

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

MUSKEGON, MI



Adopted January 17, 2023

Table of Contents

MISSION STATEMENT	III
DEFINITIONS.....	IV
RULE I – MEETINGS.....	1
Section 1 – Place of Meeting	1
Section 2 – Notice Requirements.....	1
Section 3 – Organizational Meeting	1
Section 4 – Annual Meeting	2
Section 5 – Regular Meetings	2
Section 6 – Special Meetings.....	2
Section 7 – Emergency Meetings	3
Section 8 – Open Meetings Act	3
Section 9 – Public Comment.....	4
Section 10 – Public Hearings	5
Section 11 – Cancellation of Meeting.....	5
Section 12 – Quorum	5
Section 13 – Adopt of Budget.....	5
RULE II – BOARD OFFICERS.....	6
Section 1 – Chairperson	6
Section 2 – Vice Chairperson	6
RULE III – ORDER OF BUSINESS.....	6
Section 1 – Agenda Format.....	6
RULE IV – MANNER OF VOTING AND MAJORITY REQUIRED.....	7
Section 1 – Roll Call Vote	7
Section 2 – Majority Vote.....	8
Section 3 – Procedure for Taking a Roll Call Vote	8
Section 4 – Abstention/Obligation to Vote.....	8
Section 5 – Recording Names and Votes of Members	8
RULE V – RIGHTS AND DUTIES OF MEMBERS	8
Section 1 – Duties of the Board	8
Section 2 – Addressing the Chairperson.....	8
Section 3 – Multiple Speakers Seeking the Floor.....	8
Section 4 – Interruptions.....	9
Section 5 – Call to Order	9

Section 6 – Chairperson Votes.....	9
Section 7 – Speaking During Roll Call Vote Not Permitted	9
RULE VI – MOTIONS, RESOLUTIONS, PROCLAMATIONS & TRIBUTES	9
Section 1 – Motions & Seconds.....	9
Section 2 – Tributary Resolutions and Other Proclamations.....	10
Section 3 – Order of Motions.....	10
Section 4 – Additional Information Requested.....	10
Section 5 – Motions for Reconsideration.....	11
Section 6 – Motions to Rescind or Amend	11
Section 7 – Division of the Question	11
Section 8 – Appeal Decision of the Chair.....	11
RULE VII – CONFLICT OF INTEREST	12
Section 1 – General Conflicts of Interest.....	12
Section 2 – Contracts with the County	13
RULE VIII – COMMITTEES	13
Section 1 – Standing Committees	13
Section 2 – Special Committees	15
Section 3 – Committee Procedure.....	15
Section 4 – Board Liaison Appointments	15
Section 5 – Ad Hoc Committees.....	16
RULE IX – SCOPE AND PARLIAMENTARY PROCEDURE.....	16
RULE X – AMENDMENTS TO MUSKEGON COUNTY BOARD RULES.....	16
RULE XI – AGENDA & MINUTES	16
RULE XII – GOVERNING CLAIMS FOR PERSONAL EXPENSES INCURRED IN THE OFFICIAL CONDUCT OF COUNTY BUSINESS.....	17
Section 1 – Payment/Reimbursement of County Business Expenses.....	17
Section 2 – Rules and Regulations.....	18
Section 3 – Reimbursement	20
Section 4 – Travel Expense Vouchers	21
Section 5 – Conferences.....	21
RULE XIII – POLITICAL ACTIVITY.....	21

