

May 13, 2008

The Regular meeting of the Otsego County Board of Commissioners was held in the Multi-Purpose Room of the J. Richard Yuill Alpine Center. The meeting was called to order at 9:32 a.m. by Chairman Glasser. Invocation by Commissioner Beachnau, followed by the Pledge of Allegiance led by Commissioner Hyde.

Roll call:

Present: Backenstose, Bates, Beachnau, Liss, Olsen, Glasser, Johnson, Hyde.

Excused: Bentz.

The Regular meeting minutes of April 22, 2008 with attachments were approved as corrected. The minutes were corrected to read, Chairman Glasser received a list of the oil and gas leases that are available from the State of Michigan.

Resolution OCR-08-15 Police Memorial Day Resolution was removed from the consent agenda and placed under new business as item E).

Consent Agenda:

The Planning Commission moves to appoint Frances Nowak to the Otsego County Planning Commission to serve the remainder of Patricia Harkness' term through December 31, 2008. Motion approved via unanimous consent.

Motion to approve the General Fund budget amendment 2008 as presented. Motion approved via unanimous consent. (see attached)

Administrator's Report:

John Burt reported on the jail cameras; County website bids are due May 16th; County Building; Carpet bids; Citizens jail committee meeting May 29, 2008.

Mary Sanders reminded the Board of the MTA meeting that is scheduled for May 20, 2008 at 6:00 p.m. at the Chester Township Hall.

Joe Edwartowski reported on the annual fireworks dinner dance that was held.

Correspondence:

Chairman Glasser received a letter from Rudi Edel regarding the County employee cleanup; Letter to purchase a photo of Ralph Holewinski to be placed at the Courthouse looking for donations; Letter from Kalkaska County requesting a resolution to be adopted regarding clean water.

New Business:

Motion by Commissioner Backenstose, to approve Resolution OCR-08-16 for the Otsego County Library Millage renewal.

Roll Call Vote:

Ayes: Backenstose, Bates, Beachnau, Liss, Olsen, Glasser, Johnson, Hyde.

Nays: None.

Excused: Bentz.

Motion carried/Resolution adopted. (see attached)

Motion by Commissioner Hyde, to approve Warrant B2008-18 in the amount of \$455,950.62 with prepaids in the amount of \$7,339.09 as presented. Ayes: Unanimous. Excused: Bentz.

Motion carried.

Motion by Commissioner Olsen, to approve Warrant B2008-19 in the amount of \$387,344.05 with prepaids in the amount of \$50,320.72 as presented. Ayes: Unanimous. Excused: Bentz.

Motion carried.

Motion by Commissioner Liss, to approve Warrant B2008-20 in the amount of \$424,757.51 with prepaids in the amount of \$14,372.96 as presented. Ayes: Unanimous. Excused: Bentz. Motion carried.

Motion by Commissioner Johnson, to approve the Administrator's Contract as presented. Ayes: Unanimous. Excused: Bentz. Motion carried. (see attached)

Motion by Commissioner Bates, to approve the Otsego County Rules/Bylaws as presented. A motion to amend above motion by Bates, to strike the word "when" in section 17.2 of the bylaws. Vote on amendment-Unanimous, Vote on amended motion Unanimous. Excused: Bentz.

Motion carried. (see attached)

Motion to approve Resolution OCR-08-15 Proclaiming National Police Week & Police Memorial Day.

Roll Call Vote:

Ayes: Backenstose, Bates, Beachnau, Liss, Olsen, Glasser, Johnson, Hyde.

Nays: None.

Excused: Bentz.

Motion carried/Resolution adopted. (see attached)

Public Comment:

Mary Jergenson reported a MBT impact Senate hearing is set for May 19, 2008 at the University Center from 11:00 a.m. to 2:00 p.m.

David Clink addressed the Board regarding the Alba injection well.

Board Remarks:

Commissioner Bates: Commented on the Committee of the whole meetings.

Commissioner Liss: National Police week.

Commissioner Beachnau: Attended the City-Council meeting.

Meeting adjourned at 11:10 a.m at the call of the Chair.

Kenneth R. Glasser Chairman

Susan I. DeFeyter, County Clerk



**OTSEGO COUNTY
BUDGET AMENDMENT**

FUND/DEPARTMENT: General Fund - Prosecutor + Treasurer

As provided for in the Uniform Budget and Accounting Act of 1978, as amended, and consistent with Otsego County Policy, the Administrator and Finance Director are hereby authorized to record the following adjustments to the budget.

