

STATE of MICHIGAN, COUNTY of EATON

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DIANA BOSWORTH
EATON COUNTY CLERK

EATON COUNTY
RULES OF PROCEDURE
OF THE
BOARD OF COMMISSIONERS

EFFECTIVE JANUARY 3, 2023

INDEX TO RULES OF PROCEDURE

RULE 1 - CHAIRPERSON - VICE CHAIRPERSON 2

Section 1.0 Chairperson of the Board of Commissioners..... 2

Section 1.1 Vice-Chairperson of the Board of Commissioners..... 2

RULE 2 - CLERK 4

Section 2.0 Clerk of the Board..... 4

RULE 3 - MEETING OF THE BOARD OF COMMISSIONERS..... 5

Section 3.0 Open Meetings Act 5

Section 3.1 Regular and Special Meetings..... 5

Section 3.2 Adjourned and Special Sessions 5

Section 3.3 Change in Schedule..... 6

Section 3.4 Public Notice of Meetings 6

Section 3.5 Meeting Agendas 6

Section 3.6 Meeting Minutes 6

Section 3.7 Livestreaming.....7

RULE 4 - RULES OF PROCEDURE OF THE BOARD 8

Section 4.0 Adoption of Rules of Procedure 8

Section 4.1 Quorum 8

Section 4.2 Order of Business..... 8

Section 4.3 Order of Business at the First Meeting of the Board in Each Year..... 9

Section 4.4 Measures Requiring a Majority Vote of Those Present 10

Section 4.5 Method of Voting..... 10

Section 4.6 Public Comment..... 11

Section 4.7 Resolutions and Ordinances..... 11

Section 4.8 Questions of Procedure Not Covered by Standing Rules 12

RULE 5 - STANDING COMMITTEES 13

Section 5.0 Committee Appointments 13

Section 5.1 Standing Committees 13

Section 5.2	Meeting Dates	13
Section 5.3	Minutes of Committee	14
<u>RULE 6 - COMMITTEE RESPONSIBILITIES</u>		15
<u>RULE 7 – BOARDS AND COMMISSIONS.....</u>		17
Section 7.0	Nominations.....	17
Section 7.1	Appointments.....	17
Section 7.2	Board Membership on Other Commissions.....	17
Section 7.3	Minutes and Quorum	18
<u>RULE 8 – COMPENSATION</u>		20
<u>RULE 9 - CIVIL COUNSEL PROCEDURE.....</u>		21
<u>RULE 10 - LAWSUIT SETTLEMENT AND INITIATION PROCESS</u>		22
<u>RULE 11 - ORGANIZATION</u>		23
<u>RULE 12 - NEPOTISM</u>		24
<u>RULE 13 - DISCLOSURE</u>		25

ATTACHMENT A - APPOINTMENT LIST

ATTACHMENT B - COMMISSIONER COMPENSATION RESOLUTION

ATTACHMENT C - ORGANIZATION CHART

RULES OF PROCEDURE
OF THE
BOARD OF COMMISSIONERS
OF
EATON COUNTY, MICHIGAN

RULE 1

CHAIRPERSON - VICE-CHAIRPERSON

Section 1.0 - Chairperson of the Board of Commissioners

At the first meeting in January of each odd numbered year, the Eaton County Board of Commissioners shall meet and elect from its own membership a Chairperson who shall hold office for the ensuing two year period. The Chairperson shall be elected by a simple majority of the Commissioners present at that meeting. The Chairperson shall preside at all meetings of the Board to preserve order and to decide all questions of order subject to appeal to the Board. He shall likewise be the Chairperson of joint Committee meetings. The Chairperson shall appoint the Committee on Committees, all Standing Committees and the Chairperson thereof and all Special Committees and the Chairpersons thereof. In the event of a vacancy on any Committee, the Chairperson shall appoint a member to fill the vacancy, and, if necessary, redesignate the Chairperson of the Committee. The Chairperson of the Board shall be an ex officio member of all Standing and Special Committees. The Chairperson of the Board shall be paid such salary as shall be authorized by resolution of the Board of Commissioners for attending all regular and other meetings necessary for the conduct of County business. Where there is any overlapping authority or jurisdiction between or among Committees of the Board of Commissioners, the Chairperson shall designate the Committee or Committees to which such disputed matters shall be assigned. The Chairperson shall be responsible for coordinating the work and duties between the Committees. The Chairperson shall be the agent for the Board in the signing of contracts, orders, resolutions, determinations, board minutes and certifications.

