

# **BENZIE COUNTY BOARD OF COMMISSIONERS**

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448 COURT PLACE – BEULAH, MI 49617 – (231) 882-9671  
[www.benzieco.net](http://www.benzieco.net)

## **ORGANIZATIONAL MEETING AGENDA**

**JANUARY 2, 2018**

**Commissioners Room, Governmental Center, Beulah, Michigan**

9:00 a.m.      CALL TO ORDER  
ROLL CALL  
INVOCATION AND PLEDGE OF ALLEGIANCE  
ELECTION OF CHAIRMAN  
APPROVAL OF AGENDA  
PUBLIC INPUT  
ELECTION OF VICE CHAIRMAN  
ADOPTION OF MEETING DATES AND TIMES FOR 2018  
ADOPTION OF BOARD RULES  
COMMITTEE APPOINTMENTS  
ADOPTION OF DEPOSITORIES – Resolution 2018-001  
ADOPTION OF ACH – Resolution 2018-002  
PAYMENT OF BILLS  
PUBLIC COMMENT  
ADJOURNMENT

THE COUNTY OF BENZIE WILL PROVIDE NECESSARY REASONABLE AUXILIARY AIDS AND SERVICES, SUCH AS SIGNERS FOR THE HEARING IMPAIRED AND AUDIO TAPES OF PRINTED MATERIALS BEING CONSIDERED AT THE MEETING, TO INDIVIDUALS WITH DISABILITIES AT THE MEETING OR HEARING UPON THIRTY (30) DAYS NOTICE TO THE COUNTY OF BENZIE. INDIVIDUALS WITH DISABILITIES REQUIRING AUXILIARY AIDS OR SERVICES SHOULD CONTACT THE COUNTY BY WRITING OR CALLING THE FOLLOWING:

BENZIE COUNTY CLERK  
448 COURT PLACE  
BEULAH MI 49617  
(231) 882-9671

This notice was posted by Dawn Olney, Benzie County Clerk, on the bulletin board in the main entrance of the Benzie County Governmental Center, Beulah, Michigan, at least 18 hours prior to the start of the meeting. This notice is to comply with Sections 4 and 5 of the Michigan Open Meetings Act (PA 267 of 1976).

## PUBLIC INPUT

**Purpose:** The Benzie County Board of Commissioners is a public policy setting body and subject to the Open Meetings Act (PA 267 of 1976). The Board also operates under a set of "Benzie County Board Rules (section 7.3)" which provides for public input during their meetings. It continually strives to receive input from the residents of the county and reserves two opportunities during the monthly scheduled meeting for you the public to voice opinions, concerns and sharing of any other items of common interest. There are however, in concert with meeting conduct certain rules to follow.

**Speaking Time:** Agenda items may be added or removed by the board but initially at least two times are devoted to Public Input. Generally, however, attendees wishing to speak will be informed how long they may speak by the chairman. All speakers are asked to give their name, residence and topic they wish to address. This and the statements/comments will be entered into the public record (minutes of the meeting). Should there be a number of speakers wishing to voice similar opinions, an option for a longer presentation may be more appropriate for the group and one or more speakers may talk within that time frame.

Group Presentations – 15 minutes  
Individual Presentations – 3 minutes

**Board Response:** Generally, as this is an "Input" option, the board will not comment or respond to presenters. Silence or non-response from the board should not be interpreted as disinterest or disagreement by the board. However, should the board individually or collectively wish to address the comments of the speaker(s) at the approval of the Chair and within a time frame previously established, responses may be made by the board. Additionally, the presenter may be in need of a more lengthy understanding of an issue or topic and may be referred to a committee appropriate to address those issues.

Public Input is very important in public policy settings and is only one means for an interchange of information or dialogue. Each commissioner represents a district within the county and he/she may be individually contacted should greater depth or understanding of an issue be sought. Personal contact is encouraged and helpful to both residents and the board.

### Commissioner Contacts:

District I –	Bob Roelofs (Almira East of Reynolds Road).....	231-645-1187
District II --	Art Jeannot (Almira Twp West of Reynolds Road, Platte and Lake Townships).....	231-920-5028
District III -	Roger Griner (Crystal Lake, Frankfort).....	231-651-0757
District IV -	Coury Carland (Benzonia).....	231-930-7560
District V -	Frank Walterhouse (Homestead).....	231-325-2964
District VI -	Evan Warsecke (Colfax, Inland).....	231-275-3375
District VII –	Gary Sauer (Blaine, Gilmore, Joyfield, Weldon).....	231-651-0647

**2018**  
**BENZIE COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETINGS**

Regular meetings of the Benzie County Board of Commissioners will be held in the Commissioners Room, Government Center, Beulah, Michigan.

The meetings will be held on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of each month with the exception of November (only one meeting) and December (being the 1<sup>st</sup> and 3<sup>rd</sup> Tuesday) and unless changed by the Board of Commissioners.

The Benzie County Board of Commissioners will follow "Robert's Rules of Order as Revised."

