



**MENOMINEE COUNTY
BOARD OF COMMISSIONERS**

BYLAWS & RULES OF PROCEDURE

EDITION: 2026-01

**APPROVED
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ARTICLE I – MEMBERS

1.1 Board Membership. The Menominee County Board of Commissioners shall consist of nine (9) members chosen by the voters of the State of Michigan, in partisan elections, every four (4) years, from single-member districts apportioned on the basis of population, as provided by law. [MCL § 46.404; MCL § 46.409].

1.2 Qualifications of Commissioners. A candidate for the office of county commissioner must be a resident and registered voter of the district they seek to represent and must remain a resident and registered voter to hold their office, if elected. An individual who has been convicted of a violation of Section 12a (1) of 1941 PA 370, MCL § 38.412a, is not eligible to be a county commissioner for twenty (20) years after the conviction or who was convicted of a felony involving dishonesty, deceit, fraud, or a breach of the public trust and conviction was related to the person's official capacity while the person was holding any elective office or position of employment in local, state, or federal government. [MCL § 46.411; amended by PA 158, 2003].

1.3 Term of Commissioners. The term of each commissioner shall be for four (4) years. The term of office begins January 1 following the election and continues until a successor is elected and qualified. [MCL § 46.410].

1.4 Vacancies in Office. If a vacancy occurs in the office of county commissioner by death, resignation, removal from the district, or removal from office, the vacancy must be filled by appointment within thirty (30) days by the Menominee County Board of Commissioners with a resident and registered voter of the district. The person appointed to fill a vacancy shall serve for the remainder of the unexpired term, unless the vacancy occurs more than seven (7) days before the nominating petition deadline as provided in MCL § 46.411 for the general November election that is not the general November election at which the successor in office would be elected if there was no vacancy, in which case MCL § 46.412(2) controls. [MCL § 46.412].

A. Failure to Fill a Vacancy. If the Menominee County Board of Commissioners does not fill the vacancy by appointment as provided in MCL § 46.412 within thirty (30) days, that vacancy shall be filled by a special election called by the Menominee County Board of Commissioners. A person elected at the special election to fill the vacancy on the Menominee County Board of Commissioners shall serve for the remainder of the unexpired term. [MCL § 46.413].

1.5 Apportionment of the Menominee County Board of Commissioners. Within sixty (60) days after the publication of the latest United States official decennial census figures, the Menominee County Apportionment Commission shall apportion the county into not less than five (5) nor more than fifteen (15) county commissioner districts as nearly of equal population as is practicable. [MCL § 46.401].

1.6 Compensation. Commissioners shall receive the compensation and mileage reimbursement fixed by resolution of the Menominee County Board of Commissioners. Changes in the compensation shall become effective only at the time a commissioner commences their term of office after a general election, provided that any such change to compensation is voted upon before the commencement of the new term of office. If not so established, the current compensation shall stay in effect for the new term.

The per mileage reimbursement fixed by the Menominee County Board of Commissioners shall not exceed the mileage reimbursement set for state officers as determined by the State Officers Compensation Commission. As used in this section, "compensation" shall not include mileage reimbursement. [MCL § 46.415].

1.7 Commissioner Ineligibility for Other Offices. No commissioner, while a member of the Menominee County Board of Commissioners, shall be eligible for election to any other county office or position, the election of which is within the jurisdiction of the Menominee County Board of Commissioners. [MCL § 46.3(6)].

Commissioners are also not eligible to receive an appointment from, or be employed by an officer, board, committee, or other authority of the County, except as otherwise provided by law. [MCL § 46.30a].

A. Certain Offices or Appointments Not Prohibited. A member of the Menominee County Board of Commissioners is not limited or prohibited pursuant to Section 1.7, Commissioner Ineligibility for Other Offices, from the following:

1. From becoming a candidate for an elective office at a general or special election, or from accepting from the Menominee County Board of Commissioners an office or appointment for which a salary is not paid for the services. (MCL § 46.30a(5)).
2. From acting on a board of determination or as a special commissioner in connection with all drainage matters calling for a board of determination. (MCL § 46.30a(5)).

3. From accepting compensation as an administrator of the federal emergency employment program, 29 U.S.C. 841 to 851, for the County. (MCL § 46.30a(6)).

B. Liability and Penalties. Any member of the Menominee County Board of Commissioners and the person making the appointment or employment in violation of MCL § 46.30a shall be liable for moneys improperly paid to the person as salary, wages, or compensation in connection with the appointment or employment and both may also be subject to an action for recovery of compensation and penalties established in MCL § 46.30a. [MCL § 46.30a].

1.8 Powers and Duties. The Menominee County Board of Commissioners shall have such powers and duties as provided by law, including but not limited to, the local, administrative, and legislative powers conferred upon the Menominee County Board of Commissioners by Public Act 156 of 1851. [MCL § 46.1 – MCL § 46.32].

1.9 Indemnification. Menominee County shall indemnify and save harmless all commissioners against expenses actually and necessarily incurred by them in connection with the defense of any action, lawsuit, or proceeding in which they are made parties by reason of being or having been a commissioner, except in relation to matters as to which any such member shall be adjudged in such action, lawsuit, or proceeding to be liable for negligence or misconduct in the performance of duty and to such matters as shall be settled by agreement predicated on the existence of such liability. The foregoing right to indemnification shall not be exclusive of other rights to which a member may be entitled.

ARTICLE II – OFFICERS

2.1 Board Officers. The Menominee County Board of Commissioners shall elect one (1) commissioner to serve as the County Board Chairperson, one (1) commissioner to serve as the County Board Vice-Chairperson, and one (1) commissioner to serve as the County Board Vice-Chairperson Pro-Tempore.

2.2 Term of Board Officers. The Board Officers of the Menominee County Board of Commissioners shall serve one (1) year terms commencing upon their election at the annual organizational meeting of the Menominee County Board of Commissioners and expiring on December 31 of the same calendar year.

Board Officers may succeed themselves in subsequent terms.

If a Board Officer resigns from their role as a Board Officer or otherwise resigns or is removed from the Menominee County Board of Commissioners, another commissioner of the Menominee County Board of Commissioners shall be elected

following the procedures for electing Board Officers provided for within this Article, and the newly elected Board Officer shall serve the remainder of the unexpired term.

2.3 Election of Board Officers. The election of Board Officers shall take place each year at the annual organizational meeting of the Menominee County Board of Commissioners. The County Clerk shall call the annual organizational meeting to order and assume the chair to conduct the election of Chairperson. Upon being duly elected, the Chairperson shall assume the chair and proceed with the elections for Vice-Chairperson and Vice-Chairperson Pro-Tempore.

- A. Nominations from the Floor. The acting Chairperson shall call for nominations from the floor, at which time, any commissioners of the Menominee County Board of Commissioners may call out their nomination without first standing or being recognized by the acting Chairperson. The acting Chairperson shall restate the nomination as no second is required. Prior to declaring the nominations closed, the acting Chairperson shall seek any further nominations. If no additional nominations are made, the acting Chairperson shall declare the nominations closed. No motion to close nominations is required.
- B. Method of Voting. Voting for Board Officers shall be by a roll call vote. The County Clerk shall order the roll of commissioners to be called, and the names and votes of the commissioners shall be recorded on the action taken by the Menominee County Board of Commissioners to elect Board Officers.

