

Date: 1/3/12

**MONTCALM COUNTY BOARD OF COMMISSIONERS
BY-LAWS AND RULES OF PROCEDURE**

ARTICLE I

BOARD ORGANIZATION

- 1.1 Board Membership:** The Board of Commissioners shall consist of nine (9) members elected from single member districts, apportioned on the basis of population as provided by law.
- 1.2 Term of Office:** The term of each Commissioner shall be for two (2) years, concurrent with that of State Representatives.
- 1.3 Vacancies on the Board:** When a vacancy occurs in the office of Commissioner, either by death, resignation or removal from district or removal from office, they shall be filled in accordance with the Statute (MCL 46.412).
- 1.4 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.
- 1.5 Compensation:** Each member of the Board of Commissioners shall receive \$8,331 per year salary. The Board of Commissioners chairperson and Finance and Personnel Chairperson shall receive an additional amount of \$1,250 annually. Per diem payments for all boards, committees and commissions will be the same rates as per diems for the Board of Commissioners, unless other compensation is approved by the Board of Commissioners. A Commissioner shall receive a total of not more than one per diem for committee meetings held during the a.m. or the p.m. of a business day, (a.m. being defined as the period from 8:00 a.m. to 12:00 p.m. and p.m. being defined as the period from 1:00 p.m. to 5:00 p.m.) regardless of the number of different committee meetings attended. If the committee meeting lasts more than four (4) hours, the full day per diem is allowed. However, any Commissioner authorized and attending any meetings which begins after 5:00 p.m. shall be entitled to per diem compensation, regardless of whether any meetings were compensated for during the course of that business day. Alternate members of committees will be eligible for per diem for meetings attended even when a full committee was in attendance. Elected officials shall receive a reimbursement for all approved travel on behalf of the County at a rate that is determined by the IRS. Also, each member of the Board of Commissioners shall be entitled to a daily per diem, subject to the provisions above, for attendance at conventions, seminars and meetings pertaining to business of Montcalm County as shall be authorized by the Board of Commissioners. All requests for per diem payment and mileage reimbursement must be submitted to the County Controller/Administrator within thirty (30) days after the end of the month in which the meeting or other event was held.

- 1.6 Officers, Agents and Employees:** The Board shall elect in odd numbered years a Chairperson to serve a two year term. The Board shall elect at its first meeting of each year a Vice Chairperson, and may appoint at such other times other representatives, agents and employees as necessary and desirable.
- 1.7 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 actions, decision or endeavor on behalf of or in lieu of Board action.
- 1.8 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.
- 1.9 Committees:** The Board may create such standing and special committees as deemed necessary to accomplish the work of the Board.

ARTICLE II OFFICERS AND EMPLOYEES

- 2.1 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 meetings of the Board.
 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, including Board minutes.
 4. Certify the tax rolls.
 5. Decide and sign denials of requests for public records under the Freedom of Information Act.
 6. Serve on intracounty and intercounty Drain Boards.
 7. Serve as Chief Executive of Emergency Services during a declared state of emergency.

Other duties and powers of the Chairperson shall include the following:

1. Serve ex officio on all Board Committees.
2. With the advice and consent of the Board, appoint members to all standing and special committees on the Board, and appoint the Chairperson of each committee.
3. 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.
4. Presides over the Committee of the Whole except where otherwise designated.
5. Shall decide all questions on procedure under the Board rules of procedure and general parliamentary practices, subject to appeal by the Board.
6. Shall vote on all questions taken by ayes and nays except on appeal from his/her own decision.
7. May refer any communication to a standing committee.
8. Shall be the ceremonial representative of the County.
9. Shall perform other such duties as specified by law, the Board, or by custom.

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. Preside at meetings in the absence of the Chairperson, or when the Chairperson desires to address the Board.
2. Sign all contracts, bonds, and other documents requiring the signature of the Chairperson when the Chairperson is unable to do so because of illness or other emergency which, in the opinion of the Board, prevents the Chairperson from performing such functions of his/her office.
3. Perform other duties as may be from time to time assigned by the Chairperson or by the Board.
4. In the absence of the Chairperson, assume the duties and responsibilities of the Chairperson.
5. Serve on Intra County Drain Board when County Commissioner member 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 account 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 of ordinances and other 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 appointments to the Elections Scheduling Committee and the Board of Canvassers.

