

# **RULES OF THE MUSKEGON COUNTY BOARD OF COMMISSIONERS**

## **MUSKEGON, MI**



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MUSKEGON COUNTY  
MISSION STATEMENT

Muskegon County government serves the community interests of its citizens through the process of representation and proactive local government. The county delivers its many services with fiscal responsibility and appreciation of the community's rich diversity, while protecting its environmental resources and promoting the quality of life. Muskegon County government strives to maintain the highest standard of conduct, service and collaboration in its county-wide leadership role.

## DEFINITIONS SECTION

- A. "Ad Hoc Committee" shall mean a committee that is not a standing committee or special committee, and as further described in Rule XVI, Section 4.
- B. "Annual Meeting" shall mean the meeting held after September 14<sup>th</sup> but before October 16<sup>th</sup>, and as set forth in Rule I, Section 4.
- C. "Board" or "Board of Commissioners" shall mean the Muskegon County Board of Commissioners.
- D. "Closed Session" shall mean that part in a meeting that is not open to the public, the purpose of which is permitted under the Open Meetings Act, and more specifically described in Rule I, Sections 8 and 9.
- E. "Majority Vote" and "Simple Majority" shall mean more than 50% of the members present, unless the law requires more than 50% of members elected and serving shall be required.
- F. "Organizational Meeting" shall mean the first meeting of the calendar year, and as further described in Rule I, Section 3.
- G. "Special Committee" shall mean a committee established by the Chairperson and Board of Commissioners for a specific purpose and limited length of time, as set forth in Rule XIV, Section 2.
- H. "Special Meeting" shall mean a meeting that is not a regularly scheduled meeting of the Commission or Committee, but is called according to Rule I, Section 5.
- I. "Standing Committee" shall mean a committee of the County Board of Commission as established in Rule XIV, Section 3, and as may be added or changed by the Board at a later date. References to committee, except in Rule XIV, Sections 2 and 4, and as expressly stated otherwise, shall mean Standing Committee.
- J. "Quorum" A majority of the commissioners elected and serving shall constitute a quorum for the transaction business of the county, provided that any number may adjourn from day-to-day.

RULES OF THE  
MUSKEGON COUNTY BOARD OF COMMISSIONERS

RULE 1 - MEETINGS

Section 1 - Place of Meeting

All meetings of the Board of Commissioners shall be held in the Commissioner Chambers at the Hall of Justice or at such other place open to the public as the Board shall determine, provided advance notice is given as required by law.

Section 2 – Notice Requirements

A public notice for any meeting shall always contain the name of Board of Commissioners or the Committee to which the notice applies, its telephone number if one exists and its address. A public notice shall always be posted at Board of Commissioner's or Committee's principal office, the Board of Commissioner website homepage and any other locations considered appropriate by the public body. Cable television may also be utilized for purposes of posting public notice.

Section 3 - Organizational Meeting

The Board of Commissioners shall convene and hold its Organization ~~first~~ meeting at the first meeting of the year, which shall be 3:30 PM on the second business day after January 1 of each year. This meeting shall be known as the Organizational Meeting and the County Clerk shall preside at the beginning of the Organizational Meeting. The Board shall transact such business at the Organizational Meeting as shall be provided by these Rules and laws of the State of Michigan according to the following agenda:

- A. The County Clerk, or designee as provided by law, shall administer the oath of office to the commissioners, if the oath has not been previously administered.
- B. These Rules shall then be adopted by resolution.
- C. The election of the chairperson shall take place in accordance with the following procedure:
  - 1. The County Clerk shall call for nominations for the office of chairperson. Nominations shall be are closed when voted on by the majority or when only one person is nominated. The County Clerk shall record the names and votes for chairperson by roll call vote or by secret ballot if requested. The County Clerk shall tally the votes of the secret ballots. When one nominee receives a majority of the votes of the members elected and

serving, that nominee shall be the chairperson. (Pursuant to MCL 46.3 and MCL 46.3).

2. After the election, the newly elected chairperson shall preside over the remainder of the Organizational Meeting and proceed with the election to the office of vice-chairperson, following the procedure set forth in Section 3.3(a) above. The selection of vice-chairperson shall be by voice vote or roll call vote.

#### Section 4 - Annual Meeting

The commissioners of this county shall meet annually for the transaction of business as a county board of commissioners. The annual meeting of the County Board of Commissioners shall be held each year after September 14, but before October 16. When the term, October session, or other term used to designate the annual meeting, is used, it shall be construed to mean the annual meeting required by this section. The annual meeting of the County Board of Commissioners shall be held where regular meetings of the County Board of Commissioners are held or at a place in the County that the County Clerk selects with approval of the Board of Commissioners. (MCL 46.1, Section 1. (1).)

#### Section 5 - Special Meetings

The County Board of Commissioners may also hold special meetings, when necessary, at the times and places it finds convenient and may adjourn from time to time as it considers necessary.

