

**MASON COUNTY BOARD OF COMMISSIONERS
ADOPTED RULES (AS AMENDED JANUARY 3, 2017)**

1. MEETINGS

- 1.1 REGULAR SCHEDULE Regular meetings of the Board of Commissioners are held on the second Tuesday of each month except for months in which meetings are required by statute. Statutory meetings (Rule 1.2) shall take the place of one regular meeting unless otherwise determined by the Board. Any regular meeting that falls on an election day shall be automatically set over to the third Tuesday of the month unless the third Tuesday falls on November 15th. In the years, that the second Tuesday of November falls on election day and third Tuesday falls on November 15th then the November meeting will be held on November 1st.

Any regular or adjourned meeting of the Board which falls upon a legal holiday (New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, Friday after Thanksgiving, December 24th, Christmas Day, and December 31) shall automatically be set over to the next secular day following that is not a legal holiday at the same time and place indicated for the regularly scheduled meeting, unless the Board, in session determines otherwise.

- 1.2 STATUTORY SCHEDULE Statutory meetings of the Board of Commissioners are held on Tuesday following the second Monday in April, and on the second Tuesday in October.
- 1.3 TIME The first regular meeting of the Board of Commissioners for the months of January, March, May, July, September, and November shall begin at 9:00 a.m. The first regular meeting of the Board of Commissioners for the months of February, April, June, August, October, and December shall begin at 7:00 p.m. except when the February meeting falls on Valentine's Day in which case the meeting will be held at 9:00 a.m. Any second regular meeting of the month shall begin at 7:00 p.m.
- 1.4 PLACE The Board shall meet in the County Board Chambers in the County Courthouse.
- 1.5 CHANGE IN SCHEDULE Changes in the meeting schedule, including time and place, additional meetings, and meetings adjourned or recessed to a specific time and place, may be made by majority vote of the Board of Commissioners, OR "AT THE CALL OF THE CHAIR", such change to be recorded in the minutes of the meeting in which the change is made. Meetings may be adjourned or recessed "at the call of the chair" by majority vote of the Board of Commissioners. Meetings adjourned or recessed for more than 48 hours "at the call of the chair" unless the Board provides otherwise may be reconvened up by telephonic or other

communication at least 24 hours before the time of reconvening and upon giving of public notice in accordance with rule 1.7.

1.6 SPECIAL MEETINGS

1.61 PETITION AND NOTICE A special meeting of the Board of Commissioners shall be held only when requested by the Chairperson or 1/3 of the members concurring or by the Vice-Chairperson in the absence or incapacity of the Chairperson. UPON RECEIPT OF THE REQUEST THE ADMINISTRATOR SHALL IMMEDIATELY GIVE NOTICE TO EACH OF THE MEMBERS.

1.7 PUBLIC NOTICE OF MEETINGS The Administrator of the Board of Commissioners each year shall give public notice according to the Open Meetings Public Act 267 as amended.

1.8 PUBLIC MEETINGS The Board of County Commissioners shall set with open meetings, and all persons may attend its meetings.

2.0 QUORUM

2.1 QUORUM A simple majority of commissioners of Mason County shall constitute a quorum for the transaction of the ordinary business of the County.

2.2 ABSENCE OF QUORUM Upon the absence of a quorum, the members present may adjourn from time to time or to a time certain. Public notice is not required if the time set for reconvening is less than 48 hours.

3. VOTING

3.1 MAJORITY VOTE All questions which shall arise at the meetings of the Board of Commissioners shall be determined by the votes of a simple majority of the members present, except upon the final adoption of any matters which by statute require a greater majority.

3.2 ROLL CALL VOTES The names and votes of members shall be recorded on an action which is taken by the Board of County Commissioners if the action is on an ordinance, resolution, or appointment or election of an officer, except that for the election of a board chairperson the vote may be by secret ballot. Upon the demand of any member present, OR THE CHAIRPERSON, a roll call vote shall be ordered and recorded by the board clerk.

3.3 SECRET BALLOT VOTING No vote may be taken by secret ballot on any matter except on the question of electing the chairperson of the board.