2.4 **County Controller/Administrator:** The County Controller/Administrator, in addition to other responsibilities assigned by the Board, shall provide general staff assistance to the Board and its Committees.

ARTICLE III

APPOINTMENTS TO BOARDS AND COMMISSIONS

3.1 At least sixty (60) days prior to the expiration of any appointee's term on any board, commission, or agency, a list shall be furnished by the County Controller/Administrator to the Board setting forth the name of the person(s) whose term(s) are expiring and the expiration date of such terms.

3.2 The Finance and Personnel Committee shall, at any regular or special meeting of the Board held at least two (2) weeks prior to the appointment of any member(s) to any Board, Commission, or Agency, compile and maintain a list of qualified nominees for appointment, listing them in numerical order according to committee preference. Additional nominees may be submitted from the floor for appointment, provided a resume is submitted prior to the time of appointment. A majority vote of the members elect shall appoint unless otherwise provided by law. In the event that a third ballot fails

to produce a majority vote, the two (2) highest candidates shall be balloted upon until a majority is obtained.

- 3.3 Compensation for such appointive positions shall be set annually by the Board of Commissioners.
- 3.4 No commissioner or appointee of the Board shall receive per diem pay without a quorum of the committee, commission, or board present at a scheduled meeting, unless approved by the Chairperson of the Board.

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 adjourned date of such meeting, as shall be provided by these rules or by law, including the election of a Chairperson and the 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 at 1:30 p.m. on scheduled days as determined at the organizational meetings, except when otherwise set by adjournment or by law.
- 4.3 **Special Meetings:** Special meetings shall be held, when requested in writing by one-third of the Board submitted to the County Clerk, no less than ten (10) days prior to the special meeting date. Upon receipt of such a request, the County Clerk shall immediately personally deliver a notice of special meeting to every Board member, or leave such notice at the place of residence of each member, or by mailing a copy of the notice to the members' post office address by certified mail with return receipt requested, at least ten (10) days prior to the date of such meeting. Adjourned meetings at the call of the Chair shall not be considered a special meeting. The attendance by any commissioner at a special meeting waives that commissioner's objection to notice of the meeting. A special meeting of the Board of Commissioners shall be held when called by the Chairperson specifying the time, place, and purpose of such meeting. The Clerk shall immediately give notice to each of the members and post as required by the Open Meetings Act at least eighteen (18) hours before the time of such meeting.
- 4.4 **Committee of the Whole Meetings:** Committee of the whole meetings shall be held for the purpose of discussing and deliberating on issues before final action by the Board at a regular or special meeting. A committee of the whole meeting may be called by the Chairman of the Board by providing eighteen (18) hour public notice. In cases where the minimum eighteen (18) hour notice is given, commissioners will be notified of the meeting by telephone.

4.5 Emergency Meetings: The Chairperson may at any time, upon a finding and proclamation of a peacetime or civil disaster or an attack by a foreign enemy, call a special session of the Board of Commissioners to meet at such time and manner as may be deemed appropriate, and give notice of such meeting to the members of the Board by the best available means of communication.

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 absence the Vice Chairperson, in accordance with Robert’s Rules of Order, except as modified by State statute or these rules.

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 accepted to by a majority of the Board:

1. Call to Order
2. Pledge of Allegiance
3. Prayer
4. Roll Call
5. Reading and Correction/Approval of Minutes
6. Agenda Approval
7. Public Comments
8. Correspondence
9. Committee Reports
10. New Business
11. Old Business
12. Public Comments
13. Adjournment

5.4 Agenda: The County Controller/Administrator shall prepare the agenda for all regular Board Meetings. The County Controller/Administrator shall insure that the agendas and related information be delivered to all Commissioners at least three (3) days prior to a scheduled Board Meeting.

