



**MONROE COUNTY, MICHIGAN  
BOARD OF COMMISSIONERS**

**BYLAWS & RULES OF PROCEDURE  
AMENDED AND REVISED  
MARCH 16, 2021**



County of Monroe, Michigan  
Mission Statement

The mission of the Monroe County Board of Commissioners is to perform their legally constituted responsibilities which are to protect the health, safety and welfare of the residents of our community and our employees. The Board will demonstrate Fiscal Responsibility, maintain credibility and build public trust; assume leadership in the development and improvement of county services and programs. The Board will provide for the delivery of services through cooperative interaction with all other units of Government and community agencies.

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## **ARTICLE I BOARD ORGANIZATION**

### **1.1 Board Membership:**

The Board of Commissioners shall consist of nine (9) members elected from single districts apportioned on the basis of population as provided by law.

### **1.2 Term of Commissioners:**

The term of each Commissioner shall be concurrent with that of state representatives as specified in Article IV, Section 3 of the State Constitution, which is for two (2) years, beginning on January 1 of every odd-numbered year.

### **1.3 Vacancies in Office:**

When a vacancy occurs in the Office of County Commissioner, by either death, resignation or removal from the district or removal from Office, the vacancy shall be filled by appointment within thirty (30) days by the County Board of Commissioners of a resident and registered voter of that district. (See MCL 46.412.) A person who has been convicted of a violation of Section 12a(1) of 1941 PA 370, MCL 38.412a, or who is ineligible for election or appointment pursuant to Article XI, Section 8, Constitution of the State of Michigan of 1963, shall not be eligible for appointment to the Office of County Commissioner for a period of twenty (20) years after the person was convicted of a felony violation of the above-stated MCL 38.412a or who was convicted of a felony involving dishonesty, deceit, fraud, or a breach of the public trust and conviction was related to the person's official capacity while the person was holding any elective office or position of employment in local, state, or federal government. The person appointed to fill a vacancy which occurred in an odd numbered year, shall serve until the vacancy is filled in a special election. The County Board of Commissioners shall call that special election. The person appointed to fill a vacancy which occurs in a year which is an election year for the office of County Commissioner, shall serve for the remainder of the unexpired term.

If the County Board of Commissioners does not fill the vacancy by appointment within thirty (30) days, that vacancy shall be filled by special election regardless of whether the year is an election or an odd year. (See MCL 46.413.) The person appointed or elected as a County Commissioner shall be a resident and registered voter of the district which has a vacancy.

### **1.4 Reapportionment:**

The Board shall be reapportioned, in the manner provided by law, within sixty (60) days after the publication of the latest United States Official Census figures.

### **1.5 Compensation:**

Compensation for the County Board of Commissioners and nonjudicial elected County officers, including elected members of the Monroe County Board of Commissioners, shall be determined by the County Board of Commissioners before November 1 of every even numbered year to become effective on January 1<sup>st</sup> of the next odd numbered year. (See MCL 45.411 and MCL 45.421.) If not so determined, the previous compensation shall stay in place until changed by the County Board of Commissioners. Any change during a pending term of a member of the County Board of Commissioners or a nonjudicial elected County officer cannot be a reduction in compensation.

Compensation for the members of the Monroe County Board of Road Commissioners, and for any other appointed County officers, shall be established by the County Board of Commissioners to become effective on January 1<sup>st</sup> of the next odd numbered year, or at any other time as the County Board of Commissioners determines appropriate. If not so established, the previous compensation shall stay in place until changed by the County Board of Commissioners. Any change during a pending term of an appointed County officer cannot be a reduction in compensation.

### **1.6 Reimbursable Expenses:**

County Commissioners shall not receive any per diem or payment, or mileage reimbursement for attending any meeting of the County Board of Commissioners, whether regular or special, or for attending any meetings of the standing Committees, or any special Committees and Subcommittees of the County Board of Commissioners. County Commissioners who are appointed to and are members of outside Boards, Commissions, Agencies, and Authorities, may receive per diem or other payment, if authorized, and may receive mileage reimbursement. Any other per diems and fees, and mileage reimbursement, and reimbursement of actual expenses, for County Commissioners in conjunction with required meetings and conferences shall all be as provided in County Policy No. 307, entitled "Employee Expense Reimbursement", and as amended from time to time.

### **1.7 Officers, Agents & Employees:**

The Board shall elect at its first meeting of each year a Chairperson and Vice-Chairperson and may appoint at such other times such other representatives, agents and employees. The Chairperson and Vice-Chairperson of the County Board of Commissioners shall be elected in accordance with Section 3 of Act 1851 PA 156, as amended, MCL 46.3, for one-year terms. (See Appendix B.) Any vacancy occurring during a term of office for an elected Chairperson or Vice-Chairperson, shall be filled by the County Board of Commissioners by a new election in a similar manner as for a normal election at the beginning of the year, and the newly elected Chairperson or Vice-Chairperson shall serve out the

remainder of the term. Appointments made by the previous Chairperson in accordance with Section 2.1, Paragraph 2, of ARTICLE II of these Bylaws, shall remain in place for the remainder of the term.

**1.8 Powers & Duties:**

The Board shall have such powers and duties as shall from time to time or at any time be provided by law (For some of the powers and duties. (See Appendix A and Appendix B).

**1.9 Indemnification:**

The indemnification and defense of County Commissioners shall be as stated in a County Policy as may be adopted by the County Board of Commissioners from time to time and then as may be modified from time to time. Indemnification is not absolute and may be withheld by a third party insurer, in accordance with applicable coverage for insurance and claims based on the claim made and/or if it is determined that a County Commissioner acted outside the scope of his/her official duties.

**ARTICLE II  
OFFICERS & EMPLOYEES**

**2.1 Chairperson:**

The term of the Chairperson shall be for one year, ending December 31 of the year for which the Chairperson was elected. The duties and powers shall include the following:

1. Shall prepare the Agenda for County Board meetings in accordance with County Policy No. 201, as adopted by the Board of Commissioners and, as may have been or may ever be amended or revised (See Appendix C), and further, may assist in the preparation of the Agendas for other Committee and Subcommittee meetings, and shall preside at all meetings of the County Board.

2. Except for the Chairperson of the Operations Committee who shall be the Vice-Chairperson of the Board of Commissioners, the Board Chairperson shall appoint County Commissioners to all standing Committees, special Committees and Subcommittees of the County Board of Commissioners, and shall further name and appoint the Chairperson of each standing committee, special committee and subcommittee. The Chairperson shall also appoint certain members of the County Board of Commissioners, and any alternates even if not a County Commissioner, to various Boards, Commissions, Agencies and Authorities, not including the standing Committees, special Committees and Subcommittees of the County Board of Commissioners itself. (See paragraph 1 of Section 2.6 of this Article II of these Bylaws.) All appointments shall be by

the Chairperson alone, and no ratification by the County Board of Commissioners shall be required. All appointments of County Commissioners by the Chairperson shall be for one year, ending December 31 of the year for which the appointments were made, unless otherwise required by law.

3. May refer any communication to a standing Committee, special Committee or Subcommittee of the County Board of Commissioners, and may further refer any communication to the County Administrator/Chief Financial Officer or County Legal Advisor.

4. Shall appoint, with the confirmation of the Board, representatives for attendance at state and district conferences or service on state or district Committees.

5. May attend any meeting of any standing Committee, special Committee or Subcommittee and shall be allowed to participate in the discussions and deliberations of said standing Committee, special Committee or Subcommittee, but shall not be considered a voting member of said standing Committee, special Committee or Subcommittee unless a member of any aforementioned type of committee of which the Chairperson may appoint himself/herself to.

6. Shall affix the signature to all contracts, bonds and other documents requiring the signature of the Chairperson.

7. Shall be the ceremonial representative and spokesperson of the Board of Commissioners and shall perform such other duties as specified by law, the Board, or by custom.

8. Shall refer matters to a standing committee, special committee or subcommittee of the Board of Commissioners as deemed necessary and appropriate by the Chairperson. No vote of the Board of Commissioners shall be necessary before the Chairperson refers an item to a standing committee, special committee or subcommittee of the Board of Commissioners, but at any time, and notwithstanding what the Chairperson of the Board of Commissioners determines, the Board of Commissioners may refer matters to standing Committees, special Committees and/or Subcommittees of the Board of Commissioners by vote of a majority of the members present at any meeting where a quorum is present.

When the Chairperson determines a matter to be important for the Board of Commissioners to act directly without benefit of a standing committee, special committee or subcommittee recommendation, because of time constraints or the importance of the matter, the Chairperson may direct a matter directly to the Board of Commissioners for action. The Chairperson may take this action even

though it normally would have been referred to a standing committee, special committee or subcommittee of the Board of Commissioners and the Chairperson may also take a matter previously referred to a standing committee, special committee or Subcommittee of the Board of Commissioners from that standing committee, special committee or subcommittee before the standing committee, special committee or subcommittee has made its recommendation and direct it to the Board of Commissioners for consideration and action.

**2.2 Vice-Chairperson:**

The term of the Vice-Chairperson shall be for one year, ending on December 31 of the year for which the Vice-Chairperson was elected. The duties and powers shall include the following:

1. Shall prepare the Agenda for Operations Committee meetings in accordance with County Policy No. 201 as adopted by the Board of Commissioners , and as may be amended (See Appendix C), and further, may assist in the preparation of the Agenda for County Board meetings, and shall preside at all meetings of the Operations Committee.
2. Shall preside in the absence of the Chairperson.
3. Shall affix the signature to contracts, bonds or other documents requiring the signature of the Chairperson when the Chairperson is unable to do so because of illness or any other emergency, which, in the opinion of the Board, prevents the Chairperson from performing such functions of that office.
4. Shall perform such other duties as may be from time to time assigned by the Chairperson or by the Board.
5. Shall be Chairperson of the Operations Committee by virtue of position as Vice-Chairperson.

**2.3 Clerk:**

The County Clerk, or in the absence of the County Clerk, the Chief Deputy, shall be the Clerk of the Board and shall perform such duties as required by law or as from time to time assigned by the Board. The Clerk may also appoint, with the consent of the Board, a Deputy Clerk to perform those duties as required by law or assigned by the Board. This Deputy Clerk shall also serve, with the consent of the Board as the Administrative Assistant for the Board. This Deputy Clerk/Administrative Assistant shall be responsible for the following duties and shall serve under the direction of the Board of Commissioners and the County Clerk:

1. The performance of secretarial services for the Chairperson and Board Members.
2. The recording of the minutes of the Board and Committee Meetings.
3. The filing and preservation of the records of the Board and its Committees and Subcommittees.
4. The performance of such other duties as may be from time to time assigned by the Chairperson or by the Board.
5. Serve as Administrative Assistant to the Administrator/CFO and Recording Secretary to various Boards and Commissions.
6. Shall be the designated person to provide notice of Public Meetings in compliance with the Open Meetings Act.

**2.4 Appointment of Administrator/Chief Financial Officer; Position of County Purchasing Agent Included; Power to Retain and Supervise other Representatives, Agents and Employees**

The Board of Commissioners shall employ an Administrator/Chief Financial Officer for the County of Monroe pursuant to MCL 46.11(o). The position of Administrator/Chief Financial Officer shall include, among other duties, the duties of County Purchasing Agent under MCL 46.13a. The Administrator/Chief Financial Officer may, as the Board of Commissioners may directly or through its policies allow, retain and supervise such other representatives, agents and employees as may be deemed necessary by the Board to carry out any of its powers. (See Appendix D.) The Administrator/Chief Financial Officer shall have the authority and possess all the duties and responsibilities, as authorized in the Resolution Establishing the Office of County Administrator/Chief Financial Officer Position, adopted by the Board of Commissioners on January 14, 1997, as may have been or may ever be amended or revised and as recited in Appendix D attached hereto, or as the Board may otherwise provide from time to time. Nothing herein, or in the Resolution Establishing the Office of County Administrator/Chief Financial Officer Position (Appendix D) shall be construed to prohibit or interfere in any way with the authority of the Board of Commissioners to directly allow and appoint such other representatives, agents and employees as may be deemed necessary by the Board to carry out any of its powers and assist the Administrator/Chief Financial Officer, or to remove a representative, agent or employee allowed and retained by the Administrator/Chief Financial Officer.

