

Items marked with an asterisk (*) in these Rules of Procedure are Statutory.

ATTACHMENT "A"

RULES OF PROCEDURE

FOR DELTA COUNTY BOARD OF COMMISSIONERS

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1. MEETINGS

1.1. Regular Schedule.

The Delta County Board of Commissioners shall adopt a meeting schedule for the current session at the January re-organizational meeting.

Statutory meetings (Rule 1.2) shall take the place of one regular meeting unless otherwise determined by the Board. Special meetings will be held, if necessary, by call of the Board.

1.2. *Statutory Schedule.

Statutory meetings of the Board of Commissioners are held on the Tuesday following the second Monday in April and on the second Tuesday in October.

1.3. Time.

The regular meetings of the Board of Commissioners shall begin at 5:15 P.M.

1.4. Place.

The Board shall meet in the Delta County Service Center. Board meetings will be held in the Boardroom unless otherwise posted.

1.5. *Change in Schedule.

Changes in the meeting schedule, including time and place, additional meetings, and meetings adjourned or recessed to a specific time and place, may be made by majority vote of the Board of Commissioners, such change to be recorded in the minutes of the meeting in which the change is made. Meetings may be adjourned or recessed "at the Call of the Chair": by majority vote of the Board of Commissioners. Meetings adjourned or recessed for more than 36 hours "at the Call of the Chair", unless the Board provides otherwise, may be reconvened upon telephonic or other communication at least 24 hours before the time of the reconvening and upon giving of public notice in accordance with (Rule 1.6.3) and with Act No. 267 Public Acts of 1976.

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1.6. Special Meetings.

1.6.1. *Petition and Notice.

A special meeting of the County Board of Commissioners shall be held only when a written request from at least one third of the members of the County Board of Commissioners is provided to the county clerk. The written request of the special meeting must specify the time, date, place and purpose of the special meeting. Upon receipt of this request, the clerk shall give notice to each of the Commissioners within 24 hours in one of the manners provided as follows: via a confirmed email, personal delivery of the notice of the special meeting to the commissioner or leaving the notice of the special meeting at the residence of the Commissioner.

1.6.2. *Emergency.

Nothing in this section shall bar a public body from meeting in emergency session in the event of a severe and imminent threat to the health, safety, or welfare of the public when 2/3rds of the members serving on the body decide that delay would be detrimental to efforts to lessen or respond to the threat.

1.6.3. *Public Notice of Meetings.

The Clerk of the Board of Commissioners each year shall give public notice of the regular schedule of time and place in one or more newspapers circulated in the County by informing the electronic news media in the County, and by posting the schedule in several conspicuous places in the County Building within ten days after the first meeting in each calendar year (P.A. 267). Public Notice of special or rescheduled meetings, and reconvening of meetings which have been adjourned or recessed for more than 36 hours "at the call of the chair" and not to "a time certain" shall be given by informing the news media in the County and posting notice in the Courthouse at least 18 hours prior to the time of such a meeting.

1.7. Public Meetings.

The Board of County Commissioners shall sit with open doors, and all persons may attend its meetings.

1.8. Accessibility/Accommodations.

The County of Delta will provide reasonable auxiliary aids and services for the hearing

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impaired and to individuals with disabilities at the meeting/hearings upon reasonable notice to the County of Delta. Individuals with disabilities requiring services should contact the County of Delta ADA Coordinator by writing or calling: Building and Zoning Administrator, Delta County ADA Coordinator, Escanaba, MI 49829 Telephone: (906) 789-5189.

2. QUORUM

2.1. *Quorum.

A majority of Commissioners shall constitute a quorum for the transaction of the ordinary business of the County.

2.2. Absence of Quorum.

Upon the absence of a quorum, the members present may adjourn from time to time or to a time certain. Public notice is not required if the time set for reconvening is less than 36 hours.

3. VOTING

3.1. Majority Vote.

All questions which shall arise at the meetings of the Board of Commissioners shall be determined by the votes of a majority of the members present, except: (1) upon the final adoption of any measure of resolution, or the allowance of any claim against the County, which matters shall be determined by a majority of all the members elected and serving, and (2) upon the final adoption of any matters which by statute require a greater majority.