The order of the vote on each nominee for Board Officer shall be in the order in which they were nominated from the floor. The first nomination from the floor shall be considered first, the second nomination from the floor shall be considered second, and so on until a nominee receives a majority vote of commissioners elected and serving of the Menominee County Board of Commissioners.

- C. Majority Vote. A majority vote of commissioners of the Menominee County Board of Commissioners, elected and serving [MCL § 46.3(2)] is required to adopt a motion to elect a Board Officer. If no candidate receives a majority, voting continues, retaining all nominees who do not wish to voluntarily withdraw. An election is final when the acting Chairperson announces the results if the candidate is present and does not decline or is absent but has previously consented to serve. If a candidate elected declines to serve, voting continues until someone willing to accept receives a majority vote of the members present.

- 2.4 Duties of the Chairperson. The Chairperson's duties and powers are to:
- A. Prepare and set the agenda for meetings of the Menominee County Board of Commissioners in consultation with the County Administrator.
 - B. Preside at all meetings of the Menominee County Board of Commissioners, including: calling the commissioners to order, announcing the business before the County Board in the order in which it is to be acted upon, recognizing commissioners entitled to the floor, stating and putting to vote all questions which are regularly moved, or that necessarily arise in the course of the proceedings, and announcing the result of the vote, and other duties as required to ensure efficient and effective meetings. [MCL § 46.3(5)].
 - C. Administer oaths to persons concerning matters submitted to the Menominee County Board of Commissioners, or as otherwise permitted by law. [MCL § 46.3(5)].
 - D. Issue subpoenas for witnesses or compel the attendance of a witness in connection with the discharge of County Board duties in the same manner as a court of law. [MCL § 46.3(5)].
 - E. Affix their signature to contracts, bonds, and other documents requiring the signature of the Chairperson. [MCL § 46.3(5)].
 - F. Serve as the ceremonial representative of Menominee County and perform such other duties as specified by law, or by the Menominee County Board of Commissioners, or by custom.
 - G. Serve as ex-officio member of all bodies and sub-bodies of the Menominee County Board of Commissioners. The Chairperson shall not have the right to vote on any committee or subcommittee when serving as an ex-officio member.
 - H. Appoint and remove members of bodies of the Menominee County Board of Commissioners, and other bodies that require appointment pursuant to the requirements and authority established in the bodies' bylaws, statutes, or other applicable requirements, with confirmation by a majority of the commissioners elected and serving of the Menominee County Board of Commissioners.
 - I. Arbitrate all jurisdictional disputes between bodies of the County Board of Commissioners, subject to these Bylaws and Rules of Procedure, and the right to appeal to the County Board.

J. Other duties or powers specifically granted by the Menominee County Board of Commissioners.

2.5 Duties of the Vice-Chairperson. In the absence of the Chairperson, the Vice-Chairperson shall assume all of the duties and powers prescribed to the Chairperson.

2.6 Duties of the Vice-Chairperson Pro-Tempore. In the absence of the Chairperson and the Vice-Chairperson, the Vice-Chairperson Pro-Tempore shall assume all of the duties and powers prescribed to the Chairperson.

2.7 County Clerk. The County Clerk shall serve as the Clerk of the Menominee County Board of Commissioners and shall perform such duties as required by law or as from time to time assigned by the County Board. In the absence of the County Clerk, a Deputy Clerk as assigned by the County Board, shall serve as the Clerk of the Menominee County Board of Commissioners. [MCL § 46.4].

ARTICLE III – COUNTY ADMINISTRATOR

3.1 Commission-Manager Form of Government. Menominee County shall operate using the commission-manager form of government. This is a representative form of government where all power is concentrated in the elected commission, and where the commission hires a professionally trained manager to oversee the delivery of public services.

3.2 County Administrator. The Menominee County Board of Commissioners, by a majority vote of commissioners elected and serving, may appoint a County Administrator to serve as the Chief Administrative Officer. The County Administrator shall also serve as the Chief Financial Officer, Human Resources Director, Parks & Recreation Director, and Airport Director of Menominee County.

3.3 Duties of the County Administrator. The County Administrator shall only have the authority to perform such duties as the Menominee County Board of Commissioners shall prescribe.

3.4 Term of the County Administrator. The County Administrator is an at-will employee and shall serve at the pleasure of the Menominee County Board of Commissioners, subject to any provisions contained within an employment contract or as otherwise dictated by law.

3.5 Indemnification. Menominee County shall indemnify and save harmless the County Administrator against expenses actually and necessarily incurred in connection with the defense of any action, lawsuit, or proceeding in which the County Administrator is made party to by reason of being or having been the County Administrator, except in relation to matters as to which the County

Administrator shall be adjudged in such action, lawsuit, or proceeding to be liable for negligence or misconduct in the performance of duty and to such matters as shall be settled by agreement predicated on the existence of such liability. The foregoing right to indemnification shall not be exclusive of other rights to which the County Administrator may be entitled.

ARTICLE IV – MEETINGS

4.1 **Organizational Meeting.** The first meeting in each calendar year shall be the organizational meeting of the Menominee County Board of Commissioners. This meeting shall be held on or before January 10 of each year. The County Clerk shall call the organizational meeting to order and preside until a Chairperson is duly elected by the Menominee County Board of Commissioners.

4.2 **Order of Business – Organizational Meeting.** The order of business of the organizational meeting shall be as follows:

- A. **Bylaws and Rules of Procedure.** The first order of business of the organizational meeting shall be to review, amend as necessary, and approve the Bylaws and Rules of Procedure of the Menominee County Board of Commissioners.
- B. **Election of Board Officers.** The second order of business of the organizational meeting shall be the election of the Board Officers. The Chairperson shall be elected first and shall assume the chair to preside over the remainder of the organizational meeting. The Vice-Chairperson shall be elected second. The Vice-Chairperson Pro-Tempore shall be elected last.
- C. **County Board Meeting Schedule.** The third order of business of the organizational meeting shall be establishing the meeting schedule for regular meetings of the County Board for the following year. The meeting schedule is required to be posted within ten (10) days after the organizational meeting, stating the date, time, and location of the regular meeting of the County Board. [MCL § 15.263(2)].
- D. **Committee Assignments.** The fourth order of business of the organizational meeting shall be determining committee assignments for the following year. The Chairperson shall appoint commissioners to the various committees, with confirmation by a majority of the commissioners elected and serving of the Menominee County Board of Commissioners.
- E. **Fiscal Resolutions.** The fifth order of business of the organizational meeting shall be to review and approve resolutions establishing the

depositories for funds held by Menominee County, authorizing the investment of county funds, and the County's Investment Policy.

- F. Other Business. The last order of business of the organizational meeting shall be to discuss and act upon any other business deemed necessary.