Fund Type: General Special Revenue Debt Service Capital Project Business-Type (Enterprise or Internal Svc)

REVENUE To reflect insurance coverage changes

Account Number	Decrease	Increase
- -	\$	\$
- -	\$	\$
- -	\$	\$
- -	\$	\$
Total	\$	\$

EXPENDITURE

Account Number	Increase	Decrease
101E267-704110 - Hospitalization	\$	\$ 15,300
101E253-704110 - " "	\$ 12,620	\$
- -	\$	\$
101E267-704700 - Pmts in lieu of ins.	\$ 2,000	\$
101E253-704700 - " "	\$	\$ 1,548
101E941-999000 - Contingency	\$ 2,228	\$
Total	\$ 16,848	\$ 16,848

Rachel Frisch
Department Head Signature

5-2-08
Date

J. M. B...
Administrator's Signature

5-2-08
Date

Finance Department
Entered:
By:

Board Approval Date (if necessary)

Budget Adjustment #

Posting Number

RESOLUTION NO. OCR 08-16

A RESOLUTION TO APPROVE THE BALLOT LANGUAGE FOR A
MILLAGE PROPOSITION TO PROVIDE FUNDS FOR THE
OPERATION AND MAINTENANCE OF THE OTSEGO COUNTY LIBRARY
AND TO SUBMIT THE PROPOSITION TO THE ELECTORATE
IN THE PRIMARY ELECTION ON AUGUST 5, 2008

OTSEGO COUNTY BOARD OF COMMISSIONERS
May 13, 2008

WHEREAS, Otsego County currently operates and maintains a county library and employs individuals to carry out the functions of the county library for the benefit of county residents and others visiting the county; and

WHEREAS, the funds to operate and maintain the county library are currently provided by a millage of 0.40 mills previously approved by the county electors; and

WHEREAS, the millage previously approved by the county electors to operate and maintain the county library expires on December 1, 2008; and

WHEREAS, the Otsego County Board of Commissioners wishes to again obtain voter approval for the same millage amount (0.40 mills) to provide funds for operating and maintaining the county library; and

WHEREAS, the Otsego County Board of Commissioners wishes to submit this millage proposition to the county electors at the primary election to be held on August 5, 2008; now

THEREFORE BE IT RESOLVED, that the following proposition, the language of which is hereby approved by the Otsego County Board of Commissioners and certified to the Otsego County Clerk, shall be submitted to the electors of Otsego County for a vote at the August 5, 2008 primary election.

BALLOT LANGUAGE

OTSEGO COUNTY

This proposal is a continuation of the previously approved millage and will permit the County to levy up to 40/100 of one mill (\$0.40 per \$1,000.00 of taxable valuation) to provide funds for the operation and maintenance of the county library.

Shall the tax limitation imposed under Article IX, Section 6 of the Michigan Constitution on the amount of taxes which may be imposed by the County of Otsego against real and tangible personal property in the County be increased by up to 40/100 of one mill (\$0.40 per \$1,000.00 of taxable valuation) on the taxable value of such property for a period of six (6) years, 2009 through 2014, inclusive, for the purpose of providing funds for the continued operation and maintenance of the Otsego County Library, and shall the Otsego County Board of Commissioners be authorized to levy such millage for this purpose? If approved and levied in its entirety, this millage would raise an estimated \$471,404.00 for Otsego County in 2009.

**EMPLOYMENT AGREEMENT
BETWEEN JOHN M. BURT AND THE COUNTY OF OTSEGO**

This agreement, made and entered into on this 13th day of May 2008, by and between the COUNTY OF OTSEGO, State of Michigan, a municipal corporation, hereinafter referred to as "EMPLOYER", as party of the first part, and JOHN M. BURT, hereinafter referred to as "EMPLOYEE", as party of the second part, both of whom understand as follows:

WITNESSETH

WHEREAS, the EMPLOYER, desires to secure the services of said JOHN M. BURT as County Administrator of the County of Otsego; and WHEREAS, it is the desire of the Governing Board, hereinafter called "COMMISSION", to provide certain benefits, established conditions of employment and to set working conditions of said EMPLOYEE; and WHEREAS, it is the desire of the COMMISSION to (1) assure the EMPLOYEE'S morale and peace of mind with respect to future security, (2) act as a deterrent against malfeasance or dishonesty for personal gain on the part of the EMPLOYEE, and (3) provide a just means for terminating the Employee's service at such time as he may be unable to fully discharge his duties due to disability or when the Employer may otherwise desire to terminate the employee; and

WHEREAS, the EMPLOYEE desires to accept employment as the County Administrator for said County of Otsego.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties agree as follows:

SECTION I – DUTIES

The Employer hereby agrees to employ said JOHN M. BURT as County Administrator to perform the functions and duties as specified in the attached Job Description, and to perform other legally permissible and proper duties and functions as the Commission shall, from time to time, assign.

SECTION 2 – TERMS

- A. Nothing in this Agreement shall prevent, limit, or otherwise interfere with the rights of the Commission to terminate the services of the Employee at any time, subject to the provisions set forth in Section 3, Paragraph A of this Agreement. Nothing in this Agreement shall prevent, limit, or otherwise interfere with the rights of the Employee to resign at any time from his position with the Employer, subject only to the provision set forth in Section 3, Paragraph B of this agreement.
- B. This Agreement shall remain in force for a period, commencing on May 13, 2008, and terminating on May 13, 2011.
- C. In the event written notice is given by either party to this Agreement to the other, within one hundred and eighty (180) days prior to the termination date as hereinabove provided, this Agreement shall be extended on the same term and conditions as hereinafter provided for an additional three (3) years.