## **2.5 Legal Advisor:**

The Board of Commissioners shall appoint an attorney or law firm to act as the general Legal Advisor for the Board of Commissioners to serve as its general legal counsel, and may appoint other attorneys or law firms from time to time as the Board deems necessary, to represent the County and the Board of Commissioners, and their officials, employees and appointees.

## **2.6 Appointments to Boards & Commissions:**

1. Except as otherwise stated below or elsewhere in these Bylaws, the County Board of Commissioners shall generally make all appointments to various Boards, Commissions, Agencies and Authorities, after nomination by the Chairperson of the County Board of Commissioners. Suggestions for appointments by the Board of Commissioners may be submitted to the County Board Chairperson by any other County Commissioner, and by the Board, Commission, Agency or Authority which needs the appointment.

The Deputy Clerk/Administrative Assistant for the County Board or the County Board Chairperson may bring to the attention of the chairperson or vice chairperson of the particular Board, Commission, Agency or Authority, and the other County Commissioners, of any vacancy or expiring term that has or will occur on that Board, Commission, Agency or Authority, of the need for an appointment, and that a recommendation or suggestion to the County Board Chairperson may be made. When appointments are made, or notification of the need for appointment is given to the Board, Commission, Agency or Authority, or to the County Commissioners, the criteria for appointment and the term involved, shall be considered. The Deputy Clerk/Administrative Assistant, or the County Board Chairperson, may also send notification to the appointee whose term is expiring to ascertain whether that current appointee wishes to be reappointed or not. Regardless of any suggestion or recommendation from the Board, Commission, Agency or Authority, or from the other County Commissioners, and regardless of whether the current appointee notifies the County Board Chairperson of his or her willingness or desire to be reappointed, the County Board Chairperson may nominate any qualified person that the County Board Chairperson wants, and the County Board of Commissioners may appoint any qualified person that it chooses.

Notwithstanding what is stated above, for an appointment to the County Board of Road Commissioners, if the County Board of Commissioners so determines, it may make the nomination(s) instead of the County Board Chairperson. Further, the County Board Chairperson may seek the nomination of the County Board in place of his or her nomination for any other appointment.

2. Appointments shall not necessarily be confined to incumbents only, in the case of an expiring term. All appointments made by the County Board of

Commissioners shall be made by the Board of Commissioners by a majority vote of the members of the Board of Commissioners elected and serving, unless otherwise provided by law.

3. Appointees to the various Boards, Commissions, Agencies and Authorities shall hold such position as long as that person meets the criteria for the appointment, and for the term of the appointment, and, pursuant to paragraph 8 of Section 2.6 of Article II, until a new appointment or reappointment is made, unless contrary to law. A County Commissioner who is appointed to any position on a Board, Commission, Agency or Authority, and any alternates even if not a County Commissioner shall hold such position for the term appointed, and pursuant to paragraph 8 of Section 2.6 of Article II, until an appointment or reappointment is made, unless contrary to law, but in all events, shall hold such position not longer than the duration of that County Commissioner's elected term. A vacancy of the appointment shall occur by death, resignation, or the ending of the term, or in certain cases, pursuant to paragraph 8 of Section 2.6 of Article II, until a new appointment or reappointment is made, and also in the case of a County Commissioner appointee, and any alternates even if not a County Commissioner at the end of the term of the County Commissioner for any reason.

4. No appointee shall be appointed, except for County Commissioners, to serve on more than two Boards, Commissions, Agencies or Authorities, except this restriction shall not apply to the Monroe County Municipal Building Authority and the County of Monroe Hospital Finance Authority and shall not apply to appointments made by an individual County Commissioner, in accordance with law or these Bylaws, or any other policy, rule or regulation, such as provided for in paragraph 6 of Section 2.6 of Article II. An appointee, other than a County Commissioner, and any alternates even if not a County Commissioner, who desires to serve on a different Board, Commission, Agency or Authority, may submit a letter of resignation from an existing Board, Commission, Agency or Authority, upon which the appointee is serving, subject to appointment to a new Board, Commission, Agency or Authority for which a new appointment is sought, in order to qualify for appointment to a new Board, Commission, Agency or Authority.

5. All appointments to Boards, Commissions, Agencies or Authorities, shall include only residents of the County of Monroe, or persons who are employed and work in Monroe County, and shall not include any person who has been convicted of a felony violation of Section 12a (1) of Public Act 370 of the Michigan Public Acts of 1941, MCL 38.412a, or who is ineligible for election or appointment pursuant to Article XI, Section 8, of the Constitution of the State of Michigan of 1963.

6. In certain situations and circumstances, for certain Boards, Commissions, Agencies or Authorities, as provided for by law, or these Bylaws, or by other bylaws, or by other rules or regulations, an appointment to a Board, Commission, Agency or Authority may be made by an individual County Commissioner on his or her own, without approval of the Chairperson of the Board of Commissioners and without a vote of the Board of Commissioners. This includes but is not limited to the appointment of a member of the Commission on Aging or the Historical Commission, which includes one appointee for each County Commissioner District. For every appointment by an individual County Commissioner, the appointment shall be reduced to writing which shall indicate the name, address and telephone number, and e-mail address if available, of the appointee, and such writing shall be submitted to the County Board Chairperson, the County Administrator, and the particular Board, Commission, Agency or Authority to whom the appointment is made.

7. For appointments to the various Boards, Commissions, Agencies or Authorities, the County Board Chairperson may direct the Deputy Clerk/Administrative Assistant to make advertisement, and to set up interviews with the County Board of Commissioners. Neither advertisement nor interviews shall be required, but the County Board Chairperson and County Board of Commissioners may avail themselves of advertising and/or interviewing for filling vacancies or new terms for appointees. The County Board Chairperson and the County Board of Commissioners may advertise and/or interview in any manner deemed reasonable by the County Board Chairperson or the County Board of Commissioners.

8. Unless otherwise provided by law, if an appointee's term ends and a reappointment or new appointment is not made, that appointee's appointment shall automatically extend into the new term until a reappointment or new appointment is made. This shall also apply to appointees who are County Commissioners, and any alternates even if not a County Commissioner, except that in any and all cases, the appointment of a County Commissioner and any alternates even if not a County Commissioner, shall terminate when the Commissioner's elected term as a County Commissioner ends for any reason.

9. Unless otherwise provided by law or other bylaw or rule, Policy 202, Preparation and Distribution of Agendas for County Boards and Commissions shall apply to the meetings for the Boards, Commissions, Agencies, and Authorities for which the County Board of Commissioners makes one or more appointments. The agendas for said meeting shall be prepared by the Chairperson of the particular Board, Commission, Agency or Authority, and faxed, mailed, e-mailed or delivered to all members of the Board, Commission, Agency or Authority. After an agenda is posted, the agenda may only have additions if at least one-half of the members of the Board, Commission, Agency

or Authority agree to the addition before the meeting or vote for the addition at the meeting. The Chairperson of the Board Commission, Agency or Authority may delete items from the agenda at any time. If any member of a Board, Commission, Agency or Authority has more than three unexcused absences from a regular meeting in any one year's time, the member may be removed. If appointed by the County Board of Commissioners, the Board may vote to remove the member. If appointed by a single County Commissioner, the appointing County Commissioner shall have twenty days after being notified of the three (3) unexcused absences to remove the member. If the appointing County Commissioner does not remove the member, the County Board of Commissioners acting collectively may remove the member, for members who were appointed by other than the County Board of Commissioners or an individual County Commissioner, the appointing entity or individual, or if none, the Board, Commission, Agency or Authority, may remove the member.

### **ARTICLE III BOARD OF COMMISSIONER MEETINGS**

#### **3.1 Regular Meetings:**

Except as otherwise required by law or these Bylaws, the Regular Meetings of the Board shall be held as follows:

1. The County Board of Commissioners shall meet regularly on the first and third Tuesday of each month at a time set by the Chairperson. The first Tuesday of January of each year that is not a designated County holiday, shall be set aside for the Organizational Meeting (see Section 3.4 below). At the option and call of the County Board Chairperson, the Board may meet on the second, fourth and/or fifth (if there is a fifth) Tuesday of any particular month at a time set by the Chairperson. The optional Tuesday County Board meetings to be held on the second, fourth and/or fifth Tuesday of any particular month, shall not be considered Special Meetings, but shall be considered optional Regular Meetings, at the call of the Chairperson. No Agenda Meeting shall be required for the optional Regular Meetings that are held on the second, fourth and/or fifth Tuesday of any particular month, but an Agenda Meeting may be called by the Chairperson at his or her option.

At the option and call of the Chairperson, for reasons having to do with holidays, non-availability of County Commissioners, lack of agenda items, or for any other reason, a Regular Meeting of the County Board of Commissioners may be cancelled and/or rescheduled to a different date and time, subject to proper notice being given to the County Commissioners, subject to compliance with the Open Meetings Act. The time and/or day of any regular or rescheduled regular meeting may be changed by the Chairperson for good reason, upon

lawful notice being given under the law, and notification being provide to the County Commissioners (See Appendix E).

Notwithstanding what is stated above, any Agenda Meeting may be cancelled by the County Board Chairperson.

For any meeting called on the second, fourth and/or fifth Tuesday of any particular month, or for any rescheduled meeting, the Deputy Clerk/Administrative Assistant, or Clerk, shall give notice to each of the County Commissioners of the meeting no later than eighteen (18) hours before the time of the meeting. The Deputy Clerk/Administrative Assistant, or Clerk, shall also take the necessary steps to provide statutory notice under the Open Meetings Act (See Appendix E).

2. All regular meetings of the County Board shall be held in the Board of Commissioners Chambers, 125 East Second Street, Monroe, Michigan, unless otherwise notified per the requirements of the Open Meetings Act (See Appendix E).

The County Board may, in its discretion, and from time to time, meet at other public locations within the County of Monroe, provided proper public notice is given, and compliance with the Open Meetings Act (See Appendix E), is followed.

3. All meetings of the Board of Commissioners shall be held in accordance with the Open Meetings Act (See Appendix E).

### **3.2 Committee Meetings:**

All standing Committees, and special Committees and Subcommittees of the County Board, shall meet as a committee as provided in Article V (entitled "Committees of the Board"), as necessary, at the call of the Chairperson of the standing Committee, or special Committee or Subcommittee, or at the call of the Chairperson of the County Board. The Chairperson of the Board shall approve all matters scheduled for business on Committee agendas and/or determine if the matter shall be on the agenda of the Full Board. The Order of Business for standing Committees, and special Committees and Subcommittees of the County Board shall follow as closely as possible the Order of Business established in Section 3.5 of these Bylaws for regular meetings of the County Board of Commissioners. The agendas for said meetings shall be prepared by the Chairperson of the standing Committee, or special Committee, or Subcommittee, with the assistance of the County Administrator and/or Deputy Clerk/Administrative Assistant, or the Chairperson of the County Board of Commissioners, and faxed, mailed, e-mailed or delivered to all members of the standing Committee, or special Committee or Subcommittee no later than 5:30

p.m. on the fifth day preceding the meeting. After the agenda is posted, , the agenda may only have additions if at least one-half of the members of the standing Committee, or special Committee or Subcommittee agree to the addition before the meeting, or vote for the addition at the meeting. The Chairperson of the standing Committee, or special Committee or Subcommittee, or the Chairperson of the County Board of Commissioners, may delete items from the agenda at any time.

Committee recommendations shall be in accordance with Appendix F (Flow Chart).

