

MONROE COUNTY HISTORICAL COMMISSION ORDINANCE

REPEAL AND REPLACEMENT OF PREVIOUS MONROE COUNTY HISTORICAL
COMMISSION ORDINANCE ADOPTED IN 1966 AND
REPEALED BY ORDINANCE ADOPTED IN 2005
AND REPEALED BY ORDINANCE ADOPTED IN 2015

ADOPTED BY THE BOARD OF COMMISSIONERS - MARCH 21, 2017

ARTICLE I. REPEAL OF PRIOR ORDINANCE AND CONTINUATION OF THE
MONROE COUNTY HISTORICAL COMMISSION

IA. REPEAL. The Monroe County Historical Commission Ordinance, first adopted on October 17, 1966, and which was replaced by an amending Ordinance on February 8, 2005, and replaced again by an amending Ordinance on July 21, 2015, is hereby repealed and replaced by this new amending Ordinance adopted in 2017, as of the effective date of this amending Ordinance.

IB. CONTINUED EFFECT. The Monroe County Historical Commission, (hereafter, the "Historical Commission") which was first established in 1966, is continued without interruption by this Ordinance.

ARTICLE II. TITLE, PURPOSE, AUTHORITY, AND JURISDICTION

IIA. TITLE. This Ordinance shall be known and may be cited as the Monroe County Historical Commission Ordinance.

IIB. PURPOSE. The Monroe County Board of Commissioners (hereafter, the "County Board") has determined that it is in the best interests of the County of Monroe and its citizens to promote and advance the many historical interests involving the County of Monroe, including but not necessarily limited to the Monroe County Museum, other County museums, and other historical programs and services. The County Board has further determined that it wishes to maintain the Historical Commission but change the manner of appointment for the members of the Historical Commission, and to adjust certain other language.

IIC. AUTHORITY. This Ordinance is adopted under authority of Michigan Public Act 156 of the Public Acts of 1851, as amended, (specifically MCL 46.11), and Michigan Public Act 213 of the Public Acts of 1957, as amended (MCL 399.171-399.172), and not Act 169 of the Public Acts of 1970 for the reason that the Monroe County Historical Commission was established by Ordinance before August 3, 1970.

IID. JURISDICTION. This Ordinance, and the regulations and procedures contained herein shall apply to and govern the Historical Commission, as originally established in 1966.

ARTICLE III. HISTORICAL COMMISSION AND MEMBERSHIP

IIIA. HISTORICAL COMMISSION ESTABLISHED. The Historical Commission was established by the original Monroe County Historical Commission Ordinance adopted by the County Board, or its predecessor, on October 17, 1966, and then was amended and replaced by a Monroe County Historical Commission Ordinance adopted by the County Board on February 8, 2005, and then was amended and replaced again by a Monroe County Historical Commission Ordinance adopted by the County Board on July 21, 2015. This Ordinance shall continue the Historical Commission as modified by this Ordinance.

IIIB. MEMBERS OF HISTORICAL COMMISSION. There shall be nine (9) mandatory members of the Historical Commission to be appointed and serve in accordance with the provisions of this Ordinance. There may also be one Past Chairman Commissioner and/or one (1) Commissioner Emeritus appointed by the Historical Commission from time to time. All members shall include only residents of the County of Monroe, and shall not include any person who has been convicted of a felony or violation of Section 12a(1) of Michigan Public Act 370 of the Public Acts of 1941, (MCL 38.412a), or who is ineligible for appointment pursuant to Article XI, Section 8, Constitution of the State of Michigan of 1963.

IIIC. TERM OF OFFICE. The term of office of the members of the Historical Commission shall be two (2) years to match the terms of the Monroe County Commissioners of the County Board, (hereafter, the "County Commissioners" or "County Commissioner" for one), and shall begin on January 1 of every odd numbered year, or as soon thereafter as the appointment can be made, and shall end on December 31 of the next even numbered year, but shall temporarily extend past the two year term until a reappointment or new appointment of the position is made the next odd numbered year. A mandatory Historical Commission member's term shall terminate sooner than the two year term if the appointing County Commissioner leaves office early for any reason, such as for death, resignation, or removal. Upon the effective date of the appointing County Commissioner leaving office early, the appointment made by the County Commissioner of the member of the Historical Commission shall then terminate early to coincide with the early termination of the County Commissioner's term. A vacancy would be created which would be filled by the replacement County Commissioner, but if that replacement does not take office for more than twenty (20) days after the effective date of the vacancy created by the appointing County Commissioner leaving office, or if the replacement County Commissioner does not fill the vacancy on the Historical Commission within thirty (30) days after the effective date of the

vacancy created by the appointing County Commissioner leaving office, then the County Board acting collectively shall fill the vacancy, and the County Board shall be free to appoint any otherwise qualified member from any County Commissioner District, even if there is already a member from that County Commissioner District.

