

**COUNTY OF GRATIOT
STATE OF MICHIGAN**

**RULES OF
ORGANIZATION OF THE
GRATIOT COUNTY BOARD OF
COMMISSIONERS**



Approved as amended January 5, 2021

AUTHORITY: the Gratiot County Board of Commissioners establishes these rules and procedures in reference to the management of the interest and business concerns of Gratiot County. They are in reference to the mode of proceedings before such board, as they shall deem necessary and proper in all matters not specifically provided for in any act or law of the State of Michigan. These rules are adopted by the Board of Commissioners of Gratiot County pursuant to Section 46.11, Compiled Laws of Michigan, as amended and shall be re-adopted at the first Organizational meeting of each new Board.

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APPLICATION, SUSPENSION, AND AMENDMENT OF BOARD RULES

These Rules shall guide and direct the Gratiot County Board of Commissioner's operations. Any situation, which may arise and is not covered by these rules, shall be determined on the basis of Robert's Rules of Order Newly Revised, 11th Edition or the Michigan Open Meetings Act at MCL 15.261 et. seq as amended. When the rules contained herein conflict with State of Michigan Statutes, the statutes shall prevail.

No rule of the Board of Commissioners shall be suspended or amended without concurrence of a majority of all Board of Commissioners elected or appointed and serving. Except during the organizational meeting, any proposed amendment(s) to these rules shall be first referred to a Commission meeting for discussion only, with subsequent consideration given for action no later than one month thereafter.

ARTICLE I: BOARD ORGANIZATION

1.1 AUTHORITY

These rules are adopted by the Board of Commissioners of Gratiot County pursuant to Section 46.11, Compiled Laws of Michigan, as amended.

1.2 BOARD MEMBERSHIP

The Board of Commissioners shall consist of five (5) members elected from single member districts apportioned on the basis of population as provided by law.

1.3 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.

1.4 VACANCIES IN OFFICE

Vacancies caused by death, resignation, removal from the district or removal from office shall be filled by appointment within thirty (30) days by the Board. The person appointed shall be a resident and registered voter of that district in accordance with the Statute. The person appointed shall serve for the remainder of the unexpired term. (MCL 46.412)

1.5 COMPENSATION

Compensation for the Board of Commissioners shall be set by resolution in even numbered years prior to the candidate filing deadline. Changes in compensation shall become effective only at the beginning of a new term commencing on January 1 of the odd year.

Compensation shall be comprised of salary only. No separate per diem shall be provided, although mileage shall be reimbursed.

1.6 POWER AND DUTIES

The Board shall have such powers and duties as shall from time to time be provided by law.

1.7 INSURANCE

The County Board members shall be covered by liability insurance carried by the County for itself and its officers and employees covering to the same extent as other elected County Officers and appointed County department heads. This coverage may be met through a self-insurance pool or fund, and is currently carried through the Michigan Municipal Risk Management Authority.

1.8 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 committee shall automatically be vacated upon the succession of office of a new Chairperson to the Board.

- a) Each committee shall have a Chairperson and Vice-Chairperson.
- b) Each committee chairperson shall be responsible for keeping a written record of committee proceedings.
- c) If commissioners serve on committees under this rule, the number of members shall not exceed one (1) less than a majority number of those elected and serving on the full Board of Commissioners (N=2).

ARTICLE II

OFFICERS AND EMPLOYEES

2.1 CHAIRPERSON

The Board Chairperson and Vice-Chairperson shall be elected as provided in MCL 46.3(4). The duties and powers of the Chairperson shall include but not be limited to the following:

2.1.1 Statutory Powers and Duties (MCL 46.3)

- (1) Presides at all Board of Commissioner meetings.
- (2) Administers oaths and issues subpoenas. (MCL 46.3(5)).
- (3) Signs contracts (MCL 46.3(5)) and Board-approved minutes (MCL 46.29) and certifies the equalized tax rolls. (MCL 211.34(2)).
- (4) With the advice and consent of the Board of Commissioners, appoints members of the board of directors of an Economic Development Corporation (MCL 125.1604(3)).
- (5) Upon the disqualification of the County Drain Commissioner under the Michigan Drain Code (MCL 280.1 *et seq*), appoints Boards of Determination pursuant to MCL 280.72 and MCL 280.441.