Special meetings of the Board of Commissioners may be called by at least one-third of the Commissioners. A request for a special meeting must be made (in writing), and addressed to the County Clerk, specifying the time, date, place and purpose of the meeting. The County Clerk, in coordination with the Administration Office will inform the Commissioners of said Special meeting by providing notice (personally delivered or email delivery) at least 18 hours before the meeting. Notice to the public of the time, date and place of the special meeting shall be provided at least 18 hours in advance by posting the notice at the County's or Committee's principle office as required by the Open Meetings Act and if the County directly or indirectly maintains an official internet presence that includes monthly or more frequent updates of public meeting agendas or minutes, on a portion of the website that is fully accessible to the public. The public notice on the website shall be included on either the homepage or on a separate webpage dedicated to public notices for non-regularly scheduled public meetings and accessible via a prominent and conspicuous link on the website's homepage that clearly describes its purpose for public notification of those non-regularly scheduled public meetings.



Special meetings of any Committee may be called by the Committee Chairperson, specifying the time, date, place and purpose of the meeting. The Administration Office will inform the Committee members and the Commissioners of said Special Committee meeting. Notice to the public of the time, date, place and purpose of the special meeting of the Committee shall be provide at least 18 hours in advance of the special meeting as required by the Open Meetings Act.

#### Section 6 – Emergency Meetings

The Board of Commissioners may meet in emergency session in the event of a severe and imminent threat to the health, safety, or welfare of the public when 2/3 of the Board members serving on the Board of Commissioners decide that delay would be detrimental to efforts to lessen or respond to the threat. However, if the Board of Commissioners holds an emergency public meeting that does not comply with the 18-hour posted notice requirement, it shall make paper copies of the public notice for the emergency meeting available to the public at that meeting. The notice shall include an explanation of the reasons that the Board of Commissioners cannot comply with the 18-hour posted notice requirement. The explanation shall be specific to the circumstances that necessitated the emergency public meeting, and the use of generalized explanations such as “an imminent threat to the health of the public” or “a danger to the public welfare and safety” does not meet the explanation requirements of this subsection. If Board of Commissioners directly or indirectly maintains an official internet presence that includes monthly or more frequent updates of public meeting agendas or minutes, it shall post the public notice of the emergency meeting and its explanation on its website in the manner described for an internet posting for a special meeting. Within 48 hours after the emergency public meeting, the Board of Commissioners shall send and file official correspondence with the County Clerk that shall include the public notice of the meeting with explanation. Compliance with the notice requirements for emergency meetings in the Open Meetings Act does not create, and shall not be construed to create, a legal basis or defense for failure to comply with other provisions of this Act and does not relieve the Board of Commissioners from the duty to comply with any provision of the OMA.

#### Section 7 - Regular Meetings

Regular meetings of the Board of Commissioners are held at the time set by motion of the Muskegon County Board of Commissioners at their first regular meeting of the calendar or fiscal year, in the Commission Chambers located on the fourth floor of the Hall of Justice except for conflicts with legal holidays or other potential conflicts that may arise. For regular meetings, there shall be posted within 10 days after the first meeting at which the resolution was approved, a public notice stating the dates, times, and places of its regular meetings. If there is a change in the schedule of regular meetings, there shall be posted within 3 days after the meeting at which the change is made, a public notice stating the new dates, times, and places of its regular meetings.

## Section 8 - Open Meetings Act

All meetings of the County Board or committees thereof shall be open to the public, except for sessions closed as hereinafter provided in accordance with the OMA. Members of the County Board or its committees shall remain cognizant of the strictures of the OMA when using e-mail, and shall not deliberate toward or render a decision on matters of public policy through e-mail.

## Section 9 – Public Comment

In order to preserve order and decorum in the Board Room of the Muskegon County Board of Commissioners, the following items will be observed:

- A.) Members of the public may not obstruct the vision of members of the Board or prevent members of the Board from observing the public.
- B.) Persons in the audience will refrain from behavior which causes a breach of the peace.
- C.) Public Comment is comment only, not question and answers. The Commissioners will refrain from engaging with speakers/members of the audience.
- D.) Speakers shall address all comments to the chairperson of the County Board and not to individual Commissioners or to the audience.
- E.) Each speaker shall provide his or her name and residence at the time of his or her public comment.
- F.) Each speaker shall be limited to two (2) minutes per meeting.
- G.) Each speaker may speak only one time during each call to the public and may not “split” the two minute time period during a single call to the public.
- H.) No speaker may “assign” his or her time to another person.
- I.) Groups are encouraged to designate one or more individuals to speak on their behalf to avoid duplicative comments. However, there is no requirement to make such designation.

### Section 10 - Closed Sessions

Closed Sessions of the Muskegon County Board of Commissioners and any committees shall be conducted in accordance with the OMA as amended from time to time.

### Section 11 - Purpose for Closed Sessions

Meetings in closed sessions of this Board, or any other committee, commission, or other county boards may only be held according to the OMA, as amended from time to time.

### Section 12 – Closed Session Decorum

Preserving confidentiality in a closed session promotes effective and open discussion. Disclosure of information from that session violates the trust that allows for open discussion and free exchange of ideas among board members during closed session. Even if the matter discussed is no longer confidential (acted on in open session), confidential information discussed in closed session must stay confidential. Disclosure of closed session information is a violation of the OMA and a breach of the member's fiduciary duty.

