

Kalkaska County Board of Commissioners
Reorganizational Meeting 2012
January 3, 2012
(UNAPPROVED)

Meeting called to order by County Clerk Deborah Hill at 4:00 PM. Roll call of Commissioners: Present-Michael Cox, Debra Kimball, Stuart McKinnon, David Ritter and Carroll Sexton. Absent-Antonio Martini and Craig Wood.

Pledge of Allegiance by all. Invocation by Sister Augusta Stratz, Health and Healing Ministries.

Approval of Agenda:

Motion by Sexton to approve agenda. Supported by Kimball. 4 yeas. 0 nays. 3 absent. **Carried.**

Clerk called for nominations for Chairperson.

First call for nomination, Stuart McKinnon nominated by Cox

Second call for nomination, Craig Wood nominated by Kimball.

Third call for nominations; none. **Motion** to close nominations for Chairperson by Kimball. Supported by Sexton. 5 yeas. 0 nays. 2 absent. **Carried.** Clerk called for vote; advised tally of votes cast resulted in 4-McKinnon and 1-Wood, meeting turned over to new Chairperson Stuart McKinnon.

Chair called for nominations for Vice-Chairperson:

First call for nomination, Debra Kimball by Sexton.

Second call for nomination, Michael Cox by Ritter.

Third call for nominations; none. **Motion** to close nominations for Vice-Chair by Kimball. Supported by Cox. 5 yeas. 0 nays. 2 absent. **Carried.** Chair called for vote; tally of votes reported were 3 - Cox and 2 - Kimball, resulting in Michael Cox as new Vice-Chairperson.

Public Input:

Sister Augusta Stratz: Reported 4 week grief and loss program to be offered for community, requested waiver of fee for conference room at Kaliseum. **Motion** by Cox to waive rental fee for conference room at Kaliseum for 4 week program. Supported by Kimball. 5 yeas. 0 nays.

Carried.

Christie Collins-Winterfest: Advised Board of need for Civic Center changed due to rescheduling of Winterfest due to lack of snow. Mark Randolph advised of communication with DPW for reopening for event in March, with no particular concerns. **Motion** by Kimball to allow Winterfest to use Civic Center for March 3 &4, 2012 event rather than January. Supported by Cox. 5 yeas. 0 nays. 2 absent. **Carried.**

Mark Randolph-Soil Conservation: Advised Board he would have proposed work plan for review at next regular Board meeting.

Adoption of By-Laws:

Motion by Cox to adopt Board of Commissioners By-Laws as presented. Supported by Kimball. Discussion, Sexton advised committee is continuing to work on revisions. 5 yeas. 0 nays. 2 absent. **Carried.**

**BYLAWS OF THE BOARD OF COMMISSIONERS
COUNTY OF KALKASKA**

ARTICLE I - RULES

Section A BYLAWS: Bylaws shall be readopted at the first meeting of each new Board.

Section B RULES OF ORDER: Robert's Rules of Order, (2000 Second Edition), with modifications shall be the parliamentary authority of this Board of Commissioners.

Section C QUORUM: A majority of members shall constitute a quorum for the ordinary business of the county. All questions which arise at its meetings shall be determined by the votes of a majority of the members present, except upon the final passage or adoption of a measure or resolution, or the allowance of a claim against the county, in which case a majority of the members elected and serving shall be necessary

Section D ROLL CALL VOTES AND SECRET BALLOTS: The names and votes of members shall be recorded on actions which the board takes on an ordinance, resolution, appointment or election of an officer. Roll call votes may be called at the request of by any of the members present.

ARTICLE II - THE BOARD OF COMMISSIONERS

Section A BOARD MINUTES: The clerk of the Board must record all the proceedings of the board in a book provided for that purpose.

Section B TERM OF OFFICE: Begins at 12 noon on January first, following the election. Oath of office and signing Constitutional Oath of Office should be done before the January first date.

Section C VACANCIES ON BOARD OF COMMISSIONERS: Shall be filled by appointment within 30 days by the board. If the vacancy occurred in an odd numbered year the appointment shall serve until the vacancy is filled at a special election which the board shall call. If the vacancy occurred in an election year, the appointee serves the remainder of the term. if the board does not fill the vacancy within 30 days, it shall be filled by a special election regardless of the year.