MUSKEGON COUNTY
MISSION STATEMENT

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

DEFINITIONS

- A. “Ad Hoc Committee” shall mean a committee that is not a standing committee or special committee, and as further described in Rule VIII, Section 5.
- B. “Annual Meeting” shall mean the meeting held after September 14th but before October 16th, and as set forth in Rule I, Section 4.
- C. “Board” or “Board of Commissioners” shall mean the Muskegon County Board of Commissioners.
- D. “Closed Session” shall mean that part of a meeting that is not open to the public, the purpose of which is permitted under the Open Meetings Act, and more specifically described in Rule I, Section 8.
- E. “Majority Vote” and “Simple Majority” shall mean more than 50% of the members of the Board or committee present, unless the law requires a majority or some other number of the members elected or appointed and serving.
- F. “Members” shall mean either the members of the Board of Commission or members of any committee as applicable.
- F. “Organizational Meeting” shall mean the first meeting of the calendar year, and as further described in Rule I, Section 3.
- G. “Special Committee” shall mean a committee established by the chairperson and Board of Commissioners for a specific purpose and limited length of time, as set forth in Rule VIII, Section 2.
- H. “Special Meeting” shall mean a meeting that is not a regularly scheduled meeting of the Commission or Committee, but is called according to Rule I, Section 6.
- I. “Standing Committee” shall mean a committee of the Board of Commission as established in Rule VIII, Section 1, and as may be added or changed by the Board at a later date. References to committee, except as expressly stated or as context requires, shall mean Standing Committee.
- J. “Quorum” A majority of the members elected and serving or appointed shall constitute a quorum for the transaction business of the county.
- K. “Worksession” shall mean a public meeting of the Board where the primary purpose of the meeting will be the discussion of a particular topic or topics of importance to the County Board.

RULES OF THE
MUSKEGON COUNTY BOARD OF COMMISSIONERS

RULE I – MEETINGS

Section 1 – Place of Meeting

All meetings of the Board of Commissioners shall be held in the Commissioner Chambers at the Marquette Campus at 1903 Marquette Ave., Muskegon, Michigan 49442, or at such other place open to the public as the Board shall determine, provided advance notice is given as required by law.

Section 2 – Notice Requirements

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

Section 3 – Organizational Meeting

At the first meeting in each year, the Board of Commissioners shall convene and hold an organizational meeting, which shall be at 3:00 PM on the second business day after January 1 of each year. This meeting shall be known as the Organizational Meeting. In any year when the election of the Board chairperson is required, the County Clerk shall preside at the beginning of the Organizational Meeting until the chairperson is elected. In any year when the election of the Board chairperson is not required, the Board chairperson shall preside over the Organizational Meeting. The Board shall transact such business at the Organizational Meeting as shall be provided by these Rules and laws of the State of Michigan according to the following agenda:

- A. The County Clerk, or designee as provided by law, shall administer the oath of office to the commissioners, if the oath has not been previously administered.
- B. These Rules shall be discussed and considered for adoption. Rules may be adopted by the Board at the Organizational Meeting or any subsequent meeting of the Board. Until the Board adopts rules, the rules adopted by the immediately preceding Board of Commissioners shall carry over and serve as the Muskegon County Board Rules.
- C. In odd numbered years, the Board of Commissioners shall elect 1 member as chairperson who shall serve a 2-year term, unless the Board provides by resolution that the chairperson shall be elected annually for a 1-year term. If the Board adopts a resolution providing that the chairperson shall be elected annually for a 1-year term, then the Board of Commissioners shall elect 1 member as a chairperson each year. The vice-chairperson shall be elected annually for a 1-year term.

The term of a chairperson or vice-chairperson shall begin upon his or her election. The election of the chairperson (annually if required) and each year in the case of vice-chairperson shall take place in accordance with the following procedure:

1. The County Clerk shall call for nominations for the office of chairperson. Nominations shall be closed when voted on by the majority or when only one person is nominated. The County Clerk shall record the names and votes for chairperson by roll call vote or by secret ballot if requested. The County Clerk shall tally the votes of the secret ballots. When one nominee receives a majority of the votes of the members elected and serving, that nominee shall be the elected chairperson.
2. The chairperson shall preside over the election of the vice-chairperson. The procedure for nominations and election of vice-chairperson shall follow the same procedure for election of the chairperson set forth in Section 3.C.1 above, except that the election of vice-chairperson shall be by voice vote or roll call vote.

Section 4 – Annual Meeting

The Board shall meet at least annually for the transaction of business (“Annual Meeting”). The Annual Meeting of the County Board of Commissioners shall be held each year after September 14, but before October 16. The Annual Meeting shall be held where regular meetings of the County Board of Commissioners are held or at a place in the County that the County Clerk selects with approval of the Board of Commissioners.

