

CLINTON COUNTY BY-LAWS AND RULES OF PROCEDURE

ARTICLE I BOARD ORGANIZATION

- 1.1 **BOARD MEMBERSHIP:** The Board of Commissioners shall consist of seven (7) members elected from single member districts apportioned on the basis of population as provided by law.
- 1.2 **TERM OF COMMISSIONERS:** The term of each Commissioner shall be for two years and shall be concurrent with that of State Representative.
- 1.3 **VACANCIES IN OFFICE:** When a vacancy occurs in the office of Commissioner, either by death, resignation or removal from the district or removal from office, the vacancy shall be filled in accordance with the Statute (MCL 46.412).
- 1.4 **REAPPORTIONMENT:** The Board shall be reapportioned, in the manner provided by law, within sixty (60) days after the publication of the latest United States Official Decennial Census figures.
- 1.5 **COMPENSATION:** Compensation for the Board of Commissioners shall be set **BIANNUALLY** by the Board. Changes in compensation shall become effective only at the beginning of the County fiscal year.
- 1.6 **PER DIEM:** A Commissioner shall receive a total of not more than one per diem for meetings held during the course of a business day, (being defined as the period from 8:00 a.m. to 5:00 p.m.) regardless of the number of different meetings attended. However, any Commissioner authorized and attending any meeting 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.

The Per Diem rate for Commissioners shall be \$45 per half business day and \$80 per full business day.

Commissioners shall be paid per diem for meetings of County boards, agencies, committees, and subcommittees for which the Board or the Chairperson has made the appointment. Commissioners shall also receive per diem for attendance at Association of Counties meetings, committees and subcommittees. Per Diem may also be paid for other county-related functions with prior approval of the Chairperson of the Board.
- 1.7 **OFFICERS, AGENTS AND EMPLOYEES:** The Board shall elect at its first meetings of each year a Chairperson and a Vice-Chairperson and may appoint at such other times such other representatives, agents and employees as necessary or desirable.
- 1.8 **POWER AND DUTIES:** The Board shall have such powers and duties as shall from time to time be provided by law.

- 1.9 INDEMNIFICATION: The County shall indemnify and save harmless all Board Members against expenses actually and necessarily incurred by 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 in such action, suit or proceeding to be liable for negligence or misconduct in the performance of duty 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 the rights to which a member may be entitled.
- 1.10 COMMITTEES: The Board may create such standing and special committees 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 duties and powers of the Chairperson shall include the following:
1. The Chairperson shall prepare the agenda and preside at all meetings of the Board.
 2. The Chairperson shall decide all questions on procedure under the Board rules of procedure and general parliamentary practices, subject to appeal to the Board.
 3. The Chairperson shall vote on all questions taken by ayes and nays except on appeal from his own decision.
 4. The Chairperson shall have the power to administer an oath to any person concerning any matter submitted to the Board or connected with the discharge of its duties, to issue subpoenas for witnesses and to compel their attendance as provided by law.
 5. The Chairperson shall, with the confirmation of the Board, appoint the members of all standing and special committees of the Board, and appoint the Chairperson of each committee.
 6. The Chairperson may refer any communication to a standing committee.
 7. The Chairperson shall appoint, with confirmation of the Board, representatives for attendance at state and national conferences or service on state and national committees.
 8. The Chairperson shall serve as an ex-officio member of all committee and sub-committees of the Board.
 9. The Chairperson shall sign all contracts, bonds and other documents requiring the signature of the Chairperson.
 10. The Chairperson shall be the ceremonial representative of the County and shall perform such other duties as specified by law, the Board or by custom.

