

## ALLEGAN COUNTY BOARD OF COMMISSIONERS

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JANUARY 5, 2023 SESSION

JOURNAL 71

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**ORGANIZATIONAL MEETING****JANUARY 5, 2023 SESSION – INVOCATION, PLEDGE OF ALLEGIANCE, ROLL CALL**

1/ The Board of Commissioners of the County of Allegan, State of Michigan, met in the Board Room of the County Services Building in the Township of Allegan on January 5, 2022 at 9:00 A.M. in accordance with the motion for adjournment of December 8, 2022, and rules of this board; Chief Deputy Clerk Porter presiding.

Chief Circuit Court Judge Roberts Kengis performed the Oath of Office for all the Commissioners for term January 1, 2023 through December 31, 2024.

The invocation was offered by District #3 Commissioner Kapenga.

The Chief Deputy Clerk led the Board in the Pledge of Allegiance to the flag.

Upon roll call the following members answered as Commissioners for the respective Districts:

DIST #1	JIM STOREY
DIST #2	MARK DEYOUNG
DIST #3	DEAN KAPENGA
DIST #4	SCOTT BELTMAN
DIST #5	GALE DUGAN

**ELECTION ON TEMPORARY CHAIRPERSON**

2/ Chief Deputy Clerk Porter opened the meeting for nominations for Temporary Chairperson for the 2023 Board of Commissioners.

Commissioner Kapenga nominated Commissioner DeYoung.

Motion carried by roll call vote. Yeas: 5 votes. Nays: 0 votes. Commissioner DeYoung was elected as Temporary Chairperson of the Board of Commissioners.

**TERM OF OFFICE FOR CHAIRPERSON OF THE BOARD**

3/ Moved by Commissioner Dugan, seconded by Commissioner DeYoung to have the term of office for the Chairperson the Board be 1 year. Motion failed by roll call vote. Yeas: Dugan. Nays: Storey, DeYoung, Kapenga and Beltman.

Moved by Commissioner Kapenga, seconded by Commissioner Beltman to have the term of office for the Chairperson of the Board be 2 years. Motion carried by roll call vote. Yeas: 5 votes. Nays: 0 votes.

**ELECTION OF CHAIRPERSON OF THE BOARD FOR 2023-2024**

4/ Temporary Chairman DeYoung opened the meeting for nominations for Chairperson of the 2023-2024 Board of Commissioners.

Commissioner Dugan nominated Commissioner Storey

Motion carried by voice vote. Yeas: 5 votes. Nays: 0 votes. Commissioner Storey was elected as the Chairperson of the Board of Commissioners.

**ELECTION OF VICE CHAIRPERSON OF THE BOARD FOR 2023**

5/ Temporary Chairman DeYoung opened the meeting for nominations for Vice-Chairperson of the 2023 Board of Commissioners.

Commissioner Storey nominated Commissioner Kapenga

Motion carried by voice vote. Yeas: 5 votes. Nays: 0 votes.  
Commissioner Kapenga was elected as the Vice-Chairperson of the Board of Commissioners.

**PUBLIC PARTICIPATION - NO COMMENTS**

6/ Chairman Storey opened the meeting to public participation and as there were no comments from the public, he closed the meeting to public participation.

**PRESENTATION - RETIREMENT RECOGNITION**

7/ Judge Baillargeon thanked District Court Administrator Linda Lenahan for her 20 years of service to Allegan County and introduced the new District Court Administrator Jessica Winsemius.

Administrator Sarro and Commissioner Storey also recognized Linda Lenahan for her service to Allegan County.

**BOARD POLICIES/PLANNING:**

**BOARD RULES OF ORGANIZATION**

8/ Moved by Commissioner Dugan, seconded by Commissioner Beltman to have discussion during the January 12, 2023 session regarding per diem/mileage for the county boards and commissions. Motion carried by voice vote. Yeas: 5 votes. Nays: 0 votes.

Moved by Commissioner Dugan, seconded by Commissioner DeYoung to approve the amendments to the Board Rules of Organization as presented. Motion carried by roll call vote. Yeas: 5 votes. Nays: 0 votes.

Moved by Commissioner DeYoung, seconded by Commissioner Kapenga to approve the Board Rules of Organization as presented. Motion carried by roll call vote. Yeas: 5 votes. Nays: 0 votes.

**COUNTY OF ALLEGAN**  
State of Michigan

Rules of Organization and Procedure

Of The

Allegan County Board of Commissioners (BOC)

