

THE BENZIE COUNTY BOARD OF COMMISSIONERS
January 3, 2023

The Benzie County Board of Commissioners met in an Organizational meeting on Tuesday, January 3, 2023, 448 Court Place, Government Center, Beulah, Michigan.

The meeting was called to order by County Clerk Tammy Bowers at 9:00 a.m.

Present were: Commissioners Cunningham, Jeannot, Markey, Nye, Roelofs, Sauer, and Warsecke

The invocation was given by Commissioner Roelofs followed by the pledge of allegiance.

Election of Chair:

Commissioner Warsecke nominates Commissioner Roelofs

Motion by Jeannot, seconded by Markey, to close nominations and proceed to a unanimous vote of Commissioner Roelofs for Chair. Roll call. Ayes: Cunningham, Jeannot, Markey, Nye, Roelofs, Sauer and Warsecke Nays: None Motion carried.

Comm Roelofs assumes the chair.

Agenda:

Motion by Markey, seconded by Nye, to approve the agenda as presented. Ayes: Cunningham, Jeannot, Markey, Nye, Roelofs, Sauer, and Warsecke Nays: None Motion carried.

9:03 a.m. Public Comment - None

Election of Vice Chair:

Motion by Markey, seconded by Jeannot to nominate Commissioner Nye for Vice Chair

Motion by Sauer, seconded by Warsecke, to close nomination for Vice Chair. Ayes: Cunningham, Jeannot, Markey, Nye, Roelofs, Sauer, and Warsecke Nays: None Motion carried.

Motion by Jeannot, seconded by Warsecke to move for a unanimous vote of Commissioner Nye for Vice Chair. Ayes: Cunningham, Jeannot, Markey, Nye, Roelofs, Sauer, and Warsecke Nays: None Motion carried.

Meeting Dates and Times:

Remove April 25, 2023, and December 26, 2023, from the meeting calendar.

Motion by Markey, seconded by Sauer, to adopt the 2023 Board of Commissioners meeting dates and times as amended. Roll call. Ayes: Cunningham, Jeannot, Markey, Nye, Roelofs, Sauer and Warsecke Nays: None Motion carried.

Motion by Jeannot, seconded by Markey, to task the Administrator's office to explore avenues for live stream attendance and the cost. Ayes: Cunningham, Jeannot, Markey, Nye, Roelofs, Sauer and Warsecke Nays: None Motion carried.

Board Rules:

Changes to be made:

Section 1.51 – last bullet point, change “test” to “text”.

Section 1.7 – Public Meeting: remove “The Board of Commissioners may also make meetings available to the public and staff via virtual means” and the word “However” in the 3rd sentence.

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Section 2 – Absence of a Quorum: remove the 1st sentence. Changed 2nd sentence to: “Public Notice is not required if a quorum will convene in less than an hour.”

Section 4.4 Committees:

Add Benzie Central Schools and Frankfort Elberta Area Schools to County Commission Liaison.

Add MAC Environmental and Natural Resources, MAC Judicial and Public Safety, and MAC Health and Human Services to Appointments to Authorities and Other Agencies.

Add Section 10.1.3 “If the County is in contract with retained counsel this section does not apply.”

Policy on Compensation item 5 – remove “Accounts Payable (A/P)” and replace with “Payroll”.

Motion by Warsecke, seconded by Markey, to approve the 2023 Board Rules as amended. Roll call.

Ayes: Cunningham, Jeannot, Markey, ~~Miller~~, Nye, Roelofs, Sauer and Warsecke Nays: None

Motion carried.

Public Comment Statement:

Commissioner district description for Commissioner Jeannot, Cunningham, and Warsecke need to be revised to show the redistricting changes.

Motion by Sauer, seconded by Warsecke, to adopt the Public Comment statement as amended. Roll call. Ayes: Cunningham, Jeannot, Markey, Nye, Roelofs, Sauer and Warsecke Nays: None

Motion carried.

Commissioner Committee Appointments:

Chair Roelofs requested that Commissioners provide their preference list to him or Commissioner Nye, so that appointments can be made. Request the list be provided by the next meeting.

Resolutions:

Depositories: Motion by Sauer, seconded by Warsecke, to adopt resolution 2023-001 Depositories as presented, authorizing the chairman to sign. Roll call. Ayes: Cunningham, Jeannot, Markey, Nye, Roelofs, Sauer and Warsecke Nays: None Motion carried.

ACH: Motion by Markey, seconded by Sauer, to adopt resolution 2023-002 ACH (Automatic Clearing House) Electronic Transfer Transactions as presented, authorizing the chairman to sign. Roll call. Ayes: Cunningham, Jeannot, Markey, Nye, Roelofs, Sauer and Warsecke Nays: None Motion carried.

