

EMMET COUNTY DEPARTMENT OF HUMAN SERVICES

and

BAY BLUFFS BOARD OF DIRECTORS

RULES OF PROCEDURE

1. AUTHORITY

These rules are adopted by the **Emmet County Department of Human Services Board (“Board”)** pursuant to Section 52 of the Social Welfare Act, 1939 PA 280, as amended. These rules will not apply to the conduct of meetings of the Board when meeting with the Charlevoix County Department of Human Services Board (or other county department of human services boards), for which separate rules will be established.

2. MEETINGS

The business which the Board may perform will be conducted at a public meeting held in accordance with the Open Meetings Act, 1976 PA 267, as amended.

In accordance with Section 46 of the Social Welfare Act, as amended, the Board will hold not less than twelve (12) meetings each fiscal year with an interval of not more than five (5) weeks between two (2) meetings.

2.1 Regular Meetings

The Board at its January meeting, will set the dates and times for the Regular Meetings of the Board for the calendar year, pursuant to the requirements of the Open Meetings Act. The Board will generally meet on the third Thursday of each month. If any regularly scheduled meeting falls on a legal holiday, the Board will meet on the next secular day that is not a holiday, unless the Board decides otherwise in open session.

2.2 Special Meetings

A special meeting of the Board will be held on the call of the Chairperson, or on a written request to the Chairperson signed by two (2) members of the Board. Notice of each special meeting will be given as provided in Rule 3.3.

2.3 Emergency Meetings

In the event of a severe or imminent threat to the health, safety and welfare of the public, an emergency meeting of the Board may be held when two-thirds of the members of the Board decide that a delay would be detrimental to efforts to lessen or respond to the threat. A meeting is defined as an “emergency meeting” only if it must be held before the 18-hour notice can be given as provided in Rule 3.3.

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2.4 Place of Meetings

All regular meetings will be held at Bay Bluffs - Emmet County Medical Care Facility ("Facility"), 750 East Main Street, Harbor Springs, Michigan 49740, unless public notice of the meeting states a different location. Whenever the regular meeting place of the Board appears inadequate for the attendance of members of the public, the Chairperson of the Board may change the meeting location to a larger facility within Emmet County. A notice of the change will be prominently posted on the door of the regular meeting place. If time permits, notice of the change will also be given in a newspaper that is circulated within Emmet County.

2.5 Time of Regular Meetings

The regular meetings of the Board will be held at times determined by the Board.

2.6 Change in Regular Meeting Schedule

A change in the regular meeting schedule, including a change of the date, time and/or place of a meeting or the addition of meetings, will not be made except upon the approval of a majority of the members of the Board.

2.7 Recessed Meetings

A meeting that is recessed for more than thirty-six (36) hours will be reconvened only after public notice is given as provided in Rule 3.3 below.

2.8 Closed Sessions

Closed sessions will be held in accordance with the Open Meetings Act, as amended.

3. PUBLIC NOTICE OF MEETINGS

The Administrator of the Facility (or his or her designee) will be requested to provide the public notice for all meetings of the Board. Each public notice will give the name, address and telephone number (if one exists) of the Board, and will be posted in a conspicuous place at the Emmet County Building and at the Facility.

3.1 Notice of Regular Meetings

There will be posted within ten (10) days after the first meeting of the Board in each calendar year, a public notice stating the dates, times and places of the Board's regular meetings during the year.

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3.2 Notice of Schedule Change

If there is a change in the schedule of regular meetings, there will be posted within three (3) days after the meeting at which the change is made, a public notice stating the new dates, times and places of the regular meetings.

3.3 Notice of Special Meetings, Emergency Meetings and Rescheduled Regular Meetings

If the Board schedules a special meeting or an emergency meeting, or reschedules a regular meeting, a notice of the meeting will immediately be:

- A) Posted in a prominent and conspicuous place at the Emmet County Building and at the Facility, and
- B) Posted on a portion of the Facility's website that is fully accessible to the public, either on a homepage or on a separate webpage dedicated to public notices for non-regularly scheduled public meetings and accessible by a prominent and conspicuous link on the homepage that clearly describes its purpose for public notification of non-regularly scheduled public meetings; and
- C) Delivered to the residence of each member of the Board by personal delivery, facsimile transmission, certified or registered mail, and/or by e-mail.