IIID. APPOINTMENT OF MONROE COUNTY HISTORICAL COMMISSION MEMBERS. Except as otherwise provided in this Ordinance, each of the nine (9) mandatory members of the Historical Commission shall be appointed by an individual County Commissioner, one (1) County Commissioner making one (1) Historical Commission member appointment. Also except as otherwise provided in this Ordinance, the appointment by a County Commissioner of a mandatory Historical Commission member shall be a resident of the County Commissioner District of the County Commissioner making the appointment. The appointment of the nine (9) mandatory Historical Commission members by the nine (9) County Commissioners shall be made at the beginning of each odd numbered year after the even numbered year in which the County Commissioners were elected or reelected, as soon after January 1 of the odd numbered year after the even numbered election year, as is reasonably possible. Until the appointment is made by a County Commissioner for the member of the Historical Commission, the previous member of the Historical Commission shall continue to be a member until replaced by the new appointment.

IIIE. ALTERNATIVE APPOINTMENT PROCESS. Every County Commissioner shall have the right, notwithstanding the previously stated appointment process of one (1) mandatory Historical Commission member appointed by one (1) County Commissioner from that County Commissioner's County Commissioner District, whereby the County Commissioner could choose an alternate appointment as provided in this Section IIIE. If the County Commissioner so determines to choose by an alternate appointment process, the County Commissioner could choose to appoint a mandatory Historical Commission member who was not a resident of the County Commissioner's County Commissioner District. The appointee, if appointed by the County Commissioner under the alternate appointment process, could come from any County Commissioner District, even if another member of the Historical Commission was already appointed from that County Commissioner District. Any such alternative appointment made by the County Commissioner shall be for the same term of two (2) years.

IIIF. TERMS OF EXISTING MEMBERS. Notwithstanding what is stated above in this Ordinance, for those current members of the Historical Commission whose terms had not ended at the time of the adoption of this Ordinance as was in effect in 2015, they shall be able to continue to serve as Historical Commission members for the remainder of their previously stated terms. As the existing terms of those previously appointed members of the Historical

Commission end, the appointment process provided by this Ordinance as was first placed in effect in 2015 shall control. Since the existing terms for the previously appointed members of the Historical Commission do not end at the same time, there shall be an order of priority for the County Commissioners to make appointments to the Historical Commission in accordance with the new procedure provided by this Ordinance as was first placed in effect in 2015, and that priority shall be established by the numbering of the County Commissioner Districts, one (1) through (9), with the County Commissioner from the first District to make the first available appointment, and the County Commissioner from the second District to make the second available appointment, and so on until all nine appointments are made in accordance with the procedures established by this Ordinance as was first placed in effect in 2015, except as follows: If there is an existing member of the Historical Commission from the appointing County Commissioner's District, the appointment shall transfer to the next numbered County Commissioner District, such as from the first District to the second District, if there is an existing member of the Historical Commission from the first District, and so on until there is a County Commissioner District without a member on the Historical Commission. If a lower numbered District is passed because there is an existing member of the Historical Commission from that District, the next time an appointment is to be made, the lowest numbered District that was passed shall have the first priority to make the appointment, and the appointment procedure shall proceed as stated above, except that any District which has had an appointment made under this Ordinance shall be passed.

IIIG. REMOVAL OF MEMBERS FOR UNEXCUSED ABSENCES. After three (3) unexcused absences from a regular meeting of the Historical Commission a mandatory member of the Historical Commission may be removed. The process for removal is that the County Commissioner making the appointment, once notified of the three (3) unexcused absences, will be given the opportunity to remove the Historical Commission member and replace that Historical Commission member position with a new Historical Commission member. Once notified of the three unexcused absences, the County Commissioner making the initial appointment shall have twenty (20) days to remove the member of the Historical Commission for the three unexcused absences. If the appointing County Commissioner does not remove the member of the Historical Commission, the County Board acting collectively may take action to remove the member of the Historical Commission after three (3) unexcused absences. After any removal of a member of the Historical Commission, a vacancy shall be created which will be filled in accordance with Section IIIH below.