### Section 13 - Notice of Meetings

All meetings of the Board and its committees, statutory boards and commissions shall be posted in accordance with the law, and also posted on the County of Muskegon's website.

### Section 14 - Public Hearings

The Board of Commissioners may, from time to time, hold public hearings as required by regulation, statute or funding source. The department head seeking a public hearing shall submit their request via a motion to the Administrator for submission to the Committee or Board of Commissioners for approval. The request from the department head will include such information as necessary for the Board to make its decision.

### Section 15 – Cancellation of Meeting

#### A. PROCEDURE

The County Board Chair, after consulting with the Committee Chair and Board Vice-Chair, may cancel a meeting for any reason and pursuant to that cancellation, take the following steps:

1. Send out an e-mail alert, or contact by any available means, all members of the Muskegon County Board of Commissioners and affected staff;
2. Post a cancellation notice on the Muskegon County website;
3. Contact available media outlets with the notice and ask them to broadcast the notice.
4. If the meeting is rescheduled, a public notice stating the date, time and place of the rescheduled meeting shall be posted at least 18 hours before the meeting.

## B. CITIZEN CONTACT

While it is the policy of the Muskegon County Board of Commissioners to notify the public of a cancellation by any and all means available to it, citizens are urged in times of inclement weather to either visit the Muskegon County website at <https://www.co.muskegon.mi.us/229/Administration> or contact the Administrator's Office at 231-724-6520 to confirm meeting dates and times.

### Section 16 – Quorum

The quorum of the Board or Committee for any meetings shall be the majority of Board or committee members who are elected and serving.

### Section 17 – Adopt of Budget

The County Board of Commissioners shall adopt its annual budget at the last meeting of the fiscal year.

## RULE II - BOARD OFFICERS

### Section 1 - Chairperson

The Board, at its first meeting of the January session in each year, shall choose, by roll call or secret ballot if requested, one of its members to be chairperson as set forth in Rule 1, Section 3.

The chairperson shall be elected for two-year terms, as set forth in MCL 46.3(4), unless the Board provides by resolution that the chairperson shall be elected annually for a 1-year term.

If there is a vacancy in the office of chairperson, an election for the position shall take place within 30 days of such date according to the procedure set out in Rule 1, Section 3.

The chairperson shall preside at a meeting of the board, but if the chairperson is absent from a meeting, the vice-chairperson shall preside. In the absence or unavailability of both the chairperson and the vice-chairperson, the chair of the Ways & Means Committee shall preside.

A chairperson may administer an oath to a person concerning a matter submitted to the County Board of Commissioners or connected with the discharge of its duties, may issue subpoenas for witnesses, and may compel the attendance of a witness in the same manner as a court of law.

The County Board of Commissioners designate the vice-chairperson to affix his or her signature to contracts, bond and other documents requiring the signature of the chairperson, because of illness or other exigency which, in the opinion of the board, prevents the chairperson from performing the functions of the office. MCL 46.3 Sec. 3 (5).

The chairperson shall make appointments to standing committees, boards, and commissions subject to approval of the Board of Commissioners.

### Section 2 - Vice Chairperson

The vice-chairperson shall be elected for a one-year term; the elections to occur as set forth in Rule 1, Section 3. The vice-chairperson of the Board shall perform the duties of the chairperson when that person is absent. If there is a vacancy in the office of vice-chairperson, an election for the position shall take place within 30 days of such date according to the procedure set forth in Rule 1, Section 3.

## RULE III - ORDER OF BUSINESS

### Agenda Format

#### A. Board of Commission Meetings

Unless the majority of the Board decides to do something different or votes to suspend, the normal order of business will be as follows:

1. Call to Order
2. Invocation or Meditation
3. Pledge of Allegiance to the Flag
4. Roll Call of Commissioners
5. Approval of Agenda
6. Approval of Previous Minutes
7. Public Comment (on an agenda item)
8. Public Hearing
9. Presentation (time limit 10 minutes)
10. Communications
11. Committee Reports
12. Chairperson's Report
13. Administrator's Report
14. Unfinished Business
15. New Business
16. Public Comment
17. Final Board Comments
18. Closed Session (as needed)
19. Adjournment

#### B. Committee Meetings

The following shall be the order of business governing the proceedings of the Board of Commissioners while in regular Committee meetings:

1. Call to Order
2. Roll Call
3. Approval of Previous Minutes
4. Public Comment (on an agenda item)
5. Public Hearing
6. Presentation (time limit 10 minutes) /Communication
7. Items for Consideration
8. Unfinished Business
9. New Business

10. Public Comment
11. Final Board Comments
12. Closed Session (as needed)
13. Adjournment

C. Special Meetings

Special Meetings, consistent with Rule 1, Section 5 entitled Special Meetings will have their agenda set by the Administration subject to the final approval of the members of the Muskegon County Board of Commissioners attending the special meeting and the agenda shall be consistent with the purpose of the special meeting set forth in the notice.