Section 1.1 - Vice-Chairperson of the Board of Commissioners

The Board of Commissioners shall elect from its own membership a Vice-Chairperson at the same time and in the same manner as provided for the election of the Chairperson. The Vice-Chairperson shall perform the duties for the Chairperson when the Chairperson is unable to do so.

RULE 2

CLERK

Section 2.0 - Clerk of the Board

The County Clerk shall be Clerk of the Board of Commissioners and shall perform the duties pertaining to such office. Under the direction of the Chairperson of the Board, the Clerk and/or the County Controller shall prepare a written agenda for all regular and special sessions of the Board. The Clerk also shall be required:

To record and prepare official minutes for all regular and special sessions of the Board. Said minutes shall include all of the Board's resolutions and decisions upon all questions and a record of the vote of each Commissioner on any questions submitted to the Board.

The Clerk shall also preserve and file all business acted upon by the Board and for no reason allow permanent records to be taken from the office. Should minutes be electronically recorded, such recording shall be maintained until said minutes are approved by the Board.

To certify, under Seal of the Circuit Court or the official Seal of the County, 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 reproduction costs.

To preside, until a Chairperson or temporary Chairperson is elected, during the first meeting of the Board of Commissioners in each calendar year.

To perform such other and further duties as the Board, by resolution may require.

RULE 3

MEETINGS OF THE BOARD OF COMMISSIONERS

Section 3.0 - Open Meetings Act

The business, which the County Board of Commissioners may perform, shall be conducted at a public meeting of the Board held in compliance with The Open Meetings Act (Act No. 267 of the Public Acts of 1976, being MCL 15.261 to 15.275; MSA 4.1800(11) to 4.1800(25)). The County Board of Commissioners may hold closed sessions as authorized by the Open Meetings Act. Public notice of the time, date, and place of meetings of the County Board of Commissioners shall be given in the manner required by the Open Meetings Act.

Section 3.1 - Regular and Special Meetings

The Board shall meet monthly. Dates and times for regular monthly meetings shall be established at the first meeting of the Board in January in each year. The Board may also hold special meetings, when necessary, at the times and places it finds convenient, and may adjourn from time to time, as it considers necessary. The meetings shall be held at the County Courthouse, 1045 Independence Blvd., Charlotte, unless otherwise specified.

Section 3.2 - Adjourned and Special Sessions

The Board may adjourn any meeting subject to the call of the Chairperson. Special sessions of the Board may only be called by the County Clerk upon petition in writing signed by not less than one-third (1/3) of the Commissioners elect. At any special sessions of the Board, the business of the Board shall be limited to the subject matter described in the petition of the Commissioners. All special sessions will follow an agenda prepared by the County Clerk and will be mailed by the Clerk at least three (3) days prior to the scheduled special session.

Section 3.3 - Change in Schedule

Changes in the meeting schedule including time and place may be made by a majority vote of the Board of Commissioners pursuant to the Open Meetings Act.