Revised and Adopted: January 4, 1993 [Journal 39.6-15/11]  
[Addendum A RE: Committee of the Whole adopted April, 28, 1994: Journal 41.199-201/58]  
Amended: January 13, 1994 [Journal 41.3-4/6]  
Amended: October 27, 1994 [Journal 41.424/32]  
Amended: January 5, 1995 [Journal 42.7/11]  
Amended: June 22, 1995 [Journal 42.260/35]  
Amended: January 11, 1996 [Journal 43.4-5/10]  
Amended: June 26, 1997 [Journal 44.330/28; 341/33]  
Amended: January 2, 2003 [Journal 52.6-11/5]  
[Revisions adopted January 9, 2003: Journal 52.13-22/29]  
Amended: January 8, 2004 [Journal 53.3-9/7]  
Amended: March 24, 2005 [Journal 54.197-203/36]  
Amended: January 5, 2006 [Journal 55.4/11]  
Amended: July 27, 2006 [Journal 55.492-499/44]  
Amended: January 11, 2007 [Journal 56.26-32/38]  
Amended: February 1, 2007 [Journal 56.85/86]  
Amended: February 15, 2007 [Journal 56.95-96/41]  
Amended: February 22, 2007 [Journal 56.117/57]  
Amended: June 28, 2007 [Journal 56.280-281/51]  
Amended: January 3, 2008 [Journal 57.5/14]  
Amended: January 8, 2009 [Journal 58.3-4/8]  
Amended: January 7, 2010 [Journal 59.3-4/8-12]  
Amended: January 6, 2011 [Journal 60-7/4-12]  
Approved: June 14, 2012 [Journal 61-12]  
Amended: January 24, 2013 [Journal 62-13]  
Amended: January 24, 2014 [Journal 63-14]  
Reaffirmed: December 10, 2015 [Journal 64-15]  
Amended: January 12, 2017 [Journal 65-17]  
Amended: January 25, 2018 [Journal 66-4]  
Amended: December 13, 2018 (Journal 66-13)  
Amended: January 24, 2019 (Journal 67-3)  
Amended: January 9, 2020 (Journal 68-8)  
Amended: December 10, 2020 (Journal 68-24)  
Amended: December 9, 2021 (Journal 69-10)  
Amended: January 13, 2022 (Journal 70-7)  
Amended: January 5, 2023 (Journal 71-8)

1. **AUTHORITY:** These rules are adopted by the BOC of Allegan County pursuant to Section 46.11 of the Compiled Laws of Michigan, as amended.
2. **APPLICATION, SUSPENSION, AND AMENDMENT OF BOARD RULES**
  - a. These Rules shall guide and direct the Allegan County BOC's operations.
  - b. Any situation, which may arise and is not covered by these rules, shall be determined on the basis of Robert's Rules of Order. When the rules contained herein conflict with State of Michigan statutes, the statutes shall prevail.
  - c. No rule of the BOC shall be suspended or amended without concurrence of a majority of all BOC members elect.
  - d. Except during the organizational meeting, any proposed amendment(s) to the BOC rules shall be first referred to a BOC meeting for discussion only, with subsequent consideration given for action no later than one month thereafter.
3. **BOARD AND ADMINISTRATIVE OFFICERS**
  - a. **CHAIRPERSON**
    - i. **Statutory Powers and Duties [MSA 5.323]**
      - (1) Presides at all BOC meetings.
      - (2) Administers oaths and issues subpoenas. [MSA 5.323]
      - (3) Signs contracts [MSA 5.323] and Board-approved minutes [MSA 5.352] and certifies the equalized tax rolls. [MSA 7.52]
      - (4) With the advice and consent of the BOC, appoints Directors of an Economic Development Corporation [MSA 5.352 (4)].
      - (5) Upon the disqualification of the County Drain Commissioner (Chapter 16, Sec. 280.381 of the Michigan Drain Code, PA 40 of 1956) appoints Boards of Determination pursuant to Sec.'s 280.72 and 280.441 of that Code.
      - (6) Serves on Intra-county Drainage Boards (Chapter 20, Sec. 280.464) and Augmented Inter-county Drainage Boards (Chapter 21, Sec.280.515) and appoints additional member(s) to either when circumstances so warrant, as defined in the MI Drain Code, PA 40 of 1956.
      - (7) Reviews, with other officials, the Sheriff's determination of jail overcrowding. [MSA 28.1748-2]
      - (8) Carries out Emergency Management and Preparedness responsibilities in accordance with Public Act 390 and appoints BOC members to act in place of the Chairperson in his/her absence.
    - ii. **Other Duties**
      - (1) Serves ex-officio on all committees.
      - (2) Appoints BOC committee members subject to BOC approval.
      - (3) Makes other county appointments subject to BOC approval.
      - (4) Preserves order and decides questions of order subject to approval of the BOC.
      - (5) Votes on all questions taken by roll call vote, except on Commissioners' appeals regarding a decision of the chair.
      - (6) Serves as spokesperson for BOC action or designates a spokesperson in writing.
      - (7) Attends regular meetings with the County Administrator for the purpose of providing assistance and planning in BOC related matters.
      - (8) Duties of the BOC Chairperson may be expanded by the BOC for purposes and durations deemed appropriate and necessary.
  - b. **VICE CHAIRPERSON**
    - i. With the exception of instances when the Chair has initiated specific alternatives, in the absence of the Chair, the Vice-Chair assumes all authorities and performs such duties as enumerated in Section 3.a above.

- c. CLERK-OF-THE-BOARD
  - i. Shall be the County Clerk or, in the Clerk's absence, a Deputy County Clerk.
  - ii. Duties shall be as specified by law, MSA 5.324, MSA 5.330, MSA 5.325, MSA 5.352.
- d. COUNTY ADMINISTRATOR (CAO): The BOC employs a County Administrator who is recognized as the Chief Administrative Officer of the County. The authorities and duties of the CAO are listed in Attachment "A".
- e. FREEDOM OF INFORMATION ACT (FOIA) COORDINATOR: The Chairperson shall designate the CAO (or his/her designee) as the FOIA Coordinator for the County of Allegan [MSA4.18016].