Said Agreement shall continue thereafter for three-year periods, unless either party hereto gives one hundred and eighty (180) days written notice to the other party that the party does not wish to extend this Agreement for an additional three (3) year term. In the event, this Agreement is not renewed; the Employer shall have no obligation to pay the severance sum designated in Section 3, Paragraph A.

SECTION 3 – TERMINATION AND SEVERANCE PAY

- A. The Commission may, at its discretion, terminate said Employee from his duties as Administrator. Such action shall require a vote of at least five (5) Commissioners of a Nine (9) Commission Board, and become effective the date said Commission specifies. In the event the Employee is terminated by the Commission prior to the expiration date of this Agreement and during such time that the Employee is capable of performing his duties under this Agreement, then in that event the Employer agrees to pay the Employee his then monthly salary for six (6) consecutive months from the date his duties were terminated. In the event the Employee is terminated because of his conviction of a felony or any illegal act involving personal gain to himself, then in that event, the Employer shall have no obligation to pay the severance sum designated in this paragraph.
- B. In the event said Employee voluntarily resigns his position with the Employer before the expiration of this Agreement, the Employer shall have no obligation to pay the severance sum designated in Paragraph A above. The Employee agrees to give the Employer six (6) weeks notice in advance should the Employee voluntarily terminate his employment, unless both parties agree otherwise.
- C. After such termination, all rights, duties, or obligations of both parties shall cease, and during such period the Employee shall not be required to perform any duties for the County of Otsego, unless mutually agreed upon by both parties.

SECTION 4 – DISABILITY

- A. In the event of a single period of prolonged inability to perform his duties due to the result of sickness or an injury work related or otherwise, the Employee will be eligible for short term and long term disability insurance in accordance with Otsego County Policy for non work related illness or injury or worker's compensation insurance for work related injury or illness. If the illness or injury is work related, the Employee will be eligible to receive the difference in pay between his worker's compensation insurance payment and his regular pay for a period not to exceed three (3) months. This provision will be reviewed by the Commission and mutually agreed upon by both parties.
- B. If the Employee is permanently disabled or is otherwise unable to perform his duties because of an extremely long-term sickness, injury or mental incapacity (other than work related), then the Employer shall have the option to terminate this Agreement, subject to the severance pay requirements of Section 3, Paragraph A. However, any termination according to the

hereinabove, shall be discussed and agreed upon with the Employee before such action is taken.

- C. Under such termination, the Employee will be compensated for any accrued vacation, personal time, and any other accrued benefits.

SECTION 5 – SALARY AND BENEFITS

- A. In consideration for these services as County Administrator, the Employer agrees to pay the Step 3 rate through December 31, 2008 and then move to Step 4 on the Non-Union Salary Progression Schedule as of January 1, 2009 and Step 5 as of January 1, 2010, payable in equal installments at the same time as other county employees are paid.
- B. The Employer agrees to provide the Employee with a County Vehicle for business use. The Employee agrees to abide by the Otsego County Vehicle Policy in effect during the term of this agreement.
- C. In addition, the Employer agrees to increase said base salary and any other benefits of the Employee in such amounts and to such extent as the Commission may determine that is desirable to do so, and agree that such compensation shall not be less than what is afforded to other county exempt employees.
- D. The Employer agrees to increase the Employee's base salary on his anniversary date in accordance with county scale. In addition, the Employer agrees to increase the base salary of the Employee as provided in Paragraph C during the term of this Agreement.

SECTION 6 – VACATION

- A. The Employee shall be entitled to the compensation of vacation time of twenty (20) days per year, and be increased in accordance with the standard vacation schedule for Otsego County when service anniversaries are reached. However, the Employee can only have up to their base vacation accrued in their vacation bank at any one time and he may not use more than what is currently in his vacation bank.

SECTION 7 – HEALTH AND LIFE INSURANCE

- A. The Employer agrees to provide for the Employee and his dependents, the same full family coverage with regards to Life, AD&D, Hospitalization/Medical, and Vision, and any other coverage offered to the exempt county employees for the life of this agreement.

SECTION 8 – RETIREMENT

- A. The Employer agrees to provide at the Employer's expense, a retirement plan equal to other exempt county employees through the Michigan Employees Retirement Systems (MERS) for the life of this Agreement.

SECTION 9 – DUES AND SUBSCRIPTIONS

- A. The Employer agrees to budget for the professional dues and subscriptions of the Employee necessary for his continuation and full participation in national and state associations necessary for his continued professional growth and advancement for the good of the Employer.