3.4 VOTING MANDATORY Each member present shall be required to vote on every question unless excused by the Chairperson.

3.5 RECONSIDERATION OF VOTE When a question has been put and decided by a roll call of the members, any member who voted on the prevailing side may move a reconsideration thereof. On all voice votes any member may move a reconsideration. However, no motion for reconsideration shall be in order unless it is made in the same meeting or the meeting next succeeding the meeting on which the vote to be reconsidered was taken. No matter may be twice reconsidered. For purposes of this rule, the term “meeting” shall mean any session which proceeds uninterrupted by an adjournment or recess of greater than three hours.

4. ORGANIZATION

4.1 CHAIRPERSON

4.11 ELECTION During the first meeting in each calendar year, the Board of Commissioners shall select, by simple majority vote of all the members, one of its members to serve as Chairperson of the Board. He/she shall take office and assume the duties immediately upon his/her election. The Board will select individuals for Chairperson and Vice-Chairperson by roll call vote using the following rules:

By a roll call vote, each member of the County Board will vote for the number of applicants necessary to fill the open position(s) on the Board/Commission/Committee under consideration.

If on the First Vote, one of the Applicants does not receive 4 or more votes, the Board will then go to an elimination procedure.

At this time, each Board member will vote for 3 of the Applicants. The three Applicants with the largest number of votes will then be placed in nomination.

Thereafter, by roll call vote each member of the Board will vote for one of the three Applicants. If one of the three receives four votes, the Applicant will be deemed appointed.

If none receives four votes, the Board will then go to the 2nd elimination procedure voting for 2 of the three remaining applicants. The two applicants with the largest number of votes will then be placed in nomination. Thereafter, by roll call vote each member of the Board will vote for one of the two Applicants. The Board will continue to vote until we get four votes for one of the remaining two.

If the Board ends in a tie vote, we will refer to 168.851 Tie vote:
DETERMINATION OF ELECTION
BY LOT, (In Part)

If it shall appear that 2 or more persons have received an equal number of votes for the same office, they will appear before the county clerk for the purpose of determining by lot among such persons the right to office. The county clerk shall

prepare as many slips of paper as there are such persons, and write the word "elected" on as many slips of paper as there are offices to be filled, and the words "not elected" on the remaining slips, and fold the same so as to conceal the writing and so that they may appear as near alike as possible. The slips shall be placed in a box and, at the time and place appointed for the drawing of the lots, each of the persons aforesaid may draw 1 of the slips from the box, and any person drawing a slip on which is written the word "elected" shall be deemed legally elected to the office in question and the county clerk shall forthwith give him/her a certificate of election. The county clerk may appoint any person present to draw a slip for any affected person who fails to appear at the time specified.

4.12 DUTIES

- 4.121 The Chairperson, if present, shall preside at all meetings of the Board of Commissioners, preserve order, and decide questions of order subject to appeal of the Board.
- 4.122 The Chairperson shall be the agent for the Board in the signing of contracts, orders, resolutions, determinations, and minutes of the Board and in the certification of the tax rolls.
- 4.123 The Chairperson shall serve in such capacities and make appointments as the law shall require, subject to the approval of the commission.
- 4.124 The Chairperson shall serve ex-officio on all board committees. He/she shall have a right to vote in committee.
- 4.125 The Chairperson when he/she is present shall preside at all meetings of the committee of the whole.
- 4.126 The Chairperson, for purposes of representing the County in various functional or ceremonial capacities, shall be considered as the chief elected official of the County.
- 4.127 Upon his/her election and subject to the approval of a majority of all members of the Board, the Chairperson shall proceed to appoint all standing and special committees, and shall designate the chairperson of each committee.
- 4.128 The Chairperson of the Board shall have the power to administer an oath to any person concerning any matter submitted to the Board of Commissioners or any matter connected with the discharge of their duties, to issue subpoenas for witnesses and to compel their attendance in the same manner as courts of law.
- 4.129 The Chairperson of the Board, when appropriate, shall refer matters coming before the Board to one of the committees of the board and he/she shall arbitrate all

jurisdictional disputes between committees, decisions over which shall be subject to these rules and subject to appeal to the Board.