No meeting, except an emergency meeting, will be held until the public notices will have been posted at least eighteen (18) hours as provided in this Rule.

If the Board holds an emergency public meeting that does not comply with the 18-hour posted notice requirement, it shall make paper copies of the public notice for the emergency meeting available to the public at that meeting. The notice shall include an explanation of the reasons that the Board cannot comply with the 18-hour posted notice requirement. The explanation shall be specific to the circumstances that necessitated the emergency public meeting, and the use of generalized explanations, such as "an imminent threat to the health of the public" or "danger to public welfare and safety" shall not meet the explanation requirement. In addition, the public notice of the emergency meeting and its explanation shall be posted on the Facility's website in the manner described in subsection (b) of this Rule.

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The durational requirement for posting a public notice of a meeting under this Rule is the time that the notice is required to be accessible to the public.

3.4 Notice to Media and Others

At the same time a public notice of a meeting is posted as provided in these rules, a copy of the notice will be provided, upon written request, to any newspaper, radio station or television station located in Michigan, without charge.

Other individuals or organizations will be provided the notices by first class mail, upon written request and payment by the individual or organization of a yearly fee of the reasonable estimated cost for printing and postage of the notices.

Notices required under this Rule may be provided to the requester by e-mail, if the requester specifies that method of communication.

4. QUORUM

Pursuant to Section 46 of the Social Welfare Act, as amended, the Board consists of three (3) members. A majority of the Board constitutes a quorum for the transaction of business.

A member may participate in meeting by conference telephone or any similar communications equipment through which all persons participating in the meeting can hear each other. Participation in a meeting pursuant to this section constitutes presence in person at the meeting.

5. AGENDAS

5.1 Agendas for Regular Meetings

The Administrator of the Facility, after first reviewing pending matters and requests, will prepare a draft of the agenda of business for all regularly scheduled Board meetings. The Chairperson of the Board may review and add or delete issues as he/she considers proper. Any Board member desiring to place an item on the agenda will so notify the Administrator by 12 noon on Wednesday, one week prior to the next regular meeting of the Board. Items not received by this deadline will not be considered by the Board except upon unanimous consent of the members present.

The Administrator will provide a copy of the tentative agenda and related materials to each Board member in advance of each regular meeting. The agenda and materials will be mailed or delivered no later than 5:00 p.m. on the Friday preceding the next regular meeting.

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5.2 Agendas for Special Meetings, Emergency Meetings and Rescheduled Regular Meetings

If time permits, agendas for special meetings will be provided to the Board members along with the notice of the meeting as provided in Rule 3.3.

For other meetings, the Chairperson may declare the agenda upon approval of a majority of the members present.

5.3 Order of Business

The agenda for all meetings may include but is not limited to the following recurring items:

- a. Approval of the Proposed Agenda
- b. Approval of the minutes of the last regular meeting, special meeting, and /or meetings held since the last regular meeting.
- c. Review and approval of financial reports, contracts and accounts payable
- d. Consideration of major capital purchases
- e. An opportunity for public comment, per the Open Meetings Act
- f. Any unfinished business from prior meetings which may include strategic planning, program approval or regulatory reports
- g. Any new business to come before the Board for information, discussion and/or approval; may include strategic planning, program approval or regulatory reports.

The Chairperson will have the discretion to permit members of the public to speak at times other than the times reserved for public comment.

5.4 Consent Agenda

The Board may utilize a Consent Agenda at a regular meeting consisting of those matters that the Board has determined to be routine and about which the Board commonly concurs, including, but not limited to, approval of minutes, acceptance of reports, correspondence requiring no action, routine contracts that fall within policies and guidelines, appointment of persons to budgeted positions, and other matters that the Board is required by statute or Board Rule to approve.

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The Administrator, in preparing the meeting agenda, shall list such matters under the heading "Consent Agenda," and shall distribute any related materials in accordance with Rule 5.1.

The Board shall vote on approval of the Consent Agenda without discussion. Prior to voting, however, the Chairperson shall permit Board members to remove from the Consent Agenda those items which they wish to debate. The Chairperson shall then direct that such items be placed separately on the meeting agenda. A vote shall not be required to remove an item from the Consent Agenda.

