

S T A T E O F M I C H I G A N

BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEGAN

BOARD OF COMMISSIONERS—RULES OF ORGANIZATION & PROCEDURE

WHEREAS, on October 8, 2020, the Board of Commissioners (Board) created a Special Committee to review the Board Rules; and

WHEREAS, on November 5, 2020, the Board was presented with the Special Committee's findings, as attached; and

WHEREAS, if approved the changes would take effect January 1, 2021.

THEREFORE BE IT RESOLVED that the Board authorizes County Administration to incorporate said changes into the official Rules of Organization & Procedure and post online.

COUNTY OF ALLEGAN

State of Michigan

Rules of Organization and Procedure

Of The

Allegan County Board of Commissioners (BOC)

Committee Review:

RED – Proposed Changes

BLUE – Outcome

GREEN - Grammatical

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)

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.**
(#1, Thiele, 10-14-2020: clarification, consistency, removes repetitive second entry @ 4.b.ii) [10-29-20, Cain, DeYoung and Thiele concurred]
- (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.

~~iii. Term of Office Limitation~~ **REPEAL: (Cain and DeYoung): Commissioners have it in existing powers to not re-elect any chair or vice-chair. [10-29-20, Cain and DeYoung concurred, Thiele dissented]**

~~(1) A Commissioner's tenure as Chairperson shall not exceed two (2) years, January 1 through December 31. If a Commissioner's partial year tenure as Chairperson is more than eight (8) months, that period shall be counted as a year with regard to the above limitation. If a Commissioner's partial year tenure is less than 8 months, that period shall not be counted as a year with regard to the above limitation.~~

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 **DELETE: "Executive" (#2, Thiele, 10-14-2020: deletion, clarification, consistency with job description, the application of the title, "Executive", is politically confusing in consideration of the existence of elected county executives in other Michigan county jurisdictions) [10-29-20 Cain, DeYoung and Thiele concurred]** 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].

f. **COMMISSIONER INQUIRIES**—~~In reporting Commissioner inquiries, the Administrator shall report the amount of the time needed by administrative staff, spelled out in hours or major fraction thereof, to assemble a response to the inquiry. (Cain and DeYoung). [10-29-20, Thiele and DeYoung concurred to reject this addition, Cain dissented]~~

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. 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. ~~Committee members shall be appointed by the Chairperson.~~ (#3, Thiele, 10-14-2020: Deletion: Repetitive, see 3.a.ii (2)) [10-29-20 Cain, DeYoung and Thiele concurred]
 - iii. Each committee shall have a Chairperson and Vice-Chairperson elected by its members. (#4, Thiele, clarification, codification of BOC established practice, consistency with Robert's Rules of Order... ". . . the committee by a majority of its number elects a chairman. . .") [10-29-20 Cain, DeYoung and Thiele concurred]
 - iv. Each committee Chairperson shall be responsible for keeping a written record of committee proceedings.
 - v. 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.
- c. 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.
- 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.

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 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 (capitalize chairperson - possible formatting error transitioning from PDF to WORD)** 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. 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 122nd 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, **ADD: unless otherwise permitted by the Open Meetings Act [10-29-20 Cain, DeYoung and Thiele concurred]. DELETE: or receiving per diem. [10-14-20 Cain and DeYoung concurred, no formal vote was taken on the matter]**
 - (4) ~~Pursuant to state law, BOC members may remotely attend meetings for military duty, state or local emergency, or medical condition until December 31, 2021.~~ **[10-29-20, note, this change is now addressed by the language in item 3 above]**
- 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 (possible formatting error transitioning from PDF to WORD)**. 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 "B".
 - ii. All agenda items for consideration shall be submitted with complete documentation (see "Attachment C" 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:
 - (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 **(remove red font color and the underline) 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. 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 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.

