



BOARD OF COMMISSIONERS

1 S. Main St., 9th Floor
Mount Clemens, Michigan 48043
586.469.5125 ~ Fax: 586.469.5993
www.macombBOC.com

BOARD OF COMMISSIONERS

REGULAR SESSION

THURSDAY, JANUARY 22, 2015

FINAL AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Adoption of Agenda
5. Public Participation (five minutes maximum per speaker, or longer at the discretion of the Chairperson related only to issues contained on the agenda)
6. Correspondence from Executive
7. **COMMITTEE REPORTS:**
 - a) Government Operations, January 20 (page 1) **(attached)**
 - b) Justice and Public Safety, January 21 (no report)
 - c) Finance, January 22 (page 15) **(attached)**
8. New Business
9. Public Participation (five minutes maximum per speaker or longer at the discretion of the Chairperson)
10. Roll Call
11. Adjournment

MACOMB COUNTY BOARD OF COMMISSIONERS

David J. Flynn – Board Chair
District 4

Kathy Tocco – Vice Chair
District 11

Steve Marino – Sergeant-At-Arms
District 10

Andrey Duzyj – District 1
Don Brown – District 7

Marvin Sauger – District 2
Kathy Vosburg – District 8

Veronica Klinefelt – District 3
Fred Miller – District 9

Robert Mijac - District 5
Bob Smith – District 12

James Carabelli – District 6
Joe Sabatini – District 13



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January 20, 2015

TO: BOARD OF COMMISSIONERS
FROM: VERONICA KLINEFELT, CHAIR
GOVERNMENT OPERATIONS COMMITTEE
RE: RECOMMENDATIONS FROM GOVERNMENT OPERATIONS
COMMITTEE MEETING OF JANUARY 20, 2015

At a meeting of the Government Operations Committee, held Tuesday, January 20, 2015, the following recommendations were made and are being forwarded to the January 22, 2015 Full Board meeting for approval:

1. COMMITTEE RECOMMENDATION – MOTION (SEE ATTACHED)

A motion was made by Brown, supported by Vosburg, to recommend that the Board of Commissioners amend the 2015-16 Board Rules and approve various formatting and structural changes as necessary; further, a copy of this Board of Commissioners’ action is directed to be delivered forthwith to the Office of the County Executive. **THE MOTION CARRIED.**

2. COMMITTEE RECOMMENDATION – MOTION (SEE ATTACHED)

A motion was made by Marino, supported by Brown, to recommend that the Board of Commissioners approve an amendment to the 2015-16 Board Rules, Rule 11.A., to read: The Board may amend the Rules following recommendation from the Government Operations Committee and by a two-thirds vote of the commissioners serving; further, a copy of this Board of Commissioners’ action is directed to be delivered forthwith to the Office of the County Executive. **THE MOTION CARRIED WITH DUZYJ VOTING “NO.”**

MACOMB COUNTY BOARD OF COMMISSIONERS

- | | | | | |
|--|---|--|---------------------------|------------------------------|
| David J. Flynn – Board Chair
District 4 | Kathy Tocco – Vice Chair
District 11 | Steve Marino – Sergeant-At-Arms
District 10 | | |
| Andrey Duzyj – District 1 | Marvin Sauger – District 2 | Veronica Klinefelt – District 3 | Robert Mijac - District 5 | James Carabelli – District 6 |
| Don Brown – District 7 | Kathy Vosburg – District 8 | Fred Miller – District 9 | Bob Smith – District 12 | Joe Sabatini – District 13 |

3. COMMITTEE RECOMMENDATION – MOTION (SEE ATTACHED)

A motion was made by Duzyj, supported by Brown, to recommend that the Board of Commissioners approve an amendment to the 2015-16 Board Rules: Rule 2.A.5. to replace 5.A.6. which reads: To allow Chairperson to submit committee assignments, listing the members of each committee and the chairperson and vice-chairperson of each committee, for approval by a majority vote of commissioners at the first meeting and not the second meeting of the odd-numbered year; further, a copy of this Board of Commissioners' action is directed to be delivered forthwith to the Office of the County Executive. **THE MOTION CARRIED.**

4. COMMITTEE RECOMMENDATION – MOTION (SEE ATTACHED)

A motion was made by Marino, supported by Flynn, to recommend that the Board of Commissioners approve an amendment to the 2015-16 Board Rules and delete 8.G.4.: To lay on the table for subsequent consideration at the same meeting; further, a copy of this Board of Commissioners' action is directed to be delivered forthwith to the Office of the County Executive. **THE MOTION CARRIED.**