3.2. *Roll Call Votes.

The names and votes of members shall be recorded on an action which is taken by the Board of County Commissioners if the action is on an ordinance, resolution or appointment or election of an officer, except that for the election of a Board Chair the vote may be by secret ballot. Upon the demand of any members present, a roll call vote shall be ordered and recorded by the Board Clerk. A roll call vote will be enacted on any Board agenda item with a financial impact of \$5,000 or greater.

3.3. Secret Ballot Voting.

No vote may be taken by secret ballot on any matter except on the question of electing the Chair of the Board.

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3.4. Voting Mandatory.

Each member present shall be required to vote on every question unless an individual expresses the need to abstain and is then excused by the Chair.

3.5. Reconsideration or Rescission of Vote.

When a question has been put and decided by a roll call of the members, any member who voted on the prevailing side may move a reconsideration thereof. On all voice votes any member may move a reconsideration. However, no motion for reconsideration shall be in order unless it is made in the same meeting or on which the vote to be reconsidered was taken. No matter may be twice reconsidered. For purposes of this rule, the term "meeting" shall mean any session which proceeds uninterrupted by an adjournment or recess of greater than three hours. A vote to rescind Board action may occur at succeeding meetings in accordance with Chapter 43, pages 324 and 326 of the 1975 edition of Mason's "Manual of Legislative Procedure".

3.6. Remote Votes.

Votes placed by Commissioners remotely (when not physically present) during a meeting with a quorum present will not be valid votes.

4. ORGANIZATION

4.1. Chair.

4.1.1. *Election.

During the first meeting in each calendar year, the Board of Commissioners shall select, by majority vote of all the members, one of its members to serve as Chair of the Board. He/she shall take office and assume the duties immediately upon his/her election.

4.1.2. Duties.

*The Chair, if present, shall preside at all meetings of the Board of Commissioners, preserve order, and decide questions of order subject to appeal to the Board.

*The Chair shall be the agent for the Board in signing of contracts, orders, resolutions, determinations, and minutes of the Board and in the certification of the tax roll.

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*The Chair shall serve in such capacities and make appointments as the law shall require.

The Chair shall serve ex officio on all Board Committees. He/she shall not have a right to vote in committee unless he/she is expressly named a member of that committee.

The Chair when he/she is present shall preside at all meetings of the committee of the whole.

The Chair, for purposes of representing the County in various functional or ceremonial capacities, shall be considered as the chief elected official of the County.

Upon his/her election, and subject to the approval of the majority of all members of the Board, the Chair shall proceed to appoint all standing and special committees and shall designate the Chair of each committee.

*The Chair of the Board shall have the power to administer an oath to any person concerning any matter submitted to the Board of Commissioners or any matter connected with the discharge of their duties, to issue subpoenas for witnesses and to compel their attendance in the same manner as courts of law.

The Chair of the Board, when appropriate, shall refer matters coming before the Board to one of the committees of the Board with the consent of the majority of the Board and he/she shall arbitrate all jurisdictional disputes between committees, decisions over which shall be subject to these rules and subject to appeal to the Board.

4.2. Vice Chair

4.2.1. Election.

During the first meeting in each calendar year, the Board of Commissioners shall select, by majority vote of all the Board members, one of its members to serve as Vice-Chair of the Board. He/she shall take office and assume the duties immediately upon his/her election.

4.2.2. Duties.

*The Vice-Chair shall preside over meetings of the Board if the Chair is absent and act in the absence of the Chair.

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*The Vice-Chair shall serve on the Board of Public Works Board when the County Commissioner member is disqualified.

4.3. Clerk

4.3.1. Designation.

The Clerk of the County shall be ex officio, Clerk of the Board. He/she, or his/her appointed deputy, shall perform all duties pertaining to such office.

4.3.2. Duties.

The Clerk's duties include the following:

*To record all the proceedings of the Board in a book provided for that purpose.

*To make regular entries of all the Board's resolutions and decision upon all questions.

*To record the vote for each Commissioner on any question submitted to the Board, if required by any member present.