11. The Chairperson or the Vice-Chairperson when acting in the stead of the Chairperson, shall have the right to name any member to perform the duties of the Chair, with all the powers of the presiding officer.
 12. The Chairperson shall, with the concurrence of the Board, make the appointment of Commissioners to serve on the Capitol Area Community Services, Capitol Area Regional Transportation Study Technical Committee (CARTS), Capital Area Michigan Works, Tri County Regional Planning Commission, Tri-County Aging Consortium Administrative Board, Mid-Michigan District Health Department, Community Mental Health Board, Mid-South Substance Abuse Commission, Child Abuse and Neglect Council and other sub-commissions or boards requiring the appointment of Commissioners.
- 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. The Vice-Chairperson shall preside in the absence of the Chairperson.
 2. The Vice-Chairperson shall 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 any other emergency which, in the opinion of the Board, prevents the Chairperson from performing such functions of his office.
 3. The Vice-Chairperson shall perform such other duties as may be from time to time assigned by the Chairperson or by the Board.
 4. In the absence of the Chairperson, the Vice-Chairperson shall assume the duties and responsibilities of the Chairperson.
- 2.3 CLERK: The County Clerk, or Deputy of the Clerk, shall be the Clerk of the Board and 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. The Clerk shall assist and cooperate with the Chairperson in the preparation of the agenda and shall be responsible for its delivery as specified in these rules.
 2. The Clerk or the Clerk's Deputy shall attend all meetings of the Board and shall keep a correct journal of all proceedings, and shall transmit to other governmental agencies certified copies of Board actions as directed.
 3. The Clerk or the Clerk's Deputy shall transmit to the Governor for approval, ordinances and other matters adopted by the Board which, by law, require the Governor's approval or concurrence.
 4. The Clerk shall file all communications addressed to and received by the Board of Commissioners.

5. The Clerk shall maintain a chronological file of all formal resolutions and ordinances acted on favorably by the Board. All such resolutions shall be numbered beginning each fiscal year.
6. The Clerk shall receive and transmit to the Board recommendations of persons for appointments to the County Board of Canvassers.

2.4 COUNTY ADMINISTRATOR: The County 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 The Board of Commissioners make appointments to various Boards and Commissions. Currently, these include:

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| Ag Council | Economic Development Corporation |
| Agricultural Preservation Board | Green Space Commission |
| Board of Canvassers | Historical Commission |
| Brownfield Redevelopment Authority | Human Services Coordinating Council |
| Building Authority | Jury Board |
| Capital Area Community Services(CACS) | Library Board |
| Capital Area Michigan Works! | Local Emergency Planning(LEPC) |
| Capital Area Regional Transportation Study(CARTS) | Medical Examiner |
| Capital Healthcare & Employment Council | Mid-Michigan District Health |
| Central Dispatch Administrative Policy Board | Mid-South Substance Abuse Commission |
| Child Abuse and Neglect Council | MMRMA Risk Management |
| Clinton Area Transit System | Planning Commission |
| Clinton County Economic Alliance | Road Commission |
| Collective Bargaining Committee | Soldier's & Sailor's Relief Commission |
| Community Corrections Advisory Board | Solid Waste Council |
| Community Mental Health | Timberland RC&D Area Council |
| Construction Appeals Board | Tri-County Aging Advisory Council |
| Department of Public Works | Tri-County Regional Planning |
| Department of Human Services Liason | Zoning Board of Appeals |
| Department of Human Services Board | Veterans Trust Fund |

- 3.2 At least sixty (60) days prior to the expiration of any member(s) term on any Board, Commission, or Agency, notification shall be furnished by the County Clerk or designee to the members of the Board of Commissioners overseeing the Board, Commission or Agency, setting forth the name of the person(s) whose term(s) are expiring and the date of expiration of such terms.
- 3.3 The submission of an interested individual(s) for appointment or re-appointment to a Board, Commission or Agency, may be made by a Commissioner at a committee meeting. The committee recommendation shall be added or referred to the Board of Commissioner's monthly meeting. Additional persons may be nominated from the floor for appointment, provided a resume and/or application are 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 highest candidates shall be balloted upon until a majority is obtained.
- 3.4 In recognition of the important contributions made by members of its advisory boards, committees and commissions, and in support of the members of its committees who have volunteered their time and efforts on the County's behalf, the County Board will pay per diem and mileage reimbursement to individuals (excluding staff and commissioners) for the performance of service in any of the above-mentioned boards, committees or commissions at the same rate set for the County Commissioners; unless per diem and mileage reimbursement is prohibited by respective advisory board, committee or commission's governing documents, or individual is otherwise compensated by said advisory board, committee or commission.
- 3.5 No Commissioners 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 MEETINGS:** The Board of Commissioners shall convene for its first meeting with the date set at the December Board of Commissioners meeting. This meeting shall be known as the Organizational Meeting and the Board shall transact such business at 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. The County Clerk shall preside over the organizational meeting until a Chairperson of the Board has been duly elected by a majority vote of the members elect.
- 4.2 **REGULAR MEETINGS:** The Board shall meet in regular session according to the adopted meeting schedule as advertised except when otherwise set by adjournment or by law. Statute requires that the annual meeting be held on the second Tuesday in October. Any meeting which is not on the schedule established at the Organizational meeting shall be special meetings or adjourned sessions of regular meetings, depending on the means and methods used in calling said meeting. Unless the Board otherwise provides, the motion to adjourn any meeting of the Board, whether special or regular, shall mean to adjourn to the next succeeding meeting on the established schedule.

