



OSCODA COUNTY BOARD OF COMMISSIONERS
BYLAWS AND RULES OF PROCEDURE
ADOPTED BY THE
OSCODA COUNTY BOARD OF COMMISSIONERS
ON
JANUARY 9, 2024
MOTION 2024-006

OSCODA COUNTY GOVERNMENT MISSION STATEMENT

The mission of the Oscoda County Board of Commissioners is to perform the legally constituted county government responsibilities, which are to protect the health, welfare and safety of the residents of the community and the employees. The Board, working as a team, will demonstrate fiscal responsibility, maintain credibility and build public trust. The Board will assume leadership in the development and improvement of county services and programs. The Board will provide for the delivery of essential services through cooperative interaction with all other units of government and community agencies.

The following objectives have formulated to achieve this mission:

1. To develop a responsible annual budget.
2. To insure check and balances in all legal and financial transactions.
3. To promote programs, that will improve the health, welfare, and safety of the residents of the community and the employees.
4. To encourage citizen participation in county government.
5. To recognize special needs and problems of the underprivileged, youth, handicapped, addicted and elderly.
6. To continue efforts, through Economic Development and other available agencies, to maintain and increase employment in Oscoda County and the Oscoda County area.
7. To hire competent, qualified employees and provide opportunities for their development and advancement.
8. To provide a quality work environment for employees.
9. To work with County Boards, Agencies and Departments to make effective and financially responsible long-term plans which provide for the maintenance and development of County facilities, services, infrastructure, land-land use and programs deemed necessary for the benefit of the citizens of Oscoda County.

**OSCODA COUNTY BOARD OF COMMISSIONERS
BYLAWS AND RULES OF PROCEDURE**

ARTICLE 1 – BOARD ORGRANIZATION

- 1.1 Board Membership:** The Board of Commissioners will consist of five (5) members elected from each district, apportioned on the basis of population as provide by law.
- 1.2 Terms of Office:** The term of each Commissioner will be for two (2) years, concurrent with that of State Representatives.
- 1.3 Vacancies on the Board:** When a vacancy occurs in the office of a Commissioner by death, resignation, removal from the district, or removal from office, the vacancy shall be filled by appointment within 30 days by the County Board of Commissioners of a resident and registered voter of that district. A person who has been convicted of a violation of section 12a (1) of 1941 PA 370, MCL 38.412a, shall not be eligible for appointment to the office of County Commissioner for a period of 20 years after conviction. Subject to subsection (2), the person appointed to fill a vacancy shall serve for the remainder of the unexpired term. If the vacancy is not filled within thirty (30) days, it will be filled by special election regardless of the year, per MSA 5.359 (12).
- 1.4 Reapportionment:** Within sixty (60) days after the publication of the latest United States Official Decennial Census figures, the Board will be reapportioned, in the manner prescribed by law.
- 1.5 Compensation:** The Annual Salaries for the County Board of Commissioners will be set by a Board motion along with per-diem rates. The salaries and per-diem rates are reviewed annually and stay in place unless another Board motion supersedes. The Board will be paid a per-diem for all Regular and Special Board of Commissioner Meetings \$60.00. All other assigned and/or AD Hoc meetings will be paid a per-diem of \$40.00 per meetings that are up to 4 hours. All other meetings that exceed 4 hours a per-diem of \$60.00 per meeting will be paid. Per-diems rates include for both “IN” and “OUT” of County meetings and include travel time. All County Commissioner is responsible for turning in his or her own per-diem sheets to the County Clerk’s Office biweekly or monthly. All Oscoda County Commissioners are entitled to the same fringe benefits as received by other elected Oscoda County officials, as described the Oscoda County Policy Manual.
- 1.6 Officers, Agents and Employees:** The Board will elect, under the guidance of the County Clerk, at its first meeting, of every other year, at the annual organizational meeting, a Chairperson and a Vice-Chairperson. The method of election for the Board Chairperson and Vice-Chairperson will

be made by Board motion. The Board may appoint, at other times, other representatives, agent and employees, as necessary and desirable.