*To preserve and file all accounts acted upon by the Board and for no reason allow such accounts to be taken from his/her office.

*To certify, under Seal of the Circuit Court of the official Seal of the County, without charge, copies of any and all resolutions or decision on any of the proceedings of the Board of Commissioners, when required by the Board or any of its members; or when required by any other person upon payment of \$1.00 per folio, therefore.

*To preside, until a Chair or temporary Chair is elected, during the first meeting of the Board of Commissioners in each calendar year.

To have up-dated copies of these rules available for reference by the general public during regular office hours and at all meetings of the Board.

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*To perform such other and further duties as the Board by resolution, may require.

4.3.3. Absence.

In the event the Clerk or his/her duly appointed deputy is absent from a meeting of the Board, the Chair with the approval of a majority of the Commissioners present and voting, shall appoint another person to act as temporary clerk until the Clerk or his/her duly appointed deputy arrives.

4.4. Parliamentarian.

The County Clerk or his/her designated deputy or such other person as may be designated by a majority of the Board, shall advise the Chair and the Board of Commissioners regarding questions of parliamentary procedures.

4.5. Committees.

4.5.1. Board Departments and Responsibilities

In the interests of efficient and effective administration and supervision of Board responsibilities and of service to the people of Delta County, all county offices, committees, commissions, boards, and agencies shall be grouped under one of the following department headings and department assignments, and responsibilities shall be as follows unless otherwise designated by action of the Board of Commissioners.

4.5.1.1. ADMINISTRATIVE SERVICES DEPARTMENTS

County Clerk

County Treasurer

Board of Canvassers

Personnel Committee

Jury Commission

Public Relations

ADA Coordinator

Negotiation Committee

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4.5.1.2. BUDGET AND FINANCE DEPARTMENTS

Budget Committee

Finance Committee

Equalization Department

Director of Administration and Finance

IT Committee

4.5.1.3. PUBLIC SAFETY & JUDICIAL SERVICES DEPTARTMENTS:

County Prosecutor

County Sheriff

Animal Control (inactive)

County Medical Examiner

Probate Court

Circuit Court

District Court

Friend of the Court

Community Corrections (U.P. Administered)

Dispatch

4.5.1.4. HUMAN DEVELOPMENT SERVICES DEPARTMENTS

Human Services Board (FIA)

Pinecrest Medical Care Facility Administrative Board

Public Health Delta-Menominee Counties

Veteran's Affairs Department

Library Liaison Committee

Upper Peninsula Michigan Works! Local Elected Officials (LEO) Board

Community Action Agency/Human Resources Agency/Committee on Aging

Upper Peninsula Commission for Area Progress (UPCAP)

Local Emergency Preparedness Committee and Emergency Management Coordinator

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Human Services Coordinating Body

Opioid Taskforce

4.5.1.5. PHYSICAL & ECONOMIC RESOURCES DEVELOPMENT DEPARTMENTS

Building and Zoning Department

Zoning Board of Appeals

Planning Commission

Board of Public Works

Drain Commissioner

Cooperative Extension Service

County Plat Board

County Road Commission

Airport Advisory Board

Parks and Recreation Commission

Delta Conservation District

Building and Grounds Committee

Michigan Counties Workman's Compensation Fund Board

Delta Solid Waste Management Authority

Building Authority

Superior Trade Zone

Northwoods Rail Transit Commission

Central Upper Peninsula Materials Management Planning Committee

4.5.2. Department Chair Appointment

The Board Chair with Board approval, shall at their regular meeting in January of each year, designate one of their members as Chair and vice-Chair for each of the above-named departments who shall serve as Board coordinator, and supervisor for the county offices, committees, and activities within that department except as the Board shall otherwise direct.

Board department Chairs, where practical, shall be appointed to serve as members of

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committees, boards, agencies, and commissions within their department. Nothing in this section shall preclude a Board member from serving on committees in areas other than those designated as his/her area of responsibility by virtue of being named a department Chair.

4.5.3. Department Chair Duties

Department Chairs shall report to the Board on all matters concerning their department responsibilities referred to them by the Board.