Section 3.4 - Public Notice of Meetings

Within ten (10) days after the first meeting of the Board of Commissioners in each calendar year, the Clerk of the Board of Commissioners shall give public notice of the regular schedule of the time and place for the Board's meetings in that year in one or more newspapers circulated in the County and by posting the schedule in a conspicuous place in the new Courthouse. Public notice of special or rescheduled meetings, and reconvening of meetings which have been adjourned or recessed for more than thirty-six (36) hours "at the call of the chair" and not to a "time certain" shall be given by posting notice in the new Courthouse at least eighteen (18) hours prior to the time of such meeting. The agenda of all regular meetings will be available for public review in the Controller's Office at least three (3) days prior to the scheduled meeting.

Section 3.5 - Meeting Agendas

All meetings will follow an agenda prepared by the County Clerk and will be mailed by the Clerk at least three days prior to a regularly scheduled meeting. Matters to appear on the agenda are to be submitted to the Clerk at least one week prior to a meeting, to facilitate the preparing of the agenda. Matters not scheduled on the agenda may be heard by the Board and action on such matters may be taken, unless delayed by the motion of any member to table.

Section 3.6 - Meeting Minutes

Minutes of the past meeting shall be mailed by the Clerk to all members along with the agenda of the meeting at least three days prior to a regularly scheduled meeting. Minutes will be

approved or corrected but will not be read in their entirety unless so requested by any Board member for purposes of clarity.

Section 3.7 – Livestreaming

All meetings will be livestreamed via the internet for audio and video purposes utilizing video conferencing software (i.e., Zoom) with a public link to the meeting made available on the County website. The County will make effort to ensure the availability of meeting broadcast in the event of internet or software outage, however scheduled meetings will be conducted in the event of such circumstance beyond the County's control.

RULE 4

RULES OF PROCEDURE OF THE BOARD

Section 4.0 - Adoption of Rules of Procedure

The Board shall adopt Rules of Procedure to govern its proceedings. The Rules of Procedure shall be adopted at the first meeting of the Board in January in each year by a majority vote of the members elect. The rules may be amended from time to time by a two-thirds (2/3) vote of the Board members elect.

Section 4.1 - Quorum

A majority of the Commissioners elect shall constitute a quorum for the transaction of business.

Section 4.2 - Order of Business

The following shall be the order of business at all meetings of the Board:

- A. Call to Order
- B. Pledge of Allegiance
- C. Invocation
- D. Roll Call
- E. Agenda Additions or Changes
- F. Approval of Minutes
- G. Communications
- H. Limited Public Comment
- I. Reports of Standing Committees

Health and Human Services
Public Safety
Public Works and Planning
Information Technology and Communication
Ways and Means

- J. Unfinished Business
- K. New Business
- L. Limited Public Comment
- M. Adjournment

Section 4.3 - Order of Business at the First Meeting of the Board in Each Year

The following shall be the order of business at the first meeting of the Board in January in each year:

- A. Call to Order.
- B. Pledge of Allegiance.
- C. Invocation
- D. Roll Call
- E. Election of Chairperson
- F. Election of Vice-Chairperson
- G. Chairperson will Name Committee on Committees
- H. Recess for Meeting of Committee on Committees
- I. Reconvene

- J. Report of Committee on Committees
- K. Presentation of Schedule of Meeting Dates and Times
- L. Adoption of Rules of Procedure
- M. Other Business
- N. Limited Public Comment
- O. Recess

The County Clerk shall preside at the meeting for agenda items A - E. The previous Rules of Procedure shall control until the Board adopts its new Rules of Procedure.

4.4 - Measures Requiring a Majority Vote of Those Present.

Except as provided by law or otherwise specified in these Rules of Procedure all questions, which arise at meetings of this Board, shall be determined by the votes of a majority of Commissioners present.

Section 4.5 - Method of Voting

- A. Election of the Chairperson of the Board of Commissioners may be by secret ballot.
- B. The following measures shall be voted upon by roll call:
 - 1) Motion to submit a proposition to the vote of the people except as otherwise provided by statute.
 - 2) Adoption of the annual budget.
 - 3) The adoption of all ordinances or amendments thereto.
 - 4) Any other measure when a roll call shall be required by statute or as called for by a member of the Board.