- 1.7 Power and Duties:** The Board will have such powers and duties as will from time to time be provided by law.

The authority of the Board of Commissioners is collective and according to state law, no individual member can assume any action, decision endeavor on behalf of the or in lieu of Board actions. Refer to Appendix (A) (B.O.C Ethics Policy).

- 1.8 Meeting Attendance:** Commissioners are expected to attend all regular and special meetings of the Board. Any Commissioner unable to attend a scheduled Board meeting shall contact the Chairperson and/or the Vice-Chairperson, Executive Secretary to the Board or the County Clerk.

- 1.9 Indemnification:** The County will indemnify and save harmless all Board members against expenses actually and necessarily incurred by them as well as any judgment rendered against them in connection with the defense of any action, suit or proceeding in which they are made parties by reason of being or having been a board member, except in relation to matters as to which any such members will be adjudged liable for actions taken outside the scope of his or her authority and to such matters as will be settled by agreement predicated on the existence of such liability. The foregoing right to indemnification will be exclusive of other rights to which a member is entitled.

- 1.10 Committees:** The Board will have five out standing Committees for County Organization, which includes Finance, Personnel, Law & Courts, Public Services and Health. These committees, agencies, commissions, and departments will be reviewed and approved by the Board during the January organizational meeting. The Chairperson will make appointments for the current year using the revised and approved list. A comprehensive list containing the committee's name, appointed members, and basic committee information will be prepared and presented to the Board at the second meeting in January. The basic committee information can include, but not limited to, the meeting date, meeting time and meeting place.

- 1.11 Committee Appointments:** The Board Chairperson at the second regular meeting in January will present Committee appointments. The Board members may make suggestion concerning committee assignments to the Board Chairperson up to one week before the second regular meeting in January. All committee assignments are for a one-year term; the Board will approve the Committee assignments or changes. All Committees having one or two Commissioners will have an alternate assigned. It is the responsibility of the assigned Commissioner to contact their alternate if they are unable to attend a scheduled committee meeting. If the alternate is unable to attend, the Chairperson or Vice-Chairperson must be contacted. All requests for changes in appointments on any committees are to be submitted in writing to the Chairperson.

- 1.12 Board of Commissions:** Those boards and commissions created by and under the authority of the Board of Commissioners will have a set of bylaws approved by and reviewed on a regular basis by the Board.

- 1.13 Special Committees:** There will be, in addition to the standing committees, such other special (AD Hoc) committees as the Chairperson, from time to time, may appoint and establish subject to the approval by the Board. The committee appointments end when the business of the committee has been completed.

- 1.14 **Parliamentarian:** The Chairperson will appoint, at the January organizational meeting, one of the Board members to the position of parliamentarian for one year. The parliamentarian will help, when called upon, clear up matters for parliamentary procedure.

- 1.15 **Professional Improvement:** All County Commissioners are entitled to attend Michigan Association of Counties Meetings and other conferences/seminars, and are entitled to daily per diem, meals, lodging, and mileage reimbursement when a County Commissioner is 75 miles or further from point of origin or overnight on County business; the County does not reimburse/pay for personal entertainment. Reimbursements shall not exceed the daily limit, as described in the Oscoda County Personnel Policy Manual.

- 1.16 **County Car:** All County Commissioners are entitled to use County cars if reserved ahead of time with the Motor Pool Department. County cars are not to be kept overnight, over a weekend, or at a commissioner's home, unless prior approval from the Chairperson.

- 1.17 **Mileage:** All County Commissioners are entitled to reimbursement for personal mileage expense. By Board motion the mileage reimbursement will be set for all County Business and will stay in place unless another motion supersedes. The reimbursement rate cannot exceed the rate of the State Officers' compensation commission sets for state officers. The County Commissioners are not entitled to mileage for their 24 regular scheduled Board Meetings.

- 1.18 **Telephone:** Long distance phone calls made by a County Commissioners from their residence, for County Business, are reimbursed with a copy of the paid phone bill and a written explanation. County Commissioners can be assigned a county phone to be used during their term (s) in office.