#### 4. BOARD COMMITTEES

- a. COMMITTEE OF THE WHOLE: The BOC shall generally operate as a Committee-of-the-Whole, perform as the County Board of Public Health when necessary, and establish other committees as it deems appropriate.
- b. BOARD OF PUBLIC HEALTH: The BOC shall perform as Local Governing Entity (LGE) of the Local Health Department (LHD) as enunciated in the Michigan Public Health Code. (Code). At least quarterly, the BOC shall schedule a dedicated agenda item during a planning session or regular meeting of the BOC (or schedule a special meeting if necessary) for the Health Officer (and other members of the LHD) to report on the activities of the LHD during the most recently concluded quarter, provide a forecast of activities for the quarter ahead, and any anticipated public health situations in the year ahead. These sessions shall be added to the annual schedule of information sessions. Topics for these sessions may also include items, derived from the Code such as:
  - i. Concurrence or disapproval authorizing LHD to adopt regulations (e.g. water regulations),
  - ii. Receiving the annual report, approval of the Plan of Organization
  - iii. Providing or demonstrating the provision of each required service which the LHD is designated to provide, and
  - iv. Fixing and requiring payment of fees for services authorized to be performed by the LHD.
- c. ESTABLISHMENT OF COMMITTEES
  - i. The BOC may establish committees which shall perform specific functions including but not limited to research, analysis, oversight or forming a recommendation regarding a project, policy, issue, ordinance or plan that authorized by resolution of the BOC.
  - ii. Each committee shall have a Chairperson and Vice-Chairperson elected by its members.
  - iii. Each committee Chairperson shall be responsible for keeping a written record of committee proceedings.
  - iv. The number of BOC members on any committee shall not exceed one (1) less than a majority number of those elected and serving on the full BOC although the committee may contain other members.
- d. PROCEDURES FOR USE OF COMMITTEES
  - i. Committees shall address items only referred by the BOC.
  - ii. Items which have been referred to a committee by the BOC shall be addressed in accordance with these rules.
  - iii. If a committee determines that additional county resources to address its responsibilities or if procedural clarifications are necessary to perform its duties, the committee shall ask for assistance from the CAO.

- iv. When the committee has completed its charge, its written findings shall be forwarded to the BOC via the CAO, and placed on the BOC's next regular business meeting for review and determination subsequent to Section 7.b herein.
  - v. The BOC shall, subsequent to receiving a finding/recommendation from a committee and lending review, give consideration through one of the following:
    - (1) Vote on the finding/recommendation.
    - (2) Table the finding/recommendation.
    - (3) Return the finding/recommendation for further consideration with direction(s) or forward it to another committee with direction(s).
- 5. OTHER BOARDS, COMMISSIONS, and COMMITTEES:** Due to statutory requirements, by invitation, or through the exercise of its discretion, the BOC appoints or elects BOC members, member-alternates, and other persons to boards, commissions, and committees which exist internally and externally to the Allegan County government organization. See Attachment "B" for identified boards, commissions and committees.
- a. Any BOC member so appointed or elected shall make available the minutes or other informations of record of those same boards, commissions or committees to the BOC upon its request in times sufficient to the BOC's considerations and by a manner herein directed.
    - i. **ELECTION/APPOINTMENTS:** All elections and/or appointments shall be conducted in accordance with all applicable state statute and/or by-laws specific to each board, commission, and committee.
      - (1) When an appointment is in order, the BOC Chairperson shall make the appointment subject to BOC confirmation.
      - (2) The BOC shall not elect or appoint individuals to any board, commission, or committee upon receiving first notice of a vacancy.
      - (3) **ANNUAL NOTICE:**
        - (a) The BOC shall publish two notices annually (March & October) in a local newspaper and the County website seeking potential candidates for future elections/appointments as a result of a term expiring or vacancy during an existing term.
        - (b) The CAO shall be responsible for placing on the agenda a month in advance the offices that will be voted upon at a subsequent meeting.
  - b. **BOARDS & COMMISSIONS:** Authorized members of Boards & Commissions shall receive per diem and mileage through BOC resolution (Attachment C).
  - c. **BOARD PLANNING WORKGROUP:** A workgroup of the County Administrator, Chair and Vice-Chair is authorized to meet to review Board Meeting agendas to ensure compliance with Board rules, prepare procedurally for Board meetings including the review of progress on Board Projects established through its formal planning process.
- 6. MEETINGS:** All meetings of the BOC shall be noticed and conducted in accordance with the Michigan Open Meetings Act.
- a. **ORGANIZATIONAL MEETING:** The first meeting in each calendar year shall be the organizational meeting. At each such meeting, the county clerk shall initially preside.
    - i. **OATH OF OFFICE:** The county clerk or other statutorily authorized official shall administer the oath of office to the BOC members-elect, if the oath had not previously been administered.
    - ii. **ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON**
      - (1) The Clerk shall call for nominations for the office of temporary chairperson.
      - (2) When nominations are closed by majority vote or no other nominations are forthcoming the clerk shall order the roll to be called
      - (3) When one nominee receives a majority of the votes of the BOC members elected and serving, the nominee shall be declared the temporary chairperson and the County Clerk shall retire to his/her position as Clerk-of-the-Board.

