

TO: Washtenaw County Board of Commissioners

FROM: Curtis N. Hedger
Corporation Counsel

DATE: January 9, 2019

SUBJECT: A Resolution Adopting the 2019 Rules and Regulations of the Washtenaw County Board of Commissioners

Board Action Requested:

It is requested that the Board of Commissioners adopt the 2019 Rules and Regulations of the Washtenaw County Board of Commissioners.

Background:

Every year, at its organizational meeting, the Washtenaw County Board of Commissioners adopts its Rules and Regulations for that year. While the bulk of the Rules and Regulations remain constant from year to year, some changes are annually proposed.

Discussion:

While the vast majority of last year's Rules and Regulations remain the same, the following changes are being proposed:

In Section VII(C)—Publications, language was added to subpart (1) reflecting that any Ordinance adopted by the Board of Commissioners is subject to the referendum power of County citizens, provided they can obtain sufficient signatures within 50 days after the Ordinance's passage to put the Ordinance on the ballot.

In Section VIII—Meeting and Mileage Payments for County Boards, Committees and Commissions a number of changes are proposed. These changes are in response to an IRS audit finding from 2018 that found that generally individuals who are appointed by the County to County created Boards, Committees and Commissions and who receive a stipend for attending those meetings, must be treated as County employees with each such appointee completing a W-4 to reflect the stipends he/she receives annually from the County. As county employees, such appointees would not be eligible to receive mileage reimbursement when attending the meetings of the body to which they have been appointed.

First in Section (A) the payments made to each appointee for each meeting attended is now called a stipend instead of a per diem. This change is consistent throughout the Rules.

Moreover, Section (A) also adds language indicating that appropriate employment and employment taxes will be withheld from stipends received by appointees to County Boards, Committees and Commissions and each appointee will be required to fill out a W-4.

Section (B) provides an exception to the general rule of Section (A). The new language of Section (B) provides that notwithstanding the general rule of Section (A), if an appointee to a County Board, Committee or Commission is appointed to fulfill a specific position or occupation (i.e. architect, law enforcement, farmer, etc.,) and that individual serves as an appointee on the County Board, Committee or Commission with the permission of his/her current employer and is paid to attend the County Board, Committee or Commission meeting, he/she will not be eligible for a County stipend and shall not be consider a County employee. This language was drafted with the advice of the County's tax attorney, who indicated that such employees are already being paid by their employers to attend the meetings to which they are appointed; as such, they are not entitled to the County stipend and would not be considered County employees.

Section (C) contains new language indicating that if any County-created Boards, Committees or Commissions create sub-committees and directly appoint members of those subcommittees, such sub-committee members shall not be eligible to receive the County stipend and thus will not be consider County employees for IRS purposes.

Section (D) contains new language indicating that if any County appointees to any policy board, committee or commission that was not created by the County or over which the County has no oversight, will not be eligible for County stipends and will not be considered County employees for IRS purposes.

The remainder of the Rules and Regulations are the same as they were in 2018.

A RESOLUTION ADOPTING THE RULES AND REGULATIONS OF THE
WASHTENAW COUNTY BOARD OF COMMISSIONERS

WASHTENAW COUNTY BOARD OF COMMISSIONERS

January 9, 2019

WHEREAS, annually at its first meeting of the year, the Washtenaw County Board of Commissioners shall adopt its rules and regulations.

NOW THEREFORE BE IT RESOLVED that the Washtenaw County Board of Commissioners hereby adopts the Rules and Regulations for the Washtenaw County Board of Commissioners, as attached hereto and made a part hereof.

BOARD OF COMMISSIONERS RULES & REGULATIONS

WASHTENAW COUNTY POLICY

TITLE: BOARD OF COMMISSIONERS - RULES & REGULATIONS

ENABLING RESOLUTION:

SUPERSEDES: 17-003

EFFECTIVE DATE: 01/03/18

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I. MEETINGS

A. ANNUAL MEETING:

The annual meeting of the Board shall be held after September 14, but before October 16. (MCLA 46.1).

B. REGULAR MEETINGS:

Regular meetings shall be held on the first and third Wednesdays at 6:45 p.m. of each calendar month and shall be deemed regular meetings unless said first or third Wednesday falls in a week in which a statutory meeting is required to be held.

C. ADJOURNED MEETINGS:

The annual and regular sessions may be adjourned from time to time as the Board may deem necessary.

D. ORGANIZATIONAL MEETING:

At the first meeting of the Board of Commissioners, held in January of each year, the Clerk/Register of the County shall call the Organizational meeting to order then shall call the roll of all elected Commissioners. The members of the Board elect shall take the oath of office as their first order of business, if any members have not already taken the oath. If a quorum is present, the Board shall proceed to elect one of the Commissioners, elected and serving, as Chair. The Commissioner receiving five (5) votes of the members, elected and serving shall be the Chair of the Board.

The Clerk/Register of the County shall conclude her/his direction of the Organizational meeting immediately after declaring the Chair elected. The Chair of the Board shall then assume the duties of office.