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 ~~at any time by permission of the BOC 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.~~ (#5, Thiele, 10-14-2020: modification of rule: consistency with practice.) [10-29-20 Cain, DeYoung and Thiele concurred] 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 **DELETE COMMA:**, who voted with the majority, but there must be **ADD: at least** as many BOC members **DELETE: , or more,** 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 "D" for current compensation package.
- b. **TRAVEL:** BOC members shall receive travel and training reimbursement in accordance with County Employee Policy 511.
- c. **BOC PER DIEM:** Shall be paid to BOC members and to members of other bodies statutorily connected to the BOC per diem at the rate established through BOC resolution, as attached, and processed based on the following parameters:
 - i. The total meeting(s) time in one (1) day more than four (4) hours shall be considered one (1) full day. The total meeting(s) time in one (1) day of four (4) hours or less shall be considered one half (1/2) day. Travel time is included.
 - ii. All BOC member per diem shall be expensed from the BOC's budget financial activity.
 - iii. The following BOC related meetings shall be eligible for BOC per diem and mileage: (1) **Regular County BOC meetings,**
 - (2) BOC Planning Sessions,
 - (3) Special BOC Meetings,
 - (4) Quarterly Interdepartmental Meetings normally held the last Wednesday of January, April, July, and October,
 - (5) Attendance (in-person or through remote connectivity if meeting is held out-of-County) in any meeting of a board, commission, or committee or official activity, i.e. training or conferences to which a BOC member has been appointed by the BOC or BOC Chairperson in writing. See Attachment "E" for identified boards, commissions and committees,
 - (6) Attendance (in-person or through remote connectivity) in Michigan Association of Counties (MAC) activities in which participation or appointment has been confirmed by the BOC,
 - iv. Attendance (in-person or through remote connectivity) by any elected Commissioner serving on the MAC Board of Directors and/or any other MAC Boards & Committees' activities, conferences and meetings related to their role that compensation is not provided for by the Association shall receive per diem & mileage.
- d. **BOC CHAIRPERSON:** The Chairperson (or his/her BOC member designee) is authorized to receive up to two (2) half day BOC per diems in a single month to attend additional meetings, events, etc. at the request of the CAO to best represent the interests of the County. Unless otherwise approved by the BOC, the Chairperson shall not receive BOC per diem for regular meetings with the CAO as listed under the duties of the Chairperson.
- e. **OTHER MEETINGS:** All other meetings or events shall be subject to the BOC's approval to receive mileage and per diem including but not limited to the following:
 - i. Conference and/or related training,
 - ii. District specific or BOC member prerogative type meetings,
 - iii. Special Use Committees,
 - iv. Workgroups, taskforce, etc. established under an existing Board, Commission, or Committee.

- f. DOCUMENTATION: Each BOC member shall be responsible to submit the necessary attendance record (Attachment "F"), and audit his/her own monthly reports for compensation.

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 (#6, Thiele, 10-14-2020, grammatical correction)** 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 the CAO, Executive Assistant, and Director of Finance by each Thursday 5PM. 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 8AM except those held for question.
 - ii. ~~During weeks in which the BOC holds a regularly scheduled meeting the BOC shall approve (or choose to withhold) claims processed for that same week.~~ **(#7, Thiele, 10-14-2020: clarification. To me this is confusing language. Does it not mean and is it not better represented by the following, "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.") [10-29-20 Cain, DeYoung and Thiele concurred].**
 - 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 including documents, (#8, Thiele, 10-14-2020: Deletion: grammatical clarification)** consistent with the execution of the duties of the position **and (#9, Thiele, 10-14-2020: same as #8)** as authorized through BOC approved policy. This designation does not diminish the authority of the Chairperson **as stated above in 11.b.i. (#10, Thiele, 10-14-2020: clarification)**
 - 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]

C. COMMISSIONER EQUIPMENT STIPEND - A stipend in the amount of \$50 shall be paid to each commissioner in the first payroll of each month. The stipend is intended to reimburse each commissioner for partial use of a personal cell phone, internet connection, or other equipment/services that may be used to conduct official County business. [10-29-20 A stipend was discussed in place of a request for County provided equipment. Cain and DeYoung concurred with the stipend, Thiele dissented.]

The Committee considered the following items on 10-14-20 and did not recommend the items for change or inclusion:

Under Section 7, Agenda(s), b. "Agenda Item(s) for Consideration". The current rule requires any BOC board member to introduce a new agenda item at a previous board meeting, meaning that at least two weeks, sometimes three weeks, must pass before an agenda item can be submitted for a future meeting's agenda. Suggest that the rule be changed to allow members to submit agenda items one week in advance of a meeting. For example, for a Thursday meeting, an agenda item would, under this rule change, only need to be submitted one week in advance on the previous Thursday.

