

# COUNTY OF ALLEGAN

Rules of Organization and Procedure

of the

Allegan County Board of Commissioners

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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]

**RULES OF ORGANIZATION AND PROCEDURE**  
of the  
**ALLEGAN COUNTY BOARD OF COMMISSIONERS**

**RULES OF ORGANIZATION**

**1. THE BOARD OF COMMISSIONERS** shall meet on the first Thursday of the new calendar year, except as otherwise ordered by the Board, elect two (2) officers, the Chairperson and the Vice-Chairperson and adopt its "Rules of Organization and Procedure" for that year [MSA 5.323]. The Board Chairperson and Vice-Chairperson shall serve a one (1) year term and be chosen annually at the Board Organizational Meeting. The Annual Board of Commissioners Meeting for the year shall be held in the evening between September 14 and October 16; per Act 156 of 1851, 46.1; Sec. 1.1.

**2. BOARD OFFICERS**

a. CHAIRPERSON

**Statutory Powers and Duties [MSA 5.323]**

- i. Presides at all Board meetings during the year, if present.
- ii. Administers oaths and issues subpoenas. [MSA 5.323]
- iii. Signs contracts [MSA 5.323], Board minutes, [MSA 5.352] and certifies the equalized tax rolls. [MSA 7.52]
- iv. Appoints Directors of Economic Development Corporation with advice and consent of Board [MSA 5.352 (4)] and Boards of determination under Chapter 4 (County Drains) and Chapter 19 (Consolidated districts) of the drain code. [MSA 11.1072,11.1441]
- v. Decides and signs denials of requests for public records (or in writing designates someone else to do so) under the Freedom of Information Act. [MSA4.18016]
- vi. Serves on drainage Boards under Chapter 20 (intra-county drains) and Chapter 21 (inter-county drains) of the drain code [MSA 11.1464,11.1515]
- vii. Reviews, with other officers, the Sheriff's determination of jail overcrowding. [MSA 28.1748-2]

**Other Duties**

- viii. Serves ex-officio on all committees.
- ix. Appoints Board committees.
- x. Makes other county appointments subject to Board approval.
- xi. Shall preserve order and shall decide questions of order subject to approval of the Board.
- xii. Shall vote on all questions taken by roll call vote, except on appeals from the Board on decision of the chair.
- xiii. Duties of the Board Chairperson may be expanded by the Board of Commissioners for the duration of the term.

b. VICE CHAIRPERSON

**Statutory Powers and Duties**

- i. Presides over Board meetings if Chairperson is absent. [MSA 5.323]
- ii. Serves on drainage Board under Chapter 20 (intra-county drains) of the drain code, when county commission member is disqualified. [MSA 11.1464]

**Other Duties**

- iii. Serves ex-officio on all Board committees.
- iv. Shall sign necessary documents for county if the Chairperson is not available.

- c. CLERK-OF-THE-BOARD
  - i. Shall be the County Clerk, or in the Clerk's absence a Deputy Clerk.
  - ii. Duties - As specified by law. [MSA 5.324, MSA 5.330, MSA 5.325, MSA 5.352]