Immediately after electing the Chair and Vice Chair of the Board of Commissioners, the Board shall move, debate and adopt the Rules and Regulations of the Board of Commissioners.

The Board of Commissioners shall have the following meetings: Regular, Ways and Means, Working Session, and as otherwise authorized by law. The Board of Commissioners shall have the following officers of the Board: Chair of the Board, Vice-Chair of the Board, Chair of Ways and Means and Chair of Working Session. Each officer of the Board shall be nominated and elected individually by the Board at the Organizational Meeting, in the same manner as and following the Chair of the Board. The term of the officers shall end at the end of the calendar year in which they were elected. Except as required by law, the Officers of the Board shall have only the authority, duties and responsibilities delegated by the Board of Commissioners, in accordance with the Procedures, Rules and Regulations of the Board.

E. SPECIAL MEETINGS:

A special meeting of the County Board of Commissioners shall be held only when a written request from at least one third of the members of the County Board of Commissioners is provided to the County Clerk. The written request of the special meeting must specify the time, date, place and purpose of the special meeting. Upon receiving this request, the clerk shall give two (2) calendar days notice to each of the Commissioners in one of the following manners: (1) via a confirmed facsimile transmission to the Commissioner's residence; (2) via personal delivery of the notice of special meeting to the Commissioners by the Sheriff or Sheriff's Deputy; (3) via e-mail sent to the Commissioner's personal e-mail address; (4) leaving the notice of special meeting at the Commissioner's residence; or (5) sending the notice by certified mail, return receipt requested to the Commissioner's last known address. The meeting shall be confined to the purpose for which it was called.

II. BOARD OF COMMISSIONERS' COMMITTEES

A. STANDING COMMITTEES:

Standing Committees shall be established by the Chair of the Board with the advice and consent of the Board. Establishment of Standing Committees shall be confirmed by a majority vote of the Board members elected and serving.

Each officer of the Board's Standing Committees shall be nominated and elected individually by the Board in the organizational meeting, in the same manner as and following the Chair of the Board.

B. SUBCOMMITTEES/AD HOC COMMITTEES—APPOINTMENTS:

Except as regarding the election of the officers of the Board, as provided in Rule I. D., the Chair of the Board shall annually appoint, and the Board shall confirm, all Subcommittees, and Ad Hoc Committees. The first named member of any Committee shall be the Chair and second named member of any Committee shall be the Vice-Chair. The Chair of the Board, with the advice and consent of the Board, shall fill any vacancy which occurs on any Committee within thirty (30) days. The Chair of the Board shall also be allowed to temporarily delegate ex-officio responsibilities to any other member of the Board whenever the Chair finds it inconvenient to carry them out.

Appointments whose terms expire prior to appointment of a successor shall be extended until appointment can be made by the Board of Commissioners. If the position remains vacant, the Chair can delegate representation and appointment shall be made at the next available Board of Commissioner's meeting.

Habitual non-attendance of Commissioners at meetings to which they have been appointed shall be reported to the Chair of the Board. If a member is absent three consecutive times without a reasonable excuse, he or she will be considered as having vacated his or her seat and a new Commissioner shall be appointed by the Chair of the Board and confirmed by a majority vote of the Board members elected and serving.

C. STATUTORY COMMITTEES AND BOARDS:

The Chair of the Board shall appoint and the Board shall confirm by majority vote all individuals appointed to statutory committees and boards, except as otherwise directed by the laws of the State of Michigan.

D. COMMITTEE REPORTS:

All Committee reports shall be in writing unless submission of an oral report is approved by the Chair. All written reports (except minority reports) shall be signed by the Chair of the Committee. Acceptance or approval of a Committee Report shall not authorize any action unless the report is followed by a resolution for specific action, which is adopted by the Board and filed with the County Clerk/Register. All financial matters requiring appropriations of County funds or transfers of appropriations requiring Board approval shall be reported to the Board of Commissioners from the Ways & Means Committee.

E. COUNTY CLERK/REGISTER'S CALENDAR:

The County Clerk/Register shall prepare and keep a calendar of all matters that have been referred to any committee of the Board on which a report has not been made.

F. CLOSING DEBATE IN COMMITTEES:

In all committees where all Commissioners are members, debate may be closed by a vote called on the pending question with a two-thirds (2/3) vote of the members present.

However, no such motion shall be allowed until each Commissioner, who wishes, has had an opportunity to speak once on the question before the committee.

III. CONDUCT

A. CONDUCT OF REGULAR MEETINGS

The Chair shall convene the meeting precisely at the hour to which the Board adjourned at the preceding session and immediately shall call the members to order. The roll of the members shall be called at once. Upon the appearance of a quorum, if there are any objections to the record of the preceding day, corrections may be made.