**3.3 Special Meetings:**

A. Special Meetings of the County Board shall be held only:

1. In accordance with 1851 PA 156, MCL 46.10, or any successor or other state statute, when requested by at least one-third (1/3) of the elected and serving County Commissioners. The request shall be in writing, shall be addressed to the County Clerk through the Deputy Clerk/Administrative Assistant, and shall specify the time, date, place, and purpose of the meeting. Notice of the Special Meeting shall be provided to every County Commissioner in the manner required by these Bylaws or any other rules of the County Board of Commissioners, which shall be, in addition to all other notice requirements, by delivery of the notice of the meeting and the request for the meeting to the all of the County Commissioners personally, or by leaving said items at the residence of every County Commissioner, or by mailing a copy of said items to every County Commissioner's post office address by certified mail with return receipt requested, or by e-mailing said items to every County Commissioner. The notice shall be provided not later than five (5) calendar days before the time of the meeting. Public notice of the time, date, and place of the meeting, and other information as required by the Open Meetings Act, shall be given in the manner required by the Open Meetings Act. (See Appendix E.) The County Board Chairperson may schedule the Special Meeting at a time different than stated in the request for the meeting, but not later than the later of six (6) calendar days after receipt of the request for the meeting and three (3) calendar days after the requested date and time.

2. An emergency meeting of the County Board of Commissioners may be scheduled by the County Board Chairperson in the event of a severe and imminent threat to the health, safety, and welfare of the public, but only when two-thirds (2/3) of the County Commissioners serving on the Board of County Commissioners determine that a delay would be detrimental to the efforts to lessen or respond to that severe and imminent threat. The meeting shall be deemed a meeting in emergency session and shall not require public notice pursuant to the Open Meetings Act. (See Appendix E.)

### **3.4 Organizational Meeting:**

For its Organizational Meeting, the Board of Commissioners shall meet each year at 6:00 p.m., or at any other time, on the first Tuesday of January that is not a designated County holiday, or at another reasonable day and time fixed by the County Administrator, Deputy Clerk/Administrative Assistant, or County Clerk if the County Clerk chooses to act. Organizational Meetings shall be held in the Board Chambers, unless otherwise notified per the requirements of the Open Meetings Act, and shall be held in accordance with the Open Meetings Act. (See Agenda for Organizational Meetings in Section 3.5 below, and the election procedures in Section 4.22, paragraph 3.) The purpose of the Organizational Meeting shall be to elect a Chairperson and Vice-Chairperson, administer oaths if necessary and conduct any business before the Board. The Deputy Clerk/Administrative Assistant or the County Clerk if the County Clerk chooses to act, shall act as the moderator of the Organizational Meeting until such time as the Chairperson of the Board is elected, after which time, the Chairperson shall preside at said meeting. No Agenda Meeting shall be required for an Organizational Meeting. The County Administrator or in his absence the Deputy Clerk/Administrative Assistant shall be responsible for preparing the agenda for the organizational meeting.

### **3.5 Order of Business for Meetings:**

The order of business shall be as follows:

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Opening Prayer
5. Approval of Agenda
6. Approval of Minutes
7. Public Comment\*
8. Resolutions, Special Tributes & Presentations
9. Finance Matters
10. Consent Agenda
11. Communications
12. Public Hearings
13. Old Business
14. New Business
15. Public Comment\*
16. Announcements/Information
17. Members Time
18. Adjournment

\* See ARTICLE IV, Section 4.23 regarding citizen participation.)

The order of business for Organizational Meetings shall be as follows:

1. Call to Order (By the County Clerk or Deputy Clerk/Administrative Assistant)
2. Roll Call
3. Pledge of Allegiance
4. Opening Prayer
5. Election of Chairperson and Vice-Chairperson
  - A. Election of Chairperson (The Chairperson shall preside after being elected.)
  - B. Election of Vice-Chairperson
6. Approval of Agenda
7. Approval of Minutes (if necessary)
8. New Business
  - A. Payment of Claims and Non-Claims (if Necessary)
  - B. Establish Date to Submit Proposed Changes to the Bylaws
  - C. Other Business Properly Placed on Agenda
9. Public Comment
10. Announcements/Information
11. Members Time
12. Adjournment

The order of business for Special Meetings or Emergency Meetings shall be as follows:

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Opening Prayer
5. Approval of Agenda
6. Approval of Minutes (if Necessary)
7. Special or Emergency Business
8. Public Comment
9. Announcements/Information
10. Members Time
11. Adjournment

### **3.6 Quorum:**

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

### **3.7 Public Meetings: (See Appendix E)**

**3.8 Report of Proceedings:**

The Board shall cause to be made after each Regular Meeting and/or Special Meeting a written report of the proceedings of the Board at said meeting (meeting minutes), and shall make the proposed meeting minutes available for public inspection and copying without charge within eight (8) business days after the meeting to which the minutes refer, and shall make the approved meeting minutes available for public inspection within five (5) business days after the meeting at which the minutes are approved.\* Upon request, the County Clerk shall mail copies of the meeting minutes without charge. Once annually, when the Board advertises its regular meeting schedule for the year, said advertisement shall include a statement that the Board’s written meeting minutes will be available in conformance with the above stated time parameters from the office of the County Clerk.

\*MCL 15.269(3) - Section 9(3) Open Meetings Act.

**3.9 Board Orders, Record:**

Every order, resolution and determination of the Board shall be recorded in the records of the Board and signed by the Chairperson and County Clerk.

**ARTICLE IV  
RULES OF GENERAL  
CONDUCT & PROCEDURE**

**A. CONDUCT**

**4.1 General Conduct:**

A member shall not use profane, intemperate or discourteous language or conduct. If a member arrives late at a meeting, the time of arrival shall be noted by the Clerk or Deputy Clerk/Administrative Assistant. If a member leaves a meeting before adjournment, the time of departure shall be noted by the Clerk or Deputy Clerk/Administrative Assistant.

**4.2 Conflict of Interest:**

No member shall directly or indirectly be a party to any contract between himself and the County of Monroe or recommend or encourage any contract between the County of Monroe and a relative or the employment of a relative. The provision herein shall be in addition to Policy 204 Conflicts of Interest and any conflict of interest provision now or hereafter established by law.

**4.3 False Statements:**

No member shall make any false statements for the purpose of receiving compensation or reimbursement for expenditures or influencing pending action by the board.

**4.4 Violation of the Rules of Conduct:**

No penalty shall be assessed against any member for the violation of the rules of conduct except on the filing of written charges and a hearing before the entire Board. No member shall be found guilty except on a two-thirds (2/3) vote of the entire Board and the punishment may include censure or such other penalty as may be permitted by law.

**B. GENERAL PROCEDURE**

**4.21 Agenda:**

1. All Regular Board of Commissioners agendas shall be prepared in accordance with County Policy No. 201 as adopted by the Board of Commissioners , or as may be amended (See Appendix C.)

2. If an item has been submitted for review and recommendation by a standing Committee, or special Committee or Subcommittee of the County Board, and action has been taken by that standing Committee, or special Committee or Subcommittee, that item shall be placed on the agenda of a meeting of the County Board of Commissioners, for either the next Regular Meeting or for the next Regular Meeting after that, scheduled for the County Board of Commissioners. If an item has been submitted for review and recommendation by a standing Committee, or special Committee or Subcommittee, and no action has been taken by that Committee or Subcommittee within forty-five (45) days after its submission, the Chairperson for the County Board of Commissioners shall place that item on the Agenda for the next regular County Board of Commissioners meeting for either the next Regular Meeting or for the next Regular Meeting after that, scheduled for the County Board of Commissioners. In such case, the County Board of Commissioners may take action without having a review and recommendation by the standing Committee, or special Committee or Subcommittee.

3. There is hereby established a Consent Agenda, whereby non-claims and committee reports are placed. Any member of the Board may request any consent agenda item to be removed for discussion and brought before the Board for separate action and vote. Otherwise, all consent agenda items after voted on by motion and roll call, shall be considered adopted as if read and acted upon individually.

#### **4.22 Voting:**

The voting procedure shall be as follows:

1. No votes shall be taken by secret ballot.
2. Except as otherwise provided by statute or rule, all questions shall be determined by the vote of the majority of the members of the County Board present, except upon final passage or adoption of any measure or resolution, or the allowance of any claim against the County, in which case the majority of all members of the County Board elected and serving shall be necessary. (Section 3 of Act 156 of P.A. 1851, as amended, (MCL 46.3) See Appendix B.) County Board members who abstain on a vote shall be counted as a present member, for purposes of determining a quorum and for purposes of determining whether a necessary affirmative vote on a motion passes or fails. In other words, an abstaining member shall be counted as a vote not in favor of a motion or other action taken by the County Board.
3. Notwithstanding what is stated above, for electing a County Board Chairperson and Vice-Chairperson at the Organizational Meeting, or at any other meeting of the County Board of Commissioners in the event there is a vacancy in the office of Chairperson or Vice-Chairperson, the following shall be the procedure, unless the County Board by a majority vote of the quorum present determines to follow a different procedure:
  - a. The County Clerk or Deputy Clerk/Administrative Assistant will call for nominations to be made by any County Commissioner.
  - b. The County Clerk or Deputy Clerk/Administrative Assistant will close the nominations after all of the County Commissioners have had an opportunity to present their nominations.
  - c. If only one County Commissioner is nominated for Chairperson or Vice-Chairperson, the County Clerk or Deputy Clerk/Administrative Assistant will call for a motion to declare that person to be elected, and if a majority of the County Board members elected and serving are in favor of the motion, that one person nominated shall become the Chairperson or Vice-Chairperson.
  - d. If more than one Commissioner is nominated for Chairperson or Vice-Chairperson, the County Clerk or Deputy Clerk/Administrative Assistant will call the roll of all of the County Commissioners, in any order that the County Clerk or Deputy Clerk/Administrative Assistant determines, where each County Commissioner shall, by a public voice vote, declare his or her preference for the Chairperson or Vice-Chairperson, and if one of the nominees receives five (5) affirmative roll call votes, that person shall immediately be declared the Chairperson or Vice-Chairperson by the County Clerk or Deputy Clerk/Administrative Assistant, and no further motion or vote shall be necessary.

e. If there are three or more nominees and the first roll call vote does not produce one nominee getting at least five (5) affirmative roll call votes, the County Clerk or Deputy Clerk/Administrative Assistant will call for a second roll call vote for the top two vote getters only, and the one of those two who receives five (5) affirmative roll call votes shall immediately be declared the Chairperson or Vice-Chairperson by the County Clerk or Deputy Clerk/Administrative Assistant. If, because of tied votes, there are more than two nominees who are the top two vote getters, then all of said nominees who were the top two vote getters shall continue to be nominees, and all of those nominees that do not qualify as being the top two vote getters shall be eliminated. Roll call votes shall be continued until one nominee receives at least five (5) affirmative roll call votes.

f. At the option of the elected Chairperson, after the election of the Chairperson, the Chairperson may take over duties as the moderator of the Organizational Meeting, and handle all further items on the Agenda, including the election of the Vice-Chairperson.

4. A motion for reconsideration can only be made by a member of the County Board who voted with the prevailing side of the motion being reconsidered, and can only be made at the meeting at which the motion being reconsidered was made, and requires passage by a simple majority of the quorum of the County Board present at the meeting.

5. A two-thirds (2/3) vote of the members of the County Board of Commissioners elected and serving shall be required:

a. To suspend the rules of order of business at any meeting, or to add any matter to or to delete any matter from an agenda, or to approve an agenda with any matter added to or deleted from an agenda, which is different from the previously prepared and distributed agenda of any regular, rescheduled regular or adjourned regular meeting, or to take up any matter, whether action is to be taken or not by the County Board of Commissioners, on matters that are not on the agenda at any meeting. Notwithstanding the above, if the Chairperson of the County Board of Commissioners deletes any agenda item from the previously prepared and distributed agenda of any regular, rescheduled regular or adjourned regular meeting, and no County Commissioner objects, that action may be taken without the two-thirds (2/3) vote of the members of the County Board of Commissioners elected and serving. Also notwithstanding the above, at any time the Chairperson of the County Board of Commissioners may move any agenda item to another location on the agenda without any vote of the members of the County Board of Commissioners electing and serving.

6. A roll call vote shall be taken on the adoption of any ordinance, the adoption or amendment of the budget or the appropriation or disbursement of

funds in excess of one-thousand dollars (\$1,000), during an electronic or virtually conducted meeting, or at the request of any member. The call of the roll shall not be interrupted. A member at the completion of the call may give a brief statement for the record without argument or repetition, of reasons for voting “Aye”, “Nay” or for “Abstaining”. Any member may request, through the Chairperson, that the member attempting to abstain state a reason/explanation for the abstention.