## RULE IV - MANNER OF VOTING AND MAJORITY REQUIRED

### Section 1 - Roll Call Vote

The adoption of the annual budget and questions involving the expenditure of public funds shall be by roll call. Any member of the Board may request that the vote on any matter be by roll call.

### Section 2 - Majority Vote

All motions which shall arise at any meetings shall be determined by the vote of a majority of the commissioners present, (1) except the final passage or adoption of any measure of law, or the allowance of any claim against the county, in which case a majority of all the commissioners elected and serving shall be necessary and (2) any other motion or resolution with a voting procedure required by law. .

### Section 3 - Procedure for Taking a Roll Call Vote

The roll is called in alphabetical order, in rotation, except that the presiding officer's name is called last. The debate is finished when one person has answered the roll call. If a member answers "pass" his/her name will be called again at the conclusion of the roll call but before the vote of the chairperson. The chairperson will announce the final result.

### Section 4 - Abstention/Obligation to Vote

All elected members of the Muskegon County Board of Commissioners understand that part of their statutory duty requires them to vote unless they are disqualified as defined in Rule XII.

### Section 5 – Recording Names and Votes of Members

The names and votes of members shall be recorded on an action taken by the Board of or by a Committee if the action is on an ordinance or the appointment or election of an officer, except the vote for chairperson may be by secret ballot. The vote and the name of the member voting on other questions or motions shall be recorded at the request of 1/5 of the members present if the question or motion is before the board, or 1/3 of the members present if the question or motion is before a committee of the board. A record that is made pursuant to this section shall be available for inspection.



## RULE V - RIGHTS AND DUTIES OF MEMBERS

### Section 1 – Duties of the Board

The duties of the members of the Board are set forth in Michigan and federal law, but do not include direct day-to-day management of county staff, which has been delegated to the County Administrator and the Administration Office.

### Section 2 – Addressing the Chairperson

When a member wishes to speak, the member shall address the chairperson and the chairperson must first recognize the member.

### Section 4 – Multiple Speakers Seeking the Floor

When two or more members seek the floor at the same time, the chair shall determine who is to speak first.

### Section 5 - Interruptions

When a member is speaking on any question before the Board, the member shall not be interrupted except to be called to order.

### Section 6 – Call to Order

When a member is called to order, the member shall immediately do so. The Board, if a commissioner appeals the ruling by challenging the ruling of the chair, may overrule the call to order.

### Section 7 – Chairperson Votes

The chairperson shall vote on all questions, except on an appeal from the chairperson's decision. In the event of a tie vote, the ruling of the chairperson is sustained.

### Section 8 – Speaking During Roll Call Vote

After a vote is ordered and the clerk directed to call the roll, no member shall be entitled to speak to the question. Upon completion of the roll, a member may explain said vote upon recognition by the chairperson.

## RULE VI – MOTIONS, RESOLUTIONS, PROCLAMATIONS & TRIBUTES

## Section 1 – Motions & Seconds

No motion shall be put or debated unless seconded. All motions shall be put in writing at the request of the chairperson or any member of the Board and a copy shall be provided to the county clerk.

Except in the case of a motion that is deemed an emergency matter by a vote of at least 2/3 of the Commissioners elected and serving, no Commissioner may make any motion and the Board will not consider action on any motion on any substantive county matter or issue (excluding staff recommended matters, routine county matters, and resolutions, proclamations, and tribute requests under section 2), unless the subject matter of the motion has first been referred to a committee for consideration and recommendation by that committee. The chairperson of the Board shall decide whether a matter is substantive for purpose of this section, subject to appeal pursuant to section 8.

A Commissioner that desires the Board to take action on a matter must first make a motion that is adopted by the majority of the Board to refer the matter to a committee. If the motion to refer a matter to a committee for consideration and recommendation is adopted, the committee to which such matter is referred shall consider the matter at its next regular meeting and shall make a recommendation on the matter to the Board for consideration by the Board at the Board's next regular meeting. If the committee fails to consider the matter and make a recommendation to the Board within the time prescribed by this section, the Board may take up the matter for consideration and action without delay.

## Section 2 – Resolutions, Proclamation and Tribute Requests Time for Action

Resolution, proclamations, and tribute requests submitted by Commissioners or the public will not be acted upon by the Board of Commissioners at the time presented unless time sensitive. All such requests will be referred for Chair/Vice Chair/Administrative review and for recommendations to the Board at a later date regarding a) consideration of the request at a future regular Board meeting; or b) receipt of the request as information only.

*Submittal of information to the Board or receipt of information by the Board does not constitute approval, endorsement or consent.*

## Section 3 – Order of Motions

When a question is under debate, no motion shall be in order except the following which shall have precedence in order named:

### PRIVILEGED MOTION

- A. Fix the time to which to adjourn
- B. Adjourn
- C. Recess
- D. Raise a question of privilege
- E. Call for orders of the day (requires the adopted program or order of business to be followed)

### SUBSIDIARY MOTION

- F. Limit or extend debate
- G. Postpone to a certain time
- H. Comment or refer
- I. To amend
- J. To postpone indefinitely

### Section 4 – Further Information

A suspension of the rules is not necessary for requesting staff to provide further information or for requesting additional information from a recognized authority in the audience if requested to by the Board Chairperson.