SECTION 10 – PROFESSIONAL DEVELOPMENT

- A. The Employer hereby agrees to budget for the travel and subsistence expenses to the Employee for professional and official travel, meetings, and conference/seminars adequate to continue the professional development of the Employee and to adequately pursue necessary official and other functions for the Employer which may include state or local government groups and committees thereof which the Employee may serve as a member. Attendance at such approved meetings and accomplishments of approved professional duties shall be considered compensated service time and shall not be considered vacation time.

SECTION 11 – PERFORMANCE EVALUATION

- A. The Commission will review and evaluate the performance of the Employee at least once annually. Minutes of the review and evaluation session will be prepared and placed in the Employee's Personnel File. Evaluation sessions by the Commission will be done in Closed Session.

SECTION 12 – NO REDUCTION OF BENEFITS

- A. The Employer shall not at any time during the terms of the Agreement, reduce the salary compensation or other financial benefits of the Employee, except to the degree of such a reduction across-the-board for all other exempt county employees of the Employer.

SECTION 13 - INDEMNIFICATION

- A. The Employer shall defend, save harmless, and indemnify the Employee against tort, professional liability claim or demand or other legal action, whether groundless or otherwise arising out of any alleged act or omission occurring in the performance of the Employee's duties or responsibilities as County Administrator. The Employer will compromise and settle any such claim or suit and pay the amount of any settlement or judgment rendered thereon.

SECTION 14 – OTHER TERMS AND CONDITIONS OF EMPLOYMENT

- A. The Commission, in consultation with the Employee, shall fix any such other terms and conditions of employment, as it may determine from time to time, relating to the performance of the Employee, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement or attached Job Description.

- B. The Employer agrees to provide to the Employee any additional benefits that are not specifically outlined in this Employment Agreement if the Employer provides them to other exempt employees.

SECTION 15 – NOTICES

- A. Notices pursuant to this Agreement shall be given by deposit in the custody of the United States Postal Service, postage prepaid, and address as follows:
1. EMPLOYER: Ken Glasser, Chairman, Otsego County Board of Commissioners, 225 West Main, Gaylord, MI 49735.
 2. EMPLOYEE: John M. Burt, 2232 Deepwoods Drive, Gaylord, MI 49735

IN WITNESS WHEREOF, THE parties hereto have executed this Agreement on the date and year first above written.

COUNTY OF OTSEGO
A Municipal Corporation

By: _____
Ken Glasser, Chairman

By: _____
Susan DeFeyter, County Clerk

By: _____
John M. Burt

OTSEGO COUNTY BOARD RULES/BYLAWS

1. AUTHORITY

These rules/bylaws are adopted by the Board of Commissioners of Otsego County (hereafter referred to as the Board) pursuant to Section 46.11 of the Compiled Laws of Michigan as amended.

2. ORGANIZATION

2.1. BOARD

The Board has nine (9) commissioners elected for two (2) year terms. Generally, the Board may be defined as the legislative, policy making branch of County government.

2.2. DUTIES OF THE CHAIRPERSON

- 2.2.1. The Chairperson, if present, shall preside at all meetings of the Board, preserve order, and decide questions of order subject to appeal to the Board which may reverse the Chairperson by a majority vote of those present and voting.
- 2.2.2. The Chairperson shall be the agent for the Board in the signing of contracts, orders, resolutions, determinations and minutes of the Board.
- 2.2.3. The Chairperson shall serve in such capacities and make appointments as the law shall require or allow.
- 2.2.4. The Chairperson shall serve as an ex-officio member on all Board committees. As such, he shall not be a voting member except cases where he/she is a regular member of the committee.
- 2.2.5. The Chairperson or the appointed replacement shall represent the Board and County at various functional and ceremonial activities.
- 2.2.6. The Chairperson, subject to the disapproval of a majority of those voting, shall appoint all standing, special or ad hoc committees. He/she shall designate the chairperson of each committee.
- 2.2.7. The Chairperson shall have the power to administer an oath to any person concerning any matter being considered by the Board.
- 2.2.8. The Chairperson, when appropriate, shall refer matters coming before the Board to a committee.

2.3. VICE-CHAIRPERSON

He/she shall be elected at the organizational meeting of the Board and shall assume all the duties and responsibilities of the Chairperson when the Chairperson is absent.

2.4. COUNTY CLERK DUTIES

- 2.4.1. Preside, until a Chairperson or temporary chairperson is elected.
- 2.4.2. Record all proceedings of the Board and house the records in a safe place.
- 2.4.3. Make regular entries of all Board resolutions and decisions.
- 2.4.4. Record the vote on all questions and where required indicate the vote of each commissioner.
- 2.4.5. Perform such other duties as the Board by resolution may require.
- 2.4.6. Appoint a deputy to attend Board meeting when unable to attend.

2.5 COUNTY ADMINISTRATOR

The County Administrator is hereby designated as the official signatory of Board approved leases, contracts and other legal documents. However, this designation does not diminish the authority of the Chairperson.

3. MEETINGS

3.1. Organizational meeting.

3.1.1. The first meeting of each calendar year shall be for the purpose of organizing. If needed, the County Clerk shall preside until a chairperson is elected. However, the first order of business shall be to administer the oath of office to commissioner(s) if the oath has not been given.