5.5 Vote Required for Board Action:

1. Three-fifths (3/5) vote of members elected and serving to alter township boundaries.
2. Two-thirds (2/3) vote of members elected and serving:

- a. 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 a detrimental financial effect on the litigation or settlement position of the public body. In addition, a meeting may be closed by two-thirds (2/3) vote to review an employment application when requested by a candidate, and to consider material exempt from discussion or disclosure by state or federal statute.
 - b. Move the County seat.
 - c. Receive and allow accounts wholly accrued, in the October session.
 - d. To select building sites, erect County buildings, to abolish or revise distinction between county and township property.
 - e. Authorize the making out of a new tax roll.
 - f. Authorize township borrowing to build or repair roads and bridges.
 - g. Care and management of County property and business where no other provision shall be made.
 - h. Establish a Department of Public Works.
3. Majority vote of members elected and serving:
- a. Final passage or adoption of a resolution.
 - b. Allowance of a claim against the County.
4. Majority vote of members present - all other questions which may arise at a meeting. A unanimous vote of all the members shall be deemed a roll call vote.
- 5.6** The Chairperson shall entertain a call for roll call vote made by any member present or 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; but in all cases the member who shall first address the Chair shall speak first.
- 5.8** No member shall speak more than twice on the same question without permission of the Board, nor more than once until every member who chooses to speak have spoken, except the Chairperson of the committee upon matters reported by him.
- 5.9** 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 chair.

- 5.10** 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 chair's call to order. If there is no appeal, the ruling of the chair shall be final.
- 5.11** When any question is under debate, no motion shall be received but the following motions, and they shall have precedence in the following order:
- a. To adjourn
 - b. To rise to a point of order
 - c. To table
 - d. To call for the previous question
 - e. To limit or extend, limits of debate
 - f. To postpone to a certain day
 - g. To commit or refer, or re-commit, to a committee
 - h. To amend
 - i. To postpone indefinitely
- 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 elected.
- 5.13** The Board shall consider at two separate meetings the adoption or changes to Ordinances and Pension amendments, or any other actions as required by law.
- 5.14** Members of the public shall be encouraged to attend all open meetings and address the Commission at the meeting. To protect the rights of all people attending such meetings and to maintain reasonable order, the following rules are established, in accordance with P.A. 267 (1976); as amended.
1. All public meetings of the Board of Commissioners shall be posted in the Administrative Building, 211 W. Main St., Stanton, on an announcement board designated for this purpose, in accordance with The Open Meetings Act of 1976, as amended.
 2. No person shall be excluded from public meeting except for a breach of peace committed at that meeting. However, members of the public which 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. Members of the public may address the Board after receiving recognition from the Chair and giving his or her name. Public comments shall be limited to a period set aside at each meeting for such purpose, and each speaker shall have the floor for no more than three (3) minutes unless the Board grants an extension.

- a) **Manner of Addressing the Board:** Each person addressing the Board shall stand and will give his/her name, address (including city or township) in an audible tone of voice for the record. All remarks shall be addressed to the Board as a body. No person, other than members of the Board and the person recognized, shall be permitted to enter into any discussion, either directly or through the members of the Board. No questions shall be asked of the Board members, except through the Chairman.
 - b) **Personal and Slanderous Remarks:** Any person making personal, impertinent or slanderous remarks, or who shall become boisterous while addressing the Board, may be requested to leave.
 - c) **Decorum:** Any person(s) speaking without being recognized by the Chairman will be considered out of order. Any person(s) who is/are out of order, will be asked to remain silent. Any person(s) speaking about subjects not germane, acting in an offensive manner or disrupting the meeting will be considered out of order.
 - d) **Expulsion:** Any person(s) who are found to be out of order will be asked to follow the proper decorum. If improper decorum is continued, the Chairman may ask this person or persons to leave the building. If this person or persons chooses to remain, the Chairman may secure a Sheriff Deputy who shall enter the meeting and request that this person or persons leave the building. If the person or persons do not leave, then the Sheriff Deputy, at the discretion of the Chairman, will remove the person(s) found to be out of order.
 - e) In event of a group of 5 or more people, in support or against the same subject, attend a meeting; the group shall appoint a spokesperson to address the Board. The spokesperson for the group will be given a time limit of five minutes.
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 County Controller/Administrator no less than seven (7) days prior to the scheduled meeting.

ARTICLE VI COMMITTEES

6.1 There shall be five (5) standing committees of the Board:

Finance and Personnel Committee
 Collective Bargaining Committee
 Health and Human Services Committee
 Law Enforcement and Courts Committee
 Economic Development and Physical Resources Committee

6.2 The general duties of each committee shall be making recommendations to the Board on issues within its area of responsibility, act as liaison between the Board and departments and agencies within its area of responsibility and coordinate interrelated activities.

6.3 **Specific Duties of the Finance and Personnel Committee** (to consist of four (4) members plus one alternate member - the Committee Chairperson and preferably Representatives of all other standing committees); (with the exception of the collective bargaining committee).

