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MICHIGAN ASSOCIATION OF COUNTIES

SEPTEMBER 21, 2015

**CLOSED SESSIONS
UNDER THE OPEN MEETINGS ACT**

ROBERT'S RULES OF ORDER

BOARD RULES

Presented By:

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CORRECT PROCEDURES FOR CLOSED SESSIONS

I. PURPOSE OF OMA

The Open Meetings Act (“OMA”), MCL 15.261 *et seq.*, Public Act 267 of 1976, as amended, effective March 31, 1977, was enacted to:

- require certain meetings of certain public bodies to be open to the public
- require notice of meetings
- require keeping of minutes of meetings
- provide for enforcement
- provide for invalidation of governmental decisions under certain circumstances
- to provide penalties

II. DEFINITIONS

A. “Meeting” means the convening of a public body, at which a quorum is present for the purpose of deliberating toward or rendering a decision on a public policy. MCL 15.262(b). To constitute a “meeting” under the OMA, the following elements must be present: (1) a quorum, and (2) deliberation or rendering of a decision, (3) on a matter of public policy. *Ryant v Cleveland Twp*, 239 Mich App 430 (2000). A “social or chance gathering or conference” of members of a public body, during which members do not engage in deliberations or render decisions, is not a “meeting” under the OMA. *Id.*; MCL 15.263(10).

B. “Closed session” means a meeting or part of a meeting of a public body that is closed to the public. MCL 15.262(c). A closed session may only be had for the purposes provided by statute. MCL 15.268. Closed session purposes are strictly construed by the Courts. *Booth Newspapers, Inc v U of Mich*, 444 Mich 211 (1992).

III. CLOSED SESSIONS

A. Purposes. A public body may meet in closed session for deliberations (not decisions) only for certain enumerated reasons as set forth in MCL 15.268. The meeting agenda should include each closed session as a separate agenda item, showing the reason for the closed session. The closed session purposes available for use by public bodies include:

1. Personnel. To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, employee, staff member, or individual agent, **but only if the named person requests a closed hearing**. MCL 15.268(a).

An employee requesting a closed hearing may rescind the request at any time, in which case the matter at issue shall be considered after the rescission only in open sessions.

2. Labor Negotiations. For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if either negotiating party requests a closed hearing. MCL 15.268(c).

3. Real Property. To consider the **purchase or lease** of real property up to the time an option to purchase or lease that real property is obtained. MCL 15.268(d).

4. Pending Litigation. To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental effect on the litigating or settlement position of the public body. MCL 15.268(e); *Manning v City of East Tawas*, 234 Mich App 244 (1999).

5. Employment or Appointment to Public Office. To review and consider the contents of an application for employment or appointment to a public office **if the candidate requests that the application remain confidential**. However, **all interviews** by a public body for employment or appointment to a public office (except university president) shall be held in an open meeting. MCL 15.268(f).

6. Exempt Material. To consider material exempt from discussion or disclosure by state or federal statute. MCL 15.268(h). This includes discussion of information or records subject to the **attorney-client privilege**, which material is exempt from disclosure under the Freedom of Information Act. See MCL 15.243(1)(g).

Communications and notes within a public body or between public bodies of an advisory nature, which may be exempt from disclosure under FOIA, MCL 15.243(1)(m), **cannot** be discussed in a closed session, because this FOIA exemption expressly states that it does not constitute an exemption from the OMA. OAG, 1979-1980, No. 5608, p 496 (December 17, 1979).

B. Roll Call Vote. Upon a two-thirds roll call vote of the members of a public body elected or appointed and serving, a public body may meet in closed session for any of the following reasons:

1. To consider the **purchase or lease** of real property up to the time an option to purchase or lease that real property is obtained. [Section 8(d)][not the sale of real estate owned by the public body].
2. To consult with its attorneys regarding trial or settlement

strategy in connection with **specific pending litigation**, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body. [Section 8(e)].¹

3. To review and consider the contents of an **application** for employment or appointment to a public office **if the candidate requests** that the application remain confidential. All interviews of a public body for employment or appointment to a public office shall be held in an open meeting pursuant to this Act except as otherwise provided in this subdivision. [Section 8(f)]
4. To consider material exempt from discussion or disclosure by State or Federal statute. [Section 8(h)]. Section 8(h) has been interpreted to permit a public body to hold a closed session for consideration of a **written legal opinion** within the attorney-client privilege, **but** a closed session may **not** be held for consideration **of an oral opinion**. [*Booth Newspapers v Wyoming*, 168 Mich App 459 (1988)].