B. PRESIDING OFFICER:

The Chair of the Board shall preside over the Board of Commissioners' meetings. If the Chair is absent from any Board of Commissioner meeting, the following Board officers shall preside in the following order:

1. Vice Chair, Board of Commissioners
2. Chair, Ways & Means Committee
3. Chair, Board Working Session

The Chair of the Ways & Means Committee shall preside over the Ways & Means Committee meetings. If the Chair is absent from any Ways & Means Committee meetings, the following Board officers shall preside in the following order:

1. Chair, Board of Commissioners
2. Vice-Chair, Board of Commissioners
3. Chair, Board Working Session

The Chair of the Board Working Session shall preside over the Board Working Session meetings. If the Chair is absent from any Board Working Session meetings, the following Board officers shall preside in the following order:

1. Chair, Board of Commissioners
2. Vice-Chair, Board of Commissioners
3. Chair, Ways & Means Committee

C. FILLING A VACANCY IN THE CHAIR OR OTHER OFFICERS:

In the event of a permanent absence of the Chair due to resignation or other vacancy of office, the Vice-Chair shall preside as Acting Chair until such time as a Chair is elected to serve the remainder of the unexpired term of the former Chair by a majority of the Commissioners elected or appointed and serving. In the case of a permanent absence of the Vice-Chair, the Chair of Ways and Means, or the Chair of Working Session, due to resignation or other vacancy of office, a majority of the members elected and serving may elect a successor to the vacant office.

D. FILLING A VACANCY IN A COMMISSIONER DISTRICT:

Upon Washtenaw County receiving a letter of resignation, or other notice of Commissioner vacancy, the Board of Commissioners directs the County Administrator to provide public notice of the vacant Commissioner district, within two working days, or as soon as practicable, by submitting a press release in a newspaper of general circulation within the district. Such public notice shall provide at least seven (7) days to the residents of the district to apply by submitting their resume or letter about their interest in the position. A copy of all applications received as of three (3) working days prior to the meeting of the Board of Commissioners shall be made available to all Commissioners, elected and serving.

After reviewing all submitted resumes, the Chair of the Board shall appoint, with the advice and consent of the full Board of Commissioners, a successor Commissioner to fill the Commissioner vacancy.

E. COUNTY CLERK/REGISTER DUTIES:

The County Clerk/Register, or in the County Clerk/Register's absence one of the County Clerk/Register's Deputies, shall be the County Clerk/Register of the Board and shall keep a correct journal of the proceedings, and perform such other duties as required by statute or resolution of the Board. The books, records and accounts of the Board shall be deposited with the County Clerk/Register. (MCLA 46.5)

F. OPEN MEETINGS ACT:

The County Clerk/Register shall take all actions required of the Board to comply with Public Act 267 of 1976. (MCLA 15.261 et seq., the "Open Meetings Act")

G. QUORUM:

A majority of all the Commissioners elected and serving shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day. Upon majority vote of the members present, whether a quorum or not, the Chair shall have power to send the Sheriff, or some other proper Officer to direct the absent member to immediately attend the Board and/or Ways & Means Committee meeting.

H. SEQUENCE:

The business of all regular meetings of the Board shall be transacted as far as practicable, in the following order.

1. Roll Call
2. Pledge of Allegiance
3. Approval of minutes of previous meeting
4. Citizen Participation
During citizen participation comments from citizens shall be limited to three (3) minutes.
5. Commissioner Follow-up to Citizen Participation.
Commissioners may address questions or make comments to administrative staff and other County employees in response to issues raised during citizen participation.
6. Communications
7. Liaison Reports
8. Report of the Chair of the Board of Commissioners
9. Special Order of Business
10. Public Hearings are conducted under Special Order of Business. Any citizen wishing to speak on the topic of the public hearing shall be given three (3) minutes to express his/her comments.
11. Reports of Standing Committees
12. Reports of Special Committees
13. Other Reports
14. Reports from the Treasurer

15. Appointments
16. Reports from the County Administrator
17. Resolutions
18. Ways & Means Committee
19. New Business
20. Approval of Claims
21. Items for Current/Future Discussion
22. Adjourn to Next Session (state time, date and location)

I. ELECTION:

All persons or officers elected by the Board shall receive a majority vote of the members elected and serving unless otherwise ordered by law.

J. RECOGNITION:

Every member, previous to speaking, shall raise a hand and address the Chair. When two or more members address the Chair at the same time, the Chair shall designate the member who is first to speak.

K. MOTIONS PUT:

Any motion must be made, seconded and stated by the Chair before it may be debated by the Board or put before the Board for a vote. Any motion shall be in writing if the Chair or any members desires it.

L. MOTION WITHDRAWN:

After a motion is stated by the Chair, it shall be deemed to be in the possession of the Board, but may be withdrawn by the maker of the motion with the consent of the commissioner seconding the motion, provided the motion has not been amended or otherwise acted upon.

M. DEBATE:

When a question is under debate no motion shall be received or entertained but the following:

- To adjourn
- To limit debate and vote on the pending question
- To lay on the table
- To postpone indefinitely
- To postpone to a time certain
- To refer or amend

N. ADJOURNMENT:

A motion to adjourn shall always be in order, provided that some disposition shall be made of any motion then before the Board. A motion to adjourn or to lay on the table shall be decided without debate.