- (4) The temporary chairperson shall seek the BOC's determination of the Chairperson's term of office, one year or two years.
  - (5) Upon determination of the Chair's term of office, the temporary chairperson shall call for nominations for the office of Chairperson.
  - (6) The temporary chairperson shall seek the BOC's determination of the use of secret balloting for the Chairperson.
  - (7) When nominations are closed by majority vote or no other nominations are forthcoming the temporary Chairperson shall order the roll to be called or the secret balloting completed.
  - (8) When one nominee receives a majority of the votes of the BOC members elected and serving, the nominee shall be declared the chairperson.
- iii. SCHEDULE OF REGULAR MEETINGS: The BOC shall establish a schedule of regular meeting if it has not previously been adopted.
- b. ANNUAL MEETING: Shall be held in the evening between September 14 and October 16; per Act 156 of 1851, 46.1; Sec. 1.1.
  - c. REGULAR MEETINGS: The regular meetings of the BOC shall be scheduled in accordance with its annually approved schedule and shall be held at 1:00PM on the second and fourth Thursdays of each month unless otherwise posted (see Agenda Format A).
    - i. CHANGES/CANCELLATION: The schedule of regular meetings shall not be changed except under the following conditions:
      - (1) Upon the majority decision of the BOC during any noticed meeting.
      - (2) Upon the determination of the Chairperson due to circumstances of imminent danger to the health, safety, and welfare of the public and/or others that may be in attendance.
      - (3) When the Clerk-of-the-Board, upon receipt of written communications from a majority of BOC members, has determined a quorum will not be present. Upon said determination, the Clerk-of-the-Board shall immediately give notice to each BOC members at least 24 hours before scheduled meeting time and upon giving public notice in accordance with the Open Meetings Act.
  - d. PLANNING SESSIONS: The BOC tentatively schedules these sessions to conduct planning (strategic or project related), policy review, and other matters it may deem necessary (See Agenda Format B) at 9:00AM, unless otherwise posted, on the morning of the same day as regular scheduled BOC meetings.
    - i. CANCELLATION: The Chairperson in conjunction with the CAO may cancel these sessions by the end of business on Friday prior to the meeting for reason of lack of business to be considered by the Board.
  - e. SPECIAL MEETINGS: Special meetings may be set by one of the following methods:
    - i. By a majority of the BOC members during any noticed meeting.
    - ii. At the "Call of the Chairperson".
    - iii. By the Clerk-of-the-Board upon receipt of a written request signed by one-third (1/3) of the BOC members. Upon receipt of said request, the Clerk-of-the-Board shall immediately give notice to each of the BOC members at least 24 hours before the scheduled meeting time and upon giving public notice in accordance with the Open Meetings Act.
  - f. PLACE OF MEETINGS: Unless otherwise noticed, meetings of the BOC shall take place in the County Services Building – Board Room, 3283 122<sup>nd</sup> Avenue, Allegan, MI 49010.
  - g. START OF MEETING: The Chairperson shall take the chair at the time specified in the meeting notice; the BOC shall then be called to order and the roll of BOC members called.
  - h. QUORUM: A majority of the BOC members elected and serving shall constitute a quorum for the transaction of the ordinary business of the county. [MSA 5.323] Excluding procedural votes, the final passage or adoption of any measure or resolution or the allowance of any claim against the



county shall be determined by a majority of all BOC members elected and serving [MSA 5.323].

- i. **BOC MEMBER ATTENDANCE:** Any BOC member who shall be late to a session shall upon his/her arrival report his presence to the Clerk-of-the-Board. Furthermore, a BOC member that will knowingly be late/absent from an official proceeding of the BOC shall notify the Chairperson or the Administrative Office as soon as possible prior to said meeting.
  - i. **REMOTE ATTENDANCE:** BOC members may be connected to a meeting remotely under the following conditions:
    - (1) The request has been submitted to the CAO at least 24 hours in advance of the meeting.
    - (2) The remote connectivity is sufficient and will not interfere with the progress of the meeting.
    - (3) The BOC member's participation shall not be considered attendance for the purpose of establishing a quorum, unless otherwise permitted by the Open Meetings Act.
- j. **PUBLIC PARTICIPATION:** The right of public address is granted by the Michigan Open Meetings Act under rules established by the BOC [MSA 4.1800 (13) & (5)]. The public shall be allowed to address the BOC within the following parameters:
  - i. Public comment shall be permitted during the public participation portion(s) of the agenda subsequent to the SPEAKER'S declaration of
    - (1) Name and address, and
    - (2) The topic which they wish to address
    - (3) In general, a maximum of five (5) minutes shall be granted to each person desiring to make a public comment; however, that time may be modified at the discretion of the Chair.
  - ii. Public comment is permitted during discussion items on an approved agenda, providing a related motion is not in the BOC's possession (a motion having been made, seconded and recognized by the Chair)
  - iii. Public comment shall not be permitted during action items on an approved agenda.
  - iv. Any exception to the rules of public participation shall be at the discretion of the Chairperson
- k. **DISTRIBUTION OF AGENDAS/MINUTES:** A copy of a completed agenda and approved minutes of previous, monthly proceedings shall be available online as soon as possible by the Clerk-of-the-Board. A printed copy of the minutes of the monthly BOC proceedings shall be available at the County Clerk's office.

## 7. AGENDA(S)

- a. **DEVELOPMENT:** BOC agendas shall be managed by the CAO in conjunction with the BOC Chairperson and Clerk-of-the-Board (as needed).
- b. **AGENDA ITEM(S) FOR CONSIDERATION:** With the exception of BOC members (see Section 7.b.i) agenda items must be submitted to County Administration not less than ten (10) **business** days prior to the next scheduled Regular Meeting for placement on the agenda. The submission shall include all necessary supporting documentation/information requisite to the BOC's full consideration.
  - i. A BOC member's intent to add an item or amend/rescind a previous item shall be introduced to the BOC during the "future agenda items" portion of a preceding meeting. The BOC shall not add items to an agenda if said item has been previously acted upon by the BOC unless approved in advance by the BOC and/or the provisions of Section 9.c. have been met. See attached Flow Chart, Attachment "D".
  - ii. All agenda items for consideration shall be submitted with complete documentation (see "Attachment E" Request for Action [RFA] Form) through the County work order system. The work order system will automatically assign a work order number which is transmitted to the requestor so that they may refer to it when communicating with the CAO. The CAO shall review the request and take one of the following actions:

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- (1) Request additional information as needed before making recommendation or taking action.
- (2) Approve or deny items under the authority of the CAO. Items denied may be appealed in writing to the Chairperson of the BOC detailing specific reasons why an item should be considered. Requests for consideration/appeal must be received within 10 business days from the receipt of the denial.
- (3) Report items requiring action to the BOC with recommendation/resolution on disposition of action.

c. AGENDA FORMAT FOR REGULAR MEETINGS (Format A):

- (1) Call to order
- (2) Roll call, Determination of Quorum
- (3) Opening Prayer
- (4) Pledge of Allegiance
- (5) Public/Budget Hearing and related communications (As needed)
- (6) (Other) Communications
- (7) Approval of minutes
- (8) Public participation
- (9) Additional agenda items
- (10) Approval of the agenda
- (11) Presentations
- (12) Proclamations
- (13) Informational Sessions
- (14) Administrative Reports
- (15) Consent Items
- (16) Action Items
- (17) Discussion Items
- (18) Appointments
- (19) Elections
- (20) Public participation
- (21) Future Agenda Items
- (22) Requests for Per Diem/Mileage
- (23) Boards and Commissions Reports
- (24) Round table
- (25) Closed Session
- (26) Adjournment

d. AGENDA FORMAT FOR PLANNING SESSIONS (Format B):

- (1) Call to Order
- (2) Roll Call, Determination of Quorum
- (3) Opening Prayer
- (4) Pledge of Allegiance
- (5) Public Participation
- (6) Additional Agenda Items
- (7) Approval of Agenda
- (8) Discussion Items
- (9) Other Items
- (10) Public Participation
- (11) Closed Session
- (12) Adjournment

e. INFORMATION FLOW TO THE BOC MEMBERS

- i. INFORMATIONAL SESSIONS: Departmental Information Sessions or presentations from public or other agencies shall be given a specific time and duration. All presenters shall be limited to a twenty (20) minute maximum, including a question/answer period. Departments

will be asked to supply their presentation to the BOC prior to their scheduled date to allow the BOC's review and an opportunity to supply questions to departments in advance of their presentation.

- ii. **REGULAR MEETING PACKETS:** In general, on the Friday before each BOC meeting, County Administration shall provide the BOC with a written recommendation and relative background information within the meeting packet for each item to be addressed by the BOC. Any questions or additional information needed by BOC members should be directed to County Administration by the Tuesday prior to the meeting, and that information shall be provided back to all BOC members before the meeting.
- iii. **PLANNING SESSION PACKETS:** Materials will be provided as they become available. However, the intent of the Planning Session is for discussion, feedback, updates, etc., therefore, it should be expected materials may be provided up to the time of the meeting.
- iv. **CHANGES TO THE PUBLISHED AGENDA:** At the discretion of the CAO and/or BOC Chairperson, agenda items (except those added under 7.b.i) may be changed (including but not limited to additions, deletions, and order) prior to the close-of-business on the Tuesday prior to the scheduled BOC meeting. Changes shall be for substantial reasons i.e. urgency, lack of supporting materials, availability of presenter. The BOC shall receive a revised final agenda at the close of business that same day, reflecting any changes to the agenda with appropriate revision number noted. If no changes have been made, the meeting packet previously sent shall be considered the final agenda unless changed by the BOC during the meeting.
  - (1) Any changes to the final agenda by the BOC after noon on Tuesday must be accomplished at the beginning of the meeting by a two-thirds (2/3) majority vote of those elected and serving.
- v. **AGENDA ITEMS:** Commissioners may add agenda items for discussion only to any regularly scheduled meetings of the Board by contacting the Chair or, in the absence of the Chair, the vice chair, up to noon on the Tuesday preceding the scheduled meeting.
- vi. **DISCUSSION ITEMS:** Items may be of a specific nature on which action will be required at a future meeting and/or of a broader nature requiring discussion on subsequent agendas. Following the discussion of each item, the BOC Chairperson should clarify the intent of further action or discussion needed. Generally, items requiring BOC action shall start as discussion items and be moved to a future agenda for action. However, routine and time-sensitive items may be moved for immediate action.
- vii. **CONSENT ITEMS:** The purpose of the consent items portion of the agenda is to expedite business by grouping non-controversial items together to be considered by a single motion without discussion and debate. Any member of the BOC may ask that any consent item be placed elsewhere on the agenda for the item to be considered separately. Such requests will automatically be granted.

## 8. RULES OF FORM

- a. **SPEAKING TO A QUESTION:** Every BOC member, previous to speaking upon a question shall address the chair. When two or more BOC members speak at once, the chair shall designate the BOC member who shall be first to speak.
- b. **CALL TO ORDER:** When a BOC member is speaking on any question before the BOC, the member shall not be interrupted except to be called to order. A member called to order shall immediately be silent unless permitted to explain, and the BOC, if appealed to, shall decide the case. If there is no appeal, the decision of the BOC Chair shall stand.
- c. **SUBMISSION OF MOTION:** No motion shall be debated or put in the minutes unless the same is seconded. It shall be stated by the Chairperson before debate, and any such motion shall be reduced to writing if any members desire it, or at the request of the Chairperson or Clerk-of-the-Board.
- d. **WITHDRAWAL OF MOTION:** After a motion is stated by the Chairperson, it shall be deemed to

be in possession of the BOC, but may be withdrawn by the member who made the motion, with the concurrence of the member seconding the motion, if there is no objection by any other member of the BOC. All BOC decisions shall be entered in the record of BOC proceedings.