C. All other measures shall be voted by voice vote. If a Commissioner present does not respond to the call for the voice vote, his or her vote shall be recorded as an affirmative vote, unless good cause is shown for abstaining.

D. All roll call votes shall be called by District, naming the Chairperson last.

Section 4.6 - Public Comment

Any person shall be permitted to address a meeting of the Board of Commissioners, which is required to be open to the public under the provisions of the Michigan Open Meetings Act. (MCLA 15.261, et. seq.) Public comment shall be carried out in accordance with the following procedures:

A. Any person wishing to address the Board shall be physically present at the meeting location.

B. Persons may address the Board on matters or issues which are relevant and germane to County government.

C. No person shall be allowed to speak more than once on the same matter, excluding time needed to answer Commissioners' questions. The Chairperson shall control the amount of time each person shall be allowed to speak, which shall not exceed three (3) minutes.

Whenever a group wishes to address the Board, the Chairperson may require that the group designate a spokesperson; the Chairperson shall control the amount of time the spokesperson shall be allowed to speak, which shall not exceed ten (10) minutes.

The Chairperson may, at his or her discretion, extend the amount of time any person is allowed to speak.

Section 4.7 - Resolutions and Ordinances

All resolutions and ordinances shall be presented in writing and must be seconded before debate. Any resolution or ordinance may, with the permission of the Board and the second, be withdrawn at any time before the same has been adopted. All resolutions, ordinances, and amendments or substitutes thereto shall be entered in the minutes of the Board unless withdrawn.

All resolutions and ordinances shall, to the extent that it will not be confusing, be worded so that a “yes” vote will be a vote in favor of the subject matter of the resolution or ordinance and a “no” vote will be a vote against the subject matter of the resolution or ordinance. The question shall be clearly written using words that have a common everyday meaning to the general public. The language used shall not create prejudice for or against the resolution or ordinance.

Section 4.8 - Questions of Procedure Not Covered by Standing Rules

Robert's Rules of Order, Newly Revised, shall govern in all questions of procedure which are not provided for by the rules of this Board.

5. Information Technology & Communication 1st Wednesday each month

Changes in the adopted meeting schedule including time and place may be made by a majority vote of a Committee pursuant to the Open Meetings Act.

When any such day shall fall on a holiday, the Committee shall then fix another time at which to hold its meeting. Special meetings of any Standing Committee may be convened by its Chairperson. No Standing Committee shall meet in January following a General Election until the Chairperson of the Board has been elected and the Standing Committees have been approved by the Board.

A majority of members appointed to a Committee constitute a quorum. A quorum must be present to officially conduct business. If a quorum is not present, the committee may operate informally as a Committee of the Whole.

Section 5.3 - Minutes of Committees

All Committee minutes shall be in writing and furnished to the Clerk. The minutes of each Committee meeting shall reflect those present or absent and all actions taken by the Committee.

RULE 6

COMMITTEE RESPONSIBILITIES

There are five active committees in addition to the Committee on Committees. All County Departments and functions are to come under one of the Committees. All Committees will refer to Ways & Means those issues that will require any adjustment to the adopted Budget. The responsibilities listed are not intended to be all inclusive and additional responsibilities may be added by the Board Chairperson.

COMMITTEE ON COMMITTEES: Recommend Commissioner Committee appointments and Rules and Procedure of the Board of Commissioners. Acting Advisory Committee to the Board Chairperson. Responsible for inter-governmental relations with federal, state and local governments.