Section 5 – Regular Meetings

Regular meetings of the Board of Commissioners are held at the time and place set by motion of the Board of Commissioners at their first regular meeting of the calendar or fiscal year. Pursuant to the Open Meetings Act, Act 267 of 1976 (“OMA”), a public notice of regular meetings will be posted within 10 days after the first meeting at which the motion was approved, stating the dates, times, and places of its regular meetings. The notice of regular meetings will also be posted on the County’s website. Notwithstanding, failure to post a notice to the County’s website, except when required by the OMA, shall not be a violation of these Rules or invalidate any action of the Board at any such meeting. If there is a change in the schedule of regular meetings, there shall be posted within 3 days after the meeting at which the change is made, a public notice stating the new dates, times, and places of its regular meetings.

Section 6 – Special Meetings

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

Special meetings of the Board of Commissioners may be called by at least one-third of the Commissioners. A request for a special meeting must be made (in writing), and addressed to the Office of the Administrator, specifying the time, date, place and purpose of the meeting.

The Office of the Administrator, will inform the Commissioners of the time, date, place, and purpose of the special meeting by providing notice (personally delivered or email delivery) at least 18 hours before the special meeting. Notice to the public of the time, date and place of the special meeting shall be provided at least 18 hours in advance by posting the notice at the County's or Committee's principal office as required by the OMA and on a portion of the County's website that is fully accessible to the public. The public notice on the website shall be included on either the homepage or on a separate webpage dedicated to public notices for non-regularly scheduled public meetings and accessible via a prominent and conspicuous link on the website's homepage that clearly describes its purpose for public notification of those non-regularly scheduled public meetings.

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

Section 7 – Emergency Meetings

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

Section 8 – Open Meetings Act

All meetings of the Board or committees thereof shall be properly noticed and open to the public if required by the OMA. Notice of meetings shall be posted in accordance with law and posted on the County's website. Notwithstanding, failure to post a notice to the County's website, except for meetings of a public body when required by the OMA, shall not be a violation of these Rules or invalidate any meeting.

Members of the Board or its committees shall remain cognizant of the strictures of the OMA when using e-mail and shall not deliberate toward or render a decision on matters of public policy through e-mail.

Closed Sessions of the Board of Commissioners and any other public body as defined by the OMA shall be conducted in accordance with the OMA as amended from time to time. Preserving confidentiality in a closed session is not only required but promotes effective and open discussion. Disclosure of information from closed sessions violates the trust that allows for open discussion and free exchange of ideas among board members during permissible closed sessions. Even if the matter discussed is no longer confidential (acted on in open session), confidential information discussed in closed session must stay confidential. Improper disclosure of closed session minutes is a violation of the OMA and a breach of the Member's fiduciary duty.

Section 9 – Public Comment

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

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

Section 10 – Public Hearings

The Board of Commissioners may, from time to time, hold public hearings. The Office of Administrator shall be chiefly responsible for scheduling public hearings when required or requested. If a department head is requesting a public hearing, the department head shall submit their request in writing to the Office of Administrator for approval. The request from the department head will include such information as necessary for the Office of Administrator to make a decision on the date, time, and place of the public hearing. The Office of Administrator shall be responsible for ensuring that public notice of any required hearings is posted or published in conformance with applicable law, rule, or regulation.

Section 11 – Cancellation of Meeting

A. PROCEDURE

The chairperson of the Board of Commissioners, after consulting with the vice-chairperson of the Board, may cancel a meeting for any reason and pursuant to that cancellation, take the following steps:

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

B. CITIZEN CONTACT

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

Section 12 – Quorum

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

Section 13 – Adopt of Budget

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

RULE II – BOARD OFFICERS

Section 1 – Chairperson

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

The chairperson shall make all appointments to standing committees, boards, and commissions subject to approval of the Board of Commissioners. The chairperson may administer an oath to a person concerning a matter submitted to the 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 Board of Commissioners designate the vice–chairperson to affix his or her signature to contracts, bond and other documents requiring the signature of the chairperson, when because of illness or other exigency which, in the opinion of the board, prevents the chairperson from performing the functions of the office. If there is a vacancy in the office of chairperson by reason of disability, death, resignation, or removal, an election for the position shall take place within 30 days of such date according to the procedure set out in Rule I, Section 3.