- 4.3 **SPECIAL MEETINGS:** 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 at least eighteen (18) hours before the time of such meeting.
- 4.4 **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 place as may be deemed appropriate, and give notice of such meeting to the members of the Board by the best available means of communications.

ARTICLE V MEETING PROCEDURES

- 5.1 **GENERAL CONDUCT OF MEETINGS:** Meetings of the Board of Commissioners are to be presided over by the Chairperson, or in the absence of the Chairperson, the Vice-Chairperson, in accordance with Mason'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 substantially the following order unless excepted by a majority of the Commissioners:
1. Call to order
 2. Invocation/Moment of Silence
 3. Pledge of Allegiance
 4. Roll Call
 5. Presentation of Minutes
 6. Agenda Approval
 7. Communications
 8. Public Comments
 9. Public Hearings
 10. Reports (Administrator's, Annual, etc.)
 11. Other Business
 12. Committee Reports
 13. Adjournment
- 5.4 **AGENDA:** The agenda for regular Board meetings shall be prepared by the Chairperson with the cooperation and assistance of the County Clerk. The Clerk shall insure that the agendas and related information be delivered to all Commissioners at least three (3) days prior to a scheduled Board meeting. The packet shall include at a minimum: a) the agenda; b) minutes of the previous meeting; c) correspondence to be received at the meeting; d)

committee reports; e) all other reports or documents to be presented, discussed, or acted upon at the meeting.

- 5.5 An item may be added to the agenda at any meeting prior to the closing of the agenda and shall be considered at such meeting or referred to committee, whichever action is deemed appropriate by the Chair, unless upon objection by any member of the Board and by majority vote of the Board that the Board refuse to consider said matter. Motions for consideration of items which are not on the agenda after closing of the agenda may only be considered by unanimous vote of the members present.
- 5.6 No person shall be elected to any office by this Board except by a majority of the members elect.
- 5.7 The final passage or adoption of any measure or resolution, or the allowance of any claim against the County shall be determined by the votes of a majority of the members elect.
- 5.8 A two-thirds (2/3) vote of all the elected members of the Board shall be required for the passage of ordinances, the decision to erect new buildings and to acquire new building sites, and in other instances where indicated by statute, these rules, or Mason's Rules of Order.
- 5.9 A roll call vote shall be taken on the adoption of any ordinance, the adoption or amendment of the budget, or the appropriation or disbursement of funds in excess of \$10,000. A unanimous vote of all the members shall be deemed a roll call vote.
- 5.10 The Chairperson shall entertain a call for roll call vote made by any member present on any question submitted to the Board.
- 5.11 When two or more members seek recognition, the Chairperson shall designate the member who is first to speak; but in all cases the member who shall first address the Chair shall speak first.
- 5.12 Actions of the Standing Committees shall be reported to the Board by the Chairperson of the Committee. No member shall speak more than twice on the same question without leave of the Board, nor more than once until every member who chooses to speak shall have spoken, except the Chairperson of the Committee upon matters reported.
- 5.13 After a motion is stated by the Chair, it shall be deemed to be in possession of the Board, but it may be withdrawn at any time before amendment or decision by the principal, with the consent of the supporting member.