C. Closed sessions may also be held by public bodies for the following reasons without a two-thirds roll call vote:

1. To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against or to consider a periodic personnel evaluation of, a public officer, employee, staff member or individual agent, **if the named person requests a closed hearing**. A person requesting a closed hearing may rescind the request at any time, in which case the matter at issue shall be considered thereafter only in open sessions. [Section 8(a)].
2. For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement when either negotiating party requests a closed hearing. [Section 8(c)].²

¹The county board of commissioners' discussions regarding strategy or settlement of grievance arbitrations falls within this exception. See *Michigan Millers Mutual Ins Co v Bronson Plating Co*, 445 Mich 558 (1994); *People v Whitney*, 228 Mich App 230 (1998).

²Section 8(c) has been interpreted to permit closed strategy sessions only when negotiation of a labor agreement is in progress or about to commence. *Wexford Prosecutor v Pranger*, 83 Mich App 197 (1978).

A roll call vote and the purpose or purposes for calling the closed session is required to be entered into the minutes of the meeting at which the vote is taken. During the closed session, a separate set of minutes is required to be taken.³ Any vote which is taken on a matter discussed in closed session should be made during the regular meeting.⁴ The minutes are required to be retained by the clerk of the public body. However, they are not to be made available to the public and shall only be disclosed as required by a civil action.⁵ The minutes are permitted to be destroyed one year and one day after approval of the minutes of the regular meeting at which the closed session was approved. A public body may call a second closed meeting to approve the minutes of a closed session to ensure they are not disseminated to the public. (Mich OAG 6365, 1986).

D. Minutes. Each public body is required to keep minutes of each meeting, whether closed or open, showing the date, time, place, members present, members absent and any decisions made. The minutes are required to include all roll call votes taken at the meeting. Corrections to minutes of public meetings are required to be made not later than the next meeting after the meeting to which the minutes refer. For example, if a meeting was held on January 5, and the next meeting was held on February 5, corrections are required to be made at the February 5 meeting. In addition, the corrected minutes are required to be made available no later than the next meeting after the corrections. Thus, in the above example, if after the February 5 meeting, the next meeting is March 5, the corrected minutes must be available on March 5. The corrected minutes must show both the original entry and the correction. Minutes are public records open to public inspection. They are required to be available at the address designated on posted notices. Copies of minutes are required to be made available to the public at the reasonable estimated cost for printing or copying. Proposed minutes of open meetings shall be available for public inspection within 8 business days after the meeting to which the minutes refer. Approved minutes are required to be available for public inspection within 5 business days after the meeting at which the minutes are approved by the public body.

The clerk may furnish the minutes of a closed session to a member of the public body for inspection and copying. However, a public official who disseminates closed

³Deficiencies in the minutes do not provide grounds for invalidating action taken by a public body going into closed session. The board could reenact the decision to meet in closed session when alerted to a deficiency in the minutes. *Wills v Deerfield Township*, 257 Mich App 541; 669 NW2d 2003).

⁴Actual decision must be reflected in the open session minutes. *Citizens for Public Accountability & Responsible Development v Northville Charter Twp Bd of Trustees*, 2011 WL 2184257 (Mich App, May 26, 2011).

⁵Minutes of a closed session of a public body are exempt from disclosure under the Freedom of Information Act. *Local Area Watch v City of Grand Rapids*, 262 Mich App 136; 683 NW2d 745 (2004).

session minutes to the public in violation of the OMA risks criminal prosecution and civil penalties. OAG 1999-2000, No. 7061, p 144 (August 31, 2000).

If a tape-recording of the closed session is made, it becomes part of the minutes of the closed session **required to be filed** with the clerk for retention. *Kitchen v Ferndale City Council*, 253 Mich App 115 (2002).

E. Other Persons. The public body may include officers, employees, and private citizens necessary to assist the public body in its closed session deliberations. OAG 1977-1978, No. 5183, p 21 (March 8, 1977).