Fair Housing: Motion by Jeannot, seconded by Markey, to adopt resolution 2023-003 Fair Housing Resolution as presented. Roll call. Ayes: Cunningham, Jeannot, Markey, Nye, Roelofs, Sauer and Warsecke Nays: None Motion carried.

FINANCE

Bills: Motion by Warsecke, seconded by Sauer, to approve payment of the bills from December 9, 2022, through December 28, 2022, in the amount of \$449,162.02, as presented. Roll call. Ayes: Cunningham, Jeannot, Markey, Nye, Roelofs, Sauer, and Warsecke Nays: None Motion carried.

10:11 a.m. Public Comment – None

Motion by Markey, seconded by Warsecke, to adjourn until January 10, 2023, Regular Meeting, or the call of the chair. Ayes: Cunningham, Jeannot, Markey, Nye, Roelofs, Sauer and Warsecke Nays: None Motion carried.

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Bob Roelofs, Chairman

Tammy Bowers – Benzie County Clerk

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1. Close nominations and proceed to a unanimous vote of Commissioner Roelofs for Chair.
2. Approve the agenda as presented.
3. Nominate Commissioner Nye for Vice Chair.
4. To move for a unanimous vote of Commissioner Nye for Vice Chair.
5. Adopt the 2023 Board of Commissioners meeting dates and times as amended.
6. Task the Administrator's office to explore avenues for live stream attendance and the cost.
7. Approve the 2023 Board Rules as amended.
8. Adopt the Public Comment statement as amended.
9. Adopt resolution 2023-001 Depositories as presented, authorizing the chairman to sign.
10. Adopt resolution 2023-002 ACH (Automatic Clearing House) Electronic Transfer Transactions as presented, authorizing the chairman to sign.
11. Adopt resolution 2023-003 Fair Housing Resolution as presented.
12. Approve payment of the bills from December 9, 2022, through December 28, 2022, in the amount of \$449,162.02, as presented.

BOARD RULES
Adopted: January 03, 2023

1. MEETINGS

1.1 Regular Schedule. Regular meetings of the board of commissioners are held on the second and fourth Tuesday of each month. 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. Annual meeting will be held on the first meeting of the Fiscal Year in October. Required by state statute (MCL 46.1).

1.2 Time. The regular meetings of the board of commissioners shall be held on the second and fourth Tuesdays at 9:00 a.m., unless changed by the Board of Commissioners.

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 36 hours "at the call of the chair" unless the board provides otherwise may be reconvened only public notice has been posted at least 18 hours before the time of the reconvening. 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. Upon receipt of the request, the clerk shall immediately give notice to each board member with at least 18 hours' notice before the time of such meeting 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
- via text message to the commissioner

The clerk shall post at least 18 hours before the meeting a Public Notice as required by the Open Meetings Act.

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 36 hours shall be given by informing the newspaper in the county and posting notice in the courthouse as required by the Open Meetings Act.

- 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. Virtual participation by members of the board of commissioners will only be permitted as set forth in the Open Meetings Act (e.g. members absent due to active military duty).

2. QUORUM

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

Absence of Quorum. Public notice is not required if a quorum will convene in less than an hour. 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 chair 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 chair 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. On all votes any member may move for 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

4.1 Chair

- 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 chair 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 chair, if present, shall preside at all meetings of the board of commissioners, preserve order, and decide questions of order subject to appeal to the board.
- 4.122 The chair shall be the designated signor for the board regarding contracts, orders, resolutions, determinations, and minutes of the board and in the certification of the tax rolls.
- 4.123 The chair shall serve in such capacities and make appointments, subject to approval of a majority of the members of the board, as the law shall require.

- 4.124 The chair shall serve ex officio on all board committees. He/She shall not have a right to vote in committee unless he/she is expressly named a member of that committee.
- 4.125 The chair, for purposes of representing the county in various functional or ceremonial capacities, shall be considered as the chief elected official of the county.
- 4.126 Upon his/her election and subject to the approval of a majority of all members of the board, the chair shall proceed to appoint the members of all board standing committees and shall designate the chair 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 chair shall, subject to the approval of 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 chair shall, subject to the approval of 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.
- 4.127 The chair of the board shall have the power to administer an oath to any person concerning any matter submitted to the board of commissioners or any matter connected with the discharge of their duties, to issue subpoenas for witnesses and to compel their attendance in the same manner as courts of law as authorized by state statute.
- 4.128 The chair of the board, when appropriate, shall refer matters coming before the board to one of the committees of the board and he/she shall resolve all jurisdictional disputes between committees, decisions over which shall be subject to these rules and subject to appeal to the board.