4.13 The Chairperson of the Board shall have the power to authorize members to attend out-of-town meetings no more than three (3) days without Board approval.

4.2 VICE-CHAIRPERSON

4.21 ELECTION During the first meeting in each calendar year, the Board of Commissioners shall select, by simple majority vote of all the members, one of its members to serve as Vice-Chairperson of the Board. He/she shall take office and assume the duties immediately upon his/her election.

4.22 DUTIES

4.221 The Vice-Chairperson shall preside over meetings of the Board if the Chairperson is absent.

4.222 The Vice-Chairperson shall serve on the intra-county drainage board when the county commissioner member is disqualified.

4.223 ABSENCE IN THE EVENT THE CHAIRPERSON AND VICE-CHAIRPERSON ARE ABSENT, THE CLERK WILL CALL THE MEETING TO ORDER AND ELECT A TEMPORARY CHAIRPERSON FOR SAID SESSION.

4.3 CLERK

4.31 DESIGNATION The clerk of the county shall be ex-officio, clerk of the board. He/she, or his/her appointed deputy, shall perform all duties pertaining to such office.

4.32 DUTIES The Clerk's duties include the following:

4.321 To record all proceedings of the board in the official minute book provided for that purpose.

4.322 To make regular entries of all the board's resolutions and decisions upon all questions.

4.323 To record the vote of each commissioner on any question submitted to the board, if required by any member present.

4.324 To preserve and file all accounts acted upon by the board and for no reason allow such accounts to be taken from his/her office.

- 4.325 To certify, under the Seal of the Circuit Court of the official Seal of the County, without charge, copies of any and all resolutions or decisions on any of the proceedings of the Board of Commissioners, when required by the Board or any of its members; or when required by any other person upon payment as prescribed by state statute.
- 4.326 To preside, until a chairperson or temporary chairperson is elected, during the first meeting of the board of commissioners in each calendar year.
- 4.327 To perform such other and further duties as the Board, by resolution, may require.
- 4.33 ABSENCE In the event the clerk or his/her duly appointed deputy is absent from a meeting of the board, the chairperson, with approval of a majority of the commissioners present and voting, shall appoint another person to act as temporary clerk until the clerk or his/her duly appointed deputy arrives.
- 4.4 PARLIAMENTARIAN The parliamentarian shall preferably be a commissioner appointed by the Chairperson, and shall advise the Chairperson and the board of commissioners regarding questions of parliamentary procedures.
- 4.5 COMMITTEES
- 4.51 MINUTES OF COMMITTEE, MEETINGS WILL BE TAKEN AND FILED WITH A VOUCHER IN THE CLERKS OFFICE WITHIN 30 DAYS OF SAID MEETING.
- 4.52 DUTIES
- 4.52A Each standing committee shall report to the Board on all matters referred to the committees by the Board.
- 4.52B EACH STANDING COMMITTEE, SHALL FIRST REVIEW ALL UN-BUDGETED REQUESTS MOST DIRECTLY RELATED TO ITS OWN FUNCTIONS AND THEN AND ONLY THEN MAKE RECOMMENDATIONS THEREON FOR REFERRAL TO AND CONSIDERATION BY THE FINANCE, PERSONNEL, & RULES COMMITTEE AND THE BOARD.
- 4.52C Each standing committee shall report and recommend allowance or disallowance of all claims relating to the jurisdiction of the committee as prescribed by these rules. All motions for allowance shall indicate where funding is coming from.
- 4.52D Each standing committee shall act as liaison between the board of commissioners and the several county officers, boards, commissions and agencies respecting matters under the jurisdiction of the committee as prescribed by these rules, except as the board shall otherwise direct.

4.53 JURISDICTION

4.54 MEETINGS Meetings of a committee may be convened AT THE DISCRETION AND PRUDENCE OF ITS CHAIRPERSON OR BY A SIMPLE MAJORITY of its members at any time upon reasonable written or telephonic notice to its members and to the Chairperson of the Board of Commissioners. A quorum for the transaction of business shall consist of a simple majority of its voting members. All committee meetings are open meetings.