4.3 Regular Meetings. Except as otherwise required by law, regular meetings of the Menominee County Board of Commissioners shall be held as follows:

- A. Meeting Dates. Unless the County Board shall otherwise specify, the County Board shall meet on the second and fourth Tuesday of each month.
 - 1. Equalization of Assessment Rolls. At a regular meeting of the Menominee County Board of Commissioners held on a Tuesday following the second Monday in April each year, the County Board shall equalize the assessment rolls in the manner provided by law. The equalization must be completed before the first Monday in May, unless such deadline is subject to the 1-time extensions provided for in Section 33a(1)(b) of the General Property Tax Act, 1893 PA 206, MCL § 211.33a. [MCL § 209.5].
- B. Meeting Time. Unless the County Board shall otherwise specify, regular meetings of the County Board shall be held at 5:30 PM CT.
- C. Meeting Location. Unless the County Board shall otherwise specify, regular meetings of the County Board shall be held at the Menominee County Courthouse, Courtroom B located at 839 10th Avenue, Menominee, MI 49858.

4.4 Order of Business – Regular Meetings. The order of business for regular meetings shall be as follows:

- A. Call to Order
- B. Pledge of Allegiance
- C. Roll Call
- D. Approval of the Agenda
- E. Approval of the Previous Minutes
- F. Public Comment (*Limited to 5 Minutes on Agenda Items Only*)

- G. Presentations (*Limited to 20 Minutes*)
- H. Department Heads & Elected Official Reports (*Limited to 10 Minutes*)
- I. Action Items
- J. Discussion Items
- K. Board/Committee/Commission Reports & Minutes
- L. Public Comment (*Limited to 5 Minutes*)
- M. Commissioner Comment
- N. Adjourn

The general order of business may be altered when deemed necessary by the Chairperson or County Administrator in preparing and setting the agenda for a regular meeting to present additional items of business to the Menominee County Board of Commissioners.

4.5 Special and Emergency Meetings. A special or emergency meeting of the Menominee County Board of Commissioners shall be held only when:

- A. Special Meeting. Requested by at least one-third (1/3) of the commissioners, which request shall be in writing, addressed to the County Clerk & the County Administrator, and specifying the time, date, place, and purpose of such meeting. Upon receipt of such request, the County Clerk & the County Administrator shall notify each commissioner of such meeting at least 24 hours before the holding thereof. Such notice may be given by telephone to a number indicated by each commissioner as the one to be used for such purposes, or by any other means of communication. The County Clerk and the County Administrator shall keep a written record of the method of notification for each commissioner. (MCL § 46.10).
 - 1. Special Meetings at the Call of the Chairperson. As an alternate means of calling a special meeting, the Chairperson may convene a meeting of the Menominee County Board of Commissioners at their discretion, with notice as required under the Open Meetings Act. [MCL § 15.265].
- B. Emergency Meetings. The Menominee County Board of Commissioners, in compliance with the Open Meetings Act, may call an emergency meeting in the event of a severe and imminent threat to the health, safety, or welfare of the public when 2/3 of the commissioners elected and serving on

the County Board decide that delay would be detrimental to efforts to lessen or respond to the threat. If the Menominee County Board of Commissioners holds such an emergency meeting, it shall comply with all notice requirements of the Open Meeting Act. (MCL 15.265(4)).

4.6 Public Notice of a Rescheduled Meeting.

- A. Amending the County Board Meeting Schedule. The County Board Meeting Schedule may be amended, by a majority vote of the commissioners elected and serving at a regular meeting, to change the date, time, and/or location of any regular meeting. A public notice shall be posted within twenty-four (24) hours of any changes made to the County Board Meeting Schedule.
- B. Rescheduling a Regular or Special Meeting. A public notice stating the date, time, and place of a rescheduled regular or special meeting shall be posted at least eighteen (18) hours before the meeting in a prominent and conspicuous place at both the Menominee County Courthouse and on the County's website that is fully accessible to the public. [MCL § 15.265(4)].

4.7 Closed Session. The Menominee County Board of Commissioners may call a Closed Session only pursuant to a roll call vote of the members of the Menominee County Board of Commissioners elected and serving, unless otherwise permitted by law. The County Clerk shall enter the roll call vote and the purpose or purposes for calling the Closed Session into the minutes of the meeting at which the vote is taken. [MCL § 15.267(7)(1)].

A. Vote Required. The vote required to call a Closed Session varies depending on the purpose of the Closed Session and shall be as follows:

- 1. Simple Majority Vote. Closed Session held for the following purposes may be approved on a roll call vote approved by a simple majority of the commissioners of the Menominee County Board of Commissioners elected and serving:
 - i. To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, employee, staff member, or individual agent, if the named individual requests a closed hearing. An individual requesting a closed hearing may rescind the request at any time, in which case the matter at issue must be considered after the rescission only in Open Session. [MCL 15.268(8)(1)(a)].

- ii. For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if either negotiating party requests a Closed Session. [MCL 15.268(8)(1)I].
2. Two-Thirds (2/3) Majority Vote. Closed Session held for the following purposes must be approved on a roll call vote by a two-thirds (2/3) majority of the commissioners of the Menominee County Board of Commissioners elected and serving:
- i. To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained. [MCL § 15.268(8)(1)(d)].
 - ii. To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the Menominee County Board of Commissioners. [MCL § 15.268(8)(1)I].
 - iii. To consider material exempt from discussion or disclosure by state or federal statute. [MCL § 15.268(8)(1)(h)].
 - iv. To review and consider the contents of an application for employment or appointment to public office if the candidate requests that the application remain confidential. However, except as otherwise provided in the Open Meetings Act, all interviews by the Menominee County Board of Commissioners for employment or appointment to a public office must be held in an Open Meeting pursuant to the Open Meetings Act, unless exempt therein. [MCL § 15.268(8)(1)(f)].
- B. Closed Session Minutes. The County Clerk shall take a separate set of minutes at any Closed Session, which shall be retained by the County Clerk, not available to the public, and shall only be disclosed if required by a civil action filed under Sections 10, 11, or 13 of the Open Meetings Act. [MCL § 15.267(2)].
- C. Confidentiality. All discussion in a Closed Session is confidential and shall only be disclosed if required by a civil action filed under Sections 10, 11, or 13 of the Open Meetings Act. Any commissioner, official, employee, or

other individual who intentionally violates the confidentiality of a Closed Session may be held personally liable for violating the Open Meetings Act and face the following penalties:

1. First Offense: A fine up to \$1,000.
2. Second Offense: A fine up to \$2,000, up to one year in jail, or both.
3. Damages: Up to \$500 in actual and exemplary damages, plus court costs and attorney fees.

D. Action from Closed Session. Any action taken from discussion in Closed Session is required to be taken after the County Board reconvenes in Open Session.

4.8 Electronic Participation. A commissioner may only participate at a meeting of the County Board of Commissioners electronically if the commissioner is absent due to military duty or if a reasonable accommodation is necessary to comply with the requirements of the Americans with Disabilities Act.

