



Macomb County, Michigan

Charter Commission By-Laws

Adopted: December 23, 2008

Table of Contents

Article I.	Purpose	2
Article II.	Officers	2
Article III.	Quorum	3
Article IV.	Executive Committee.....	3
Article V.	Committees	3
Article VI.	Open Meetings	4
Article VII.	Vacancies	4
Article VIII.	Compensation	4
Article IX.	Expenses.....	4
Article X.	Regular Meetings	5
Article XI.	Special Meetings	5
Article XII.	Duties of Commissioners.....	5
Article XIII.	Order of Business.....	6
Article XIV.	Motions.....	6
Article XV.	Official Rules of Order	7
Article XVI.	Severability	8
Article XVII.	Adoption	8

Article I. Purpose

Section 1.01 In order to comply with Public Act 293 of 1966 (MCL 45.501 - 45.521) in regard to our organization, and to promote our efficient and effective deliberations, the Charter Commission of Macomb adopts the following by-laws for our Commission, and its Committees

Article II. Officers

Section 2.01 CHAIRPERSON: The members shall elect a chairperson to preside over meetings for the term of the commission, unless removed by 2/3 vote of the members of the commission. The chairperson shall have the duty to convene and preside at all regular or special meetings. In addition, the Chairperson shall represent the Commission at all functions and activities so requiring (but without authority to state any position of the Commission not previously approved); be charged with the responsibility of making all committee assignments and appointment of all chairs of committees (as provided herein); and, call special meetings where necessary. The Chair retains all the rights and responsibilities held as a member of the Commission including the right to vote.

Section 2.02 VICE CHAIRPERSON: The members shall elect a vice-chairperson for the term of the commission, who shall preside over meetings only in the absence of the chairperson, and to replace the chairperson in all respects only after the chairperson resigns or is removed from the office, at which time the members shall elect a replacement vice-chairperson. The Vice Chairperson retains all the rights and responsibilities held as a member of the Commission including the right to vote.

Section 2.03 TREASURER: The Treasurer shall oversee the Commission's budget, expenditures made on behalf of the Commission, and preparation of reports regarding the Commission's finances. Regular, at least monthly, reports of the Treasurer regarding the Commission's budgetary status shall be submitted to the Commission for their review. The Treasurer retains all the rights and responsibilities held as a member of the Commission including the right to vote.

Section 2.04 SECRETARY: The Secretary shall oversee the maintenance of all records to ensure that a of record the minutes and votes at each meeting are maintained, and cause approved minutes and relevant materials be maintained by the County Clerk for the purpose of maintaining a permanent record for public review. The Secretary retains all the rights and responsibilities held as a member of the Commission including the right to vote.

Section 2.05 Additional Duties: The officers of the Commission shall perform such other duties and functions as may from time to time be required by the Commission or its by-laws.

Article III. Quorum

Section 3.01 A majority of members elected to serve on the Commission shall constitute a quorum to transact business, but a smaller number may act to adjourn a meeting.

- (a) For Committees, a majority of those appointed to serve as members shall constitute a quorum for purposes of transacting business.

Article IV. Executive Committee

Section 4.01 There shall be an Executive Committee consisting of the Chairperson, the Vice Chairperson, the Treasurer, and the Secretary. Duties of the Executive Committee shall be to:

- (a) Oversee the activities of assigned staff to the Commission.
- (b) Interview and recommend employment of consultants to the Commission for approval by a majority of the Commission. All Charter Commissioners shall have the right to attend and participate.
- (c) Perform other duties as assigned by the Commission for the orderly conduct of the business of the Commission.

Article V. Committees

Section 5.01 The Commission may establish committees, either Standing or Special, to consider, investigate, and/or take action in regard to matters or subjects it deems necessary.

- (a) A Standing Committee shall be one with on-going duties.
- (b) A Special Committee shall be one with a limited assignment and shall dissolve upon completion of its assignment.

Section 5.02 Members of each established committee shall be appointed by the Chairperson with the approval of the majority of the Commission.

- (a) The Chairperson shall designate one committee member as Chairperson of the Committee and one member as Vice Chairperson.

Section 5.03 All Charter Commissioners shall be entitled to attend and speak on any issue before a committee but he/she cannot offer motions, support motions, or vote. In all Committee meetings, voting shall be limited to those Committee members appointed by the Chair.

Section 5.04 Each committee shall have an agenda prepared by its Chairperson. Any additions thereafter may be made only with the approval of the majority of

the committee. The agenda shall be made available to the public as provided by the Open Meetings Act, 1976 P.A. 267. All committees shall keep minutes of their meetings as required by the Open Meetings Act, 1976 P. A. 267, and minutes shall be permanently kept on file with the Secretary. Every committee shall provide an opportunity for members of the public to be heard at the beginning and end of the meeting. At the discretion of the committee chairperson members of the public may be heard on any agenda item. Members of the public may address the committee for a period of time at the discretion of the committee chairperson.

Section 5.05 The Chairperson of the Charter Commission shall serve as an Ex-Officio member of all Committees

Article VI. Open Meetings

Section 6.01 The provisions of the "Open Meetings Act," Public Act No. 267 of 1976, MCLA 15.261 et. seq., shall be observed, and notice of all meetings, including Regular, Special, and of all Committees shall be given in strict conformity thereto.

Article VII. Vacancies

Section 7.01 A vacancy in the office of any commissioner shall be filled by a qualified elector selected by the commission. If the commission fails to fill the vacancy within a period of 7 days, the chairperson of the board of commissioners shall fill the vacancy forthwith. The new appointee shall be a qualified elector from the same district as the commissioner vacating the office and from the same party.