- (6) Serves on Intra-County Drainage Boards (MCL 280.464(1)) and Augmented Inter-County Drainage Boards (MCL 280.515) and appoints additional member(s) to either when circumstances so warrant, as defined in the Michigan Drain Code (MCL 280.1 *et seq.*).
- (7) Receives, with other officials, notice of the Sheriff's determination of jail overcrowding. (MCL 801.52).
- (8) Carries out Emergency Management and Preparedness responsibilities in accordance with 1976 Public Act 390 (MCL 30.401) and appoints a member of the Board of Commissioners to act in place of the Chairperson in his/her absence.
- (9) Ethical Obligations Reference: Ethics Opinion R-15 July 24, 1992.
 - a) A lawyer, who serves as chairperson of the county board of commissioners which decides judicial salary supplements, fringe benefits, and the annual operating budget of the circuit, district and probate courts, is not per se prohibited from appearing as an advocate before those courts. A lawyer/commissioner:
 - 1) may not undertake representation in any matter adverse to the county or county commission;
 - 2) may not represent a client in a matter in which the lawyer participated personally and substantially as commissioner;
 - 3) may not participate as commissioner in any matter in which the lawyer participated personally and substantially while in private practice; and
 - 4) may not represent a client if the representation will be materially limited by duties as commissioner, unless a disinterested lawyer would reasonably believe the representation will not be adversely affected and the client consents.

2.1.2 Other Duties

- (1) Serves ex-officio on all committees provided, however, the Chairperson will not participate in any Committee meeting in this ex-officio role if it would not be consistent with 1.8(c) of these Rules.
- (2) Appoints Board of Commissioner committees.
- (3) Makes other county appointments subject to Board of Commissioner's approval.
- (4) Preserves order and decides questions of order subject to approval of the Board of Commissioners.
- (5) Votes on all questions taken by roll call vote, except on Commissioners' appeals regarding a decision of the Chairperson.
- (6) Serves as spokesperson for Board of Commissioner action or designates a

spokesperson in writing.

- (7) Attends regular meetings with the County Administrator for the purpose of providing assistance and planning in Board of Commissioner related matters.
- (8) Duties of the Chairperson may be expanded by the Board of Commissioners for purposes and durations deemed appropriate and necessary.

2.2 VICE CHAIRPERSON

The duties and powers of the Vice-Chairperson shall include but not be limited to 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 or her 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. (MCL 46.4(4), 46.5(5))

2.4 COUNTY ADMINISTRATOR (CAO)

The Board of Commissioners employs a County Administrative Officer who is recognized as the Chief Administrative/Executive Officer of the County. (MCL 46.11 (o)). The authorities and duties of the County Administrator are as provided by statute. A position description is available in the Human Resources office.

**ARTICLE III
APPOINTMENTS TO BOARDS AND COMMISSIONS**

3.1 OTHER BOARDS, COMMISSIONS, and COMMITTEES

Due to statutory requirements, by invitation, or through the exercise of its discretion, the Board of Commissioners appoints or elects members, member-alternates, and other persons to boards, commissions, and committees which exist internally and externally to the Gratiot County government organization. Appointments as of January 5, 2021 appear in Attachment "A."

Any Board of Commissioner member so appointed or elected shall make available the minutes or other information of record of those same boards, commissions or committees to the Board upon its request in time sufficient for the Board's consideration and in the manner herein directed.

ARTICLE IV: MEETINGS

4.1 ORGANIZATIONAL MEETINGS

The Board of Commissioners shall convene for its first meeting in January on the date set at the prior 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 (if is an odd year or if a vacancy must otherwise be filled) and the Vice Chairperson, as provided in MCL 46.3(4) and Article II, Section 2.1 of these Rules. 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.

- 1) As the first item of business, the County Clerk shall administer the oath of office to the Commissioners if the oath has not previously been administered within 20 days of receiving the certificate of election. (MCL 45.318)
- 2) The second item of business shall be the election of Chairperson of the Board then the Vice- Chairperson. The Clerk shall call for nominations for the office of the Chairperson and when nominations are closed by majority vote or no other nominations are forthcoming, the Clerk shall order the roll of the commissioners to be called. Upon the adoption of a motion, the election of the Chairperson may be conducted by secret ballot. (MCL 46.3a.)
- 3) When one nominee receives a majority of the votes of the members elected and serving, the nominee shall be declared the Chairperson.
- 4) If the commissioners present shall not cast a majority for one nominee, the County Clerk shall continue to preside until a majority of commissioners elects one of its members to be Chairperson.