### 3. BOARD COMMITTEES

- a. Standing, advisory, and special use committees shall address items only after being referred by the Board of Commissioners. Committees shall be appointed by the Chairperson and are subject to Board approval; each committee is to have a Chairperson and Vice-Chairperson. The number of members on any committee, special use committee or advisory committee shall not exceed one (1) less than a majority number of those elected and serving on the full Board of Commissioners. Any items for Board Committees are to be submitted through the same work flow process as regular meetings.
- b. PROCEDURES FOR USE OF COMMITTEES
  - i. Items which have been referred to a committee by the Board of Commissioners will be addressed in accordance with the Board Rules and Procedures for meetings.
  - ii. If the committee determines additional information or clarification is necessary to form a recommendation, the committee may ask for assistance from the County Administrator.
  - iii. When the committee has completed its review and formed a recommendation, the item shall be placed on the next regular business meeting of the Board of Commissioners.
  - iv. The Board shall, after receiving a recommendation from the committees and from the County Administrator do one of the following:
    - (1) Move the item by voting.
    - (2) Table the request for a future date.
    - (3) Return to committee for further work or forward to another committee for work/study.
- c. STANDING COMMITTEES
  - i. FINANCE COMMITTEE - General duties to include auditing, claims, equalization, investments, revenue sharing and special appropriations. [MSA 5.571] The Director of Finance shall be the chief financial officer of the county. [P.A. 621 of 1978]
  - ii. COUNTY SERVICES COMMITTEE - General duties to include liaison with elected and appointed county officials, liaison with townships, cities, and villages, building and grounds maintenance, publicity and printing, Board rules, legislation, drains and building codes.
  - iii. HUMAN RESOURCES COMMITTEE - Duties to include labor negotiations, fringes, personnel rules, affirmative action, vacancies and employee classifications.
  - iv. HEALTH SERVICES COMMITTEE - Considers issues pertaining to public and environmental health.
  - v. DUTIES OF STANDING COMMITTEES AND CHAIRPERSONS
    - (1) Each committee Chairperson may appoint committee members to meet with the various Boards or commissions under its jurisdiction when necessary. The members so appointed shall report their finding to the whole committee.

- (2) Each committee Chairperson shall be responsible for keeping a written record of committee proceedings.
- (3) Any commissioner who serves on an outside board/commission is responsible to make available copies of the minutes or other relevant materials to the other members of the Board of Commissioners upon request. Should those materials become supporting documentation to any discussion/action at a meeting of the Board/Committee, the material should be submitted to Administration to be placed in the Board/Committee packet prior to the meeting.
- (4) Standing committees, to whom matters have been referred, shall report a statement of fact and their opinion to the Board.

d. **ADVISORY COMMITTEES**

- i. **LAW COMMITTEE** - Provides liaison with the sheriff's department, prosecuting attorney, and judicial offices.
  - ii. **SOUTHWEST MICHIGAN AREA REGION THREE (S.M.A.R.T.)** - Attends district meetings of participating counties.
  - iii. **MULTI-AGENCY COLLABORATIVE COMMITTEE** – Represents the County in meeting with various human service agencies.
  - iv. **PLANNING COMMISSION** – shall review projects involving the expenditure of funds by a county board, department, or agency for the acquisition of land, the erection of structures, the extension, construction, or improvement of any physical facility by any proposed location and extent, and shall report and advise on such projects to the Board of Commissioners and the department or agency submitting the proposal before any work is initiated [per 125.3861 § 61(2) of P.A. 33 of 2008 County Planning].
- e. **SPECIAL USE COMMITTEES** - To perform specific functions or projects that may be authorized by resolution of the Board of Commissioners and appointed by the Chairperson, to remain in existence until completion of the project or function.

**4. RULES OF ORDER**

- a. **REGULAR MEETINGS:** The Board of Commissioners of Allegan County shall meet the second and fourth Thursdays of each month as posted (see agenda Format A).
- b. **BOARD PLANNING SESSIONS:** The Board of Commissioners of Allegan County may meet the first and/or third Thursday of each month to conduct planning (strategic or project related), policy review and other time sensitive matters (see agenda Format B). The decision to meet on the first and/or third Thursday is to be made by the Chairman at least 7 days in advance of the meeting.
- c. **SPECIAL MEETINGS:** Special meetings may be set by one of the following methods:
  - i. Called by the Board at a regular meeting.
  - ii. At the "Call of the Chairperson".
  - iii. By the Clerk-of-the-Board upon receipt of a written request signed by 1/3 of the Board members. Upon receipt of the request, the Clerk-of-the-Board shall immediately give notice to

each of the members by telephonic or other communication at least 24 hours before the time of reconvening and upon giving public notice in accordance with the Open Meetings Act.

