

**2023 RULES OF THE
OTTAWA COUNTY
BOARD OF COMMISSIONERS**



Ottawa County®

ESTABLISHED JANUARY 3, 2023

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FOREWARD – OPENING STATEMENT

The rules of the Ottawa County Board of Commissioners serve to ensure accountability, transparency, and representation for all people in Ottawa County.

ARTICLE I – AUTHORITY & ORDER OF PRECEDENCE

These RULES OF THE OTTAWA COUNTY BOARD OF COMMISSIONERS (hereinafter these “Rules”) are adopted by the Board of Commissioners of Ottawa County (hereinafter the “Board”) pursuant to the Compiled Laws of the State of Michigan, as amended. (MCL 46.11)

In the event any term, clause or provision of any Resolution adopted or enacted by the Board conflicts with any term, clause or provision of these Rules, these Rules shall prevail. In the event any term, clause or provision of any Employment Agreement entered into by the Board conflicts with any term, clause or provision of these Rules, these Rules shall prevail.

“Robert’s Rules of Order”, 12th Edition, shall govern all questions of procedure not otherwise provided by these Rules or by state or federal law.

The titles and subtitles of these Rules are for convenience only and shall not be considered as part of these Rules. These Rules shall be governed by and construed in accordance with the laws of the State of Michigan. The terms of these Rules shall be severable so that if any term, clause, or provision herein shall be deemed invalid or unenforceable for any reason by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the remaining terms, clauses and provisions herein, the Board intending that if any such term, clause or provision were held to be invalid prior to the adoption hereof, they would have adopted rules containing the remaining terms, clauses and provisions of these Rules. These Rules may be amended, suspended, or rescinded only by the Board by majority vote of the Members elected and serving (defined below). These Rules shall remain in effect until rescinded, amended, or suspended.

ARTICLE II – ORGANIZATION OF THE BOARD

RULE 2.1 MEMBERSHIP OF THE BOARD.

The Board consists of eleven (11) members (hereinafter, individually a “Member”, collectively the “Members”) elected from single member districts, apportioned on the basis of population as provided by law. (MCL 46.401, et seq.)

RULE 2.2 TERM OF OFFICE.

The term of each Member shall be two years for those Members elected prior to the 2024 general election, and the term of each Member elected at or after the 2024 general election shall be four years. (MCL 46.410)

RULE 2.3 CHAIRPERSON OF THE BOARD.

At the first meeting in January, the Board shall elect from its own membership a Chairperson to serve for one year. This election may be by secret ballot if the majority of the Members vote to have the election in this manner. A concurrence of the majority of the Members shall be necessary for the election.

The Chairperson shall hold office for a term of one (1) year, or until a successor is duly elected and qualified as provided in these Rules.

It shall be the duty of the Chairperson to preside at all meetings of the Board, to preserve order, to decide all questions of order, subject to the Board.

The Chairperson shall appoint all committee assignments for the ensuing year.

RULE 2.4 VICE-CHAIRPERSON OF THE BOARD.

At the first meeting in January, the Board shall elect from its own membership a Vice-Chairperson to serve for one year. This election may be by secret ballot if the majority of the Members vote to have the election in this manner. A concurrence of the majority of the Members shall be necessary for the election.

The Vice-Chairperson shall hold office for a term of one (1) year, or until a successor is duly elected and qualified as provided in these Rules.

It shall be the duty of the Vice-Chairperson to assume all duties of the Chairperson if he/she is not available or is unable to assume his/her duties.

RULE 2.5 CLERK OF THE BOARD.

The duly elected Clerk of Ottawa County shall be ex-officio Clerk of the Board of Commissioners. In the absence of the County Clerk, a Deputy Clerk may serve as Clerk of the Board. In the absence of the County Clerk and Deputy Clerk, a Member of the Board designated by the Chairperson may serve as Clerk of the Board.

The County Clerk shall be responsible for performing all posting functions as required by the OMA (defined below), for full Board meetings. He/she shall perform the duties ordinarily pertaining to such office.

RULE 2.6 VACANCIES ON THE BOARD.

