



MONROE COUNTY
BOARD OF COMMISSIONERS

BY-LAWS &
RULES OF
PROCEDURE

AMENDED AND REVISED
MARCH 2010

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MISSION STATEMENT

The Mission of the Monroe County Board of Commissioners is to perform their legally constituted responsibilities, which are to protect the health, safety and welfare of the residents of our community and our employees.

ARTICLE I BOARD ORGANIZATION

1.1 **Board Membership:**

The Board of Commissioners shall consist of nine (9) members elected from single 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 (2) years and shall be concurrent with that of State Representatives.

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 by appointment within thirty (30) days by the County Board of Commissioners of a resident and registered voter of that district. A person who has been convicted of a violation of MCL 38.412(a) shall not be eligible for appointment to the Office of County Commissioner for a period of twenty (20) years after conviction. The person appointed to fill a vacancy which occurred in an odd numbered year, shall serve until the vacancy is filled in a special election. That special election shall be called by the County Board of Commissioners. The person appointed to fill a vacancy, which occurs in a year, which is an election year for the office of county commissioner, shall serve for the remainder of the unexpired term. If the County Board of Commissioners does not fill the vacancy by appointment within thirty (30) days, that vacancy shall be filled by special election regardless of whether the year is an election year or an odd year. (See 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 Census figures.

1.5 **Compensation:**

Compensation for the Board of Commissioners and nonjudicial elected officials shall be determined by the Monroe County Compensation Commission each even numbered year and shall make its determination within forty-five (45) calendar days after its first meeting of the year and shall become effective on January 1st of the odd numbered year following approval of the Monroe County Officers Compensation Commission (MCL 45.471).

Compensation of the Monroe County Road Commissioners shall be reviewed and established at such time as the Board of Commissioners determine appropriate.

1.6 **Reimbursable Expenses:**

Commissioners shall be reimbursed for all actual expenses including mileage, not otherwise reimbursed from other sources, which are incurred for travel in conjunction with required meetings and conferences subject to appropriations in the annual budget.

1.7 Officers, Agents & Employees:

The Board shall elect at its first meeting of each year a Chairperson and Vice-Chairperson and may appoint at such other times such other representatives, agents and employees.

1.8 Powers & Duties:

The Board shall have such powers and duties as shall from time to time or at any time be provided by law (For some of the powers and duties, see Appendix A).

1.9 Indemnification:

The indemnification and defense of County Board members, and possibly others, shall be as stated in a County Policy as may be adopted by the County Board from time to time and then as may be modified from time to time.

**ARTICLE II
OFFICERS & EMPLOYEES**

2.1 Chairperson:

The Chairperson shall be elected in accordance with Section 3 of Act 156 of PA 1851, as amended, (MCL 46.3). (See Appendix B). The duties and powers shall include the following:

1. Shall prepare the Agenda in accordance with County Policy #201 as adopted by the Board of Commissioners on March 23, 1999, as may have been or may ever be amended or revised. (See Appendix C) and shall preside at all meetings of the Board.

2. Shall appoint certain members of the County Board to all standing committees, special committees and subcommittees of the County Board, and shall further name and appoint the Chairperson of each standing committee, special committee and subcommittee. Shall also appoint certain members of the County Board to various Boards, Commissions, Agencies and Authorities, not including the standing committees, special committees and subcommittees of the County Board itself, (see paragraph 1 of Section 2.6 of these By-Laws.) No ratification by the County Board shall be necessary for the appointments to be effective.

3. May refer any communication to a standing committee.

4. Shall appoint, with the confirmation of the Board, representatives for attendance at state and district conferences or service on state or district committees.

5. May attend any meeting of any standing committee, special committee or subcommittee and shall be allowed to participate in the discussions and deliberations of said standing committee, special committee or subcommittee, but shall not be considered a voting member of said standing committee, special committee or subcommittee, except for the standing Finance Committee, which the Chairperson is a voting member of.

6. Shall affix the signature to all contracts, bonds and other documents requiring the signature of the Chairperson.

7. Shall be the ceremonial representative of the County and shall perform such other duties as specified by law, the Board, or by custom. In the event the Chairperson is unavailable to represent the County at any ceremonial function, the Chairperson shall designate the Commissioner of the particular district in which the ceremonial

function is scheduled to appear and act for and on behalf of the County. In the event that particular Commissioner is unavailable, then the Chairperson may appoint another Commissioner.

8. Shall preside at the Finance Committee meeting in the absence of the Vice-Chairperson.

9. Shall refer matters to a standing committee, special committee or subcommittee of the County Board as deemed necessary and appropriate by the Chairperson. No vote of the County Board shall be necessary before the Chairperson refers an item to a standing committee, special committee or subcommittee of the County Board, but at any time, and notwithstanding what the Chairperson of the County Board determines, the County Board may refer matters to standing committees, special committees and/or subcommittees of the County Board by vote of a majority of the members present at any meeting where a quorum is present.

2.2 Vice-Chairperson:

The Vice-Chairperson shall be elected in accordance with Section 3 of Act 156 of PA 1851, as amended, (MCL 46.3). (See Appendix B). The duties and powers shall include the following:

1. Shall prepare the Agenda in accordance with County Policy #201 as adopted by the Board of Commissioners on March 23, 1999, as may have been or may ever be amended or revised. (See Appendix C) in conjunction with or in the absence of the Chairperson.

2. Shall preside in the absence of the Chairperson.

3. Shall affix the signature to contracts, bonds or 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 that office.

4. Shall perform such other duties as may be from time to time assigned by the Chairperson or by the Board.

5. Shall be Chairperson of the Finance Committee.

2.3 Clerk:

The County Clerk, or in the absence of the County Clerk, the Chief Deputy, shall be the Clerk of the Board and shall perform such duties as required by law or as from time to time assigned by the Board. The Clerk may also appoint, with the consent of the Board, a Deputy Clerk to perform those duties as required by law or assigned by the Board. This Deputy Clerk shall also serve, with the consent of the Board as the Administrative Assistant for the Board. This Deputy Clerk/Administrative Assistant shall be responsible for the following duties and shall serve under the direction of the Board of Commissioners and the County Clerk:

1. The performance of secretarial services for the Chairperson and Board Members.

2. The recording of the minutes of the Board and Committee Meetings.

3. The filing and preservation of the records of the Board and its Committees.

4. The performance of such other duties as may be from time to time assigned by the Chairperson or by the Board.

5. Serve as Administrative Assistant to the Administrator/CFO and Recording Secretary to various Boards and Commissions.

6. Shall be the designated person to provide notice of Public Meetings in compliance with the Open Meetings Act.

2.4 Appointment of Administrator/Chief Financial Officer; Position of County Purchasing Agent Included; Power to Retain and Supervise other Representatives, Agents and Employees

The County of Monroe, through its Board of Commissioners, perceives and believes management of the County can become more efficient through a more centralized administration established under MCL 46.11(o), which authorizes the appointment of an Administrator/Chief Financial Officer. The position of Administrator/Chief Financial Officer shall include, among other duties, the duties of County Purchasing Agent under MCL 46.13a. The Administrator/Chief Financial Officer may, as the County Board may directly or through its policies allow, retain and supervise such other representatives, agents and employees as may be deemed necessary by the Board to carry out any of its powers. (See Appendix D.) The Administrator/Chief Financial Officer shall have the authority and possess all the duties and responsibilities, as authorized in the Resolution Creating the Position of County Administrator, adopted by the County Board on January 14, 1997, as may have been or may ever be amended or revised and as recited in Appendix D attached hereto, or as the Board may otherwise provide from time to time.

2.5 Legal Advisor:

The Board of Commissioners shall, at its Organizational Meeting of newly elected Commissioners, which occurs on every odd numbered year, appoint a general Legal Advisor to serve at the pleasure of the Board. The Legal Advisor shall serve until a replacement is appointed.

The Board of Commissioners may also, in its discretion, appoint at its Organizational Meeting of newly elected commissioners, or at any other Organizational Meeting, or from time to time, or as needed, such other legal advisors, such as bond counsel, labor counsel, special litigation counsel, and others. The appointment of the general Legal Advisor shall be mandatory. The appointment of other legal advisors shall be discretionary.