- 1.19 **Tablets:** The County Commissioners will be assigned a tablet to use for County Business during their term (s) in office.

ARTICLE II – CONDUCT OF BOARD MEETINGS

- 2.1 **Board Meetings, Time, and Place:** The Board of Commissioners at their annual Organizational meeting, in January, will select the day, time, and place to hold their regular Board of Commissioners Meetings. Any other meetings will be special meetings or adjourned sessions of the regular meetings, depending on the manner in which said meeting is called. Unless the Board provides otherwise, the motion to adjourn any meeting of the Board of Commissioners, whether regular or special, will mean to adjourn to the next succeeding regular meeting. The annual meeting as required, under MCL 46.1 will be the second Tuesday in October.

The Board of Commissioners will convene for the purpose of holding special meetings upon notification of a least one-third (1/3) of the Commissioners elected and serving, to the Executive Secretary to the Board or County Clerk, specifying time, date, location and purpose of such meetings. The Executive Secretary to the Board or County Clerk will post at least eighteen (18) hours before the meeting, a public notice, as required by 1976 PA 267. Any regular or adjourned meetings of the Board which fall on a legal holiday will automatically be set over the next working day following that is not a legal holiday, at the same time and place indicated for the original meeting.

2.2 Chairperson –Election: At the first meeting of every other calendar year the Board will elect, from among its members, a Chairperson and a Vice-Chairperson, who will take office and assume their respective duties immediately upon their election; provided that at the first meeting of each newly elected Board, the first order of business will be the administration of the Constitutional Oath of Office by the County Clerk to the members-elect, if this has not previously been accomplished. The concurrence of a majority of all members of the Board will be necessary for election. Said officers will hold their respective offices for terms of two-years or until their successors are duly elected and qualified as set forth above. Each Board will decide by motion the method of election. Election of Chairperson, by law, may be by secret ballot. No other matter may be decided by the use of a secret ballot.

2.3 Quorums: A majority of the members of the County Board of Commissioners will constitute a quorum for the transaction of the ordinary business of the County, and questions which arise at meetings will be determined by the votes of a majority of the members present.

2.4 Work Session:
The Board will hold a Work Session, as scheduled by the Chair, one hour prior to the Regular Board of Commissioner’s Meeting. A Work Session is to discuss County Business, no motions will be made.

2.5 Agenda: The format for the agenda will be as follows:

- A. Call to Order
- B. Invocation and/or Pledge
- C. Roll Call of Board Members
- D. Approval of Agenda
- E. Approval of Consented Agenda
- F. Approval of Official Minutes
- G. Public Matters & Comments (Regarding today’s Agenda- limited to three minutes per person)
- H. Appointments
- I. Correspondence/Reports/Resolutions
- J. Unfinished Business/New Business
- K. Financial
- L. Committee Reports
- M. Public Comments (Limited to three minutes per person)
- N. Adjournment

2.6 Agenda Deadline: Items to be placed on the Agenda for the Board of Commissioners must be submitted to the Commissioner’s Office by 12:00 noon on the Wednesday prior to the regularly established meeting date. Request by any person, group, vendor, and public official or public body for an appointment at a regularly scheduled Oscoda County Board of Commissioners meeting will be requested in writing. Supporting documentation related to the presentation is to be provided by the Thursday prior to the scheduled meeting.

The agenda and other necessary meeting documents will be prepared and collected in the Commissioner’s mailboxes by 4:30 p.m. on the Friday prior to the regularly established meeting date. An item may be added to the agenda at any meeting by a majority vote of the Board.

2.7 Consented Agenda: “A consent agenda may be presented, by the Chairperson, at the beginning of a meeting. Items may be removed from the consent agenda on the request of any

one member. Items not removed may be adopted by general consent without debate. Removed items may be taken up either immediately after the consent agenda or placed later on the agenda at the discretion of the assembly."

2.8 Committee reports: Committee reports, when they relate to action by the Board, documentation should be in written form and presented to the B.O.C Executive Secretary by noon on the Thursday prior to the regularly established meeting date, so they may be prepared and placed in the Board meeting packets.