January	2	9:00 a.m. 9:00 a.m. 4:00 p.m.	Organizational Meeting
February		9:00 a.m. 4:00 p.m.	Building Department Annual Report
March		4:00 p.m.	MAC Legislative Conf (March 26-28), Lansing Center/Radisson
April		9:00 a.m. 4:00 p.m.	Equalization Report
May		9:00 a.m. 4:00 p.m.	
June		9:00 a.m. 4:00 p.m.	Summer Tax Hearing
July		9:00 a.m. 4:00 p.m.	
August		9:00 a.m. 4:00 p.m.	MAC Annual Conference (Aug 19-21) Bavarian Inn, Frankenmuth
September		9:00 a.m. 4:00 p.m.	Public Hearing to Set 2018 Budget Accept L 4029 – 2018 Millage report Adopt 2018-19 Budget
October		9:00 a.m. 4:00 p.m.	Apportionment Report Set Elected Official Salaries
November		9:00 a.m.	
December		9:00 a.m. 4:00 a.m.	Commission on Aging Annual Meeting

**HOLIDAYS: The Government Center will be closed the following days:**

January	1	New Year's Day (Monday)
January	15	Martin Luther King Jr Day (Monday)
February	19	President's Day (Monday)
May	28	Memorial Day (Monday)
July	4	Independence Day (Wednesday)
September	3	Labor Day (Monday)
November	12	Veteran's Day (Monday)
November	22-23	Thanksgiving Holiday (Thursday/Friday)
December	24-25	Christmas Holiday (Monday/Tuesday)
December	31	New Year's Eve (Monday)

[Home](#) » [Courts](#) » [Michigan Court of Appeals](#) »

## About the Court

### Court Holidays

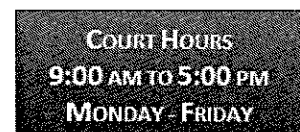
The Court will be closed on the following dates in calendar year 2017:

- **Christmas Holiday**, Friday, December 22 and Monday, December 25, 2017
- **New Year's Eve**, Friday, December 29, 2017

The Court will be closed on the following dates in calendar year 2018:

- **New Year's Holiday**, Monday, January 1, 2018
- **Martin Luther King, Jr. Day**, Monday, January 15, 2018
- **Presidents' Day**, Monday, February 19, 2018
- **Memorial Day**, Monday, May 28, 2018
- **Independence Day**, Wednesday, July 4, 2018
- **Labor Day**, Monday, September 3, 2018
- **Veterans' Day**, Monday, November 12, 2018
- **Thanksgiving Holiday**, Thursday-Friday, November 22-23, 2018
- **Christmas Holiday**, Monday-Tuesday, December 24-25, 2018
- **New Year's Eve**, Monday, December 31, 2018

Because the Court is closed on these dates, filings cannot be made at the district offices. Electronic filings submitted on a Court holiday will be docketed as received the next business day. See MCR 1.108; MCR 8.110(D)(2); IOP 7.201(B)(3)-1.



#### **DISTRICT CLERK'S OFFICES**

[Contact Information](#)

[Clerk's Office Locations  
and Parking](#)

[Case Filing District Map](#)

## BOARD RULES

Adopted: ~~January 3, 2017~~, 2018

### 1. MEETINGS

1.1 Regular Schedule. Regular meetings of the board of commissioners are held on the second and fourth Tuesday of each month with the exception of November and December. Any regular or adjourned meeting of the board which falls upon a legal holiday (Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, the day after Thanksgiving, the day before Christmas, Christmas Day, the day before New Years, and New Years Day) shall automatically be set over to the next regular day following that is not a legal holiday at the same time and place indicated for the regularly scheduled meeting, unless the board, in session, determines otherwise.

1.11 The Tuesday immediately following the second Monday of each April, this being the Statutory Equalization meeting. Required by state statute (MCL 209.5).

1.12 Annual meeting date after September 14 but before October 16. [client to select date] Required by state statute (MCL 46.1).

1.2 Time. The regular meetings of the board of commissioners shall be held on the second Tuesdays at 9:00 a.m. and the fourth Tuesday at 4:00 p.m. with the exception of November having one meeting on the 14<sup>th</sup> and December meetings will be held on the 1<sup>st</sup> Tuesday at 9:00 a.m. and the 4<sup>th</sup> Tuesday at 4:00 p.m.

1.3 Place. The board shall meet in the Benzie County Government Center.

1.4 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 present and constituting a quorum. Meetings adjourned or recessed for more than 48 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 the public notice. All such changes shall be in compliance with the Open Meeting Act, MCL 15.261 et seq.

1.5 Special Meetings.

1.51 Petition and Notice. A special meeting of the board of commissioners shall be held only when requested by one-third of the members, which request shall be in writing, addressed to the county clerk and specifying the time, place and purpose of the meeting. When possible some evening meetings may be held. Upon receipt of the requests, the clerk shall immediately give notice to each board member ~~personally, by leaving the notice at the residence of the commissioners or by letter~~ with at least ~~24~~ hours' notice before the time of such meeting, ~~complying with the Open Meetings Act.~~ in one of the manners provided as follows:

- via a confirmed facsimile transmission to the commissioner's residence
- via personal delivery of the notice of the special meeting to the commissioner
- leaving the notice of the special meeting at the residence of the commissioner
- email to address previously supplied for such purpose by the commissioner



The clerk shall post at least 18 hours before the meeting a Public Notice as required by 1976 PA 267.