O. VOTING:

Every member who shall be present, including the Chair, when a motion is last stated by the Chair, and no other, shall vote for or against the motion unless the member has a conflict of interest, in which case the member shall not vote. No other forms of voting, including, but not limited to voting, “present” shall be permitted.

1. ROLL CALL VOTE:

Roll call vote shall be taken when called for by any member of the Board, and on final board actions to adopt ordinances, resolutions and the appointment or election of officers.

2. VOTES REQUIRED:

Procedural and other questions arising at a meeting of the Commissioners, except for those decisions required by statute or by these rules (Specifically, Rule II F—Closing Debate in Committees and Rule III R—Suspension/ Amendment or Rescission of Board Rules) to have a higher majority, shall be decided by a majority of the members present. A majority of the members elected and serving, however, shall be required for the final passage or adoption of a motion, resolution or allowance of a claim.

P. DIVISION:

If the motion in debate contains several points, any member may have the motion divided.

Q. ORDER:

A member called to order shall sit down immediately, unless permitted to explain, and the Board, if appealed to, shall decide the case. If there is no appeal, the decision of the Chair shall be submitted to. On an appeal no member shall speak more than once without leave of the Board. When a member is called to order for offensive language there shall be no debate.

1. DISORDERLY CONDUCT:

The Chair may call to order any person who is being disorderly by speaking longer than the allotted time or otherwise disrupting the meeting. Such person shall therefore be seated until the Chair shall have determined whether the person is in order. If a person shall be called out of order, he or she shall not be permitted to speak further at the same meeting except upon special leave by the Board. No person shall be removed from a public meeting except for an actual breach of the peace committed at the meeting.

R. SUSPENSION:

No rule of the Board shall be suspended without the concurrence of two-thirds ($\frac{2}{3}$) of the members elected and serving. To amend or rescind a rule will require two-thirds ($\frac{2}{3}$) of members elected and serving unless specific notice was given at a previous meeting, whereupon a majority of members elected and serving may amend or rescind.

S. ITEMS REQUIRING REFERRAL TO WAYS & MEANS:

Any matter concerning changes to County Policy, salaries of county officers and county employees, imposing taxes or assessments, requiring the payment, expenditure or disposition of money or property, or creating a debt or liability, shall be referred to the Ways & Means Committee.

T. FINAL ACTION ON DAY OF INTRODUCTION:

No resolution or proceeding of the Board of Commissioners imposing taxes or assessments, or requiring the payment, expenditure or disposition of money or property, or creating a debt or liability therefore, shall be allowed on the same day as introduced, unless approved by a vote of a majority of the members elected and serving.

U. LEGAL COUNSEL:

It shall be the duty of the appropriately appointed legal counsel to attend all Board of Commissioners' meetings.

V. ROBERTS RULES:

Robert's Rules of Order shall govern in all cases not conflicting with these rules or with the laws of the State of Michigan.

IV. CHAIRS RIGHT TO PARTICIPATE IN DEBATE:

The Chair may participate in debate in the same manner as any other member without relinquishing the Chair, on any matter before the Board, unless a majority of the members present request that he/she relinquish the Chair to participate in debate on a particular matter.

V. DOCUMENTS AND COMMUNICATIONS:

A. PRESENTATION:

All communications addressed to the Board of Commissioners shall be presented to the Board formally and in timely fashion. The County Clerk/Register shall file and maintain a chronological list of such communications received by the Board; the list shall contain the name of the sender, the date of receipt, subject matter and the primary disposition given to the communication by the Board of Commissioners.

B. ORIGINAL DOCUMENTS:

At least one original copy of any document created or adopted by action of the Board shall be placed on file with the County Clerk/Register as the first activity of distribution or disposition, immediately following drafting and approval by the proper authority.

C. SIGNATURES:

All contracts and/or other documents originating with and/or binding upon the County of Washtenaw shall be signed by the Chair of the Board or a person specifically authorized by the Board of Commissioners and attested to by the County Clerk/Register. An original copy or digitized original copy shall be filed with the County Clerk/Register together with a distribution sheet showing who shall receive copies; how many originals are created; the source and authorization; the date the document is to become effective.

D. CALENDAR:

The County Clerk/Register shall keep a chronological list containing each document so filed and showing the subject matter, parties, date effective, and distribution. Said calendar shall further indicate the duration of each said document.

E. PRESENTATION:

Any document requiring approval by the Board of Commissioners shall be presented as received or originated. A complete draft thereof shall be presented to the Board in public session prior to any conclusive action by the Board.

F. SECONDARY CONTRACTS:

Any document effecting or binding upon the County of Washtenaw as created or enacted by a representative of the County, authorized by the Board or State law is to be distributed as follows: an executed copy shall be filed with the County Clerk's Office.