2.9 Meeting protocol: Every motion or resolution must be properly seconded prior to any discussion of the question. The sponsor will have the right to speak for up to five (5) minutes in support of the motion or resolution. Each Commissioner will then have the right to speak for up to five (5) minutes on the issue at hand, with the prior recognition of the Chairperson. No Commissioner may speak more than twice on the same question, except upon special permission by the Chairperson or the Board. There will be no interruption of a speaker once the Chairperson has recognized him or her.

All roll call votes will be done on a name rotation basis.

Every Commissioner will vote on all questions unless a conflict of interest arises and the Chairperson excuses them.

2.10 Parliamentary Authority: All questions of procedure, which are not stated in these rules, will be governed by Robert's Rules of Order, Simplified and Applied Second Edition, 1998 (Robert McConnell Productions).

2.11 Order and precedence of Motions: The chart for determining when each subsidiary or privileged motion is in order, is contained in Robert's Rules of Order, Simplified and Applied Second Edition 1998 (Robert McConnell Productions).

2.12 Amendment, Rule and Suspension Changes: These rules may be amended, changed or suspended at any time upon the majority vote of the total Board of Commissioners. Otherwise, these rules will remain in effect until rescinded, amended or suspended. Any amendment or change will take immediate effect unless otherwise stated by the Board of Commissioners at the time of the amendment or change.

2.13 Publication of Proceedings: The Executive Secretary to the Board, subject to the appointment of the Clerk, as duly appointed deputy, or County Clerk will keep minutes of each meeting showing the date, time, location, members present, members absent, any decisions reached at a meeting open to the public, and the purpose or purposes for closing a segment of a meeting to the public. The minutes will include all votes taken at the meeting. The minutes taken at a Board meeting will be published under the rules established in the Open Meetings Act and the Right to Know Act. The synopsis of the minutes will be published and/or placed on the County Website as decided at the organizational meeting in January of each year.

2.14 Comments from the Public: Only members of the Oscoda County Board of Commissioners will be allowed to speak while a meeting is in session, unless permission for another to speak is granted by the Chairperson, or the majority of the Board of Commissioners. Public comments will be limited to three (3) minutes per individual.

- A group wishing to make comments during the public comment time of a meeting are requested to designate a spokes-person who may be granted up to 10 minutes to speak. This time may be extended by the approval of the chair.
- A person wishing to make a public comment must signify their desire to do so by the raising of their hand or by handing a note to the County Clerk. A member of the public shall not speak until recognized by the Chair.
- Public comments should to be directed towards the Board of Commissioners.
- In most instances the Board will not respond to public comments. Silence or non-response should not be interpreted as agreement or disinterest. A Board member wishing to respond to a comment must first receive approval from the Chair.
- The Chair shall call to order any person that is disorderly, disruptive or failing to be germane by speaking longer than their allotted time, out of order or interfering with the scheduled agenda. In the case, that a person remains disorderly after being requested by the chair to restore order, the chair may call a recess of the meeting and have that person removed from that meeting. If the person refuses to remove themselves from the meeting, the chair shall be authorized to contact the sergeant-at-arms, who shall be the County Sheriff or any of his/her deputies, to remove the person from the meeting. However, no person shall be removed from a public meeting except for an actual breach peace of that meeting.

2.15 Discussion to Public Record

“The County Clerk shall not be required to keep a record of discussion that takes place during a meeting. A member may request to have his or her comments prior to a vote added to the public records. Such comments shall be submitted in writing to the Executive Secretary and Clerk.