Vacancies caused by death, resignation, removal from the district or removal from office shall be filled by appointment within thirty (30) days by the Board and shall be an eligible resident and registered voter of that district. The appointee shall serve, either, the remainder of the unexpired term, or until the election and qualification of a successor as specified in the statutes of the State of Michigan. If the Board fails to fill the vacancy as provided above, then the vacancy will be filled by a special

election called by the Board. The individual elected in the special election shall serve for the remainder of the unexpired term. (MCL 46.412 & MCL 46.413)

RULE 2.7 CONFLICT OF INTEREST.

A Member of the Board shall not be interested directly or indirectly in any contract or other business transaction with Ottawa County, or a board, office, or commission thereof, during the time of which he/she is elected or appointed, nor for one year thereafter unless the contract or transaction has been approved by a majority of the elected Members 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 Ottawa County, or its officers, boards, committees, or other authority. (MCL 46.30)

ARTICLE III – POWERS AND DUTIES OF THE BOARD

RULE 3.1 POWERS AND DUTIES OF THE BOARD.

The Board shall have such powers and duties as are provided by law. The authority of the Board is a collective one, and according to state law, no individual Member can assume any action, decision or endeavor on behalf of or in lieu of Board action. (MCL 46.11)

The Board shall have the power to appoint, retain, or hire, by majority vote of the Members, an attorney to represent Ottawa County in civil matters as corporate counsel. The Board shall also have the power to appoint, retain, or hire, by majority vote of the Members, an attorney to represent Ottawa County in any civil litigation. The Board shall have the power to terminate any such appointment by majority vote of the Members. (MCL 49.71)

The Board shall have the power to appoint, by majority vote of the Members, a county manager, chief administrative officer or county controller to serve Ottawa County in accordance with governing law and the Employment Agreement between such officer and the Board. The Board shall have the power to terminate any such appointment by majority vote of the Members. (MCL 46.11)

The Board shall have the power to appoint, by majority vote of the Members, a local health officer and internal administrative officer to serve Ottawa County in accordance with governing law and the Employment Agreement between such officer and the Board. The Board shall have the power to terminate any such appointment by majority vote of the Members. (MCL 52.142; 333.2428)

RULE 3.2 INDEMNIFICATION OF BOARD MEMBERS.

To the maximum extent permitted by law, the County shall indemnify and save harmless all Board Members against expenses actually and necessarily incurred by them as well as any judgment rendered against them in connection with the defense of any action, suit or proceeding in which they are made parties by reason of being

or having been a Board Member, except in relation to matters as to which any such Member shall be adjudged liable for actions taken outside the scope of his/her authority and to such matters as shall be settled by agreement predicated on the existence of such liability. The foregoing right to indemnification shall be exclusive of other rights to which a Member may be entitled. (MCL 691.1408)

RULE 3.3 DUTIES.

All Commissioners' highest duty is to uphold the United States Constitution and the Michigan Constitution, and to faithfully serve the people of Ottawa County. All Commissioners shall comply with all required duties pursuant to MCL 46.1 et. seq.

ARTICLE IV – MEETINGS OF THE BOARD

RULE 4.1 OPEN MEETINGS ACT.

All meetings will be in conformance with the Michigan Open Meetings Act, MCL 15.261 et seq., as amended (hereinafter the "OMA"). Meetings of the Board of Commissioners are open to the public, except as otherwise provided by law.

RULE 4.2 ORGANIZATIONAL MEETINGS.

The Board shall convene for its first meeting on the first business day after January 1 of each year. This meeting shall be known as the Organizational Meeting and the Board shall transact such business at said meeting, or at the adjournment date of such meeting, as shall be provided by these Rules or by law, including but not limited to the election of a Chairperson and a Vice-Chairperson, adopting and establishing the Rules of the Board, scheduling regular Board Meetings, and action on other business. The Clerk of the Board shall preside over the Organizational Meeting until a Chairperson of the Board has been duly elected by a majority vote of the Members.

RULE 4.3 REGULAR MEETINGS.

The Board shall meet in regular session on scheduled days and times as determined at the Organizational Meeting or as amended, except when otherwise set by adjournment or by law. (MCL 46.1)

RULE 4.4 SPECIAL MEETINGS.