3.1.2. In odd years the second item of business shall be to decide if the term of office shall be for one (1) or two (2) years and if the vote shall be an open or closed ballot.

3.1.3. In needed, the next item of business is to select, by majority vote of all members, an elected commissioner to serve as Chairperson of the Board. The elected Chairperson shall take and assume the duties upon election.

3.1.4. The next item of business shall be the election of a Vice-Chairperson.

3.2. Regular meetings

The Board shall meet according to the schedule adopted pursuant to Section 5 of the Open Meetings Act (P.A. 267 of 1976 as Amended being MCL 15.265), normally the second and fourth Tuesday of each month. The time and place shall be determined by the Board.

3.3. Special meetings

3.3.1. The Board shall meet in special sessions upon the written petition to the County Administrator, signed by one third (1/3) or more of the members. The petition shall specify the time, date, place and purpose of the meeting.

3.3.2. The Chairperson may also call an unscheduled meeting at his/her discretion.

3.4. Emergency meetings may be called with the consent of two thirds (2/3) of the members of the Board and only if delay would threaten/endanger the health, safety and welfare of the public. An emergency meeting does not require public notice.

3.5. Change in schedule

A change in schedule shall not be made unless a majority of the Board concurs. In the event the Board shall meet and a quorum is not present, the Board with the approval of a majority of those present, may adjourn the meeting to another time provided that notice is given to members and the public.

3.6. Work sessions

Work sessions of the Board may be held at a date, time and place established by the Board. However, formal action may not be taken at a work session.

4. PUBLIC NOTICE OF MEETINGS

4.1. The County Clerk or Administrator shall provide notice for all meetings of the Board. Such notice shall include but is not necessarily limited to the following.

4.1.1. Regular meetings

The Clerk or Administrator shall post within ten (10) days after the first meeting in the calendar year a list of scheduled meetings indicating the date, time and place.

4.1.2. Schedule change

Proper and timely notice shall be posted as mandated in Section 4.1.3.

4.1.3. Special and emergency meetings

Notice shall be posted immediately and delivered to the residence of each commissioner by direct delivery or mail. No meeting, except emergency, shall be held until the notice shall have been posted at least eighteen (18) hours.

4.1.4. Notification of media and others

If a request has been filed the Clerk or Administrator shall notify, with out charge, any newspaper or radio or television station of the Board's meeting schedule, schedule changes or emergency meetings.

4.1.5. Upon request, individuals will be notified of meetings but must reimburse the County for all reasonable costs.

5. QUORUM

5.1. A majority of commissioners, elected and serving, shall constitute a quorum for the transaction of ordinary business.

5.2. No member of the Board may absent himself/herself without the consent of the Board. Leave may be revoked by the Board at any time.

5.3. Call of the Board

The Board, by majority vote of those present and voting, may call the Board. Upon such a vote, the Board empowers the Sheriff to assure that commissioners who are absent without leave will promptly attend.

6. AGENDA FOR REGULAR MEETINGS

6.1. The Administrator after reviewing pending business and consulting with the Chairperson will draft an agenda for regularly scheduled meetings. Commissioners interested in placing an item on the agenda will notify the Administrator by the close of the business on the Tuesday preceding the next regular meeting. Items not on the agenda may be introduced as new business.

6.2. Resolutions to be considered by the Board must be included with the agenda packet forwarded by the Administrator to each commissioner prior to the scheduled regular meeting. Any resolution not included in the packet will require six (6) votes to be adopted.

6.3. The following will be the usual agenda format for regular meetings of the Board.

Call to Order

Invocation

Pledge of Allegiance

Roll Call

Approval and Correction of Minutes

Consent Agenda (If Any)

Administrator's Report

Reports from Officers

Committee Reports

Reports from Department Heads (If Any)

Scheduled Presentations (If Any)

City Liaison & Township & Village Representatives
Correspondence
Special Orders (as defined in RONR) (If Any)
Unfinished Business and General Orders (If Any)
New Business
Public Comment
Board remarks, Announcements, and informal discussions
Closed Session/Executive Meeting (If Ordered)
Adjournment

6.4. Agenda for special meetings

The agenda shall be included in the notice of the meeting and no other matter shall be considered except when all members are present and a majority concurs.

6.5. Distribution of agenda material

Upon completion of an agenda packet, the Administrator shall immediately distribute and post copies with reports, explanations, etc., that relate to agenda items. Commissioners shall receive materials no later than the Saturday preceding the next regularly scheduled meeting.

6.6. Consent agenda - Define/Procedure

6.6.1 The consent calendar/agenda shall consist of motions by any commissioner or the administrator with which the Board usually concurs. The Chairperson must allow commissioners to remove any motion where there is a question or a desire to discuss more fully. These items will be added at the appropriate place on the agenda.