4.55 COMMITTEE VOTING The names and votes of members shall be recorded on an action which is taken by a committee of the board if the action is on an ordinance, resolution, or appointment or election of an officer. Upon the demand of 1/3 of the members of a committee present, a roll call vote on “other” questions shall be ordered and recorded by the chairperson or presiding officer of the committee.

4.56 COMMITTEES SUBJECT TO THE APPROVAL OF THE BOARD OF COMMISSIONERS, THE CHAIRPERSON OF THE BOARD MAY ESTABLISH COMMITTEES AND DESIGNATE COMMISSIONERS TO SERVE THEREON.

5. CONDUCT OF MEETINGS

5.1 ORDER OF BUSINESS

5.111 REGULAR ORDER The regular order shall be as follows:
MORNING SESSION:

1. Roll Call
2. Invocation
3. Pledge to flag
4. Consideration of agenda
5. Consideration of minutes
6. Read correspondence
7. Limited public comment
8. Individual reports
9. Complete agenda
 - A) Reading of a motion
 - B) Discussion of a motion
 - C) Take action on a motion
10. Limited public comment
11. Adjourn - recess

5.113 **EVENING SESSION:**

1. Roll Call
2. Invocation
3. Pledge to flag
4. Consideration of agenda
5. Consideration of minutes
6. Read correspondence
7. Limited public comment
8. Individual reports
9. Complete agenda
 - A) Reading of a motion
 - B) Discussion of a motion
 - C) Take action on a motion
10. Limited public comment
11. Adjourn - recess

5.12 **RULES** All votes of the board must be recorded as roll call votes.

6. **RIGHTS AND DUTIES OF MEMBERS**

6.1 **SPEAKING PRIORITIES AND LIMITS**

6.11 Each member desiring to speak shall address the chairperson and when recognized, speak from his/her place. If two or more members at the same time arise to speak, the Chairperson shall designate the order in which they shall speak.

6.12 No member, while addressing the Board, shall be interrupted, except to be called to order; and thereupon he/she shall immediately cease speaking and be seated (See 6.13 and 6.14).

6.13 The sponsor of any properly moved and seconded motion, resolution, ordinance, or report, not appearing on the agenda for the meeting, shall have the right to speak for a time not longer than ten minutes after the formal introduction but prior to any discussion of the matter on the floor. When a measure has more than one sponsor, the chairperson of the board shall determine which person shall first speak under this rule.

7. **NON-MEMBERS ADDRESSES TO COMMISSION**

Only members of the board of commissioners shall be given the floor to speak during any board meeting except:

7.1 County officials who may speak with the consent of the majority of the board members present or the Chairperson of the board.

7.2 **IF THE CHAIRPERSON OR A MAJORITY OF ANY BOARD COMMITTEE WISHES TO PLACE SOMEONE ON THE AGENDA THEY SHALL CONTACT**

THE COUNTY ADMINISTRATOR FOR AN APPROPRIATE DATE AND TIME.

- 7.3 Any person who calls the county administrator and requests to be placed on the agenda, shall first be screened by the county administrator and then placed on the agenda for no more than 15 minutes. No more than 4 different matters may come before the board per meeting.

If a person requests to be placed on the agenda with a non-related matter, the county administrator will suggest that they may come to the board and address them during the time set aside for “limited public comment” for up to 5 minutes per matter. If this is not acceptable by the person requesting time on the agenda, their request will be referred to the Finance, Personnel, & Rules Committee.

8. PARLIAMENTARY AUTHORITY AND PROCEDURE

- 8.1 AUTHORITY Robert’s “Rules of Order” shall govern all questions of procedures which are not otherwise provided by these rules or state law.

8.2 PROCEDURE

- 8.21 MOTIONS, RESOLUTIONS, COMMITTEE REPORTS No motion shall be debated or voted upon unless seconded. It shall be stated by the Chairperson before debate. Any motion, with the permission of the person who moved and seconded it, may be withdrawn at any time before it has been adopted. A major motion shall be presented in writing.

- 8.22 MOTION TO CLEAR THE FLOOR If in the judgment of the Chairperson, procedural matters have become confused, the Chairperson may request a “motion to clear the floor”. Such motion, if made and seconded, shall take precedence over all other motions and shall not be subject to debate or if carried, to a motion to reconsider. The motion to clear the floor, if carried, shall clear the floor completely and with the same effect as if all matters on the floor were withdrawn.