- 5) The newly elected Chairperson shall assume the chair and proceed with the election to the office of Vice-Chairperson.
- 6) The Board of Commissioners shall select by majority vote of all the members, one of its members to serve as Vice-Chairperson. The term of the Vice-Chairperson shall begin upon his or her election. (MCL 46.3(4))
- 7) The Board of Commissioners may proceed onto other agenda matters, as they shall decide.

4.2 REGULAR MEETINGS

The schedule for regular meetings shall be set at the first meeting in January of each year (Organizational Meeting). The Board shall meet in regular session according to the adopted meeting schedule as advertised except when otherwise set by adjournment or by law. Any meeting which is not on the schedule established at the Organizational Meeting shall be a special meeting or adjourned session of a regular meeting, depending on the means and methods used in calling said meeting.

- 1) Unless the Board otherwise provides, the motion to adjourn any meeting of the Board, whether special or regular, means to adjourn to the next succeeding meeting on the established schedule.
- 2) If any regularly scheduled meeting falls on one of the legal holidays, the Board shall meet on the next secular day that is not a meeting, unless the Board, in session, determines otherwise.
- 3) Adequate and proper notice of all public meetings is required by the Open Meetings Act.

4.3 STATUTORY MEETING

The statutory meetings of the Board of Commissioners are held on the second Tuesday after the first Monday in April to equalize the assessment roll (MCL 209.5 and MCL 211.34) and after September 14, but before October 16 of each year, commonly known as the annual meeting, to complete tasks required by law.

4.4 SPECIAL MEETINGS

The Board of Commissioners shall convene for the purpose of holding special meetings 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. In the alternative, a special meeting may be convened if approved at a regular meeting of the Commissioners and is set for a date and time at which a quorum will be present. When a special meeting is called as provided above, the County Clerk shall give notice to each of the Commissioners within forty-eight (48) hours by a method reasonably calculated by the County Clerk to accomplish actual notice. Such methods may include, but are not limited to:

- 1) personal delivery of the notice of the special meeting to the commissioner;
- 2) leaving the notice of the special meeting at the residence of the commissioner;
- 3) an email to the address previously supplied for such purpose by the commissioner;
- 4) an email to the commissioner's County e-mail address; or
- 5) by scheduling at a regular meeting at which commissioners are in attendance, and with any Commissioner not in attendance being notified by another of the above- listed methods..

The Clerk shall post at least 18 hours before the meeting a Public Notice as required by the Open Meetings Act.

4.5 CLOSED SESSION

Upon a two-thirds (2/3) roll call vote of the Board of Commissioners elected or appointed and serving, the Board may meet in closed session for any of the reasons specified in MCL 15.267, 15.268 (d), (e), (f), and (h); and upon a majority roll call vote of the Board of Commissioners elected or appointed and serving, for any of the reasons specified in MCL 15.268(a) and (c).

4.6 EMERGENCY MEETINGS

A public body may meet in emergency session in the event of a severe and imminent threat to the health, safety, or welfare of the public when 2/3 of the members serving on the body decide that delay would be detrimental to efforts to lessen or respond to the threat. MCL 15.265(5). Public notice of the time, date, and place of an emergency meeting shall be given in the manner required by the Open Meetings Act, Act (MCL 15.265(5)).

4.7 PLACE OF MEETINGS

Meetings of the Board of Commissioners shall be held in the chambers of the Board of Commissioners in the county courthouse, at Ithaca, Michigan, unless lawful public notice of the meeting states a different location.

In the alternative, as permitted by the Michigan Open Meetings law as amended from time to time, meetings may be held via a reliable electronic conferencing system that provides a mechanism for two-way communication, provided members of the public may participate and that two-way communications are possible. Other requirements for announcing absences by members and identifying the location from which a member is participating shall be as required by the Open Meetings Act.

4.8 TIME OF REGULAR MEETINGS

The first and second regular meetings each month shall be held on a schedule adopted by the Board of Commissioners at the Organizational Meeting in January of each year. Meetings shall presumptively be held on the first and third Tuesdays of each month, beginning at 4:30 pm. Regular meetings for 2021 appear in Attachment "B."

4.9 CHANGES IN SCHEDULE

Changes in the meeting schedule, including time and place, additional meetings, and meetings adjourned or recessed to a specific time and place, may be made by majority vote of the members of the Board of Commissioners present. Such change is to be recorded in the minutes of the meeting in which the change is made. A public notice shall be given in accordance with the Michigan Open Meetings Act. If there is a change in schedule, the County Clerk shall post a notice within three (3) days after the meeting, stating the new day, time and place.

