



BOARD OF COMMISSIONERS

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AD HOC COMMITTEE ON BOARD RULES

TUESDAY, FEBRUARY 5, 2013

FINAL AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Adoption of Agenda
4. Public Participation (five minutes maximum per speaker, or longer at the discretion of the Chairperson related only to issues contained on the agenda)
5. Review/Draft of Board Rules for 2013-14 (page 1) (mailed)
6. New Business
7. Public Participation (five minutes maximum per speaker or longer at the discretion of the Chairperson)
8. Adjournment

MEMBERS: Tocco-Chair, Brown-Vice-Chair, Boyle, Klinefelt, Vosburg and Flynn (ex-officio)

MACOMB COUNTY BOARD OF COMMISSIONERS

David J. Flynn – Board Chair
District 4

Kathy Tocco – Vice Chair
District 11

Mike Boyle – Sergeant-At-Arms
District 10

Toni Mocerri – District 1
Don Brown – District 7

Marvin Sauger – District 2
Kathy Vosburg – District 8

Veronica Klinefelt – District 3
Fred Miller – District 9

Robert Mijac - District 5
Bob Smith – District 12

James Carabelli – District 6

MACOMB COUNTY BOARD OF COMMISSIONERS

RULES OF PROCEDURE

The Board and its meetings shall be governed by the following rules of procedure:

Rule 1. Definitions

“Board” means the Macomb County Board of Commissioners.

“Appeal to the Board.” If a Commission feels her/his point of order or privilege has been ruled on unfairly by the chair, s/he can challenge the Chairperson and appeal to the Board. The Chairperson then asks for a motion to uphold the Chairperson, and the vote is taken. The vote decides whether the action decided upon by the Chairperson is valid, or whether the Commissioner is correct.

“Charter” means the Home Rule Charter of Macomb County, Michigan.

“Clerk” means the Macomb County Clerk.

“Commissioner” means a Commissioner of the Board.

“County” means Macomb County, Michigan.

“County Executive” means the person holding the office of Macomb County Executive.

“Full Board” means all of the Commissioners elected and serving.

“Open Meetings Act” means Public Act 267 of 1976, as amended.

“Proclamation” means an [official announcement of the Board.]

“Quorum” means a majority of the Commissioners serving on the Board.

“Rules” means these rules of procedures of the Board.

“Tribute” is a form of resolution honoring a group or individual.

Rule 2. Organizational Meeting and Election of Officers

At its first meeting of each new term, the Board shall be called to order by the Clerk and a roll call taken. If a Quorum is present, the first order of business shall be for the Board to adopt rules of procedure under which the Board shall operate. The next order of business shall be the election of a temporary Chairperson, whose sole responsibility will be to preside over the election of a Chairperson. The Chairperson shall preside over all subsequent actions of the Board. The next order of business shall be the election of the Vice-Chairperson and a Sergeant-at-Arms. The next order of business shall be the adoption a meeting schedule showing the dates, times and places of the Board’s regular monthly meetings.

At the first session in January of each even numbered year, the first order of business shall be the election of a Vice-Chairperson.

Rule 3. Terms of Office; Vacancies

The Chairperson shall be elected to a two-year term and the Vice-Chairperson and the Sergeant-at-Arms shall be elected to a one-year term or until a successor, respectively, is elected. In the event of a vacancy in Chairperson, Vice-Chairperson or Sergeant-at-Arms, the vacancy shall be filled at the next regular meeting of the Full Board by a majority vote of the Commissioners serving.

Rule 4. Removal of an Officer

An officer may be removed from office upon the filing of a petition stating the reasons and a 2/3 vote of Commissioners serving. The officer who is the subject of the petition shall be given a copy of the petition at least 7 days in advance of the item being placed on a meeting agenda.

Rule 5. Duties of Officers

A. Chairperson. The Chairperson (or Vice-Chairperson in the absence of the Chairperson) shall preside at all meetings of the Full Board. In the absence of both the Chairperson and Vice-Chairperson, the Commissioners present shall elect a Chairperson pro-tempore who will serve only for that meeting or for that part of the meeting in which the Chairperson and Vice-Chairperson are absent.

The Chairperson shall introduce and present each agenda item for discussion, or will introduce and then designate the Clerk or other Board staff member who will present the agenda item. Following its presentation, an agenda item may be opened for discussion by the Chairperson. Except where permission is otherwise granted by the Chairperson, discussion of opened agenda items shall be limited to Commissioners.