- e. MOTIONS DURING DEBATE: When a question is under debate, no motions shall be received but to adjourn, to call the previous question, to table, to postpone indefinitely, to postpone to a day certain, to refer, and/or to amend...
- f. MOTION TO ADJOURN: The motion to adjourn shall always be in order, and the motion to table shall be decided without debate. A motion simply to adjourn shall be understood to mean for the day only.
- g. PREVIOUS QUESTION: When moved, and seconded, a 2/3rds affirmative vote ends all discussion/debate and the BOC shall proceed immediately to any related amendments and then the main motion (as amended).
- h. DIVISION OF QUESTION: If the question being discussed contains two or more points, any BOC member may request to have it divided for separate considerations.
- i. PETITIONS/MEMORIALS: Shall be addressed to the BOC, in writing, and presented to the Chairperson for appropriate action.
- j. RECORDING: In all cases, every written report, resolution, or motion shall bear the name of the originating committee (if applicable), and the names of the BOC member moving and the BOC member seconding shall be entered into the record of the BOC's proceedings.
- k. COMMENTS ENTERED INTO THE RECORD: A BOC member, wishing to have his/her comment(s) entered into the record of the BOC's proceedings, shall submit the comment(s) in writing to the Clerk-of-the-Board.
- l. SPECIAL ORDERS: Any measure or motion having been placed on special orders for some future time shall not be taken up prior to that time except by unanimous consent of the BOC members present.

## 9. VOTING

- a. ROLL CALL:
  - i. The names and votes of BOC members shall be recorded on board actions to adopt final measures as ordinances and the appointment or election of officers, etc [MCLA 46.3a].
  - ii. Conflicts of Interest: BOC members "shall not be interested directly or indirectly in any contract or other business transaction with the county (or other county agency) during the time for which they are elected or appointed nor for one year thereafter unless the contract or transaction has been approved by three fourths of the members of the (BOC) and so shown in the minutes of the board together with a showing that the board is cognizant of the (former) member's interest [MCLA 46.30]" and shall make such declarations of real or perceived conflict of interest at the time appropriately prior to any final, related action by the BOC.
  - iii. A roll call vote will be taken when requested by any BOC member.
  - iv. When a roll call vote is taken, no member present shall abstain from voting "yes" or "no".
  - v. For the voting of the BOC at each session, the Clerk-of-the-Board shall vary the order of calling the roll.
  - vi. During a roll call vote, members of the BOC shall be given one opportunity to vote. Each BOC member's vote shall be presented as follows and so recorded by the Clerk-of-the-Board:
    - (1) "Yes" – representing any response in the affirmative
    - (2) "No" – representing any response in the negative
    - (3) "Abstaining" – only in the instance of a conflict of interest as defined in 9.a.ii above, and

(4) "Absent" – BOC member was not present at the time of the vote.

- b. TIE VOTES: In the event of a tie vote of the BOC upon any matter presented to them for consideration, the motion or proposal does not pass for lack of a majority approval; the matter, however, may be proposed to the BOC for reconsideration in the identical, similar or revised form at any time, to be voted on by the same number of BOC members, or more, present at the time of the tie vote.
- c. RESCIND/AMEND: A motion to rescind or amend any question previously acted upon may be made on any day of any session under the following conditions:
  - i. The action caused by the original question has not already been carried out to a point that cannot be undone.
  - ii. The motion to rescind or amend must be moved and seconded by the BOC members who voted with the majority, but there must be at least as many BOC members present as there was when the matter to be rescinded was first voted upon.

## 10. BOARD COMPENSATION

- a. SALARY and FRINGE BENEFITS: BOC members shall receive an annual compensation package that shall be established prior to each new term and shall be maintained consistent with applicable laws. See Attachment "F" for current compensation package.
- b. TRAVEL: BOC members shall receive travel and training reimbursement in accordance with County Employee Policy 511.

## 11. MISCELLANEOUS RULES

- a. CLAIMS: Each Wednesday, by 12:00PM (noon), the BOC shall receive/have available a compilation of the weekly claims for their review.
  - i. During weeks in which the BOC does not have a regularly scheduled meeting or during weeks in which that meeting is not held: BOC members shall, subsequent to their review of the weekly claims, submit any questions regarding a claim via email to [administration@allegancounty.org](mailto:administration@allegancounty.org) and [finance@allegancounty.org](mailto:finance@allegancounty.org) by each Thursday 5 PM. If the question(s) cannot be readily addressed, only those claim(s) in question shall be withheld from payment until the next scheduled BOC meeting for final action. If the County will be adversely affected i.e. shut off of utilities, finance charges, the Chairperson is authorized to review, release or continue to hold the claim in question.
    - (1) The CAO (or designee in his/her absence) is authorized to release for payment all claims after Friday 8 AM except those held for question.
  - ii. During weeks in which the BOC holds a regularly scheduled meeting, the BOC shall approve previously reviewed, processed, and released payments for claims but may choose to withhold approval of claims not reviewed but processed for payment that same week.
  - iii. The Clerk-of-the-Board shall print in the BOC proceedings a report of the total of accounts payable claims against the different funds as they are submitted, rather than a detailed report of the individual claims. The BOC will take final action to accept claims into record and provide final signatures.
- b. SIGNATORY AUTHORITY:
  - i. The Chairperson (or designee declared in writing if permitted by law) is the official signatory of the BOC where Chairperson/BOC signature is required by law or as specifically required by grant or BOC resolution.
  - ii. The County Administrator (or designee declared in writing) is designated as the official signatory of the County and shall approve BOC approved leases, contracts and other (legal) documents consistent with the execution of the duties of the position as authorized through BOC approved policy. This designation does not diminish the authority of the Chairperson as stated above in 11.b.i.