5. COMMITTEE RECOMMENDATION – MOTION (SEE ATTACHED)

A motion was made by Miller, supported by Mijac, to recommend that the Board of Commissioners approve an amendment to the 2015-16 Board Rules, 8.H., to add another exception "(iv) to call the question" for motion discussions; further, a copy of this Board of Commissioners' action is directed to be delivered forthwith to the Office of the County Executive. **THE MOTION CARRIED.**

6. COMMITTEE RECOMMENDATION – MOTION (SEE ATTACHED)

A motion was made by Flynn, supported by Marino, to recommend that the Board of Commissioners approve an amendment to the 2015-16 Board Rules, and add Rule 21 to read: To enhance public participation provisions for Commissioners; further, a copy of this Board of Commissioners' action is directed to be delivered forthwith to the Office of the County Executive. **THE MOTION CARRIED.**

7. COMMITTEE RECOMMENDATION – MOTION (SEE ATTACHED)

A motion was made by Miller, supported by Marino, to recommend that the Board of Commissioners approve an amendment to the 2015-16 Board Rules and add Rule 20.C. to read: The workgroup shall report to the Board regarding any recommendations of the workgroup; further, a copy of this Board of Commissioners' action is directed to be delivered forthwith to the Office of the County Executive. **THE MOTION CARRIED.**

8. COMMITTEE RECOMMENDATION – MOTION (SEE ATTACHED)

A motion was made by Miller, supported by Marino, to recommend that the Board of Commissioners approve an amendment to the 2015-16 Board Rules and add Rule 16.B. to read: By motion, the Board may approve an agenda in a different order when doing so is deemed by the Board to be necessary or appropriate to ensure the orderly flow of the meeting, in the interests to those attending the meeting, to accommodate those present to address particular issues, to accommodate the request of a Commissioner who needs to leave to attend to other business, or for other reasons stated, and add Rule 16.C. to read: Except when a different time is needed and provided for by motion as explained in the preceding paragraph, closed sessions should normally occur at the end of the meeting and, prior to entering into a closed session the Chairperson should state whether or not action is anticipated after the closed session; further, a copy of this Board of Commissioners' action is directed to be delivered forthwith to the Office of the County Executive.

THE MOTION CARRIED.

9. COMMITTEE RECOMMENDATION – MOTION (SEE ATTACHED)

A motion was made by Miller, supported by Flynn, to recommend that the Board of Commissioners approve the revised document titled "Charter Sections Imposing Time Limits for the Board of Commissioners" as an attachment to the 2015-16 Board Rules; further, a copy of this Board of Commissioners' action is directed to be delivered forthwith to the Office of the County Executive.

THE MOTION CARRIED.

10. COMMITTEE RECOMMENDATION – MOTION (SEE ATTACHED)

A motion was made by Brown, supported by Smith, to recommend that the Board of Commissioners approve the appointment of Kitch, Drutches, Wagner, Valitutti and Sherbrook to represent Macomb County in the litigation entitled John Griener v Macomb County, US District Court Case #2:14-cv-13979, Honorable Matthew F. Leitman, presiding; further, a copy of this Board of Commissioners' action is directed to be delivered forthwith to the Office of the County Executive. **THE MOTION CARRIED.**

A MOTION TO ADOPT THE COMMITTEE REPORT WAS MADE BY CHAIR KLINEFELT, SUPPORTED BY VICE-CHAIR SMITH.

Amendments highlighted in YELLOW

Adopted: 01.__.2015

**MACOMB COUNTY BOARD OF COMMISSIONERS
2015-16 RULES OF PROCEDURE**

The Board of Commissioners and its meetings shall be governed by the following Rules of Procedure:

Rule 1. Definitions.

A. The following definitions shall apply to terms used in these rules.

1. "Appeal to the Board." If a Commissioner believes her/his point of order or privilege has been ruled on unfairly by the chair, she or he may challenge the Chairperson and appeal to the Board. The Chairperson then asks for a motion to uphold the Chairperson, and the vote is taken. The vote decides whether the action decided upon by the Chairperson is valid, or whether the Commissioner is correct.
2. "Board" means the Macomb County Board of Commissioners.
3. "Charter" means the Home Rule Charter of Macomb County, Michigan.
4. "Clerk" means the Macomb County Clerk or his/her designee.
5. "Commissioner" means a Commissioner of the Board.
6. "County" means Macomb County, Michigan.
7. "County Executive" means the person holding the office of Macomb County Executive.
8. "Full Board" means all of the Commissioners elected and serving.
9. "Open Meetings Act" means 1976 PA 267, as amended, MCL 15.261 – 275.
10. "Procedural Motion" means a motion that relates to how the meeting is conducted.
11. "Proclamation" means a resolution approved by the Board recognizing or acknowledging an individual, group or event.
12. "Quorum" means a majority of the Commissioners serving on the Board.
13. "Rules" means these rules of procedures of the Board.
14. "Substantive Motion" means a motion that relates to the purpose of the meeting and that brings business before the Board.
15. "Tribute" means a written form of recognition or acknowledgement honoring a group or individual.