The Board shall meet in special session upon written request to the County Clerk signed by the Chairperson or by majority of the Members. The request for a special meeting shall specify the time, date, place and purpose of the meeting. All special meetings will meet 18-hour posting requirements per the OMA unless called as an emergency meeting where the 18-hour posting requirement of the OMA cannot reasonably be complied with. (MCL 46.10 & MCL 15.265)

RULE 4.5 AGENDAS AND MINUTES.

A Member desiring to place an item on the agenda will request approval from the Chairperson at least six calendar days prior to the next Board Meeting. Supporting materials for approved agenda items shall be provided to the Administrator's Office for reproduction at least five calendar days preceding a Board Meeting. The Chairperson has the sole discretion to waive this requirement to address important issues that arise.

Items on the agenda will be considered by the Board in the order listed. Items may be considered out of order on the agenda providing a majority of the Members present approve. If the Board determines by a majority vote of the total Members elected and serving to add and address an agenda item not previously included on the agenda, such action will be appropriate.

The Clerk of the Board shall be responsible for maintaining the official record and minutes of each meeting of the Board. Minutes for each meeting shall be furnished to each Member prior to the next meeting of the Board.

The Clerk of the Board shall maintain in the office of the County Clerk copies of each resolution and ordinance, or other matter acted upon by the Board. The official minutes, however, may refer to those matters by an identifying number and the descriptive title of the ordinance, resolution, or other matter.

Except for minutes taken during a Closed Session, all minutes are considered public records, open for public inspection, and must be available for review as well as copying at the Office of the Ottawa County Clerk. The Clerk of the Board shall make available to members of the public the records and minutes of Board meetings in accordance with the Freedom of Information Act. Board minutes, prepared but not approved by the Board, shall be available for public inspection not more than eight (8) business days following the meeting. Minutes approved by the Board shall be available within five (5) business days after the date of the meeting in which the minutes were approved. The Clerk of the Board shall promptly provide copies of the minutes to persons who have subscribed and paid the fee as determined by the Board of Commissioners.

Minutes must be kept for all meetings of the Board of Commissioners in compliance with the requirements of the Open Meetings Act, MCL 15.269, and are required to contain:

1. A statement of the date, scheduled time and place of the meeting and its actual starting time and ending time;
2. The members present as well as absent;
3. An explanation of why the meeting is held remotely if a meeting is held remotely;
4. If any member is participating remotely, and in such case, identification of the member's location;

5. A record of any decisions made at the meeting and a record of all roll-call votes;
and
6. An explanation of the purpose(s) if the meeting is a Closed Session.

RULE 4.6 TELECONFERENCING.

If approved by the Chairperson of the Board pursuant to MCL 15.263, or if there is a state of emergency declared in the state or county under 1976 PA 390 as amended, Commissioners may participate in a regular or special meeting under the following rules:

1. The meeting must be noticed for a particular physical location under the Open Meetings Act and staff must be present to facilitate public participation at that physical location, including ensuring that the public can gain entry to the facility for purposes of attending the meeting.
2. Any commissioner wishing to attend physically shall be permitted to participate physically.
3. A commissioner wishing to participate remotely must call into the county administration with significant time in advance of the meeting to participate in a joint telephonic or videoconferencing hookup into the meeting room.
4. The joint telephonic or videoconferencing hookup must include two-way communications so that all commissioners, members of the public and the County Clerk can hear and record the discussion.
5. Each commissioner must identify for the record his or her location.
6. The chairperson of the meeting and the county clerk or deputy county clerk recording the minutes, if possible, should be located in the physical location, although if no commissioner who is physically present is appointed Chair *pro tem* of the meeting by the Board, the Chairperson or Vice-Chairperson, respectively, shall chair the meeting.
7. All votes will be by roll call vote.
8. All other Board rules will apply.

ARTICLE V – COMMITTEES OF THE BOARD

RULE 5.1 STANDING COMMITTEES.

The Board shall have five Standing Committees with an advisory role over matters of county business as follows:

- 1. Finance and Administration Committee**
- 2. Planning and Policy Committee**
- 3. Health and Human Services Committee**
- 4. Talent and Recruitment Committee**
- 5. Board Rules Committee**

The Chairperson of the Board shall select the Chair of each Standing Committee and shall appoint Members of the Board to serve on each Standing Committee. Each Standing Committee shall vote to select a Vice-Chairperson from among its Members at its first meeting, who will perform the duties of the Committee Chairperson in his or her absence.