IIIH. VACANCIES. If there ever is a vacancy created by a mandatory member of the Historical Commission no longer being a member for any reason during a term, there shall be a vacancy created. Whenever there is a vacancy created, a replacement member of the Historical Commission shall be appointed. The appointment shall be by the County Commissioner whose

member position on the Historical Commission is vacant, unless otherwise provided in this Ordinance. The County Commissioner shall have thirty (30) days to fill the vacancy in accordance with the regulations of Section IIID above, and if the County Commissioner fails to fill the vacancy, the County Board may collectively fill the vacancy, and in the event of the County Board filling the vacancy the appointee may come from any County Commissioner District, even if another member of the Historical Commission has previously been appointed from that County Commissioner District. The newly appointed member of the Historical Commission shall then fill out the remainder of the term for the vacancy that was created.

III-I. PAST CHAIRPERSON COMMISSIONER AND COMMISSIONER EMERITUS. A Chairperson of the Historical Commission not being reappointed by a County Commissioner, if any, shall automatically be a voting member of the Historical Commission for the next two (2) year term, and may, but is not required to be reappointed thereafter, but only if there is no subsequent Chairperson not being reappointed by a County Commissioner, who would automatically fill the position of Past Chairperson Commissioner. The Historical Commission may appoint up one (1) Commissioner Emeritus as a voting member for a two (2) year term, and that appointment can be, but is not required to be extended by reappointment for a future two (2) year term. To qualify for appointment as a Commissioner Emeritus, the person must be an outgoing member of the Historical Commission not being reappointed, who has served for no less than twelve (12) continuous years immediately previous to the end of the person's appointment. Appointment or reappointment of a Commissioner Emeritus is never required, and the position may be left unfilled at any time. A Past Chairperson Commissioner and a Commissioner Emeritus may be removed for any reason at any time by a majority vote of the other members of the Historical Commission.

ARTICLE IV. COMPENSATION

IVA. The members of the Historical Commission shall be compensated at such rate as the County Board in its discretion may determine, but such members shall not be paid for meetings in excess of twelve (12) meetings per year.

ARTICLE V. ORGANIZATION

VA. The Historical Commission shall organize annually after the beginning of each year by electing a Chairperson, a Vice Chairperson, and a Secretary, from its nine (9) member membership, and shall adopt its own rules of procedure and shall hold such meetings, either regular or special, as it may deem necessary to carry on its work.

ARTICLE VI. DUTIES AND POWERS

VIA. The Historical Commission shall have charge of the administration of the Monroe County Museum, other County museums, and their contents, and, within the provisions provided therefore in the County Board's budget for each fiscal year for the Historical Commission and/or Monroe County Museum, shall acquire, collect, own, and exhibit in the name of the County of Monroe and for and on behalf of the County Board, those items of the County's historical material and items determined by the Historical Commission worthy to exhibit, and to educate and make grants for historical purposes. The Historical Commission shall acquire, collect, and own, in addition to historical material and items, any such other items, such as equipment, supplies, and similar items, necessary for the effective operation of the Monroe County Museum, and other County museums, and to further the purpose of advancing the historical interests of the County of Monroe. The Historical Commission may, in the name of the County of Monroe, acquire, take and hold by purchase, gift, devise, bequest, lease, or otherwise, such real and personal property as may be proper for carrying out the objects and functions for which the Historical Commission was established. Acceptance, acquisition, disposal, or lease of real estate and/or buildings shall be subject to the approval of the County Board. Any property, real or personal, received in trust and accepted by the Historical Commission for the County of Monroe or by the County Board for historical purposes, shall be held in conformity with the terms of the trust. The Historical Commission shall be in charge of the Monroe County Museum, and any other County museums, and historical artifacts or displays owned by the County of Monroe.