Section 2 – Vice Chairperson

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

RULE III – ORDER OF BUSINESS

Section 1 – Agenda Format

A. Board of Commission Meetings

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

1. Call to Order
2. Invocation or Meditation
3. Pledge of Allegiance to the Flag
4. Roll Call of Commissioners
5. Approval of Agenda
6. Approval of Previous Minutes
7. Public Comment (on an agenda item)
8. Public Hearing

9. Presentation (time limit 10 minutes) (as needed)
10. Communications (as needed)
11. Chairperson's / Committee Reports
12. Administrator's Report
13. Unfinished Business
14. New Business
15. Public Comment
16. Final Board Comments
17. Closed Session (as needed)
18. Adjournment

B. Committee Meetings

Unless a majority of the Committee decides to do something different or votes to suspend, the following shall be the order of business governing the proceedings of the Board of Commissioners while in regular Committee meetings:

1. Call to Order
2. Roll Call
3. Approval of Previous Minutes
4. Public Comment (on an agenda item)
5. Public Hearing
6. Presentation (time limit 10 minutes) / Communication (as needed)
7. Items for Consideration
8. Unfinished Business
9. New Business
10. Public Comment
11. Final Board Comments
12. Closed Session (as needed)
13. Adjournment

C. Special Meetings

The agenda and order of business for Special Meetings will be set by the Office of Administrator in consultation with Members, if the special meeting was requested, and subject to the final approval of the Board of Commissioners attending the special meeting. The agenda shall be consistent with the purpose of the special meeting set forth in the public notice.

RULE IV – MANNER OF VOTING AND MAJORITY REQUIRED

Section 1 – Roll Call Vote

The adoption of the annual budget and questions involving the expenditure of public funds shall be by roll call; however, any Member may request that the vote on any matter be by roll call.

Section 2 – Majority Vote

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

Section 3 – Procedure for Taking a Roll Call Vote

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

Section 4 – Abstention/Obligation to Vote

All Members understand that part of their statutory duty requires them to vote unless they are disqualified as defined in Rule VII.

Section 5 – Recording Names and Votes of Members

The names and votes of Members shall be recorded on an action taken by the Board or Committee if the vote is by roll call. If the vote is by voice vote, the number of votes cast for and against the measure shall be recorded, but the names and votes of Members need not be recorded. A record that is made pursuant to this section shall be available for inspection.

RULE V – RIGHTS AND DUTIES OF MEMBERS

Section 1 – Duties of the Board

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

Section 2 – Addressing the Chairperson

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

Section 3 – Multiple Speakers Seeking the Floor

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

Section 4 – Interruptions

When a Member is speaking on any question before the Board, no other Member shall interrupt except to be called to order by the chairperson.

Section 5 – Call to Order

When a Member is called to order by the chairperson, the Member shall immediately stop talking and come to order. If a Member appeals the ruling of the chairperson, the Board may overrule the call to order.

Section 6 – Chairperson Votes

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

Section 7 – Speaking During Roll Call Vote Not Permitted

After a vote is ordered and the clerk is directed to call the roll, no Member shall be entitled to speak to the question other than to simply cast his/her vote. Upon completion of the roll, a Member may be recognized by the chairperson to explain his/her vote.

RULE VI – MOTIONS, RESOLUTIONS, PROCLAMATIONS & TRIBUTES

Section 1 – Motions & Seconds

No motion or resolution shall be debated unless the motion or resolution is first supported by another Member. Motions shall be put in writing if requested by any other Member and a copy shall be provided to the county clerk.