ARTICLE III- OFFICERS AND EMPLOYEES:

3.1 Chairperson: The Chairperson will be elected by and from the Membership of the Board. The duties and powers of the Chairperson will include the following:

1. Preside at all Board Meetings.
2. Administer oaths and issue subpoenas for witnesses and to compel their attendance as provided by law.
3. Sign all contract, bonds and other documents which required the signature of the Board of Commissioners. In the event the Chairperson is unable to perform this duty, then the Vice-Chairperson will fulfill this signature requirements
4. Decide and sign denials of request for public records under the Freedom of Information Act.
5. Serve as Chief Executive of Emergency Services during a declared state of an emergency.
6. Serve as ex-officio on all Board Committees.
7. With the advice and consent of the Board, appoint members to all standing and special committees of the Board, and appoint the Chairperson of each committee.
8. Will act as the Boards’ spokesperson to the media.

9. Appoint members to required district, regional, or state committees and commissions.
- 3.2 Vice-Chairperson:** The Vice-Chairperson will be elected by and from the members of the Board. The Vice-Chairperson will perform other duties, which may be, from time to time, assigned by the Chairperson or by the Board. In the absence of the Chairperson, assume the duties and responsibilities of the Chairperson.
- 3.3 County Clerk:** The duly elected or appointed Clerk of Oscoda County will be the Clerk to the Board of Commissioners. The Clerk and/or the Executive Secretary to the Board, subject to the appointment of the Clerk, as duly appointed deputy, will perform all duties pertaining to such office as required by law.
1. Record all Board proceedings in a ledger provided for that purpose.
 2. Make regular entries of all Board resolutions and decisions upon all questions. Maintain a chronological file of all formal Resolutions and Ordinances adopted by the Board. All such resolutions will be numbered beginning with the year, followed by the resolution number.
 3. Record the vote of each Commissioner during a roll call vote.
 4. Preserve and file all accounts acted upon by the Board.
 5. Certify copies of any and all resolutions or decision on any of the proceedings of the Board, when requested by the Board or any member thereof.
 6. File all communications addressed to and received by the Board of Commissioners.
 7. Transmit to the Governor for approval of ordinances and other matters adopted by the Board, which by law required the Governor's approval or concurrence.
 8. Receive and transmit to the Board, recommendation of persons for appointments to the Elections scheduling Committee Board of Canvassers.
- 3.4 Executive Secretary to the Board:** The Executive Secretary to the Board, subject to the appointment of the County Clerk, will serve as a duly appointed deputy clerk, to perform all duties as pertains to the Board of Commissioners as required by law. The Executive Secretary to the Board will provide general staff assistance to the Board and its committees, and will perform those responsibilities assigned by the Board as described in a job description document.

APPENDIX A

OSCODA COUNTY BOARD OF COMMISSIONERS ETHICS POLICY

1. Purpose.

All Commissioners of the Oscoda County Board of Commissioners must avoid conflicts between their private interests and those of the general public they serve. Where government is based on the consent of the governed, every citizen is entitled to have complete confidence in the integrity of his or her government. Each Commissioner must help earn and honor that trust by his or her integrity and conduct in all official duties and actions.

2. Definitions.

Business entity means a corporation, a partnership, sole proprietorship, joint venture, unincorporated association, trust or other business form.

Confidential information means information that has been obtained by a Commissioner in the course of acting as a Commissioner, that is not available to members of the public pursuant to the Michigan Freedom of Information Act, being MCL 15.231 et seq., or pursuant to other law, regulation or procedure recognized by law, and that the Commissioner is unauthorized to disclose.

Interest means any right, title or share in something, either personal, financial, legal or equitable, which is owned, held or controlled, in whole or in part, directly or indirectly, by a Commissioner.

3. Intent and purpose.

(a) Commissioners shall avoid any action which might result in or create the appearance of:

- (1) Using public office or employment for private gain.
- (2) Giving improper preferential treatment to any person or organization.
- (3) Impeding government efficiency or economy.
- (4) A lack of independence or impartiality of action.
- (5) Making a government decision outside of official channels.
- (6) Affecting adversely the confidence of the public in the integrity of the County.

(b) It is not the intent in any way limit the right or ability of any Commissioner to exercise his or her discretion in making legitimate policy decisions which are within his or her discretion so long as such action does not provide a special benefit to that Commissioner, relieve the Commissioner

of a particular duty, or treat that Commissioner differently than other similarly situated County residents.