Irrespective of the Board's utilization of a Consent Agenda, committees of the Board may decide to utilize a Consent Agenda in the conduct of committee meetings.

6. CONDUCT OF MEETINGS

6.1 Chairperson

At the first meeting following the appointment of a new member to the Board, the members will choose one member as Chairperson who will continue to act as Chairperson until the selection of a successor. The Board will also choose a Vice-Chairperson.

The Chairperson will preside at all meetings of the Board. The Chairperson will act as the Board's agent in the signing of contracts, orders, bonds, determinations, and minutes of meetings of the Board. In the absence of the Chairperson, the Vice-Chairperson will preside.

6.2 Form of Address

Board members wishing to speak will first obtain the approval of the Chairperson, and each person who speaks will address the Chairperson. Other persons at the meeting will not speak unless recognized by the Chairperson.

6.3 Time Limit for Public Comment

To accommodate greater public participation, the time for public comment will be limited to three (3) minutes per speaker on any one topic, and to fifteen (15) minutes of total public comment on any one topic. This limit may be extended by a majority vote of the members present.

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6.4 Disorderly Conduct

The Chairperson will call to order any person who is being disorderly by disrupting the meeting, by failing to be germane, by speaking longer than the allotted time, by speaking vulgarities or by making a personal attack on a Board member or employee regarding conduct that is unrelated to the performance of his or her duties.

If a person so engaged in presentation is called out of order, he or she will not be permitted to speak further at the same meeting except by special leave of the Board. If the person continues to be disorderly and to disrupt the meeting, the Chairperson may request removal of the person by the appropriate law enforcement agency. In no event will a person be removed from a public meeting except for an actual breach of the peace committed at the meeting.

7. RECORD OF MEETINGS

7.1 Recording Secretary

The Board will designate a recording secretary who will be responsible for maintaining the official record and minutes of each meeting of the Board.

The recording secretary will be responsible for maintaining an electronic tape recording of each meeting of the Board. The tape recording may be erased once the written version of the minutes has been approved.

7.2 Minutes of Meetings

The minutes will include all actions and decisions of the Board with respect to substantive (nonprocedural) motions. The minutes will contain the date, time and place of the meeting; the members present and the members absent; the record of any decisions made, including the names of the mover and seconder and the vote of the Board. The record will also state whether the vote was by voice or by roll call; when by roll call, the record will show how each member voted. The Board may direct the recording secretary to record summaries of the discussion.

Any Board member may have his or her comments printed as part of the record upon the concurrence of the other members. The comments to be included in the record will be provided in writing by the member or transcribed verbatim by the recording secretary from the electronic tape recording.

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7.3 Corrections to Minutes

Corrections of the minutes will be made no later than the next meeting after the meeting to which the minutes refer.

Corrected minutes will be available no later than the next meeting after the correction, and will show both the original entry and the correction.

7.4 Public Access to Meeting Minutes

Except for minutes taken at a closed session, all minutes are public records open for public inspection, and will be available for review, as well as copying, at the address designated on the public notice for the meeting. Proposed minutes will be available for public inspection not more than eight (8) business days following the meeting. Approved minutes will be available within five (5) business days after the meeting at which they were approved.

The recording secretary will also promptly mail copies of minutes to persons who have subscribed and paid the applicable fee established by the Board.

7.5 Minutes of Closed Sessions

The vote to hold a closed session will be recorded in the minutes of the meeting at which the decision is made.

For each closed session, the recording secretary will make a separate record of the topics discussed. The record will not be disclosed to the public except upon court order. The minutes may be destroyed one year and one day after the approval of the minutes of the meeting at which the closed session was approved. If an electronic recording is made of a closed session, it must be retained for the same period as the written minutes.

8. COMMITTEE OF THE WHOLE

Whenever the Board meets in “working meetings,” it will meet as a committee of the whole, and the Chairperson or Vice-Chairperson will preside.

Meetings of the committee of the whole will comply with the Open Meetings Act, as amended, with respect to public notice, except when the Board will devolve into a committee of the whole at one of its regular meetings. These rules will be observed in meetings of the committee of the whole as far as they are applicable, except with respect to limiting debate, moving to vote immediately, and taking a roll call vote.