G. USE OF COUNTY SEAL, STATIONERY, AND OTHER RESOURCES

Commissioners shall have access to the County Seal, stationery and other County resources, but only for the purposes of conducting County business and Board projects. No outside person or entity shall be permitted to use the County Seal without the written permission of the County Administrator.

VI. RESOLUTIONS

Where a resolution proposes to amend a prior board resolution, County policy or County ordinance, the resolution shall conform to the style set forth below:

1. The section of the existing resolution to be changed shall be presented in its entirety, including any language proposed to be deleted by the resolution/motion; such deletion shall be indicated by a horizontal line running through the deleted language.
2. New language shall be indicated by being presented in bold and italic.

VII. ORDINANCES

A. STYLE:

1. TITLE PAGE:
 - I. Title in Brief
 - II. Date of adoption by Board of Commissioners

2. TABLE OF CONTENTS:
Contents shall show title and section numbers together with page numbers.
3. PREAMBLE:
The preamble shall set forth the purpose of the ordinance.
4. TITLE:
The title shall be stated in full together with a concluding statement, which shall read, "The Board of Commissioners of Washtenaw County ordains:"
5. BODY:
The body shall set forth the contents by section, commencing with Section of definitions and concluding with separate sections stating penalty; separability; appeals; effective date; and conflicting ordinance repeal.

B. ENACTMENT:

1. SUBMISSION:
Proposed ordinances shall be submitted in full and final form to the Commissioners with an attached resolution calling for the adoption thereof.
2. ADOPTION:
Adoption shall be by roll call vote.
3. RECORDING:
All ordinances, when legally enacted, shall be recorded by the County Clerk/Register in a book called the Ordinance Book and it shall be the duty of the Chair and the County Clerk/Register to authenticate such records by their official signature.

C. PUBLICATIONS:

1. PUBLICATION:
All ordinances, when legally enacted, shall be immediately published by the County Clerk/Register in the same manner as provided by law for publication of legal notice. An ordinance shall take effect when notice of the adoption is published in a newspaper of general circulation in the County as provided in MCLA 46.11 (j) **unless within fifty (50) days after the Board of Commissioners adopts the Ordinance, a petition signed by not less than 20% of the electors residing in the district to be affected by the Ordinance is filed with the County Clerk asking that the Ordinance be submitted to the electors in the district affected by the Ordinance, in which case, the Ordinance does not become effective until approved by the**

electors. The County Clerk/Register shall enter a certificate as to the manner and date of publication under such ordinances in the Ordinance Book. Provided that publication of any ordinance with the regular Board proceedings shall be sufficient and that if any ordinance is published in full in advance of publication of the Board proceedings, it need not again be published in full with the regular Board proceedings. Any ordinance may be repealed by reference to its number and title only or any section of any ordinance may be repealed by reference to the number and title of the ordinance and the number of the section to be repealed. No ordinance shall be revised, altered or amended by reference of its title only, but the section or sections of the ordinance revised, altered or amended shall be re-enacted and published in full.

2. REVIEW:

It shall be the duty of the Board every five (5) years, or more often if deemed necessary by the Board, to review all ordinances and bring them up to date.

3. PUBLIC RECORD:

All ordinances shall be made available for inspection by and distribution to the public at a reasonable charge and by publishing notice of the printing and availability thereof before the effective date thereof. The copies of the ordinances may be certified by the County Clerk/Register and, when so certified, shall be competent evidence in all County and legally established tribunals as to the matter contained therein.

D. GENERAL PROVISION:

State Law: In addition hereto the statutes of the State of Michigan are to be observed in all such cases as made and provided.

VIII. MEETING AND MILEAGE PAYMENTS FOR COUNTY BOARDS, COMMITTEES, AND COMMISSIONS

- A.** Excepting regular, benefitted county employees, all duly appointed representatives of the County on policy boards, committees and commissions ~~may, upon request to the county administrator, receive a stipend~~ **shall receive a stipend** payments of \$25.00 a meeting ~~and County mileage reimbursement from their residence or from their actual place of departure, whichever is less, unless such payments and/or mileage is not permitted by State or local law.~~ (Stipends and mileage for the Board of Commissioners are governed exclusively by SECTION X.) **Appropriate employment and employment taxes will be withheld from such payments and payee will be required to complete required withholding allowance certificates (such as Form W-4) as a condition to payment.**
- B.** **Notwithstanding the language in Section A, if an individual is appointed to a County policy board, committee or commission to fulfill a specific position or**

occupation field for that body, (i.e. architect, real estate development, agricultural production, land use planner, police or fire chief, etc.) and the individual serves with the permission of his/her current employer in that occupation or field and is paid by that employer to attend such meetings, he/she shall not be eligible to collect the above-referenced stipend.

- C. Occasionally, County-created policy boards, committees and/or commissions create their own subcommittees and directly appoint members to those subcommittees with no Board of Commissioner input. Appointees to such subcommittees are not eligible to receive stipends from the County for attending such bodies.**
- D. Additionally, County appointees to any policy board, committee or commission that was not created by the County or over which the County lacks any oversight authority shall also not be eligible for stipends.**
- E. When the term of a member of a board, commission or committee expires, that member shall hold over in that position until a successor is appointed. This rule only applies to those members appointed by the Board of Commissioners. The Board retains the authority to make interim appointments upon the expiration of a term. If the position is vacant mid-term, the Chair can delegate representation and appointment shall be made at the next available Board of Commissioners meeting.

