vice-Chairperson after discussion with the Committee Chairperson. All other information to be released regarding negotiations will be released by the Board’s Legal Counsel.