1. Coordinate preparation, review, and recommend the Annual Budget for Board approval.
2. Make recommendations on budget changes requested throughout the fiscal year.
3. Monitor County expenditures; audit bills bi-monthly with assistance of the Board.
4. Make recommendations with regard to interviewing and hiring department heads.
5. Make recommendations with regard to employee relations, including personnel policies, employee negotiations, fringe benefits, job classifications, salaries.
6. Make recommendations to the County Board in matters related to finance and personnel.
7. Recommend appointments by the Board to the following committee(s): Special Elections Committee.
8. Liaison with the following offices: County Clerk, County Treasurer, County Controller/Administrator, Equalization Department.

6.4 **Specific Duties of the Collective Bargaining Committee:** (to consist of the Chairman and the Vice Chairman of the Board of Commissioners, a Representative of the Finance and Personnel Committee and one other Board member plus two alternate member).

1. Meet with bargaining units of County employees for the purpose of Collective Bargaining.
2. Represent the Employer in matters of Collective Bargaining.
3. Recommend action to the Board relative to Collective Bargaining contracts or other bargained agreements.
4. Act as the grievance hearing committee unless specific contracts or agreements specify a different hearing procedure.
5. Sign collective bargaining agreements on behalf of the Board.

6.5 Specific Duties of the Health and Human Services Committee (to consist of four (4) members plus one alternate member).

1. Recommend policies to the Board related to areas of Health and Human Services.
2. Act as liaison with Emergency Medical Services, Commission on Aging, Mid-Michigan District Health Department, Montcalm Center for Behavioral Health, Department of Human Services, 8-CAP, Inc., Cooperative Extension Service, Emergency Manager, and Chief Medical Examiner.
3. Recommend appointments by the Board to the appropriate agencies listed above and to the following: Area Agency on Aging, Substance Abuse Advisory Council, CAPC Board of Directors, 8-CAP Governing Board, Extension Advisory Council, Housing Commission, Human Services Coalition Committee, Emergency Management Advisory Council, Medical Control Authority, Mid-Michigan District Health Department Board of Directors, Ionia-Montcalm Department of Human Services, Emergency Management Advisory Council, and Library Board
4. Coordinate interrelated activities of Health and Human Services Departments and Agencies.

6.6 Specific Duties of the Law Enforcement and Courts Committee (to consist of four (4) members plus one alternate member).

1. Recommend policies to the Board related to areas of Law Enforcement and Courts.
2. Act as liaison with the Circuit, District, Probate Court Systems, Sheriff, Prosecuting Attorney, Montcalm County Central Dispatch Authority, Animal Control, and Friend of the Court.
3. Recommend appointments by the Board to appropriate agencies listed above and to the following: Montcalm County Central Dispatch Authority, Prison Liaison Committee, Ionia & Montcalm Community Corrections Advisory Board, Lakeview Airport Joint Zoning Board, and Jury Board.
4. Coordinate interrelated activities of the Law Enforcement and Courts area.

6.7 Economic Development and Physical Resources Committee (to consist of four (4) members plus one alternate member).

1. Recommend policies related to areas of Economic Development and Physical Resources.
2. Act as liaison with the Drain Commission, Building Department, Maintenance Department, Register of Deeds, Parks and Recreation Commission, Road Commission, Conservation District, West Michigan Regional Planning Commission, Building Authority, Solid Waste Management Committee, Timberland RC&D, County Planning Commission, Brownfield Authority, and Montcalm Alliance

3. Recommend appointments by the Board to the appropriate agencies listed above and to the following: Survey and Remonumentation Committee, Building Board of Appeals, Economic Development Corporation, M.T.A. Representative Liaison, Solid Waste Management Committee, Montcalm Alliance, Montcalm Land Use Coalition, CIS Oversight Committee, Conservation District, Parks and Recreation Commission, WMRPC, TIFA, and LFDA - Greenville.
4. Coordinate interrelated activities of departments and agencies of the Physical Resources and Economic Development area.
5. Recommend office space allocations in County buildings.
6. Recommend policies to the Board related to purchasing, disposal and inventory of County property.
7. Recommend alterations and additions to County buildings, and grounds and oversee such construction, including procurement and recommendations on bids.
8. Evaluate and recommend short and long term planning needs regarding capitol improvements, office space needs and storage space needs.
9. Make recommendations related to major capital outlays.