

**BOARD OF COUNTY ROAD COMMISSIONERS  
OF THE COUNTY OF ANTRIM**

**RULES OF PROCEDURE**

**1.0 AUTHORITY**

These rules are adopted by the Board of County Road Commissioners of the County of Antrim (the Board) pursuant to Section 3(1) of the Open Meetings Act, MCL 15.263(1), which authorizes a public body to establish reasonable rules and regulations in order to minimize the possibility of disrupting its meetings.

**2.0 MEETINGS**

**2.1 Regular Meetings**

The Board shall meet on the 3<sup>rd</sup> Tuesday of each month in regular session. At its first meeting in each calendar year, the Board shall establish its schedule of regular meetings for the balance of the year. If any regularly scheduled meeting falls on a legal holiday, the regular meeting shall be held on the next day that is not a legal holiday.

**2.3 Special Meetings**

The Board shall meet in special session at the call of the Board Chair or upon written request of a majority of the Board members filed with the Road Commission Clerk (the Clerk). No less than 18 hours before the scheduled special meeting, the Clerk or his/her designate shall provide each member of the Board a notice of the special meeting, specifying the date, time, place, and purpose of the special meeting. This notice shall be given personally to each member of the Board, left at the member's usual place of residence, or with the written consent of the Board member sent by electronic mail.

**2.4 Emergency Meetings**

Emergency meetings of the Board may be held only in the event of a severe and imminent threat to the health, safety, or welfare of the public when two-thirds of the members of the Board elected and serving decide that delay would be detrimental to efforts to lessen or respond to the threat.

**2.5 Place of Meetings**

Meetings of the Board shall be held in the Road Commission office, unless public notice of the meeting states a different location. Whenever the regular meeting place of the Board shall appear inadequate for members of the public to attend, the Board Chair may change the meeting location to a larger facility in the county, or surrounding area. A notice of such change shall be prominently posted on the door of the regular

meeting place. The Clerk shall also give notice of the change in the meeting place in a newspaper if time permits.

### **2.6 Time of Regular Meetings**

The time of the regular meetings will be 9:30 a.m. and shall be stated in the regular schedule of meetings adopted under Rule 2.2, unless the Board by a vote of a majority of its members specifies a different starting time.

## **3.0 PUBLIC NOTICE OF MEETINGS**

The Clerk shall provide the proper notice for all meetings of the Board. All such notices shall comply with the Michigan Open Meetings Act and shall be posted in a conspicuous location at the Road Commission office visible from the outdoors and include, but not necessarily be limited to, the following:

### **3.1 Regular Meetings**

A notice shall be posted within ten (10) days after the first meeting of the Board in each calendar year indicating the date, time, and place of the Board's regularly scheduled meetings.

### **3.2 Schedule Change**

Whenever the Board changes its regular schedule of meetings, a notice of the change in the regular meeting schedule shall be posted within three (3) days following the meeting in which the change was made.

### **3.3 Special and Emergency Meetings**

If a special meeting of the Board is scheduled under Rule 2.3 or an emergency meeting of the Board is scheduled under Rule 2.4, then notice of such meeting shall be posted immediately and delivered to the residence of each member by personal delivery, facsimile transmission, email, or registered mail. No meeting, except emergency meetings, shall be held until notice of the meeting has been posted at least eighteen (18) hours in advance of the meeting.

### **3.4 Notification to Media and Others**

The Clerk shall notify, without charge, any newspaper or radio or television station of the Board's meeting schedule, schedule changes, or special or emergency meetings whenever such newspaper or radio or television station has filed with the Clerk a written request for such notice. The Clerk shall also notify other individuals or organizations of regular meeting schedules, changes in the schedule, or special and emergency meetings, but only upon their written request and agreement to pay the Road Commission for printing and postage expenses. With written consent of the persons or agencies requesting notification, notice may be made by facsimile

transmission or email. In the absence of such consent, notices shall be made by first class mail.