The Chairperson shall be responsible for enforcing the Rules and conducting meetings in a manner that preserves order and decorum. Commissioners and others in attendance shall comply with the direction of the Chairperson.

The Chairperson is responsible for the administrative day-to-day activities of the Commission.

At the second regular meeting of each odd-numbered year, the Chairperson shall submit committee assignments, listing the members of each committee and the chairperson and vice-chairperson of each committee, for approval by a majority vote of Commissioners serving.

At any time, the Chairperson shall have the ability to submit the appointment of new members to, or the removal from, a committee, subject to the approval of the Board. All

vacancies in membership, chairperson or vice-chairperson of committees shall be filled by appointment by the Board Chairperson, subject to the approval by a majority vote of Commissioners serving.

B. Sergeant-at-Arms. The Sergeant-at-Arms shall attend the Full Board meetings to maintain order and decorum under the direction of the Chairperson and is responsible to ensure compliance with the requirements of a closed session.

Rule 6. Duties of Commissioners

Each Commissioner shall be present during the sessions of the Board and shall vote on each question put, unless he/she has a direct personal or pecuniary interest in the question or unless otherwise legally or ethically required to abstain. The Commissioner shall disclose the interest at the meeting. Each abstention shall be duly recorded in the minutes of the meeting.

Each Commissioner is expected to attend all Full Board and assigned committee meetings.

Rule 7. Speaking

When a Commissioner desires to speak on any matter or issue before the Board, he or she shall first seek recognition to speak from the Chairperson. The Chairperson may speak to points of order and shall decide questions of order subject to an Appeal to the Board. When two or more Commissioners request to make a motion and/or address the Board at the same time, the Chairperson shall name the Commissioner who is first to speak.

When a Commissioner is about to speak in debate or present any matter to the Board, he/she shall respectfully address himself/herself to the Chairperson. He/she shall confine himself/herself to the question under debate and avoid debate or argument that calls into question the personality/motive of another Commissioner.

Free, open and orderly debate on issues confronting the Commission as a legislative body may demand that a Commissioner be privileged to speak on a matter more than once. However, a Commissioner shall not be privileged to speak or hold the floor on a matter for more than 10 minutes or more than once (on the same question) until all other Commissioners present are first given the opportunity to be heard.

Rule 8. Motions

The Board shall take action by way of motions. No motion may be acted upon until it has been duly supported or seconded by a Commissioner. A motion shall be reduced to writing [if requested by] [the Chairperson] [any Commissioner]. The Chairperson shall restate a motion or, if in writing, the motion shall be read aloud by the Clerk, before being debated.

Any Commissioner who wishes to make a motion or second a motion must first secure recognition by the Chairperson. Except where permission is otherwise granted by the Chairperson, discussion of a motion before the Board or other pending business shall be limited to Commissioners.

A motion must be before the Board in order to discuss an agenda item that has been presented by the Chairperson for consideration. No motion shall be adopted by the Board until stated by the Chairperson. Any motion may be withdrawn by the sponsor at any time before decision or amendment by the Board.

The following motions will be in order:

- a. To take action on a resolution or ordinance.
- b. To call the question.
- c. To amend or modify a motion made to take action, but such amending motion will be disposed of before any other motion to amend or modify the original motion will be in order. Once approved by a majority vote of Commissioners serving, a motion to amend or modify a motion may be combined with the original motion.
- d. To lay on the table for subsequent consideration at the same meeting.
- e. To postpone action to a specific time, date and place or until occurrence of a condition or event.
- f. To refer or re-refer a matter to a Board committee.
- g. To postpone indefinitely. A motion to postpone indefinitely the further consideration of any motion or other matter shall require the affirmative vote of a majority of Commissioners serving and the vote upon such a motion shall not be reconsidered.
- h. To reconsider a vote (including a vote resulting in a tie) or other action that has been taken by the Board, but only if no action has been taken in reliance upon such vote or action. Any Board Commissioner may move for reconsideration of such vote or action at the same meeting the vote or action was made or at the next regular meeting of the Board, but at no other subsequent meeting. No vote or other action shall be reconsidered more than once. A motion to reconsider shall require the affirmative vote of a majority of Commissioners serving. When a motion to reconsider fails, it cannot be renewed. This does not preclude the Board from again dealing with an issue, policy, decision or other action based upon significant new information unavailable to the Board when the decision or other action was initially taken.
- i. To go into closed session as permitted by and in accordance with the Open Meetings Act.

- j. To call a recess at the discretion of the Chairperson.
- k. To adjourn.