Under Section 7, Agenda (s) c. "Agenda Format for Regular Meetings (Format A): current agenda has 26 line entries. If a Commissioner speaks once or more at each line entry, the length of meeting is automatically extended. The Michigan Townships Association advises that effective meetings last no longer than two hours. In 8 years serving on the BOC, meetings rarely end within the two hour optimum that MTA and other organizations have identified for public board meetings. This optimal goal can be advanced by two actions:

- A. Reduce the number of items in the pro forma agenda. For example, combine reports of boards and commissions, requests for per diem and mileage, and roundtable in a new item such as "Commissioner Reports".
- B. Set limits on the time allotted each agenda item. For example, limit administrator's talking report to 30 minutes; limit discussion of any one item to 10 minutes, and so on. Roberts rules provide that the board can extend the time for each item if the time limit is reached by a simple majority vote. Existing rules already set a 20 minute limit for informational sessions from outside speakers such as judges and elected officers of the county. Should apply a similar time limitation to other agenda items.

General Summary

Under the direction and oversight of the Allegan County Board of Commissioners as a body, serves as the Chief Administrative Officer of the County and performs a wide range of difficult-to-complex administrative activities that serve to support effective and efficient county government operations; advises and assists the Board in planning, policy and operational matters; and directs and coordinates the administration of county government in accordance with policies and directives issued by the Board as a whole, pursuant to all applicable state and federal laws and regulations.

SCOPE OF RESPONSIBILITY AND AUTHORITY

The County Administrator is responsible for the following departments: Budget and Finance, Central Dispatch, Equalization, Facilities Management, Health Department, Human Resources, Information Services, Land Information Services, Senior and Veteran Services, Transportation, and ~~County Development~~ **Public Defender (#11, Thiele, 10-14-2020: “County Development” no longer exists; “Public Defender” has been added since the last writing, and this document has not been updated to reflect the two (2) changes.)** and performs the full range of managerial-oversight functions. Acts as final appointing authority and retains authority over organizational structure, budget, staffing levels and configuration, financial management, planning, administrative policy development and implementation, performance management and prioritization of fiscal, human and capital resources.

The County Administrator carries overall responsibility and authority for the “business” and service delivery aspects of Allegan County government. In matters of governance and public policy, the position oversees the implementation and administration of Board-established policies. The administrator helps maintain good working relationships between the Board’s office and other elected officials.

Essential Functions

1. Works with the Board to understand their vision and strategic policy direction. Assists the Board in developing and managing public policy matters. Oversees staff implementation of Board goals and policies. Directs and oversees near-term and long range work planning: goal setting, prioritization, funding, monitoring and reporting.
2. Provides assistance to the Board and committees of the Board to facilitate action on matters requiring their attention (based on County policy) and is a liaison to other boards and agencies. Investigates and researches various issues and projects assigned by the Board and reports the results with possible alternatives and recommended courses of action. Provides a recommendation on all non-political matters to be considered by the Board of Commissioners.
3. Acts as the first step and/or liaison for all matters to be considered by the Board of Commissioners. Manages the development of Board and committee meeting agendas with the assistance of the Board or Committee Chairperson and/or the County Clerk and attends meetings to advise, counsel, and present pertinent data and information to aid the Board in making decisions and establishing policies. Researches, analyzes and implements issues considered and approved by the Board.
4. Maintains the fiscal oversight of the County. Administers, reviews, and analyzes budgets including general operating, applicable county funds, and capital outlay. Approves major purchases and contracts for services, forecasts financial status, and creates and implements related policy. Consistent with the Uniform Budgeting Act, develops an annual balanced budget to be presented to the Board of Commissioners for final approval.
5. Negotiates, develops, reviews, and/or approves (based on County policy) a variety of legal documents including but not limited to contracts, purchase agreements, grants, and interagency agreements, ensuring the County’s interest is represented.

Coordinates legal matters in conjunction with corporation counsel. Seeks legal advice and opinions on behalf of the County. Exercises settlement authority with established limits and recommends action on other matters