6.6.2 Motions on the consent agenda shall be numbered consecutively for easy identification.

6.6.3 Motions not removed per section 6.6.1 or section 8.1 shall be adopted en bloc by unanimous consent.

6.6.4 A resolution may be placed on the consent agenda and when thus included, consideration shall be the same as and concurrent with the other items.

7. CONDUCT OF MEETINGS

7.1. The Chairperson shall preside at all meetings of the Board. In the Chairperson's absence the Vice Chairperson shall preside. In the event both Chair and Vice Chair are absent, the Clerk shall preside until the commissioners present elect a commissioner to preside.

7.2. Board members wishing to be heard shall first obtain the approval of the Chairperson and each person who speaks shall address the Chairperson. Individuals attending the meeting shall not speak unless recognized by the Chairperson.

7.3 A second shall not be required to place a motion before the Board.

7.4. Disorderly conduct

7.4.1. The Chairperson shall call to order any person who is disorderly by speaking or otherwise disrupting the proceedings by failing to be germane, by speaking longer than the allotted time or interfering with the scheduled agenda. Said person shall be ruled out of order and not allowed to participate except upon special leave of a majority of the commissioners present. If the person continues to be disorderly, the Chairperson may call a recess or have the person removed from the meeting. However, no person shall be removed from a public meeting except for an actual breach of the peace committed at the meeting.

7.4.2. Failure to place a pager and/or a cell phone on the silent mode during a meeting is hereby deemed to be a breach of peace as defined by section 7.4.1.

7.5. If a motion to adjourn is adopted prior to "Public Comment", the meeting shall immediately be open for public comments prior to execution of the motion. Public comment under this sub-section is limited to thirty (30) minutes.

7.6. A negative motion shall be considered the same as if the motion had been made in a positive form. A negative motion is a motion which (a) if adopted has the same result as not adopting any motion, and (b) if defeated leaves everyone confused as to the board's intent. A motion to 'not approve the petition' shall be stated as a motion to 'approve the petition.'

8. PUBLIC PARTICIPATION IN MEETINGS

8.1. Public comment on the consent agenda shall be limited to requesting the removal of a motion from the consent agenda. This request shall indicate the speakers desire to speak against the motion.

8.2. Participation during debate on a motion.

After a question has been opened for debate by the chairperson, a member of the public, when recognized by the chairperson, may speak on the question once for up to three (3) minutes, providing the remarks conform to rules of proper debate and are germane to the question. Germane is defined as having a bearing on whether the pending motion should be adopted or rejected.

8.3. A motion to close public debate

The subsidiary motion to close public debate shall rank between the motion to limit or extend limits of debate and the motion of the previous question. This motion shall require a majority vote, shall not be debated or amended, but may be reconsidered under the same rules as the previous question.

8.4. During "Public Comment" after New Business or under provisions of section 7.5, Members of the public are invited to bring before the Board any concern that is within the providence of the Board. The speaker must use language that is appropriate for debate.

9. VOTING

9.1. Majority vote is the usual manner for deciding procedural and other questions arising at a meeting. However, there may be exceptions wherein decisions require, by statute, a higher than majority vote. Also, a majority of the members elected and serving is required for final passage or adoption of resolutions or allowance of claims, or other routine business.

9.2. A two thirds (2/3) vote shall be required on the following procedural motions.

- Suspend the rules

- Limit or extend debate

- Object to consideration

- Move the previous question

- Hold a closed session pursuant to the Open Meetings Act

9.3. A roll call vote requires the name and vote of each member be recorded on any action taken by the Board. Unanimous consent shall be recorded as each member voting in favor of the proposed action.

- 9.4. No vote may be taken by secret ballot except on the question of electing a Chairperson.
- 9.5. Mandatory voting on all issues shall be required unless a member is recused, due to conflict of interest, by a majority of the Board.
- 9.6. A question may be reconsidered and decided by a roll call vote if called for by a member who voted with the majority on the roll call. Any member may ask for reconsideration if the matter was decided viva voce. However, a matter may not be reconsidered more than once.
- 9.7. Conflict of interest suggests that a commissioner has a direct or indirect interest in a contract or other business transaction. Members are encouraged to vote after making public the possible conflict.
10. RECORD OF MEETINGS
 - 10.1. The County Clerk shall be the Clerk of the Board and will be responsible for maintaining the official records and minutes of Board meetings. The minutes shall include all actions and decisions made by the Board and shall indicate the name of the mover of motions and resolutions. Resolutions will be considered by roll call vote and each commissioner's vote indicated.
 - 10.2. Record of discussion
The Clerk shall not be responsible for maintaining a written record or summary written record of the discussions and comments made by Board members or comments made by members of the public. However, the Clerk shall be responsible for making an electronic tape recording of each meeting of the Board. These tapes shall be maintained in the office of the Clerk for a period of six (6) months. The tapes will not leave the office of the Clerk.
 - 10.3. Request for remarks to be included.
A commissioner may have his/her comments printed as part of the minutes upon the concurrence of a majority of the members present. Such comments to be included in the record shall be provided to the clerk in writing.
 - 10.4. Public access to meeting records
The Clerk shall make available to the public the records of Board meetings in accordance with the Freedom of Information Act. Board minutes prepared but not approved by the Board shall be made available for public inspection not more than seven working days following the meeting. Approved minutes shall be available the day following the meeting of the Board wherein approval was given.
11. COMMITTEES: The intent of the committee is not to assume the management authority of either the department head or the County Administrator, but rather to ensure the integrity of all policies affecting the public. The County Administrator or the board determines which issues need committee action prior to board action. Each committee shall thoroughly investigate any matter referred to it and shall report in writing its findings to the board without undue delay. Upon the motion of any board member and approval by a majority of the board, the board may discharge a committee from further consideration of any matter.