### Section 5 – Motions for Reconsideration

A motion to reconsider must be made by a member who voted with the prevailing side and requires a simple majority vote for adoption, if all members who voted with the prevailing side are present or have been notified that the reconsideration shall be moved, otherwise a two-thirds vote is required.

A motion for reconsideration of any question before the Full Board shall not be in order unless made on the same day, or at the meeting of the Full Board next succeeding that on which the decision proposed to be reconsidered was made. Provided, however, a motion to reconsider a vote in a standing committee can be made and taken up regardless of the time that has elapsed since the vote was taken and there shall be no limit to the number of times a question can be reconsidered.

### Section 6 – Motions to Rescind or Amend

A motion to rescind or amend a previously adopted motion may be made but must be seconded and is debatable. With previous notice, the motion requires a majority vote. Without previous notice, a two-thirds vote is required. A motion to rescind or amend a previously adopted motion is not in order if the action sought to be rescinded or amended has already occurred and is impossible to undo; if the Board has voted to enter into a contract and the other party has been so notified; or if a resignation has been acted upon and the person notified.

### Section 7 – Division of the Question

- A. A division of any motion shall be made when so requested by any member of the Board; provided however, such division shall be so distinct that one part being taken away, the other will remain as an entire motion for decision.
- B. A request by a Board member for a division of question is an incidental motion normally not debatable. The motion may not be reconsidered. It can, however, be amended.
- C. If the subjects differ, the question must be divided upon the sole request of a commissioner.  
If the topics relate, but can stand alone, the question may be divided on a regular motion and a simple majority vote.

### Section 8 – Appeal Decision of the Chair

When an appeal is taken from a decision of the chair, the question shall immediately be put in the following form: "Shall the ruling of the chair be sustained?" The question shall be determined by a majority vote of the members present, except that the chairperson shall not vote. Should the vote result in a tie, the chair shall be sustained.

## RULE VII - CONFLICT OF INTEREST

### Section 1 – General Conflicts of Interest

Questions regarding a conflict of interest shall be handled in the following manner:

- A. Any Board member may raise the point of a potential conflict of interest among the group. A conflict of interest shall include, but is not limited to, a matter pending before a board, commission or committee identified in Section 2 in which:
1. A Board Member has a direct pecuniary interest in the matter or in the outcome of the matter, if such interest would result in an incompatibility between the Member's private interests and the Member's fiduciary duties; or
  2. A person in the Member's immediate family has a direct pecuniary interest in the matter or in the outcome of the matter, if such interest would result in an incompatibility between the Member's private interests and the Member's fiduciary duties. "Immediate family" means a Member's spouse, children, stepchildren, grandchildren, parents, brothers, sisters, grandparents, parent's in-law, or any individual living in the Member's household.
- B. Procedure for General Conflicts. Before participating in a decision, hearing, or casting a vote on a matter on which a Member may reasonably have a conflict of interest as identified above, the Member shall disclose the potential conflict of interest to the Board of Commissioners or committee.
1. A Board Member who has disclosed a conflict of interest shall disqualify himself or herself at the outset of the hearing or discussion and shall not participate in the deliberations or decision. The Member shall not attempt to exert his or her personal influence with respect to the matter, either at or outside the meeting. The presence of the Member at the meeting shall not be counted in determining the presence of quorum for purposes of the vote on the matter presenting the conflict of interest. The Member's ineligibility to vote shall be reflected in the minutes of the meeting.
  2. If the Member is an applicant submitting an application, contract, transaction or any other matter to the board, commission, or committee, the Member may be present in the meeting room during discussion to make a presentation and answer questions.
  3. If a Member plans not to attend a meeting at which he or she has reason to believe that the board, commission, or committee will act on a matter in which the Member has a conflict of interest, he or she shall disclose to the chair of the meeting all facts material to the conflict of interest.

The chair shall report the disclosure at the meeting and the disclosure shall be reflected in the minutes of the meeting.

## Section 2 – Contracts with the County

- A. When discussions involve a contract, to which the Commissioner or Committee member is a party, directly or indirectly, a Board Member or Committee Member is expected to immediately disclose a potential conflict of interest in the question to the official body, which disclosure shall be made as a matter of public record.
- B. After disclosure, the Board of Commissioners or Committee shall determine if any exemptions apply under the Contracts with Public Servants and Public Entities Act, 1968 PA 317 (“the Act”). If the Act is applicable, the County or Committee shall follow the procedure in the Act to determine if and how to approve such contract.