**ARTICLE V
MEETING PROCEDURES**

5.0 PUBLIC NOTICE OF MEETINGS

The County Clerk shall provide the notice for all meetings of the Board of Commissioners, in compliance with the Open Meetings Act at MCL 15.265, Sec. 5.

5.1 QUORUM, ATTENDANCE

- 1) The majority of Commissioners of the Board, elected/appointed and serving shall constitute a quorum for the transaction of ordinary business of the Board. Upon the absence of a quorum, no business shall be considered; the members present may adjourn or recess. Public notice is not required if the time set for reconvening is less than 36 hours.
- 2) Commissioners shall attend all meetings unless excused by the Chairperson.
- 3) To facilitate meeting attendance and to accommodate Commissioners' travel schedules and other commitments, Commissioners may, from time to time and as approved by the Chairperson, participate in meetings by teleconferencing consistent with the Open Meetings Act. Board members may appear at a meeting via teleconferencing, provided that a quorum is present at the meeting site and all individuals attending the meeting can hear, and be heard by, the Board member(s) attending via teleconferencing. Notice of the intent to attend via teleconferencing must be provided to the County Administrator one (1) calendar week in advance of the subject meeting. Failure to establish a video-audio teleconference due to technical or other problems shall not preclude conducting the meeting, as long as a quorum is present. In the event that a Board member participates via teleconferencing, this will be indicated on the meeting minutes as "present via teleconference." Members present via teleconference shall be permitted to participate in Board deliberations and vote on matters before the Board, provided that there is a quorum physically present.
- 4) Notwithstanding subparagraph 3 above, during calendar year 2021, meetings of the Board of Commissioners and all Boards, Commissions and advisory groups constituted for the purpose of performing work for Gratiot County, and whose members are appointed by the Gratiot County Board of Commissioners, may meet via a secure electronic conferencing system (currently Zoom). These "remote" meetings will continue until such time as the Chair of the Board of Commissioners deems in-person meetings to be permitted, considering current guidance from health department officials. All meetings must conform to the provisions of the Michigan Open Meetings Act as shall be amended from time to time.

5.2 ORDER OF BUSINESS

The business of all regular meetings of the Board of Commissioners shall be considered and transacted in substantially the following order based on the information provided unless altered by a majority vote of the Commissioners:

- a) Call To Order
- b) Roll Call of Commissioners
- c) Invocation
- d) Pledge Of Allegiance
- e) Additions/Deletions to Agenda
- f) Approval of the Agenda
- g) Brief Public Comments
- h) Action on Consent Calendar
- i) Administrator's Report
- j) Commissioners' Committee/Board/Agency Reports
- k) Consideration of New Business
- l) Consideration of Unfinished Business
- m) Discussion and Report of Finance and Budget Matters (second meeting of each month)
- n) Additional Public Comment and Board Comment
- o) Adjournment

Financial matters shall be considered at the second meeting of each month.

5.3 AGENDA

The agenda for regular Board meetings shall be prepared by the County Clerk or County Administrator, or his or her designee. The County Clerk shall make every effort to ensure that the agendas and related information be delivered to all Commissioners at least three (3) business 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, if written; and
- e) all other reports or documents to be presented, discussed, or acted upon at the meeting.

5.4 AGENDA FOR SPECIAL MEETINGS

When the Board is called into a Special Meeting, the agenda shall be included in the notice of the meeting and no other matter shall be considered except when all members are present and a majority concurs. Agendas for special meetings shall be provided along with the notice of the meetings to Commissioners, if time permits. At other times, the Chairperson shall declare the agenda upon the approval of a majority of the members present.

5.5 DISTRIBUTION OF AGENDA AND MATERIALS

Meeting materials will be distributed in electronic format and posted on the Gratiot County website. Individuals requiring materials in hard copy format must make the request to the County Clerk and provide payment in advance for photocopying and postage.

5.6 CONSENT CALENDAR

The consent calendar shall consist of those matters that the Board of Commissioners has determined to be "routine" and those matters about which the Board commonly concurs. Among such matters are the approval of minutes and other matters that the Board of Commissioners is required by statute or board rule to approve.