- 8.23 ORDER OF PRECEDENCE OF MOTIONS When a motion is seconded and is before the Board, no other motion shall be received except the following:

- To fix the time to which to adjourn
- To adjourn
- To move the previous question
- To lay on the table
- To postpone indefinitely
- To postpone to a time certain
- To refer
- To amend

These motions shall have precedence in the order as named above.

- 8.24 DISCHARGE OF COMMITTEE A simple majority of all members of the Board may discharge any standing or special committee from further consideration of any

matter referred to the committee if the motion to discharge was properly placed upon the meeting agenda at which action is desired. Any motion to discharge that was not placed upon the agenda of the meeting at which action is desired shall require a two-thirds (2/3) vote of all members of the board in order to secure passage.

8.25 SUSPENSION OF THE RULES These rules may be temporarily suspended only by a majority vote of all the members of the board in order to facilitate the accomplishment of any legal objective of the board in a legal manner.

8.26 MAJOR MOTIONS All motions shall be introduced, discussed and acted on in the same session. This does not prevent any member of the Board from making any of the exception motions outlined in rule 8.23.

9. APPOINTMENTS TO BOARDS AND COMMISSIONS All individuals seeking appointment or reappointment to Boards and Commissions appointed by the County Board of Commissioners must submit a letter of application to the County Administrator by the due date established for application. The County Administrator may accept a letter of application after the established due date if there are not sufficient candidates for a position. Any disputes related to the validity of a letter of application will be referred to the Finance, Personal, and Rules Committee for final determination. The Board will select individuals for appointment by roll call vote using the following rules:

By a roll call vote, each member of the County Board will vote for the number of applicants necessary to fill the open position(s) on the Board or Commission under consideration.

If on the First Vote, one of the Applicants does not receive 4 or more votes, the Board will then go to an elimination procedure.

At this time, each Board member will vote for the number of the Applicants needed to fill the positions plus one additional. (Example: If there are three positions, each Board member would vote for four applicants.) The required number of Applicants with the largest number of votes will then be placed in nomination.

Thereafter, by roll call vote each member of the Board will vote for the number of Applicants necessary to fill the position. If a sufficient number of Applicants receive four votes, the Applicants will be deemed appointed. If more Applicants than needed receive more than four votes, those applicants receiving the largest number of votes will be deemed appointed.

If an insufficient number of Applicants receive four votes, the Board will then go to the 2nd elimination procedure voting for the required number of applicants necessary to fill the still vacancies remaining applicants. (Example: If three positions are needed, and two out of four received four or more votes, the Board would vote for one of the two candidates not receiving four or more votes. The

Board will continue to vote until we get four votes for the necessary number of positions.

If the Board ends in a tie vote, we will refer to 168.851 Tie vote:
DETERMINATION OF ELECTION
BY LOT, (In Part)

If it shall appear that 2 or more persons have received an equal number of votes for the same office, they will appear before the county clerk for the purpose of determining by lot among such persons the right to office. The county clerk shall prepare as many slips of paper as there are such persons, and write the word "elected" on as many slips of paper as there are offices to be filled, and the words "not elected" on the remaining slips, and fold the same so as to conceal the writing and so that they may appear as near alike as possible. The slips shall be placed in a box and, at the time and place appointed for the drawing of the lots, each of the persons aforesaid may draw 1 of the slips from the box, and any person drawing a slip on which is written the word "elected" shall be deemed legally elected to the office in question and the county clerk shall forthwith give him/her a certificate of election. The county clerk may appoint any person present to draw a slip for any affected person who fails to appear at the time specified.

10. ADOPTION AND AMENDMENT OF RULES These rules having been adopted by not less than a majority of all the members of the board, may be amended or rescinded by majority vote of all the members of the board. They shall remain in effect until amended or rescinded. Any proposed amendment to these rules, properly presented to the Board of Commissioners, shall take immediate effect when adopted, unless the board at the time of adoption, stipulates otherwise.