B. Other terms shall have the definitions, if any, provided in the Charter or in statutes related to counties.

Rule 2. Organizational Meeting and Election of Officers.

A. At its first meeting of each odd-numbered year, the Board shall be called to order by the Clerk and a roll call taken.

1. If a Quorum is present, the first order of business shall be the election of a Chairperson. The Chairperson shall preside over all subsequent actions of the Board.
2. The next order of business shall be the election of the Vice-Chairperson and a Sergeant-at-Arms.
3. The next order of business shall be the adoption a meeting schedule showing the dates, times and places of the Board's regular monthly meetings.
4. The next order of business shall be for the Board to adopt rules of procedure under which the Board shall operate.

Amendments highlighted in YELLOW

Adopted: 01__2015

5. The next order of business shall be for the Chairperson to submit committee assignments, listing the members of each committee and the chairperson and vice-chairperson of each committee, for approval by a majority vote of Commissioners.

B. At the first meeting in January of each even-numbered year, the first order of business shall be the election of a Vice-Chairperson and a Sergeant-at-Arms.

C. The elections shall be made by a majority vote of the Commissioners serving.

Rule 3. Terms of Office; Vacancies.

The Chairperson shall be elected to a two-year term and the Vice-Chairperson and the Sergeant-at-Arms shall be elected to a one-year term or until a successor, respectively, is elected. In the event of a vacancy in the office of Chairperson, Vice-Chairperson or Sergeant-at-Arms, the vacancy shall be filled at the next regular meeting of the Full Board by a majority vote of the Commissioners serving.

Rule 4. Removal of an Officer.

An officer may be removed from office upon the filing with the Chairperson of a petition signed by at least 7 Commissioners that states the reasons for removal and upon a 2/3 vote of Commissioners serving. The officer who is the subject of the petition shall be given a copy of the petition at least 7 days in advance of the meeting at which the proposed removal is on the meeting agenda. The Chairperson shall add the petition to the agenda for the next Full Board meeting, provided the 7 day notice can be given to the officer who is the subject of the petition.

Rule 5. Duties of Officers.

A. The Chairperson (or Vice-Chairperson in the absence of the Chairperson) shall:

1. Preside at all meetings of the Full Board. In the absence of both the Chairperson and Vice-Chairperson, the Commissioners present shall elect a Chairperson pro-tempore who will serve only for that meeting or for that part of the meeting in which the Chairperson and Vice-Chairperson are absent.
2. Introduce and present each agenda item, or introduce it and then designate the Clerk or Board staff member who will present the agenda item.
3. Enforce the Rules and conducting meetings in a manner that preserves order and decorum. Commissioners and others in attendance shall comply with the direction of the Chairperson.
4. Annually prepare, propose and present a budget for the Board to the Finance Committee.
5. Administer day-to-day activities of the Commission, including administering the budget for the Board.

B. At any time, the Chairperson may submit the appointment of new members to, or the removal of members from, a committee, subject to the approval of the Board. All vacancies in membership, chairperson or vice-chairperson of committees shall be filled by appointment by the Chairperson, subject to the approval by a majority vote of Commissioners serving.

C. The Sergeant-at-Arms shall attend the Full Board meetings to maintain order and decorum under the direction of the Chairperson and is responsible to ensure compliance with the requirements of a closed session.

Amendments highlighted in YELLOW

Adopted: 01.__.2015

Rule 6. Duties of Commissioners.

Each Commissioner shall be present at all Full Board and assigned committee meetings and shall vote on each question put, unless he/she has a direct personal or pecuniary interest in the question or unless otherwise legally or ethically required to abstain. If a Commissioner has such an interest or is otherwise legally or ethically required to abstain, the Commissioner shall disclose the interest or other reasons for abstention at the meeting. Each abstention shall be duly recorded in the minutes of the meeting. In the rare event that a Commissioner believes he/she has the right or obligation to abstain from voting, the Commissioner shall consult with the Chairperson and, if necessary, independent counsel.

Rule 7. Speaking.

A. When a Commissioner desires to speak on any matter or issue before the Board, he/she shall first seek recognition to speak from the Chairperson. The Chairperson may speak to points of order and shall decide questions of order subject to an Appeal to the Board. When two or more Commissioners request to make a motion and/or address the Board at the same time, the Chairperson shall call on the Commissioner who the Chairperson believes was first to speak.