IX. ATTENDANCE AT BOARDS AND COMMISSIONS

- A. When a member of a Board or Commission misses two or more consecutive meetings, the Board of Commissioners may seek the resignation or removal of a particular member if allowed by law.
- B. When a member of a Board or Commission misses two or more consecutive meetings, that Board or Commission may request that the Board of Commissioners seek the resignation of the particular member or other action as otherwise allowed by law, ordinance or rule.

X. COMMISSIONER OPTIONAL REMUNERATION

A. BUDGET

Each Commissioner shall be entitled to encumber 1/9th of the Board's "Commissioner Travel Account" (CTA). Additionally, each Commissioner is entitled to receive compensation for appointments to various boards, committees and commissions as outlined in SECTION X. B. COMPENSATORY SERVICE.

1. Each Commissioner shall be surveyed by the County Clerk at the beginning of the fiscal year to determine whether or not they intend to claim their stipends and if they intend to use their allotted CTA amount and generally for what purposes.
2. The County Clerk shall review all applications for funds and approve them, provided they comport with these rules.
3. Commissioners shall have access to a report of stipends claimed, mileage reimbursements distributed and a current CTA report on the "Open Book" page on the County's Website. This document shall be kept current by County Administration. This report will include the amount drawn by each Commissioner, individual expenditures and purposes.
4. The County Administrator may not transfer money to cover overruns in the CTA without Board approval.
5. Any money remaining in the CTA or the stipend budget at the end of the fiscal year will revert to the General Fund of the next fiscal year.
6. Commissioners who exceed their yearly CTA allotment will be personally responsible for their own expense overruns, and will be invoiced for the amount by County Administration.

B. COMPENSATORY SERVICE

In addition to the salary received by the Board of Commissioners, each member of the Board may receive a stipend and County mileage reimbursement from their residence or from their actual place of departure, whichever is less. Such stipends and/or mileage may only be collected for Commissioners that serve by appointment of the Board of Commissioners or the Chair of the Board to the following committees, commissions, or boards which are properly noticed and convened pursuant to the Michigan Open Meetings Act:

Agricultural Lands & Preservation Advisory Committee (ALPAC)
Area Agency on Aging Executive Board
Board of Health
Board of Public Works
Brownfield Redevelopment Authority
Coalition for Action Remediation of Dioxane (CARD)
Community Action Board
Criminal Justice Collaborative Council (CJCC)
Community Collaborative of Washtenaw County
Detroit Regional Aerotropolis
Drainage Board (Statutory)
Economic Development Corporation
Economic Development Coordinating Committee
Emergency Medical Services (EMS) Commission
Emergency Telephone District Board
Environmental Health Code Appeals Board/Public Health Advisory Committee
Health Emergency Response Coalition
Homeland Security Task Force
Huron River Watershed Council
Local Development Finance Authority—Augusta Township
Local Development Finance Authority—Saline City
Local Development Finance Authority—Superior Township
Local Development Finance Authority—Ypsilanti Township
Local Emergency Planning Committee
Michigan Township Association
MSU Extension District Advisory Council
Parks & Recreation Commission
Police Services Steering Committee
Regional Transit Authority (official name to be adopted later)
Retirement Commission
River Raisin Watershed Council
Road Commission
Solid Waste Management Consortium
Southeast Michigan Council of Governments

Space Plan Committee
 Sustainable Revenue for Supportive Housing Services Taskforce
 Voluntary Employees' Beneficiary Association Board
 Washtenaw Area Transportation Study Committee
 Washtenaw County Food Policy Council
 Washtenaw County/City of Ann Arbor Community Corrections Advisory Board
 Washtenaw County Community Mental Health Board
 Washtenaw County Roads Funding Subcommittee
 Washtenaw Urban County
 Willow Run Airport Zoning Board (Joint)
 Workforce Consortium Board

1. Appointees to these bodies shall be eligible for a stipend for each assigned committee, prorated annually, using the following schedule:

Number of Meetings Per Year	Stipend
1 or 2	\$ 50
3 or 4	\$ 100
5 or 6	\$ 150
7, 8, 9 or 10	\$ 250
11 or 12	\$ 300
13 through 24	\$ 500
More than 24	\$1,000

2. The Board of Commissioners may amend the schedule above at any time, but those amendments shall take not take effect until the beginning of the following term of office.
3. Any member of the Board of Commissioners may waive his/her stipend and/or mileage reimbursement by giving written notice to the County Clerk.
4. The value of stipends shall be prorated, aggregated and paid out biweekly as part of the payroll process.
5. Mileage shall be reimbursed in accordance with the procedure of the County.
6. If a member is absent from a regular board, committee or commission meeting three consecutive times without a reasonable excuse, he or she will be considered as having vacated his or her seat and a new Commissioner shall be appointed by the Chair of the Board and confirmed by a majority vote of the Board members elected and serving. A Commissioner who has vacated his or her seat in this manner shall cease to receive stipend payments effective at the end of the bi-weekly pay period during which the seat was vacated. The Commissioner who is appointed to fill a vacancy

shall be eligible to receive the remaining stipend payments until the end of the term of that appointment.