An anticipated annual schedule of meeting dates and times shall be established for each Standing Committee at its first meeting in January. Each Standing Committee shall have an advisory role over county business in the areas listed as follows:

Finance and Administration Committee

- a. Purchasing
- b. Financial Control
- c. Insurance
- d. Audit of Claims
- e. Auditing
- f. Expense and Mileage
- g. Equalization and Apportionment
- h. Bonding
- i. Law Enforcement
- j. Courts
- k. Community Corrections Department
- l. Contract Review
- m. County Directory
- n. Policy Matters

The Finance Committee Chairperson shall serve on boards and commissions required by state statutes.

Planning and Policy Committee

- a. Buildings and Maintenance
- b. County Strategic Planning
- c. Public Works - Water, Sanitation
- d. Land Use and Infrastructure Needs
- e. Planning
- f. Agriculture and Conservation
- g. Drains
- h. Parks
- i. Legal Review - Litigation and Resolutions
- j. Rules and Regulations
- k. Public Relations
- l. Policy Matters
- m. Transportation and Planning
- n. Roads and Bridges
- o. Legislature

Health and Human Services Committee

- a. Public Health and Mental Health
- b. Senior Citizens
- c. Department of Human Services
- d. Substance Abuse
- e. Veterans
- f. Community Action Agency and Department of Employment and Training
- g. Solid Waste
- h. Policy Matters

Talent and Recruitment Committee

- a. Human Resources
- b. Employee Relations
- c. Employee Training
- d. Special Committees
- e. Appointments
- f. Policy Matters

Board Rules Committee

- a. Propose revisions to Board Rules for 2024

RULE 5.2 SPECIAL COMMITTEES.

The Board may establish a Special Committee, outlining the purpose, advisory jurisdiction, and composition (number and type) of members of the Special Committee. The Board Chairperson shall appoint a Chair of the Special Committee.

The Chairperson shall appoint members of the Special Committee with approval by the Board. The Board may change the composition of members of a Special Committee at any time by majority vote of those elected and serving. County employees shall not act in a gatekeeper role on applications to serve on a Special Committee and shall share all applicants with the Board.

A Special Committee established by the Board may be dissolved or reorganized by the Board at any time by majority vote of those elected and serving. A Term of Service of any Special Committee shall expire when the Board determines its task is completed or December 31 of each year, whichever occurs first. A Special Committee may include members who are not members of the Board. Special Committee agendas shall be prepared by the Chair of the Special Committee.

RULE 5.3 WORK SESSIONS.

The Board of Commissioners may meet in a Work Session on any designated day, as determined by the Chairperson, for the purpose of coordinating the activities of the Standing Committees, informing the Board of Commissioners on the progress

of Committee work, and for the purpose of promoting a better understanding of County business, thereby expediting the regular meetings of the Board.

ARTICLE VI – RULES OF PROCEDURE OF THE BOARD

RULE 6.1 GENERAL MEETING CONDUCT.

When a Member wishes to speak, he or she shall be recognized and address themselves to the Chairperson. When two (2) or more Members wish to speak at the same time, the Chairperson shall decide who is to speak first. When a Member is speaking on any question before the Board, he or she shall not be interrupted except to be called to order. When a Member is called to order, he or she shall immediately come to order. The Board, if appealed to, shall decide the case. If there is no appeal, the ruling of the Chairperson shall be final.

RULE 6.2 QUORUM.

The presence of a majority of the Members elected and serving shall constitute a quorum of the Board. No business shall be considered without the presence of a quorum, except to adjourn or recess. Members may participate in meetings of the Board in person or remotely pursuant to the OMA. To the extent authorized by the OMA, any Member appearing remotely as permitted by the provisions of the OMA is considered present for all purposes, including the purpose of determining whether a quorum is present. (MCL 46.3, MCL 15.263 & MCL 15.263a)

RULE 6.3 ORDER OF BUSINESS.

The business of all regular meetings of the Board shall be considered and transacted in the following order unless exceptions are made by a majority vote of the Members.