A. Notice. Any commissioner of the Menominee County Board of Commissioners requesting to participate at a County Board meeting electronically shall provide notice to the Chairperson and County Administrator at least three (3) business days before the date of the meeting.

A request by a commissioner for a reasonable accommodation pursuant to the requirements of the Americans with Disabilities Act shall be approved or denied by the Chairperson.

A public notice shall be posted at least twenty-four (24) hours prior to the meeting stating the name of the commissioner that will be participating at the meeting electronically along with the commissioner's telephone number and email address.

B. Public Announcement. Upon calling a meeting to order, at which a commissioner is participating electronically, the Chairperson shall call upon the commissioner to identify their physical location by stating the county, city, township, or village and state of where they are presently located, unless the commissioner is absent due to military duty.

C. Quorum. A commissioner participating electronically due to military duty or if a reasonable accommodation is necessary to comply with the

requirements of the Americans with Disabilities Act shall have their electronic presence be counted for the purpose of establishing a quorum.

- D. Discussion. A commissioner participating electronically due to military duty or if a reasonable accommodation is necessary to comply with the requirements of the Americans with Disabilities Act shall be permitted to engage in all discussion and debate, without limitation.
- E. Voting. A commissioner participating electronically due to military duty or if a reasonable accommodation is necessary to comply with the requirements of the Americans with Disabilities Act shall be permitted to engage in all votes during the meeting, without limitation. All votes taken shall be by roll call.
- F. Per Diem. A commissioner participating electronically due to military duty or if a reasonable accommodation is necessary to comply with the requirements of the Americans with Disabilities Act is entitled to collect a per diem.
- G. Electronic Participation Otherwise Not Permitted. Except for the limited accommodations provided for in this section, electronic participation by a commissioner at a meeting of the Menominee County Board of Commissioners is not permitted. A commissioner that otherwise attends a County Board meeting electronically, shall not have their electronic presence be counted for the purpose of establishing a quorum, shall not be permitted to engage in any discussion or debate, shall not be permitted to vote on any items acted upon during the meeting, and is not entitled to collect a per diem.
- H. Non-Commissioner Electronic Participation Permitted. Individuals who are not a member of the Menominee County Board of Commissioners are permitted to participate in meetings electronically. These individuals are those invited by the Menominee County Board of Commissioners to present information and reports, provide expertise, engage in discussion, or as otherwise deemed appropriate.

4.9 Per Diem and Mileage. Each commissioner of the Menominee County Board of Commissioners shall be entitled to collect a \$50 per diem for each County Board meeting they attend, and mileage, at the IRS standard mileage rate, to and from their principal residence and the meeting location.

Commissioners are encouraged to submit their per diem and mileage reimbursement requests monthly in order to be processed in a timely and efficient manner. All per diem and mileage reimbursement requests shall be submitted no

later than October 15 following the end of the fiscal year in which the meeting was held or shall be forfeited.

4.10 Live Streaming of Regular, Special, and Emergency Meetings. Meetings of the Menominee County Board of Commissioners may be live streamed to the public, provided the technical capabilities to do so are available.

The intent of live streaming County Board meetings is to increase accessibility and transparency. Live streaming is for viewing only. The public will not be able to provide public comments through the live stream.

4.11 Attendance.

- A. Excused Absences. A commissioner who will be absent from a regular, special, or emergency meeting may have their absence excused if they provide notice to the Chairperson and County Administrator by either text message or email prior to the start of the meeting. The County Administrator shall state at the meeting that the commissioner's absence is excused. The County Clerk shall record in the meeting minutes that the commissioner's absence was excused. A commissioner is permitted up to six (6) excused absences per calendar year.
- B. Unexcused Absences. A commissioner who is absent from a regular, special, or emergency meeting and does not provide notice to the Chairperson and County Administrator prior to the start of the meeting shall have their absence recorded as unexcused. The County Administrator shall state at the meeting that the commissioner's absence is unexcused. The County Clerk shall record in the meeting minutes that the commissioner's absence was unexcused. A commissioner is permitted up to three (3) unexcused absences per calendar year.
- C. Late Arrival to a Meeting. A commissioner who is late to a meeting shall immediately take their place upon arrival. The County Clerk shall record in the meeting minutes the time at which the commissioner arrived.
- D. Censure. A commissioner who has more than six (6) excused absences OR more than three (3) unexcused absences OR has more than six (6) absences resulting from any combination of excused and unexcused absences, in a calendar year is subject to censure by the Menominee County Board of Commissioners.
 - 1. Procedure. Any commissioner may initiate a censure against another commissioner for exceeding the allowable number of absences in this Section by submitting, in writing, their intent to do so to the County

Administrator and Chairperson. The notification of the intent censure shall be placed on agenda of the next regular meeting of the County Board.

Following the meeting at which the notice of intent to censure is introduced, a hearing shall be scheduled for the next regular meeting of the County Board. At the hearing, the charges against the commissioner shall be clearly stated and the accused commissioner shall have the opportunity to respond.

Immediately following the hearing, the Menominee County Board of Commissioners shall take one of the following actions:

- i. With a two-thirds (2/3) majority vote of commissioners elected and serving, pass a resolution approving to censure the commissioner. An approved resolution shall be forwarded to the Governor's Office and the Attorney General's Office.
- ii. With a two-thirds (2/3) majority of commissioners elected and serving, pass a resolution acquitting the member of the charges.
- iii. Take no action. If both votes to censure and acquit the commissioner fail to reach the two-thirds (2/3) threshold or if one or both actions fail to be voted upon for a lack of a motion and second, then no action is to be taken.

ARTICLE V – COMMITTEES

5.1 Standing Committees. The Menominee County Board of Commissioners have the authority to appoint commissioners and other individuals to the following standing committees:

A. Executive Committee

1. The Executive Committee is comprised of the County Board Chairperson, Finance Committee Chairperson, and the Personnel Committee Chairperson.

B. Finance Committee

1. The Finance Committee is comprised of four (4) county commissioners. The County Board Chairperson cannot be a member of the Finance Committee. Members on the Finance Committee cannot also serve on the Personnel Committee.

C. Personnel Committee

1. The Personnel Committee is comprised of four (4) county commissioners. The County Board Chairperson cannot be a member of the Personnel Committee. Members on the Personnel Committee cannot also serve on the Finance Committee.

D. Negotiating Committee

1. The Negotiating Committee is comprised of the County Administrator and two (2) county commissioners.

E. Economic Development Committee

1. The Economic Development Committee is comprised of the County Administrator, County Treasurer, Executive Director of the Menominee Business Development Corporation (MBDC), and three (3) county commissioners.

F. Buildings & Grounds Committee

1. The Buildings & Grounds Committee is comprised of the Buildings & Grounds Foreman, Building Code Inspector, two (2) county commissioners, and two (2) members of the general public.

G. Parks & Recreation Advisory Committee

1. The Parks & Recreation Advisory Committee is comprised of two (2) county commissioners and five (5) members of the general public.