B. When a Commissioner is about to speak in debate or present any matter to the Board, 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, integrity, or motives of another Commissioner.

C. Free, open and orderly debate on issues confronting the Board as a legislative body may demand that a Commissioner be privileged to speak on a matter more than once. However, a Commissioner shall not be privileged to speak or hold the floor on a matter for more than 10 minutes or more than once (on the same question) until all other Commissioners present are first given the opportunity to be heard.

Rule 8. Motions.

A. The Board shall take action by way of motions. No motion may be acted upon until it has been duly supported or seconded by a Commissioner.

1. A Substantive Motion shall be reduced to writing, unless waived by the Chairperson.
2. A Procedural Motion shall be reduced to writing if requested by the Chairperson.
3. The Chairperson shall restate a motion or, if in writing, the motion shall be read aloud by the Clerk before being debated.

B. Any Commissioner who wishes to make a motion or second a motion must first secure recognition by the Chairperson.

C. Except where permission is otherwise granted by the Chairperson, discussion of a motion before the Board or other pending business shall be limited to Commissioners.

D. Unless the agenda provides that it is just an item on which no action is to be taken, a motion must be before the Board in order to discuss an agenda item that has been presented by the Chairperson for consideration.

E. No motion shall be adopted by the Board until stated by the Chairperson.

F. Any motion may be withdrawn by the sponsor at any time before decision or amendment by the Board.

G. The following motions will be in order:

1. To take action on a resolution or ordinance.
2. To call the question.

Amendments highlighted in YELLOW

Adopted: 01.__.2015

3. To amend or modify a motion made to take action, but such amending motion will be disposed of before any other motion to amend or modify the original motion will be in order. Once approved by a majority vote of Commissioners serving, a motion to amend or modify a motion shall be combined with the original motion.
4. To postpone action to another specified meeting or until occurrence of a condition or event.
5. To refer or re-refer a matter to a Board committee.
6. To postpone indefinitely. A motion to postpone indefinitely the further consideration of any motion or other matter shall require the affirmative vote of a majority of Commissioners serving and the vote upon such a motion shall not be reconsidered.
7. To reconsider a vote (including a vote resulting in a tie) or other action that has been taken by the Board, but only if no action has been taken in reliance upon such vote or action.
 - a. Any Commissioner on the prevailing side on a vote or action may move for reconsideration of such vote or action at the same meeting the vote or action was made or at the next regular meeting of the Board, but at no other subsequent meeting.
 - b. No vote or other action shall be reconsidered more than once. A motion to reconsider shall require the affirmative vote of a majority of Commissioners serving.
 - c. When a motion to reconsider fails, it cannot be renewed.
 - d. This does not preclude the Board from again dealing with an issue, policy, decision or other action based upon significant new information unavailable to the Board when the decision or other action was initially taken.
8. To go into closed session as permitted by and in accordance with the Open Meetings Act.
9. To call a recess at the discretion of the Chairperson.
10. To adjourn.

H. With the exceptions of a (i) motion to table, (ii) motion to postpone, (iii) motion to adjourn, each of the motions listed above may be subject to discussion or debate by the Board, **or (iv) to call the question.**

Rule 9. Ordinances and Resolutions.

The Board shall act by ordinance if required by Charter or law, otherwise by resolution. All acts of the Board imposing a penalty shall be by ordinance. All resolutions and ordinances, and any amendments thereto if requested by the Chairperson, shall be reduced to writing prior to consideration by the Board.

Rule 10. Proclamations and Tributes.

A. Any Commissioner may sponsor a Proclamation and present such Proclamation for approval by the Board. Each Commissioner may add his or her name as a co-sponsor only with the permission of the sponsor.

B. Any Commissioner may prepare and present a Tribute to honor a particular individual or group. A Tribute does not require approval of the Board.

Rule 11. Amendment/Suspension of Rules.

A. The Board may amend the Rules following recommendation from the Government Operations Committee and by a 2/3 vote of the Commissioners serving.

Amendments highlighted in YELLOW

Adopted: 01.__.2015

B. The Board may suspend the operation of the Rules temporarily by a vote of 2/3 of the Commissioners present, but such amendment or suspension shall not relieve the Board from complying with applicable law.

Rule 12. Meeting Notices.

A. Each Commissioner shall receive a notice of all meetings electronically unless otherwise designated in writing to the Chairperson.