Each department Chair, shall review all appropriation requests most directly related to the functions in their department and make recommendations thereon for referral to and consideration by the Finance Committee.

4.6. County Board Committees, Commissions, Boards, and Agencies

4.6.1. Definitions

The term **board** when used in this section shall refer to the Delta County Board of Commissioners unless otherwise noted.

The term **committee** when used in this section shall refer to all county committees, commissions, boards, or agencies including governing boards of regional agencies for which the Delta County Board of Commissioners has responsibilities deriving from the constitutions and the statutes of the State of Michigan and the United States, or from powers delegated to the Board by said constitution and statutes.

The term **county committee** shall be classified as statutory, standing, or special. County "Board Committees" such as Personnel, Finance and Building and Grounds that are composed of Board members only and appointed by the Board to develop recommendations to them in relation to Board response are governed by Board directives and not by this section except where specifically mentioned.

The term **statutory committee** shall be those mandated by law or whose formation and operation are governed primarily by statute. Members, appointments, terms and responsibilities shall be in accordance with governing statute. Statutory committees shall include but not be limited to the following:

Central Upper Peninsula Planning & Development Committee

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Community Action Agency
Delta County Airport Board
Delta County Board of Canvassers
Delta County Board of Road Commissioners
Delta County Building Authority
Delta County Community Mental Health Services Board
Delta County Economic Development Corporation
Delta County Election Scheduling Committee
Delta County Finance Committee of the Board of Commissioners
Delta County Solid Waste Management Authority
Delta County Overall Economic Development and Planning Committee
Delta County Park and Recreation Commission
Delta County Planning and Zoning Committee
Delta County Plat Board
Delta County Social Services Board
Delta County Zoning Board of Appeals
Delta-Menominee District Health Board
Human Resources Authority
Pinecrest Medical Care Facility Administrative Board
Upper Peninsula Committee for Area Progress (UPCAP)
Central Upper Peninsula Materials Management Planning Committee
Veterans Affairs Committee

The term **standing committee** shall be those as from time to time may be created by action of the Board and so designated by them within the common meaning of the term. Members, terms, appointments, and responsibilities of standing committees shall be in accordance with Board action which shall be established at the time of their formation, subject to subsequent Board review and action and shall include but not be limited to the following:

Local Emergency Preparedness Committee
Library Liaison Committee

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Opioid Taskforce

The term **special committee** shall be those created from time to time by action of the Board for special purposes to be set forth at the time of their creation. The terms and appointments of members of special committees shall be determined by the Board in accordance with the purpose for which they are created and shall be concluded when that purpose is accomplished or when they are discharged from such responsibility by Board action. Special committees shall automatically be terminated upon the election of a new Board Chair.

4.6.2. Committee of the Whole Procedures.

- a. In Committee of the Whole Meetings no decisions will be made. Decisions are only to be made at the regular County Board Meetings.
- b. In a Committee of the Whole Meeting agendas can deal with any topic previously dealt with by Committees consisting of only two Commissioners and the County Administrator, personnel, finance, building & grounds, renaissance zone and any others.
- c. Committee of the Whole meetings are to be posted and open to the public.
- d. Committee of the Whole meetings do not need to be televised because of expense.
- e. Committees which consist of two County Commissioners and representatives from the community will continue as many are needed and required by law.
- f. The number of Committee of the Whole meetings per month will be determined by need. If other Committee of the Whole meetings are needed, for consistency, they should be scheduled on Tuesdays.
- g. Committee of the Whole meetings can be held in the evenings in the circuit courtroom or during the day in some other location as determined by the Commission.

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- h. A committee consisting of only two County Commissioners can be appointed by the Chair to investigate a specific problem and report information to the full Board but only with the consent of a majority of County Commissioners.
- i. The deadline for submitting agenda items in writing for the Committee of the Whole is noon on the Wednesday prior to the meeting.
- j. A quorum for Committee of the Whole will be two commissioners.
- k. Filibusters will not be allowed. The Chair may ask the Board to end debate if the discussion becomes repetitive or argumentative.