H. Menominee Regional Airport Committee

1. The Menominee Regional Airport Committee is comprised of three (3) county commissioners.

I. Menominee County Security Committee

1. The Menominee County Security Committee is comprised of the County Administrator, Sheriff, Undersheriff, Buildings & Grounds Foreman, two (2) judges, and two (2) county commissioners.

J. Menominee County Road Commission

1. The Menominee County Board of Commissioners appoint one (1) county commissioner to serve as a liaison with no voting privileges.

K. Delta & Menominee Counties Public Health – Board of Health

1. The Menominee County Board of Commissioners appoint two (2) county commissioners to serve with voting privileges.

L. Michigan Township Association – Menominee County Chapter

1. The Menominee County Board of Commissioners appoint one (1) county commissioner to serve as a liaison with no voting privileges.

M. Menominee County Department of Health & Human Services Board

1. The Menominee County Board of Commissioners appoint (1) county commissioner and two (2) members of the general public with voting privileges.
2. The county commissioner and two (2) members of the general public appointed to the Menominee County Department of Health & Human Services Board are also appointed to the Pinecrest Board of Directors.

N. Pinecrest Board of Directors

1. The Menominee County Board of Commissioners appoint (1) county commissioner and two (2) members of the general public with voting privileges.
2. The county commissioner and two (2) members of the general public appointed to the Pinecrest Board of Directors are also appointed to the Menominee County Department of Health & Human Services Board.

O. UP Resource Conservation and Development Council

1. The Menominee County Board of Commissioners appoint one (1) county commissioner to serve with voting privileges.

P. Menominee County Fair Board

1. The Menominee County Fair Board is comprised of one (1) county commissioner and eleven (11) members of the general public.

Q. Financial Hardship Committee

1. The Financial Hardship Committee is comprised of County Treasurer, a representative from the Michigan Department of Health & Human Services, and one (1) county commissioner.

R. Remonumentation Committee

1. The Remonumentation Committee is comprised of a Township Supervisor, City of Menominee Engineer, Chief Deputy Register of Deeds, Equalization Director, Chairperson of the Menominee County Planning Commission, Menominee County Road Commission Engineer, Prosecuting Attorney, County Surveyor, and one (1) member of the general public.

S. UPWARD Talent Council (*Michigan Works!*)

1. The Menominee County Board of Commissioners appoint one (1) county commissioner to serve with voting privileges as the primary representative for Menominee County and one (1) county commissioner as a reserve representative for Menominee County in the event that the primary representative is unable to attend a meeting.

T. Northpointe Behavioral Health Board of Directors

1. The Menominee County Board of Commissioners appoint (1) county commissioner and four (4) members of the general public with voting privileges.

U. NorthCare Substance Abuse Disorder Policy Board

1. The Menominee County Board of Commissioners appoint one (1) county commissioner to serve with voting privileges.

V. Menominee County 911 Advisory Committee

1. The Menominee County 911 Advisory Committee is comprised of one (1) county commissioner and one (1) representative for each of the following agencies: Menominee City Fire, Menominee County Fire, Menominee City EMS, Menominee County EMS, Menominee City Police, Menominee County Sheriff, Michigan State Police, and the Hannahville Tribal Police.
2. Each agency appoints their own representative.

W. Northwoods Rail Transit Committee

1. The Menominee County Board of Commissioners appoint one (1) county commissioner to serve with voting privileges.

X. Central Upper Peninsula Planning & Development Regional Commission (*CUPPAD*)

1. The Menominee County Board of Commissioners appoint one (1) county commissioner to serve with voting privileges.

Y. Wild Rivers Invasive Species Coalition (*WRISC*)

1. The Menominee County Board of Commissioners appoint one (1) county commissioner to serve with voting privileges.

Z. Community Action Agency Board

1. The Menominee County Board of Commissioners appoint one (1) county commissioner to serve with voting privileges.

AA. Upper Peninsula Commission for Area Progress (*UPCAP*)

1. This is a two (2) year appointment.
2. The Menominee County Board of Commissioners appoint one (1) county commissioner to serve with voting privileges.

BB. Menominee Business Development Corporation

1. The Menominee County Board of Commissioners appoint one (1) county commissioner to serve with voting privileges.
2. The County Administrator is also a representative for Menominee County with voting privileges.

CC. Local Emergency Planning Commission (*LEPC*)

1. The County Board Chairperson is automatically appointed to the Local Emergency Planning Commission (*LEPC*).

DD. Menominee County Library Board

1. The Menominee County Library Board is comprised of one (1) county commissioner and five (5) members of the general public.
2. The county commissioner appointed to the Menominee County Library Board serves as a liaison and does not have voting privileges.

EE. Menominee County Planning Commission

1. The Menominee County Planning Commission is comprised of one (1) county commissioner and six (6) members of the general public.

FF. Menominee County Brownfield Authority

1. The Menominee County Brownfield Authority is comprised of the County Administrator, City of Menominee – City Manager, City of Stephenson – Mayor, Executive Director of the Menominee Business Development Corporation (MBDC), one (1) county commissioner, and four (4) members from the general public.

GG. Materials Management Planning Committee

1. The Menominee County Board of Commissioners appoint one (1) county commissioner to serve with voting privileges.

HH. FEMA Emergency Food & Shelter Program Local Board

1. The Menominee County Board of Commissioners appoint one (1) county commissioner to serve with voting privileges.

II. Snowbelt Transit Commission

1. The Menominee County Board of Commissioners appoint one (1) county commissioner to serve with voting privileges.

5.2 Special and Ad Hoc Committees. The Menominee County Board of Commissioners may establish, with a majority vote of commissioners elected and serving, special or ad hoc committees. Special and ad hoc committees shall only have the authority and duties explicitly granted by the Menominee County Board of Commissioners. Appointments to special or ad hoc committees shall follow the procedures for appointment set forth in this Article.

5.3 Appointment of Commissioners. The Chairperson shall appoint commissioners of the Menominee County Board of Commissioners to all committees

subject to confirmation by a majority vote of commissioners elected and serving of the Menominee County Board of Commissioners.

Appointments to standing committees shall be made at the organizational meeting.

Appointments to special or ad hoc committees shall be made at the meeting at which the committee was established.

When applicable, the Chairperson shall state who will be the Committee Chairperson when making commissioner appointments. If the Chairperson fails to state which commissioner will serve as Committee Chairperson, the first commissioner appointed to the committee shall become the Committee Chairperson by default.

5.4 Appointments from the General Public. The Menominee County Board of Commissioners is often tasked with appointing members of the general public to various committees. The following process shall be used:

- A. Public Notice. When a vacancy occurs, the County Administrator shall publish public notice shall be posted for a minimum of seven (7) days stating the committee, term of appointment, process for submitting an application, date the applicant will be required to provide a public introduction of themselves to the Menominee County Board of Commissioners, and date through which applications will be accepted.

The County Administrator shall use their discretion in where to publish the public notice, but at a minimum the public notice shall be required to be published on the County's website and at the Menominee County Courthouse, but may also be published in the local papers, on social media, or any other form of media deemed necessary to solicit applications to fill the vacancy.