7. Board and Committee meetings may be adjourned by simple declaration by the Chairperson at the conclusion of all business before the Board or Committee being concluded.

8. Minutes of Meetings by the County Board may be approved without reading them in public at the meeting where the Minutes are to be approved.

**4.23 Citizen Participation:**

Citizen participation shall be permitted at those times reserved for public comment in ARTICLE III, Section 3.5 of these Bylaws & Rules of Procedure (Order of Business for Regular Meeting). Media presentations during regular Board meetings, special Board meetings, and/or committee meetings of any kind or nature whatsoever are prohibited during public comment time. In lieu of media presentations, citizens may deliver written material to the Board of Commissioners during public comment by providing twelve (12) sets of such written material to the Deputy Clerk.

At the direction of the County Board Chairperson, or at the invitation of a County Commissioner, but if at the invitation of a County Commissioner, then only through and with the approval of the County Board Chairperson and under conditions imposed by the County Board Chairperson, a citizen may speak on any Agenda item prior to the County Board of Commissioners taking a vote thereon.

**4.24 General Conduct:**

No member or other person shall speak until duly recognized by the Chairperson and shall immediately cease speaking if ruled out of order.

**4.25 Codification:**

All approved official actions, regulations, policies and ordinances shall be codified by the County Clerk in such forms as may be required for their proper use.

**4.26 Rules of Order:**

Robert’s Rules of Order, Latest Edition of the Scott, Foresman and Company shall govern the Board and its Committees on all of their deliberations except as modified by statute or rule.

**ARTICLE V  
COMMITTEES OF THE BOARD**

**A. ORGANIZATION**

**5.1 Purpose & Functions:**

It is the purpose of each Committee to develop for the Board information, alternatives and recommendations as well as to carry on a continuing evaluation of the performance of activities within the Committee’s area of responsibility.

**5.2 Standing Committees:**

- 1. Operations Committee:

Membership:

The Operations Committee shall consist of the Vice-Chairman of the County Board of Commissioners, who shall be the Chairman of the Operations Committee, and four (4) other County Commissioners appointed by the Chairperson of the County Board of Commissioners.

Areas of Responsibility:

A. The Operations Committee’s responsibilities shall include all Personnel Services and Human Resources matters, which shall include, but not be limited to the following:

- a. Human Resources - Position upgrades, new position requests, organizational changes/restructurings job study evaluations for all offices and departments of the County and Courts.
- b. Any other matter referred to the Committee by the Chairperson of the Board of Commissioners.

No final decision shall be made by this Committee except as approved by the Board of Commissioners.

- 2. Physical Resources Committee:

## Membership:

The Physical Resources Committee shall consist of a Chairperson and three (3) members appointed by the Chairperson of the County Board of Commissioners.

## Areas of Responsibility:

The Physical Resources Committee's responsibilities shall include, but not be limited to the following:

- a. Facility Management.

No final decision shall be made by this Committee except as approved by the Board of Commissioners.

3. Financial Matters.

All financial matters shall be acted on by the County Board of Commissioners as action items on the Board's agenda.

## B. COMMITTEE PROCEDURE

### **5.21 Minutes:**

Minutes shall be prepared for all meetings and shall be filed in a minute book or electronically maintained for each Committee.

### **5.22 Time, Place, Agenda Matters & Attendance of Meetings:**

The following shall be the meeting procedure for each Committee:

1. Meet at the discretion of the Chairperson of those Committees or as directed by the Chairperson of the County Board on any day of the week. Meetings shall be scheduled subject to proper notice and the making of an agenda as provided for in Section 3.2 of these Bylaws, and the Deputy Clerk/Administrative Clerk shall also have any other required action and give any other required notice, according to law.

2. The Chairperson of any Committee may appoint any Commissioner, including the Board Chairperson, as a temporary member of the Committee to fill any vacancy or to obtain a quorum.

3. All Committee Chairpersons shall furnish the Deputy Clerk/Administrative Assistant and Board Chairperson an agenda of the meeting of the standing committee prior to holding the meeting. The agenda and agenda

supporting materials (agenda packet) will be provided to each member of the Committee and at the same time to the other members of the Board who are not Committee members.

4. All Committees shall meet in the Board Chambers unless it is not available or unless a business purpose of the meeting requires it to be held elsewhere.

5. Each Committee Chairperson shall schedule all meetings, special and regular, through the Deputy Clerk/Administrative Assistant, who shall post any schedule, take any required action and give any required notice, according to law and according to paragraph 1 above, of this Section 5.22. The Chairperson of the County Board may likewise schedule a Committee meeting, special or regular.

6. Any Board member may attend any Committee meeting, but shall not vote nor unreasonably interfere with the conduct of the Committee business.

7. The Deputy Clerk/Administrative Assistant shall keep a record of members in attendance at all assigned regular Committee meetings.

8. If the Chairperson of the Committee is not present for any Committee meeting, the members present of the Committee shall vote a temporary Chairperson for that meeting who shall then preside over that meeting. Until a temporary Chairperson is elected, the Deputy Clerk/Administrative Assistant shall preside over the meeting.

9. A quorum for holding a Committee meeting shall be three (3) members of the Committee. If there is less than a quorum present for the Committee meeting, the members present may take action to cancel the meeting and/or reschedule the meeting to a new time and date. Notwithstanding the cancellation and/or rescheduling of a Committee meeting due to lack of a quorum, the members present may receive reports and/or presentations scheduled to be presented at the Committee meeting, but may not take any action thereon.

10. A Chairperson of any standing Committee, may make motions and second motions at a Committee meeting.

11. A vote or action on any matter before a Committee shall require a simple majority of the quorum present. If a vote on any matter before a Committee shall be a tie vote i.e. two to two or one to one, that matter shall nonetheless proceed to the County Board with a notation that the vote was a tie,

thus no recommendation having been officially made, one way or the other. The Committee shall provide in its recommendations that include additional costs an accompanying recommendation on funding to pay for the additional cost related to its recommendations. Committees may only make recommendations to the Board of Commissioners and no action is deemed approved until acted upon by the Full Board.

12. Committee meetings shall be considered public meetings under the Open Meetings Act, (See Appendix E), unless otherwise stated or constituted.

**5.23 Committee Reports:**

Each Committee shall report its recommendation as an item under the Regular Board Meeting Consent Agenda. In the absence of a written Committee report due to a Committee meeting immediately preceding a Board Meeting, the Chairperson of the Committee may provide a verbal report and the Board may then act on the report and/or recommendation provided.

**5.24 Special Committees or Sub-Committees:**

The Board Chairperson or the County Board may, from time to time, authorize the establishment of a special (non-standing) Committee or Subcommittee. At least one County Board member shall be a member of the special Committee or Subcommittee. The Chairperson of the Board shall state the purpose, duration and number of members of the special Committee or Subcommittee, and appoint the members of the special Committee or Subcommittee, and appoint a Chairperson of the special Committee or Subcommittee. If the Chairperson of the County Board fails, after being given a reasonable opportunity, to state the purpose, number of members or the duration of the special Committee or Subcommittee, or fails, after being given a reasonable opportunity, to appoint the members or Chairperson of the special Committee or Subcommittee, the County Board may take that action. Any compensation to be paid to non-County Board members shall be determined by the County Board. The Chairperson of the County Board shall not have the authority to determine compensation. The procedure for the special Committee or Subcommittee shall be as stated in Section 5.22 for the Standing Committees, except a quorum shall be one-half (1/2) the number of special Committee or Subcommittee members. The Board Chairperson may also appoint a County Board member or less than a quorum of County Commissioner to attend meetings or negotiations or perform other tasks of importance to the Board, and to report to the Board. The appointed County Commissioner or Commissioners may not deliberate towards rendering a decision on behalf of the County Board or cause any decision or policy to be made or taken on behalf of the County Board and such attendance by the County Commissioner or Commissioners shall not constitute a special Committee or

Subcommittee and shall not be a meeting under the Open Meetings Act (See Appendix E).

## **ARTICLE VI AMENDMENT**

These Bylaws and Rules of Procedure may be amended or repealed at any time by the affirmative vote of two-thirds (2/3) of the members of the County Board of Commissioners who are elected and serving. The Bylaws and Rules of Procedure may not be waived or suspended, except as may otherwise be provided in these Bylaws or as specifically allowed by law.

The County Board reserves the right to not obligate the County to any comments made by an individual Commissioner without approval of the Board.

## **ARTICLE VII ORDER OF SUCCESSION**

Whenever the County Board Chairperson is designated to act, and the County Board Chairperson is absent or otherwise unavailable, another Commissioner may act in place of the County Board Chairperson, according to the following succession. In consecutive order, the County Board Vice-Chairperson shall act for the County Board Chairperson, and in his or her absence or other unavailability, the Chairperson of the Physical Resources Committee shall act for the County Board Chairperson, and if both of those are absent or otherwise unavailable at any meeting of the Board of Commissioners, by a majority vote of the quorum present, the County Commissioners at the meeting may vote to appoint a temporary Chairperson for that particular meeting. The Deputy Clerk/Administrative Assistant shall preside at the meeting until a temporary Chairperson is elected.

If there would ever be a conflict with the County Board Chairperson acting for the County Board Vice-Chairperson, such as where legal papers need to be executed by both the County Board Chairperson and the County Board Vice-Chairperson, the County Board Chairperson shall not act for the County Board Vice-Chairperson, and the remaining succession of those acting for the County Board Vice-Chairperson shall apply. In the event where a vote of both the County Board Chairperson and the County Board Vice-Chairperson is required, or for any other act where both the County Board Chairperson and County Board Vice-Chairperson were required to act, the County Board Chairperson shall not act for the County Board Vice-Chairperson, and the remaining succession of those acting for the County Board Vice-Chairperson shall apply.

In the event the Chairperson is unavailable to represent the County at any ceremonial function, the Chairperson shall designate either the Vice-Chairperson or the Commissioner of the particular district in which the ceremonial function is scheduled to appear and act for and on behalf of the County. In the event that particular Commissioner is unavailable, then the Chairperson may appoint another Commissioner.

## **APPENDIX A**

### **RESPONSIBILITIES AND DUTIES OF MEMBERS OF THE MONROE COUNTY BOARD OF COMMISSIONERS**

The Monroe County Board of Commissioners consists of nine members with statutorily defined terms of office. The responsibilities and duties are collective and not individual in nature; therefore, the members only have authority to act collectively although the Board may delegate, on a temporary basis, some of its authority to a member.

The principal duty of the Board of Commissioners is to establish policies that govern the activities of the county government and the procedures of its employees. The Board establishes its policies by majority actions of the members in properly called meetings.

A major responsibility of the Board of County Commissioners is to assess and evaluate proposals made by the County Administrator/Chief Financial Officer, who is the Chief Administrative Officer and Chief Financial Officer of the County, to examine records and to consider communications from state and local officials, as well as from citizens and organizations in the County.

The Board of Commissioners is responsible for the maintenance of the fiscal integrity of Monroe County. It exercises this responsibility by establishing policies and prescribing procedures relating to budgeting, accounting, purchasing, employment and compensation. The Board evaluates compliance with its policies and adopted procedures through such instruments as annual audits, periodic budget reports and reports by the County Administrator.

The Board of Commissioners appoints the County Administrator to be the Chief Operating Officer and Chief Financial Officer of the County and holds that appointee accountable for administrative compliance with the County Board of Commissioner's policies, state laws and the fiscal integrity of the County. To hold the County Administrator accountable for administrative performance and compliance, members of the County Board of Commissioners access the

County's department heads and employees only through the County Administrator. The line of authority and accountability extends from the County Board of Commissioners through the Chairperson to the County Administrator and thence to department heads and to individual employees. Individual County Commissioners may contact department heads on a casual basis to discuss various issues.

1. The members will avoid making individual commitments on behalf of the county without the formal approval through a motion or resolution and a vote on the matter approving the action of the Board.

2. The Board of Commissioners and individual members advance the public standing of county government by demanding that the chairperson and the county administrator hold all employees accountable for complying with all of the Board's policies and by holding themselves, collectively and individually to that same standard.