IV. INTENTIONAL VIOLATIONS

1. Criminal Penalties. A public official who intentionally violates the OMA is guilty of a misdemeanor punishable by a fine of not more than \$1,000.00. MCL 15.272(1). A public official who is convicted of intentionally violating a provision of the OMA for a second time within the same term shall be guilty of a misdemeanor and shall be fined not more than \$2,000.00, or imprisoned for not more than 1 year, or both. MCL 15.272(2).

2. Civil Damages. A public official who intentionally violates the OMA shall be personally liable in a civil action for actual and exemplary damages of not more than \$500.00 total, plus courts costs and actual attorney fees to a person or group of persons bringing the action. MCL 15.273(1).

A civil action for damages shall be commenced within 180 days after the date of the violation which gives rise to the cause of action. MCL 15.273(2); *Rasch v City of East Jordan*, 141 Mich App 336; 367 NW2d 856 (1985).

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HIGHLIGHTS FOR USING ROBERT'S RULES OF ORDER

ROBERTS RULES CHEAT SHEET

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Adjourn	"I move that we adjourn"	No	Yes	No	No	Majority
Recess	"I move that we recess until..."	No	Yes	No	Yes	Majority
Complain about noise, room temp., etc.	"Point of privilege"	Yes	No	No	No	Chair Decides
Suspend further consideration of something	"I move that we table it"	No	Yes	No	No	Majority
End debate	"I move the previous question"	No	Yes	No	No	2/3
Postpone consideration of something	"I move we postpone this matter until..."	No	Yes	Yes	Yes	Majority
Amend a motion	"I move that this motion be amended by..."	No	Yes	Yes	Yes	Majority
Introduce business (a primary motion)	"I move that..."	No	Yes	Yes	Yes	Majority

The above listed motions and points are listed in established order of precedence. When any one of them is pending, you may not introduce another that is listed below, but you may introduce another that is listed above it.

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Object to procedure or personal affront	"Point of order"	Yes	No	No	No	Chair decides
Request information	"Point of information"	Yes	No	No	No	None
Ask for vote by actual count to verify voice vote	"I call for a division of the house"	Must be done before new motion	No	No	No	None unless someone objects
Object to considering some undiplomatic or improper matter	"I object to consideration of this question"	Yes	No	No	No	2/3
Take up matter previously tabled	"I move we take from the table..."	Yes	Yes	No	No	Majority
Reconsider something already disposed of	"I move we now (or later) reconsider our action relative to..."	Yes	Yes	Only if original motion was debatable	No	Majority
Consider something out of its scheduled order	"I move we suspend the rules and consider..."	No	Yes	No	No	2/3
Vote on a ruling by the Chair	"I appeal the Chair's decision"	Yes	Yes	Yes	No	Majority

The motions, points and proposals listed above have no established order of preference; any of them may be introduced at any time except when meeting is considering one of the top three matters listed from the first chart (Motion to Adjourn, Recess or Point of Privilege).

PROCEDURE FOR HANDLING A MAIN MOTION

NOTE: Nothing goes to discussion without a motion being on the floor.

Obtaining and assigning the floor

A member raises hand when no one else has the floor

- The chair recognizes the member by name

How the Motion is Brought Before the Assembly

- The member makes the motion: *I move that (or "to") ...* and resumes his seat.
- Another member seconds the motion: *I second the motion* or *I second it* or *second*.
- The chair states the motion: *It is moved and seconded that ... Are you ready for the question?*

Consideration of the Motion

1. Members can debate the motion.
2. Before speaking in debate, members obtain the floor.
3. The maker of the motion has first right to the floor if he claims it properly
4. Debate must be confined to the merits of the motion.
5. Debate can be closed only by order of the assembly (2/3 vote) or by the chair if no one seeks the floor for further debate.

The chair puts the motion to a vote

1. The chair asks: *Are you ready for the question?* If no one rises to claim the floor, the chair proceeds to take the vote.
2. The chair says: *The question is on the adoption of the motion that ... As many as are in favor, say 'Aye'.* (Pause for response.) *Those opposed, say 'Nay'.* (Pause for response.) *Those abstained please say 'Aye'.*

The chair announces the result of the vote.