- B. Application. Any individual interested in appointment to a committee by the Menominee County Board of Commissioners shall be required to complete and submit an application to the County Administrator. Applications must be received by the due date to be considered.
- C. Public Introduction. Each individual that submits an application for appointment to a committee by the Menominee County Board of Commissioners shall attend a County Board meeting, in-person, and state their name, position they have applied for, reason they are seeking this appointment, and any other information they would like to provide.

D. Nomination and Appointment. Any commissioner may nominate an individual for appointment to a committee, provided the individual meets the requirements set forth in this Section and meets the criteria of committee they have applied for, by nominating the individual from the floor in the form of a motion. A second to the nomination shall be required and if obtained, a roll call vote shall be taken. The individual shall be appointed with a majority vote of commissioners elected and serving. If the individual fails to reach a majority vote, the process shall begin again with a commissioner nominating a different or the same individual for appointment until a majority vote is reached.

5.5 Term of Committee Appointments. Unless otherwise stated by the committee's charter or law, the term of all committee appointments shall be from organizational meeting or the date of appointment, whichever is later, until December 31 of the same calendar year.

5.6 Resigning from a Committee. A commissioner or individual may resign from a committee assignment at any time by submitting their resignation, in writing, to the County Administrator. The resignation shall be effective upon receipt of the resignation by the County Administrator. A resignation cannot be rescinded once received by the County Administrator.

The vacancy caused by a resignation shall be filled following the applicable appointment procedure set forth in this Article.

5.7 Alternatives. A commissioner who cannot attend a committee meeting may request that the Chairperson appoint another commissioner to serve pro tempore at that meeting as an alternative. The commissioner appointed as the alternative shall be entitled to any per diem and mileage reimbursement as provided for in this Article.

5.8 Electronic Participation. A commissioner or member of any committee that is subject to the provisions of the Open Meetings Act may only participate in a committee meeting electronically if the commissioner or member is absent due to military duty or if a reasonable accommodation is necessary to comply with the requirements of the Americans with Disabilities Act, unless otherwise permitted by law.

A. Notice. Any commissioner or member requesting to participate in a committee meeting electronically shall provide notice to the County Administrator at least three (3) business days before the date of the meeting.

A request by a commissioner or member for a reasonable accommodation pursuant to the requirements of the Americans with Disabilities Act shall be approved or denied by the County Administrator.

A public notice shall be posted at least twenty-four (24) hours prior to the meeting stating the name of the commissioner or member that will be participating in the meeting electronically along with their telephone number and email address.

- B. Public Announcement. Upon calling a meeting to order, at which a commissioner or member is participating electronically, the Chairperson of the Committee shall call upon the commissioner or member to identify their physical location by stating the county, city, township, or village and state of where they are presently located, unless the commissioner or member is absent due to military duty.
- C. Quorum. A commissioner or member participating electronically due to military duty or if a reasonable accommodation is necessary to comply with the requirements of the Americans with Disabilities Act shall have their electronic presence be counted for the purpose of establishing a quorum.
- D. Discussion. A commissioner or member participating electronically due to military duty or if a reasonable accommodation is necessary to comply with the requirements of the Americans with Disabilities Act shall be permitted to engage in all discussion and debate, without limitation.
- E. Voting. A commissioner or member participating electronically due to military duty or if a reasonable accommodation is necessary to comply with the requirements of the Americans with Disabilities Act shall be permitted to engage in all votes during the meeting, without limitation. All votes taken shall be by roll call.
- F. Per Diem. A commissioner or member participating electronically due to military duty or if a reasonable accommodation is necessary to comply with the requirements of the Americans with Disabilities Act is entitled to collect a per diem.
- G. Committees Not Subject to the Open Meetings Act. Certain external committees that the Menominee County Board of Commissioners may appoint a commissioner or member to do not meet the definition of a public body and therefore are not subject to the Open Meetings Act. These committees may hold their meetings completely electronically or permit electronic participation. In these circumstances, commissioners or

individuals appointed by the Menominee County Board of Commissioners may participate in the meeting electronically and are entitled to collect a per diem as provided for in this Article.

- H. Electronic Participation Otherwise Not Permitted. Except as otherwise provided for in this section, electronic participation by commissioners or members at committee meetings is not permitted. A commissioner or member that otherwise attends a committee meeting electronically, shall not have their electronic presence be counted for the purpose of establishing a quorum, shall not be permitted to engage in any discussion or debate, shall not be permitted to vote on any items acted upon during the meeting, and is not entitled to collect a per diem.
- I. Non-Committee Member Electronic Participation Permitted. Individuals who are not members of the committee are permitted to participate at meetings electronically. These individuals are those invited by the committee to present information and reports, provide expertise, engage in discussion, or as otherwise deemed appropriate.

5.9 Per Diem and Mileage. Each committee member shall be entitled to collect a \$50 per diem from Menominee County for each committee meeting, to which they are appointed, that they attend, and mileage, at the IRS standard mileage rate, to and from their principal residence and the meeting location.

Committee members shall not collect more than one per diem or mileage reimbursement for each meeting. However, a committee member shall only be entitled to collect a mileage reimbursement once if attending consecutive meetings held at the same location. If the committee pays the per diem and/or mileage reimbursement directly, the committee member shall not also request a per diem and/or mileage reimbursement from Menominee County. However, if the per diem paid directly by the committee is less than \$50, than the committee member may submit a per diem request to Menominee County for the difference.

Committee members are encouraged to submit their per diem and mileage reimbursement requests monthly in order to be processed in a timely and efficient manner. All per diem and mileage reimbursement requests shall be submitted no later than October 15 following the end of the fiscal year in which the meeting was held or shall be forfeited.

Commissioners attending an Upper Peninsula Association of County Commissioners (UPACC) Conference or a Michigan Association of Counties (MAC) Conference shall be entitled to collect a \$75 per diem for each day of attendance at the conference.

5.10 Attendance.

- A. Excused Absences. A committee member who will be absent from a committee meeting may have their absence excused if they provide notice to the Committee Chairperson by either text message or email prior to the start of the meeting. The Committee Chairperson shall state at the meeting that the absence is excused. The Committee Secretary shall record in the meeting minutes that the absence was excused.
- B. Unexcused Absences. A committee member who is absent from a committee meeting and does not provide notice to the Committee Chairperson prior to the start of the meeting shall have their absence recorded as unexcused. The Committee Chairperson shall state at the meeting that the absence is unexcused. The Committee Chairperson shall record in the meeting minutes that the absence was unexcused.
- C. Late Arrival to a Meeting. A committee member who is late to a committee meeting shall immediately take their place upon arrival. The Committee Secretary shall record in the meeting minutes the time at which the committee member arrived.
- D. Removal from Committee. The County Board Chairperson may remove any committee member from their committee assignment if the committee member is absent from three (3) committee meetings in a calendar year or is absent from twenty-five percent (25%) of the committee meetings regularly scheduled in the calendar year, whichever is less, OR for negligence, neglect, malfeasance, or for otherwise not representing the will or desire of the Menominee County Board of Commissioners, subject to any provisions of law to the contrary.