The meeting agenda shall list those matters under the heading of "Consent Calendar" and include the associated materials with those distributed to the members in accordance with Articles 5.3 and 5.4 of these Rules. At a meeting of the Commissioners where a Consent Calendar has been prepared, the Board, upon the motion of a Commissioner, shall vote on the approval of the matters included under the consent calendar. Before putting the question to the Commissioners, the Chairperson shall permit the Commissioners to remove from the consent calendar those items on which they have questions or wish to debate. The Chairperson shall then direct the County Clerk to remove such matters and place them in their usual place on the meeting's agenda. A vote shall not be required to remove a matter from the Consent Calendar.

5.7 PUBLIC PARTICIPATION

1) The 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 who wish to attend the open meeting in groups of 15 persons or more shall notify the County Clerk of their intention in order that the Board may make all efforts to secure adequate accommodations.

2) Members of the public are encouraged to attend all open public meetings and to address the public body at that meeting, when appropriate. (MCL 15.263) Any meeting of the Board of Commissioners conducted via electronic conferencing system shall, as required by the Open Meetings Act, allow for two-way communication between members of the public and the Board.

2) To protect the rights of all people attending such meetings, and to maintain reasonable order, the following rules are established:

a) Speakers wishing to address the Board shall first seek to be recognized by

the Chairperson and, upon recognition, declare name, address and the topic the speaker wishes to address.

b) A maximum of three (3) minutes shall be granted to each person desiring to make a public comment; however, that time may be modified at the discretion of the Chairperson.

3) 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 Administrator or Chairperson no less than seven (7) days prior to the scheduled meeting.

4) The Chairperson shall call to order any person who is behaving in a disorderly manner by speaking or otherwise disrupting the proceedings by failing to be germane, by speaking longer than the allotted time of three minutes, or by speaking vulgarities. No person shall be removed from a public meeting except for an actual breach of peace committed at the meeting. A recess may be called to quiet the matter by the Chair or by a Commissioner. In such situation, the Clerk shall carefully record the actions and who said what.

5) Any exception to the rules of public participation shall be at the discretion of the Chairperson.

ATTACHMENT A

**COMMISSIONER AND STAFF ASSIGNMENTS TO COMMISSIONS,
BOARDS, AUTHORITIES AND COMMITTEES**

ORGANIZATION	APPOINTEE	TERM, EXPIRES
Airport Authority	Lemmermann	4 year term: 2/1/ 21
Brownfield Redevelopment	Bailey, Smith	6 year term: 12/31/22
Great Lakes Bay Michigan Works	Bunting Alternate: Bailey	2 year term: 12/31/20
Commission on Aging	Bailey	3 year term: 12/31/20
Mental Health	Bailey	3 year term: 3/31/ 22
Economic Development	Bailey, Smith	6 year term: 12/31/22
EightCAP	Smith, Bunting (through delegates)	2 year term: 12/31/20
Greater Gratiot	Murphy, Cordes	1 year term: 12/31/20
Northern Michigan Counties Association	Murphy	2 year term: 12/31/21
Health Department	Murphy, Bailey	2 year term: 12/31/20
MSUE	Bunting	1 year term: 12/31/20
Mobile Medical Response (MMR)	Bunting Alternate: Bailey	Unknown
Parks & Recreation	Lemmermann	3 year term: 12/31/21
Saginaw Bay	Bailey	Unknown

Attachment B



**GRATIOT COUNTY
BOARD OF COMMISSIONERS**

Regular Board Meetings at 4:30 p.m.
On Tuesdays – Unless Noted
Commissioners Room, Gratiot County Courthouse
214 E. Center Street, Ithaca, MI 48847
(989) 875-5215

MEETING DATE

January 5, 2021
*January 19, 2021

February 2, 2021
*February 16, 2021

March 2, 2021
*March 16, 2021

April 6, 2021
*April 20, 2021

May 4, 2021
*May 18, 2021

June 1, 2021
*June 15, 2021

MEETING DATE

July 6, 2021
*July 20, 2021

**August 3, 2021
*August 17, 2021

September 7, 2021
*September 21, 2021 Annual Meeting

October 5, 2021
*October 19, 2021

**November 2, 2021
*November 16, 2021

December 7, 2021
*December 21, 2021

Agenda/Full Packets/Minutes Available at www.gratiotmi.com
Board of Commissioners Section

Posted Pursuant to PA267 of 1976, Section 4(a-d), Angie Thompson, Gratiot County Clerk
All Meetings Are Open to the Public

* At the second meeting of each month, the regular Board meeting will go into recess and the Financial Committee will convene. Once financial matters are heard, the regular Board meeting will resume.

Reserved for Expansion