1. *The ayes have it, the motion carries, and ...* (indicating the effect of the vote) or
2. *The nays have it and the motion fails*

WHEN DEBATING YOUR MOTIONS

1. Listen to the other side
2. Focus on issues, not personalities
3. Avoid questioning motives
4. Be polite

HOW TO ACCOMPLISH WHAT YOU WANT TO DO IN MEETINGS

MAIN MOTION

You want to propose a new idea or action for the group.

- After recognition, make a main motion.
- Member: "Madame Chairman, I move that _____."

AMENDING A MOTION

You want to change some of the wording that is being discussed.

- After recognition, "Madame Chairman, I move that the motion be amended by adding the following words _____."
- After recognition, "Madame Chairman, I move that the motion be amended by striking out the following words _____."
- After recognition, "Madame Chairman, I move that the motion be amended by striking out the following words, _____, and adding in their place the following words _____."

REFER TO A COMMITTEE

You feel that an idea or proposal being discussed needs more study and investigation.

- After recognition, "Madame Chairman, I move that the question be referred to a committee made up of members Smith, Jones and Brown."

POSTPONE DEFINITELY

You want the membership to have more time to consider the question under discussion and you want to postpone it to a definite time or day, and have it come up for further consideration.

- After recognition, "Madame Chairman, I move to postpone the question until _____."

PREVIOUS QUESTION

You think discussion has gone on for too long and you want to stop discussion and vote.

- After recognition, "Madam President, I move the previous question."

LIMIT DEBATE

You think discussion is getting long, but you want to give a reasonable length of time for consideration of the question.

- After recognition, "Madam President, I move to limit discussion to two minutes per speaker."

POSTPONE INDEFINITELY

You want to kill a motion that is being discussed.

- After recognition, "Madam Moderator, I move to postpone the question indefinitely."

POSTPONE INDEFINITELY

You are against a motion just proposed and want to learn who is for and who is against the motion.

- After recognition, "Madame President, I move to postpone the motion indefinitely."

RECESS

You want to take a break for a while.

- After recognition, "Madame Moderator, I move to recess for ten minutes."

ADJOURNMENT

You want the meeting to end.

- After recognition, "Madame Chairman, I move to adjourn."

PERMISSION TO WITHDRAW A MOTION

You have made a motion and after discussion, are sorry you made it.

- After recognition, "Madam President, I ask permission to withdraw my motion."

CALL FOR ORDERS OF THE DAY

At the beginning of the meeting, the agenda was adopted. The chairman is not following the order of the approved agenda.

- Without recognition, "Call for orders of the day."

SUSPENDING THE RULES

The agenda has been approved and as the meeting progressed, it became obvious that an item you are interested in will not come up before adjournment.

- After recognition, "Madam Chairman, I move to suspend the rules and move item 5 to position 2."

POINT OF PERSONAL PRIVILEGE

The noise outside the meeting has become so great that you are having trouble hearing.

- Without recognition, "Point of personal privilege."
- Chairman: "State your point."
- Member: "There is too much noise, I can't hear."

COMMITTEE OF THE WHOLE

You are going to propose a question that is likely to be controversial and you

feel that some of the members will try to kill it by various maneuvers. Also you want to keep out visitors and the press.

- After recognition, "Madame Chairman, I move that we go into a committee of the whole."

POINT OF ORDER

It is obvious that the meeting is not following proper rules.

- Without recognition, "I rise to a point of order," or "Point of order."

POINT OF INFORMATION

You are wondering about some of the facts under discussion, such as the balance in the treasury when expenditures are being discussed.

- Without recognition, "Point of information."

POINT OF PARLIAMENTARY INQUIRY

You are confused about some of the parliamentary rules.

- Without recognition, "Point of parliamentary inquiry."

APPEAL FROM THE DECISION OF THE CHAIR

Without recognition, "I appeal from the decision of the chair."

Rule Classification and Requirements

Class of Rule	Requirements to Adopt	Requirements to Suspend
Charter	Adopted by majority vote or as proved by law or governing authority	Cannot be suspended
Bylaws	Adopted by membership	Cannot be suspended
Special Rules of Order	Previous notice & 2/3 vote, or a majority of entire membership	2/3 Vote
Standing Rules	Majority vote	Can be suspended for session by majority vote during a meeting
Modified Roberts Rules of Order	Adopted in bylaws	2/3 vote

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BOARD RULES

COUNTY BOARD RULES

2015

Adopted _____

September, 2015

Prepared by:

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**RULES OF THE _____ COUNTY BOARD
OF COMMISSIONERS**

2015

I.