With the exceptions of a motion to lay on the table for subsequent consideration, a motion to postpone action to a specific time, date and place or until occurrence of a condition or event, or a motion to adjourn, each of the motions listed above may be subject to discussion or debate by the Board.

Rule 9. Ordinances and Resolutions

The Commission shall act by ordinance if required by Charter or law, otherwise by resolution. All acts of the Commission imposing a penalty shall be by ordinance. All resolutions and ordinances, and any amendments thereto, shall be reduced to writing prior to consideration by the Board.

Rule 10. Amendment/Suspension of Rules

The Board may amend the Rules following recommendation for approval by the Rules Committee and by a vote of 2/3 of the Commissioners serving. The Board may suspend the operation of the Rules temporarily by a vote of 2/3 of the Commissioners present, but such amendment or suspension shall not relieve the Board from complying with applicable law.

Rule 11. Attendance

Every Commissioner is expected to attend all Full Board and assigned committee meetings.

Rule 12. Meeting Notices

Each Commissioner shall receive a notice of all meetings electronically unless otherwise designated in writing to the Chairperson.

The Chairperson shall prepare a proposed meeting agenda and provide notice of meetings, including the proposed agenda, which shall be delivered to the Commissioner at least 5 calendar days prior to the meeting. The notices shall specify the date and hour of the meeting. Each Commissioner may waive the foregoing notice requirements.

The time required for notification of a special meeting shall be in accordance with the Open Meetings Act.

Notice of regular and special meetings shall be made available to the public by posting on the Board's website.

Rule 13. Regular Meetings

Regular meetings of the Board shall be held monthly on days as designated by the Board, as recommended by the Chairperson.

A notice of the regular meeting schedule, stating the dates, times, and places of the Board's regular meetings, shall be posted within 10 days after the first meeting of the Board in each calendar.

Rule 14. Special Meetings

The Chairperson has the authority to call a special meeting. A special meeting of the Board may also be held when requested by at least one-third of Commissioners serving. The request shall be in writing, shall be addressed to the Clerk and shall specify the time, date, place and purpose of the meeting. Upon the call of the Chairperson or upon receipt of a request, the Clerk shall immediately give notice in the manner selected by each Commissioner.

Dates and times of special meetings must be posted at least 18 hours before the meeting. The notice must be posted in a prominent and conspicuous place at both the Board's principal office and on a portion of the Board's website. The public notice on the website shall be included on either the homepage or on a separate webpage dedicated to public notices for special meetings and accessible via a prominent and conspicuous link on the website's homepage that clearly describes its purpose for public notification of those special meetings.

[emergency meeting provisions?]

Rule 15. Voting Method

The vote on all motions shall be by "yes" and "no" and will be taken by a show of hands, voice vote, or a roll call vote as directed by the Chairperson provided that the vote of each Commissioner is recorded. No motion shall be valid unless approved at a meeting of the Board and a proper record is made of the vote.

In accordance with the Open Meetings Act, each Commissioner's vote must be made in a public session in order to be counted. No votes of any kind, or polling to attempt to determine potential votes, will be allowed outside of public sessions or in closed sessions of the Board. Following each vote, it shall be announced that the motion passed or failed, and if not a unanimous vote, then the number voting "yes" and the number voting "no" shall be announced. Following each vote, each Commissioner may have the privilege of explaining for the record any vote, be it affirmative or negative.

In the rare event that a Commissioner believes they have the right or obligation to abstain from voting, the Commissioner shall consult with the Chairperson and independent counsel, if necessary. The Commissioner may have the privilege of explaining the reason for the abstention.

In situations in which a specified number of affirmative votes is required by law or these Rules, and abstentions have been noted, the motion shall fail if the specified number of affirmative votes have not been cast. In situations in which there is a tie vote and the abstention represents the deciding vote, the motion shall fail for lack of a majority.

The Clerk shall call roll by Commissioners' last names only, in [alphabetical order according to Commissioner last names?][by district number?][chairperson first or last?]. In all cases involving the calling of the roll, the Board Chairperson shall be called last.

Any Board Commissioner may request that his/her vote be changed if such request is made prior to the next order of business.

After the first vote is given, no Commissioner shall be entitled to speak on the question, nor shall any motion be in order until such roll call is completed and the result declared.