B. The Chairperson shall prepare a proposed regular meeting agenda and provide notice of meetings, including the proposed agenda, which shall be delivered to Commissioners at least 5 calendar days prior to the regular meeting. The Chairperson shall have the discretion to add items to a meeting agenda at any time prior to the meeting. The notices shall specify the date and time of the meeting. Each Commissioner may waive the foregoing notice requirements.

C. The time required for notice of all meetings shall comply with the Open Meetings Act.

D. Notice of regular and special meetings shall be made available to the public by posting on the Board's website and as otherwise is necessary to comply with the Open Meetings Act.

Rule 13. Regular Meetings.

A. Regular meetings of the Board shall be held monthly on days as designated by the Board, as recommended by the Chairperson.

B. A notice of the regular meeting schedule, stating the dates, times, and places of the Board's regular meetings, shall be posted within 10 days after the first meeting of the Board in each calendar year.

Rule 14. Special Meetings.

A. The Chairperson may call a special meeting. A special meeting of the Board may also be held when requested by at least one-third of Commissioners serving. The request shall be in writing, shall be addressed to the Clerk and shall specify the time, date, place and purpose of the meeting. Upon the call of the Chairperson or upon receipt of a request, the Clerk shall immediately give notice in the manner selected by each Commissioner.

B. Dates and times of special meetings must be posted at least 18 hours before the meeting. The notice must be posted in a prominent and conspicuous place at both the Board's principal office and on a portion of the Board's website. The public notice on the website shall be included on either the homepage or on a separate webpage dedicated to public notices for special meetings and accessible via a prominent and conspicuous link on the website's homepage that clearly describes its purpose for public notification of those special meetings.

Rule 15. Voting.

A. The vote on all motions shall be by "yes" and "no" and will be taken by a show of hands, voice vote, or a roll call vote so that the vote of each Commissioner is recorded. No motion shall be valid unless approved at a meeting of the Board and a proper record is made of the vote.

B. In accordance with the Open Meetings Act, each Commissioner's vote must be made in a public session in order to be counted. No votes of any kind, or polling to attempt to determine potential votes, will be allowed outside of public sessions or in closed sessions of the Board.

C. Following each vote, it shall be announced that the motion passed or failed, and if not a unanimous vote, the number voting "yes," the number voting "no," and the number abstaining shall be announced.

Amendments highlighted in YELLOW

Adopted: 01.__.2015

D. Abstentions are not counted as votes for or against a motion. Therefore, in situations in which a specified number of affirmative votes is required by law or these Rules, and abstentions have been noted, the motion shall fail if the specified number of affirmative votes have not been cast. In situations in which there is a tie vote and the abstention represents the deciding vote, the motion shall fail for lack of a majority.

E. The Clerk shall call roll by Commissioners' last names only, as follows:

1. Attendance shall be called in alphabetical order according to Commissioner last names.
2. The calling of a roll on a motion shall begin with the Commissioner who made the motion. The Commissioner who seconded the motion shall be called to vote second on the motion. The Clerk shall proceed to call the roll in alphabetical order according to Commissioner last names, except the Vice- Chairperson shall be called to vote second-to-last and the Chairperson shall be called to vote last, unless the Vice-Chairperson made or seconded the motion. At the next meeting of the Board, the Clerk shall begin the alphabetical list with the second Commissioner on the alphabetical listing. Other Commissioners shall be called to vote according to the regular sequence on the alphabetical listing, except that the Commissioner who was called to vote first at the last meeting shall be called to vote immediately prior to the Vice-Chairperson at the next meeting.

F. Any Commissioner may request that his/her vote be changed if such request is made prior to announcement of whether the vote passed or failed.

G. After the first vote is given, no Commissioner shall be entitled to speak on the question, nor shall any motion be in order until such roll call is completed and the result declared.

Rule 16. Order of Business.

A. The Order of Business of the Board at regular meetings shall be as follows:

1. Call to order.
2. Pledge of allegiance.
3. Attendance roll call.
4. Invocation.
5. Approval of agenda.
6. Reading, correction and approval of minutes.
7. Public participation (five minutes maximum per speaker, or longer at the discretion of the Chairperson related only to issues contained on the agenda).
8. Correspondence from Office of County Executive.
9. Reports from committees.
10. Proclamations.
11. New business.
12. Public participation (five minutes maximum per speaker or longer at the discretion of the Chairperson).
13. Closed session.
14. Any action required after a closed session.
15. Adjournment.

Amendments highlighted in YELLOW

Adopted: 01.__,2015

B. By motion, the Board may approve an agenda in a different order when doing so is deemed by the Board to be necessary or appropriate to ensure the orderly flow of the meeting, in the interests to those attending the meeting, to accommodate those present to address particular issues, to accommodate the request of a Commissioner who needs to leave to attend to other business, or for other reasons stated.