BOARD MEETINGS - TIME & PLACE

- A. REGULAR AND ADJOURNED REGULAR MEETINGS.** The Board shall convene for the purpose of holding meetings in the _____ County Courthouse in the City of _____, provided proper notice is given to the public pursuant to the Open Meetings Act, 1976 PA 267, as amended, on the following days, which meetings shall convene at _____ o'clock in the _____, except as otherwise provided in these Rules:

The first business day of each January next succeeding the election of the Board.

LIST DATES OF MEETINGS

The Tuesday immediately following the second Monday of each April, this being the Statutory Equalization meeting. [MCL 211.34]

The _____ in September or October, this being the Statutory Annual Meeting which shall be held in the Courthouse, _____. [MCL 46.1(1); between September 14 and October 16]

All above listed meetings shall be considered regular meetings of the Board of Commissioners. Any other meetings not listed above shall be special meetings or adjourned sessions of the regular meetings, depending upon the means and methods used in calling said meeting. Unless the Board otherwise provides, the motion to "adjourn" any meeting of this Board, whether special or regular, shall mean to adjourn to the next succeeding regular meeting on the list above cited.

- B. SPECIAL MEETINGS.** The Board shall convene for the purpose of holding special meetings only upon the written request of at least one-third (1/3) of the Commissioners, to the County Clerk, specifying the time, date, place and purpose of such meetings. When a special meeting is called by written request, as provided above, the County Clerk shall give notice to each of the Commissioners within ___ hours in one of the manners provided as follows:

- via a confirmed facsimile transmission to the commissioner's residence
- via personal delivery of the notice of the special meeting to the commissioner
- leaving the notice of the special meeting at the residence of the commissioner
- email to address previously supplied for such purpose by the commissioner

The Clerk shall post at least 18 hours before the meeting a Public Notice as required by 1976 PA 267 and 2012 PA 528.

- C. **MEETINGS ON LEGAL HOLIDAYS.** Any regular or adjourned meetings of the Board, which fall upon a legal County holiday, shall automatically be set over to the next secular day following that is not a legal holiday, at the same time and place indicated for the original meeting.

II.

CHAIRPERSON

- A. **ELECTION.** At the first meeting of each calendar year, the Board shall be called to order and shall thereupon elect, from among its members, a Chairperson and Vice-Chairperson, who shall take office and assume their respective duties immediately upon their election; provided that at the first meeting of each newly elected Board, the first order of business shall be the administration of the Constitutional Oath of Office by the County Clerk to the members-elect if this has not previously been accomplished. The concurrence of a majority of all members of the Board shall be necessary for election. The officers shall hold their respective offices for a term of one year, or until their successors are duly elected and qualified as set forth above. [State law requires a two year term for the Chairperson unless Board Rules state a one year term; MCL 46.3(4).]
- B. **DUTIES.** The Chairperson (and during his/her absence the Vice-Chairperson) shall preside at all meetings of the Board, and shall decide all questions of order, subject to appeal to the Board. Upon his/her election, the Chairperson shall appoint all standing and special Committees, subject to the approval by a majority of all members of the Board. The Chairperson shall arbitrate all jurisdictional disputes between Committees, subject to these rules and subject to appeal to the Board. The Chairperson shall be a member ex-officio of each standing Committee and special Committee, except as otherwise provided herein. The Chairperson shall not have the right to vote on any Committee except where he/she is expressly named a member of that Committee.

III.

CLERK OF THE BOARD

- A. **OFFICIAL CLERK AND DUTIES.** The duly elected Clerk of _____ shall be the Clerk to the Board. He/she or his/her duly appointed deputy, shall perform all duties ordinarily pertaining to such office, including, but not limited to, the following duties prescribed by law:

1. To record all the proceedings of the Board.

2. To make regular entries of all Board resolutions and decisions upon all questions.
3. To record the vote of each Commissioner on any ordinance, resolution or appointment or election of an officer, submitted to the Board. Any other question or motion shall be recorded if requested by any member present.
4. To perform such other and further duties as the Board may by resolution, from time to time, require.
5. To perform all posting functions required by the Open Meetings Act, 1976 PA 267, as amended.

IV.