1. WAYS & MEANS: Serves as County's statutory Finance Committee. Liaison with the Controller's Office (including Personnel), Treasurer's Office, Veteran's Affairs, the Building Authority, Physical Plant Department and Historical Commission, Equalization, Property Description, Clerk's Office, Elections and Register of Deeds, Circuit Court, Circuit Court Probation, Friend of the Court, District Court, Probate Court, Juvenile Services and the Youth Services Facility. Responsible for the budget, purchasing, fleet vehicles, all claims except livestock, insurance and lawsuits. Responsible for the Personnel Rules and Regulations of employees. Review reclassification requests. Review wages and fringe benefits of all employees. Monitor Collective Bargaining Agreements for all units within the County. Responsible for construction, office space, development and capital maintenance. Review and recommend approval of Farmland Agreements. Administers the Remonumentation Project.
2. PUBLIC WORKS AND PLANNING: Liaison with the Drain Commissioner's Office, Board of Public Works, Road Commission, Cooperative Extension, Building and Zoning Department, Tri-County Planning, Parks and Recreation Commission, Planning Commission, EATRAN, Housing and Planning.
3. PUBLIC SAFETY: Liaison with the Sheriff's Department, Emergency Services, Marine Safety, Animal Control (including livestock claims), Prosecutor's Office, Central Dispatch and Community Corrections. Responsible for all law enforcement activities.
4. HEALTH AND HUMAN SERVICES: Responsible for public health, mental health, social services, substance abuse, Medical Care Facility, and Medical Examiner.

5. INFORMATION TECHNOLOGY & COMMUNICATION: Liaison with the Information Systems Department. Review and recommend approval of technology policies, technology enhancements, multi-department and multi-agency technology initiatives and information/data sharing projects. Review and recommend means to foster and enhance methods of communicating County affairs with constituents.

RULE 7

BOARDS AND COMMISSIONS

Section 7.0 - Nominations

All nominees for any appointment to boards or commissions which appointments are to be made by the Board of Commissioners shall file with the Clerk a letter of interest, signed and dated, and a brief personal resume. A resume file shall be maintained in the Clerk's office which shall contain a list of all the appointments to any Board or Commission. A nominating Committee may request that any nominee appear before the Committee for an interview prior to the time the nomination is submitted to the Board of Commissioners. Nothing herein contained shall prevent nominations from the floor, but the person making such nomination should be prepared to give a written resume of the person nominated. Each nominee shall indicate whether there is any conflict of interest, as defined in MCLA 15.321, arising out of the appointment.

Section 7.1 - Appointments

The Chairpersons of the various Committees shall be responsible to monitor the annual appointment process to ensure that it is completed in a timely manner.

1. July. List of all current appointees prepared by the Clerk's Office and distributed to the appropriate Committees by the Controller. The list will indicate which appointees' terms are to expire at the end of the year.
2. Appointees whose terms are to expire at the end of the year should be contacted by the Clerk's Office to see if they are interested in reappointment.
3. August. The Clerk's Office will advertise only for those positions requested by a Committee (when they are not supportive of reappointing an incumbent who is interested or an incumbent does not wish to be reappointed). A general statement will also be included in the Advertisement stating that applications will be accepted from individuals interested in volunteer work for the County even if no vacancies are available for

positions in which they are interested. Those applications will be kept on file and will be considered if a vacancy occurs during the year.

4. September - October. Applicants are interviewed by Committees.

5. November - December.

a. New appointees are recommended by Committees.

b. The Clerk's Office will notify individuals who have been replaced and thank them for their service.

c. The Clerk's Office will thank individuals who have decided not to continue their service.

6. Non-Commissioner appointments will be made as soon as possible, but prior to the end of the year.

7. Commissioner appointments will be made at the Organizational Meeting in January. An effort will be made to fill all vacancies that occur throughout the year at the next regularly scheduled Board Meeting after the vacancy occurs and the appointments shall be effective immediately.

A list of Commission appointments is attached to these Rules as Attachment A.

Section 7.2 - Board Membership on Other Commissions

A member of the Board of Commissioners appointed to any other Board or Commission shall cease to be a member of such Board or Commission at any time he or she ceases to be a member of the Eaton County Board of Commissioners.