C. Except when a different time is needed and provided for by motion as explained in the preceding paragraph, closed sessions should normally occur at the end of the meeting and, prior to entering into a closed session the Chairperson should state whether or not action is anticipated after the closed session.

Rule 17. Committees and Subcommittees.

A. The Board shall have the following standing committees, all of which shall be committees of the whole:

1. Government Operations.
2. Health & Human Services.
3. Justice & Public Safety.
4. Infrastructure/Economic Development.
5. Finance.
6. Audit (which shall meet on the request of the Board Chairperson or the Audit Committee Chairperson).

B. These Rules are the rules of procedure for all committees and subcommittees as applicable.

1. An item may be waived directly to the Board for review, evaluation and/or determination at the discretion of a committee chairperson.
2. An item that has not been referred for consideration from a committee meeting may be added to an agenda for consideration at a Full Board meeting upon a 2/3 vote of Commissioners serving.
3. An item may be added to a committee agenda at the time the committee is considering adopting the agenda upon a majority vote of members of the committee if the item is submitted in writing to all members of the committee before or at the time the motion to add the item to the agenda is made.

C. The committee chairperson may appoint a subcommittee.

1. Each subcommittee of a committee is a part of that committee and subject to the authority and direction of that committee.
2. Subcommittees shall not hold any meeting except upon authority of the standing committee chairperson.
3. The Board Chairperson may be appointed to a subcommittee. If the Board Chairperson is not appointed to a subcommittee, the Board Chairperson shall be a non-voting *ex officio* member of that subcommittee.

D. Each committee and subcommittee shall keep minutes of all committee and subcommittee committee actions and shall report, respectively, such actions to the Full Board or to the standing committee.

E. The chairpersons of two or more committees may arrange for a joint meeting of their committees when, in their judgment, special circumstances would warrant such a joint meeting or the conducting of business of the Board will be better served.

F. Committee chairpersons shall meet with the Board's staff at least 6 business days prior to a scheduled committee meeting to review the proposed agenda and any needed supporting materials. This does not prevent later changes to the agenda, but it intended to provide sufficient time to assemble agenda packets and transmit them to committee members and others on a timely basis.

Amendments highlighted in YELLOW

Adopted: 01.__.2015

Rule 18. Duties of the Clerk.

A. The Clerk shall be the clerk to the Full Board. The Clerk shall perform all duties ordinarily pertaining to such office including, but not limited to, the following:

1. Recording all the proceedings of the Board in a book provided for that purpose.
2. Making regular entries of all Board resolutions and decisions upon all questions.
3. Recording the vote of each Commissioner on any ordinance, resolution, and appointment or election of an office submitted to the Board.
4. Performing such other and further duties as the Board may, from time to time, require by resolution.

B. The Clerk, or his/her duly appointed deputy, shall be present and take minutes at all meetings of the Full Board. In the Clerk's absence, the Chairperson, with the approval of the majority of Commissioners present and voting, shall appoint a clerk for that meeting until the Clerk arrives.

Rule 19. Minutes.

A. The Clerk shall prepare minutes, including those minutes taken in closed session, as required by the Open Meetings Act and these Rules. A copy of the proposed minutes of each Board meeting shall be prepared and distributed by the Clerk to each Commissioner prior to the next scheduled meeting of the Board or Committee.

B. The Clerk shall keep all adopted resolutions and ordinances arranged in the order of their adoption.

Rule 20. Workgroups.

A. The Chairperson may propose to the Board the appointment of informal *ad hoc* workgroups for purposes of advising the Board on policy issues. The proposal shall specify the purpose of the workgroup.

B. The Chairperson may appoint members of the workgroup, subject to the approval by a majority vote of Commissioners serving. Workgroup members may include Commissioners, County employees or others who are familiar with the applicable subject matter.

C. The workgroup shall report to the Board regarding any recommendations of the workgroup.

D. Meetings of workgroups shall comply with applicable requirements of the Open Meetings Act.

Rule 21. Public Participation.

A. Public attendance at a meeting shall be allowed as provided in the Open Meetings Act.

B. Comments by members of the audience shall be limited to the public participation times set aside on the agenda or any public hearing. Discussion will otherwise be limited to Commissioners and those upon with which the Chairperson may direct questions or other interaction with respect to an agenda item.

C. The Chairperson shall have the discretion to curtail public comments that are repetitive and may limit public comments if they are so prolonged as to unduly interfere with the ability of the Board to address other items on the meeting's agenda.

Amendments highlighted in YELLOW

Adopted: 01.__.2015

Rule 22. Board Appointments.