Rule 16. Order of Business

- A. The Order of Business of the Board at regular meetings shall be as follows:
- (1) Call to order.
 - (2) Pledge of allegiance.
 - (3) Attendance roll call.
 - (4) Invocation.
 - (5) Adoption of agenda.
 - (6) Reading, correction and approval of minutes.
 - (7) Public participation (five minutes maximum per speaker, or longer at the discretion of the Chairperson related only to issues contained on the agenda).
 - (8) Tributes.
 - (9) Correspondence from Office of Executive
 - (10) Reports from committees.
 - (11) Proclamations.
 - (12) New business.
 - (13) Public participation (five minutes maximum per speaker or longer at the discretion of the Chairperson).

(14) Attendance roll call.

(15) Adjournment.

Rule 17. Reconsideration

When a vote (including a vote resulting in a tie) or other action has been taken by the Board, provided no action has been taken in reliance upon such vote or action, such vote or other action may be reconsidered.

Rule 18. Committee and Subcommittees

The Board shall have the following standing committees:

- Audit
- Economic Development
- Finance
- Government Operations
- Health & Community Services
- Infrastructure
- Justice & Public Safety
- Rules

The Rules are the rules of procedure for all committees and subcommittees as applicable. An item may be waived directly to the Board for review, evaluation and/or determination at the discretion of a committee chairperson. An item that has not been referred for consideration from a committee meeting may be added to an agenda for consideration at a Full Board meeting upon a 2/3 vote of Commissioners serving. An item may be added to a committee agenda at the time the committee is considering adopting the agenda upon a majority vote of members of the committee if the item is submitted in writing to all members of the committee before or at the time the motion to add the item to the agenda is made.

The chairperson of a committee shall have the authority, from time to time, to appoint a subcommittee. Each subcommittee of a committee is a part of that committee and subject to the authority and direction of that committee. Subcommittees shall not hold any meeting except upon authority of the standing committee chairperson.

Each committee and subcommittee shall keep minutes of all committee and subcommittee committee actions and shall report, respectively, such actions to the Full Board or to the standing committee.

The Chairperson shall be an ex-officio member of all committees, with voice but no vote, except for Finance and Budget Committees, in which cases he/she shall have a vote.

Rule 19. Duties of the Clerk

The Clerk shall be the clerk to the Full Board. The Clerk, or his/her duly appointed deputy, shall perform all duties ordinarily pertaining to such office including, but not limited to, the following duties prescribed by law:

- (1) Recording all the proceedings of the Board in a book provided for that purpose.
- (2) Making regular entries of all Board resolutions and decisions upon all questions.
- (3) Recording the vote of each Commissioner on any ordinance, resolution, and appointment or election of an office submitted to the Board.
- (4) Performing such other and further duties as the Board may, from time to time, require by resolution.

The Clerk, or his/her duly appointed deputy, shall be present and take minutes at all meetings of the [Full] Board. In the absence of the Clerk or an appointed deputy, the Chairperson, with the approval of the Commissioners present and voting, shall appoint a Clerk for that meeting until the Clerk or his/her duly appointed deputy arrives.

Rule 20. Minutes

The Clerk or his/her designee shall prepare minutes, including those minutes taken in closed session, as required by the Open Meetings Act and these Rules. A copy of the minutes of each Board meeting shall be prepared and distributed by the Clerk to each Commissioner prior to the next scheduled meeting of the Board or Committee.

The Clerk shall keep all adopted resolutions and ordinances arranged in the order of their adoption.

Rule 21. Workgroups

The Board Chairperson may submit a proposal to the Board for approval of the appointment of informal ad hoc workgroups for purposes of advising the Commission on policy issues. The proposal shall include a recommendation for the chairperson of the workgroup and workgroup membership. The proposal shall specify the purpose of the workgroup. The proposal shall direct the workgroup to report to the Board regarding any recommendations.

Rule 22. Board Appointments

A complete and notarized application (provided by the Board Office or obtained from the Board Office website), including qualifications and biographical data, for an appointment

to a committee, board or commission that the Board shall have the authority to make shall be submitted to the Board Office at least one day before the meeting in which the Full Board or a committee is scheduled to consider the appointment. [The form of the application is attached as Appendix A.]

Rule 23. Notices and Correspondence from County Executive

Any notices or correspondence required by the Charter to be given to the Board by the County Executive shall be addressed to the Chairperson and deemed received when delivered to the Chairperson and date-stamped by Board staff. The date of the stamp shall be the official date of receipt. The Chairperson shall refer the notices or correspondence to the appropriate committee chairperson or the Full Board, at the Chairperson's discretion.

Rule 24. Charter Timelines

The Board shall follow all timelines imposed by the Charter (see attached list).

Rule 25. Expiration

The Rules shall be in effect until replaced by the Commission in the current session or succeeding session.