C. CONFERENCES & CONVENTION

Each member of the board may receive compensation from their CTA allotment for travel, attendance, meals, or lodging for certain conferences and conventions. Eligible conferences and conventions shall include meetings of organizations and associations to which the County is a member or organizations and associations which are related to issues facing the County and to each Commissioner's appointments to committees, commissions, councils, and boards. A list of Commissioners attending conferences will be made available by the Administrator's Office.

1. Compensation for travel, attendance, meals, and lodging may be advanced to Commissioners prior to the meeting.
2. Settlement of the actual costs from a prior trip must be completed before funds can be advanced for another trip.
3. Compensation for travel, attendance, meals, and lodging shall follow the intent and policies in the Travel Policy, Volume I, Section T.2., pages 1–9.
4. In order to receive reimbursement over \$50.00 for travel outside Washtenaw County, Commissioners will submit a written or oral statement regarding the conference.

D. NON-CONFERENCE/CONVENTION TRAVEL

Each member of the board may be reimbursed for travel to meetings related to the performance of their duties as Commissioners, including attending committee meetings, meetings of other governmental bodies, and meetings with constituents or agents of governmental entities directly related to their role as a County Commissioner. Members of the Board shall not be reimbursed for any expenses related to electoral activities, including meetings of political parties or personal meetings of a primarily political/electoral nature. Reimbursement may be provided for the use of Privately Owned Vehicles at the rate determined by the federal General Services Administration (as of January 2017, \$0.535 per mile), for the rental of a vehicle, or for costs of public transportation. Total reimbursement shall not exceed \$65 per day. Reimbursements are deducted from the Commissioner Travel Account.

XI. WORKING SESSION PROCEDURES

The purpose of the Working Session shall be to permit in-depth, informal discussion of Commissioner concerns, Board goals, significant programmatic and financial issues, and conceptual and informational presentations by the County Administrator. All matters involving major change in service delivery, staffing or funding, or any modification in Board of Commissioner policy shall originate at the Working Session. Status reports from advisory committees and departmental informational reports shall be presented at Working Session. The Working Sessions of the Board of Commissioners are not to be considered an official public meeting of the Board of Commissioners. The Working Sessions are noticed as a public meeting to comply with the Open Meetings Act because a quorum of the Board of Commissioners may be present at the meeting. Formal votes indicating Commissioner support or opposition to agenda items shall not be taken at Working Session meetings. The Chair may take an informal poll of the board members present to assist in determining whether the Commissioners desire more information or discussion regarding an item or whether the Commissioners are prepared to take action on an item at a meeting of the Ways and Means Committee or at the regular session. Agendas shall be set in advance; however, Commissioners shall have the opportunity to introduce issues during the meeting for future Working Session consideration.

- A. Items for inclusion on the Working Session agenda should be submitted by 12:00 noon, one (1) working week prior to the Working Session.
- B. Items may be submitted by Commissioners, the County Administrator and Department Heads.
- C. Items should be accompanied by a brief discussion of the issues, background, and desired disposition.
- D. The agenda shall be prepared by the Chair of the Working Session. The order of discussion items shall be determined by the Chair of the Working Session. When new items of discussion are referred to Administration, a report shall be produced within seventy-five (75) days.
- E. The business of the Working Session shall be transacted, as far as practicable, in the following order:
 - 1. Roll Call
 - 2. Citizen Participation
During citizen participation comments from citizens shall be limited to five (5) minutes.

3. Commissioner Follow-up to Citizen Participation
Commissioners may address questions or make comments to administrative staff and other County employees in response to issues raised during citizen participation.
 4. Report of the Administrator
 5. Report of the Board of Commissioners Liaison
 6. Discussion Items
 7. Items for Current or Future Discussion
 8. Pending (listing of future topics)
 9. Adjourn to Next Session
- F. The agenda packet shall be prepared by administrative staff and distributed in each Commissioner's mailbox by 5:00 p.m. Friday prior to the Working Session. Background material not completed at the time of printing of agenda shall be distributed at meeting.
- G. The disposition of each item discussed shall be determined by the Chair of the Working Session.
- H. Items on the Working Session agenda shall not require administrative review and sign-off prior to inclusion on the Working Session. However, if an item is forwarded to the Ways & Means Committee for action, the administrative review process must be completed prior to inclusion on the Ways & Means agenda.
- I. Minutes for the Working Session agenda shall include date, time, place of meeting, members present and absent, and a listing of topics discussed.