~~1.52 — Emergency. The chairman, at any time upon finding and proclamation by him of the peacetime or civil disaster or an attack by a foreign enemy, may call a special meeting of the board at a time and place designated by him and give notice to the members by the best available means of communication. The vice chairman of the board, in the chairman's incapacity or absence from the county, may call such a meeting. [This is no longer applicable due to statutory change]~~

1.6 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, and by posting the schedule in the Benzie County Government Center in compliance with the Open Meetings Act. Public notice of special or rescheduled meetings, and reconvening of meetings which have been adjourned or recessed for more than 48 hours ~~“at the call of the chair” and not to “a time certain”~~ shall be given by informing the newspaper in the county and posting notice in the courthouse as required by the Open Meetings Act. at least 18 hours prior to the time of such a meeting. ~~[No longer permitted by statute (OMA)]~~

1.7 Public Meetings. The meetings of the board of commissioners shall be open and accessible to the public and all persons may attend its meetings.

## 2. QUORUM

Quorum. A majority of commissioners shall constitute a quorum for the transaction of the ordinary business of the county.

Absence of Quorum. Upon the absence of a quorum, the members present may recess from time to time or to a time certain. Public notice is not required if the time set for reconvening is less one hour ~~than 48 hours, but should be posted.~~ All Open Meetings Act requirements shall be adhered to.

## 3. VOTING

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.

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, expenditure of funds, or appointment or election of an officer, except that for the election of a board chairman the vote may be by secret ballot.

Secret Ballot Voting. No vote may be taken by secret ballot on any matter except on the question of election of the chairman of the board.

Voting Mandatory. Each member present shall be required to vote on every question unless excused by the chairman upon good cause shown.

Reconsideration 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 reconsideration thereof. On all voice votes any member may move reconsideration. However, no motion for reconsideration shall be in order unless it is made in the same meeting or the meeting next succeeding the meeting 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.

## 4. ORGANIZATION



## Chairman

- 4.11 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 chairman of the board for a one-year term, effective January 1. He/She shall take office and assume the duties immediately upon election.
- 4.12 Duties.
- 4.121 The chairman, 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.
- 4.122 The chairman shall be the agent for the board in the signing of contracts, orders, resolutions, determinations, and minutes of the board and in the certification of the tax rolls.
- 4.123 The chairman shall serve in such capacities and make appointments as the law shall require.
- 4.124 The chairman 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.
- 4.125 The chairman when he/she is present shall preside at all meetings of the committee of the whole.
- 4.126 The chairman, for purposes of representing the county in various functional or ceremonial capacities, shall be considered as the chief elected official of the county.
- 4.127 Upon his/her election and subject to the approval of a majority of all members of the board, the chairman shall proceed to appoint the members of all board standing committees, and shall designate the chairperson of each committee. The term of each appointee to a board standing committee shall be for one (1) year, but shall terminate as of the date such person ceases to be a member of the board of commissioners.

In addition, the chairperson shall, subject to the approval of ~~all~~ the majority of all members of the board, appoint all board members who are designated to serve as a board liaison to those boards and commissions listed in section 4.4, below, as well as to any similar such board or commission where the appointee is to act as a liaison between said board or commission and the board of commissioners, and where such appointee serves as a member of such other board or commission by virtue of his or her board of commissioners membership. Such appointments shall be for one (1) year, but shall terminate as of the date such person ceases to be a member of the board of commissioners.

Further, the chairperson shall, subject to the approval of ~~all~~ the majority of all members of the board, appoint all those board members who are appointed to serve on various authorities and other agencies. Except as may be required by statute or bylaw of such authority or other agency, such appointment shall be for one (1) year, but shall terminate as of the date such person ceases to be a member of the board of commissioners.

- 4.1271 All appointments assigned to sitting Commissioners are annual, except where dictated or mandated by statute.
- 4.1272 County Commissioners appointed to serve on boards and commissions shall be deemed to serve by virtue of their position as a County Commissioner. For such Commissioners, said appointment shall continue only so long as the commissioner continues in office, unless otherwise dictated or mandated by

statute. At the point a Commissioner so appointed vacates the office of County Commissioner, all appointments enjoyed by virtue of that office shall also terminate.

- 4.128 The chairman 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 as authorized by state statute.
- 4.129 The chairman of the board, when appropriate, shall refer matters coming before the board to one of the committees 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.

#### Vice-Chairman.

- 4.21 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 vice-chairman of the board. He/She shall take office and assume the duties immediately upon his election.
- 4.22 Duties.
  - 4.221 The vice-chairman shall preside over meetings of the board if the chairman is absent.

#### Clerk.

- 4.31 Designation. The clerk of the county shall be perform all statutory required duties for the board of commissioners~~ex officio, clerk of the board~~. He/She, or his/her appointed deputy, shall perform all duties pertaining to such office.
- 4.32 Duties. The clerk's duties include the following:
  - 4.321 To record all the proceedings of the board in a book provided for that purpose.
  - 4.322 To make regular entries of all the board's resolutions and decisions upon all questions.
  - 4.323 To record the vote of each commissioner on any question submitted to the board.
  - 4.324 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.
  - 4.325 To certify, under Seal of the Circuit Court, without charge, copies of any and all resolutions or decisions 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 fifty cents (\$.50) per folio or as otherwise required by the Freedom of Information Act.
  - 4.326 To preside, until a chairman or temporary chairman is elected, during the first meeting of the board of commissioners in every calendar year.
  - 4.327 To perform such other and further duties as the board, by resolution, may require.
- 4.33 Absence. In the event the clerk or his or her duly appointed deputy is absent from a meeting of the board, the chairman, with approval of a majority of the commissioners present and voting, shall appoint another person to act as temporary clerk until the clerk or the duly appointed deputy arrives.