Section D COMMISSION COMPENSATION AND MILEAGE: Commissioners shall receive the compensation and mileage reimbursement fixed by resolution of the County Board of Commissioners. Change in compensation shall become effective only when commissioners commence their term of office after the general election. Mileage is not compensation. It shall not exceed the amount per mile set for the state officers by the state officers compensation commission.

Section E COMMISSIONERS HAVING OTHER COUNTY EMPLOYMENT: Any person while a member of the board, shall not be eligible to be elected to any position that is within the jurisdiction of the County Board of Commissioners. Further, no member of the Board of Commissioners shall be eligible to fill the office of County Road Commissioner.

Section F COMMISSIONERS CONFLICTS OF INTEREST AS TO CONTRACTS: A commissioner shall not be interested directly or indirectly in any contract or other business transaction with the county, or a board, office, or commission thereof, during the time for which (s)he is elected or appointed, nor for one year thereafter unless the contract for the transaction has been approved by 3/4 of the members of the county board of commissioners and so shown on the minutes of the board.

Section G SEALED BIDS: Sealed bids shall be requested on any item, equipment or service, unless this requirement is specifically withheld from applying by action of the board.
Specifications will be submitted by the department head or elected official making the request. All requests for bids must contain the statement that: "The Board of Commissioners reserves the right to accept or reject any or all bids submitted, and to accept the bid that is in the best interest of the county." All bids will be opened at the time and place stated in the bid request, and acted on at a meeting of the Board of Commissioners regular or special.

Section H SIGNING OF COUNTY DOCUMENTS: The Chairperson of the Board of Commissioners is authorized to sign all county documents that have been approved by the County Board of Commissioners.

Section I No taxpayers moneys will be used for funeral flowers or memorial contributions.

Section J Regarding procedure for regular monthly meeting County Board of Commissioner Agenda and Packet will be available no later than 5 P.M. the Friday preceding the regular board meeting.

ARTICLE III - BOARD OFFICERS

Section A CHAIRPERSON: The Chairperson shall be selected by secret ballot from the board at the first meeting of each year.

Section B VICE CHAIRPERSON: The Vice Chairperson shall be chosen by and from the board at the first meeting of each year.

Section C CLERK: The Clerk of the Board of Commissioners shall be the County Clerk or in their absence their deputy.

ARTICLE IV - BOARD COMMITTEES

Section A NUMBER AND JURISDICTION: The number and jurisdiction of committees and the number of members on each, will vary depending on the needs of the county and the size of its board.

Section B FINANCE COMMITTEE: A Finance Committee is required by law (7.65). Its chairperson serves on the tax allocation board.

Section C VOTING IN COMMITTEES: The names and votes of committee members shall be recorded on its action on an ordinance, resolution, or appointment or election of an officer, except the vote for chairperson may be by secret ballot and on other questions or motions if 1/3 of the members present so request. A record of this must be available for public inspection.

Section D TERMS OF COMMISSION APPOINTMENTS: Appointments to standing committees of the Board of Commissioners shall be for a term of one year, and may be eligible for re-appointment.

1. The date, time and place of meetings of any standing committee once set by the 15th of the 1st month of the year shall not be changed unless all three (3) appointed members of the committee agree to the change.
2. If a member of a standing committee is unable to attend a meeting of the committee, that member may choose another commissioner to replace him/her at the meeting by contacting the commissioner himself/herself or may request the Board of Commissioner Secretary to contact the commissioner.
3. The Board of Commissioner Secretary shall be responsible for posting all Standing committee dates, times and places on the front window of the Administration Building and to post any changes to standing committee date, time and place that have been agreed upon by all three (3) appointed members of the committee