COMMITTEES

- A. STANDING COMMITTEES.** The Board of Commissioners shall have the following standing committees with the following number of members:

COMMITTEES

MEMBERS

Finance

Human Resources

Law and Courts

- B. DUTIES OF STANDING COMMITTEES.** Standing Committees shall have and perform the following specific duties:

1. Finance Committee. It shall be the duty of this committee to:
2. Human Resources Committee. It shall be the duty of this committee to:
3. Law and Courts Committee. It shall be the duty of this committee to:

- C. SPECIAL COMMITTEES.** There shall be, in addition to the standing committees, such other special committees as the Chairperson, from time to time, may appoint and establish subject to approval by the Board. The membership of all such special committees shall automatically be vacated upon the succession to office of a new Chairperson to the Board.

D. COMMITTEE MEETINGS. 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 said notice complies with the requirements of the Open Meetings Act, 1976 PA 267. A quorum shall consist of _____ of the committee's members. In order for a committee to move a matter to the Board of Commissioners for consideration, a majority of the quorum present or _____ members, whichever is greater, shall be required to vote in the affirmative. All committee meetings shall be open, except that a committee may vote to go into closed session as provided by the Open Meetings Act, 1976 PA 267. Each committee shall have a prepared agenda at least one day prior to the committee meetings, which shall include, as far as is practicable, all items to be considered by the committee; the agenda shall be posted on the Courthouse bulletin board and shall be made available to the public as provided by the Open Meetings Act, 1976 PA 267. The chairperson of each committee shall either prepare an agenda in cooperation with the department heads, or shall delegate that authority to the appropriate staff. All committees shall keep minutes of their meetings as required by the Open Meetings Act, 1976 PA 267, and said minutes shall be permanently kept on file with the Clerk of the Board. Every committee shall provide an opportunity for members of the public to be heard at the end of the agenda. Members of the public may address the committee or subcommittee for up to three (3) minutes. Members of the public desiring to speak shall be required to identify themselves.

V.

CONDUCT OF BOARD MEETINGS

A. QUORUM. A majority of the members of the county board of commissioners of a county constitutes a quorum for the transaction of the ordinary business of the county. The county board of commissioners of a county shall act by the votes of a majority of the members present. However, the final passage or adoption of a measure or resolution or the allowance of a claim against the county shall be determined by a majority of the members elected and serving. (The county board of commissioners may require in its bylaws that the votes of 2/3 of the members present or a majority of the members elected and serving, whichever is greater, are required on final passage or adoption of a nonagenda item.) [MCL 46.3(1), (2)]

B. ORDER OF BUSINESS.

1. Agenda.

- a. Call to Order and Roll Call
- b. Pledge to the Flag
- c. Reading and Correction of Minutes
- d. Addition of Items to the Agenda

- e. Presentation of Petitions
 - f. **Limited Public Comment** (3 minutes)
 - g. Committee Reports
 - h. New and Miscellaneous Business
 - i. Late Committee Reports and Late Individual Resolutions
 - j. Special Orders of the Day
 - k. **Public Comment** (3 minutes)
 - l. Consideration and Allowance of Claims
 - m. Adjournment
2. Specific Agenda Priorities. All matters shall be placed upon the agenda of the Board within a specific section as listed immediately above by the Clerk of the Board.
3. Agenda Deadline. All information to be placed on the agenda must be received by the Clerk of the Board no later than _____ p.m. on the ____ day immediately preceding the Board meetings. On or before the ____ day before each Board meeting, the Clerk shall mail to each Commissioner the agenda for the meeting, arranged as described in these Rules, and briefly describing all matters to be considered, including a copy of all committee reports and individual resolutions to be acted upon at said meeting. No committee report or individual resolutions, other than reports on routine claims, shall ordinarily be considered unless a copy thereof has been mailed to each Commissioner with the agenda or otherwise delivered to each Commissioner not later than the third day prior to the meeting. Late items shall be distributed to all Commissioners at the beginning of the board meeting and shall be announced by title and added to the agenda with appropriate agenda numbers. A five minute recess shall be granted at the request of any Commissioner prior to the consideration of late items. **Late individual resolutions shall ordinarily be referred to Committee. Late committee reports shall not be considered unless an explanation is given as to why immediate action is necessary and a motion is made and carried to allow immediate consideration of the report.**