A complete, notarized application (provided by the Board Office or obtained from the Board Office website), including qualifications and biographical data, for an appointment to a committee, board or commission that the Board shall have the authority to make shall be submitted to the Board Office at least one day before the meeting in which the Full Board or a committee is scheduled to consider the appointment.

Rule 23. Notices and Correspondence from County Executive.

Any notices or correspondence required by the Charter to be given to the Board by the County Executive shall be addressed to the Chairperson and deemed received when delivered to the Chairperson and date-stamped by Board staff. The date of the stamp shall be the official date of receipt. The Chairperson shall refer the notices or correspondence to the appropriate committee chairperson or the Full Board, at the Chairperson's discretion.

Rule 24. Charter Timelines.

The Board shall follow all time limits imposed by the Charter as summarized on the attached table.

Rule 25. Expiration.

The Rules shall be in effect until replaced by the Board in the current session or succeeding session.

Amendments highlighted in YELLOW

Adopted: 01.__,2015

CHARTER SECTIONS IMPOSING TIME LIMITS FOR THE BOARD OF COMMISSIONERS

Category	Time Limit	Charter §	Charter Text
Organization Plan	50 Days	3.6.4	"The Commission shall hold a public hearing on the Executive's proposed Organization Plan or any proposed amendment within 50 days of its submission and must either approve, with or without amendment, or reject the proposed Organization Plan or any amendment within 75 days after its submission."
Executive Appointments	75 Days	3.8 (b)	Commission must "approve or reject a proposed appointment" of the Executive that requires Commission approval "within 75 days after its submission;" otherwise, "the appointment becomes effective."
Override Veto	30 Days	4.4 (f)	"[T]he Commission may: * * * (f) Override a veto by Executive within 30 days by at least a 2/3 vote of the Commissioners serving."
Vacancy of Commissioner	30 Days	4.8	If a vacancy occurs in the office of a County Commissioner due to death, resignation, removal of residency from the district, or removal from office, the Board of Commissioners is required to appoint "a registered and qualified elector of the district" "within 30 days by a Majority of the Commissioners."
Budget	Prior to beginning of each fiscal year (October 1)	8.7	"Before the beginning of each fiscal year . . . , the Commission shall adopt a balanced line item operating budget and an appropriations ordinance in accordance with law." (Since consolidating September FY end and December FY end funds to a single budget adoption process, the Commission must do so based on timelines for September FY end funds.)
Budget Amendment	45 Days	8.11.1 & 8.11.2	If the Executive certifies to the Commission a reduction in estimated revenue or certifies to the Commission that expenditures have exceeded appropriated levels and submits a proposed appropriation reduction or a proposed appropriation amendment, and "the Commission fails to amend the appropriation ordinance within 45 days after certification of the reduced revenue" or "the excess expenditures," the requested appropriation amendment "submitted by the Executive becomes effective."

RESOLUTION NO.

FULL BOARD MEETING DATE: _____

AGENDA ITEM: _____

MACOMB COUNTY, MICHIGAN

RESOLUTION TO: CONCUR IN THE APPOINTMENT OF KITCH, DRUTCHES, WAGNER, VALITUTTI & SHERBROOK TO REPRESENT MACOMB COUNTY IN THE LITIGATION ENTITLED JOHN GRIENER v MACOMB COUNTY, US DISTRICT COURT CASE #2:14-cv-13979, HON. MATTHEW F. LEITMAN, PRESIDING

INTRODUCED BY: CHAIRPERSON VERONICA KLINEFELT, GOVERNMENT OPS COMMITTEE

This civil action seeking money damages arises from Plaintiff's November 8, 2012 termination as an employee of the County's Department of Roads. Plaintiff's termination was the result of workplace misconduct founded upon his refusal to complete assigned work. The incident resulting in Plaintiff's termination was the last in a long series of duty performance deficiencies and failures.

Plaintiff names Macomb County, the Macomb County Road Commission, the Macomb County Department of Roads, and AFSCME Local #893 as party defendants. Per stipulation, Plaintiff has agreed to dismiss the Road Commission and the Road Department as the Commission no longer exists in any configuration, and the Department does not exist as a legal entity amenable to civil suit.

Plaintiff's complaint alleges the County retaliated against him for reporting time card fraud by other employees. He further alleges the County discriminated against him on the basis of age and disability.

Kitch Drutches has extensive practice experience in the field of governmental labor and employment litigation, including matters involving retaliation and discrimination claims. Karen Berkery in particular has represented the County in past civil cases of this nature and has consistently served the County's interests in the highest professional manner.

