

CASS COUNTY BOARD OF COMMISSIONERS RULES OF PROCEDURE

1. AUTHORITY

These rules are adopted by the Board of Commissioners of Cass County pursuant to Section 46.11 of the Compiled Laws of Michigan, as amended.

2. MEETINGS

2.1 Organizational Meeting

The first meeting in each calendar year shall be the organizational meeting. At each such meeting, the County Clerk shall preside. As the first item of business the County Clerk shall administer the oath of office to the Commissioners if the oath has not previously been administered.

The second item of business shall be the election of the Chairperson of the Board and Vice-Chairperson. The Clerk shall call for nominations for the office of Chairperson and when nominations are closed by majority vote or no other nominations are forthcoming, the Clerk shall proceed with the election. The election of the Chair may be conducted by secret ballot. When one nominee receives a majority of the votes of the members elected and serving, the nominee shall be declared the Chairperson. If the Commissioners present shall not cast a majority for one nominee, the County Clerk shall continue to preside until a majority of Commissioners elects one of its members to serve as Chairperson. The Board of Commissioners may proceed onto other agenda matters as they shall decide.

The newly elected Chairperson shall assume the chair and proceed with the election to the office of Vice-Chairperson.

2.2 Regular Meetings

The County Board shall meet on the first and third Thursday of each month. If any regularly scheduled meeting falls on one of the legal holidays, (New Year's Day, Presidents Day, Martin Luther King Birthday, Memorial Day, Independence Day, Labor Day, Veterans Day, Christmas Eve, Christmas Day, or New Year's Eve) the Board shall, by majority vote, agree to reschedule the meeting to another

secular day or agree by majority vote to cancel the meeting, properly noticed pursuant to Rule 3. Public Notice of Meetings, Rule 3.2.

2.3 Special Meetings

2.3.1 The Board of Commissioners shall meet in special session by the call of the Chair or on the written petition to the County Clerk signed by one-third or more of the members. The petition of a special meeting shall specify the time, date, place and purpose of the meeting.

2.3.2 As an alternate means of calling meetings other than the regularly scheduled meetings, the Chairperson of the Board of Commissioners, with notice as provided in Rule 3.3, may convene a meeting of the Board upon his/her discretion.

2.3.3 Emergency Meetings

Emergency meetings of the Board of Commissioners may be held only with the approval of two-thirds of the members of the Board and only if delay would threaten severe and imminent danger to the health, safety and welfare of the public. A meeting is defined as an emergency meeting only if it must be held before the public notice as provided in Rule 3.3 can be given.

2.4 Place of Meetings

Meetings of the Board of Commissioners shall be held in the chambers of the Board of Commissioners in the County building unless public notice of the meeting states a different location. Whenever the regular meeting place shall appear inadequate for members of the public to attend, the Chair may change the meeting location to a larger facility in the County. A notice of such change shall be prominently posted on the door of the regular meeting place. The Clerk shall also give notice of the change in the meeting place if time permits.

2.4.1 Time of Regular Meetings

The number of, day of the week and time of the meetings shall be determined by the Board of Commissioners.

2.4.2 Change in Schedule

Change in the regular schedule shall not be made except upon the approval of a majority of the members. In the event the Board

shall meet and a quorum is not present, the Board, with the approval of those present, may adjourn the meeting to another time, provided that proper notice is given to members and the public.

3. PUBLIC NOTICE OF MEETINGS

The County Clerk or his/her designee shall provide the proper notice for all meetings of the Board of Commissioners. Such notice shall include, but necessarily be limited to the following:

3.1 Regular Meetings

The Clerk or his/her designee shall post a notice within 10 days after the first meeting of the County Board in each calendar year indicating the date, time and place of the Board's regularly scheduled meetings. Notice of regular meetings shall be posted on the Cass County's website (www.casscountymi.org).

3.2 Schedule Change

All notices shall be posted at the County Building, the County website, the Law and Courts Building and the Sheriff's Office.

Whenever the Board shall change its regular schedule of meetings, the Clerk or his/her designee shall post a notice of the change within three days following the meeting in which the change was made.

3.3 Special and Emergency Meetings

If the Board shall schedule a special meeting under Rule 2.3 an emergency meeting under Rule 2.4, the Clerk or his/her designee shall post a notice of such meeting immediately and deliver the notice of such meeting to each Commissioner by telephone, email, facsimile or registered mail. No meeting except emergency meetings shall be held until the notice shall have been posted at least 18 hours.

3.4 Notification to Media and Others

The Administrator shall notify, without charge, any newspaper or radio or television station of the Board's meeting schedule,

schedule changes, or special or emergency meetings whenever such media establishment has filed with the Administrator a written request for such notice. The Administrator shall also notify other individuals or organizations of regular meeting schedules, or special or emergency meetings, but only upon their written requests and agreement to pay the County for printing and postage expenses. The Administrator shall mail all such notices required by the rule by first class mail or email.