4.2 Vice-Chair.

- 4.21 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-chair of the board. He/She shall take office and assume the duties immediately upon his election.
- 4.22 Duties.
 - 4.221 The vice-chair shall preside over meetings of the board if the chair is absent.
 - 4.222 The vice-chair when he/she is present shall preside at all meetings of the committee of the whole.
- 4.3 Clerk.
 - 4.31 Designation. The clerk of the county shall perform all statutory required duties for the board of commissioners. 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. 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.
 - 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 chair or temporary chair 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 chair, with approval of a majority of the commissioners present and voting, may appoint another person to act as temporary clerk until the clerk or the duly appointed deputy arrives.

In the absence of both chair and vice chair, the following commissioners will be delegated to be in charge, in the following order: board member seniority based on years of service and then alphabetical order.

Parliamentarian. The county clerk of the county shall advise the chair 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

Joint Court

Commission on Aging

Committee of the Whole
Building and Grounds

COUNTY COMMISSION LIAISON

Building Authority
Chamber of Commerce
Conservation District
Human Services Department (DHHS, Maples)
Land Bank Authority
Road Commission
Benzie Central Schools
Frankfort Elberta Area Schools
911 Central Dispatch
Transportation

APPOINTMENTS TO AUTHORITIES AND OTHER AGENCIES

Airport Authority
Area Agency on Aging
Benzie Housing Committee (county)
Benzie Senior Resources (formerly Council on Aging & Benzie Home Health Care)
Betsie River Watershed
Betsie River Zoning Board of Appeals
Betsie Valley Trailway Mgt Council
Benzie-Leelanau Public Health
Benzie-Leelanau Public Health Board of Appeals
Centra Wellness -- CMH
Central Dispatch Advisory
Domestic Violence Task Force
EDC/BRA (Benzie)
Human Services Collaborative Body – HSCB
LEPC/LPT
MAC Environmental and Natural Resources
MAC Finance & General Governance
MAC Health and Human Services
MAC Judicial and Public Safety
MAC Transportation
MAC Ag & Tourism
MAC Worker's Comp Fund
Networks Northwest/Council of Government
Northern Michigan Regional Entity
Northern Michigan Counties Association
Natural River ZBA
Northwest Michigan Community Action Agency
Parks & Recreation Commission
Platte River Watershed Committee
Point Betsie Lighthouse
School and Youth Resource
Soil Erosion Board of Appeals
Solid Waste Advisory Committee
Township Association & Local Municipalities

Veterans Affairs

4.5 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.

4.6 Committee Meetings. Committee meetings are subject to the requirement of the Open Meetings Act. Regular meetings shall be posted within 10 days after the first meeting of the committee in each calendar or fiscal year a public notice stating the dates, times, and places of its regular meetings. For a change in schedule of regular meetings of a public body, there shall be posted within three days after the meeting at which the change is made, a public notice stating the new dates, times, and places of its regular meetings. For a rescheduled regular or a special meeting of a public body, a public notice stating the date, time, and place of the meeting shall be posted at least 18 hours before the meeting.

4.7 Committee Voting. The names and votes of members shall be recorded on an action which is taken by a committee of the board.

4.8 Special Committees. Subject to the approval of the board of commissioners, the chair 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 chair of the board.

5. CONDUCT OF BOARD OF COMMISSIONER MEETINGS

5.1 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

First Public Comment (Limit 3 minutes unless extended by the chair or a majority of the board of commissioners)

Finance – Approval of Bills

Elected Officials & Dept Head Comments

Action Items

Commissioner Reports

County Administrator Report

Committee of the Whole

Committee Appointments

Old Business

New Business

Presentation of Correspondence

Second Public Comment (Limit 3 minutes unless extended by the chair or a majority of the board of commissioners)

Adjournment

5.2 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. 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 chair which person shall exercise the right given by this rule to first speak on the pending matter. Before speaking, each member shall address the chair. If two or more members seek recognition to speak at the same time, the chair shall designate the order in which they shall speak. No member, while addressing the Board, shall be interrupted, except to be called to order; and thereupon, shall immediately cease talking and be seated. Every commissioner shall vote on all questions unless excused by the chair. The chair shall vote on all questions unless excused by the board.

Commentary: Matters brought up which are not on the agenda almost always are referred to committee 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 may speak after receiving recognition from the chairman of the board.

7.1 Any person who, with the consent of the chair 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. 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.

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

8.1 Authority. The current version of Robert's Rules of Order shall apply to all questions of parliamentary procedure which are not otherwise provided by these rules or state law.

8.2 Procedure.

- 8.21 Motions, Resolutions, Committee Reports. No motion shall be debated or voted upon unless seconded. It shall then be stated by the chair 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 chair, procedural matters have become confused, the chair 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.
- 8.26 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.
- 8.27 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.