C. RIGHTS AND DUTIES OF MEMBERS.

1. Speaking priorities. The sponsor of any properly moved and seconded motion, resolution, ordinance, or report, shall have the right to speak for up to three minutes, after the formal introduction but prior to any discussion of the matter on the floor. In any case where there may be more than one sponsor to a particular motion, resolution, ordinance or report, it shall be in the discretion of the Chairperson which person shall exercise the right given by this rule to first speak on the pending matter. Each Commissioner shall be limited to speak for a three minute time limit per recognition by the Chairperson. Before speaking, each member shall address himself/herself to the Chairperson. If two or more members seek

recognition to speak at the same time, the Chairperson shall designate the order in which they shall speak. No member shall speak more than twice on the same question except upon special permission by the Board; provided, however, that the Chairperson of a committee shall not be restricted in his/her right to discuss matters upon which he/she is reporting his/her committee's activities and recommendations. No member, while addressing the Board, shall be interrupted, except to be called to order; and thereupon, he/she shall immediately cease talking and be seated. Every Commissioner shall vote on all questions unless excused by the Chairperson. The Chairperson shall vote on all questions unless excused by the Board.

D. MOTIONS, RESOLUTIONS AND COMMITTEE REPORTS. No motion shall be debated or voted upon unless seconded. It shall then be stated by the Chairperson before debate. Any motion may, with the permission of the person who moved and seconded it, be withdrawn at any time before the same has been adopted. Every motion shall be put in writing at the request of any member of the Board. All motions, resolutions, committee reports and amendments or substitutes thereto shall be entered at large upon the minutes unless withdrawn.

1. Voting. The vote on any question shall be taken by a yea and nay roll call when called for by any member of the Board. Closed sessions may be held, provided the Open Meetings Act, 1976 PA 267, is adhered to.
2. Motions to Adjourn. A motion to adjourn shall always be in order except while a vote is being taken on any other motion already before the Board, or when a member has the floor; provided, that there shall be other intervening business or a change in the circumstances between the two motions to adjourn.
3. Motions to Reconsider. A motion for the reconsideration of any question shall be in order if made on the same day or at the Board meeting next succeeding that on which the decision proposed to be reconsidered was made; providing, however, that a second reconsideration of any question or a reconsideration at a later date may be had with the consent of two-thirds (2/3) of the members elected and serving, but in such event the moving member shall file written notice of his/her intention to move for a reconsideration in the office of the Clerk of the Board at least one day before making such a motion.
4. Division of Question. Upon request by any member, any question before the Board may be divided and separated into more than one question; provided, however, that such may be done only when the original is of such a nature that upon division, each of the resulting questions is a complete question permitting independent consideration and action.

5. Appeal from Decision of Chair. When an appeal is taken from the decision of the Chair, the member taking the appeal shall be allowed to state his/her reason for doing so. The question shall be then immediately put in the following form: "Shall the ruling of the Chair be sustained?" The question shall be determined by a majority vote of the members present, except the Chairperson shall not preside over such a vote.
- E. REFERRAL TO COMMITTEES.** It shall be the duty of the Chairperson to refer all petitions, communications, resolutions, motions and other business that may come before the Board to the proper committee unless objection be made by some member, in which event a motion made and adopted with reference to the subject shall preclude the Chairperson's action.
1. All referrals to committee shall be in one of the following forms:
 - a. General Referral. Any referral which must be referred back to the Board after the Committee has reviewed or studied the matter shall be referred to as a general referral.
 - b. Referral for Information. Any referral which need not be reported back to the Board by the Committee to which it is referred, shall be called a referral for information.
- F. DISCHARGE OF COMMITTEE.** The Board may, by a majority vote of all its members, discharge any committee from further consideration of any matter referred to the committee for general referral if the motion to discharge was properly placed upon the meeting agenda at which action is desired. Any motion to discharge that does not appear on the agenda of the meeting at which action is desired, shall require a two-thirds (2/3) vote of all members elected and serving for passage.
- G. MOTION TO CLEAR THE FLOOR.** If, in the judgment of the Chairperson, there is a confusion of Parliamentary procedure existing, the Chair shall have the right to request a "motion to clear the floor" which motion, if made and seconded, shall be undebatable, shall take precedence over all other motions, shall be forthwith put by the Chair, and, if carried, shall clear the floor completely and with the same effect as if all matters on the floor were withdrawn. The motion to clear the floor shall not be reconsidered; but its passage shall not limit the right of any member to move the reconsideration of any other matter in the same manner as, but for the passage of the motion to clear the floor, would be in accordance with these Rules.
- H. PUBLIC MEETINGS.** Board meetings shall be open to the public as required by the Open Meetings Act, 1976 PA 267, as amended.