5.11 Chairperson as Ex-Officio Member of All Committees. The Menominee County Board Chairperson shall be an ex-officio member of all committees. The Chairperson shall not be permitted to vote on any matter before the committee, but they may participate in discussion and debate.

The Chairperson is not entitled to collect a per diem for attending a committee meeting to which they are not appointed. However, the Chairperson shall be entitled to a mileage reimbursement, at the IRS standard mileage rate, to and from their principal place of residence and the meeting location.

5.12 Minutes and Reports. All committees, sub-committees, boards, commissions, and other authorities over which the Menominee County Board of Commissioners has authority shall provide written minutes and/or reports to the County Administrator. The County Administrator shall provide the minutes and/or reports

to the commissioners as part of the county board agenda packet and, upon approval by the Menominee County Board of Commissioners, be placed on file in the Office of the County Clerk.

ARTICLE VI – CODE OF ETHICS

6.1 Code of Ethics. Members of the Menominee County Board of Commissioners are elected by the citizens of Menominee County and entrusted to serve with integrity, honesty, and respect. A Code of Ethics is necessary to maintain the public trust, promote government transparency, collegiality between members and with the public, and to provide for the good governance of Menominee County. The Code of Ethics is intended to serve as the minimum standards of conduct that members should follow in fulfilling their duties and responsibilities as County Commissioners.

6.2 Professional Conduct. A member shall:

- A. Support and defend the Constitution of the United States of American and the Constitution of the State of Michigan.
- B. Enforce the laws of the United States of America and the State of Michigan.
- C. Properly administer the affairs of Menominee County.
- D. Promote decisions which only benefit the public interest.
- E. Actively promote public confidence in county government.
- F. Safeguard all county resources, property, and funds.
- G. Conduct the duties of the office of commissioner diligently to promptly dispose of the business of the county.
- H. Avoid the appearance of impropriety and maintain a public image sufficient to sustain public scrutiny.
- I. Evaluate all decisions to ensure the best service or product is obtained at minimal cost without sacrificing quality and fiscal responsibility.
- J. Preserve the prestige of the office of commissioner into everyday dealings with employees and the public.

- K. Maintain a respectful attitude and demeanor when interacting with employees, other government officials, fellow commissioners, and the public.
- L. Effectively and efficiently work with governmental agencies, political subdivisions, and other organizations to further the interests of the county.
- M. Respect the chain of command and understand that the role of commissioner is to make policy to steer the county opposed to administration's role of managing the day-to-day operations of the county.

6.3 Prohibited Conduct. A member shall not:

- A. Divulge to an unauthorized person, confidential information acquired in the course of service in advance of the time prescribed for its authorized release to the public.
- B. Represent their own personal opinion as that of the County Board of Commissioners.
- C. Use personnel resources, property and funds under their official care and control contrary the prescribed constitutional, statutory, and regulatory procedures, or for their own personal gain or benefit.
- D. Solicit or accept a gift or loan of money, goods, services, or other thing of value for the benefit of a person or organization, other than Menominee County, that could be perceived to influence their actions as a public official.
- E. Engage in a business transaction in which they may profit from their official position or authority, or benefit financially from confidential information which they obtained or may obtain by reason of that position or authority.
- F. Except as otherwise permitted by law, engage in or accept employment or render services for private or public interest when that employment or service is incompatible or in conflict with the discharge of their official duties or when that employment may tend to impair their independence of judgment or action in the performance of official duties.

- G. Improperly influence or attempt to influence other officials to act in their own benefit.
- H. Except as otherwise permitted by law, participate in the negotiation or execution of any contract, making of loans, granting of subsidies, fixing of rates, issuance of permits or certificates, or other regulation or supervision relating to a business entity in which the commissioner has a financial or personal interest.
- I. Attend any meeting or official function of the Menominee County Board of Commissioners under the influence of drugs or alcohol, as defined by Menominee County's Drug-Free Workplace Policy.
- J. Intentionally violate any policy, rule, or procedure approved by the Menominee County Board of Commissioners.

[MCL § 15.342].

6.4 Conflict of Interest. A Commissioner shall not be interested directly or indirectly in any contract or other business transaction with the County unless they comply with the requirements of MCL § 15.321 et seq. and/or MCL § 46.30.

6.5 False Statements. No member shall make a false statement for the purpose of receiving compensation or reimbursement for expenditures.

6.6 Gifts, Entertainment, and Favors. County commissioners shall not directly solicit nor accept any gift, whether in the form of money, services, loan, travel, entertainment, hospitality, promise, or any other form, under circumstances which could reasonably be inferred or expected, as determined by a majority vote of the commissioners present, that the gift was intended to influence the commissioner in the performance of their official duties.

6.7 Censure. A Commissioner who violates the Code of Ethics set forth in this Article is subject to censure by the Menominee County Board of Commissioners.

1. Procedure. Any member may initiate a censure against another member for violating the Code of Ethics set forth in this Article by submitting, in writing, their intent to do so to the County Administrator and Chairperson. The notification of the intent censure shall be placed on agenda of the next regular meeting of the County Board.

Following the meeting at which the notice of intent to censure is introduced, a hearing shall be scheduled for the next regular meeting of the County Board. At the hearing, the charges against the member shall be clearly stated and the accused member shall have the opportunity to respond.

Immediately following the hearing, the Menominee County Board of Commissioners shall take one of the following actions:

- i. With a two-thirds (2/3) majority, pass a resolution approving to censure the member. An approved resolution to censure shall be forwarded to the Governor's Office and Attorney General's Office.
- ii. With a two-thirds (2/3) majority, pass a resolution acquitting the member of the charges.
- iii. Take no action acquitting the member of the charges. If both votes to censure and acquit the member both fail to reach the two-thirds (2/3) threshold or if one or both actions fail to be voted upon for a lack of a motion and second, then no action is to be taken acquitting the member of the charges.

ARTICLE VII – RULES OF PROCEDURE

7.1 **Parliamentary Procedure.** The Menominee County Board of Commissioners, its committees, and all other governing bodies over which the Menominee County Board of Commissioners has authority, shall follow the parliamentary procedure established in *Robert's Rules of Order, Newly Revised, 12th Edition* for small boards, committees, and assemblies unless otherwise stated by the statute or law, or modified by policy, rule, or alternative procedure approved by the Menominee County Board of Commissioners.

7.2 **Suspension of the Rules of Procedure.** The Rules of Procedure, except as prohibited by law, may be suspended by a Motion to Suspend the Rules approved by a 2/3 majority of the commissioners present, as evidenced by a roll call vote.

7.3 **Quorum.** A majority of the members of the Menominee County Board of Commissioners elected and serving shall constitute a quorum for the transaction of the ordinary business of the Menominee County Board of Commissioners. [MCL § 46.3].

7.4 Form of Address. The Chairperson shall be addressed as “Chair” and commissioners wishing to speak shall first obtain the approval of the Chairperson and shall address only the Chairperson or other commissioners through the Chairperson.