- d. **START OF MEETING:** The Chairperson shall take the chair at the time specified in the meeting notice; the Board shall then be called to order and the roll of members called.
- e. **QUORUM:** A majority of the members elected and serving shall constitute a quorum for the transaction of the ordinary business of the county. [MSA 5.323] All questions which arise at the meeting shall be determined by a vote of a majority of the commissioners present, except upon final passage or adoption of any measure or resolution or the allowance of any claim against the county, in which case, a majority of all members elected and serving shall be necessary. [MSA 5.323]
- f. **AGENDA FORMAT FOR REGULAR MEETINGS (Format A):**
  - i. Agenda items must be submitted to County Administration not less than ten (10) **business** days prior to the next scheduled Regular Meeting to be considered for placement on the agenda.
  - ii. During the meeting of the Board, the order of business shall be as follows:
    - (1) Call to order
    - (2) Opening Prayer
    - (3) Pledge of Allegiance
    - (4) Roll call
    - (5) Communications
    - (6) Approval of minutes
    - (7) Public participation
    - (8) Additional agenda items
    - (9) Approval of the agenda
    - (10) Presentations
    - (11) Proclamations
    - (12) Informational Sessions
    - (13) Administrative Reports
    - (14) Consent Items
    - (15) Action Items
    - (16) Discussion Items
    - (17) Appointments
    - (18) Elections
    - (19) Public participation
    - (20) Round table
    - (21) Adjournment
- g. **AGENDA FORMAT FOR BOARD PLANNING SESSIONS (Format B):**
  - (1) Call to Order
  - (2) Opening Prayer
  - (3) Pledge of Allegiance
  - (4) Roll Call
  - (5) Public Participation
  - (6) Additional Agenda Items
  - (7) Approval of Agenda
  - (8) Discussion Items
  - (9) Other Items
  - (10) Public Participation
  - (11) Adjournment
- h. **INFORMATION FLOW TO THE BOARD MEMBERS:**

- i. **INFORMATIONAL SESSIONS:** Departmental Information Sessions or presentations from public or other agencies will be given a specific time and duration; twenty (20) minute maximum, including a question/answer period. Departments will be asked to supply their presentation to the Board prior to their scheduled date to allow the Board'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 Board meeting, County Administration will provide the Board with a written recommendation and relative background information within the meeting packet for each item to be addressed by the Board. Any questions or additional information needed by Board members should be directed to County Administration by the Tuesday prior to the meeting, and that information shall be provided back to all Board members before the meeting.
  - iii. **BOARD PLANNING SESSION PACKETS:** Materials will be provided as it becomes 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. **ACTION ITEMS/ADDITIONS TO AGENDA:** At the discretion of the County Administrator and/or Board Chairman, items requiring immediate action can be added to the agenda until noon on the Tuesday prior to the scheduled Board Meeting. The Board will receive a revised agenda by the end 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 should be considered the final agenda for the meeting. Items to be considered by the Board after noon on Tuesday must be added to the agenda at the beginning of the meeting by a two-thirds (2/3) majority vote.
  - v. **DISCUSSION ITEMS:** Items can be of a specific nature in 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 Board Chairman should clarify the intent of further action or discussion needed. The County Administrator may request immediate action if appropriate and the Board may consider it for immediate action.
- i. **PUBLIC ATTENDANCE:** All Board meetings shall be open to the public, closed meetings may be held only for the following purposes: [MSA 4.1800.11,5.321]
- i. To consider the evaluation, dismissal, suspension, or disciplining of, or to hear complaints or charges brought against a public official, employee, staff member, or individual agent, when the named person requests a closed hearing.
  - ii. For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement when either negotiating party requests a closed hearing.
  - iii. To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.
  - iv. To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only when an open meeting could have a detrimental financial effect on the litigating or settlement position of the public body.
  - v. To review the specific content or an application for employment or appointment to a public office when the candidate requests that the application remain confidential. However, all interviews by a public body for employment or appointment to public office shall be held in an open meeting, according to the Open Meetings Act.

- vi. To consider material exempt from discussion or disclosure by a state or federal statute. The Michigan Court of Appeals has ruled that a Board may be in closed session to consider the opinion of its attorney [93 MICH AP 100(1979)]. Except for purposes (1) and (2), a 2/3 roll call vote of all members elected or appointed and serving is required to call a closed meeting.
- j. PUBLIC PARTICIPATION - The right of public address is granted by the Open Meetings Act under rules established and recorded by the Board of Commissioners. [MSA 4.1800 (13) & (5)] the public will be allowed to address the Board of Commissioners within the following restrictions:
  - i. During the public participation portion(s) of the agenda
  - ii. Name and address must be given before speaking.
  - iii. The purpose of the statement must be revealed.
  - iv. A maximum of five (5) minutes will be granted for comments.
  - v. Any exception to the rules will be at the discretion of the Chairperson.