## RULE VII - COMMITTEES

### Section 1 - Standing Committees

- A. The Chairperson of the County Board of Commissioners shall, by the first regularly scheduled Board of Commissioner’s meeting following the Organizational Meeting of the Board, designate the regular committees of the Board and designate the chairperson and vice chairperson as a membership of each committee for the ensuing year. Such appointments are subject to the approval of the majority of the commission.
- B. Once appointed by the chairperson and approved by the majority of the Commission, the chairperson and vice-chairperson shall hold that position until such time as the chairperson or vice-chairperson shall leave office or until such time as either the chairperson or vice-chairperson is reappointed or a new chairperson or vice-chairperson is appointed.
- C. The following standing committees-of-the-whole of the Board of Commissioners and their respective duties are established. These lists are meant to be illustrative but not necessarily inclusive of all such duties.

### COMMUNITY DEVELOPMENT/STRATEGIC PLANNING

Accommodations Tax

Capital & Public Improvements (excluding items within confines of Public Works Board)

Convention Center

County Real Estate

Economic Development Corporation

Fairgrounds

Port Development

Heritage Landing  
Parks  
Special Projects  
Tourism  
West Michigan Shoreline Regional Development Commission

COURTS/PUBLIC SAFETY

Building Security  
Child Care  
Circuit Court (if budgetary)  
District Court (if budgetary)  
Emergency Services  
Family Court (if budgetary)  
Jury Commission  
Juvenile Transition Center  
Probate Court (if budgetary)  
Prosecutor  
Public Defender  
Sheriff

HUMAN SERVICES

~~Child Haven~~  
Cooperative Extension  
Medical Examiner  
Public Health  
State Institutions (CMH 10% Match)  
Veterans' Affairs

TRANSPORTATION

Airport  
Muskegon Area Transit System  
Trolleys

WAYS & MEANS

Administration  
Corporate Counsel  
Elected Officials (excluding judges, courts, prosecutor and sheriff)  
Equal Employment Opportunity  
Equalization  
Facilities Management  
Finance & Management Services  
HealthWest (if budgetary)  
Human Resources  
Information Technology  
Personnel Rules Committee

D. Each committee is to be responsible for policy and program development for the areas, departments and projects assigned. As assigned by the Administrator, responsibility for personnel and financial matters that change or alter budgets, shall be assigned to the Ways & Means Committee.

### Section 2 – Special Committees

The chairperson of the Board, with the approval of the Board of Commissioners may appoint such special committees as the chairperson deems necessary. The purpose of the committee, its charges, the length of time it shall exist, and its membership shall be stated in the minutes of the Board of Commissioners meeting at which it was established.

### Section 3 – Committee Procedure

- A. When a quorum for a scheduled meeting is not achieved within fifteen (15) minutes of the appointed meeting time, the meeting shall be adjourned.
- B. Any member finding it necessary to be excused from the committee meeting before adjournment shall notify the chairperson or acting chairperson.
- C. Committee chairpersons shall be allowed to enter into the discussion on any items under consideration.

### Section 4 – Board Liaison Appointments

The Chairperson of the Board of Commissioners shall, with the approval of the Board, appoint commissioners to serve on various community commissions, boards and committees.

- A. Appointment to these commissions, boards or committees, shall be for the purpose of representing the County Board and **not** the commissioner's personal position on issues and/or projects that come before the commission, board or committee.
- B. The term of the appointment shall coincide with the commissioner's term.
- C. The Commissioner Liaison will regularly attend scheduled meetings. If more than three unexcused consecutive meetings are missed by the Commissioner Liaison, the Board Chair through a majority vote of the Board may remove that Commissioner Liaison and appoint a replacement.
- D. The Commissioner Liaison will report back to the Board of Commissioners on a regular basis.



## Section 5 – Ad Hoc Committees

The Chairperson of the Board of Commissioners shall, with the approval of the Board, appoint commissioners to serve on Ad Hoc committees that may be required from time-to-time for special projects that are generally time-limited. The term of the appointment may vary based upon the needs of the committee. Certain Ad Hoc committees shall be purely advisory and the Board of Commissioners shall indicate if the committee is purely advisory when the Ad Hoc Committee is created.

## RULE IX – SCOPE AND PARLIAMENTARY PROCEDURE

Unless expressly stated otherwise or unless another board has the authority to and has adopted its own rules, these rules shall be applicable to the Muskegon County Board of Commissioners and any established boards, committees and subcommittees of the County.

The County may rely on Robert's Rules of Order for guidance on parliamentary procedure, but the County shall not be required to strictly follow and has not adopted Robert's Rules of Order to govern in all questions of conduct and procedure.

The Muskegon County Board of Commissioners retains the authority to adopt any other additional rules or regulations it decides better serves the interests of conducting business before the County Board.

## RULE X - AMENDMENTS TO MUSKEGON COUNTY BOARD RULES

The Chairperson of the County Board of Commissioners will annually appoint Commission members to the Board Rules Committee. It is recommended at least one member be a newly appointed commissioner. This Committee will also be comprised of Corporate Counsel and Administrator designee for staffing purposes.

The Board Rules Committee, shall on an annual basis review the Rules as approved by the Board of Commissioners at their organizational meeting, for any necessary language modification or changes in procedures. Once reviewed, the proposed changes will be shared with each Commissioner and after 14 days, a recommendation to approve motion will be brought to the Board of Commissioners. Amendments to these rules shall not be made at any meeting at which any commissioner is unable to attend because of official county business.