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 counsel.

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 counsel 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 of the Corporate Counsel, or other properly retained legal counsel, 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 counsel 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 Chair or Vice Chair, is authorized to obtain and task for such legal services.

10.1.1 Once the Benzie County Corporate counsel or other legal counsel has been properly retained by the Benzie County Board of Commissioners and provided a detailed explanation of the services sought, the Chair of the Benzie County Board of Commissioners or the County Administrator will communicate with the Benzie County Corporate Counsel or other legal counsel 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 other legal counsel.

10.1.2 Commissioner seeking information or query prior to final disposition or legal opinion will be referred to section 10.3 of the Board Rules.

10.1.3 If the County is in contract with retained counsel this section does not apply.

10.2 The Administrator for the County of Benzie shall maintain a separate file for those communications with the Benzie County Corporate Counsel and other legal counsel 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 Chair 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 Chair 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 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.
11. PUBLIC MEETINGS. Board meetings shall be open to the public as required by the 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

Sections 4.125, 4.4, 5.11, page 12 #11. – 1/2/2019

Sections 1.1, 1.2, 1.5, 4.4, 5.11. All reference to chairman and/or chairperson will be changed to chair. – 1/7/2020

Section 5.11; page 11 #1 per diem rate. – 1/5/2021

Section 1.51: amended 1/03/2023

Section 1.7: amended 1/03/2023

Section 2: amended 1/03/2023

Section 4.4: amended 1/03/2023

Section 10.1.3 added 1/03/2023

Policy on Compensation item 5: amended 1/3/2023

POLICY ON COMPENSATION

1. Effective January 1, 2023, per diem be set at \$40.00 for each meeting four hours or less, meetings lasting longer than four hours is considered two meetings (\$80.00) and after eight hours will be considered 3 meetings (\$120.00) 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 Chair 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 Chair of the Board of Commissioners, at the rate established by the Board of Commissioners.
4. Hotel expenses will be paid while attending special assignments, functions or meetings attended by the direction of the Board of Commissioners or by the chair of the Board of Commissioners that are held outside of Benzie County.
5. Per diem to be paid for bi-weekly Payroll 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 chair and vice-chair, 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 chair 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 or on the behalf of the Board of Commissioners 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. 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 carpool 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 through the Committee of the Whole unless determined by the Chair and/or County Administrator to require immediate action by the board.
12. Every odd year, the Board will consult legal counsel to review its Board Rules and Practices.
13. All policies adopted by the Board are binding on the Board.

2023
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 2nd and 4th Tuesdays of each month unless changed by the Board of Commissioners. Except for April and December there will only be one meeting on the second Tuesday.

All regular meetings will begin at 9:00 a.m. and Committee of the Whole will begin at 1:30 p.m.

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

January	3	9:00 a.m.	Organizational Meeting
	10	9:00 a.m.	
	24	9:00 a.m.	
February	14	9:00 a.m.	
	28	9:00 a.m.	
March	14	9:00 a.m.	
	28	9:00 a.m.	
April	11	9:00 a.m.	Equalization Report MAC Legislative Conference (April 24 th through 26 th)
May	9	9:00 a.m.	
	23	9:00 a.m.	
June	13	9:00 a.m.	Summer Tax Hearing
	27	9:00 a.m.	
July	11	9:00 a.m.	
	25	9:00 a.m.	
August	8	9:00 a.m.	Disburse 2023/2024 Draft Budget & Set Public Hearing for 8/22/2023
	22	9:00 a.m.	Public Hearing for 2023/2024 Budget
September	12	9:00 a.m.	Accept L 4029 – 2023 Millage Report; Adopt 2022-23 Budget, Apportionment Report/Set Elected Officials Salaries
	26	9:00 a.m.	Annual Meeting
October	10	9:00 a.m.	
	24	9:00 a.m.	
November	14	9:00 a.m.	
	28	9:00 a.m.	
December	12	9:00 a.m.	Commission on Aging Annual Meeting

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

January	1	New Year's Day (recognized Monday January 2, 2023)
January	16	Martin Luther King Jr Day (Monday)
February	20*	President's Day (Monday)
May	29	Memorial Day (Monday)
June	19	Juneteenth *****Courts Only*****
July	4	Independence Day (Tuesday)
September	4	Labor Day (Monday)
November	11	Veteran's Day (recognized Friday November 10, 2023)
November	23-24	Thanksgiving Holiday (Thursday/Friday)
December	24-25	Christmas Holiday (recognized Friday December 22/Monday, December 25)
December	31- 1	New Year's Eve (recognized Friday December 29, 2023/Monday, January 1, 2024)