## 5. RULES OF FORM

- a. Every member, previous to speaking upon a question shall address the chair. When two or more members speak at once, the chair shall designate the member who shall be first to speak.
- b. When a member is speaking on any question before the Board, 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 Board, if appealed to, shall decide the case. If there is no appeal, the decision of the chair shall stand.
- c. 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. After a motion is stated by the Chairperson, it shall be deemed to be in possession of the Board, but may be withdrawn at any time by permission of the Board. All motions, resolutions or amendments shall be entered in the Board proceedings unless withdrawn.
- e. When a question is under debate, no motion 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 to amend, which several motions shall have precedence in the order in which they are stated.
- f. 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. When the Board adjourns, the members shall keep their seats until the Chairperson announces the adjournment.
- g. When the previous question is called and when seconded, a 2/3rds vote is required for passage. The next vote shall be upon possible amendments and then upon the main question. The motion for the previous question shall put an end to all debate.
- h. If the question being discussed contains several points, any member may request to have it divided.
- i. All petitions, memorials and requests addressed to the Board shall be in writing and presented to the Chairperson for appropriate action.
- j. In all cases, every written report, resolution, or motion shall have the name of the proper committee, the commissioner moving and the commissioner seconding the same shall be entered in the Board proceedings.
- k. A commissioner wishing to have his/her comments entered in the Board proceedings shall submit

the comment in writing to the Clerk-of-the-Board.

- I. 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 members present.

## **6. VOTING**

- a. When a roll call vote is taken, every member shall vote except when excused by the Chairperson.
- b. During a roll call vote, members shall not "pass" when they are called upon for their vote.
- c. A vote on any question shall be taken by roll call vote when called for by any member of the Board or at the discretion of the Chairperson.
- d. In the event of a tie vote of the Board 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 Board for reconsideration in the identical, similar or revised form at any time, to be voted on by the same number of Commissioners, or more, present at the time of the tie vote.
- e. A motion to rescind any question may be made on any day of any session, provided that it be moved and seconded by members who voted with the majority, but there must be as many members present, or more as there was when the matter to be rescind was first voted upon.
- f. The Clerk-of-the-Board shall vary the order of calling the roll for voting of the Board at each session.
- g. The Clerk-of-the-Board shall include in the minutes of Board meetings the names of Commissioners voting no and yes on all roll call votes.

## **7. MISCELLANEOUS RULES**

- a. The Clerk-of-the-Board shall print in the Board proceedings a report of the total of claims against the different funds as they are submitted each month by the finance committee, rather than a detailed report of the individual claims.
- b. A copy of the completed agenda of the monthly Board proceedings shall be provided to each county commissioner, each township supervisor and each city clerk as soon as possible by the Clerk-of-the-Board. A copy of the minutes of the monthly Board proceedings shall be available for the public at the County Clerk's office. The monthly Board proceedings shall be approved by the Board as written with any necessary corrections.
- c. County ordinances that have been enacted by the Board shall be numbered for reference in the following manner: The first ordinance, 1001; the second, 1002; the third, 1003 and so forth.
- d. The Board shall not elect and fill vacancies on any Board or commission at the meeting the Board receives first notification. The Administrator shall be responsible for placing on the agenda a month in advance the offices that will be voted upon at the subsequent meeting.
- e. Any commissioner who shall be absent from a session shall upon his arrival report his presence to the Clerk-of-the-Board.
- f. As a courtesy, a Commissioner that will knowingly be absent from an official proceeding of the Board shall notify the Chairperson or the Administrative Office as soon as possible prior to said meeting.
- g. No commissioner, while a member of the Board shall be eligible to election or appointment to any other County office or position, the election of which is within the jurisdiction of the County Board

of Commissioners. [MSA 5.323]

- h. Any situation, which may arise and is not covered by the rules as adopted by the Board, shall be determined on the basis of Robert's Rules of order. These rules shall apply at all times except in cases where they may be in conflict with Michigan State Statutes.
- i. No rule of the Board shall be suspended, altered or amended without concurrence of the majority of all members elect.
- j. Any suggested changes in the Board rules shall be initially referred to a Board of Commissioners Meeting as a discussion item only, and consider those changes no later than one month after the proposed amendment was submitted.