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9. MOTIONS

9.1 Form of Motions

All motions, except procedural motions, may be required to be in writing upon the demand of any member. A request to recess for the purpose of writing out a motion will be in order.

9.2 Motion to Reconsider

A motion to reconsider will be in order on any question the Board has decided, but no question will be reconsidered more than once. The motion to reconsider will be in order on the same day as the vote to be reconsidered was taken or in the next regular meeting following. The motion to reconsider must be made by a member who voted with the prevailing side.

9.3 Temporary Suspension of Rules

To achieve any legal objective of the Board in a legal manner, these rules may be temporarily suspended at any time by a majority vote of the members of the Board.

10. VOTING

10.1 Votes Required.

Questions will be decided by a majority of the members of the Board.

10.2 Roll Call Votes

The names and votes of members will be recorded if the action taken by the Board concerns the expenditure of money, the appointment or election of an officer, or if demanded by any member.

10.3 Abstention

Each member present will be required to vote on every question unless excused by the Chairperson or prohibited from voting by law. The Chairperson shall excuse a member from voting on a question in which the member has a direct personal or pecuniary interest.

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11. CONFLICTS OF INTEREST

Members will avoid conflicts of interest, including, but not limited to, deliberating, voting, or reviewing a question or case in which the member has a personal interest or a duty or loyalty to a third party that competes with or is adverse to the proper exercise of the member's official duties.

When a conflict of interest becomes apparent to a member, the member will do all of the following:

- (a) Disclose the apparent conflict as soon as practicable on the record at a meeting of the Board, and request the Chair to excuse him or her from participation;
- (b) Refrain from all participation in the matter; and
- (c) During the deliberation of the question or case, leave the meeting room until the agenda item is concluded.

The following relationships will be deemed a conflict of interest:

- (a) Relationships to other people, including:
 - (1) Family relationship whether by blood or affinity.
 - (2) Relationship as legal guardian, trustee, agent, broker or personal administrator.
 - (3) Relationship as employer/employee, mortgagor/mortgagee or consultant/client.
 - (4) Relationship as officer or member of a corporation, partnership, or limited liability company.
 - (5) Contractual relationship (for goods or services).
 - (6) Appointment on retainer, whether or not service has been provided.
- (b) Any of the above legal or contractual relationships associated with family members, members of partnerships, or officers or members of corporations or limited liability companies in which the Commissioner holds an interest.
- (c) An interest in real property near or affected by the decision being made, whether the interest is held as an individual or arises out of one of the above relationships.

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The following will not generally be deemed a conflict of interest:

- (a) Relationship as officer or member of board of directors of a:
 - (1) Professional, fraternal, civic, or public service organization.
 - (2) Neighborhood association.
 - (3) Community organization.
 - (4) Nonprofit corporation.
- (b) Holding personal accounts, commercial accounts, or lines of credit in a financial institution.
- (c) Election or appointment to public office or as a member of a public body, unless otherwise prohibited by law.
- (d) Personal relationship.
- (e) Residing or owning property in the neighborhood

12. PARLIAMENTARY AUTHORITY

Robert's Rules of Order, Newly Revised, will govern all questions of procedure not otherwise provided by these rules or by State or federal law. Legal counsel to the Board, or another person so designated by the Board, will serve as the Board's parliamentarian, and will advise the presiding officer regarding rules of procedure.

13. AMENDMENT

These rules, having been adopted by a majority vote of the members of the Board, may be amended or rescinded by a like vote.

14. APPLICATION OF RULES

No rule will be applied in a manner so as to completely deny the right of a member of the public to address the Board.

A person will not be excluded from a meeting of the Board otherwise open to the public except for a breach of the peace actually committed at the meeting.

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**ADOPTED BY THE EMMET COUNTY DEPARTMENT OF HUMAN SERVICES BOARD ON June 18,
2020 TO BE EFFECTIVE IMMEDIATELY.**

_____ Mary Elizabeth Horrom, Chairperson

_____ Gayle Mrocxkowski, Vice Chairperson

_____ Carol Hansen, Board Member