- 5.14 When any question is under debate, no motion shall be received but the following, and they shall have precedence in the order in which they stand arranged:
- a. to adjourn (undebatable)
 - b. to rise to a question or privilege (undebatable)
 - c. to clear the table of all motions (undebatable)
 - d. to lay on the table (undebatable)
 - e. to call for the previous question (undebatable)
 - f. to limit or extend, limits of debate (undebatable)
 - g. to postpone to a certain day (undebatable)
 - h. to commit or refer, or re-commit, to a committee (undebatable)
 - i. to amend (undebatable)
 - j. to postpone indefinitely (undebatable)
- 5.15 All motions to reconsider any vote shall be made on the same or the day following the day on which the vote proposed to be considered was taken - meaning the following day on which the Board of Commissioners have been adjourned to - and all motions to reconsider must be made by the one who was absent when the vote was taken, or by the one who voted the prevailing side. Provided, that when the vote was taken by voice, it shall be in order for any member to move a reconsideration. 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.
- 5.16 At the discretion of the Board Chairperson, all or some of the resolutions or questions before the Board may be combined and acted upon by one vote, provided, however, that any member of the Board may identify specific resolutions or questions which are not to be included in the one vote but which are to be discussed and voted upon separately.
- 5.17 OPEN MEETINGS ACT: In accordance with Act 267 of the Public Acts of 1976, as amended, and other applicable statutes, members of the public are encouraged to attend all open public meetings and to address the public body at that meeting, when appropriate. To protect the rights of all people attending such meetings, and to maintain reasonable order, the following rules are established:
- a) The County Clerk shall post notices of all public meetings of the Board of Commissioners, in accordance with the provisions of Act 267 of the Public Acts of 1976.
 - b) The County Board of Commissioners shall not place any conditions on the attendance of members of the public at an open meeting and no person shall be excluded from a meeting except for a breach of peace committed at that meeting. However, members of the public which intend to attend the open meeting in groups of 25 persons or more shall notify the County Clerk of their intention in order that the Board may make all efforts to secure adequate accommodations.

c) The agendas of all public meetings of the Board of Commissioners shall contain a provision for limited public comment by members of the public in attendance and members of the public may use this time to address the Board. However, no member of the public shall address the Board without first being recognized by the Chairperson, and upon being recognized, the speaker is asked to give his/her identity before proceeding. The right of the speaker to address the Board shall be limited to five (5) minutes without the permission of the Board.

d) 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 Clerk no less than seven (7) days prior to the scheduled meeting.

ARTICLE VI COMMITTEES

- 6.1 There shall be six standing committees of the Board - a Finance Committee, a Personnel Committee, a Building and Grounds Committee, a Human Services Committee, a Physical Resources Committee and a Law and Courts Committee. Each committee will be responsible for making recommendations to the Board on issues within their area of responsibility; for acting as a liaison between certain county departments and agencies; and acting as a vehicle for coordinating activities of various departments and in their program sphere, especially where activities are interrelated or where issues arise of common concern to all.
- 6.2 The agenda for scheduled Committee meetings shall be prepared by the County Administrator with assistance from the Committee Chair. The Administrator shall strive to deliver the agenda and related information to all Committee Members at least (2) two days prior to the scheduled Committee meeting. The meeting packet shall include at a minimum: a) the agenda; b) correspondence to be received at the meeting; c) committee agenda request form or appropriate memo; d) all other reports or documents to be included in the meeting packets must be delivered to the Administration Office one week in advance of the scheduled Committee meeting. Exceptions will only be allowed in extreme emergencies.
- 6.3 Committees which by these rules have the general supervision of a County Department funded by the General Fund are authorized to approve changes within the line items of the Departments' budget (excluding salary line items) and to approve equipment purchases not specified in the budget up to a maximum expenditure of \$2,500. Any such request in excess of \$2,500, or any request requiring the addition of funds to the budget shall be approved in advance by the Board of Commissioners.
- 6.4 Meetings of a standing or special committee may be convened by its chairperson or by a majority of its members at any time upon reasonable notice to its members and to the Chairperson of the Board, provided such notice complies with the Open Meetings Act. A quorum shall consist of not less than one-half of a committee's members. In order for a committee to move a matter to the Board of Commissioners for consideration, a majority of the Committee's voting members must vote in the affirmative.

- 6.5 At the discretion of the Committee Chairperson, all or some of the resolutions or questions before the Committee may be combined and acted upon by one vote, provided, however, that any member of the Committee may identify specific resolutions or questions which are not to be included in the one vote but which are to be discussed and voted upon separately.