In the absence of both chairman and vice chairman, the following commissioners will be delegated to be in charge, in the following order: Chairman, Vice Chairman, Board member seniority and then alphabetical order.



Parliamentarian. The county clerk of the county shall advise the chairman and the board of commissioners regarding questions of parliamentary procedures.

4.4 Committees. The board of commissioners shall have the following committees:

**STANDING COMMITTEES**

EMS

Courts – 3

Budget/Finance/Accounts Payable

Commission on Aging

Fee Committee

Interview Committee

HR Committee (to include Labor, Grievance & Health Ins)

Buildings & Grounds Committee

Technology Committee

**COUNTY COMMISSION LIAISON**

Building Authority

Chamber of Commerce

Conservation District

Human Services Department (DHHS, Maples)

MSU Extension

Road Commission

Sheriff/Jail

911 Central Dispatch

Transportation

**APPOINTMENTS TO AUTHORITIES AND OTHER AGENCIES**

Airport Authority

Animal Welfare League/Advisory Board

Area Agency on Aging

Benzie Housing Committee (county)

Benzie Senior Resources (formerly Council on Aging & Benzie Home Health Care)

Betsie River Watershed

Betsie Valley Trailway Mgt Council

Benzie-Leelanau Public Health

Benzie-Leelanau Public Health Board of Appeals

Brownfield Authority

Centra Wellness -- CMH

Central Dispatch Advisory

Domestic Violence Task Force

EDC/Benzie

Human Services Collaborative Body – HSCB

Land Bank Authority

LEPC

Manistee-Benzie Comm Corrections -- PA 511

MAC Worker's Comp Fund

Networks North/Council of Government

Northern Michigan Regional Entity

Northern Michigan Counties

Natural Scenic Rivers  
Northwest Michigan Community Action Agency  
ORV  
Parks & Recreation Commission  
Planning Commission  
Platte River Watershed Committee  
Point Betsie Lighthouse  
Soil Erosion Board of Appeals  
Solid Waste Advisory Committee  
Township Association & Local Municipalities  
Veterans Affairs

- 4.51 Duties: Each committee shall:
- 4.511 Report to the board.
  - 4.512 Review all appropriation requests most directly related to its own functions and make recommendations thereon for referral to and consideration by the board.
  - 4.513 Report and recommend allowance or disallowance of all claims relating to the jurisdiction of the committee as prescribed by these rules.
  - 4.514 Act as liaison between the board of commissioners and the several county officers, boards, commissions and agencies respecting matters under the jurisdiction of the committee as prescribed by these rules, except as the board shall otherwise direct.
  - 4.515 Have and perform such other duties as the board may direct.
- 4.52 Meetings. Meetings of a committee may be convened by its chairman or by a majority of its members at any time upon 36 hours or more ~~reasonable~~ written, ~~or~~ telephonic or email notice to all its members and in compliance with the Open Meetings Act.
- 4.53 Committee Voting. The names and votes of members shall be recorded on an action which is taken by a committee of the board.
- 4.54 Special Committees. Subject to the approval of the board of commissioners, the chairman of the board may establish special committees and designate commissioners to serve thereon. The membership of special committees shall automatically be terminated upon the succession to office of a new chairman of the board.

## 5. CONDUCT OF MEETINGS

### Order of Business

- 5.11 Regular Order. The regular order shall be as follows:

Call to Order  
Roll Call  
Invocation and Pledge of Allegiance  
Approval of Agenda  
Approval and/or Correction of Minutes  
Public Input (Limit 3 minutes unless extended by the chair or a majority of the board of commissioners)  
Elected Officials & Dept Head Comments  
Commissioner Reports  
County Administrator Report  
Finance -- Approval of Bills  
HR - Personnel  
Action Items

Committee Appointments  
Presentation of Correspondence  
New Business  
Public Input (Limit 3 minutes unless extended by the chair or a majority of the board of commissioners)  
Adjournment

Agenda. On the fourth day before each regular and adjourned regular meeting of the board, the clerk shall provide to each member an agenda for the meeting, by placing in their mailbox at the Government Center or by placing said agenda on the county web site. Contained therewith shall be a brief description of all matters to be considered and arranged in accordance with the order specified above. All information to be placed on the agenda must be received by the clerk of the board no later than 5:00 p.m. on the Wednesday immediately preceding said regular or adjourned regular meeting. Only with majority consent of the members present may any committee report, other than reports on routine claims, be acted upon by the board of commissioners at any regular or adjourned regular meeting.

- 5.21 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.

## 6. RIGHTS AND DUTIES OF COMMISSIONERS

### Speaking Priorities and Limits

- 6.11 Each member desiring to speak shall address the chairman and, when recognized, speak from his or her place. If two or more members at the same time wish to speak, the chairman shall designate the order in which they shall speak.
- 6.12 No members, while addressing the board, shall be interrupted, except to be called to order; and thereupon he/she shall immediately cease speaking and be seated.
- 6.13 The sponsor of any properly moved and seconded motion, resolution, ordinance, or report, not appearing on the agenda for the meeting, shall have the right to speak for a time not longer than three minutes after the formal introduction but prior to any discussion on the matter on the floor. When a measure has more than one sponsor, the chairman of the board shall determine which person shall first speak under this rule.