4.6.3. General Rules

4.6.3.1. Appointments and Removals

- a. Appointments to all county committees shall be made in accordance with legal requirements for such appointments and with majority Board approval.
- b. It shall be the responsibility of the Chair of the Board or his/her designee to notify all Board members and to give public notice of all appointments to be made at least thirty (30) days prior to the meeting at which such action is to be taken.
- c. Nominations for appointments to county committees may be made by Board members or in such manner as may be designated by the Board providing consent of the nominee has been obtained prior to nomination. Nominators shall be responsible for providing the Board with such information as may be necessary concerning qualifications of their nominees.
- d. Consideration of qualifications of nominees for particular appointments shall be given high priority in making appointments.
- e. It shall be Board policy to make appointments to committees on the basis of as broad an area of geographical representation within the county as may be practical.

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- f. Individuals, other than County Commissioners, or where controlled by statute, may be appointed to and serve on no more than one statutory or standing committee. Special and standing committees may be exempted by majority action of the Board from this policy where the nature of the committee warrants it.
- g. Members of all statutory, standing and special committees may be removed for cause by majority vote of the Board after the individual has had an opportunity to explain his/her actions and in accordance with fair procedure and governing statutes. Failure to perform assigned responsibilities shall be cause for removal. "Assigned responsibilities" shall include regular attendance at committee meetings.

4.6.4. Terms of Office.

There is no expectation for automatic reappointment.

4.6.5. Meetings.

Meetings of all county committees except special committee meetings shall be public in accordance with Act No. 267, Public Acts of 1976. Committee meetings may be held at the call of the Chair or the Committee may adopt a regular schedule. It shall be the responsibility of the presiding officer of such committees, or his/her designee to give sufficient public notice of all meetings of that Committee.

4.6.5.1. Special Meetings.

Special meetings of a committee may be convened by its Chair or by a majority of its members at any time upon reasonable written or telephonic notice to its members.

The Chair of the Board with Board approval, unless prohibited by law, may require any and all presiding officers of county committees, including special committees, to convene their members for specific purposes upon reasonable notice. In case of failure to comply by, or absence of, the presiding officer, the Chair of the Board may call such meetings and serve temporarily as presiding officer.

4.6.5.2. Quorum.

A quorum for the transaction of committee business shall consist of a majority of the voting

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members of that committee.

4.6.5.3. Voting.

The names and votes of members shall be recorded on an action taken by a committee if the action is on an ordinance, resolution, payment of claims, adoption of budget, or appointment or election of an officer. Upon the demand of one-third of the members of a committee present, a roll call vote on other questions shall be ordered and recorded by the Chair or presiding officer of the committee or his designee.

4.6.5.4. Parliamentary Authority.

Robert's Rules of Order, Latest Revised Edition, shall govern all procedural questions not covered by these rules in (Section 4.6.3) or by a committee's own officially adopted rules of procedure. Copies of committee rules must be filed with the county clerk and the Board Chair immediately following their adoption.

4.6.5.5. Organization Meetings.

All county committees including special committees shall hold organization meetings at least every two (2) years during their first meeting in the calendar year, unless otherwise designated by law, at which time they shall elect officers. Notification of officers elected shall be given promptly in writing by the secretary to the County Clerk and County Board Chair.

4.6.5.6. Committee Minutes and Written Records.

All county boards, commissions, and committees including the County Board, the County Board Committees, and special committees, shall keep minutes of their meetings which shall include time, date and place of meetings, and time of adjournment, a record of actions taken and of attendance and absences of members. Copies of these minutes shall be delivered promptly to the county clerk who shall be responsible for delivering copies of same to all County Commissioners and keeping a file of such minutes as a public record. All communications, reports, minutes, and other written matters of boards, commissions, and committees shall be dated and signed by the person responsible for their preparation.

4.6.6. Budgets and Claims.

Budget request, financial records, payments of expenses and all financial matters of committees, shall be in accordance with State statutes and Board policies.

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4.6.6.1. Line Item Budget Request

Line item budget request for all county committees for the ensuing year must be submitted to the County Administrator by May 1st of each calendar year. Following adoption of the county budget, committees will be expected to adhere to that budget.