XII. WAYS & MEANS COMMITTEE PROCEDURES

- A. All financial items, changes to County Policy, and personnel matters shall be considered by the Ways & Means Committee meeting prior to submittal to the Board of Commissioners for final action.
- B. The Ways & Means agenda shall be prepared by the County Administrator at the direction of the Chair of Ways & Means. The agenda shall be distributed to each Commissioner's box by 5:00 p.m. on the Friday prior to the Ways & Means meeting.
- C. The business of the Ways & Means Committee shall be transacted, as far as practicable, in the following order:
1. Roll Call
 2. Citizen Participation
During citizen participation comments from citizens shall be limited to three (3) minutes.

3. Commissioner Follow-up to Citizen Participation
Commissioners may address questions or make comments to administrative staff and other County employees in response to issues raised during citizen participation.
4. New Business
5. Report of the Administrator
6. Report of the Chair of the Board
7. Items for Current/Future Discussion
8. Pending
9. Adjournment

D. All items on the Ways & Means agenda shall have a completed administrative review sign-off in order for the item to be considered at the Ways & Means meeting. Items not having this review and correct resolution completed by the originating department in time for printing of the Ways & Means agenda shall be held to the next Ways & Means meeting. However, the County Administrator shall have the authority to include on the agenda items for which administrative review has not been completed, if he/she determines it to be necessary. The County Administrator shall explain such exceptions at the meeting.

XIII. BOARD OF COMMISSIONERS PROCEDURES

- A. On Thursday, two weeks prior to the Board of Commissioners' meetings, County Administration shall present, hand deliver, mail, fax, or e-mail the first draft of agenda items to all Commissioners.
- B. The Board of Commissioners agenda and related material shall be prepared by the County Administrator, at the direction of the Chair of the Board, and distributed in each Commissioner's mailbox by 5:00 p.m. of the Friday prior to the Board meeting. The Board agenda format is established as part of the Board Rules and Regulations.
- C. The Administrator shall make the agenda available to media by 5:00 p.m. the Friday prior to the Board of Commissioners' meetings.
- D. All agenda items for Board approval, which have not been referred from the Ways & Means Committee, shall have a completed administrative review sign-off in order for the item to be considered by the Board of Commissioners. Items not having this review and correct resolution completed by the originating department in time for the printing of the Board of Commissioners agenda shall be held to the next Board of Commissioners meeting. However, the County Administrator shall have the authority to bring forward to the Board meeting items determined to be necessary with administrative review

completed prior to final Board action.

- E. All agenda items for Board approval, which have been referred from the Ways & Means Committee or from the Working Session Committee, and which have completed an administrative review, may be moved in total as a consent agenda. Any agenda items may be removed from the consent agenda for additional discussion at the request of any Commissioner.
- F. The Board of Commissioners requests that the County Clerk shall provide the minutes of standing committees, communications, and proceedings for the Board of Commissioners meetings. The Board directs the County Administrator to complete and deliver agenda related documentation in each Commissioner's mailbox by 5:00 p.m. of the Friday prior to the Board meeting.
- G. Per M.C.L. 46.11 the Board of County Commissioners is authorized to act as the policy-making body of a county, adopt ordinances and rules necessary for the conduct of county business, establish committees of the board necessary for the efficient conduct of business, adopt the annual county budget, and exercise all other powers in the area of legislation authorized by law. As such, legislative authority for the County is vested in the Board of Commissioners as a collective body; no individual commissioner may speak for the Board.
- H. Per M.C.L. 46.11, M.C.L. 46.13B and County Policy, the supervision, direction and control of all departments of a county, except those headed by Elected Officials, is vested in the County Administrator, who has the duty to coordinate the various activities of the County and unify the management of its affairs. Therefore, subject only to policies adopted or directions given by official actions of the Board of Commissioners, the County Administrator shall be responsible for the general supervision, direction, administration, and coordination of all the affairs of the County, including, but not limited to, hiring, disciplining and terminating department heads, except for those departments administered by the County-wide Elected Officials (Sheriff, Prosecutor, Treasurer, Clerk/Register of Deeds and Water Resources Commissioner).
- I. Honoring a Constituent - Timing
 - 1. In the event a commissioner wishes to honor a constituent or business in their district, that commissioner shall provide staff or the BOC Liaison adequate time and resources to draft a resolution that sufficiently recognizes the accomplishments of the honoree.
 - i. If the request is received in time to be placed on a Board of Commissioners agenda and receive full approval of the Board prior to being presented to the honoree, it is the

responsibility of the BOC Liaison or staff to draft a proclamation and place it on the next possible agenda.

- ii. If the request is not received in time to be placed on a Board of Commissioners agenda, then it is the responsibility of the commissioner to draft a 'Letter of Commendation' on their personal letterhead and present to the honoree as a single commissioner, not representative of the Board as a whole.

- J. Concerns with violations of this rule shall be addressed by the Chair of the Board of Commissioners, unless the alleged violation involves the Chair, in which case the matter will be brought to the attention of the County Administrator who shall work with Board leadership to resolve the issue.