ARTICLE V - BOARD MEETINGS

- Section A ORGANIZATION: The organizational meeting shall be the first meeting of the year.
- Section B ALLOCATION BOARD: The allocation board meeting shall be a regular meeting in June, and held by the second Monday in June.
- Section C APPOINTMENT MEETING: Appointment meeting will be held at the Organizational Meeting held as the first meeting of January of each year.
- Section D CLOSED MEETINGS: A 2/3 roll call vote of all members elected or appointed and serving is required to call a closed meeting. The roll call vote and purpose(s) must be entered in the minutes of the meeting at which the vote is taken.
- Section E SPECIAL MEETINGS: Special meetings will be held at the "call of the chair, or upon written request, signed by 1/3 of the board and 18 hours notice.
- Section F ADJOURN MEETINGS: The boards power to adjourn "from time to time includes the power to adjourn at the call of the chair", and that these adjourned meetings are not special meetings."
- Section G PUBLIC ATTENDANCE AT BOARD MEETINGS: All board meetings shall be open to the public with six exceptions:
1. Dismissal, suspension, or disciplining, or to hear complaints or charges.
 2. For strategy and negotiation sessions connected with collective bargaining.
 3. Consider purchase or lease on real property.
 4. Consult with its attorney in regards to pending litigation.
 5. Review content of an application for employment or appointment.
 6. Matter exempt from discussion or disclosure by a state or federal statute.
- Section H OPEN MEETINGS AND NOTICE THEREOF: The board must specifically designate a person to be responsible for implementing the notice provisions of the "Open Meeting" Act. Notice of the schedule of regular meetings shall be posted within 10 days after the meeting at which the schedule is adopted.
- If a regular meeting is rescheduled or recessed for more than 36 hours, or if a special

meeting is called, prior notice of at least 18 hours must be posted. A subcommittee should attempt to comply with the 18 hour requirement. The public notice must contain the name and address of the board or committee, the date, time and place of the meeting and the body's telephone number if one exists. If the board or committee does not have a principal office, it must in addition post the public notice in the office of the County Clerk. The following information should be on the back of the notice:

1. Name of the individuals who requested that a special meeting be called.
2. The time the notice was posted.
3. The name and signature of the person who posted the notice.
4. The time of removing the notice and placing it on file following the special meeting.

This notice provision contained in this act do not distinguish between meetings which are required to open to the public and meetings which may be conducted in closed session. Therefore all meetings, open and closed, must be provided unless the meeting falls within the very narrow exceptions provided in the act.

Section I

PUBLIC PARTICIPATION AND DISTURBANCES AT BOARD MEETINGS:
A County board may not require a person "to register or otherwise provide his or her name or other information, or otherwise fulfill a condition" in order to attend a public meeting. The general rule is that anyone, whether a resident of the county or not, may attend the meeting of the county board.

Does this mean that citizens can attend a meeting and be disruptive if they want? Not quite. What it does mean, though, is that a county board may not prohibit a person from attending on the fear or suspicion that he or she might misbehave. The act says that a person shall not be excluded from a public meeting except for a breach of the peace actually committed at the meeting.

Persons engaged in indecent or obscene conduct, those who make a disturbance at a public meeting where citizens are peaceably and lawfully assembled, or those who jostle or roughly crowd people unnecessarily in a public place may be guilty of a breach of the peace.

Any person disrupting a meeting, may be asked to be seated and remain quiet. Failing this, the Chairperson may ask the person to leave; if he or she refuses, the Chairperson will call a brief recess. Final step to order would be asking the sheriff or a deputy to remove the person.

ARTICLE VI - INDEMNIFICATION

The County shall indemnify any member or former member of the Board of Commissioners against reasonable expenses, including attorney fees, actually and necessarily incurred by them in connection with the defense of any civil, criminal or administrative action, suit or proceeding in which they are made a party or with which they are threatened by reason of being or having been, or because of, any act as such commissioner, within the course of their duties, except in relation to matters as to which they shall be adjudged in such action, suit or proceedings to be liable for gross misconduct in the performance of their duties. The County may also reimburse any commissioner for the reasonable costs of settlement of any such action, suit or proceeding, if it shall be found by a majority of the members of the Board of Commissioners not involved in the matter in controversy that it was to the interest of the County that such settlement be made and that such commissioner was not guilty of gross misconduct. The right of indemnification herein provided shall extend to the estate, executor, administrator, guardian and conservator of any deceased or former commissioner or person who himself would have been entitled to indemnification.