- 11.1. Appointment
Each year, following the election of the Board Chairperson, with the advice and consent of the full board, the Chairperson shall appoint commissioners to committees and other assignments as appropriate.
- 11.2. Committee Chairperson
The person first listed on the roster of each committee shall be Chairperson. In the absence of the chairperson, the next listed commissioners shall act as Chairperson.
- 11.3 Standing Committees of this Board are:
 - 11.3.1 Budget-Finance to consider matters of finance, budget, grants, additional appropriations requested, and associated fiscal matters.
 - 11.3.2 Personnel to consider matters of staffing in each department, employing personnel, termination of personnel, other than department heads, establishing new positions, salary or wages for positions; personnel policies; benefits for elected and non-elected personnel; and serve as the collective bargaining committee including involvement in grievance procedures.
 - 11.3.3 County Airport performs the duties imposed by section 6a of act 90 of 1913 being MCL 123.66a (appendix A).
- 11.4. Committee meetings
 - 11.4.1. A majority of the members of a committee shall constitute a quorum. Committee meetings shall be open to the public unless closed by a two thirds (2/3) vote pursuant to the Open Meetings Act.
 - 11.4.2. The committee shall maintain a written record of meetings and shall present records to the Board at a regular meeting. These records shall constitute a public record and shall be made available to any person as required by law.
- 11.5. Exercise of Governmental function
A committee shall not exercise a government function in a meeting that is not open to the public unless the Open Meetings Act permits a session to be closed to the public. The committee will make recommendations to the Board and report matters considered and rejected as well as those considered and recommended.
- 11.6 A special, select or ad hoc committee may be formed by the chairperson with consent of the Board or by direction of the Board. Any committee formed under this section shall cease to exist upon completion of its assignment or at the end the term of the board chairperson that appointed it.
- 11.7. Committee of the Whole
 - 11.7.1. Whenever the Board shall meet in "working meetings" the Board shall meet as a committee of the whole and the Chairperson, Vice-Chairperson or another member shall preside.
 - 11.7.2. Meetings of the whole shall comply with the provisions of the Open Meetings Act with respect to public notice except when the Board shall devolve into a committee of the whole at one of its regular meetings.
 - 11.7.3. The rules of the Board shall be observed in committee of the whole meetings except for limiting debate, moving to vote immediately and taking a roll call vote.
 - 11.7.4. Upon request of two thirds (2/3) of the Board, resolutions, ordinances and other matters shall be read aloud by the Clerk and considered and acted upon by sections. When the

committee of the whole completes its deliberations, a member shall move that the committee rise and report to the Board.

11.8 The County Administrator and the Board Chairperson shall be ex-officio members of all committees with the right of voice and vote. Except when serving as a regular/designated member of the committee, the County Administrator and/or the Board Chairperson shall not be counted in determining the number required for a quorum or whether a quorum is present.

12. EXECUTIVE MEETINGS/CLOSED SESSIONS

12.1. A motion to hold an executive meeting/closed session may be made at any time during the meeting. If the motion passes, the meeting shall be held as provided for in rule 6.3. If rule 7.5 is in effect, then the closed session shall be between public comment and adjournment. The vote on a motion to hold an executive meeting shall be recorded in the minutes. Executive sessions must comply with the Open Meetings Act.

12.2. Minutes of Executive meetings shall be maintained separate and sealed. The minutes shall indicate clearly the topics discussed. The record shall not be disclosed to the public except on order of a court. The clerk shall destroy the minutes after one (1) year and one (1) day after the meeting at which the Board approved the minutes.

13. PARLIAMENTARY AUTHORITY

Robert's Rules of Order Newly Revised (RONR) shall govern all questions of procedure not otherwise provided by these rules, or by State or Federal law. A person so designated by the Board shall serve as the Board's parliamentarian and shall advise the presiding officer regarding rules of procedure.

14. ADMINISTRATIVE RESOLUTIONS

14.1. Definitions

Any action regarding the operation or administration of a department of County government or containing policies of the Board applicable to more than one (1) department, and not adopted by ordinance, shall be an administrative policy.