- iii. Other signatory authority is limited to that contained within BOC approved policy.
- c. ORDINANCES: County ordinances that have been enacted by the BOC shall be numbered for reference in the following manner: The first ordinance, 1001; the second, 1002; the third, 1003 and so forth.
- d. COMPATIBILITY OF POSITIONS: No BOC member, while a member of the BOC shall be eligible for election or appointment to any other County office or position, the election of which is within the jurisdiction of the County BOC unless otherwise permitted by law. [MSA 5.323]
- e. COMMISSIONER'S ANNUAL, EQUIPMENT STIPEND PROGRAM: A stipend in the amount of \$50 per month shall be paid the first payroll of each month to each commissioner. The stipend is intended to reimburse each commissioner for partial use of a personal cell phone, an internet connection, and/or other equipment/services/supplies that may be used to conduct official County business. Any commissioner may opt-out of the program by submitting a written statement indicating such to the Human Resources Department prior to January 2 of each year for that year's program. Once a commissioner has opted-out of the program for a given year, the commissioner is no longer be eligible to participate until the next year.
- f. ASSISTANT CORPORATE COUNSEL: At each Board of Commissioners meeting, the Assistant Corporate Counsel shall be present virtually or be in person as requested by the Board of Commissioners to receive any questions, concerns or direction that the Board as a body may enunciate. Assistant Corporate Counsel may also respond at said meetings to questions from individual commissioners in the course of board consideration of agenda items for the specific meeting.

**BREAK - 10:06 A.M.**

9/ Upon reconvening at 10:14 A.M., the following Commissioners were present: Commissioner Storey, DeYoung, Kapenga, Beltman and Dugan. Absent: None.

**ELECTIONS - ALLEGAN COUNTY ROAD COMMISSION**

10/ Chairman Storey opened nominations to fill the remainder of a 6-year term on the Allegan County Road Commission; term to expire 12/31/2028.

Commissioner Dugan nominated James Rybicki, 71 129<sup>th</sup> Ave, Wayland  
Commissioner Beltman nominated Rick Cain, 2554 Seymour Dr, Shelbyville

Moved by Commissioner DeYoung, seconded by Commissioner Kapenga to close the nominations and distribute ballots to all Commissioners. Results were tallied and Rick Cain received 4 votes (Storey, DeYoung, Kapenga and Beltman) and James Rybicki received 1 vote (Dugan). Rick Cain was elected to the Allegan County Road Commission.

**APPOINTMENTS**

11/

**AREA COMMUNITY SERVICES EMPLOYMENT & TRAINING COUNCIL**

Chairman Storey announced the appointment of the following individual to the Area Community Services Employment & Training Council to fill the remainder of a 1-year term; term to expire 12/31/2023.

Jim Storey, 344 W. 35<sup>th</sup> St, Holland

Moved by Commissioner DeYoung, seconded by Commissioner Kapenga to approve the appointment as made. Motion carried by voice vote. Yeas: 5 votes. Nays: 0 votes.

**AREA AGENCY ON AGING**

Chairman Storey announced the appointment of the following individual to the Area Agency on Aging to fill the remainder of a 2-year term; term to expire 12/31/2024.

Mark DeYoung, 4169 Hickory, Dorr

Moved by Commissioner Dugan, seconded by Commissioner Beltman to approve the appointment as made. Motion carried by voice vote. Yeas: 5 votes. Nays: 0 votes.

**COMMUNITY ECONOMIC DEVELOPMENT STRATEGIES COMMITTEE**

Chairman Storey announced the appointment of the following individual to the Community Economic Development Strategies Committee to fill the remainder of a 1-year term; term to expire 12/31/2023.

Jim Storey, 344 W 35<sup>th</sup> St, Holland

Moved by Commissioner Kapenga, seconded by Commissioner DeYoung to approve the appointment as made. Motion carried by voice vote. Yeas: 5 votes. Nays: 0 votes.

**COMMISSIONER BELTMAN—APPOINTMENTS/ELECTION**

**12/ WHEREAS**, Chairperson Storey announced the appointment of Scott Beltman of 3110 130th Ave, Hopkins, as County Commissioner Representative on the:

- Michigan State Extension District 7 Council to fill the remainder of the 2-year term, term to expire 12/31/2023
- Tourist Council to fill the remainder of the 3-year term, term to expire 12/31/2024
- West Michigan Regional Planning Commission to fill the remainder of the 1-year term, term to expire 12/31/2023; and

**WHEREAS**, no other commissioners have expressed interest in filling the vacant County Commissioner Representative position on the Economic Development Commission.

**THEREFORE BE IT RESOLVED** that the above-noted appointments are confirmed; and

**BE IT FINALLY RESOLVED** that through this resolution, Scott Beltman is hereby nominated as the County Commissioner Representative to fill the remainder of a 3-year term on the Economic Development Commission, term to expire 12/31/2024, nominations are closed, a unanimous ballot has been cast, and Scott Beltman of 3110 130th Ave, Hopkins, is hereby elected to said position.

Moved by Commissioner Dugan, seconded by Commissioner DeYoung to approve the resolution as presented. Motion carried by roll call vote. Yeas: 5 votes. Nays: 0 votes.