## APPENDIX B

### COUNTY BOARDS OF COMMISSIONERS (EXCERPT) Act 156 of 1851

#### **46.3 County board of commissioners; quorum; voting; electrical roll call system; electing chairperson and vice-chairperson; powers and duties of chairperson; signing documents; eligibility of member for other office.**

Sec. 3. (1) A majority of the members of the county board of commissioners of a county constitutes a quorum for the transaction of the ordinary business of the county.

(2) The county board of commissioners of a county shall act by the votes of a majority of the members present. However, the final passage or adoption of a measure or resolution or the allowance of a claim against the county shall be determined by a majority of the members elected and serving. The county board of commissioners may require in its bylaws that the votes of 2/3 of the members present or a majority of the members elected and serving, whichever is greater, are required on final passage or adoption of a nonagenda item. The voting requirements of this subsection do not apply if section 11 or any other provision of law imposes a higher voting requirement.

(3) To take the yeas and nays on a question to be voted upon by the county board of commissioners of a county, an electrical roll call system may be used.

(4) The county board of commissioners of a county shall elect 1 member as chairperson and 1 member as vice-chairperson. The chairperson shall be elected each odd numbered year for a 2-year term, unless the county board of commissioners provides by resolution that the chairperson shall be elected annually for a 1-year term. The vice-chairperson shall be elected annually for a

1-year term. The election of a chairperson or vice-chairperson shall take place at the first meeting of the county board of commissioners in a year in which a chairperson or vice-chairperson, respectively, is to be elected. The term of a chairperson or vice-chairperson shall begin upon his or her election. A resolution providing for a 1-year term for the chairperson does not shorten the term of office of a sitting chairperson elected for a 2-year term.

(5) The chairperson shall preside at a meeting of the board, but if the chairperson is absent from a meeting, the vice-chairperson 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 may designate 1 member to affix his or her signature to contracts, bonds, and other documents requiring the signature of the chairperson, if the chairperson is unable to so do because of illness or other exigency which, in the opinion of the board, prevents the chairperson from performing the functions of the office.

(6) A member of the county board of commissioners of a county, while a member of the board, is not eligible for election to any other county office or position, the election of which is within the jurisdiction of the county board of commissioners.

## **COUNTY BOARDS OF COMMISSIONERS (EXCERPT)** **Act 156 of 1851**

### **46.11 Powers of county board of commissioners.**

Sec. 11. A county board of commissioners, at a lawfully held meeting, may do 1 or more of the following:

(a) Purchase or lease for a term not to exceed 20 years, real estate necessary for the site of a courthouse, jail, clerk's office, or other county building in that county.

(b) Determine the site of, remove, or designate a new site for a county building. The exercise of the authority granted by this subdivision is subject to any requirement of law that the building be located at the county seat.

(c) Authorize the sale or lease of real estate belonging to the county, and prescribe the manner in which a conveyance of the real estate is to be executed.

(d) Erect the necessary buildings for jails, clerks' offices, and other county buildings, and prescribe the time and manner of erecting them.

(e) Borrow or raise by tax upon the county those funds authorized by law. The exercise of the authority granted by this subdivision is subject to any voting requirement provided by the law authorizing the borrowing or tax if different from the voting requirement under section 3.

(f) Provide for the repayment of a loan made by the board, by tax upon the county. The loan must be repaid within 15 years after the date of the loan, except that a loan to erect a county building for a public function must be repaid within 30 years after the date of the loan.

(g) Prescribe and fix the salaries and compensation of employees of the county if not fixed by law and, except in a county having a board of county auditors, adjust claims against the county. The sum allowed in the adjustment of a claim is subject to appeal as provided by law.

(h) Direct and provide for the raising of money necessary to defray the current expenses and charges of the county and the necessary charges incident to or arising from the execution of the board's lawful authority, subject to the limitations prescribed in this act. The county board of commissioners may borrow in a year, in anticipation of the levy or collection of taxes for the year, a sum of money, not exceeding 50% of the tax to be levied or collected for the general fund of the county, necessary to defray current expenses of the county. The money borrowed must be repaid from the tax when levied and collected.

(i) Authorize the making of a new tax roll.

(j) By majority vote of the members of the county board of commissioners elected and serving, pass ordinances that relate to county affairs and do not contravene the general laws of this state or interfere with the local affairs of a township, city, or village within the limits of the county, and pursuant to section 10b provide suitable sanctions for the violation of those ordinances. The board may change the limits of a city, village, or school district within the county as provided by law. If there is not a general law governing the subject, or if a change cannot be made pursuant to a general law, the board may change the limits of the village upon petition of at least 10% of the resident taxpayers. An ordinance or act of incorporation provided in this subdivision takes effect when notice of the adoption is published in a newspaper of general circulation in the county. The clerk of the county board of commissioners shall engross each ordinance or act, and it shall be signed by the chairperson of the county board of commissioners and certified by the clerk of the county board of commissioners. If, within 50 days after the county board of commissioners adopts an ordinance or act, a petition signed by not less than 20% of the electors residing in the district to be affected by the ordinance or act is filed with the county clerk asking that the ordinance or act be submitted to electors of the district to be affected by the ordinance or act for approval or rejection, then the ordinance or act does not take effect until it is approved by a majority of the electors of the district affected voting on that issue at a regular or special election called for that purpose. The county board of commissioners shall provide the manner of submitting the ordinance or act to the electors for their approval and of determining the result of the election.

(k) Require a county officer whose salary or compensation is paid by the county to make a report under oath to the county board of commissioners on any subject connected with the duties of that office and require the officer to

give a bond reasonable or necessary for the faithful performance of the duties of the office. An officer who neglects or refuses either to make a report or give a bond within a reasonable time after being required to do so may be removed from office by the board by a vote of 2/3 of the members elected or appointed, and the office declared vacant. The board may fill the vacancy for the unexpired portion of the term for which the officer was elected or appointed. If an election occurs before the expiration of the unexpired term, and if the office is elective, the vacancy must be filled at that election. The board shall give reasonable notice of the election to fill the vacancy.

(l) Represent the county and have the care and management of the property and business of the county if other provisions are not made.

(m) Establish rules and regulations in reference to the management of the interest and business concerns of the county as the board considers necessary and proper in all matters not especially provided for in this act or under the laws of this state. The county board of commissioners shall not audit or allow a claim, including a bill or charge, against the county unless the claim has been filed with the county clerk of the county before the fourth day of a regular meeting of the board, or before the second day of an adjourned or other meeting, the claim is contracted by the board during the session of the board or the claim is for mileage and per diem of the members of the board. The county clerk shall keep a book of all claims in the order in which the claims are presented, giving the name of each claimant and the amount and date of presentation of each claim. The book, after the time prescribed for the presentation of claims, must be delivered to the chairperson for the use of the board. At the October session, the board, by a vote of 2/3 of the members, may receive and allow accounts that have wholly accrued during the session.

(n) Subject to subdivision (o), remove an officer or agent appointed by the board if, in the board's opinion, the officer or agent is incompetent to execute properly the duties of the office or if, on charges and evidence, the board is satisfied that the officer or agent is guilty of official misconduct, or habitual or willful neglect of duty, and if the misconduct or neglect is a sufficient cause for removal. However, an officer or agent shall not be removed for that misconduct or neglect unless charges of misconduct or neglect are presented to the county board of commissioners or the chairperson of the county board of commissioners, notice of the hearing, with a copy of the charges, is delivered to the officer or agent, and a full opportunity is given the officer or agent to be heard, either in person or by counsel.

(o) If the county has an appointed county manager or other appointed chief administrative officer or a county controller, the county board of commissioners may enter into an employment contract with that officer. The term of the employment contract may extend beyond the terms of the members of the county board of commissioners. The term of the employment contract must be 3 years or less, unless the employment contract is entered into on or after August 1 of an even-numbered year, in which case the term of the

employment contract must be 1 year or less. However, in a county organized under 1966 PA 293, MCL 45.501 to 45.521, with an appointed chief administrative officer, an employment contract with the appointed chief administrative officer must be for the term provided by section 11a of 1966 PA 293, MCL 45.511a. An employment contract under this subdivision must be in writing and must specify the compensation to be paid to the officer, any procedure for changing the compensation, any fringe benefits, and any other conditions of employment. If the officer serves at the pleasure of the county board of commissioners, the contract must so state and may provide for severance pay or other benefits in the event the employment of the officer is terminated at the pleasure of the county board of commissioners.

(p) Establish rules consistent with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275, for the manner of proceeding before the board.

(q) Acquire by exchange land needed for county purposes, including the purchase of land to be used in exchange for other land of approximate equal value owned by the federal government and needed for county purposes.

(r) Grant or loan money to a nonprofit corporation organized for the purpose of providing loans for private sector economic development initiatives. A grant or loan under this subdivision must not be derived from ad valorem taxes except for ad valorem taxes approved by a vote of the people for economic development. The county shall establish an application process for proposals to receive a grant or loan under this subdivision. The awarding of a grant or loan under this subdivision must be made at a public hearing of the county board of commissioners. The grant or loan contract must require a report to the county board of commissioners regarding the activities of the recipient and the degree to which the recipient has met the stated public purpose of the funding.

(s) By majority vote of the members of the county board of commissioners elected and serving in a county with an appointed board of county road commissioners, pass a resolution that transfers the powers, duties, and functions that are otherwise provided by law for the appointed board of county road commissioners of that county to the county board of commissioners. The resolution is subject to the requirement in section 6(9) of chapter IV of 1909 PA 283, MCL 224.6. The appointed board of county road commissioners of that county is dissolved on the date specified in the resolution adopted under this subdivision, and the county board of commissioners is authorized to receive and expend funds as allowed under 1951 PA 51, MCL 247.651 to 247.675. If the powers, duties, and functions of the board of county road commissioners of a county are transferred to the county board of commissioners of that county under this subdivision and the powers and duties of the office of county drain commissioner of that county had previously been transferred to the board of county road commissioners as provided in section 21(3) of the drain code of 1956, 1956 PA 40, MCL 280.21, then the county board of commissioners of that county shall reestablish, by resolution, the office of county drain commissioner as an elected office. The resolution reestablishing the office of county drain

commissioner must provide for the appointment of an acting county drain commissioner for that county who shall hold office until the next general election at which a county drain commissioner will be elected as provided in chapter X of the Michigan election law, 1954 PA 116, MCL 168.191 to 168.211.

(t) By majority vote of the members of the county board of commissioners elected and serving in a county with an elected board of county road commissioners, pass a resolution to submit to the qualified and registered electors of the county at the next regular election to be held in the county the question of transferring the powers, duties, and functions of the elected board of county road commissioners of that county to the county board of commissioners. The resolution is subject to the requirement in section 6(9) of chapter IV of 1909 PA 283, MCL 224.6. If a majority of the qualified and registered electors of the county voting on the question vote in favor of transferring the powers, duties, and functions of the elected board of county road commissioners of that county to the county board of commissioners, the elected board of county road commissioners of that county is dissolved and the county board of commissioners is authorized to receive and expend funds as allowed under 1951 PA 51, MCL 247.651 to 247.675. If the powers, duties, and functions of the board of county road commissioners of a county are transferred to the county board of commissioners of that county under this subdivision and the powers and duties of the office of county drain commissioner of that county had previously been transferred to the board of county road commissioners as provided in section 21(3) of the drain code of 1956, 1956 PA 40, MCL 280.21, then the county board of commissioners of that county shall reestablish, by resolution, the office of county drain commissioner as an elected office. The resolution reestablishing the office of county drain commissioner must provide for the appointment of an acting county drain commissioner for that county who shall hold office until the next general election at which a county drain commissioner will be elected as provided in chapter X of the Michigan election law, 1954 PA 116, MCL 168.191 to 168.211.

(u) If, after a board of county road commissioners is dissolved as provided in subdivision (s) or (t), the county board of commissioners for a county determines that a board of county road commissioners would provide a cost savings to the county residents and would better meet the needs of the county residents, the county board of commissioners for that county may do either of the following:

(i) By majority vote of the members of the county board of commissioners, adopt a county road system with a board of county road commissioners as provided in chapter IV of 1909 PA 283, MCL 224.1 to 224.32.