4.6.6.2. Submitting a Request

Board policy and State statute requires that all claims against the county must be submitted on special forms to be signed by the department head or committee Chair itemized and accompanied by invoices where applicable, to the Board Finance Committee for recommendation to, and action by, the Board. No claims will be allowed which are not within the budget guidelines adopted according to statute for the succeeding year, unless authorized by special Board action. All purchases must be made in accordance with Board policy requiring purchase orders.

In the event there occurs a need for unforeseen or necessary changes in budget line items or increases in total budget for any committee or department, requests for same must be submitted in writing to the Board Finance Chair and County Administrator five (5) days prior to the regular Board meeting and receive Board approval or they will not be allowed.

4.6.6.3. Requesting Legal Counsel

In the event a County Commissioner deems that the service of legal counsel is necessary, County Board approval is required prior to contacting the attorney. Additionally, the County Board authorizes the Director of Administration and Finance to utilize the services of legal counsel as required by the daily operation of County Business.

4.6.6.4. Requesting Audit Services

In the event a County Commissioner deems that the service of the auditor is necessary, County Board approval is required prior to contacting the auditor. Additionally, the County Board authorizes the Director of Administration and Finance, and Treasurer to utilize the services of the auditor as required by the daily operation of County business. Further, the Director of Administration and Finance will be the point of contact for the inquiries to the auditor.

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4.6.6.5. Compensation.

Compensation and expenses for statutory committees shall be by governing statute or Board action in accordance with Board financial and budgetary policies.

Members of standing and special committees, except for County Board members and those whose compensation derives from sources other than as members of such committees, shall not be compensated for time served unless by special Board action, but may be granted allowances for travel and operating expenses incurred in performing their assigned responsibilities when authorized by the Board in advance.

The Board Chair shall have copies of these definitions and general rules governing county committees delivered to all newly elected presiding officers of these bodies immediately after notification of their election and such officers shall be responsible for their being read at the first committee meeting immediately following their receipt and for having a record made of such reading in the minutes of the meeting.

5. CONDUCT AT MEETING

5.1. Order of Business

Regular Order:

The regular orders may be as follows:

Call to Order

Prayer

Pledge of Allegiance

Roll Call

Special Orders of Business

Reading, Correction and Approval of Minutes of Previous Meeting

Approval of Agenda

Presentation of Written Communications

Reports of Standing, Statutory, and Special Committees

Public Comment on Agenda Items

Committee Reports

General Orders of Business

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General Public Comment
Commissioners Comments
Meeting Schedule
Notices
Adjournment

5.2. Agenda.

On or before the fifth day before each regular and adjourned regular meetings of the Board, the Board Secretary shall be responsible for delivery to each member of an agenda for the meeting. Contained therewith shall be a brief description of all matters to be considered and arranged in accordance with the order specified above; a copy of all committee reports to be acted upon at said meeting shall be attached thereto. All information to be placed on the agenda must be received by the clerk of the Board no later than 12:00 Noon on the sixth day immediately preceding said regular or adjourned regular meeting. Only with unanimous consent of the members present may any committee report or other business, other than reports on routine claims, be acted upon by the Board of Commissioners at any regular or adjourned regular meeting unless a copy thereof has been delivered to each County Commissioner either with the agenda or separately, not later than the day prior to the meeting.

5.3. Agenda priorities.

All matters to be placed on the agenda under one of the specific categories above, shall be given priority of order on the basis of date and time received by the Clerk of the Board. Priority of consideration of agenda items may be changed by majority vote of the Board.

6. RIGHTS AND DUTIES OF MEMBERS

6.1. Speaking Priorities and Limits

Each member desiring to speak shall address the chair and, when recognized, speak from his/her place. If two or more members at the same time desire to speak, the chair shall designate the order in which they shall speak.

No member, while addressing the Board shall be interrupted, except to be called to order.

Items marked with an asterisk (*) in these Rules of Procedure are Statutory.