2.6 Appointments To Boards & Commissions:

1. For appointments to various Boards, Commissions, Agencies and Authorities, not including the standing committees, special committees and subcommittees of the County Board itself, the following shall be the procedure: The Administrative Assistant/Deputy Clerk of the County Board, shall bring to the attention of the Chairperson or Vice Chairperson of the particular Board, Commission, Agency or Authority, any vacancy or expiring term that has or will occur on that Board, Commission, Agency or Authority, and a criteria for appointment for that particular position. Regardless of whether or not the Administrative Assistant/Deputy Clerk of the County Board notifies the Chairperson or Vice Chairperson of the Board, Commission, Agency or Authority concerning such vacancy or expiring term, and the criteria for appointment for that particular position, the Chairperson, or Vice Chairperson shall bring the matter of the vacancy or expiring term to the attention of the particular Board,

Commission, Agency or Authority, where the vacancy or expiring term will or has occurred. If reappointment is not prohibited under the law, or these Bylaws or any other rules or regulations, the Board, Commission, Agency or Authority shall inquire as to whether the incumbent of an expiring position wishes to be reappointed or not. The particular Board, Commission, Agency or Authority, where the vacancy or expiring term has or will occur, and regardless of whether or not inquiry to the incumbent of an expiring position has been made, shall, by majority vote of the membership of said Board, Commission, Agency or Authority, make a recommendation to the County Board for the filling of the vacant or expiring position. Once the recommendation is received, the Administrative Assistant/Deputy Clerk of the County Board shall place the appointment or reappointment on the Consent Agenda for a County Board meeting, as directed by the Chairperson of the County Board. The County Board may, even where a recommendation is received from the particular Board, Commission, Agency or Authority, make an appointment or reappointment that is different than the recommended candidate. In such event, the County Board may appoint or reappoint in the manner as provided in paragraph 7 of Section 2.6 below, except that a recommendation will have been made. Notwithstanding what is stated above, for a County Board Commissioner who is to be appointed to a Board, Commission, Agency or Authority, (not including the standing committees, special committees and subcommittees of the County Board itself), the Chairperson shall appoint said County Board members in accordance with paragraph 2 of Section 2.1 of these By-laws above.

2. Appointments shall not necessarily be confined to incumbents only, in the case of an expiring term. A majority vote of the members of the County Board elected and serving shall make the appointment or reappointment, unless otherwise provided by law. Any County Board Member may, in the usual and customary practice of the County Board, have the matter of any appointment or reappointment taken from the Consent Agenda for further discussion, review, and other possible action.

3. A County Board Commissioner who is appointed to any position on a Board, Commission, Agency or Authority shall hold such position only during the duration of that Commissioner's elected term. Any vacancy created by death, resignation or failure of reelection of an appointed Commissioner shall likewise terminate that Commissioner to the respective appointed position.

4. No County Board Commissioner shall be eligible or considered for appointment to any Board, Commission, Agency or Authority for a period of one year from the date after that Commissioner leaves office for any reason.

5. No individual shall be appointed, except County Board Commissioners, to serve on more than one Board, Commission, Agency or Authority. An individual, other than a County Board Commissioner, may submit a letter of resignation from an existing Board, Commission, Agency or Authority, upon which they are serving, subject to appointment to a new Board, Commission, Agency or Authority for which a new appointment is sought.

6. All appointments to Boards, Commissions, Agencies and Authorities, shall include only residents of the County of Monroe.

7. In the event the Board, Commission, Agency or Authority does not make a recommendation to the County Board in a timely manner, as determined by the County Board, the County Board

may vote to appoint or reappoint for a vacant or expiring term on any Board, Commission, Agency or Authority. Unless otherwise provided by law, the County Board may make said appointment or reappointment without advertisement or interview. The County Board may, in its discretion, advertise and/or interview for any vacancy or expiring term, in any manner deemed reasonable by the County Board. In the event of the County Board making an appointment or reappointment without receiving a recommendation from the Board, Commission, Agency or Authority upon which the vacancy or expiring term is occurring, the Chairperson of the County Board may nominate persons for appointment to fill any vacancy or expiring term, which nomination shall require ratification by the County Board as provided in paragraph 2 of Section 2.6 above.

ARTICLE III
MEETINGS

3.1 Regular Meetings:

Except otherwise required by law, the Regular Meetings of the Board shall be held as follows:

1. The Board shall meet regularly on the second and fourth Tuesday of each month at 7:00 p.m., and at the option and call of the Board Chairperson, may meet on the first, third and/or fifth Tuesday of any particular month at 5:00 p.m., or later as may be designated by the Chairperson. In addition, at the option and call of the Board Chairperson, or in the Board Chairperson's absence, then in consecutive order, of the Vice-Chairperson, Chairperson of the Personnel Services/Human Resources Committee or Chairperson of the Physical Resources Committee, for reasons having to do with holidays, availability of Commissioners, lack of agenda items, or for other similar reasons, the regular meetings of the Board may be cancelled and/or rescheduled to a different date and time. For any meeting called on the first, third and/or fifth Tuesday of any particular month, or for any rescheduled meeting, the Administrative Assistant/Deputy Clerk shall give notice to each of the Board Commissioners of the meeting no later than eighteen (18) hours before the time of the meeting. The Administrative Assistant/Deputy Clerk shall also take the necessary steps to provide statutory notice under Act 267 of P.A. 1976, as amended, (MCL 4.1800(11) et seq.).

2. All Regular Meetings of the Board shall be held in the Board of Commissioners Chambers, 125 East Second Street, Monroe, Michigan unless otherwise notified per the requirements of the Open Meetings Act (See Appendix E).

The Board may, in its discretion, and from time to time, meet at other public locations within the County of Monroe, provided proper public notice is given, and compliance with the Open Meetings Act is followed.

3. All meetings of the Board of Commissioners shall be held in accordance with Public Act 267 of 1976 as amended (Open Meetings Act).

4. The Chairperson of the County Board shall preside at all regular, rescheduled regular and adjourned regular meetings of the County Board, unless the Chairperson is absent or otherwise unavailable. In the event the Chairperson of the County Board is absent or otherwise unavailable, the Vice-Chairperson of the County Board shall preside at the regular, rescheduled or adjourned meeting where the Chairperson is absent or otherwise unavailable. If the

Chairperson and the Vice-Chairperson are absent or otherwise unavailable for any such meetings, then the Chairperson of the Personnel Services/Human Resources Committee shall preside. If the Chairperson, Vice-Chairperson and Chairperson of the Personnel Services/Human Resources Committee are absent or otherwise unavailable, the Chairperson of the Physical Resources Committee shall preside. If all of them are absent or unavailable, the members of the County Board present at the meeting shall elect a temporary Chair for that meeting.

3.2 Committee Meetings:

All standing committees, special committees and subcommittees of the County Board, shall meet as a committee as provided in Article V (entitled "Committees of the Board"), as necessary, at the call of the Chairperson of the standing committee, special committee or subcommittee, or at the call of the Chairperson of the County Board.

Committee recommendations shall be in accordance with Appendix F (Flow Chart).

3.3 Special Meetings:

Specials Meetings of the Board shall be held only when:

1. When requested by at least one-third (1/3) of the members of the County Board, which request shall be in writing, addressed to the Chairperson of the County Board, or in the Chairperson's absence or other unavailability, the Vice-Chairperson, or to the Administrative Assistant/Deputy Clerk, specifying the purpose of such meeting, any proposed action to be considered at the meeting, and a request for the suggested time for holding said meeting. Upon receipt of this request, the Administrative Assistant/Deputy Clerk, and the Chairperson of the County Board, or in the Chairperson's absence or other unavailability, the Vice-Chairperson, and in both of their absence or other unavailability, the Chairperson of the Personnel Services/Human Resources Committee, and in the event of the absence or other unavailability of all three of them, the Chairperson of the Physical Resources Committee, shall together schedule the special meeting at the time when deemed appropriate by the Chairperson of the County Board, or in the absence or other unavailability of the Chairperson, then in consecutive order, the Vice-Chairperson, Chairperson of the Personnel Services/Human Resources Committee, or Chairperson of the Physical Resources Committee, taking into consideration the significance and urgency of the situation needing special attention of the County Board, but said meeting shall not be held later than the requested time by the Board Members requesting the special meeting, or five (5) calendar days from the day when the request is received by the Chairperson of the County Board, or the Vice-Chairperson, or the Administrative Assistant/Deputy Clerk, whichever is later. The Administrative Assistant/Deputy Clerk shall give notice to each of the Board Commissioners of the special meeting, and shall provide a copy of the written request for the special meeting as presented by at least one-third (1/3) of the members of the County Board, no later than eighteen (18) hours before the time of the special meeting. The Administrative Assistant/Deputy Clerk shall also take the necessary steps to provide statutory notice under Act 267 of P.A. 1976, as amended, (MCL 4.1800(11) et seq.). The Chairperson of the County Board, or if the Chairperson is absent or otherwise unavailable, then in consecutive order, the Vice-Chairperson, Chairperson of the Personnel Services/Human Resources Committee, or Chairperson of the Physical Resources Committee, shall act with respect to receiving the request for and scheduling special meetings. At all special meetings, the Chairperson of the County Board shall preside, but if the Chairperson is

absent or otherwise unavailable, then in consecutive order, the Vice-Chairperson, Chairperson of the Personnel Services/Human Resources Committee, or Chairperson of the Physical Resources Committee, shall preside over the special meeting.