(ii) By majority vote of the members of the county board of commissioners, submit the question of adopting a county road system with a board of county road commissioners to a vote of the electors of the county as provided in chapter IV of 1909 PA 283, MCL 224.1 to 224.32.

(v) Loan money to a township within the county for the purpose of funding a road construction project or providing matching funds for a joint project between the county and the township. A loan granted under this subdivision must not exceed a term of 10 years.

## **APPENDIX C**

### **PREPARATION OF REGULAR BOARD AGENDAS**

1. Purpose: The purpose of this policy is to provide for the preparation of regular Board Agendas and Committee agendas.

2. Statement of Policy:

2.1 All regular Board of Commissioners meeting agendas for its Regular Meetings, after being approved by the Chairperson of the County Board of Commissioners, shall be prepared by the Deputy Clerk/Administrative Assistant no later than 5:00 p.m. on the Friday preceding the Regular Meeting of the County Board. The agendas for all County Board Regular Meetings shall be faxed, mailed, e-mailed or delivered to all County Commissioners, no later than 5:30 p.m. on the Friday preceding the Regular Meeting of the County Board. Any items being considered for placement on the Regular Meeting agenda must be presented by 12:00 p.m. on Thursday preceding the Agenda Meeting, or if there is no Agenda Meeting, by 12:00 p.m. on the Thursday preceding the Regular Meeting of the County Board, to address the items to be placed on the agendas, except for those items being placed on the agenda by the Chairperson of the County Board of Commissioners for a Regular Meeting of the County Board. The Chairperson of the County Board may add items to the agenda for a Regular Meeting of the County Board up until the time that the agenda is faxed, mailed, e-mailed or delivered to all of the County Commissioners. The Chairperson of the County Board or the County Administrator, or the Deputy Clerk/Administrative Assistant (or County Clerk), may submit supplemental materials relating to an existing agenda item at any time leading up to the beginning of the Regular Meeting of the County Board.

2.2 All County Board of Commissioners meeting agendas for Regular Meetings will be prepared by, or at the direction of the Chairperson of the County Board of Commissioners. Although not absolutely required for every agenda for a Regular Meeting of the County Board, the Chairperson shall seek the input of the Vice-Chairperson of the County Board of Commissioners, the Administrator/Chief Financial Officer, the Deputy Clerk/Administrative Assistant, and the general Legal Advisor. For a Regular Meeting of the County Board, the normal procedure will be to have an agenda meeting with the Chairperson and any of the following who are able to attend: Vice-Chairperson,

County Administrator/Chief Financial Officer, Deputy Clerk/Administrative Assistant, and the general Legal Advisor.

2.3 The purpose of the Agenda Meeting shall be to help review and identify items to be placed on the agenda of a Regular Meeting of the County Board of Commissioners, and to ensure that appropriate and sufficient information and supporting documents are included in the agenda packet upon which the County Board may reasonably act at the Regular Meeting. Any Agenda Meeting will be held at 5:00 p.m. on the Thursday before the regular County Board of Commissioners meeting, or when otherwise scheduled by the Chairperson of the County Board of Commissioners, or in his or her absence, the Vice-Chairperson or Administrator/Chief Financial Officer. The Chairperson of the County Board of Commissioners may, but is not required to have an Agenda Meeting for a special meeting and/or a rescheduled Regular Meeting of the County Board. The Chairperson of the County Board of Commissioners may, if special circumstances exist as determined by the Chairperson, prepare, or cause to be prepared an agenda for a Regular Meeting of the County Board of Commissioners, without having an Agenda Meeting, in which event, the Chairperson of the County Board of Commissioners shall work with the County Administrator/Chief Financial Officer and/or the Deputy Clerk/Administrative Assistant to have the agenda(s) prepared and delivered as required in this Section 2.2. Other members of the County Board of Commissioners and administrative staff and elected officials, may participate and provide input into the Agenda Meetings. Supplemental information may be provided to the County Commissioners by the Chairperson of the County Board, or the County Administrator/Chief Financial Officer, or the Deputy Clerk/Administrative Assistant, up to the actual meeting.

## **APPENDIX D**

### **RESOLUTION ESTABLISHING THE OFFICE OF COUNTY ADMINISTRATOR/CHIEF FINANCIAL OFFICER POSITION**

WHEREAS, in 1992, Monroe County established the office of County Administrator/Auditor pursuant to the MCL 46.11 and MCL 46.13 (a); and

WHEREAS, the County had functioned under the Administrator/Auditor form of Government until April 1996, when, through action of the Board of Commissioners, the position of Administrator was abolished and in August 1996, the electorate of Monroe County voted to eliminate the Board of Auditors; and

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the following terms as used herein shall have the following definitions:

A. "County" refers to Monroe County.

- B. “Board” refers to the Monroe County Board of Commissioners.
- C. “Administrator” means the Monroe County Administrator/Chief Financial Officer appointed pursuant to MCL 46.11 and MCL 46.123 (a).
- D. “County Services” shall include the functions and programs and every office, department, agency or operation financed, in whole or in part, by the County including County courts, as well as every employee, agent and officer working therein.
- E. “Budget” shall include the County’s general appropriations act, including all funds, activities and accounts therein.

BE IT FURTHER RESOLVED, that the position of County Administrator/Chief Financial Officer as authorized and emplaced pursuant to MCL 46.11 and MCL 46.13 (a) shall hereafter be known as Administrator pursuant to the power vested in the Board of Commissioners as derived from Michigan Constitution 1963 Article 7, Section 1 and laws promulgated, including but not limited to Chapter 46 of the Michigan Compiled Laws, more specifically MCL 46.11 (p) (q) and (s) and MCL 46.13 (a) and that the following duties and responsibilities are assigned to the office of said Administrator:

- A. Provide administrative and management leadership and direction in governing the County and its several departments and agencies to the extent permitted by law and the policies of the Board.
- B. Establish goals and objectives of all departments, which shall be under the administrative, and management leadership and direction of the Administrator. These goals and objectives shall be established with the cooperation of said departments.
- C. While under the general direction of and reporting directly to the Board, the Administrator shall have charge of and be responsible for, in accordance with law and the policies of the Board, management responsibility for the County.
  - 1. Financial management services, including the following:
    - a. Define and establish a budget development and review process, prepare budget recommendation for consideration by the Board; administer and oversee the execution of the budget; report regularly to the Board the status of actual revenues and expenditures compared to those projected in the budget; inform the Board promptly concerning any fiscal deficit or anticipated deficit from the budget and anticipated deficit.

b. Operate as Chief Financial Officer of the County and supervise the accounting operations for all County services; install and assure that a system of accounting is properly kept for each County service; keep a general ledger of control accounts in which are recorded the assets and liabilities of the County.

c. Examine regularly the accounts for all County services and report the findings to the Board at least quarterly.

d. Oversee the preparation of payroll and related reports, withholdings and filings for all County services; review and recommend approval of all orders for disbursing County funds.

e. Assist County elected and appointed officers, employees and agents in providing to the Administrator such information and records regarding County matters in their charge as Board policies, state law and County Administrator may require regarding financial matters of the County.

f. Analyze, investigate and recommend to the Board such fiscal plans and programs that will serve the financial programs and interests of the County.

2. Personnel Management services including the following:

a. Recommend to the Board policies that will improve the performance of its employees, officers and agents in the delivery to the public of required or discretionary services.

b. Administer County policies regarding examining and testing candidates for County employment, classification and reclassification of positions in County government, employee compensation and staff benefit plans, employee development, training, transfer and promotion and other Board policies.

c. Conduct on behalf of the County the collective bargaining processes in which the County may be involved, recommend to the Board such contractual agreements that are in the best interest of the County and administer all labor contracts that have been approved by the Board.

3. Procure supplies, including the following:

a. Recommend policies governing the acquisition and use of all materials, supplies, services, equipment and improvements that are required or desired for County services and to administer such policies upon approval by the Board.

b. Assist the Board in entering into contracts for the purchase of goods and services, ensuring compliance with said contracts and arranging appropriate payment therefore.

4. Building and Facilities Operation and Management Services, including the following:

a. Recommend policies regarding the use, assignment, operation and maintenance of all County buildings and facilities including, but not limited to, repairs to the County Jail and to administer such policies.

b. Take such actions, consistent with state law and Board policy, to care for and preserve such buildings and facilities in good condition and in a manner that supports the safe and efficient operation of County programs and report, periodically, to the Board regarding the condition of County property, buildings and facilities and the need to repair, replace or dispose of such property, buildings and facilities, or to construct new facilities.

5. Internal Information Services, including the following:

a. Recommend policies regarding plans for acquisition, deployment, installation and use of electronic data and data processing and communications equipment and systems.

b. Assist County departments, agencies and employees in effectively using such systems as described above and assist County departments, agencies and employees in planning and defining said systems by providing training programs for individuals using said systems.

6. Planning Management services, including conducting studies and developing plans on matters and issues of interest to the County and its agencies and make recommendations to the Board for its consideration and action. Studies and plans described above shall include, but not be limited to, the areas of Solid Waste, Comprehensive Planning Recreation and health.

7. Policy Coordination Services including the following:

a. Assist the Board and County agencies in developing County policies that are comprehensive, coherent, internally consistent and organized to be readily accessible to the officers, employees, clients and residents of the County.

b. Prepare, submit and file as necessary all reports and financial applications required by state law or County policies.

c. Assist in providing information to the members of the Board, County officers and employees about changing requirements in state law brought about by actions of the state legislature and courts; advise the Board and County officers regarding proposed litigation or pending litigation that may have fiscal or programmatic impacts on the County.

d. Direct and oversee the administration of such other departments, activities or individuals as the Board may assign to the charge of the Administrator. The Administrator shall have the authority to hire, reassign or dismiss employees in a manner consistent with the County policy, state law or court decisions. As the Chief Administrative Officer and procurement officer, enter into purchase contracts, orders, and other agreements for services, supplies, equipment and other commitments required of the County and its operating units.

e. Assist the departments and units and agencies of the County in carrying out their respective responsibilities and serving the residents of the County in an effective and efficient manner. Assist interdepartmental and/or intercounty agencies in coordinating similar programs and recommend to the

Board such changes in said agencies as will promote greater efficiency and cost effectiveness in the delivery of County services.

f. Attend all regularly scheduled Board meetings and Special meetings, unless previously excused.

g. Assist the Board in such other manner as the Board may direct or require

BE IT FURTHER RESOLVED, that the provisions of this Resolution are severable. If any paragraph, section subdivision, sentence, clause or phrase of this Resolution is determined to be invalid for any reason, said determination shall not affect the remaining portions of this Resolution.

BE IT FURTHER RESOLVED that the County of Monroe reserves the right to modify the terms of this Resolution as provided by law at any time.

## APPENDIX E

### OPEN MEETINGS ACT Act 267 of 1976

AN ACT to require certain meetings of certain public bodies to be open to the public; to require notice and the keeping of minutes of meetings; to provide for enforcement; to provide for invalidation of governmental decisions under certain circumstances; to provide penalties; and to repeal certain acts and parts of acts.

The People of the State of Michigan enact:

#### **15.261 Short title; effect of act on certain charter provisions, ordinances, or resolutions.**

Sec. 1. (1) This act shall be known and may be cited as the "Open Meetings Act".

(2) This act shall supersede all local charter provisions, ordinances, or resolutions which relate to requirements for meetings of local public bodies to be open to the public.

(3) After the effective date of this act, nothing in this act shall prohibit a public body from adopting an ordinance, resolution, rule, or charter provision which would require a greater degree of openness relative to meetings of public bodies than the standards provided for in this act.

#### **15.262 Definitions.**

Sec. 2. As used in this act:

(a) "Public body" means any state or local legislative or governing body, including a board, commission, committee, subcommittee, authority, or council, that is empowered by state constitution, statute, charter, ordinance, resolution, or rule to exercise governmental or proprietary authority or perform a governmental or proprietary function; a lessee of such a body performing an essential public purpose and function pursuant to the lease agreement; or the board of a nonprofit corporation formed by a city under section 4o of the home rule city act, 1909 PA 279, MCL 117.4o.