- I. **COMMENTS FROM THE FLOOR.** Only members of the _____ County Board of Commissioners shall be given the floor to speak during any Board meeting except:
1. County officials and/or personnel may speak with the consent of the majority of the Board members present; and
 2. Any person who, with the consent of the Chairperson of the Board and/or the Chairperson and/or a majority of any Board committee, has been given permission to be listed in an appropriate place on the agenda for the purpose of that presentation at the meeting.
 3. Public comment shall be limited to no more than three minutes per individual and at the times designated as stated above, except where extended privileges are granted by the Chair.
- J. **PARLIAMENTARY AUTHORITY.** _____ of Legislative Procedure, _____ edition, shall govern all questions of procedures which are not otherwise provided by the Rules, or by State law.

VI.

ADMINISTRATION

- A. **ASSISTANCE TO THE CHAIRPERSON.** The Clerk and/or the Administrative Assistant to the Board shall provide such secretarial and stenographic assistance to the Chairperson of the Board and to the Chairperson of each committee in the performance of their Board authorized duties as they may reasonably request.
- B. **NOTICE OF BOARD ACTION.** When the Board has acted upon a written request or demand for action presented to the Board from other than among its membership, the Clerk shall promptly notify the person or agency making the request or demand of the Board's action thereon.
- C. **MINUTES.** A copy of the minutes of each Board meeting on _____ inch paper, shall be prepared and mailed by the Clerk to each member of the Board as soon as possible immediately after each meeting of the Board. The County Clerk, or his/her designee, shall prepare minutes as required by the Open Meetings Act, 1976 PA 267.

All resolutions finally adopted by the Board in each calendar year shall be consecutively numbered immediately by the Clerk of the Board in the order of their adoption, which number shall be prefixed with the last two digits of the year of its adoption and a hyphen. Thus, the third resolution adopted in 2013 would be designated "RESOLUTION NO. 13-3". As each resolution is finally adopted, the Clerk of the Board shall assign its proper number, which shall appear at the head of said resolution as finally adopted in the minutes as shown above.

D. **MATTERS IN COMMITTEE.** The Clerk, one week before the January, April, July and October meetings of the Board, shall provide each Commissioner with a list of all items of GENERAL REFERRAL which have been referred to, but not reported out of committee, which lists shall be arranged by committee, and contain a brief description of each item of GENERAL REFERRAL and the date of its referral.

F. **MEMBERS' MANUAL.** As soon as possible after the adoption of these Rules, the Clerk shall provide each member of the Board with a notebook manual with appropriate dividers containing the following information:

1. Names, addresses and telephone numbers (home and business) of all Board members.
2. The most current Board Rules, as amended.
3. All County ordinances (except bonding ordinances).
4. All Board resolutions of continuing effect which relate in any manner to County affairs.
5. All statutory deadlines for action respecting taxes within the County.
6. All statutory deadlines for Board action, other than respecting taxes.
7. The positions, names and addresses and telephone numbers (home and business) of all Board appointees, with the date of their original appointment to said board and the date which their current term expires.
8. The notebook or manual shall also include such other information as the Board, by resolution, from time to time directs.

The Clerk shall notify each member of the Board of changes in the above information and from time to time, provide them with revised pages for the manual so that the information contained in the manual will, at all times, be current.

VII.

TITLES AND SUBTITLES

A. The title and subtitles of these Rules, and the citations appended thereto, are for convenience only, and shall not be considered as part of these Rules.

VIII.

AMENDMENT TO AND EFFECTIVE DATE OF THESE RULES

A. These Rules may be amended, suspended, or rescinded only by a majority vote of all of the Commissioners elect. They shall remain in effect until rescinded or amended.

- B.** Any amendment to these Rules properly presented to the Board of Commissioners and adopted, shall take immediate effect unless otherwise stated by the Board at the time of adoption.