Commentary: Matters brought up which are not on the agenda almost always are referred to committee and, of course, a motion to refer is not debatable. This rule guarantees the sponsor the right to explain the matter briefly, before its referral.

7. NON-MEMBERS ADDRESSES TO COMMISSION – Only members of the board of commissioners shall be given the floor to speak during any board meeting except: County officials ~~who~~ may speak after receiving recognition from the chairman of the board.

7.1 Any person who, with the consent of the chairman of the board or a majority of any board committee, has been given permission to be listed in an appropriate place on the agenda for the purpose of addressing the commission. Public comment as required by the Open Meetings Act is permitted.

7.2 In compliance with the Open Meetings Act: The County Board will operate under the following rules. To allow for public input—~~There will be fifteen (15) minutes for visitors to be heard.~~ Each person wishing to speak may have up to three (3) minutes to make a statement or an address (this does not include the right to question members or individuals present). If persons know they will need more time, they should contact the County Clerk **by 5:00 p.m. on the Wednesday prior to said meeting** so that time may be allotted them on the agenda if approved by the board of commissioners.



~~If it develops during the initial time allotted for input that more time is needed there will also be fifteen (15) minutes allotted for visitor input prior to the end of the County Board meeting. The three (3) minute limit will prevail and each speaker will speak once before any visitor may speak a second time.~~

7.3 Time has been allotted in the above schedule so that people may be heard without interrupting the County Board agenda and conduct of essential business.

## 8. PARLIAMENTARY AUTHORITY AND PROCEDURE

Authority. "Robert's Rules of Order Revised" shall govern all questions of procedures which are not otherwise provided by these rules or state law.

Procedure.

- 8.21 Motions, Resolutions, Committee Reports. No motion shall be debated or voted upon unless seconded. It shall then be stated by the chairman before debate. Any motion, with the permission of the person who moved and seconded it, may be withdrawn at any time before it has been adopted. Discussion does not constitute a second to a motion.
- 8.22 Motion to Clear the Floor. If in the judgment of the chairman, procedural matters have become confused, the chairman may request a "motion to clear the floor". Such motion, if made and seconded, 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.
- 8.23 Order of Precedence of Motions. When a motion is seconded 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 amendThese motions shall have precedence in the order as named above.
- 8.24 Suspension of the Rules. These rules may be temporarily suspended only by a majority vote of all the members of the board in order to facilitate the accomplishment of any legal objective of the board in a legal matter.
- 8.25 For any future grant applications, the county board shall receive them in a timely manner so that the Commissioners can read, understand and render informed decisions pertaining to any grant applied for, effective January 4, 2002.

## 9. 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 remain in effect until amended or rescinded. Any proposed amendment to these rules, properly presented to the board of commissioners, shall take immediate effect when adopted, unless the board at the time of adoption stipulates otherwise.

## 10. ETHICAL PRINCIPLES OF CONDUCT RELATING TO THE PROCESS AND MANAGEMENT OF CONFIDENTIAL MATTERS

It is imperative from time to time that matters will come before the county that require confidential management. Matters and/or opinions sought require the action and direction of the Corporate Counsel or other properly retained Legal Advisory.

Those matters which come before the Benzie County Board of Commissioners that are subject to the attorney-client privilege or are protected by the attorney work product doctrine are considered confidential matters. Confidential matters include written opinions protected by the attorney-client privilege and/or communications between the Benzie County Board of Commissioners and its Corporate Counsel or other Legal Advisory retained by the Benzie County Board of Commissioners. Nothing in this rule shall be construed to be contrary to Michigan's Open Meetings Act or should be construed to prohibit the disclosure or dissemination of material that is subject to disclosure under Michigan's Freedom of Information Act.

- 10.1 Those services (tasks) of the Corporate Counsel, or other properly retained Legal Advisory, retained by the Benzie County Board of Commissioners, shall be discussed by the Board of Commissioners in open session and subject to a motion authorizing the Corporate Counsel or other Legal Advisory to perform legal services on behalf of the Benzie County Board of Commissioners, prior to said services (tasks) being performed whenever possible. When legal services are required prior to the Board of Commissioners meeting or in preparation for that meeting, then the County Administrator, after conferring with the Chairman or Vice Chairman, is authorized to obtain and task for such legal services.
  - 10.1.1 Once the Benzie County Corporate counsel or other Legal Advisory has been properly retained by the Benzie County Board of Commissioners and provided a detailed explanation of the services sought, the Chairman of the Benzie County Board of Commissioners, or the County Administrator will communicate with the Benzie County Corporate Counsel or other outside Legal Advisory with regard to the status of the project and shall be the recipient of written Status Reports and other communications from the Benzie County Corporation Counsel or outside Legal Advisors.
  - 10.1.2 Any party (Commissioner) seeking information or query prior to final disposition or legal opinion will be referred to section 10.3 of the Board Rules.
- 10.2 The Administrator for the County of Benzie shall maintain a separate file for those communications with the Benzie County Corporate Counsel and/or other Legal Advisory which are subject to the attorney-client privilege. Upon request, any member of the Benzie County Board of Commissioners may review said materials but shall not disseminate or discuss to any third party the contents of communication subject to the attorney-client privilege.
- 10.3 In the event that a member of the Benzie County Board of Commissioners has questions regarding a confidential matter including, but not necessarily limited to, a communication that is subject to the attorney-client privilege, that Commissioner or party shall prepare a written communication to the Benzie County Administrator and Board Chair outlining any issues or questions regarding the confidential matter or communication. Responses to those written communications then will be processed by the Chairman of the County Board of Commissioners and in most situations simultaneously shared with the entire Board of Commissioners.
- 10.4 One set of documents or related materials submitted to the Administrator or Chairman will be kept and on file. Files are not to be copied nor leave the Administrator's office. Also, sharing or communicating any information related to the confidential work, including



conversations, in progress or content of the documents (file) will be considered a breach of the "Board's" trust.