7. NON-MEMBER ADDRESS TO COMMISSION

Only members of the Board of Commissioners shall be given the floor to speak during any Board meeting except:

7.1. County Officials

County officials who may speak with the consent of the majority of the Board members present:

7.2. Non-county Officials

Any person who, with the consent of the majority of the Board members present, may be given permission to speak in an appropriate place on the agenda for the purpose of addressing the Commission:

7.3. General Public Comment

- a. Any member of the public speaking under the privilege of "General Public Comment" shall be limited by the following Board policy:
 - i. Only one person is allowed at the podium at a time.
 - ii. The speaker must identify themselves by name.
 - iii. The Speaker will be limited three (3) minutes, with no exceptions.
 - iv. The three minutes used by the speaker are to make comments that relate to business that is within the jurisdiction of the board.
 - v. The speaker shall refrain from making personal attacks upon any individual.
 - vi. There will be no profanity.
 - vii. There will be no question and answer session format. This will strictly be a statement type format.
- b. If an individual wishes to address the Board, the individual's name must be placed on the sign up list available from the County Clerk. Speakers will be called in order of sign up.

7.4. Decorum and Order at Public Meetings.

In order for the commission to effectively transact the business of the people, the chair is charged with maintaining an orderly environment within the public meetings of the delta county commission.

Items marked with an asterisk (*) in these Rules of Procedure are Statutory.

7.4.1. Compliance with Open Meetings Act (OMA)

All meetings of the public body known as the Delta County Board of Commissioners and all other public bodies of Delta County (collectively referenced hereinafter as the “Board,”) shall comply with the requirements of the Michigan Open Meetings Act, MCL 15.261, et seq. (OMA).

7.4.2. Adoption of Parliamentary Rules

Robert’s Rules of Order Newly Revised 10th Ed. (or the current edition) is adopted as the parliamentary rules of procedure for all Delta County meetings to the extent not inconsistent with the OMA, state law, other local ordinances, or these rules.

7.4.3. Definitions

Breach of the peace, shall mean seriously disruptive conduct involving abusive, disorderly, dangerous, aggressive, or provocative speech and behaviors tending to threaten or incite violence.¹ “Breach of the peace” goes well beyond behavior acceptable in a civil society and is the only basis to eject, exclude or prevent a participant from attending all or part of a public body meeting.

Meetings shall mean all regular meetings, study sessions and all other public hearings of Delta County “public bodies,” as defined under the Open Meetings Act, MCL 15.261 et seq. (OMA), including the Delta County Board of Commissioners.

Participant shall mean any person attending and/or addressing the public body at a meeting during public comment but does not include elected public officials.

Public comment shall mean the audience communication period(s) prescribed in this ordinance or the approved by way of agenda of a meeting that is intended for members of the public to address a Delta County public body in compliance with the OMA. MCL 15.263(5).

Out of order, shall mean verbal and/or nonverbal conduct by a participant disrupts the orderly administration of a meeting including but not limited to the interruption of the

¹ Cusumano v. Dunn, unpublished COA No.349959, decided 08/27/20.

Items marked with an asterisk (*) in these Rules of Procedure are Statutory.

efficient Order of Business, violation of state or local ordinance at a meeting, use of profanity, shouting, verbal threats of physical violence, or other acts of indecorum.

7.4.4. Rules Governing Public Comment

The following rules shall govern public comment during Board of Commissioner's meetings:

- a. Public comment shall be allowed by the Board of Commissioners one participant at a time.
- b. Participants shall not speak until they are recognized by the Chairperson.
- c. Each participant recognized by the Chairperson to address the Board of Commissioners shall identify himself/herself by name and, if appropriate, group affiliation for purposes of recordation in the meeting minutes.
- d. A participant addressing the Board of Commissioner on any County business shall be limited to three (3) minutes.
- e. The Chairperson shall designate a timekeeper for purposes of enforcing the time limit.
- f. Participants addressing the Board of Commissioners shall make responsible comments and shall refrain from making redundant, personal, impertinent, slanderous, or profane remarks.
- g. Any participant who is "out of order" may be interrupted and gaveled "out or order" by the Chairperson with the end to maintain order and decorum of the meeting in the Chairperson's discretion.
- h. A participant making public comment who is ruled "out of order" by the Chairperson:
 - i. may be admonished by the Chairperson and instructed to refrain from the indecorum, disruptive or other prohibited conduct.
 - ii. shall be allowed to continue his or her public comment within the time limits prescribed only if it is in conformity with the Chairperson's instruction.
 - iii. shall be allowed to continue his or her public comment to the extent that it is within the approved time limit, with allowance for time lapsed by the Chairperson's "out of order" ruling(s), or other Board members' discussion/commentary.
 - iv. without limiting the discretion of the Chairperson, if an "out of order" participant repeatedly violates the ruling(s) by the Chairperson three (3) or more times, the Chairperson may instruct the participant that his or her public comment is concluded and instruct him/her to withdraw from addressing the public body, vacate the lectern, and return to their seat or other position in the audience at the meeting, or may exercise other lawful measures to restore decorum and maintain order.