#### **4.0 QUORUM AND ATTENDANCE**

##### **4.1 Quorum**

A majority of members of the Board elected and serving (two members) shall constitute a quorum for the transaction of ordinary business of the Board. In the event a quorum is not present at a scheduled meeting of the Board, no business shall be conducted and the meeting shall be rescheduled to a later day and time and proper notice shall be given to members and the public.

##### **4.2 Attendance**

No member of the Board may absent himself or herself without first having notified the Clerk of his or her intent to be absent from a scheduled meeting.

#### **5.0 MEETING AGENDAS**

##### **5.1 Agenda for Regular Meetings**

The Clerk shall prepare the agenda of business for all regular Board meetings. Any member of the Board, a committee of the Board, or the public desiring to place a matter on the agenda shall notify the Clerk of such item by 3:30 p.m. on the Wednesday preceding the next regular meeting. Such items shall be placed on the agenda in their appropriate locations. The Board reserves the right to alter the agenda, the order of items on the agenda, and remove items by a majority vote of the members present at the meeting. Except upon the consent of a majority of the members present, the Board shall not consider items not received by the Clerk by the stated deadline.

##### **5.2 Agenda for Special and Emergency Meetings**

Whenever the Board is called into special session pursuant to Rule 2.3, the agenda shall be included in the notice of the meeting. The agenda for emergency meetings pursuant to Rule 2.4 shall be provided along with the notice of the meeting to members of the Board, if time permits. At other times, the Board Chair shall declare the agenda upon the approval of a majority of the members present.

##### **5.3 Distribution of Agenda and Materials**

Upon the completion of the agenda, the Clerk shall immediately distribute copies of the agenda together with copies of reports, explanations, etc., which relate to the matters of business on the agenda. Members of the Board shall be entitled to receive such materials no later than two (2) days prior to the next regular meeting.

##### **5.4 Order of Business**

The agenda shall be arranged in the following order:

1. Call to order
2. Roll Call
3. Approve Minutes
4. Public Comment (3 minutes per person)
5. Correspondence
6. Financial Reports
7. Manager's Report
8. Action Items
9. Items for Future Considerations
10. Adjournment

## **6.0 CONDUCT OF MEETINGS**

### **6.1 Chair**

The Board Chair shall preside at all meetings of the Board. In the absence of the Board Chair the Board's Vice Chair shall assume the duties of the chair.

### **6.2 Form of Address**

Members of the Board wishing to speak shall first obtain the approval of the chair and each member who speaks shall address the chair. Other persons at the meeting shall not speak unless recognized by the chair.

### **6.3 Rules for Citizen Comments to the Board**

1. The public may only address the Board at the time designated on the agenda.
2. Members of the public addressing the Board shall take into consideration the rules of common courtesy.
3. Members of the public shall not use the public participation portion of the meeting to make personal attacks against members of the Board or against other Road Commission officials or employees. If the intended comments constitute a complaint or charge brought against a member of the Board or against a Road Commission official or employee alleging that the official or employee has violated a federal or state statute, or an ordinance, resolution, or policy of the Road Commission, the individual shall contact the Clerk under Rule 5.1 to request placement on the agenda.
4. Members of the public wishing to speak shall first obtain the approval of the chair, and each person who speaks shall address the entire Board.
5. The persons addressing the Board shall, when requested, identify themselves.
6. Each member of the public addressing the Board may speak for three (3) minutes unless they contact the Clerk under Rule 5.1 to request placement on the agenda and specify the purpose of the presentation and length of time requested (maximum time allowed 15 minutes per speaker or group).

7. A member of the public who desires to submit a written statement shall give the statement to the Clerk prior to the commencement of the meeting or any comments. All written statements and documents presented to the Board by an individual are considered public documents and shall be retained in the record of the meeting.
8. The above provisions, however, shall in no way impair the right of the chair to control the meeting as presiding officer.

#### **6.4 Disorderly Conduct**

The Board Chair, or presiding official, shall call to order any person who is being disorderly by speaking or otherwise disrupting the proceedings, by failing to be germane, by speaking longer than the allotted time, or by speaking vulgarities. Such person shall thereupon be seated until the chair has determined whether the person is in order. If a person so engaged in a presentation is ruled out of order, he or she shall not be permitted to speak further at the same meeting except upon special leave by the Board. If the person continues to be disorderly and to disrupt the meeting, the chair may request the sheriff, a deputy sheriff, or other police officer to remove the person from the meeting. No person shall be removed from a public meeting except for an actual breach of the peace committed at the meeting. The Board shall also have the right to adjourn the meeting if it is interrupted due to the disorderly conduct of any person.