2. The Chairperson of the County Board, or in the absence or other unavailability of the Chairperson of the County Board, then in consecutive order, Vice-Chairperson, Chairperson of the Personnel Services/Human Resources Committee, or Chairperson of the Physical Resources Committee, 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 a time or place as may be deemed appropriate and give notice of such meeting to the members of the Board by the best available means of communication.

3.4 Organizational Meeting:

For its Organizational Meeting, the Board shall meet each year at 7:00 p.m. on the first Tuesday of January that is not a designated County holiday, or at another reasonable day and time fixed by the Deputy Clerk/Administrative Assistant, or County Clerk if the County Clerk chooses to act, which is on a day that is before the first Regular Meeting of the Board for the year. The purpose of the Organizational Meeting shall be to elect a Chairperson and Vice-Chairperson, administer oaths if necessary, appoint the County Legal Advisor and other advisors if necessary, and it may also authorize the payment of claims and non-claims of the County and establish a date by which any proposed By-Law changes must be submitted and it may also transact any other business properly brought before the Board. If the first Tuesday of January that is not a designated County holiday is the same day as when the first Regular Meeting for the Board would be held, and if the Organizational Meeting for that year has not yet been held, then the items normally addressed at the Organizational Meeting shall be included in the agenda for the first Regular Meeting of the Board. The Deputy Clerk/Administrative Assistant or the County Clerk if the County Clerk chooses to act, shall act as the moderator of the Organizational Meeting, or if no Organizational Meeting is held before the first Regular Meeting of the Board, then as the moderator of the first Regular Meeting of the Board, until such time as the Chairperson of the Board is elected, after which time, the Chairperson shall preside at said meeting. If the Chairperson is not present, then the Vice-Chairperson shall preside after being elected. The Organizational Meetings shall be held in the Board Chambers, unless otherwise notified per the requirements of the Open Meetings Act and shall be held in accordance with the Open Meetings Act.

3.5 Order Of Business For Regular Meeting:

The order of business shall be as follows:

1. Call To Order
2. Roll Call
3. Pledge Of Allegiance
4. Opening Prayer
5. Approval Of Agenda
6. Approval Of Minutes
7. Resolutions, Special Tributes & Presentations
8. Consent Agenda
9. Communications
10. Public Hearings
11. Old Business
12. New Business
13. Citizens Time
14. Announcements

- 15. Administrator's Report
- 16. Members Time
- 17. Adjournment

3.6 Quorum:

A majority of the members shall constitute a quorum for the transaction of the ordinary business of the County.

3.7 Public Meetings: (See Appendix D)

3.8 Publication Of Proceedings:

The Board shall cause to make a full report of the Board proceedings available, as soon as possible, after each session in the Office of the County Clerk for public inspection and copying, without charge, mail copies of the report without charge and advertise, in established newspapers, that such a report is available from the Office of the County Clerk.

3.9 Board Orders, Record:

Every order, resolution and determination of the Board shall be recorded in the records of the Board and signed by the Chairperson and County Clerk.

ARTICLE IV
RULES OF GENERAL
CONDUCT & PROCEDURE

A. CONDUCT

4.1 General Conduct:

A member shall not use profane, intemperate or discourteous language or conduct. If a member arrives late at a meeting, the time of arrival shall be noted by the Clerk. If a member leaves a meeting before adjournment, his time of departure shall be noted by the Clerk.

4.2 Conflict Of Interest:

No member shall directly or indirectly be a party to any contract between himself and the County of Monroe or recommend or encourage any contract between the County of Monroe and a relative or the employment of a relative. The provision herein shall be in addition to any conflict of interest provision now or hereafter established by law.

4.3 False Statements:

No member shall make any false statements for the purpose of receiving compensation or reimbursement for expenditures.

4.4 Violation Of The Rules Of Conduct:

No penalty shall be assessed against any member for the violation of the rules of conduct except on the filing of written charges and a hearing before the entire Board. No member shall be found guilty except on a two-thirds (2/3) vote of the entire Board and the punishment may include censure or such other penalty as may be permitted by law.

B. GENERAL PROCEDURE

4.21 Agenda:

1. All Regular Board of Commissioners agendas shall be prepared in accordance with County Policy #201 as adopted by the Board of Commissioners on March 23, 1999, as may have been or may ever be amended or revised, (See Appendix C.)

2. If an item has been submitted for review and recommendation by the appropriate committee or committees and no action has been taken by the committee on the item within forty-five (45) days after its submission, the Chairperson shall be required to place the item on the Agenda for consideration.

3. There is hereby established a Consent Agenda, whereby all committee reports are placed. Any member of the Board may request any consent agenda item to be removed for discussion and brought before the Board for separate action and vote. Otherwise, all consent agenda items after voted on by motion and roll call, shall be considered adopted as if read and acted upon individually.

4.22 Voting:

The voting procedure shall be as follows:

1. No votes shall be taken by secret ballot.

2. Except as otherwise provided by statute or rule, all questions shall be determined by the vote of the majority of the members of the County Board present, except upon final passage or adoption of any measure or resolution, or the allowance of any claim against the County, in which case the majority of all members of the County Board elected and serving shall be necessary. (Section 3 of Act 156 of P.A. 1851, as amended, (MCL 46.3) See Appendix B.) County Board members who abstain on a vote shall be counted as a present member, for purposes of determining a quorum and for purposes of determining whether a necessary affirmative vote on a motion passes or fails. In other words, an abstaining member shall be counted as a vote not in favor of a motion or other action taken by the County Board.

3. A motion for reconsideration can only be made by a member of the County Board who voted with the prevailing side of the motion being reconsidered, and can only be made at the meeting at which the motion being reconsidered was made, and requires passage by a simple majority of the quorum of the County Board present at the meeting.

4. A two-thirds (2/3) vote of the members of the County Board elected and serving shall be required:

a. To suspend the rules of order of business at any meeting, or to add any matter to, or to delete any matter from the previously prepared and distributed agenda of any regular, rescheduled regular or adjourned regular meeting, or to take up any matter, whether action is to be taken or not by the County Board, on matters that are not on the agenda at any meeting. Notwithstanding the above, if the Chairperson of the County Board deletes any matter from the previously prepared and distributed agenda of any regular, rescheduled regular or adjourned regular meeting, and no County Board member objects, that action may be taken without vote.

5. 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 one-thousand dollars (\$1,000), or at the request of any member. The call of the roll shall not be interrupted. A member at the completion of the call may give a brief statement for the record without argument or repetition, of reasons for voting "Aye", "Nay" or for "Abstaining". Any member may request, through the Chairperson, that the member attempting to abstain state a reason/explanation for the abstention.

6. For all meetings, notwithstanding any proposed motion or resolution on an agenda item that may be presented to the members of the County Board prior to meeting, the County Board may adopt a different form of that motion or resolution, or any modification of that motion or resolution, or may adopt any new or other motion or resolution related to the item on the agenda, even if the effect of the motion or resolution is different than any proposed motion or resolution that may have been provided to the members of the County Board prior to the meeting. If an agenda item does not have a proposed motion or resolution given to the members of the County Board prior to the meeting, any motion or resolution related to the agenda item may be made and adopted by the County Board. Even if the agenda item has the word “discuss” in it, or some similar language not indicating any action, either on the agenda or in the notice of any meeting, the County Board shall still have authority to act and pass a motion or resolution related to that agenda item. No special motion shall be necessary to change the language on any proposed motion as submitted to the members of the County Board prior to any meeting. It shall be acceptable for the County Board to adopt any motion or resolution that is related to the agenda item, even though different than the motion or resolution as proposed, so long as the motion or resolution to be adopted is clearly stated before being voted on by the County Board.

7. Minutes of Meetings by the County Board may be approved without reading them in public at the meeting where the Minutes are to be approved.