Items marked with an asterisk (*) in these Rules of Procedure are Statutory.

- v. the Chairperson may recess the meeting until such time as order and decorum is restored and shall allow the participant time to comply with the Chairperson's instruction(s).
- vi. during any recess called to restore order the Chairperson may summon law enforcement officers to monitor the public meeting, if not already provided.
- vii. any "out of order" participant shall not be ordered to be removed or excluded from the meeting unless he/she is in "breach of the peace" or inciting a "breach of the peace" at that meeting.
- i. A participant who is found to be "out of order," shall be given a reasonable period of time to comply with the Chairperson's directives.
- j. A participant who is found to be "out of order," ordered to cease public comment, suffer removal from the meeting for "breach of the peace," or otherwise have his/her public comment limited or restricted, except as to the expiration of time limit, shall be allowed upon his/her request to appeal the Chairperson's ruling to the other public body members present and this appeal shall be decided by a roll call vote.
- k. No person shall be ejected, removed, or excluded from attending any part of a meeting unless he/she is causing a "breach of the peace" at that meeting.

Nothing in this policy shall be construed as creating a cause of action by a participant against Delta County, its public officers, law enforcement officers, or any other Delta County public officials.

8. PARLIAMENTARY AUTHORITY AND PROCEDURE.

8.1. Authority.

Robert's "Rules of Order" shall govern all questions of procedures which are not otherwise provided by these rules or State Law.

8.2. Procedure.

8.2.1. Motion, Resolutions, Committee Reports.

In accordance with Robert's "Rules of Order" motions by Board members require a second before being debated and voted upon.

8.2.2. Motion to Clear the Floor.

If in the judgment of the Chair, procedural matters have become confused, the Chair may

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request a "motion to clear the floor". Such motion, if made, shall take precedence over all other motions and shall not be subject to debate or if carried, to a motion to reconsider. The motion to clear the floor, if carried, shall clear the floor completely and with the same effect as if all matters on the floor were withdrawn.

8.2.3. Order of Precedence of Motions.

When a motion is made and is before the Board, no other motion shall be received except the following:

- To fix the time to which to adjourn
- To adjourn
- To move the previous question
- To lay on the table
- To postpone indefinitely
- To postpone to a time certain
- To refer
- To amend

These motions shall have precedence in the order as named above.

8.2.4. Discharge of Committee.

The Board by a majority of all its members, may discharge any standing or special committee from further consideration of any matter referred to the committee if the motion to discharge was properly placed upon the meeting agenda at which action is desired. Any motion to discharge that was not placed upon the agenda of the meeting at which action is desired, shall require a two-thirds vote of all members of the Board in order to secure passage.

8.2.5. Suspension of the Rules.

The rules may be temporarily suspended only by a majority vote of all members of the Board in order to facilitate the accomplishment of any legal objective of the Board in a legal manner.

ADOPTION AND AMENDMENT OF RULES.

These rules having been adopted by not less than a majority of all the members of the Board, may be amended or rescinded by majority vote of all the members of the Board. They shall

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remain in effect until amended or rescinded at any regular Board meeting, notification of proposed amendments or rescission having been presented in writing to Board members ten (10) days prior to such meeting. Any proposed amendment to those rules, properly presented to the Board of Commissioners, shall take immediate effect when adopted, unless the Board at the time of adoption, stipulates otherwise.

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