## RULE XI – AGENDA & MINUTES

The agenda for the Board of Commissioners' meetings/committees will be prepared by the Administrator and Chairperson (of the Board or the Committee, depending on the meeting at issue) and made available to all members of the Board or the Committee prior to the Board/Committee meetings.

Minutes must be kept for all meetings of the Board of Commissioners and the Committees (unless purely advisory) in compliance with the requirements of the Open Meetings Act, MCL 15.269, and are required to contain: 1) a statement of the date, scheduled time and place of the meeting and its actual starting time and ending time; 2) the members present as well as absent/excused; 3) a record of any decisions made at the meeting and a record of all ~~roll-call~~ votes; and 4) an explanation of the purpose(s) if the meeting is a Closed special meeting ~~Session~~.

Except for minutes taken during a Closed Session, all minutes are considered public records, open for public inspection and must be available for review as well as copying at the Office of the Muskegon County Clerk. Proposed minutes shall be available for public inspection within eight (8) business days after the meeting to which the minutes refer. Approved minutes shall be available within five (5) business days after the meeting at which they were approved.

## RULE XII - GOVERNING CLAIMS FOR PERSONAL EXPENSES INCURRED IN THE OFFICIAL CONDUCT OF COUNTY BUSINESS

### Section 1 – Payment/Reimbursement of County Business Expenses

#### Accountable Plan

In accordance with IRS regulations, the County of Muskegon has an accountable plan that allows reimbursement for authorized business expenses with no effect on taxable compensation. IRS accountable plan rules apply to all reimbursements and advances for authorized business expenses, both travel and non-travel related. IRS rules require (a) that an adequate accounting for these expenses must be submitted within a reasonable period of time after a reimbursable business expense is paid or incurred, and (b) any excess reimbursement or allowance must be returned within a reasonable period of time.

It is local County policy that:

- Adequate accounting is to be submitted in a format acceptable to the Accounting Office within 30 days after the expense is incurred.
- Any excess or non-allowable payment must be paid back within 45 days after the expense was paid or incurred, whether the result of excess advance, reimbursement, direct payment, or purchase card payment. If the purpose is cancelled, the advance or other payment must be paid back within 45 days after the advance or other payment was issued. Employees may elect to reimburse the County either by check or through payroll deduction. If no reimbursement action is taken by the employee within 45 days, an automatic payroll deduction for the amount owed will occur.

#### Definitions & Taxes

Board members, elected officials, employees, and agents of the county shall be reimbursed for necessary personal expenses incurred in the conduct of county business in accordance with the following rules and regulations:

##### A. Definitions

1. Board members are those individuals elected to the Muskegon County Board of Commissioners.
2. Elected officials are those individuals duly elected and serving in the statutory offices of the County of Muskegon.
3. Employees are those individuals duly appointed and listed on the regular payroll of the county.
4. Agents of the county are those individuals retained on a fee basis or special appointment to perform valuable acts on behalf of the county.

The County Commission shall designate such agents prior to expense approval.

B. Taxes - Wage and salary compensation shall be subject to applicable tax laws.

## Section 2 - Rules and Regulations

Individual meals while traveling on authorized County business are reimbursable expenses (if paid by the traveler) or an allowable expense (if paid by County purchase card in accordance with the P-Card Policy) on the basis of actual expenses incurred as supported by itemized receipts. The following rules and regulations also apply:

A. Travel Expense

Individuals traveling on authorized County business may be reimbursed up to the maximum standard IRS per diem amount allowed for meals (this is the M&IE [meals and incidental expenses] rate column less the current incidental portion) as applicable for the destination city for out-of-county travel excluding lodging and transportation to the destination. Travelers must supply detailed receipts of actual meal expenses incurred. As long as the total of actual expenses incurred in a day does not exceed the maximum daily amount per the GSA/IRS tables, the employee is entitled to full reimbursement for actual allowable expenses. If a County purchase card is used for meal expenses, amounts expended in excess of allowable daily amount will require the employee to reimburse the County for the overage amount.

The following exceptions shall apply:

1. All meals provided by the business event shall be deducted from the per diem amount at the rate of 18% for breakfast, 32% for lunch and 50% for dinner.
2. Travel involving periods of less than a day shall be paid as follows: reimbursement of the maximum rate will be 50% for dinner; 32% for lunch, and 18% for breakfast which is to include not more than 20% added to the base cost for tips.
3. If no eateries near the destination are within the per diem range: a Department Director has the authority to sign off on the overages.

B. All persons returning from authorized travel must turn in evidence of expenditures and complete a travel reconciliation form within thirty (30) days after returning from the authorized travel. To comply with IRS requirements, the business purpose of the travel must be documented in the report. Notwithstanding the 30-day requirement, purchase card receipts must be provided to department finance staff within three business days of the end of the month that the travel occurred to ensure timely processing and posting of the credit card transactions. Board members, elected officials and all employees and agents claiming expenses shall properly document and receipt, whenever practicable, all such actual expenses.