- 10.5 Members of the Benzie County Board of Commissioners may, by majority roll call vote, or two-thirds (2/3's) vote if required by the Open Meetings Act, move for entry into a closed session for those purposes authorized under the Michigan Open Meetings Act.

Section 10.1 amended – 10/18/2005

Section 4.11 amended – 1/10/2006

Section 4.1271 amended – 1/10/2006

Section 4.1272 amended – 1/10/2006

Sections 1.1, 1.2, 4.33, 4.51, 5.11 amended – 1/19/2010

Sections 1.2, 4.4 amended – 1/4/2011

Sections 1.2, 4.4 and 5.11 amended – 1/4/2012

Section 1.1, 1.2, 4.4 and 5.11 amended – 1/2/2013

Section 1.1, 1.2, 4.4 and 5.11 amended – 1/15/2013

Section 1.2 and 5.11 – 1/7/2014

Section 4.4 – 1/6/2015

Section 4.127 – 2/10/2015

Sections 5.11, 7.2, page 10 items 2 and 3 – 1/3/2017

## **OTHER POSSIBLE INSERTS – CLIENT TO DECIDE**

### RIGHTS AND DUTIES OF MEMBERS.

Speaking Priorities. The sponsor of any properly moved and seconded motion, resolution, ordinance, or report, shall have the right to speak for up to 3 minutes, after the formal introduction but prior to any discussion of the matter on the floor. In any case where there may be more than one sponsor to a particular motion, resolution, ordinance or report, it shall be in the discretion of the chairperson which person shall exercise the right given by this rule to first speak on the pending matter. Before speaking, each member shall address himself/herself to the chairperson. If two or more members seek recognition to speak at the same time, the chairperson shall designate the order in which they shall speak. No member, while addressing the Board, shall be interrupted, except to be called to order; and thereupon, he/she shall immediately cease talking and be seated. Every commissioner shall vote on all questions unless excused by the chairperson. The chairperson shall vote on all questions unless excused by the board.

Division of Question. Upon request by any member, any question before the board may be divided and separated into more than one question; provided, however, that such may be done only when the original is of such a nature that upon division, each of the resulting questions is a complete question permitting independent consideration and action.

PUBLIC MEETINGS. Board meetings shall be open to the public as required by the Open Meetings Act, 1976 PA 267.

USE OF CELL PHONES. During meetings of the board, including committee meetings, all cell phones or other electronic devices shall be turned off or set to "mute" or "vibrate" in order to avoid disruption. Commissioners choosing to answer cell phone calls shall leave the table, and if necessary, the room, in order to avoid disruption. Notices of board and committee meetings shall include a request that all cell phones or other electronic devices be turned off or set to "mute" or "vibrate" in order to avoid disruption during the meeting. Disruption of a meeting by inappropriate use of a cell phone may be addressed in the same manner as other inappropriate disruptions.



MINUTES. A copy of the minutes of each board meeting shall be prepared and transmitted to each board member promptly. The county clerk or his/her designee, shall prepare minutes as required by the Open Meetings Act, 1976 PA 267.

## POLICY ON COMPENSATION

1. A motion by Knox, seconded by Smith, effective January 1, 1995, per diem be set at \$35.00 for each meeting four hours or less, meetings lasting longer than four hours is considered two meetings (\$70.00) and after eight hours will be considered 3 meetings (\$105.00) for per diem.
2. Per diem shall not be paid for attending scheduled regular or reconvened county board meetings. However, per diem shall be paid for attending village, city and township board meetings of the district they represent, special board meetings, committee meetings, and special assignment meetings. Special assigned meetings are meetings attended at the direction of the Board of Commissioner or by the Chairman of the Board of Commissioners and may also be paid per diem. Proper documentation can be obtained and filed with the County Administrator.
3. Mileage will be authorized for attending reconvened or special county board meetings, village, city and township meetings of the district they represent, committee meetings, special assignment meetings, functions benefiting Benzie County, or meetings attended at the direction of the Board of Commissioners or by the Chairman of the Board of Commissioners, at the rate established by the Board of Commissioners.
4. Living expenses will be paid while attending special assignments, functions or meetings attended by the direction of the Board of Commissioners or by the chairman of the Board of Commissioners that are held outside of Benzie County.
5. Per diem to be paid for weekly Accounts Payable (A/P) review by a designated board member.  
(Added 1/12/2016)

County department heads will be expected to administer their yearly budgets in a reasonable and prudent manner, and should not expect supervision from the county board or its finance committee except:

- (a) When unexpected changes in county financing make it necessary, by board action, to request or impose adjustments in all departmental appropriations.
- (b) When, due to unforeseen circumstances or an emergency, it is necessary for a department head to request a supplemental appropriation not included in his or her original departmental budget.
- (c) When, in the judgment of a majority of the members of the county board, a department head demonstrates clear inability to administer public funds in a reasonable and prudent manner.
- (d) When the county board, through the chairman and vice-chairman, is reviewing budgetary requirements for the upcoming year.