4.23 Citizen Participation:

At the direction of the Chairperson or at the invitation of a Commissioner, a citizen may speak on any Agenda item prior to taking a vote thereon.

4.24 General Conduct:

No member or other person shall speak until duly recognized by the Chairperson and shall immediately cease speaking if ruled out of order.

4.25 Codification:

All approved official actions, regulations, policies and ordinances shall be codified by the County Clerk in such forms as may be required for their proper use.

4.26 Rules Of Order:

Robert’s Rules of Order, Latest Edition of the Scott, Foresman and Company shall govern the Board and its Committees on all of their deliberations except as modified by statute or rule.

ARTICLE V
COMMITTEES OF THE BOARD

A. ORGANIZATION

5.1 Purpose & Functions:

It is the purpose of each Committee to develop for the entire Board information, alternatives and recommendations as well as to carry on a continuing evaluation of the performance of activities within the Committee’s area of responsibility.

5.2 Standing Committees:

1. Finance Committee:

Membership:

The entire Board of Commissioners shall serve on the Finance Committee.

Areas of Responsibility:

The Finance Committee's responsibilities shall include, but not be limited to the following:

a. Preparation of the annual budget for approval of the Board.

b. Recommendations to the Board for the expenditure of all County funds.

c. Recommendations to the Board in areas of apportionment, equalization and appropriations not previously approved by the annual budget.

d. Providing policy recommendations to the Board to expend County funds and overseeing County revenues and investments, which includes developing funding alternatives.

e. Recommendations to the Board of the sufficiency of cash reserves to contingency account contemplated by non-budgetary appropriations.

f. Finance Policies.

g. Finance Department.

h. Budgeting Policies and Development.

i. Internal and External Auditing.

j. Equalization and Apportionment.

k. Delinquent Tax Borrowing.

l. Economic Development.

m. Claims Against the County.

n. Non-Claims Against the County.

o. Collective Bargaining Negotiations and Other Matters, but the County Board may handle said matters directly without action by the Finance Committee.

Review budgets of committee functions for recommendations to the full Board.

No final decision shall be made by this Committee except as approved by the Board of Commissioners.

2. Personnel Services/Human Resources Committee:

Membership:

The Personnel Services/Human Resources Committee, consisting of four (4) members appointed by the Chairperson of the Board following the Organizational Session of the Board.

Areas Of Responsibility:

The Personnel Services/Human Resources Committee's responsibilities shall include, but not be limited to the following:

- a. Human Resources - Position upgrades, new position requests and job study evaluations.
- b. Health Department.
- c. Medical Examiner.
- d. Mental Health Authority.
- e. Fairview.
- f. Commission On Aging.
- g. Veterans Services.
- h. Cooperative Extension.
- i. Family Independence Agency.
- j. Southeast Michigan Substance Abuse Services.
- k. Michigan Works and Job Training.

Review budgets of committee functions for recommendations to the Finance Committee and full Board.

No final decision shall be made by this Committee except as approved by the Board of Commissioners.

3. Physical Resources Committee:

Membership:

The Physical Resources Committee, consisting of four (4) members appointed by the Chairperson of the Board following the Organizational Session of the Board.

Areas Of Responsibility:

The Physical Resources Committee's responsibilities shall include, but not be limited to the following:

- a. Procurement.
- b. Facility Management.
- c. Clerk/Register Of Deeds.
- d. County Agency.
- e. Road Commission.
- f. Drain Commission.

- g. Self-Help Improvement Program.
- h. Soil Erosion Program.
- i. Parks & Recreation.
- j. Solid Waste Management Plan (PA 641).
- k. Planning Department.
- l. Central Dispatch/9-1-1
- m. Remonumentation Program.
- n. Information Systems.
- o. Historical Commission.

Review budgets of committee functions for recommendations to the Finance Committee and full Board.

No final decision shall be made by this Committee except as approved by the Board of Commissioners.

4. Judiciary, Law Enforcement And Public Safety:

Membership:

The Judiciary, Law Enforcement and Public Safety Committee, consisting of four (4) members appointed by the Chairperson of the Board following the Organizational Session of the Board.

Areas Of Responsibility:

The Judiciary, Law Enforcement and Public Safety Committee's responsibilities shall include, but not be limited to the following:

- a. Circuit Court.
- b. Family Court.
- c. District Court.
- d. Probate Court.
- e. Friend of the Court.
- f. Sheriff/Jail/Animal Control.
- g. Community Corrections/PA511
- h. Emergency Medical Services.
- i. Youth Center.
- j. Emergency Management.
- k. Prosecuting Attorney.

Review budgets of committee functions for recommendation to the Finance Committee and full Board.

No final decision shall be made by this Committee except as approved by the Board of Commissioners.

B. COMMITTEE PROCEDURE

5.21 Minutes:

Minutes shall be prepared for all meetings and shall be filed in a minute book maintained for each Committee.

5.22 Time, Place & Attendance Of Meetings:

Each Committee shall:

1. Meet at the discretion of the Chairperson of those Committees or as directed by the Chairperson of the County Board. Meetings may also be scheduled on days other than Tuesday. Meetings scheduled shall be subject to proper notice being given by the Administrative Assistant/Deputy Clerk, of no less than eighteen (18) hours to the Chairperson and members of the Committee and the Administrative Assistant/Deputy Clerk shall also have any other required action and give any other required notice, according to law.

2. The Chairperson of any Committee may appoint any Commissioner, including the Board Chairperson, as a temporary member of the Committee to fill any vacancy or to obtain a quorum.

3. All Committee chairmen shall furnish the Administrative Assistant/Deputy Clerk an agenda of the meeting prior to holding the meeting.

4. All Committees shall meet in the Board Chambers unless it is not available or unless a special purpose of the meeting requires it to be held elsewhere.

5. Each Committee chairperson shall schedule all meetings, special and regular, through the Administrative Assistant/Deputy Clerk, who shall post any schedule, take any required action and give any required notice, according to law and according to paragraph 1 above, of this Section 5.22. The Chairperson of the County Board may likewise schedule a meeting, special or regular.

6. Any Board member may attend any Committee meeting, but shall not vote nor unreasonably interfere with the conduct of the Committee business.

7. The Administrative Assistant/Deputy Clerk shall keep a record of members in attendance at all assigned regular Committee meetings.

8. If the Chairperson of the Committee is not present for any Committee meeting, the Vice-Chairperson of the Committee, if there be any, shall preside. If there be none, then the members present of the Committee shall vote a temporary Chairperson for that meeting who shall then preside over that meeting.

9. A quorum for holding a Committee meeting, except for a Finance Committee meeting, shall be three (3) members of the Committee. For a Finance Committee meeting, a quorum shall be five (5) members of the Committee. If there is less than a quorum, the

member(s) present may take action to cancel the meeting and/or reschedule the meeting to a new time and date.

10. A Chairperson and Vice-Chairperson, if any, of any Committee, may make motions and second motions at a Committee meeting.

11. A vote or action on any matter before a Committee shall require a simple majority of the quorum present. If a vote on any matter before a Committee shall be a tie vote i.e. two to two or one to one, that matter shall nonetheless proceed to the County Board with a notation that the vote was a tie, thus no recommendation having been officially made, one way or the other.

12. Committee meetings shall be considered public meetings under the Open Meetings Act, Act 267 of P.A. 1976, as amended, (MCL 41.800(11) et seq.; See Appendix E), unless otherwise stated or constituted.

5.23 Committee Reports:

Each Committee shall report its recommendation as an item under the Regular Board Meeting Consent Agenda.

5.24 Sub-Committees:

The Board Chairperson or the County Board may, from time to time, authorize the establishment of a special (non-standing) committee or subcommittee. At least one County Board member shall be a member of the special committee or subcommittee. The Chairperson of the Board shall state the purpose, duration and number of members of the special committee or subcommittee, and appoint the members of the special committee or subcommittee, and appoint a Chairperson of the special committee or subcommittee. If the Chairperson of the County Board fails, after being given a reasonable opportunity, to state the purpose, number of members or the duration of the special committee or subcommittee, or fails, after being given a reasonable opportunity, to appoint the members or Chairperson of the special committee or subcommittee, the County Board may take that action. Any compensation to be paid to non-County Board members shall be determined by the County Board. The Chairperson of the County Board shall not have the authority to determine compensation. The procedure for the special committee or subcommittee shall be as stated in Section 5.22 for the Standing Committees, except a quorum shall be one-half (1/2) the number of special committee or subcommittee members. The Board Chairperson and Finance Committee Chairperson as to Finance Committee matters, may also appoint a County Board member or less than a quorum of County Board members to attend meetings or negotiations or perform other tasks of importance to the Board or Finance Committee and to report to the Board or Finance Committee. The appointed County Board member or members may not deliberate towards rendering a decision on behalf of the County Board or cause any decision or policy to be made or taken on behalf of the Board and such attendance by the County Board member or members shall not be a special committee or subcommittee and shall not be a meeting under the Open Meetings Act.