Except in the case of a motion or resolution that is deemed an emergency matter by a vote of at least 2/3 of the Members elected and serving, no Member may make any motion or introduce any resolution and the Board will not consider action on any motion or resolution on any substantive county matter or issue (excluding matters recommended by the Office of the Administrator, and tributary resolutions and proclamations under section 2), unless the subject matter of the motion or resolution has first been referred to a Standing Committee, Special Committee, or Worksession for consideration and recommendation back to the Board. The chairperson shall decide whether a matter is substantive for purpose of this section, subject to appeal pursuant to Rule VI, Section 8.

Members who desire the Board to take action on a matter must first make a motion that is adopted by a majority of the Board to refer the matter to a Standing Committee, Special Committee, or Worksession. If a motion to refer a matter to a Standing Committee, Special Committee, or Worksession is adopted, the Standing Committee, Special Committee, or Worksession to which such matter is referred shall consider the matter at its next regular meeting or at a special meeting

as soon as scheduling permits (and in no case more than 21 days), and shall make a recommendation on the matter to the Board at the Board's next regular meeting or at a special meeting called for that purpose. If the Standing Committee, Special Committee, or Worksession fails to consider the matter and make a recommendation to the Board within the time prescribed by this section, the Board may take up the matter for consideration and action without delay.

Section 2 – Tributary Resolutions and Other Proclamations

Tributary resolution and other proclamations submitted by Members or the public will not be acted upon by the Board of Commissioners at the time presented, unless it is deemed to be time sensitive by a vote of at least 2/3 of the Members elected and serving. All such requests will be referred to the Office of the Administrator for review in consultation with the chairperson and/or vice-chairperson for recommendation to and consideration by the Board at a later date. Submission of information to the Office of the Administrator or the Board or receipt of information by the Office of the Administrator or the Board does not constitute approval, endorsement or consent.

Section 3 – Order of Motions

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

PRIVILEGED MOTION

1. Fix the time to which to adjourn
2. Adjourn
3. Recess
4. Raise a question of privilege
5. Call for orders of the day (requires the adopted program or order of business to be followed)

SUBSIDIARY MOTION

6. Limit or extend debate (not debatable and requires a 2/3 majority vote those present)
7. Postpone to a certain time (debatable and requires a simple majority of those present)
8. Comment or refer
9. To amend
10. To postpone indefinitely (debatable and requires a simple majority of those present)

Section 4 – Additional Information Requested

A suspension of the rules is not necessary for requesting staff to provide further information or for requesting additional information from a recognized authority in the audience if requested by the chairperson or any Member with the consent of the chairperson.

Section 5 – Motions for Reconsideration

A motion to reconsider must be made at the same meeting of the Board or at the next meeting immediately following the meeting when the original motion was voted upon. However, a motion to reconsider a vote in a Standing Committee or Special Committee can be made and taken up regardless of the time that has elapsed since the vote was taken and there shall be no limit to the number of times a question can be reconsidered. A motion for reconsideration must be made by a Member who voted with the prevailing side. To prevail, the motion requires a simple majority vote if all members who voted with the prevailing side are present or have been notified in writing that a motion for reconsideration shall be moved. If all Members have not been notified in writing, a two-thirds vote is required to adopt the motion for reconsideration.

Section 6 – Motions to Rescind or Amend

A motion to rescind or amend a previously adopted motion may be made and if supported by another Member, is debatable. With previous written notice to the Members, the motion requires a majority vote of those present. Without previous written notice, a two-thirds vote of those present is required. However, a motion to rescind or amend a previously adopted motion is not in order if (i) the action sought to be rescinded or amended has already occurred and is impossible to undo; (ii) if the Board has voted to enter into a contract and the other party has been so notified and has detrimentally relied on the action of the Board; or (iii) if a resignation has been accepted and the person notified.

Section 7 – Division of the Question

- A. A division of any motion shall be made when so requested by any Member; provided however, that such division results in entirely separate motions where each can stand as a complete proposition without the other. The division shall result in motions that are debated and voted upon separately.
- B. A request by a Member for a division of the question is an incidental motion normally not debatable. Notwithstanding, the chairperson may permit debate on the question of division and, subject to appeal under section 8, shall also decide whether the division of the question is proper. The motion may not be reconsidered, but it may be amended.