(b) "Meeting" means the convening of a public body at which a quorum is present for the purpose of deliberating toward or rendering a decision on a public policy, or any meeting of the board of a nonprofit corporation formed by a city under section 4o of the home rule city act, 1909 PA 279, MCL 117.4o.

(c) "Closed session" means a meeting or part of a meeting of a public body that is closed to the public.

(d) "Decision" means a determination, action, vote, or disposition upon a motion, proposal, recommendation, resolution, order, ordinance, bill, or measure on which a vote by members of a public body is required and by which a public body effectuates or formulates public policy.

**15.263 Meetings, decisions, and deliberations of public body; requirements; attending or addressing meeting of public body; COVID-19 safety measures; tape-recording, videotaping, broadcasting, and telecasting proceedings; accommodation of absent members; remote attendance; rules; exclusion from meeting; exemptions.**

Sec. 3. (1) All meetings of a public body must be open to the public and must be held in a place available to the general public. All persons must be permitted to attend any meeting except as otherwise provided in this act. The right of a person to attend a meeting of a public body includes the right to tape-record, to videotape, to broadcast live on radio, and to telecast live on television the proceedings of a public body at a public meeting. The exercise of this right does not depend on the prior approval of the public body. However, a public body may establish reasonable rules and regulations in order to minimize the possibility of disrupting the meeting. For a meeting of a public body held in person before April 1, 2021, the public body shall do both of the following:

(a) To the extent feasible under the circumstances, ensure adherence to social distancing and mitigation measures recommended by the Centers for Disease Control and Prevention for purposes of preventing the spread of COVID-19, including the measure that an individual remain at least 6 feet from anyone from outside the individual's household.

(b) Adopt heightened standards of facility cleaning and disinfection to limit participant exposure to COVID-19, as well as protocols to clean and disinfect in the event of a positive COVID-19 case in the public body's meeting place.

(2) All decisions of a public body must be made at a meeting open to the public. For purposes of any meeting subject to this section, except a meeting of any state legislative body at which a formal vote is taken, the public body shall, subject to section 3a, establish the following procedures to accommodate the absence of any member of the public body due to military duty, a medical condition, or a statewide or local state of emergency or state of disaster declared pursuant to law or charter or local ordinance by the governor or a local official, governing body, or chief administrative officer that would risk the personal health or safety of members of the public or the public body if the meeting were held in person:

(a) Procedures by which the absent member may participate in, and vote on, business before the public body, including, but not limited to, procedures that provide for both of the following:

(i) Two-way communication.

(ii) For each member of the public body attending the meeting remotely, a public announcement at the outset of the meeting by that member, to be included in the meeting minutes, that the member is in fact attending the meeting remotely. If the member is attending the meeting remotely for a purpose other than for military duty, the member's announcement must further identify specifically the member's physical location by stating the county, city, township, or village and state from which he or she is attending the meeting remotely.

(b) Procedures by which the public is provided notice of the absence of the member and information about how to contact that member sufficiently in advance of a meeting of the public body to provide input on any business that will come before the public body.

(3) All deliberations of a public body constituting a quorum of its members must take place at a meeting open to the public except as provided in this section and sections 7 and 8.

(4) A person must not be required as a condition of attendance at a meeting of a public body to register or otherwise provide his or her name or other information or otherwise to fulfill a condition precedent to attendance.

(5) A person must be permitted to address a meeting of a public body under rules established and recorded by the public body. The legislature or a house of the legislature may provide by rule that the right to address may be limited to prescribed times at hearings and committee meetings only.

(6) A person must not be excluded from a meeting otherwise open to the public except for a breach of the peace actually committed at the meeting.

(7) This act does not apply to the following public bodies, but only when deliberating the merits of a case:

(a) The Michigan compensation appellate commission operating as described in either of the following:

(i) Section 274 of the worker's disability compensation act of 1969, 1969 PA 317, MCL 418.274.

(ii) Section 34 of the Michigan employment security act, 1936 (Ex Sess) PA 1, 421.34.

(b) The state tenure commission created in section 1 of article VII of 1937 (Ex Sess) PA 4, MCL 38.131, when acting as a board of review from the decision of a controlling board.

(c) The employment relations commission or an arbitrator or arbitration panel created or appointed under 1939 PA 176, MCL 423.1 to 423.30.

(d) The Michigan public service commission created under 1939 PA 3, MCL 460.1 to 460.11.

(8) This act does not apply to an association of insurers created under the insurance code of 1956, 1956 PA 218, MCL 500.100 to 500.8302, or other association or facility formed under that act as a nonprofit organization of insurer members.

(9) This act does not apply to a committee of a public body that adopts a non-policymaking resolution of tribute or memorial, if the resolution is not adopted at a meeting.

(10) This act does not apply to a meeting that is a social or chance gathering or conference not designed to avoid this act.

(11) This act does not apply to the Michigan veterans' trust fund board of trustees or a county or district committee created under 1946 (1st Ex Sess) PA 9, MCL 35.602 to 35.610, when the board of trustees or county or district committee is deliberating the merits of an emergent need. A decision of the board of trustees or county or district committee made under this subsection must be reconsidered by the board or committee at its next regular or special meeting consistent with the requirements of this act. "Emergent need" means a situation that the board of trustees, by rules promulgated under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, determines requires immediate action.

(12) As used in subsection (2):

(a) "Formal vote" means a vote on a bill, amendment, resolution, motion, proposal, recommendation, or any other measure on which a vote by members of a state legislative body is required and by which the state legislative body effectuates or formulates public policy.

(b) "Medical condition" means an illness, injury, disability, or other health-related condition.

**15.263a Electronic public meetings; telephonic or video conferencing; permissibility under certain circumstances; 2-way communication required; advance notice of electronic meetings; availability of agenda; registration requirement prohibited; remote participation limited to military duty or medical condition.**

Sec. 3a. (1) A meeting of a public body held, in whole or in part, electronically by telephonic or video conferencing in compliance with this section and, except

as otherwise required in this section, all of the provisions of this act applicable to a non-electronic meeting, is permitted by this act in the following circumstances:

(a) Before March 31, 2021 and retroactive to March 18, 2020, any circumstances, including, but not limited to, any of the circumstances requiring accommodation of absent members described in section 3(2).

(b) On and after March 31, 2021 through December 31, 2021, only those circumstances requiring accommodation of members absent for the reasons described in section 3(2). For the purpose of permitting an electronic meeting due to a local state of emergency or state of disaster, this subdivision applies only as follows:

(i) To permit the electronic attendance of a member of the public body who resides in the affected area.

(ii) To permit the electronic meeting of a public body that usually holds its meetings in the affected area.

(c) After December 31, 2021, only in the circumstances requiring accommodation of members absent due to military duty as described in section 3(2).

(2) A meeting of a public body held electronically under this section must be conducted in a manner that permits 2-way communication so that members of the public body can hear and be heard by other members of the public body, and so that public participants can hear members of the public body and can be heard by members of the public body and other participants during a public comment period. A public body may use technology to facilitate typed public comments during the meeting submitted by members of the public participating in the meeting that may be read to or shared with members of the public body and other participants to satisfy the requirement under this subsection that members of the public be heard by others during the electronic meeting and the requirement under section 3(5) that members of the public be permitted to address the electronic meeting.

(3) Except as otherwise provided in subsection (8), a physical place is not required for an electronic meeting held under this section, and members of a public body and members of the public participating electronically in a meeting held under this section that occurs in a physical place are to be considered present and in attendance at the meeting for all purposes.

(4) If a public body directly or indirectly maintains an official internet presence that includes monthly or more frequent updates of public meeting agendas or minutes, the public body shall, in addition to any other notices that may be required under this act, post advance notice of a meeting held electronically under this section on a portion of the public body's website that is fully accessible to the public. The public notice on the website must be included on either the homepage or on a separate webpage dedicated to public notices for non-regularly scheduled or electronic public meetings that is accessible through a prominent and conspicuous link on the website's homepage that clearly

describes its purpose for public notification of non-regularly scheduled or electronic public meetings. Subject to the requirements of this section, any scheduled meeting of a public body may be held as an electronic meeting under this section if a notice consistent with this section is posted at least 18 hours before the meeting begins. Notice of a meeting of a public body held electronically must clearly explain all of the following:

(a) Why the public body is meeting electronically.

(b) How members of the public may participate in the meeting electronically. If a telephone number, internet address, or both are needed to participate, that information must be provided specifically.

(c) How members of the public may contact members of the public body to provide input or ask questions on any business that will come before the public body at the meeting.

(d) How persons with disabilities may participate in the meeting.

(5) Beginning on the effective date of the amendatory act that added this section, if an agenda exists for an electronic meeting held under this section by a public body that directly or indirectly maintains an official internet presence that includes monthly or more frequent updates of public meeting agendas or minutes, the public body shall, on a portion of the website that is fully accessible to the public, make the agenda available to the public at least 2 hours before the electronic meeting begins. This publication of the agenda does not prohibit subsequent amendment of the agenda at the meeting.

(6) A public body shall not, as a condition of participating in an electronic meeting of the public body held under this section, require a person to register or otherwise provide his or her name or other information or otherwise to fulfill a condition precedent to attendance, other than mechanisms established and required by the public body necessary to permit the person to participate in a public comment period of the meeting.

(7) Members of the general public otherwise participating in a meeting of a public body held electronically under this section are to be excluded from participation in a closed session of the public body held electronically during that meeting if the closed session is convened and held in compliance with the requirements of this act applicable to a closed session.

(8) At a meeting held under this section that accommodates members absent due to military duty or a medical condition, only those members absent due to military duty or a medical condition may participate remotely. Any member who is not on military duty or does not have a medical condition must be physically present at the meeting to participate.

#### **15.264 Public notice of meetings generally; contents; places of posting.**

Sec. 4. The following provisions shall apply with respect to public notice of meetings:

(a) A public notice shall always contain the name of the public body to which the notice applies, its telephone number if one exists, and its address.

(b) A public notice for a public body shall always be posted at its principal office and any other locations considered appropriate by the public body. Cable television may also be utilized for purposes of posting public notice.

(c) If a public body is a part of a state department, part of the legislative or judicial branch of state government, part of an institution of higher education, or part of a political subdivision or school district, a public notice shall also be posted in the respective principal office of the state department, the institution of higher education, clerk of the house of representatives, secretary of the state senate, clerk of the supreme court, or political subdivision or school district.

(d) If a public body does not have a principal office, the required public notice for a local public body shall be posted in the office of the county clerk in which the public body serves and the required public notice for a state public body shall be posted in the office of the secretary of state.

**15.265 Public notice of regular meetings, change in schedule of regular meetings, rescheduled regular meetings, or special meetings; posting; statement of date, time, and place; website; recess or adjournment; emergency sessions; emergency public meeting; meeting in residential dwelling; limitation; notice; duration requirement.**

Sec. 5. (1) A meeting of a public body shall not be held unless public notice is given as provided in this section by a person designated by the public body.

(2) For regular meetings of a public body, there shall be posted within 10 days after the first meeting of the public body in each calendar or fiscal year a public notice stating the dates, times, and places of its regular meetings.

(3) If there is a change in the schedule of regular meetings of a public body, 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.

(4) Except as provided in this subsection or in subsection (6), 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 in a prominent and conspicuous place at both the public body's principal office and, if the public body 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. The requirement of 18-hour notice does not apply to special meetings of subcommittees of a public body or conference committees of the state legislature. A conference committee shall give a 6-hour notice. A second conference committee shall give a 1-hour notice. Notice of a conference committee meeting shall include written notice to each member of the conference committee and the majority and minority leader of each house indicating time and place of the meeting.