## **8. PER DIEM GUIDELINES**

- a. Per diem will be paid for regular County Board meetings and committee meetings.
- b. Per diem will be paid when authorized by the Board Chairperson or Committee Chairperson for special activities.
- c. Per diem will be paid when a member represents the Board of Commissioners at a meeting other than a County Board or Committee meeting when appointed to do so by the Chairperson or the Board of Commissioners.
- d. Per diem and mileage will be paid for attendance at Interdepartmental Meetings normally held the last Wednesday of each month.
- e. Members will be paid at the same rate as other members of the Boards and commissions when they are members of those Boards and commissions.
- f. The County Board of Commissioners will set the amount of per diem to be paid to County Commissioners for attendance at meetings consistent with their responsibilities. Two (2) or more meetings in one (1) day will be considered one (1) full day. One (1) meeting in one (1) day four (4) hours or more will be considered one (1) full day. One (1) meeting in one (1) day less than four (4) hours will considered one half (1/2) day. Travel time is included.
- g. Board or Commission meetings other than County Board or Committee meetings held prior to or after regular County Board of Commission meetings (Board or Committee meetings) – normal per diem may be claimed for each, but only actual mileage may be charged.
- h. Each Commissioner will be responsible to submit all necessary records and audit their own monthly reports for compensation.
- i. Compensation for County Board meetings or County Board Committee meetings will not exceed the established per diem amount for any one (1) day. (Committees – Finance, County Services, Human Resources, Law, S.M.A.R.T., Multi-Agency Collaborative Committee, or Health Services Committee and/or any Committee for which per diem is paid for by the County Board of Commissioner's budget).
- j. Per diem and mileage shall be paid to Commissioners attending MAC annual conferences (maximum two per year per Commissioner).
- k. Per diem and mileage shall be paid to County Commissioners who are appointed to the MAC Board of Directors, MAC standing committees, and MAC work groups requesting Board participation which have been confirmed by the Board of Commissioners.

- l. Per diem and mileage for all other conference and/or related training shall be reimbursed as pre-authorized by the Board of Commissioners.
- m. Commissioners shall be reimbursed for their per diem and mileage when they attend district specific or Commissioner prerogative type meetings when the same has been pre-authorized by the Board of Commissioners.