Section 8 – Appeal Decision of the Chair

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

RULE VII – CONFLICT OF INTEREST

Section 1 – General Conflicts of Interest

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

- A. Any Board member may raise the point of a potential conflict of interest. A conflict of interest shall include, but is not limited to, a matter pending before any County board, commission or committee in which:
 - 1. A Member has a direct pecuniary interest in the matter or in the outcome of the matter, if such interest would result in an incompatibility between the Member's private interests and the Member's fiduciary duties; or
 - 2. A person in the Member's immediate family has a direct pecuniary interest in the matter or in the outcome of the matter, if such interest would result in an incompatibility between the Member's private interests and the Member's fiduciary duties. "Immediate family" means a Member's spouse, children, stepchildren, grandchildren, parents, brothers, sisters, grandparents, parent's in-law, or any individual living in the Member's household.

- B. Before participating in a decision, hearing, or casting a vote on a matter on which a Member may reasonably have a conflict of interest as identified above, the Member shall disclose the potential conflict of interest to the Board of Commissioners or any Standing Committee or Special Committee.
 - 1. A Board Member who has disclosed a conflict of interest shall disqualify himself or herself at the outset of the hearing or discussion and shall not participate in the deliberations or decision. The Member shall not attempt to exert his or her personal influence with respect to the matter, either at or outside the meeting. The presence of the Member at the meeting shall not be counted in determining the presence of quorum for purposes of the vote on the matter presenting the conflict of interest. The Member's ineligibility to vote shall be reflected in the minutes of the meeting.
 - 2. If the Member is an applicant submitting an application, contract, transaction or any other matter to a County board, commission, or committee, the Member may be present in the meeting room during the discussion to make a presentation and answer questions.
 - 3. If a Member plans not to attend a meeting at which he or she has reason to believe that a County board, commission, or committee will act on a matter in which the Member has a conflict of interest, he or she shall disclose to the chairperson of the meeting all facts material to the conflict of interest. The chairperson shall report the disclosure at the meeting and the disclosure shall be reflected in the minutes of the meeting.

Section 2 – Contracts with the County

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

RULE VIII – COMMITTEES

Section 1 – Standing Committees

- A. The chairperson of the Board of Commissioners shall, by the first regularly scheduled Board meeting following the Organizational Meeting, designate the chairperson and vice chairperson of each Standing Committee for the ensuing year, whose membership shall be the whole of the Board. Appointments by the chairperson are subject to the approval of the majority vote of Members present.
- B. The chairperson and vice–chairperson of the Standing Committees serve at the pleasure of the Board. When appointed by the chairperson of the Board and approved by the Board, the chairperson and vice–chairperson of any Standing Committee shall hold that position until such time as the chairperson or vice–chairperson shall leave office or until such time as either the chairperson or vice–chairperson is reappointed. Notwithstanding, the chairperson or vice–chairperson of any Standing Committee may be removed at any time upon 2/3 vote of the members elected and serving on the Board.
- C. The following Standing Committees–of–the–whole of the Board of Commissioners and their respective duties are established. These lists are meant to be illustrative but not necessarily inclusive of all such duties.

COMMUNITY DEVELOPMENT/STRATEGIC PLANNING

Accommodations Tax
Capital & Public Improvements (excluding items within confines of Public Works Board)
Convention Center
County Real Estate
Economic Development Corporation
Fairgrounds
Port Development
Heritage Landing
Parks

Special Projects
Tourism
West Michigan Shoreline Regional Development Commission

COURTS/PUBLIC SAFETY

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

HUMAN SERVICES

Cooperative Extension
Medical Examiner
Public Health
HealthWest
Veterans' Affairs

TRANSPORTATION

Airport
Muskegon Area Transit System
Trolleys

WAYS & MEANS

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

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

Section 2 – Special Committees

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

Section 3 – Committee Procedure

- A. When a quorum for a scheduled meeting is not achieved within fifteen (15) minutes of the appointed meeting time, the meeting shall be cancelled.
- B. Any Member finding it necessary to be excused from a committee meeting shall notify the chairperson or vice-chairperson and the Office of the Administrator as soon as possible.
- C. Committee chairpersons shall be allowed to enter into the discussion on any items under consideration.