## BOARD PRACTICES

1. Decisions shall be made by a majority vote of all commissioners present at board meetings.
2. No one individual commissioner has any authority to advise Government Center employees what to do or what not to do. This applies to any chairman of a committee.
3. The services of Corporate Counsel will be coordinated through the County Board Chair and the County Administrator.
4. Individual commissioners should not write instructive memos to Department Heads without going through the full board.
5. Commissioners who write and sign individual letters may not imply that the letter is by board decision and may not use Board of Commissioners letterhead.
6. Department liaison positions are only to take information from the board of commissioners to a department and vice versa, not to advise those departments how they should or should not be run.
7. ~~Alternates on committees will not be paid unless they are filling in for an assigned member.~~ Commissioners who attend committee meetings to which they have not been assigned will not be reimbursed for that attendance.
8. The Board is encouraged to present motions in writing to the Clerk prior to the meeting, if possible.
9. Effort should be made to car pool to out-of-town meetings.
10. Every effort should be made to have members of the Board of Commissioners submit per diems on a monthly basis.
11. All requests must go ~~thru~~ through committees, HR, Finance or Buildings & Grounds, unless determined by the Chair and/or County Administrator to require immediate action by the board.  
(Added 2/9/2016)



Other Items for Consideration:

1. Fix Committee Structure – appointment policy
2. Does travel time count toward per diem?  
For instance: 2 hour drive for a 1 hour meeting the 2 hour drive home is 5 hours.  
Is this full day per diem or half day?
3. Suggest to combine all four committees (HR, Finance, B/G, and Technology) on the same day. Perhaps still have two regular meetings per month, but one for committee with the entire board, and one for regular board meeting.

## 2018 Committee Appointments

### Standing Committees

<b>EMS</b>	Chair:		3rd Tues, 3:30 PM
	Member:		
<b>Courts</b>	Chair:		3rd Thurs, as needed
	Member:		
	Alternate:		
<b>Finance</b>	Member:		2nd Tues, 1 PM
	Member:		
	Member:		
<b>Comm. Aging</b>		All	Dec Each Year
<b>Fee Comm.</b>			As needed
<b>Inter. Comm.</b>		As assigned/app	As needed
<b>HR</b>	Member:		4th Tues, 2 PM
	Member:		
	Member:		
<b>B&amp;G</b>	Member:		2nd Wed, 9 AM
	Member:		
	Member:		
<b>AES</b>	Member:		
	Alternate:		
<b>Technology</b>	Member:		As needed
	Member:		
	Member:		

### Liaison

<b>Bldg Auth</b>			4th Wed, 8:30 AM
<b>Chamber</b>			3rd Wed, 8 AM
	Alt:		
<b>Conserv. Dist.</b>			3rd Wed, 4 PM
<b>Drain Comm.</b>			As needed
<b>DHHS</b>			4th Tues, 10 AM
	Alt.		
<b>MSU Ext.</b>			As needed
<b>Road Comm.</b>			2nd & 4th Tues, 9:30 AM
	Alt.		
<b>Sheriff/Jail</b>			As needed
	Alt.		
<b>9/11 Dispatch</b>			Alt Mo - Jan, Mar, May,
	Alt.		July, Sep, Nov @ 3 PM
<b>Benzie Bus</b>			3rd Tues, 5:30 PM
	Alt.		
<b>Veterans Aff</b>			4th Thurs, 8 AM TC

### Appointments to Authorities & Agencies

<b>Airport Auth.</b>			3rd Thurs, 7 PM
	Alt.		
<b>Benzie Senior</b>			3rd Wed, 4:30 PM
<b>Resources</b>			
	Alt.		

## 2018 Committee Appointments

<b>Area Ag. Aging</b>			1st Thurs, 9:30 AM
	Alt.		
<b>Animal Welfare</b>			2nd Wed, May-Dec 1:30
<b>BHC (CDBG)</b>			As needed
<b>Betsie River</b>			As needed
	Alt.		
<b>Betsie Trail</b>			2nd Tue, May-Oct.
	Alt.		4:30 PM
<b>Health Dept.</b>			4th Thur, odd months
			4:00 PM
<b>B.R.A.</b>			4th Fri, 8:15 AM
	Alt.		
<b>Centra Well.</b>			2nd Thurs, 9 AM
<b>Comm. Corr.</b>			Twice/year
			10 AM in Manistee
<b>Domestic Task.</b>			4th Wed, 12 PM Gov Ctr
<b>Benzie EDC</b>			Alt months 10:30 AM
<b>HSCB</b>			4th Wed, 9:30 Am
	Alt.		
<b>LEPC/LPT</b>			
<b>Land Bank</b>			3rd Wed, 8:30 AM
	Alt.		
<b>MAC Ag/Tourism</b>			Lansing 6x per year
<b>MAC Trans.</b>			Lansing 6x per year
<b>MAC Workers</b>			2nd Thur, 10 AM
<b>NMRE</b>			1st Mon, 10 AM
<b>NM Counties</b>			3rd Mon, 9:45 AM
	Alt.		
<b>Scenic Rivers</b>			As needed
	Alt.		
<b>Networks NW</b>			2nd Mon, even Months
	Alt.		5:00 PM
<b>NWMCAA</b>			3rd Thurs, 1 PM
<b>ORV</b>			?
	Alt.		
<b>Parks &amp; Rec.</b>			4th Mon, 5 PM
<b>Planning Com.</b>			2nd Thur, 7:30 PM
<b>Platte Water.</b>			Quarterly
<b>Point Betsie</b>			1st Mon, 7 PM
	Alt.		
<b>Soil Erosion</b>			As needed
<b>Solid Waste</b>			Quarterly, 1st Wed, 5 PM
<b>TWPs</b>		All	Twice per year
<b>Veterans</b>			1st Mon, 1 PM