ARTICLE VI
AMENDMENT

These By-Laws and Rules of Procedure may be amended or repealed by the affirmative vote of two-thirds (2/3) of the members of the County Board who are elected and serving, provided that advance written notice of at least thirty (30) days of the proposed amendment or

repeal has been provided to every member of the County Board. The thirty (30) day time period may be waived by unanimous action of all of the members of the County Board who are elected and serving by voting to approve of any amendment or repeal during said thirty (30) days. The By-Laws and Rules may not be waived or suspended, except as may otherwise be provided in these Bylaws or as specifically allowed by law.

APPENDIX A

RESPONSIBILITIES AND DUTIES OF MEMBERS OF THE MONROE COUNTY BOARD OF COMMISSIONERS

The Monroe County Board of Commissioners consists of nine members with statutorily defined terms of office. The responsibilities and duties are collective and not individual in nature; therefore, the members only have authority to act collectively although the Board may delegate, on a temporary basis, some of its authority to a member.

The principal duty of the Board of Commissioners is to establish policies that govern the activities of the county government and the procedures of its employees. The Board establishes its policies by majority actions of the members in properly called meetings.

A major responsibility of the Board of Commissioners is to assess and evaluate proposals made by the County Administrator, to examine records and to consider communications from state and local officials, as well as from citizens and organizations in the county.

The Board of Commissioners is responsible for the maintenance of the fiscal integrity of Monroe County. It exercises this responsibility by establishing policies and prescribing procedures relating to budgeting, accounting, purchasing, employment and compensation. The Board evaluates compliance with its policies and adopted procedures through such instruments as annual audits, periodic budget reports and reports by the County Administrator.

The Board of Commissioners appoints the County Administrator to be the Chief Operating Officer of the county and holds that appointee accountable for administrative compliance with the board's policies, state laws and the fiscal integrity of the county. To hold the County Administrator accountable for administrative performance and compliance, members of the board access the county's department heads and employees only through the county administrator. The line of authority and accountability extends from the Board through the Chairperson to the Administrator and thence to department heads and to individual employees. Individual board members may contact department heads on a casual basis to discuss various issues.

1. The members will avoid making individual commitments on behalf of the county without the concurrence of the Board.

2. The Board of Commissioners and individual members advance the public standing of county government by demanding that the chairperson and the county administrator hold all employees accountable for complying with all of the Board's policies and by holding themselves, collectively and individually to that same standard.

APPENDIX B

COUNTY BOARDS OF COMMISSIONERS (EXCERPT)

46.3 County board of commissioners; quorum; voting; electrical roll call system; electing chairperson and vice-chairperson; powers and duties of chairperson; signing documents; eligibility of member for other office.

Section 3:

1. 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.

2. The county board of commissioners of a county shall act by the votes of a majority of the members present. However, 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 by-laws 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 non-agenda item. The voting requirements of this subsection do not apply if section 11 or any other provision of law imposes a higher voting requirement.

3. To take the yeas and nays on a question to be voted upon by the county board of commissioners of a county, an electrical roll call system may be used.

4. The county board of commissioners of a county shall elect one member as chairperson and one member as vice-chairperson. The chairperson shall be elected each odd numbered year for a two year term, unless the county board of commissioners provides by resolution that the chairperson shall be elected annually for a one year term. The vice-chairperson shall be elected annually for a one year term. The election of a chairperson or vice-chairperson shall take place at the first meeting of the county board of commissioners in a year in which a chairperson or vice-chairperson, respectively, is to be elected. The term of a chairperson or vice-chairperson shall begin upon his or her election. A resolution providing for a one year term for the chairperson does not shorten the term of office of a sitting chairperson elected for a two year term.

5. The chairperson shall preside at a meeting of the board, but if the chairperson is absent from a meeting, the vice-chairperson shall preside. A chairperson may administer an oath to a person concerning a matter submitted to the county board of commissioners or connected with the discharge of its duties, may issue subpoenas for witnesses and may compel the attendance of a witness in the same manner as a court of law. The county board of commissioners may designate one member to affix his or her signature to contracts, bonds and other documents requiring the signature of the chairperson if the chairperson is unable to do so because of illness or other exigency, which, in the opinion of the board prevents the chairperson from performing the functions of the office.

6. A member of the county board of commissioners of a county, while a member of the board, is not eligible for election to any other county office or position, the election of which is within the jurisdiction of the county board of commissioners.

APPENDIX C

PREPARATION OF REGULAR BOARD MEETING AGENDAS

1. Purpose: The purpose of this policy is to provide for the preparation of regular board agendas and committee agendas.

2. Statement Of Policy:

2.1 All regular Board of Commissioners meeting agendas and Finance Committee meeting agendas shall be prepared by the Administrative Assistant/Deputy Clerk no later than 5:00 p.m. on the Friday preceding the regular County Board meeting. The agendas for all regular Board of Commissioners meetings and Finance Committee meetings shall be faxed, mailed, e-mailed or delivered to all the County Board members, no later than 5:30 p.m. on the Friday preceding the County Board meeting. Any items being considered for placement on either agenda must be presented by noon on Thursday preceding the agenda meeting to address the items to be placed on the agendas, except for those items being placed on the agenda by the Chairperson of the County Board for a regular Board of Commissioners meeting, and the Vice-Chairperson for a Finance Committee meeting. The Chairperson of the County Board may add items to the agenda for a regular Board of Commissioner's meeting up until the time that the agenda is faxed, mailed, e-mailed or delivered to all of the County Board members. The Vice-Chairperson may add items to the agenda for the Finance Committee up until the time that the agenda is faxed, mailed, e-mailed or delivered to all of the County Board members.

2.2 All regular Board of Commissioners meeting agendas will be prepared by the Chairperson of the Board of Commissioners, with the input of the Vice-Chairperson of the Board of Commissioners, the County Administrator/Chief Financial Officer, the Administrative Assistant/Deputy Clerk and the Legal Advisor. The Chairperson of the Board of Commissioners, Vice-Chairperson of the Board of Commissioners, County Administrator/Chief Financial Officer, Administrative Assistant/Deputy Clerk and the Legal Advisor, shall attend an agenda meeting to help review and identify items to be placed on the agendas of the regular Board of Commissioners meeting and the Finance Committee meeting. The agenda meeting will be held when scheduled by the Chairperson of the County Board, but no later than noon on the Friday preceding the County Board meeting. Other members of the Board of Commissioners and administrative staff, and elected officials, may participate and provide input into the agenda meetings.

2.3 The Chairperson of the various standing committees of the Board of Commissioners shall be responsible for scheduling the standing committee meetings and for advising the Administrative Assistant/Deputy Clerk of the items to be placed on the standing committee agendas.

2.4 In the absence or other unavailability of the Chairperson, in consecutive order, the Vice-Chairperson, Chairperson of the Personnel Services/Human Resources Committee, or Chairperson of the Physical Resources Committee, shall act in matters having to do with the agenda of a regular Board of Commissioners meeting. In the absence or other unavailability of the Vice-Chairperson, in consecutive order, the Chairperson of the Board of Commissioners, the Chairperson of the Personnel Services/Human Resources Committee or Chairperson of the Physical Resources

Committee, shall act on behalf of the Vice-Chairperson with respect to the agenda for the Finance Committee meeting.

APPENDIX D

RESOLUTION ESTABLISHING THE OFFICE OF COUNTY ADMINISTRATOR ADMINISTRATOR/CHIEF FINANCIAL OFFICER POSITION

WHEREAS, in 1992, Monroe County established the office of County Administrator/Auditor pursuant to the MCL 46.11 and MCL 46.13 (a); and

WHEREAS, the County had functioned under the Administrator/Auditor form of Government until April 1996, when, through action of the Board of Commissioners, the position of Administrator was abolished and in August 1996, the electorate of Monroe County voted to eliminate the Board of Auditors; and

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the following terms as used herein shall have the following definitions:

- A. "County" refers to Monroe County.
- B. "Board" refers to the Monroe County Board of Commissioners.
- C. "Administrator" means the Monroe County Administrator/Chief Financial Officer appointed pursuant to MCL 46.11 and MCL 46.123 (a).
- D. "County Services" shall include the functions and programs and every office, department, agency or operation financed, in whole or in part, by the County including County courts, as well as every employee, agent and officer working therein.
- E. "Budget" shall include the County's general appropriations act, including all funds, activities and accounts therein.