(c) The restrictions set forth herein should not be construed to interfere with or abrogate in any way the provisions of federal or state statutes or County ordinances. This policy is also not intended to apply to political campaign contributions, which are governed by state law.

4. Fair and equitable treatment.

No Commissioner shall request, use or permit the use of any consideration, treatment, advantage or favor beyond that which is the general practice to grant or make available to the public at large. All Commissioners shall treat all citizens of the County with courtesy, impartiality, fairness and equality under the law.

5. Matters requiring disclosure of actual or potential conflicts of interest.

In the interest of avoiding both actual and potential conflicts of interest:

(1) In accordance to MCL ACT 156 of 1851 (46.30) A member of the county board of commissioners 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 he is elected or appointed, nor for one year thereafter unless the contract or 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 together with a showing that the board is cognizant of the member's interest. This prohibition is not intended to apply to appointments or employment by the county, or its officers, boards, committees, or other authority, which

(2) Whenever the performance of official duties shall require a Commissioner to deliberate and vote on any matter involving his or her financial or personal interest, that Commissioner shall publicly disclose the nature and extent of such interest and is disqualified from participating in the deliberations and voting on the matter.

(3) No Commissioner shall engage in employment with, or render services for, any person or entity, which has business transactions with any public body of the County, without first making full public disclosure of the nature and extent of the employment or services.

(4) A Commissioner shall make full public disclosure of business involving the County when attempting to use his or her official position to secure special privileges or exemptions for self or others.

6. Prohibited Conduct.

(a) Commissioners shall not:

- (1) Divulge confidential information to any person not authorized to obtain such information in advance of the time prescribed for its authorized release to the public.
- (2) Benefit financially from confidential information.
- (3) Represent his or her individual opinion as that of the County.
- (4) Misuse of County resources, property, funds or assets for personal gain or benefit.
- (5) Solicit or accept a gift or loan of money, goods, services or other things of value which may tend to influence the manner in which the Commissioner or another Commissioner performs his or her official duties.
- (6) Engage in a business transaction other than with a public body which may cause the Commissioner to derive a personal profit or gain directly or indirectly as a result of his or her official position.
- (7) Engage in or accept employment or rendering services that are incompatible or in conflict with the discharge of his or her official duties or that tend to impair his or her independence of judgment or action in the performance of official duties.
- (8) Except as permitted by law, participate in the negotiation or execution of contracts, making of loans, granting of subsidies, rate-fixing or issuing permits or certificates, or other regulation or supervision involving a business entity in which he or she has a substantial interest.
- (9) Cause the employment or any favorable employment action of a relative, or participate in any employment decision concerning such a relative. As used herein, "relative" means a parent, spouse, child, sibling, grandparent, grandchild, aunt, uncle, niece, nephew, domestic partner, or a person with whom a significant committed relationship exists.

7. Public disclosure, contents.

Whenever a public disclosure is required by this article, it may be made orally on the record at a meeting of the public body involved, or in a writing filed with the Executive Secretary, in both of which cases it shall be made a part of the record of the public body meeting, and in either event shall include:

- (1) The identity of all persons involved in the interest.
- (2) The source and amount of income derived from the interest that may be considered as resulting from employment, investment or gift.

8. Violation.

All Commissioners shall have a responsibility to intervene when actions of another Commissioner that appear to be in violation of this Code of Ethics are brought to their attention. Upon

acquiring reasonable suspicion of a violation of the Code of Ethics, the Chair of the Board of Commissioners shall set, or any three Commissioners may require the setting of, a public hearing at a regular or special meeting of the Board of Commissioners to determine whether a violation of the Code of Ethics occurred and, if so, what sanctions shall be imposed for the violation.

The Board of Commissions may impose sanctions on Commissioners whose conduct is found not in compliance with this Code of Ethics. Sanctions may include reprimand, formal censure, loss of committee assignment, restrictions on budget or travel, and removal from office in the manner and for the causes provided by law.

A violation of this code of ethics shall not be considered a basis for challenging the validity of a Board of Commissioners decision.