Section 4 – Board Liaison Appointments

The chairperson of the Board shall, with the approval of the Board, appoint Members to serve on various community commissions, boards and committees (“Commissioner liaison”).

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

Section 5 – Ad Hoc Committees

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

RULE IX – SCOPE AND PARLIAMENTARY PROCEDURE

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

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

The Board of Commissioners retains the authority to adopt any other additional rules or regulations, or suspend any rule or regulation, that it decides better serves the interests of conducting business in or before the County Board.

RULE X – AMENDMENTS TO MUSKEGON COUNTY BOARD RULES

The chairperson of the Board of Commissioners will annually appoint Members to a Board Rules Committee, which is established as an Ad Hoc Committee by the adoption of these rules. The Board Rules Committee shall consist of three (3) Members. It is recommended at least one member be a newly elected or appointed Member. The Board Rules Committee will also be comprised of Corporate Counsel and Administrator designee for staffing purposes.

The Board Rules Committee, shall at least annually, review the rules for any necessary language modification or changes in procedures. Any proposed changes will be shared with each Member and a recommendation to approve motion will be brought to the Board of Commissioners. Amendments to these rules shall be adopted by a majority of Members elected and serving.

RULE XI – AGENDA & MINUTES

The agenda for the Board meetings and meetings for any Standing Committee, Special Committee, Ad Hoc Committee, or Worksession will be prepared by the Office of the Administrator and chairperson (of the Board or committee, depending on the meeting at issue) and made available to all Members prior to meetings.

Minutes must be kept for all meetings of the Board of Commissioners and any committees (unless purely advisory) in compliance with the requirements of the OMA.

The minutes required by the OMA for each meeting shall show 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 and voice votes taken at the meeting.

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

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

Section 1 – Payment/Reimbursement of County Business Expenses

Accountable Plan

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

It is County policy that:

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

Definitions & Taxes

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

A. Definitions

1. Members shall mean those individuals defined by these rules.
2. Other elected officials are those individuals, other than Members, duly elected and serving in the statutory offices of the County of Muskegon.
3. Employees are individuals duly employed and listed on the regular payroll of the County.
4. Agents of the county are those individuals retained on a fee basis or special appointment to perform valuable acts on behalf of the county. The Board of Commissioners shall designate such agents prior to expense approval.

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

Section 2 – Rules and Regulations

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

A. Travel Expense

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

The following exceptions shall apply:

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

B. All persons returning from authorized travel must turn in evidence of expenditures and complete a travel reconciliation form within thirty (30) days after returning from the authorized travel.

To comply with IRS requirements, the business purpose of the travel must be documented in the report. Notwithstanding the 30-day requirement, purchase card receipts must be provided to department finance staff within three business days of the end of the month that the travel occurred to ensure timely processing and posting of the credit card transactions. Members, other elected officials and all employees and agents claiming expenses shall properly document and receipt, whenever practicable, all such actual expenses.

In so doing, the following guidelines shall be followed:

1. Interstate Travel

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

2. Intrastate Travel

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

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

4. Mileage Expense is calculated:

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

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

Section 3 – Reimbursement

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

- A. County vehicles shall be used for travel whenever available and practicable.
- B. County business mileage (personal vehicle) is reimbursable at the lower of the IRS rate or otherwise approved in labor agreement. County business mileage submitted for reimbursement shall be properly itemized and explained by listing (a) starting, destination and ending locations, (b) the business purpose and description of the trip, (c) total reimbursable County business mileage of the trip.

Per IRS Regulation 1.232-1(b)(5), round-trip commute mileage must be subtracted from the day's total mileage if business travel started and ended at home.

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

Section 4 – Travel Expense Vouchers

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

Section 5 – Conferences

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

RULE XIII – POLITICAL ACTIVITY

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

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

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