In so doing, the following guidelines shall be followed:

1. Interstate Travel

- a. A travel authorization form must be completed and sent to the Administrator's office for all non-routine travel (i.e. conferences, seminars, trainings) outside the state.
- b. Prior approval must be obtained from the Administrator and the County Board Chairperson, or in his/her absence the vice chairperson or a designated representative.
- c. In emergency situations, prior approval of the County Board Chairperson or the Administrator is sufficient and mandatory.
- d. All travel authorization forms should be forwarded to the Accounting Office for reconciling purposes.

2. Intrastate Travel

- a. A travel authorization form must be completed and kept in the department records for all non-routine travel (conferences, seminars, trainings) inside the state but out-of-county. Regular out-of-county business meetings that occur on a periodic basis do not require a travel authorization form to be completed.
- b. Prior approval must be obtained from the director.
- c. All travel authorization forms should be forwarded to the Accounting Office for reconciling purposes.

3. Estimated Expenses will be itemized on the travel authorization form before travel authorization. Actual Expenses will be itemized for reimbursement after completion of travel. Sample itemized expenses are: Mileage, transportation, meals, lodging, etc.

4. Mileage Expense is calculated:

- a. Only when a personal automobile is used for transportation.
- b. When travel starts or ends at home the total miles will be adjusted to subtract mileage to commute to/from work per IRS rules.
- c. The mileage rate is the same as the current IRS mileage rate or otherwise approved in labor agreement.

5. Receipts for public transportation (bus, rail, air) must be provided for full reimbursement of actual cost. The mode of transportation selected shall be the most economical available to provide necessary connections and to accommodate meeting schedules. The class of such transportation shall generally be coach or tourist.

6. All claimed receipts are to list the details of what was purchased. Reimbursement of Alcohol is strictly prohibited.

7. Only three meals may be claimed per day regardless of the hours worked.
  8. Receipts for lodging will be reimbursed for actual cost. If sharing lodging with a non-employee, the reimbursement is limited to the single occupancy rate. If lodging is on an American Plan (meals included), the County will reimburse the cost of meals for the employee only.
  9. Gratuities claimed shall be reasonable for services provided, but in no case shall exceed 20%.
  10. Reimbursement for travel will be allowed for only one travel day to a meeting, conference, etc. and one travel day returning from the meeting, conference, etc.
  11. When flying on County business and at County expense, departing and return flights must be of first consideration in and out of the Muskegon County Airport. An exception to such rule shall be in the case of an emergency situation or if undue delay in travel would result from application of such rule. If this exception is used, an explanation of such exception should be included with travel voucher.
- C. Board Members may request and receive a \$50 daily stipend for out-of-county travel subject to a limit of 15 daily stipends per calendar year. Because this stipend falls under the IRS criteria for supplemental wages, it will be paid in the next regular payroll cycle following submission, subject to applicable payroll withholding and fringes.

### Section 3 - Reimbursement

Travel and expenses incurred relating to official county business which does not require travel outside the county may be reimbursed in accordance with the following:

- A. County vehicles shall be used for travel whenever available and practicable.
- B. County business mileage (personal vehicle) is reimbursable at the lower of the IRS rate or otherwise approved in labor agreement. County business mileage submitted for reimbursement shall be properly itemized and explained by listing (a) starting, destination and ending locations, (b) the business purpose and description of the trip, (c) total reimbursable County business mileage of the trip. Per IRS Regulation 1.232-1(b)(5), round-trip commute mileage must be subtracted from the day's total mileage if business travel started and ended at home.



- C. Reimbursement for in-county meals, for meetings with directors, department heads, managers and staff, is prohibited unless participants are working an extended period of time and approval has been received from the Administrator.

#### Section 4 - Travel Expense Vouchers

All travel expense vouchers shall be properly completed and signed by the employee and approved by the appropriate authority in writing prior to submission with the Travel Authorization Form to the Accounting Department.

#### Section 6 - Conferences

- A. Each commissioner shall be allowed to attend both the annual and legislative Michigan Association of Counties (MAC) conferences, but may apply to the Board Chairperson to attend one National Association of Counties (NACo) each calendar year. If attending a NACo conference, allowance to attend one MAC conference will be granted.

## RULE XIII - POLITICAL ACTIVITY

The County Administrator and directors shall not be involved, directly or indirectly with political activities involving County Commissioners or persons seeking such office including but not limited to: use of employee's name or picture implying support or opposition, fund raising, financial support, or activities which may be construed by the general public as support or opposition for any person seeking or holding the position of County Commissioner.

This prohibition shall not abridge the employee's right to express an opinion concerning said individuals or to actively support other political candidates or parties, if permitted by law, including that such activities do not violate the Hatch Act. Such activities include use of employee's name or picture implying support or opposition, fund raising, financial support, or activities which may be construed by the general public as support or opposition for any person seeking or holding the position of County Commissioner.

No person holding the position of County Commissioner shall in any way coerce or demand support of the Administrator, directors, or any other County employees, and any such attempts shall be reported to the Administrator and the Chairperson of the Board.