(5) A meeting of a public body that is recessed for more than 36 hours shall be reconvened only after public notice that is equivalent to that required under subsection (4) has been posted. If either house of the state legislature is adjourned or recessed for less than 18 hours, the notice provisions of subsection (4) are not applicable. Nothing in this section bars a public body from meeting in emergency session in the event of a severe and imminent threat to the health, safety, or welfare of the public when 2/3 of the members serving on the body decide that delay would be detrimental to efforts to lessen or respond to the threat. However, if a public body 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 public body 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 public welfare and safety" does not meet the explanation requirements of this subsection. If the public body 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 in subsection (4). Within 48 hours after the emergency public meeting, the public body shall send official correspondence to the board of county commissioners of the county in which the public body is principally located, informing the commission that an emergency public meeting with less than 18 hours' public notice has taken place. The correspondence shall also include the public notice of the meeting with explanation and shall be sent by either the United States postal service or electronic mail. Compliance with the notice requirements for emergency meetings in this subsection 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 public body from the duty to comply with any provision of this act.

(6) A meeting of a public body may only take place in a residential dwelling if a nonresidential building within the boundary of the local governmental unit or school system is not available without cost to the public body. For a meeting of a public body that is held in a residential dwelling, notice

of the meeting shall be published as a display advertisement in a newspaper of general circulation in the city or township in which the meeting is to be held. The notice shall be published not less than 2 days before the day on which the meeting is held, and shall state the date, time, and place of the meeting. The notice shall be at the bottom of the display advertisement, set off in a conspicuous manner, and include the following language: "This meeting is open to all members of the public under Michigan's open meetings act".

(7) A durational requirement for posting a public notice of a meeting under this act is the time that the notice is required to be accessible to the public.

**15.266 Providing copies of public notice on written request; fee.**

Sec. 6. (1) Upon the written request of an individual, organization, firm, or corporation, and upon the requesting party's payment of a yearly fee of not more than the reasonable estimated cost for printing and postage of such notices, a public body shall send to the requesting party by first class mail a copy of any notice required to be posted pursuant to section 5(2) to (5).

(2) Upon written request, a public body, at the same time a public notice of a meeting is posted pursuant to section 5, shall provide a copy of the public notice of that meeting to any newspaper published in the state and to any radio and television station located in the state, free of charge.

**15.267 Closed sessions; roll call vote; separate set of minutes.**

Sec. 7. (1) A 2/3 roll call vote of members elected or appointed and serving is required to call a closed session, except for the closed sessions permitted under section 8(a), (b), (c), (g), (i), and (j). The roll call vote and the purpose or purposes for calling the closed session shall be entered into the minutes of the meeting at which the vote is taken.

(2) A separate set of minutes shall be taken by the clerk or the designated secretary of the public body at the closed session. These minutes shall be retained by the clerk of the public body, are not available to the public, and shall only be disclosed if required by a civil action filed under section 10, 11, or 13. These minutes may be destroyed 1 year and 1 day after approval of the minutes of the regular meeting at which the closed session was approved.

**15.268 Closed sessions; permissible purposes.**

Sec. 8. A public body may meet in a closed session only for the following purposes:

(a) To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, employee, staff member, or individual agent, if the named person requests a closed hearing. A person requesting a closed hearing may rescind the request at any time, in which case the matter at issue shall be considered after the rescission only in open sessions.

(b) To consider the dismissal, suspension, or disciplining of a student if the public body is part of the school district, intermediate school district, or institution of higher education that the student is attending, and if the student or the student's parent or guardian requests a closed hearing.

(c) For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if either negotiating party requests a closed hearing.

(d) To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.

(e) To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body.

(f) To review and consider the contents of an application for employment or appointment to a public office if the candidate requests that the application remain confidential. However, except as otherwise provided in this subdivision, all interviews by a public body for employment or appointment to a public office shall be held in an open meeting pursuant to this act. This subdivision does not apply to a public office described in subdivision (j).

(g) Partisan caucuses of members of the state legislature.

(h) To consider material exempt from discussion or disclosure by state or federal statute.

(i) For a compliance conference conducted under section 16231 of the public health code, 1978 PA 368, MCL 333.16231, before a complaint is issued.

(j) In the process of searching for and selecting a president of an institution of higher education established under section 4, 5, or 6 of article VIII of the state constitution of 1963, to review the specific contents of an application, to conduct an interview with a candidate, or to discuss the specific qualifications of a candidate if the particular process of searching for and selecting a president of an institution of higher education meets all of the following requirements:

(i) The search committee in the process, appointed by the governing board, consists of at least 1 student of the institution, 1 faculty member of the institution, 1 administrator of the institution, 1 alumnus of the institution, and 1 representative of the general public. The search committee also may include 1 or more members of the governing board of the institution, but the number shall not constitute a quorum of the governing board. However, the search committee shall not be constituted in such a way that any 1 of the groups described in this subparagraph constitutes a majority of the search committee.

(ii) After the search committee recommends the 5 final candidates, the governing board does not take a vote on a final selection for the president until at least 30 days after the 5 final candidates have been publicly identified by the search committee.

(iii) The deliberations and vote of the governing board of the institution on selecting the president take place in an open session of the governing board.

(k) For a school board to consider security planning to address existing threats or prevent potential threats to the safety of the students and staff. As used in this subdivision, "school board" means any of the following:

(i) That term as defined in section 3 of the revised school code, 1976 PA 451, MCL 380.3.

(ii) An intermediate school board as defined in section 4 of the revised school code, 1976 PA 451, MCL 380.4.

(iii) A board of directors of a public school academy as described in section 502 of the revised school code, 1976 PA 451, MCL 380.502.

(iv) The local governing board of a public community or junior college as described in section 7 of article VIII of the state constitution of 1963.

### **15.269 Minutes.**

Sec. 9. (1) Each public body shall keep minutes of each meeting showing the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose or purposes for which a closed session is held. The minutes shall include all roll call votes taken at the meeting. The public body shall make any corrections in the minutes at the next meeting after the meeting to which the minutes refer. The public body shall make corrected minutes available at or before the next subsequent meeting after correction. The corrected minutes shall show both the original entry and the correction.

(2) Minutes are public records open to public inspection, and a public body shall make the minutes available at the address designated on posted public notices pursuant to section 4. The public body shall make copies of the minutes available to the public at the reasonable estimated cost for printing and copying.

(3) A public body shall make proposed minutes available for public inspection within 8 business days after the meeting to which the minutes refer. The public body shall make approved minutes available for public inspection within 5 business days after the meeting at which the minutes are approved by the public body.

(4) A public body shall not include in or with its minutes any personally identifiable information that, if released, would prevent the public body from complying with section 444 of subpart 4 of part C of the general education provisions act, 20 USC 1232g, commonly referred to as the family educational rights and privacy act of 1974.

**15.270 Decisions of public body; presumption; civil action to invalidate; jurisdiction; venue; reenactment of disputed decision.**

Sec. 10. (1) Decisions of a public body shall be presumed to have been adopted in compliance with the requirements of this act. The attorney general, the prosecuting attorney of the county in which the public body serves, or any person may commence a civil action in the circuit court to challenge the validity of a decision of a public body made in violation of this act.

(2) A decision made by a public body may be invalidated if the public body has not complied with the requirements of section 3(1), (2), and (3) in making the decision or if failure to give notice in accordance with section 5 has interfered with substantial compliance with section 3(1), (2), and (3) and the court finds that the noncompliance or failure has impaired the rights of the public under this act.

(3) The circuit court shall not have jurisdiction to invalidate a decision of a public body for a violation of this act unless an action is commenced pursuant to this section within the following specified period of time:

(a) Within 60 days after the approved minutes are made available to the public by the public body except as otherwise provided in subdivision (b).

(b) If the decision involves the approval of contracts, the receipt or acceptance of bids, the making of assessments, the procedures pertaining to the issuance of bonds or other evidences of indebtedness, or the submission of a borrowing proposal to the electors, within 30 days after the approved minutes are made available to the public pursuant to that decision.

(4) Venue for an action under this section shall be any county in which a local public body serves or, if the decision of a state public body is at issue, in Ingham County.

(5) In any case where an action has been initiated to invalidate a decision of a public body on the ground that it was not taken in conformity with the requirements of this act, the public body may, without being deemed to make any admission contrary to its interest, reenact the disputed decision in conformity with this act. A decision reenacted in this manner shall be effective from the date of reenactment and shall not be declared invalid by reason of a deficiency in the procedure used for its initial enactment.

**15.271 Civil action to compel compliance or enjoin noncompliance; commencement; venue; security not required; commencement of action for mandamus; court costs and attorney fees.**

Sec. 11. (1) If a public body is not complying with this act, the attorney general, prosecuting attorney of the county in which the public body serves, or a person may commence a civil action to compel compliance or to enjoin further noncompliance with this act.

(2) An action for injunctive relief against a local public body shall be commenced in the circuit court, and venue is proper in any county in which the public body serves. An action for an injunction against a state public body shall

be commenced in the circuit court and venue is proper in any county in which the public body has its principal office, or in Ingham County. If a person commences an action for injunctive relief, that person shall not be required to post security as a condition for obtaining a preliminary injunction or a temporary restraining order.

(3) An action for mandamus against a public body under this act shall be commenced in the court of appeals.

(4) If a public body is not complying with this act, and a person commences a civil action against the public body for injunctive relief to compel compliance or to enjoin further noncompliance with the act and succeeds in obtaining relief in the action, the person shall recover court costs and actual attorney fees for the action.

**15.272 Violation as misdemeanor; penalty.**

Sec. 12. (1) A public official who intentionally violates this act is guilty of a misdemeanor punishable by a fine of not more than \$1,000.00.

(2) A public official who is convicted of intentionally violating a provision of this act for a second time within the same term shall be guilty of a misdemeanor and shall be fined not more than \$2,000.00, or imprisoned for not more than 1 year, or both.

**15.273 Violation; liability.**

Sec. 13. (1) A public official who intentionally violates this act shall be personally liable in a civil action for actual and exemplary damages of not more than \$500.00 total, plus court costs and actual attorney fees to a person or group of persons bringing the action.

(2) Not more than 1 action under this section shall be brought against a public official for a single meeting. An action under this section shall be commenced within 180 days after the date of the violation which gives rise to the cause of action.

(3) An action for damages under this section may be joined with an action for injunctive or exemplary relief under section 11.

**15.273a Selection of president by governing board of higher education institution; violation; civil fine.**

Sec. 13a. If the governing board of an institution of higher education established under section 4, 5, or 6 of article VIII of the state constitution of 1963 violates this act with respect to the process of selecting a president of the institution at any time after the recommendation of final candidates to the governing board, as described in section 8(j), the institution is responsible for the payment of a civil fine of not more than \$500,000.00. This civil fine is in addition to any other remedy or penalty under this act. To the extent possible, any payment of fines imposed under this section shall be paid from funds allocated by the institution

of higher education to pay for the travel and expenses of the members of the governing board.

**15.274 Repeal of MCL 15.251 to 15.253.**

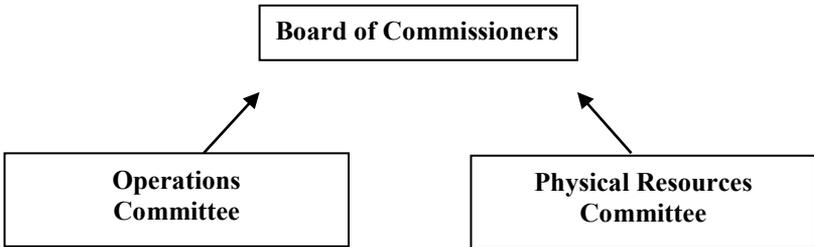
Sec. 14. Act No. 261 of the Public Acts of 1968, being sections 15.251 to 15.253 of the Compiled Laws of 1970, is repealed.

**15.275 Effective date.**

Sec. 15. This act shall take effect January 1, 1977.

## APPENDIX F

### FLOW CHART



- Operations Committee:
  - Request for additional staffing, office/department reorganizations, position upgrades, and any other matter referred to committee by Board Chairperson. Recommendation along with cost of recommendation if any referred to the full County Board for Final decision.
  - If additional appropriations are needed, determination by the full County Board as part of Final decision.
  
- Physical Resources Committee:
  - Consideration of matters related to facility management and any other matter referred to committee by Board Chairperson. If additional appropriations are needed, determination by the full County Board as part of Final decision.

No final decisions shall be made by Standing Committees except as approved by the Board of Commissioners.

## **Monroe County Board of Commissioners**

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District 8

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Deputy Clerk / Administrative Assistant  
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