4. QUORUM, ATTENDANCE, CALL OF THE COUNTY BOARD

4.1 Quorum

The majority of Commissioners of the Board, elected and serving shall constitute a quorum for the transaction of ordinary business of the Board.

5. AGENDA FOR REGULAR MEETINGS

The Clerk of the Board or his/her designee, after first reviewing pending matters and requests, shall prepare a draft of the agenda of business for all regularly scheduled Commission meetings. Items not received by the Clerk of the Board or his/her designee by the stated deadline shall not be considered by the Board except when proposed by the Committee of the Whole or upon a 2/3 vote of the members present.

5.1 Agenda for Special Meetings

Whenever the Board is called into session pursuant to Rule 2.3.1, the agenda shall be included in the notice of the meeting and no other matter shall be considered except when all members are present and a majority concurs. Agenda for special meetings pursuant to Rule 2.3.2 shall be provided along with the notice of the meetings to Commissioners, if time permits. At other times, the Chair shall declare the agenda upon the approval of a majority of the members present.

5.2 Distribution of Agenda and Materials

Upon the completion of the agenda, the Clerk or his/her designee shall immediately distribute copies of the agenda together with copies of reports, explanations, etc. that relate to the matters of business on the agenda. Commissioners shall be entitled to receive

such materials not later than the Saturday preceding the next regular meeting.

5.3 Consent Agenda – Defined

The consent agenda shall consist of those matters that the Commission has determined to be “routine” and usually matters about which the Board commonly concurs.

5.4 Consent Agenda – Procedure

At a meeting of the Board of Commissioners where a consent agenda has been prepared, the Board, upon the motion of a Commissioner, shall vote on the approval of the matters included under the consent agenda. Before putting the question to the Commissioners, the Chair shall permit the Commissioners to remove from the consent agenda, those items on which they have questions or wish to debate. The Chair shall then direct the Clerk to remove such matters and place them in their usual place on the meeting’s agenda. A vote shall not be required to remove a matter from the consent agenda.

5.5 Order of Business

The Board of Commissioners shall establish the agenda order of business and update as is deemed necessary.

6. CONDUCT OF MEETINGS

6.1 Chair

The person elected Chairperson in the first meeting each year of the Board of Commissioners shall preside at all the meetings of the Board. In the absence of the Chair, the person elected to the position of Vice-Chair shall preside. If neither the Chair nor the Vice-Chair is present, the Clerk shall preside until the Commissioners present elect a Commissioner to preside during the absence of the Chair and Vice-Chair.

6.2 Form of Address

Board members wishing to speak shall first obtain the approval of the Chairperson and each person speaking shall direct his/her comments to the Chairperson.

6.3 Disorderly Conduct

The Chairperson shall call to order any person who is behaving in a disorderly manner by speaking or otherwise disrupting the proceedings, by failing to be germane, by speaking longer than the allotted time, or by speaking vulgarities.

7. RECORD OF MEETINGS

7.1 Minutes and Official Records

The County Clerk shall be the Clerk of the Board and shall be responsible for maintaining the official record and minutes of each meeting of the Board. The minutes shall include all the actions and decisions of the Board with respect to substantive (non-procedural) motions. The minutes shall include the names of the mover and the seconder and the vote of the Commissioners. The record shall also state whether the vote was by voice or by roll call, the record shall show how each member voted.

The Clerk shall maintain in the office of the Clerk copies of each resolution and ordinance or other matter acted upon by the Board. The official minutes, however, may refer to those matters by an identifying number and the descriptive title of the ordinance, resolution or other matter.

7.2 Public Access to Meeting Records

The Clerk shall make available to members of the public the records and minutes in accordance with the Freedom of Information Act. Board minutes, prepared but not approved by the Board, shall be available for public inspection not more than eight business days following the meeting. Minutes approved by the Board shall be available within five business days after the date of the meeting in which the minutes were approved. The Clerk shall promptly provide copies of the minutes to persons who have subscribed and paid the fee as determined by the Board of Commissioners.

8. COMMITTEES

8.1 Appointment

The Board Chairperson, shall appoint Commissioners to existing committees of the Board.

8.2 Committee Chairperson

The name of the person serving as Chairperson of the committee shall be listed first on the roster of each committee. In the absence of the committee Chairperson, the person next listed shall assume the duties of the position.

8.3 Committee Meetings

No decisions shall be made at committee meetings as committees shall be advisory only. The Committee Chair shall report the committee's recommendation to the full Board. The Board shall maintain discretion to act on the recommendations.

8.3 Committee of the Whole

Whenever the Board shall meet in a "working meeting", the Board shall meet as a committee of the whole and the Vice-Chair shall preside.

Meetings of the committee of the whole shall conform to the requirements of the Open Meetings Act with respect to public notice.

The rules of the Board of Commissioners shall be observed in meetings of the Committee of the Whole as far as they are applicable, except with respect to limiting debate, moving to vote immediately, and taking a roll call vote.