Flow Chart: See Attached Form

#### **9. CLARIFICATION OF VOTING ON COMMITTEE RELATED MATTERS**

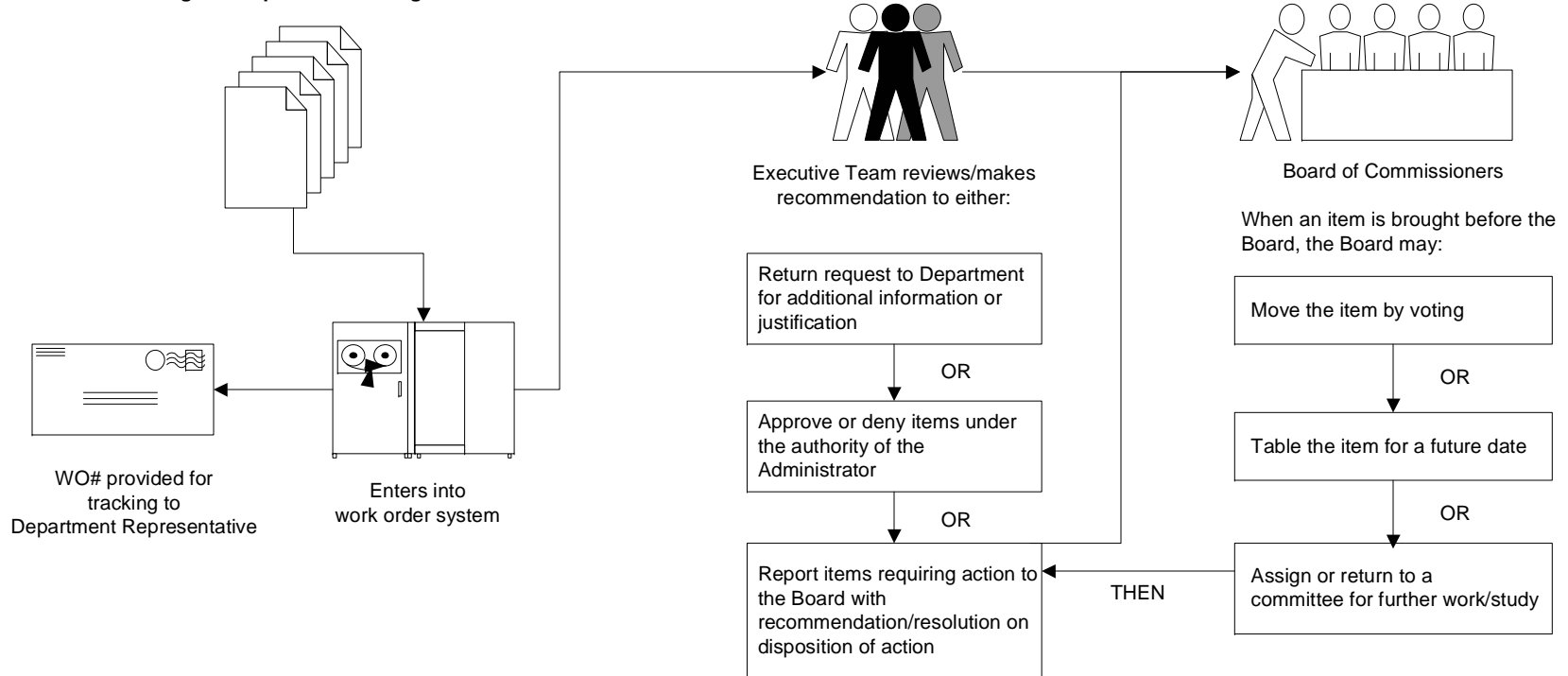
- a. When a matter is brought by a standing committee to the Board of Commissioners meeting and a vote is taken, all Commissioners present will vote on the issue. When the committee meets separately [different day, different room], only committee members will vote on the issue before the committee.
- i. To be considered by the Board of Commissioners, items from Department Heads and Countywide Elected Officials will be submitted with complete documentation (see attached 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 County Administrator. The County Administrator will 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 County Administrator. Items denied may be appealed in writing to the Chairperson of the Board of Commissioners 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 Board with recommendation/resolution on disposition of action.

# Allegan County Board of Commissioners

Board Procedure and Action Flow

Revised January 7, 2010

Items for consideration by BOC should be submitted by  
Department Heads/Elected Officials with a  
Request for Action Form through the work order system  
Must be not less than 10 business days  
prior to the next  
scheduled Regular and Board Committee  
Meetings to be placed on the agenda





ALLEGAN COUNTY  
REQUEST FOR ACTION FORM

RFA#: 99-999

Date: XX/XX/XXXX

"FOR EXAMPLE PURPOSES ONLY"

Request Type Grant  
Department Requesting Administration  
Submitted By Denise Stan, Executive Assistant  
Contact Information ext. 2636

Name of Grant:  
2010 Marine Safety Program Grant

Summary of Grant:  
Reimbursement for patrol supplies, gas, maintenance/other

- APPLICATION
- ACCEPTANCE
- New
- Renewal
- Continuation

Amount (Not including local match) \$144,831.00

Source of Grant Funds (% of allocation) State

Type of Match

- Cash
- Inkind

Amount / Description / Source of Match:  
County 25% State 75%

Term of Grant January 1, 2010 thr December 31, 2010

Does it involve personnel?

- No
- Yes

Does it involve ongoing Operational Activities (recoverable?)

- No
- Yes

Admin Fees \$0.00

Equipment / Ongoing Costs

Does it effect other operations?

- Yes
- No

Disposition:

N/A

Changes in Grant:

N/A