BE IT FURTHER RESOLVED, that the position of County Administrator/Chief Financial Officer as authorized and implaced pursuant to MCL 46.11 and MCL 46.13 (a) shall hereafter be known as Administrator pursuant to the power vested in the Board of Commissioners as derived from Michigan Constitution 1963 Article 7, Section 1 and laws promulgated, including but not limited to Chapter 46 of the Michigan Compiled Laws, more specifically MCL 46.11 (p) (q) and (s) and MCL 46.13 (a) and that the following duties and responsibilities are assigned to the office of said Administrator:

- A. Provide administrative and management leadership and direction in governing the County and its several departments and agencies to the extent permitted by law and the policies of the Board.
- B. Establish goals and objectives of all departments, which shall be under the administrative, and management leadership and direction of the Administrator. These goals and objectives shall be established with the cooperation of said departments.
- C. While under the general direction of and reporting directly to the Board, the Administrator shall have charge of and be responsible for, in accordance with law and the policies of the Board, management responsibility for the County.

1. Financial management services, including the following:

a. Define and establish a budget development and review process, prepare budget recommendation for consideration by the Board; administer and oversee the execution of the budget; report regularly to the Board the status of actual revenues and expenditures compared to those projected in the budget; inform the Board promptly concerning any fiscal deficit or anticipated deficit from the budget and anticipated deficit.

b. Operate as Chief Financial Officer of the County and supervise the accounting operations for all County services; install and assure that a system of accounting is properly kept for each County service; keep a general ledger of control accounts in which are recorded the assets and liabilities of the County.

c. Examine regularly the accounts for all County services and report the findings to the Board at least quarterly.

d. Oversee the preparation of payroll and related reports, withholdings and filings for all County services; review and recommend approval of all orders for disbursing County funds.

e. Assist County elected and appointed officers, employees and agents in providing to the Administrator such information and records regarding County matters in their charge as Board policies, state law and County Administrator may require regarding financial matters of the County.

f. Analyze, investigate and recommend to the Board such fiscal plans and programs that will serve the financial programs and interests of the County.

2. Personnel Management services including the following:

a. Recommend to the Board policies that will improve the performance of its employees, officers and agents in the delivery to the public of required or discretionary services.

b. Administer County policies regarding examining and testing candidates for County employment, classification and reclassification of positions in County government, employee compensation and staff benefit plans, employee development, training, transfer and promotion and other Board policies.

c. Conduct on behalf of the County the collective bargaining processes in which the County may be involved, recommend to the Board such contractual agreements that are in the best interest of the County and administer all labor contracts that have been approved by the Board.

3. Procure supplies, including the following:

a. Recommend policies governing the acquisition and use of all materials, supplies, services, equipment and improvements that are required or desired for County services and to administer such policies upon approval by the Board.

b. Assist the Board in entering into contracts for the purchase of goods and services, ensuring compliance with said contracts and arranging appropriate payment therefore.

4. Building and Facilities Operation and Management Services, including the following:

a. Recommend policies regarding the use, assignment, operation and maintenance of all County buildings and facilities including, but not limited to, repairs to the County Jail and to administer such policies.

b. Take such actions, consistent with state law and Board policy, to care for and preserve such buildings and facilities in good condition and in a manner that supports the safe and efficient operation of County programs and report, periodically, to the Board regarding the condition of County property, buildings and facilities and the need to repair, replace or dispose of such property, buildings and facilities, or to construct new facilities.

5. Internal Information Services, including the following:

a. Recommend policies regarding plans for acquisition, deployment, installation and use of electronic data and data processing and communications equipment and systems.

b. Assist County departments, agencies and employees in effectively using such systems as described above and assist County departments, agencies and employees in planning and defining said systems by providing training programs for individuals using said systems.

6. Planning Management services, including conducting studies and developing plans on matters and issues of interest to the County and its agencies and make recommendations to the Board for its consideration and action. Studies and plans described above shall include, but not be limited to, the areas of Solid Waste, Comprehensive Planning Recreation and health.

7. Policy Coordination Services including the following:

a. Assist the Board and County agencies in developing County policies that are comprehensive, coherent, internally consistent and organized to be readily accessible to the officers, employees, clients and residents of the County.

b. Prepare, submit and file as necessary all reports and financial applications required by state law or County policies.

c. Assist in providing information to the members of the Board, County officers and employees about changing requirements in state law brought about by actions of the state legislature and courts; advise the Board and County officers regarding proposed litigation or pending litigation that may have fiscal or programmatic impacts on the County.

d. Direct and oversee the administration of such other departments, activities or individuals as the Board may assign to the charge of the Administrator. The Administrator shall have the authority to hire, reassign or dismiss employees in a manner consistent with the County policy, state law or court decisions.

e. Assist the departments and units and agencies of the County in carrying out their respective responsibilities and serving the residents of the County in an effective and efficient manner. Assist

interdepartmental and/or intercounty agencies in coordinating similar programs and recommend to the Board such changes in said agencies as will promote greater efficiency and cost effectiveness in the delivery of County services.

f. Attend all regularly scheduled Board meetings and Special meetings, unless previously excused.

g. Assist the Board in such other manner as the Board may direct or require

BE IT FURTHER RESOLVED, that the provisions of this Resolution are severable. If any paragraph, section subdivision, sentence, clause or phrase of this Resolution is determined to be invalid for any reason, said determination shall not affect the remaining portions of this Resolution.

BE IT FURTHER RESOLVED, that the County of Monroe reserves the right to modify the terms of this Resolution as provided by law at any time.

APPENDIX E

OPEN MEETINGS ACT

**ACT 267, 1976, P. 1004;
EFFECTIVE JANUARY 1, 1977**

AN ACT to require certain meetings of certain public bodies to be open to the public; to require notice and the keeping of minutes of meetings; to provide for enforcement; to provide for invalidation of governmental decisions under certain circumstances; to provide penalties; and to repeal certain acts and parts of acts.

The People Of The State Of Michigan enact:

15.261 **Short Title;** effect on an act on certain charter provisions, ordinances, or resolutions.

Sec. 1 (1) This act shall be known and may be cited as the "Open Meetings Act."

(2) This act shall supersede all local charter provisions, ordinances or resolutions, which relate to requirements for meetings of local public bodies to be open to the public.

(3) After the effective date of this act, nothing in this act shall prohibit a public body from adopting an ordinance, resolution, rule or charter provision which would require a greater degree of openness relative to meetings of public bodies than the standards provided for in this act.

15.262 **Definitions.** Sec. 2. As used in this act:

a. "Public Body" means any state or local legislative or governing body, including a board, commission, committee, subcommittee, authority or council, which is empowered by state constitution, statute, charter, ordinance, resolution, or rule to exercise governmental or proprietary authority or perform a governmental or proprietary function; a lessee of such a body performing an essential public purpose and function pursuant to the lease agreement; or the

board of a nonprofit corporation formed by a city under section 4o of the home rule city act, 1909 PA 279, MCL 117.4o.

b. "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, or any meeting of the board of a nonprofit corporation formed by a city under section 4o of the home rule city act, 1909 PA 279, MCL 117.4o.

c. "Closed Session" means a meeting or part of a meeting of a public body, which is closed to the public.

d. "Decision" means a determination, action, vote or disposition upon a motion, proposal, recommendation, resolution, order, ordinance, bill or measure on which a vote by members of a public body is required and by which a public body effectuates or formulates public policy.

5.263 Meetings, decisions and deliberations of a public body; requirements; attending or addressing meeting of public body; tape-recording, videotaping, broadcasting and telecasting proceedings; rules and regulations; exclusion from meeting; exemptions.

Section 3. (1) All meetings of a public body shall be open to the public and shall be held in a place available to the general public. All persons shall be permitted to attend any meeting except as otherwise provided in this act. The right of a person to attend a meeting of a public body includes the right to tape-record, to videotape, to broadcast live on radio and to telecast live on television the proceedings of a public body at a public meeting. The exercise of this right shall not be dependent upon the prior approval of the public body. However, a public may establish reasonable rules and regulations in order to minimize the possibility of disrupting the meeting.