Article VIII. Compensation

Section 8.01 Compensation for each charter commissioner shall not exceed \$50.00 per day for a total of 90 meetings. Compensation shall not be paid for more than one meeting per day.

Article IX. Expenses

Section 9.01 The Commission may employ an attorney and other personnel to assist in creating the Charter and their reasonable compensation and cost as well as other expenses associated with the Commission's work shall be paid on behalf of the Commission by the County provided such funds have been allocated and budgeted for such purposes.

Article X. Regular Meetings

Section 10.01 The Chairperson, with the concurrence of the Commission, shall establish and cause to be published a schedule of regular meetings that includes the time, date, and location of each.

Article XI. Special Meetings

Section 11.01 The Chair or any nine (9) members of the Commission may call a special meeting to transact any business stated in the meeting notice. Notice of the special meeting shall state the time, date, place, and business to be conducted at the special meeting. Notices may be delivered or mailed to each member's designated mailing address at least three (3) working days prior to the special meeting. The business to be considered at special meetings shall be limited to that stated in the meeting notice unless all members of the Commission are present and vote unanimously to conduct additional business.

Article XII. Duties of Commissioners

Section 12.01 Presence and Vote: Every commissioner shall be present during the sessions of the Commission, unless excused or necessarily prevented from attending, and shall vote on each question put, unless he/she has a direct personal or pecuniary interest in the question. An abstention for these reasons shall be duly recorded in the minutes of the meeting.

Section 12.02 Conduct in Debate: When a commissioner is about to speak in debate or present any matter to the Commission, he/she shall respectfully address himself/herself to the chairperson. He/she shall confine himself/herself to the question under debate and avoid debate or argument that calls into question the personality or motive of another commissioner.

Section 12.03 Times Commissioner May Speak: Free, open and orderly debate on issues confronting a legislative body demand that a commissioner be privileged to speak on a matter more than once. Therefore, a commissioner shall be privileged to speak more than once on the same question upon recognition by the chairperson. No commissioner shall speak more than once on the same question until all other commissioners present are first given the opportunity to be heard. Thereafter, upon recognition by the chairperson, a commissioner shall be privileged to speak as often as recognized by the chairperson.

Section 12.04 Questions of Privilege: Questions of privilege are those affecting: (1) the rights of the Board collectively, its safety, dignity or the integrity of its proceedings or (2) the rights, reputation or conduct of members in their representative capacity. A question of privilege shall have precedence over all other questions except a motion to adjourn.

Article XIII. Order of Business

Section 13.01 The order of business of the Board at regular meetings shall be as follows:

- (a) Call to order.
- (b) Pledge of allegiance.
- (c) Roll call.
- (d) Adoption of agenda.
- (e) Reading, correction and approval of minutes.
- (f) Public participation (three minutes maximum per speaker or at the discretion of the chairperson).
- (g) Reports from committees.
- (h) Old business
- (i) New business.
- (j) Public participation (three minutes maximum per speaker or at the discretion of the chairperson).
- (k) Roll call.
- (l) Adjournment.

Article XIV. Motions

Section 14.01 Precedence of Motions: When a question is under debate, no motion shall be received except the following, which shall take precedence in the order in which they stand arranged:

- (a) To fix the time at which to adjourn.
- (b) To adjourn.
- (c) To take a recess.
- (d) To lay on the table or take from the table.
- (e) For the previous question.
- (f) To postpone to a day certain.

- (g) To refer.
- (h) To amend.
- (i) To postpone definitely.

Section 14.02 Non-debatable Motions: The following motions are always in order and are not debatable:

- (a) To adjourn.
- (b) To take a recess.
- (c) For the previous question.
- (d) To table or take from the table.
- (e) Decisions of chairperson unless an appeal is taken.

Section 14.03 Order of Putting Questions: All questions shall be put in the order they are moved except in the case of privileged questions.

Section 14.04 Amendments to Motions: No independent or new question shall be introduced under color of amendment. All amendments must be germane to the main question. When the question of germaneness is raised, the chairperson shall rule on the question.

Section 14.05 Division of the Question: Any member may call for a division of the question.

Section 14.06 Previous Question: There shall be a motion for the previous question, which, being ordered by a two-thirds majority of members voting, if a quorum is present, shall have the effect to cut off all debate and bring the Commission to a direct vote upon the immediate question(s) or may be made to embrace all authorized motions or amendments.

Section 14.07 Reconsideration: When a motion has been made and carried or lost, it shall be in order for any member of the majority on the same session or next session or meeting, to move for the reconsideration thereof.

Article XV. Official Rules of Order

Section 15.01 Except as otherwise provided in these rules of procedure, Robert's Rules of Order revised (75th Anniversary Edition) shall apply in matters of procedural conflict for the Commission and its committees.

Section 15.02 Suspension of Rules: No rule shall be suspended except by a two-thirds vote of the commissioners present.

Section 15.03 Change of Rules: Any rule of the Commission may be changed by a two-thirds vote of the elected and serving commissioners, if notice of the proposition to change or amend the rule has been given at a regular meeting of the Commission prior to the change.

Article XVI. Severability

Section 16.01 Any determination that any part of these By-Laws is illegal, void, or unenforceable severs that part from these By-Laws and does not affect the balance of the By-Laws.

Article XVII. Adoption

Adopted by the Macomb County Charter Commission following an affirmative vote at its meeting held on December 23, 2008 at 5:00 p.m. for that purpose.

Signed by:

James F. Kelly
Charter Commission Secretary

Jacob M. Femminineo, Jr.
Charter Commission Chairperson

Carmella Sabaugh
Macomb County Clerk

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