7.5 Making of a Main Motion. Motions are generally brought before the Menominee County Board of Commissioners in two steps: (1) a commissioner makes the motion; and (2) a commissioner seconds the motion. Motions moved and seconded shall be considered to belong to the Board as motions “pending,” subject to debate.

7.6 Consideration of a Main Motion. Motions are generally considered by the Menominee County Board of Commissioners in three steps: (1) commissioners debate the motion; (2) the Chairperson puts the question (to a vote); and (3) the Chairperson announces the results of the vote.

7.7 Debate Before the Making of a Main Motion. A commissioner may request that the Chairperson open the floor for debate to take place on an issue before the making of a main motion. The Chairperson shall declare whether the floor is open or closed for debate. A majority vote of commissioners present may sustain or overrule the Chairperson.

7.8 Board Action. All actions of the Menominee County Board of Commissioners shall be recorded in the official minutes by the County Clerk.

7.9 Voting. The voting procedures shall be as follows:

- A. No votes shall be taken by secret ballot.
- B. A commissioner may not abstain from voting on any question, unless otherwise stated in this Section.
- C. A commissioner who believes that they have a conflict of interest regarding a question shall state their conflict of interest before a vote is called. The commissioner shall still be required to vote on the question unless a Motion to Exempt Commissioner (*Insert Commissioner’s Name*) from Voting is made, seconded, and approved by a two-thirds (2/3) majority of the commissioners present. The commissioner with the conflict of interest shall vote on the motion to exempt themselves from voting on the original question.
- D. A member of the Menominee County Board of Commissioners shall not be interested directly in any contract or other business transaction with the county, or a board, office, or commission thereof, during the time for which

they are elected or appointed, nor for one year thereafter unless the contract or transaction has been approved by three-fourths (3/4) of the members of the Menominee 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 appointments and employment shall be governed by the provisions of Section 30a of Public Act 156 of 1851. [MCL 46.30].

E. Except as otherwise provided by statute or rule, all questions shall be determined by the vote of the majority of the commissioners present, except upon the final passage or adoption of any ordinance or resolution, or the allowance of any claim against the County, in which case the majority of all the commissioners elected and serving shall be necessary.

[MCL § 46.3].

F. A roll call vote shall be taken on the adoption of an ordinance or resolution; election of a Board Officer; the adoption of the budget; or at the request of any commissioner. The call of the roll shall not be interrupted. A commissioner at the completion of the call may give a brief statement for the record, without argument or repetition, of their reasons for voting "aye" or "nay".

G. Unless a roll call vote is required or requested by any commissioner, all other questions shall be determined by a voice vote. The Chairperson shall ask those in favor to say "aye", "yea", or "yes" and those opposed to say "nay" or "no". All commissioners must voice a vote on all questions. The Chairperson shall determine if a question passes or fails. However, if the Chairperson is unable to determine if a question passed or failed or if a commissioner challenges the Chairperson's determination on whether the question passed or failed, the question should be voted again by a roll call vote.

7.10 Considering an Item Not on the Agenda. Any item which has not been placed on the agenda nor which has not been added to the agenda by amending the agenda may be considered by the Menominee County Board of Commissioners upon a two-thirds (2/3) majority vote of commissioners present.

7.11 Moving Discussion Items to Action Items During a Meeting. An item that was placed on the agenda for discussion and was not moved to an action item by amending the agenda may be moved to an action item during the meeting with a two-thirds (2/3) majority vote of commissioners present.

7.12 Time Limits. In order to ensure that everyone has the ability to address the Menominee County Board of Commissioners, the following time limits shall be enforced:

- A. Presentations: shall be limited to twenty (20) minutes each.
- B. Department Head & Elected Official Reports: shall be limited to ten (10) minutes per Department Head or Elected Official.
- C. Public Comment: shall be limited to five (5) minutes per individual.
- D. Commissioner Comment: shall be limited to ten (10) minutes per commissioner.

ARTICLE VIII – AMENDMENTS

8.1 Organizational Meeting. Each year at the annual organizational meeting, the Menominee County Board of Commissioners shall review these bylaws and rules of procedure and may make any changes deemed necessary with a majority vote of the commissioners present.

8.2 Procedure to Modify Bylaws and Rules of Procedure. Except for the organizational meeting, at which changes may be discussed and approved at the same meeting with a majority vote of commissioners present, these bylaws and rules of procedure may only be amended, altered, changed, added to, or repealed by the affirmative vote of a two-thirds (2/3) majority of the members of the Menominee County Board of Commissioners elected and serving by the following the procedure set forth in this Section.

A Notice of Intent to Amend the Bylaws and Rules of Procedure shall be submitted to the Chairperson and County Administrator, in writing, and specifically stating the changes to be considered. The Notice of Intent to Amend the Bylaws and Rules of Procedure shall be placed on the agenda of the next regularly scheduled meeting of the Menominee County Board of Commissioners as a discussion item. The Notice of Intent to Amend the Bylaws and Rules of Procedure may not be moved to an

action item at the same meeting at which it is originally introduced. The Notice of Intent to Amend the Bylaws and Rules of Procedure shall be placed as an action item at the next regularly scheduled meeting of the Menominee County Board of Commissioners.

ARTICLE IX – REPEAL AND REPLACE

9.1 Immediate Effect. Upon approval by the Menominee County Board of Commissioners, this document shall take immediate effect and govern the Menominee County Board of Commissioners, its committees, and all bodies over which the Menominee County Board of Commissioners has authority.

9.2 Repeal and Replace. Upon approval by the Menominee County Board of Commissioners, this document shall replace any and all other versions of the Menominee County Board of Commissioners Bylaws and Rules of Procedure, Menominee County Bylaws and/or Menominee County Board Rules.

ARTICLE X – APPROVAL

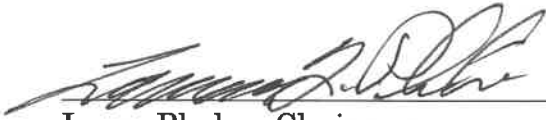
It was moved by Park and seconded by Mueller to approve the Menominee County Board of Commissioners Bylaws and Rules of Procedure, Edition 2026-01.

Roll Call Vote:

	Gromala	Mueller	Phelps	Park	Aubert	Westrich	Carlson	Hancheck	Johnson
YEA	X	X	X	X	X	X	X		X
NAY									
EXCUSED								X	

YEAS: 8 NAYS: 0

APPROVED.




Larry Phelps, Chairman

1/6/26
Date

STATE OF MICHIGAN)
) ss.
COUNTY OF MENOMINEE)

I hereby certify that the foregoing is a true and complete copy of the **Menominee County Board of Commissioners Bylaws and Rules of Procedure, Edition 2026-01** adopted by the Menominee County Board of Commissioners at their regularly scheduled meeting held on **January 6, 2026** and I further certify that the public notice of such meeting was given as provided by law.



Marc Kleiman, Menominee County Clerk