## DEPOSITORIES

2018 – 001

- Central State Bank,*
- (1) The depositories for County funds shall be: ~~Honor Bank, State Savings Bank, West Shore Bank, Bank One/Chase, Michigan Class, Hastings City Bank, Flagstar Bank, Multi Bank Securities, Morgan Stanley, Independent Bank, Bank of Northern Michigan~~ and Sun Trust Robinson Humphrey. Further, that the County Treasurer be authorized to invest funds with any bank, banker or trust company in the State of Michigan and that she be authorized to invest funds with any agency of the U.S. Government. *Chemical Bank*
- (2) The Benzie County Board of Commissioners hereby authorizes the County Treasurer to invest the idle funds of the County of Benzie in accordance with Act 20 of the Public Acts of 1943, as amended. Be it further resolved that all such investments heretofore made are hereby ratified and validated.
- (3) The County Treasurer is authorized to sign on behalf of the Benzie County Board of Commissioners any documents pertaining to the Housing Block Grant Program also known as the Benzie County Housing Committee.
- (4) The Benzie County Board of Commissioners hereby authorizes the County Treasurer to sign all applications, documents, etc with the Federal Government and the State of Michigan as Chief Finance Officer for the County of Benzie.
- (5) The Benzie County Board of Commissioners hereby authorizes the use of electronic banking at the discretion of the County Treasurer.

WHEREAS, under the laws of this State of Michigan, Act 40 of the Michigan Public Acts of 1932, 1<sup>st</sup> Extra Session, as amended (MCL 129.12) this board is required to provide, by resolution, for the deposit of all public monies, including tax monies, belonging to, or held for, the State, County or other political units coming into the hands of the County Treasurer, in one or more banks, savings and loan associations or credit unions within the state.

### THEREFORE, BE IT RESOLVED AS FOLLOWS:

- (1) The Benzie County Board of Commissioners hereby directs the County Treasurer, to deposit all public monies, including monies and funds held for the State Board of Escheats or missing heirs, coming into his/her hands as County Treasurer in any bank, savings and loan association or credit union within the State which is a legal depository as defined by State and/or Federal law,
- (2) The County Treasurer is authorized to invest funds with these institutions or any institution legally permitted by State statute Act No. 20 of the Michigan Public Acts of 1943, as amended (MCL 129.91) or Federal Law or regulation within the limits set therein; and

- (3) The County Treasurer is authorized to enter into and execute on behalf of the County any contracts with any bank or trust company for the safekeeping or third party custodianship of any of the County's securities as well as any contracts or repurchase agreements with any corporation for the purchase of any such securities which will be the subject of such safekeeping or third party custodianship arrangements, on such terms and conditions as the County Treasurer shall require; and
- (4) The County Treasurer is authorized to rely on the continuing effect of this Resolution until amended or repealed by a subsequent resolution of this or a successor Board of Commissioners.

Motion:

Ayes:

Nays:

Absent:

Dated: January \_\_, 2018

\_\_\_\_\_, Chairman

### **Certification**

I, Dawn Olney, Benzie County Clerk and Clerk to the Benzie County Board of Commissioners, do hereby certify that the above resolution was adopted by the Benzie County Board of Commissioners on January \_\_, 2018.

\_\_\_\_\_  
Dawn Olney, Benzie County Clerk

**ACH (Automatic Clearing House)  
ELECTRONIC TRANSFER TRANSACTIONS**

**RESOLUTION # 2018- 002**

**WHEREAS**, Public Act 738 of 2002 was signed by the Governor with immediate effect on December 30, 2002; and

**WEREAS**, Public Act 738 requires the Board of the County Commissioners adopt a resolution containing certain conditions to lawfully conduct electronic financial transactions such as payments and receipts (ACH).

**NOW THEREFORE BE IT RESOLVED** that the County Treasurer is hereby appointed the Electronic Transaction Officer (ETO) and is responsible for ACH agreements including payment approval, accounting, reporting and generally overseeing compliance with the ACH policy, and

**BE IT FURTHER RESOLVED** that documentation is to be prepared and retained, that may be contained within the computerized accounting system, for ACH transactions detailing the goods or services purchased, related costs, date of payment, and cost accounting classifications, and

**BE IT FURTHER RESOLVED** that the ETO will implement a system of internal accounting controls to monitor the use of ACH transactions, and

**BE IT FURTHER RESOLVED** that approval of ACH invoice is required before payments, and

**BE IT FURTHER RESOLVED** that additional requirement may be required as determined by the ETO.

Motion:

Ayes:

Nays:

Dated: January \_\_, 2018

\_\_\_\_\_, Chairman

**Certification**

I, Dawn Olney, Clerk to the Benzie County Board of Commissioners, do hereby certify that the above resolution was adopted by the Benzie County Board of Commissioners on the \_\_\_\_ day of January, 2018.

\_\_\_\_\_  
Dawn Olney, Benzie County Clerk