### **7.0 RECORD OF MEETINGS**

#### **7.1 Minutes and Official Records**

The Clerk shall be responsible for maintaining the official record and minutes of each meeting of the Board. The minutes shall include all the actions and decisions of the Board with respect to substantive (non-procedural) motions. The minutes shall include the names of the mover and seconder and the vote of the members. The record shall also state whether the vote was by voice or by roll call; when by roll call, the record shall show how each member voted. The Clerk shall maintain, in the office of the Clerk, copies of each resolution and ordinance or other matter acted upon by the Board. The official minutes, however, may refer to those matters by an identifying number and the descriptive title of the ordinance, resolution, or other matter.

#### **7.2 Record of Discussion**

The Clerk shall not be responsible for maintaining a written record or summary of the discussion or comments of the members of the Board nor of the comments made by members of the public.

#### **7.3 Request for Remarks to Be Included**

Any member of the Board may have his or her comments printed as part of the record upon the concurrence of a majority of the other members. Comments to be included in the record shall be provided in writing by the member.

#### **7.4 Public Access to Meeting Records**

The Clerk shall make available to members of the public the records and minutes of the Board meetings in accordance with the Michigan Open Meetings Act and the Michigan Freedom of Information Act. Minutes of Board meetings, prepared but not approved by the Board, shall be available for public inspection not more than eight (8) business days following the meeting. Minutes approved by the Board shall be available within five (5) business days of the meeting at which they were approved.

### **8.0 COMMITTEES**

#### **8.1 Establishment; Appointment**

If deemed advisable, the Board may establish standing and ad hoc committees, define the purpose of each committee, and specify the number of members on each committee. The Board Chair shall appoint the members of the committees. The Board Chair shall be an *ex officio* member of all committees without a vote.

Upon the motion of any Board member, and approval by a majority of the Board, a committee may be discharged from further consideration of any matter.

#### **8.2 Committee Meetings**

A majority of the members of a committee shall constitute a quorum. Each committee shall comply with the provisions of the Michigan Open Meetings Act and the Freedom of Information Act.

#### **8.3 Exercise of Governmental Function**

A committee shall not exercise a governmental function as defined by the Michigan Open Meetings Act in a meeting not open to the public unless the act permits the action to be considered in executive session closed to the public. The responsibility of each committee is to make recommendations to the Board and to report matters considered and rejected as well as those considered and recommended.

### **9.0 EXECUTIVE MEETINGS (CLOSED SESSION)**

**9.1 Roll Call Vote Required.** The vote to hold an executive meeting shall be recorded in the minutes of the meeting at which the decision was made.

**9.2 Two-thirds Vote Required.** The Board may meet in executive session, closed to members of the public, upon the motion of any member and roll call vote approval by two-thirds of the members for the following purposes:

**9.2.1** To consider the purchase or lease of real property, until an option to purchase or lease that property is obtained.

**9.2.2** To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only when an open meeting would have a detrimental financial effect on the litigating or settlement position of the Road Commission.

**9.2.3** To meet with an attorney to consider the attorney's written opinion.

**9.2.4** To review the specific contents of an application for employment to a Road Commission position and the applicant requests that the application remain confidential. Whenever the Board meets to interview an applicant, the meeting shall be open to the public.

**9.3 Majority Vote Required.** The Board may also meet in executive session upon the motion of any member and roll call approval by a majority of the entire members for the following purposes:

**9.3.1** 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. If the person rescinds his/her request for a closed meeting the matter at issue shall thereafter be considered only in open public meeting.

**9.3.2** To consider strategy connected with the negotiation of a collective bargaining agreement.

#### **9.4 Minutes, Executive Meetings**

For each executive meeting, the Clerk shall make a separate record of the topics discussed. This record shall not be disclosed to the public except upon the order of a court. The Clerk shall destroy the minutes after one year and one day have passed after the meeting at which the Board approved the minutes of the meeting at which the Board voted to hold the executive meeting.