Section 7.3 - Minutes and Quorum

All Board or Commission minutes shall be in writing and furnished to the Clerk. The minutes of each Board or Commission meeting shall reflect those present or absent and all actions taken by the Board or Commission.

A majority of members appointed to a Board or Commission constitute a quorum. A quorum must be present to officially conduct business. If a quorum is not present, the Board or Commission may operate informally as a Committee of the Whole.

RULE 8

COMPENSATION

Commissioner Compensation and Mileage Reimbursement and Compensation for Non-Commissioner Members of Appointed Committees and Commissions is established by the Board of Commissioners Resolution, the latest of which is attached to these Rules as Attachment B.

RULE 9

CIVIL COUNSEL PROCEDURE

Requests for legal opinions from individual Board of Commissioner members must come through the Board Chairperson. A Standing Committee, by resolution of the Committee stating their request, may also submit a request to the Board Chairperson. Those requests will be given to the Controller for review by the Ways and Means Committee and possible submission to an outside legal firm.

Requests for legal opinions from the various County Departments and Agencies must be submitted to the Controller. This procedure will also apply to Departments and Agencies who are involved with ongoing investigations of possible ordinance or statute violations.

Once submitted to the Controller, all requests will be recorded in a master listing and reviewed by the Ways and Means Committee. Upon their approval, the Controller will make arrangements to have them reviewed by an outside legal firm.

RULE 10

LAWSUIT SETTLEMENT AND INITIATION PROCESS

It is the policy of the Eaton County Board of Commissioners that the following policy be established for the Initiation and Settlement of Lawsuits.

1. Any lawsuit initiated by Eaton County shall be approved by the Eaton County Board of Commissioners.
2. The settlement of any lawsuit shall be approved by the Eaton County Ways and Means Committee, except that in certain instances the Chairperson of the Board of Commissioners may be given full settlement authority in regards to a lawsuit.

RULE 11

ORGANIZATION

Eaton County is organized pursuant to Michigan Law (MCLA 46.13b) as a County Controller type of County government. The duties of the Controller include those detailed in the Statute as well as those included in the Controller's Job Description, which is approved by the Board. The Board is responsible for the appointment of the Controller as well as the removal of the Controller pursuant to the Controller Statute.

Requests to the Controller for projects or information from any Commissioner should be made through action of a Standing Committee.

The Controller is responsible for the supervision of all appointed Department Heads. Appointed Department Heads are evaluated utilizing a Performance Appraisal System approved by the Board.

Appointed Department Heads are hired utilizing the normal County process with the final interviews and selection being done by the Controller, Chairperson of the Board and Chairperson of the liaison Committee for the position for which the selection process is being conducted.

The hiring of all County, Court and Elected Official's office employees is conducted pursuant to a policy adopted by the Board.

An Organizational Chart for Eaton County Government is attached to these Rules as Attachment C.

RULE 12

NEPOTISM

No Commissioner shall be employed in any department of the County. No spouse of a Commissioner shall be employed in any department of the County, unless that spouse's employment date is prior to the date of the election of the Commissioner. If any member of a Commissioner's immediate family is employed by the County, such Commissioner shall acknowledge same upon the record of the January meeting each year.

RULE 13

DISCLOSURE

Any Commissioner who has any type of business interest that may potentially interact with any facet of County Government that could possibly be perceived as a conflict of interest should disclose that possibility at the regularly scheduled January meeting of the first year of any term of office to which they are elected.

If any Commissioner develops any business interest during their term of office that results in the situation described above, they should disclose that information at the next regularly scheduled meeting after the business interest has been developed.

A Commissioner shall not have a business interest in any contract or other business transaction with the County, or a Board, Office or Commission thereof, during the time for which he is elected or appointed, or for any year thereafter unless the contract or transaction has been approved by three quarters (3/4) of the members of the Board of Commissioners and so shown on the board Minutes together with a showing that the Board is cognizant of the member's interest. (MCL 46.30)