Accordingly, request is hereby made for the Board of Commissioner's concurrence in appointing Kitch, Drutches, Wagner, Valitutti & and Sherbrook to represent the County Defendants in this litigation.

COMMITTEE/MEETING DATE

GOVERNMENT OPS COMMITTEE – 1/20/15

Full Board 1-22-15



BOARD OF COMMISSIONERS

1 S. Main St., 9th Floor
 Mount Clemens, Michigan 48043
 586.469.5125 ~ Fax: 586.469.5993
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January 22, 2015

TO: BOARD OF COMMISSIONERS

FROM: FRED MILLER, CHAIR, FINANCE COMMITTEE

RE: RECOMMENDATIONS FROM FINANCE COMMITTEE MEETING OF 1-22-15

At a meeting of the Finance Committee, held Thursday, January 22, 2015, the following recommendations were made and are being forwarded to the January 22, 2015 Full Board meeting for approval:

1. COMMITTEE RECOMMENDATION – MOTION (SEE ATTACHED)

A motion was made by Mijac, supported by Klinefelt, to recommend that the Board of Commissioners concur in the recommendation of Corporation Counsel concerning the following cases: a) Darren Clay vs. James Randlett and County of Macomb; b) Roderick Murriel vs. James Randlett and County of Macomb and c) Allen Pettygrue vs. County of Macomb, et al; further, a copy of this Board of Commissioners' action is directed to be delivered forthwith to the Office of the County Executive. **THE MOTION CARRIED.**

A MOTION TO ADOPT THE COMMITTEE REPORT WAS MADE BY CHAIR MILLER, SUPPORTED BY VICE-CHAIR BROWN.

MACOMB COUNTY BOARD OF COMMISSIONERS

David J. Flynn – Board Chair
 District 4

Kathy Tocco – Vice Chair
 District 11

Steve Marino – Sergeant-At-Arms
 District 10

Andrey Duzyj – District 1

Marvin Sauger – District 2

Veronica Klinefelt – District 3

Robert Mijac - District 5

James Carabelli – District 6

Don Brown – District 7

Kathy Vosburg – District 8

Fred Miller – District 9

Bob Smith – District 12

Joe Sabatini – District 13

RESOLUTION NO.

FULL BOARD MEETING DATE: _____

AGENDA ITEM: _____

MACOMB COUNTY, MICHIGAN

RESOLUTION TO: CONCUR IN THE RECOMMENDATION OF CORPORATION COUNSEL CONCERNING THE CASE OF DARREN CLAY VS. JAMES RANDLETT AND COUNTY OF MACOMB

INTRODUCED BY: CHAIRPERSON VERONICA KLINEFELT, GOVERNMENT OPERATIONS COMMITTEE

Counsel’s recommendation regarding this pending litigation will be provided to each Commissioner under a separate attorney/client privileged communication.

COMMITTEE/MEETING DATE

<u>Government Operations</u>	<u>1-20-15</u>
<u>Finance</u>	<u>1-22-15</u>
Full Board	1-22-15

RESOLUTION NO.

FULL BOARD MEETING DATE: _____

AGENDA ITEM: _____

MACOMB COUNTY, MICHIGAN

RESOLUTION TO: CONCUR IN THE RECOMMENDATION OF CORPORATION COUNSEL CONCERNING THE CASE OF RODERICK MURRIEL VS. JAMES RANDLETT AND COUNTY OF MACOMB

INTRODUCED BY: CHAIRPERSON VERONICA KLINEFELT, GOVERNMENT OPERATIONS COMMITTEE

Counsel’s recommendation regarding this pending litigation will be provided to each Commissioner under a separate attorney/client privileged communication.

COMMITTEE/MEETING DATE

<u>Government Operations</u>	<u>1-20-15</u>
<u>Finance</u>	<u>1-22-15</u>
Full Board	1-22-15

RESOLUTION NO.

FULL BOARD MEETING DATE: _____

AGENDA ITEM: _____

MACOMB COUNTY, MICHIGAN

RESOLUTION TO: CONCUR IN THE RECOMMENDATION OF CORPORATION COUNSEL CONCERNING THE CASE OF ALLEN PETTYGRUE VS. COUNTY OF MACOMB, ET AL

INTRODUCED BY: CHAIRPERSON VERONICA KLINEFELT, GOVERNMENT OPERATIONS COMMITTEE

Counsel’s recommendation regarding this pending litigation will be provided to each Commissioner under a separate attorney/client privileged communication.

COMMITTEE/MEETING DATE

<u>Government Operations</u>	<u>1-20-15</u>
<u>Finance</u>	<u>1-22-15</u>
Full Board	1-22-15