14.2. Any commissioner may introduce an administrative resolution at a regular or special meeting.

15. PROCEDURE FOR FILLING VACANCIES ON BOARDS AND COMMISSIONS

15.1. The Administrator shall notify the Board regarding the expiration of term of office on any board or commission where vacancies are filled by the Board.

15.2. The Administrator shall prepare public notice of vacancies. Such action shall not require Board approval. Public notices must be given whenever a vacancy occurs on a board or commission, which the Board has the authority to fill.

16. BOARD VACANCIES

When a vacancy occurs in the office of commissioners by death, resignation, moving from the district or removal from office the vacancy shall be filled by appointment within thirty (30) days by the Board with a resident and registered voter of that district. The person

appointed to fill a vacancy which occurs in an odd numbered year shall serve until the vacancy is filled by a special election. The person appointed to fill a vacancy which occurs in an election year shall serve the remainder of the unexpired term. If the Board fails to fill a vacancy within thirty (30) days, the vacancy shall be filled by special election regardless of the year. A person appointed under this section shall, for the purpose of these rules/bylaws, be considered to be elected and serving.

17. **PER DIEM**

17.1 Authorized meetings are meetings of committees to which the commissioner has been appointed, meetings of organizations to which the commissioner is a liaison, and other Board approved events.

17.2 No per diem shall be paid for attending a committee meeting as an ex-officio member or attending a committee meeting when not a committee member.

18. **ADOPTION AND AMENDMENT OF RULES**

These rules having been adopted by not less than a two-thirds (2/3) vote of all the members of the Board, may be amended or rescinded by a two-thirds (2/3) vote of all the members of the Board. They shall remain in effect until amended or rescinded. Any proposed amendment of these rules, properly presented to the Board of Commissioners, shall take immediate effect when adopted, unless the Board at the time of adoption stipulates otherwise.

19. **PREVIOUS RULES/BYLAWS**

These Otsego County Rules/Bylaws supersede any and all rules/bylaws and amendments adopted prior to this date.

As amended 5/13/08

APPENDIX A

PARKS, ZOOLOGICAL GARDENS, AND AIRPORTS (EXCERPT) Act 90 of 1913

123.66a County airport committee; appointment, powers, organization.

Sec. 6-a. Whenever a board of supervisors of any county shall have adopted a resolution to purchase, condemn or to accept certain lands for airport or landing field purposes and makes an appropriation therefor under the provisions of sections 1 and 2 of this act, there shall be created a board of 3 members to be known as a "county airport committee." These 3 members may be either 3 members of the board of county road commissioners or 3 members of the board of supervisors as determined by the majority vote of the members of the board of supervisors. Such county airport committee shall have the management, control and expenditure of such funds collected and shall hold in trust for the county the title to any real estate so purchased, acquired by condemnation or accepted by way of gift or devise for airport or landing field purposes and shall supervise the improvement of any such property so purchased, acquired or accepted as authorized by the board of supervisors. Such county airport committee shall have the care and control of all airport and landing field property and may make reasonable rules and regulations and enforce the same when made respecting the use by the public of such property. They shall elect a chairman and secretary from among the members. All expenditures of funds so appropriated shall be paid only by the county treasurer on the warrant or voucher of the chairman and 1 other member of such board. The committee so appointed shall make a full report to the board of supervisors at each October session as to the condition of the airport or landing field property and the expenditure of funds. The members of such committee shall continue to act until their successors have been duly elected or appointed.

RESOLUTION NO. OCR 08-15
Proclaiming National Police Week & Police Memorial Day

OTSEGO COUNTY BOARD OF COMMISSIONERS
May 13, 2008

WHEREAS, The Congress of the United States of America has designated the week of May 11th to be dedicated as "NATIONAL POLICE WEEK" and May 15th of each year to be "POLICE MEMORIAL DAY"; and

WHEREAS, The members of law enforcement agencies protect life and property throughout the County of Otsego and play an essential role in safeguarding the rights and freedoms of our citizens; and

WHEREAS, The County of Otsego desires to honor the valor, service and dedication of its own SHERIFFDEPUTIES, especially those who have given their lives in the line of duty; and

WHEREAS, The County of Otsego further desires to recognize and appreciate the duties, hazards, and sacrifices of law enforcement personnel; and

WHEREAS, The Board of Commissioners calls upon the citizens of Otsego County to take a moment on May 15th, to remember those fallen officers who made the ultimate sacrifice for their fellow man; now, therefore, be it

RESOLVED, that we proclaim the week of MAY 11TH to MAY 17TH to be "POLICE WEEK" and call upon all our citizens in this community to especially honor and show our sincere appreciation for the SHERIFF DEPUTIES of this County by deed, remark and attitude; and be it further

RESOLVED that the flags be flown at half-staff on MAY 15TH in honor of Deputy Carl L. Darling, Jr., who gave his life in the line of duty on May 3, 1986; Sergeant Larry C. Washburn, who died while on duty on May 15, 1994 and Deputy John K. Gunsell, who died in the line of duty on September 12, 2004.