(2) All decisions of a public body shall be made at a meeting open to the public.

(3) All deliberations of a public body constituting a quorum of its members shall take place at a meeting open to the public except as provided in this section and sections 7 and 8.

(4) A person shall not be required as a condition of attendance at a meeting of a public body to register or otherwise provide his or her name or other information or otherwise to fulfill a condition precedent to attendance.

(5) A person shall be permitted to address a meeting of a public body under rules established and recorded by the public body. The legislature or a house of the legislature may provide by rule that the right to address may be limited to prescribed times at hearings and committee meetings only.

(6) A person shall not be excluded from a meeting otherwise open to the public except for a breach of the peace actually committed at the meeting.

(7) This act does not apply to the following public bodies only when deliberating the merits of a case:

a. The worker's compensation appeal board created under the worker's disability compensation act of 1969, Act No. 317 of

the Public Acts of 1969, as amended, being sections 418.101 to 418.941 of the Michigan Compiled Laws.

b. The Employment Security Board of review created under the Michigan Employment Security Act, Act No. 1 of the Public Acts of the Extra Session of 1936, as amended, being sections 421.1 to 421.73 of the Michigan Compiled Laws.

c. The State Tenure Commission created under Act No. 4 of the Public Acts of the Extra Session of 1937, as amended, being sections 38.71 to 38.191 of the Michigan Compiled Laws, when acting as a Board of Review from the decision of a controlling board.

d. An arbitrator or arbitration panel appointed by the Employment Relations Commission under the authority given the commission by Act No. 176 of the Public Acts of 1939, as amended, being sections 423.1 to 423.30 of the Michigan Compiled Laws.

e. An arbitration panel selected under Chapter 50A of the revised Judicature Act of 1961, Act No. 236 of the Public Acts of 1961, being sections 600.5040 to 600.5065 of the Michigan Compiled Laws.

f. The Michigan Public Service Commission created under Act No. 3 of the Public Acts of 1939, being sections 460.1 to 460.8 of the Michigan Compiled Laws.

(8) This act does not apply to an association of insurers created under the insurance code of 1956, Act No. 218 of the Public Acts of 1956, being sections 500.100 to 500.8302 of the Michigan Compiled Laws, or other association or facility formed under Act No. 218 of the Public Acts of 1956 as a nonprofit organization of insurer members.

(9) This act does not apply to a committee of a public body, which adopts a non-policymaking resolution of tribute or memorial which resolution is not adopted at a meeting.

(10) This act does not apply to a meeting, which is a social or chance gathering or conference not designed to avoid this act.

(11) This act shall not apply to the Michigan Veteran's Trust Fund Board Of Trustees or a county or district committee created under Act No. 9 of the Public Acts of the First Extra Session of 1946, being sections 35.601 to 35.610 of the Michigan Compiled Laws, when the board of trustees or county or district committee is deliberating the merits of an emergent need. A decision of the board of trustees or county or district committee made under this subsection shall be reconsidered by the board or committee at its next regular or special meeting consistent with the requirements of this act. "Emergent Need" means a situation, which the board of trustees, by rules promulgated under the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.328 of the Michigan Compiled Laws, determines required immediate action.

15.264 Public notice of meetings generally; places of posting.

Sec. 4 The following provisions shall apply with respect to public notice meetings:

a. A public notice shall always contain the name of the public body to which the notice applies, its telephone number if one exists and its address.

b. A public notice for a public body shall always be posted at its principal office and any other locations considered appropriate by the public body. Cable television may also be utilized for purposes of posting public notices.

c. If a public body is a part of a state department, part of the legislative or judicial branch of state government, part of an institution of higher education, or part of a political subdivision or school district, a public notice shall also be posted in the respective principal office of the state department, the institution of higher education, clerk of the house of representatives, secretary of the state senate, clerk of the supreme court or political subdivision or school district.

d. If a public body does not have a principal office, the required public notice for a local public body shall be posted in the office of the county clerk in which the public body serves and the required public notice for a state public body shall be posted in the office of the Secretary of State.

15.265 Public notice of regular meetings, change in schedule of regular meetings, rescheduled regular meetings or special meetings; time for posting; statement of date, time and place; applicability of subsection (4); recess or adjournment; emergency sessions; meeting in residential dwelling notice.

Sec. 5 (1) A meeting of a public body shall not be held unless public notice is given as provided in this section by a person designated by the public body.

(2) For regular meetings of a public body, there shall be posted within 10 days after the first meeting of the public body in each calendar or fiscal year a public notice stating the dates, times and places of its regular meetings.

(3) If there is a change in the schedule of regular meetings of a public body, there shall be posted within 3 days after the meeting at which the change is made, a public notice stating the new dates, times and places of its regular meetings.

(4) Except as provided in this subsection or in subsection (6), for a rescheduled regular or a special meeting of a public body, a public notice stating the date, time and place of the meeting shall be posted at least 18 hours before the meeting. The requirement of 18 hour notice shall not apply to special meetings of subcommittees of a public body or conference committees of the state legislature. A conference committee shall give a 6 hour notice. A second conference committee shall give a 1 hour notice. Notice of a conference committee shall include written notice to each member of the conference committee and the majority and minority leader of each house indicating time and place of the meeting. This subsection does not apply to a public meeting held pursuant to section 4 (2) to (5) of Act No. 239 of the Public Acts of 1955, as amended, being section 200.304 of the Michigan Compiled Laws.

(5) A meeting of a public body which is recessed for more than 36 hours shall be reconvened only after public notice, which is equivalent to that required under subsection (4), has been posted. If

either house of the state legislature is adjourned or recessed for less than 18 hours, the notice provisions of subsection (4) are not applicable. Nothing in this section shall bar a public body from meeting 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.

(6) A meeting of a public body may only take place in a residential dwelling if a nonresidential building within the boundary of the local governmental unit or school system is not available without cost to the public body. For a meeting of a public body, which is held in a residential dwelling, notice of the meeting shall be published as a display advertisement in a newspaper of general circulation in the city or township in which the meeting is to be held. The notice shall be published not less than 2 days before the day on which the meeting is to be held and shall state the date, time and place of the meeting. The notice, which shall be at the bottom of the display advertisement and which shall be set off in a conspicuous manner, shall include the following language: "This meeting is open to all members of the public under Michigan's Open Meetings Act".

15.266 Providing copies of public notice on written request fee.

Sec. 6. (1) Upon the written request of an individual, organization, firm, or corporation and upon the requesting party's payment of a yearly fee of not more than the reasonable estimated cost for printing and postage of such notices, a public body shall send to the requesting party by first class mail a copy of any notice required to be posted pursuant to section 5 (2) to (5).

(2) Upon written request, a public body, at the same time a public notice of a meeting is posted pursuant to section 5, shall provide a copy of the public notice of that meeting to any newspaper published in the state and to any radio and television station located in the state, free of charge.

15.267 Closed sessions; roll call vote; separate set of minutes.

Sec. 7. (1) A 2/3 roll call vote of members elected or appointed and serving is required to call a closed session, except for the closed sessions permitted under section 8(a), (b), (c), (g), (i) and (j). The roll call vote and the purpose or purposes for calling the closed session shall be entered into the minutes of the meeting at which the vote is taken.

(2) A separate set of minutes shall be taken by the clerk or the designated secretary of the public body at the closed session. These minutes shall be retained by the clerk of the public body, are not available to the public and shall only be disclosed if required by a civil action filed under section 10, 11 or 13. These minutes may be destroyed 1 year and 1 day after approval of minutes of the regular meeting at which the closed session was approved.