9. CLOSED SESSIONS

9.1 Motion for Closed Session

The vote to hold a closed meeting shall be recorded in the minutes of the meeting at which the motion was made.

9.2 Two-thirds Vote

The Board of Commissioners may meet in closed session, closed to the members of the public, upon the motion of any member and a roll call vote approval by two-thirds of the members for the following purposes:

- To consider the purchase or lease of real property, until an option to purchase or lease that property is obtained.
- To consult with its attorney regarding trial or settlement strategy in connection with a specific pending litigation, but only when an open meeting would have a detrimental financial effect on the litigating or settlement position of the County Board.
- To meet with an attorney to consider the attorney's written opinion
- To review the specific contents of an application for employment to a County position and the applicant requests that the applicants request remain confidential. Whenever the Board meets to interview an applicant, it shall be in open session.

9.3 Other Reasons

The Board may also meet in closed session for the following reasons without the requirement of the two-thirds vote.

- To reconsider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of a public officer, employee, staff member, or individual agent if the name person requests a closed hearing. If the person rescinds his/her request for a closed hearing the matter at issue shall thereafter be considered only in the public meeting.
- To consider strategy connected with the negotiation of a collective bargaining agreement.

9.4 Minutes, Closed Session

For each closed meeting, the Clerk shall make a separate record of the topics discussed. This record shall not be disclosed to the public except upon order of a Court. The Clerk may destroy the minutes after one year and one day have passed after the meeting at which the approved minutes of the meeting at which the Board voted to hold the closed meeting.

10. MOTIONS AND RESOLUTIONS

10.1 Statement by Chair, Motions and Resolutions

No motion or resolution shall be adopted until the motion is stated. All motions, except procedural motions and resolutions, may be required to be in writing upon the demand of any member. A request to recess for the purpose of writing out a motion or resolution shall be in order.

10.2 Rank of Motions

The order of precedence of motions shall be:

Privileged Motion

- Fix the time to which to convene (or set time for next meeting)
- Adjourn
- Recess
- Raise a question of privilege
- Call for orders of the day

Subsidiary Motions

- Lay on the table
- Call the previous question (immediately to close debate) and making subsidiary motions except to lay on the table
- Limit or extend the limits of debate
- Postpone to a certain time (postpone definitely)
- Refer to a committee
- Amend the main motion
- Postpone indefinitely
- Clear the floor of all motions

10.3 Nondebatable Motions

The following motions—to fix time of the next meeting, adjourn, recess, point of privilege, call for orders of the day, to table, vote immediately, limit or extend debate—shall be ordered and voted upon without debate.

10.4 Procedural Motions

10.4.1 Motion to reconsider

The motion to reconsider shall be in order on any question the Board has decided, but no question shall be reconsidered more than once. The motion to reconsider shall be in order on the same day as the vote to be reconsidered was taken and the next regular meeting following. The motion to reconsider shall be made only by a member who voted with the prevailing side. A motion to reconsider a motion to amend shall not be in order if the main question has been voted upon. If the Board has adopted a motion to reconsider, however, motions to amend shall be in order.

10.4.2 Motion to clear the floor

This motion may be made by the Chair or a member at any time procedural matters have become sufficiently confused. If the motion to clear the floor has been adopted, it shall clear the floor of all motions as though they have been withdrawn. The motion shall not be subject to debate nor, if adopted, to reconsideration.

10.4.3 Appeal Ruling of the chairperson

Any Commissioner may appeal the ruling to the Chairperson. On all appeals receiving a second, the questions shall be, “Shall the decision of the Chairperson stand as the decision of the County Board?”

11. VOTING

11.1 Abstaining from voting

Whenever a question is put by the Chairperson, every Commissioner present shall vote on the question. No member present shall abstain from voting “yes” or “no” unless excused by a majority of those present.

11.2 Roll call votes

The names and votes of Commissioners shall be recorded on Board actions to adopt final measures. The election of the Board Chair may be by secret ballot with the approval of a majority of Commissioners present. Upon the demand of one-fifth of the Commissioners present, a roll call vote shall be taken on other motions and actions.

11.3 Votes required

Procedural and other questions arising at a meeting of the Commissioners, except for those decisions required by statute to have a higher authority, shall be decided by a majority of the members present. A majority of the members elected and serving, however, shall be required for final passage or adoption of a measure, resolution, or the allowance of a claim.

12. PARLIAMENTARY AUTHORITY

Robert’s Rules of Order (Newly Revised) shall govern all questions of procedure not otherwise provided by these rules or by state or federal law. The legal counsel to the Board or other person so designated by the Board shall serve as the Board’s parliamentarian and shall advise the presiding officer regarding rules of procedure.

Robert Benjamin, Chairperson
Cass County Board of Commissioners

Date

Monica Kennedy
Cass County Clerk/Register

Date

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