APPENDIX - A

WHEREAS, the Open Meeting Act confirms the right of a public body to establish rules for addressing that body (PA 267 of 1976 as amended by PA 256 of 1978, Section 15.263(5))

NOW THEREFORE BE IT RESOLVED that the following rules governing Public Input be adopted and enforced unless amended by future County Commissions:

1. Public input at any regular or special meeting of the Kankaska County Board of Commissioners shall not exceed a total of sixty minutes.
2. Prior to commencement of Public Input, the Chairperson may ask for a show of hands of those members of the public who wish to be recognized.
3. The Clerk shall note the names of those who wish to be recognized.
4. The Chairperson shall decide the number of minutes to be allocated to each speaker according to the following formula and examples:
 - a. No allocation may be more than five minutes per person.
 - b. No allocation can be less than two minutes.
 - c. In the event that more than thirty people desire to speak, the Chairperson may recognize ONLY thirty names.

- d. Examples: 5 hands - 5 minutes per person, 25 minutes total. 10 hands - 5 minutes per person, 50 minutes total. 20 hands - 3 minutes per person, 60 minutes total. 1 hand 5 minutes per person, 5 minutes total.
- e. Allocated time to person recognized by the Chairperson may not be traded away to other members of the public either recognized or not.
- f. A person may speak anytime during the meeting if recognized by the Chairperson.

Adopted: January 3 1996

AMENDED: January 2nd, 2009

AMENDED: January 4th, 2010

AMENDED: February 9th, 2011
(BYLAWBC.DOC)

Appointments for Commissioner Standing Committees, Committees for Kalkaska County and Board Liaisons:

Chair requested tabling appointments for Committees for County and Board Liaisons to next regular meeting for review, and

Chair called for appointment of the following:

County Affairs: Chair Michael Cox, Stuart McKinnon and Antonio Martini.

Budget/Finance: Chair Debra Kimball, Stuart McKinnon and Michael Cox.

Health/Welfare: Chair Carroll Sexton, Antonio Martini and David Ritter.

Personnel/Interview: Chair Craig Wood, David Ritter and Antonio Martini.

Public Works: Chair Antonio Martini, Craig Wood and Stuart McKinnon.

Judiciary/Public Safety: Chair David Ritter, Debra Kimball and Michael Cox.

Motion by Cox to accept Chair's appointments. Supported by Kimball. Discussion. 5 yeas. 0 nays. 2 absent. **Carried.** Chair requested further input/recommendations for committee appointments. Zoning Administrator requested appointments to allow January meeting as required.

Date/time set for Regular Board Meetings:

Chair requested Board, following requests, to consider consolidating sub-committees to meet on one day, as well as review of time, may be easier for public/staff to attend. Discussion, consensus to consolidate and review times to coordinate with attendees. **Motion** by Kimball to hold Regular Board meetings on the 1st Wednesday after the 2nd Monday of each month at 6:00 PM. Supported by Sexton. 4 yeas. 1 nay. 2 absent. **Carried.** Committee appointees to review times for committee meetings, to review at regular meeting. Discussion regarding necessity of Controller/counsel at committee meetings, to be reviewed at 1-9-2012 meeting.

Other Business:

Motion by Sexton to approve request from County Road Commission for waiver of permit fees for building to contain power washer, providing no cost to Construction Codes. Supported by Kimball. Discussion. 5 yeas. 0 nays. 2 absent. **Carried.**

Chair advised of technology option regarding dashboard requirements, to Controller for review; and memo regarding potential for shared Equalization Director, meeting in Bellaire 1-9-2012. Discussion. Consensus Chair will attend. Discussion regarding need for Finance to meet to approve balance of bills. (Consensus to meet at 5 PM before Regular Meeting.)

Randolph-Soil Conservation: Inquired as to how to request funds for Soil Conservation. Discussion, will review proposal, review with Public Works, Randolph to contact Chair Martini.

Public Input:

None.

Motion by Kimball to adjourn to call of the Chair at 4:42 PM. Supported by Cox. 5 yeas. 0 nays. 2 absent. **Carried.**

Respectfully submitted:

Deborah Hill, Kalkaska County Clerk and
Clerk of Board of Commissioners

Stuart McKinnon, Chair of
Kalkaska County Board of Commissioners.

These minutes are not official until they are approved at the next regular Board of Commissioners meeting.