15.268 Closed sessions; permissible purposes.

Sec. 8. A public body may meet in a closed session only for the following purposes:

a. 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 after the rescission only in open sessions.

b. To consider the dismissal, suspension, or disciplining of a student if the public body is part of the school district, intermediate school district or institution of higher education that the student is attending and if the student or the student's parent or guardian requests a closed hearing.

c. For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if either negotiating party requests a closed hearing.

d. To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.

e. 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 financial effect on the litigating or settlement position of the public body.

f. 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, except as otherwise provided in this subdivision, all interviews by a public body for employment or appointment to a public office shall be held in an opening meeting pursuant to this act. This subdivision does not apply to a public office described in subdivision (j).

g. Partisan caucuses of members of the state legislature.

h. To consider material exempt from discussion or disclosure by state or federal statute.

i. For a compliance conference conducted by the department of commerce under section 16231 of the public health code, Act No. 368 of the Public Acts of 1978, being section 333.16231 of the Michigan Compiled Laws, before a complaint is issued.

j. In the process of searching for and selecting a president of an institution of higher education established under section 4, 5, or 6 of article VIII of the state constitution of 1963, to review the specific contents of an application, to conduct an interview with a candidate or to discuss the specific qualifications of a candidate if the particular process of searching for and selecting a president of an institution of higher education meets all of the following requirements:

(i) The search committee in the process, appointed by the governing board, consists of at least one student of the institution, one faculty member of the institution, one administrator of the institution, one alumnus of the institution and one representative of the general public. The search committee also may include one or more members of the governing board of the institution, but the number shall not constitute a quorum of the governing board. However, the search committee shall not be constituted in such a way that any one of the groups described in this subparagraph constitutes a majority of the search committee

(ii) After the search committee recommends the five final candidates, the governing board does not take a vote on a final selection

for the president until at least 30 days after the final five candidates have been publicly identified by the search committee.

(iii) The deliberations and vote of the governing board of the institution on selecting the president take place in an open session of the governing board.

15.269 Minutes.

Sec. 9 (1) Each public body shall keep minutes of each meeting showing the date, time, place, members present, members absent, any decisions made at a meeting open to the public and the purpose or purposes for which a closed session is held. The minutes shall include all roll call votes taken at the meeting. The public body shall make any corrections in the minutes at the next meeting after the meeting to which the minutes refer. The public body shall make corrected minutes shall be available at or before the next subsequent meeting after correction. The corrected minutes shall show both the original entry and the correction.

(2) Minutes are public records open to public inspection and a public body shall make the minutes available at the address designated on posted public notices pursuant to section 4. The public body shall make copies of the minutes available to the public at the reasonable estimated cost for printing and copying.

A public body shall make proposed minutes available for public inspection within eight business days after the meeting to which the minutes refer. The public body shall make approved minutes available for public inspection within five business days after the meeting at which the minutes are approved by the public body.

A public body shall not include in or with its minutes any personally identifiable information that, if released, would prevent the public body from complying with section 444 of subpart 4 of part C of the general education provisions act, 20 USC 1232g, commonly referred to as the family educational rights and privacy act of 1974.

15.270 Decisions of public body; presumption; civil action to invalidate; jurisdiction; venue; reenactment of disputed decision.

Sec. 10 (1) Decisions of a public body shall be presumed to have been adopted in compliance with the requirements of this act. The attorney general, the prosecuting attorney of the county in which the public body serves, or any person may commence a civil action in the circuit court to challenge in validity of a decision of a public body made in violation of this act.

(2) A decision made by a public body may be invalidated if the public body has not complied with the requirements of section 3(1), (2) and (3) in making the decision or if failure to give notice in accordance with section five has interfered with substantial compliance with section 3(1), (2) and (3) and the court finds that the noncompliance or failure has impaired the rights of the public under this act.

(3) The circuit court shall not have jurisdiction to invalidate a decision of a public body for a violation of this act unless an action is commenced pursuant to this section within the following specified periods of time:

a. Within 60 days after the approved minutes are made available to the public by the public body except as otherwise provided in subsection (b).

b. If the decision involves the approval of contracts, the receipt or acceptance of bids, the making of assessments, the procedures pertaining to the issuance of bonds or other evidences of indebtedness or the submission of a borrowing proposal to the electors within 30 days after the approved minutes are made available to the public pursuant to that decision.

(4) Venue for an action under this section shall be any county in which a local public body serves or if the decision of a state public body is at issue, in Ingham County.

(5) In any case where an action has been initiated to invalidate a decision of a public body on the ground that it was not taken in conformity with the requirements of this act, the public body may, without being deemed to make any admission contrary to its interests, reenact the disputed decision in conformity with this act. A decision reenacted in this manner shall be effective from the date of reenactment and shall not be declared invalid by reason of a deficiency in the procedure used for its initial enactment.

15.271 Civil action to compel compliance or enjoin noncompliance; commencement; venue; security not required; commencement of action for mandamus; court costs and attorney fees

Sec. 11 (1) If a public body is not complying with this act, the attorney general, prosecuting attorney of the county in which the public body serves, or a person may commence a civil action to compel compliance or to enjoin further noncompliance with this act.

(2) An action for injunctive relief against a local public body shall be commenced in the circuit court and venue is proper in any county in which the public body serves. An action for an injunction against a state public body shall be commenced in the circuit court and venue is proper in any county in which the public body has its principal office or in Ingham County. If a person commences an action for injunctive relief, that person shall not be required to post security as a condition for obtaining a preliminary injunction or a temporary restraining order.

(3) An action for mandamus against a public body under this act shall be commenced in the court of appeals.

(4) If a public body is not complying with this act and a person commences a civil action against the public body for injunctive relief to compel compliance or to enjoin further noncompliance with the act and succeeds in obtaining relief in the action, the person shall recover court costs and actual attorney fees for the action.

15.272 Violation as misdemeanor; penalty.

Sec. 12 (1) A public official who intentionally violates this act is guilty of a misdemeanor punishable by a fine of not more than \$1,000.00

(2) A public official who is convicted of intentionally violating a provision of this act 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.

15.273 Violation; liability

Sec. 13 (1) A public official who intentionally violated this act shall be personally liable in a civil action for actual and exemplary damages of not more than \$500.00 total, plus court costs and actual attorney fees to a person or group of persons bringing the action.

(2) Not more than one action under this section shall be brought against a public official for a single meeting. An action under this section shall be commenced within 180 days after the date of the violation which gives rise to the cause of action.

(3) An action for damages under this section may be joined with an action for injunctive or exemplary relief under section 11.

15.273a Selection of president by governing board of higher education institution; violation; civil fine

Sec. 13a. If the governing board of an institution of higher education established under section 4, 5, or 6 of article VIII of the state constitution of 1963 violates this act with respect to the process of selecting a president of the institution at any time after the recommendation of final candidates to the governing board, as described in section 8(j), the institution is responsible for the payment of a civil fine of not more than \$500,000.00. This civil fine is in addition to any other remedy or penalty under this act. To the extent possible, any payment of fines imposed under this section shall be paid from funds allocated by the institution of higher education to pay for the travel and expenses of the members of the governing board.

15.274 Repeal of §§ 15.251 to 15.253.

Section 14. Act no. 261 of the Public Acts of 1968, being sections 15.251 to 15.253 of the Compiled Laws of 1970, repealed.

15.275 Effective date.

Sec. 15 This act shall take effect January 1, 1977.

APPENDIX F

FLOW CHART

Standing Committees:

- Finance Committee

Recommendations to Full Board

- Judiciary, Law Enforcement, Public Safety Committee

If Additional Staffing Is Needed - Recommendations To Personnel Services/Human Resources Committee; If Additional Appropriations Are Needed - Recommendations To Finance Committee; To Full Board For Final Approval

- Personnel Services/Human Resources Committee

If Additional Appropriations Are Needed - Recommendations To Finance Committee; To Full Board For Approval

- Physical Resources Committee

If Additional Staffing Is Needed - Recommendations To Personnel Services/Human Resources Committee; If Additional Appropriations Are Needed - Recommendations To Finance Committee; To Full Board For Final Approval.

No final decisions shall be made by Standing Committees except as approved by the Board of Commissioners.

MONROE COUNTY
BOARD OF COMMISSIONERS

-CHAIRPERSON-
WILLIAM D. SISK
DISTRICT 5

-VICE-CHAIRPERSON-
DALE W. ZORN
DISTRICT 2

-MEMBERS-

J. HENRY LIEVENS
DISTRICT 1

ALBERT POTRATZ
DISTRICT 3

FLOREINE M. MENTEL
DISTRICT 4

JERRY A. OLEY
DISTRICT 6

JOHN FOWLER
DISTRICT 7

CONNIE VELLIQUETTE
DISTRICT 8

R. LAMAR FREDERICK
DISTRICT 9

-SUPPORT STAFF-

CHARLES A. LONDO
ADMINISTRATOR/CHIEF FINANCIAL OFFICER

SHARON D. LEMASTERS
COUNTY CLERK/REGISTER OF DEEDS

LENNARD, GRAHAM & GOLDSMITH, PLC
LEGAL ADVISOR

VICKIE KOCZMAN
ADMINISTRATIVE ASSISTANT/DEPUTY CLERK