VIB. The Historical Commission may also approve grants, if it determines them worthwhile from a historical perspective, and if funding is sufficient and available, for historically relevant purposes in various geographical areas of the County of Monroe or for specific events or purposes of a historical nature. The Historical Commission may provide grant request forms and procedures for said grants.

ARTICLE VII. MUSEUM FUNDS

VIIA. GENERAL FUNDING. All monies collected or received by the Historical Commission for Monroe County historical purposes, from any source whatsoever, shall belong to the County of Monroe and shall be held by the Monroe County Treasurer, and such monies shall be used to offset and defray the expenses of, and to promote the purposes of the Monroe County Museum and any other County museums, and for other historical purposes as allowed in this Ordinance, as provided and permitted by the Historical Commission's annual budget. The Historical Commission shall assist with establishing an annual budget for the Historical Commission, and the Monroe County Museum and other County museums, and for other

historical purposes as allowed in this Ordinance, and shall submit tentative budgets or requests for funding as requested by the Monroe County Administrator and/or the Monroe County Finance Department.

VIII. MILLAGE. Previous to the time of this Ordinance as was in effect in 2015, the County Board had proposed a millage for historical purposes to the electors of the County of Monroe, and the electors had voted in favor of the millage that was to support the Monroe County Museum and the preservation and display of the County's historical artifacts. There may be similar renewals or new millages voted into effect in the future. The current, and any future historical millage monies shall be utilized to offset and defray the expenses of, and to promote the purposes of the Historical Commission, and the Monroe County Museum and other County museums, and for other historical purposes as allowed in this Ordinance, and as allowed by the terms of the approved millage.

ARTICLE VIII. FUNCTIONS

VIIIA. The functions of the Historical Commission shall be to further the interests of the County of Monroe and its citizens in all matters relating to the history of the County of Monroe and its environs, and to manage the Monroe County Museum and other County museums, and to sponsor educational opportunities of an historical nature, and to accept, and approve or disapprove of making grants for the use of funded monies for said grants for historical purposes, specifically to various geographical areas of the County of Monroe. The Historical Commission may acquire and maintain appropriate exhibits and displays of an historical nature, cooperate and assist in educational and research programs of an historical nature, and issue historical bulletins and other publications.

ARTICLE IX. HEADQUARTERS OF THE MONROE COUNTY HISTORICAL COMMISSION

IXA. The County Board shall provide for such quarters, equipment, and personnel as it deems necessary for the proper management and operation of the Historical Commission and the Monroe County Museum and other County museums. As of the adoption of this Ordinance in 2015, those quarters, equipment, and personnel are located at the Monroe County Museum, at 126 South Monroe Street in the City of Monroe, Michigan.

ARTICLE X. ANNUAL REPORT

XA. The Historical Commission shall, near the end of each calendar year, or as soon as is reasonably convenient thereafter, submit a written report to the County Board of the status and work of the Historical Commission during the preceding year, and the condition of the real property and personal property under the control of the Historical Commission, and the plans for any future proposed activities for the next calendar year. The Historical Commission shall also make such other reports as the County Board may, from time to time, require. All reports shall be made available to the public once presented to the County Board.

ARTICLE XI. SEVERABILITY

XIA. Should any section or provision of this Ordinance be declared by a court to be unconstitutional or invalid, such declarations shall not affect the validity of the Ordinance as a whole, or any part thereof other than the section or provision so declared to be unconstitutional or invalid.

ARTICLE XII. EFFECTIVE DATE

XIIA. This Ordinance shall be in full force and effect upon adoption by the County Board and publication in a newspaper of general circulation in the County of Monroe, or as otherwise provided by law.

This Ordinance was adopted by the Monroe County Board of Commissioners at a regular meeting held at the Monroe County Board Chambers, Monroe County Courthouse, Monroe, Michigan, on the 21st day of March, 2017, with the vote being as follows:

Voting in Favor:

Commissioner Mark Brant

Commissioner Jerry Oley

Commissioner David Hoffman

Commissioner Jason Turner

Commissioner George Jondro

Commissioner Gary Wilmoth

Commissioner Henry Lievens

Commissioner Greg Moore, Jr.


Voting Against:

Abstained:

Absent:


Commissioner Dawn Asper

MONROE COUNTY BOARD
OF COMMISSIONERS

By: 

J. Henry Lievens, Chairman

ATTEST:



Sharon Lemasters,
Monroe County Clerk