### **10.0 PROCEDURAL MOTIONS AND RESOLUTIONS**

#### **10.1 Statement by Chair, Motions, and Resolutions**

No motion or resolution shall be entertained unless the same is seconded. No motion or resolution shall be adopted until the presiding officer states the motion. All motions, except procedural motions and resolutions, may be required to be in writing upon the

demand of any member. A request to recess for the purpose of writing out a motion or resolution shall be in order.

### **10.2 Non-debatable Motions**

The motions to fix the time of the next meeting, adjourn, recess, point of privilege, call for orders of the day, to table, vote immediately, limit or extend debate shall be ordered and voted upon without debate.

### **10.3 Motion to Reconsider**

The motion to reconsider shall be in order on any question that the Board has decided, but no question shall be reconsidered more than once. The motion to reconsider shall be in order on the same day as the vote to be reconsidered was taken. The motion to reconsider shall be made only by a member who voted with the prevailing side. A motion to reconsider a motion to amend shall not be in order if the main question has been voted upon. If the Board has adopted a motion to reconsider, however, motions to amend shall be in order.

### **10.4 Motion to clear the floor**

The motion to clear the floor may be made by the chair or a member, whenever procedural matters have become sufficiently confused. If the motion to clear the floor has been adopted, it shall clear the floor of all motions as though they had been withdrawn. The motion shall not be subject to debate nor, if adopted, to reconsideration.

### **10.5 Temporary suspension of the rules**

These rules may be suspended temporarily at any time by vote of two-thirds of the members elected and serving to achieve any legal objective of the Board in a legal manner.

### **10.6 Appeal rulings of the chair**

Any member of the Board may appeal the ruling of the chair. On all appeals receiving a second, the question shall be, "Shall the decision of the chair stand as the decision of the Board?"

## **11.0 VOTING**

### **11.1 Abstaining from voting**

Except as provided herein, whenever the chair puts a question to the Board, every member present shall vote "yes" or "no" on the question. If a member has a conflict of interest, such conflict of interest shall be fully stated on the record. If a question exists whether the circumstances actually present a conflict of interest, the Board may, by majority vote of the members present, table the matter under consideration in order to obtain a written opinion from the Road Commission attorney. Once the conflict of



interest is declared or confirmed, the Board member with the conflict of interest shall abstain from participating, debating, and voting on the matter under consideration.

### **11.2 Roll call votes**

The names and votes of members shall be recorded on Board actions to adopt final measures such as resolutions, appointment or election of officers, etc. A roll call vote shall be taken on other motions and actions at the request of any Board member.

### **11.3 Votes Required**

Except as provided elsewhere in these rules and except for those decisions required by statute to have a higher majority, procedural and other questions arising at a meeting of the Board shall be decided by a majority of the members present. A majority of the members serving shall be required for final passage or adoption of a measure, resolution, or the allowance of a claim.

## **12.0 PARLIAMENTARY AUTHORITY**

Generally, Robert's Rules of Order (Newly Revised) shall govern all questions of procedure not otherwise provided by these rules or by state or federal law. The Road Commission attorney shall serve as the Board's parliamentarian and shall advise the presiding officer regarding rules of procedure.

## **13.0 AMENDMENTS**

These Rules of Procedure may be added to, amended or repealed in whole or in part. Proposed changes to these Rules of Procedure must be submitted in writing to the members of the Board at least one (1) month in advance of the meeting at which the proposed changes will be considered. A majority vote of the entire Board shall be required to amend these Rules of Procedure.

## **14.0 SEVERABILITY**

If any section, provision or clause of these Rules of Procedure or the application thereof to any person or circumstance shall be invalid, such invalidity shall not effect any remaining portion or application of these Rules of Procedure which can be given effect without the invalid portion or application.

These Rules of Procedure were adopted by the Board of County Road Commissioners of the County of Antrim at its meeting held on May 16, 2017.

Dale Farrier, Clerk