OUTLINE OF DUTIES

A. FINANCE COMMITTEE - 6 MEMBERS

1. Coordinate preparation, review and recommend annual budget for Board approval. Departments and agencies requesting county funds will make their presentations to the Finance Committee; however, if another Committee has liaison and salary recommendation responsibilities, that Committee shall be invited to the Finance meeting at which the presentation is made.
2. Make recommendations with regard to additional appropriations requested during the course of a fiscal year.
3. General monitoring of county expenditures, monthly audit of bills as required by statute.
4. Make recommendations with regards to equalization of tax assessment throughout the county.
5. Liaison with the following offices: County Clerk, County Treasurer, Equalization, Administrative Services, MIS/GIS and Central Dispatch.
6. Make recommendations to the Board with regard to federal and state grants.

B. PERSONNEL COMMITTEE - 6 MEMBERS

1. Make recommendations with regard to employee relations in general, but specifically including personnel policies, employee negotiations, fringe benefits, salary classifications and approval of salaries of unclassified department heads, managers and elected officials, and non-departmental classified employees.
2. Make recommendations with regard to matters of concern to the County Board in the general areas of personnel.
3. The County Administrator, along with the Chair of the Personnel Committee and the Personnel Director in an advisory capacity, shall evaluate and review the performance of the non-elected department heads.
4. Make recommendations of persons for appointment by the Board to the Board of Canvassers.

C. BUILDING AND GROUNDS COMMITTEE - 3 MEMBERS

1. Make recommendations with regard to allocation of office space among agencies and department for which facilities are provided.
2. Make policy recommendations with regard to the purchase, disposal and inventory of county equipment.
3. Make policy recommendations with regard to the maintenance of county grounds, buildings and properties.
4. Make policy recommendations with regard to alteration of, and additions to, county buildings and grounds, and to generally oversee such construction, including procurement and recommendations on bids, unless a project necessitates the activation of the Building Committee.
5. Make recommendations to the County Board in the general areas of buildings, maintenance and major capital outlays.
6. Liaison with the following offices: Maintenance.
7. Annually develop for Board approval a budget for the Public Improvement Fund and monitor expenditures.

D. HUMAN SERVICES COMMITTEE - 3 MEMBERS

1. Make policy recommendations with regard to matters of concern to the Board in the areas of Human Services.
2. Liaison with the county-funded Human Services Offices and agencies, including Department of Human Services, Mid-Michigan District Health Department, Tri-County Aging Advisory Council, Community Mental Health Board and the Mid-South Substance Abuse Commission.
3. Make recommendations of persons for appointments by the Board to the agencies listed above and to the following: County Library Board, Tri-County Aging Advisory Council.
4. Generally act as a vehicle for coordinating activities of various agencies in the Human Services area, especially where activities are interrelated or where issues arise of common interest to all.

E. PHYSICAL RESOURCES COMMITTEE - 3 MEMBERS

1. Make recommendations with regard to matters of concern to the County Board in the areas of Physical Resources.
2. Liaison with the Physical Resources offices and agencies including: Drain Commissioner, Dept. of Public Works, Register of Deeds, Community Development, Tri-County Regional Planning Commission, County Road Commission, Conservation District, MSU Extension, Economic Development Corporation, and Waste Management.
3. Make recommendations of persons for appointment by the County Board to appropriate agencies listed above and to the following: Zoning Board of Appeals and Construction Appeals Board.
4. Generally act as a vehicle for coordinating the activities of these various departments and agencies in the Physical Resource areas, especially where activities are interrelated or where issues arise of common concern to all.

F. LAW AND COURTS COMMITTEE - 3 MEMBERS

1. Make recommendations with regard to matters of interest or concern to the County Board in the areas of Law and Courts.
2. Liaison with county-funded Court Offices, including the Circuit/Family, District and Probate Court Systems, Sheriff Dept., Prosecuting Attorney, Medical Examiner, and Community Corrections.
3. Generally act as a vehicle for coordinating activities of the various departments in the Criminal Justice areas, especially when activities are interrelated or where issues arise of common concern to all.