**BOARD OF PUBLIC WORKS**

**13/ WHEREAS**, effective January 1, 2023, the Board of Commissioners was reduced from 7 County Commissioners to 5; and

**WHEREAS**, the Board of Commissioners, through this transition, has considered reductions to existing Boards & Commissions; and

**WHEREAS**, in accordance with MCL 123.732, Section 2(3), a board of public works shall consist of 5, 7, or 9 members.

**WHEREAS**, the County's Board of Public Works currently consists of 7 members.

**THEREFORE BE IT RESOLVED** that the Board of Commissioners reduces the Board of Public Works to a 5-member board.

Moved by Commissioner Dugan, seconded by Commissioner Kapenga to approve the resolution as presented. Motion carried by roll call. Yeas: 5 votes. Nays: 0 votes.



**BOARD PLANNING SESSIONS—APPROVE 2023 MEETING DATES**

**14/ WHEREAS,** the following schedule has been presented for meetings of the Allegan County Board of Commissioners to be held at 9:00 A.M. (\*unless otherwise indicated below) in the Board Room, County Services Building, 3283 - 122<sup>nd</sup> Avenue, Allegan Township, Michigan:

January 12, 2023	9:00 A.M.	June 22, 2023	9:00 A.M.
January 26, 2023	9:00 A.M.	July 13, 2023	9:00 A.M.
February 9, 2023	9:00 A.M.	July 27, 2023	9:00 A.M.
February 23, 2023	9:00 A.M.	August 10, 2023	9:00 A.M.
March 9, 2023	9:00 A.M.	August 24, 2023	9:00 A.M.
March 23, 2023	9:00 A.M.	September 14, 2023	9:00 A.M.
April 13, 2023	9:00 A.M.	September 28, 2023	9:00 A.M.
April 27, 2023	3:00 P.M.*	October 12, 2023	3:00 P.M.*
May 11, 2023	9:00 A.M.	October 26, 2023	9:00 A.M.
May 25, 2023	9:00 A.M.	November 9, 2023	9:00 A.M.
June 8, 2023	9:00 A.M.	December 14, 2023	9:00 A.M.

**THEREFORE, BE IT RESOLVED** that the Allegan County Board of Commissioners hereby confirms the 2023 meeting dates as presented; and **BE IT FURTHER RESOLVED** that the County Clerk is hereby directed to post said dates in accordance with Act 261 of the Public Acts of 1968.

Moved by Commissioner Dugan, seconded by Commissioner DeYoung to approve the resolution as presented. Motion carried by voice vote. Yeas: 5 votes. Nays: 0 votes.

**BOARD OF COMMISSIONERS—APPROVE 2023 MEETING DATES**

**15/ WHEREAS,** the following schedule has been presented for meetings of the Allegan County Board of Commissioners to be held at 1:00 P.M. (\*or 7:00 P.M.) in the Board Room, County Services Building, 3283 - 122<sup>nd</sup> Avenue, Allegan Township, Michigan:

January 12, 2023	1:00 P.M.	June 22, 2023	1:00 P.M.
January 26, 2023	1:00 P.M.	July 13, 2023	1:00 P.M.
February 9, 2023	1:00 P.M.	July 27, 2023	1:00 P.M.
February 23, 2023	1:00 P.M.	August 10, 2023	1:00 P.M.
March 9, 2023	1:00 P.M.	August 24, 2023	1:00 P.M.
March 23, 2023	1:00 P.M.	September 14, 2023	1:00 P.M.
April 13, 2023	1:00 P.M.	September 28, 2023	1:00 P.M.
April 27, 2023	7:00 P.M.*	"Annual" October 12, 2023	7:00 P.M.*
May 11, 2023	1:00 P.M.	October 26, 2023	1:00 P.M.
May 25, 2023	1:00 P.M.	November 9, 2023	1:00 P.M.
June 8, 2023	1:00 P.M.	December 14, 2023	1:00 P.M.

**THEREFORE, BE IT RESOLVED** that the Allegan County Board of Commissioners hereby confirms the 2023 meeting dates as presented; and **BE IT FURTHER RESOLVED** that the County Clerk is hereby directed to post said dates in accordance with Act 261 of the Public Acts of 1968.

Moved by Commissioner Dugan, seconded by Commissioner DeYoung to approve the resolution as presented. Motion carried by voice vote. Yeas: 5 votes. Nays: 0 votes.

**REVIEW BUDGET POLICY**

16/ Administrator Sarro reviewed potential changes to the Budget Policy. Adoption of the changes will take place at a later meeting.

**ADMINISTRATIVE UPDATE - 2023/24 BOARD PLAN UPDATE**

17/ Administrator Sarro noted the citizen survey has been completed and the results presented. He also reviewed the priority projects, with final approval by March.

**PUBLIC PARTICIPATION - NO COMMENTS**

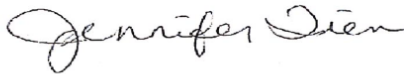
18/ Chairman Storey opened the meeting to public participation and as there were no comments from the public, he closed the meeting to public participation.

**FUTURE AGENDA ITEMS**

19/ Commissioner Storey requested to have discussion on reviewing the video policy during one of the January sessions.

**ADJOURNMENT UNTIL JANUARY 12, 2023 AT 9:00 A.M.**

20/ Moved by Commissioner Beltman, seconded by Commissioner Dugan to adjourn until January 12, 2023 at 9:00 A.M. The motion carried by voice vote and the meeting was adjourned at 12:11 P.M. Yeas: 5 votes. Nays: 0 votes.



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Deputy Clerk



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Board Chairperson

Minutes approved during the 01/12/2023 Session