1. Call to Order by Chairperson
2. Prayer and Pledge of Allegiance
3. Roll Call
4. Public Comment
5. Correspondence
6. Approval of Agenda
7. Consent Resolutions
8. Agenda and Action Requests
9. Committee Reports
- 10.. Public Comment
11. Additional Business
12. Adjournment at Call of the Chairperson

At the Chairperson’s discretion items may be added to the Order of Business.

Consent Resolution. The purpose of the Consent Resolution is to expedite business by grouping non-controversial items together to be dealt with by one Commission

motion. Any member of the Commission may ask that any item on the Consent Resolution be removed there from and placed elsewhere on the agenda for full discussion. Such requests will be automatically respected. If any item is not removed from the Consent Resolution, the action noted on the agenda is approved by a single Commission action adopting the Consent Resolution. For contracts that are being ratified by this process, the Board must approve a commissioner's request to pull a contract off the consent resolution for ratification. A commissioner must raise the request to pull a contract off of the consent resolution with the Board Chairperson within twenty-four hours of a meeting.

RULE 6.4 METHOD OF VOTING.

Election of the Chairperson of the Board may be by ballot. (MCL 46.3a)

The following measures must be voted upon by roll call: motion to submit a proposition to the vote of the people except as otherwise provided by statute; resolutions that provide for the expenditure of \$100,000 or more; adoption of the annual budget; approve receipt and concurrence with Finance and Administration Committee minutes; resolutions concerning activities of the Department of Public Works; resolutions concerning activities of the Ottawa County Drain Commission; motion to go into/come out of closed session; the adoption of all ordinances or amendments thereto; any other measure when a roll call is required by statute or is called for by a Member; authorize the levy of Winter or Summer Property Taxes; all measures if the meeting is held remotely or a Member is participating remotely.

All other measures will be voted by voice vote unless requested by 1/5 of the Members present. If a Member present does not respond to the call for the voice vote, his or her vote will be deemed an affirmative vote, unless good cause is shown for abstaining. No proxy voting is allowed under OMA.

The Chairperson shall vote on all questions decided by yea and nay, except on an appeal from his or her own decision. When a yea or nay vote is taken, every member present shall vote except in matters in which the member has a conflict of interest, in which case the member shall identify the conflict and abstain from voting.

RULE 6.5 MOTIONS, RESOLUTIONS, ORDINANCES AND REPORTS.

A motion is the formal means by which a Member submits a proposed measure or resolution for the consideration and action of the Board. No motion will be considered or debated unless seconded, and must be stated by the Chairperson before debate. A motion must be put in writing at the request of any Member. A motion may, with the permission of the maker and the second, be withdrawn at any time before the same has been adopted. All motions and amendments or substitutes thereto must be entered in the minutes of the Board unless withdrawn.

All resolutions and ordinances must be presented in writing and must be seconded before debate. A resolution is a formal expression of the opinion or will of the Board, whose adoption is subject to vote of the Board in a formal (regular or

special) meeting. An ordinance is a law enacted by the Board in accordance with state statute. A resolution or ordinance may, with the permission of the maker and the second, be withdrawn at any time before the same has been adopted. All resolutions, ordinances, and amendments or substitutes thereto must be entered in the minutes of the Board unless withdrawn.

Reports include activity by Members of Committees, appointments by the Chairperson, creation of any additional Committee, subcommittee, board or task force. Upon confirmation by the Chairperson, the receipt of a final report from a Committee or task force will be placed on the agenda of the next Board meeting under Reports. The Report will, without motion, be recorded as received.

RULE 6.6 TYPES OF MOTIONS AND MOTION PROCEDURES.

Order of Precedence. When a question is under debate, no motion shall be received except the following: to adjourn; for the previous question; to lay on the table; to postpone indefinitely; to postpone to a certain day; to refer; to amend. These motions shall have precedence in order as above named.

Motion to Adjourn. A motion to adjourn shall always be in order, except when a vote is being taken on any question before the Board of Commissioners, or when a member has the floor, provided that there shall be some intervening business proposed and determined between two (2) motions to adjourn.

Motion to Reconsider. A motion for reconsideration shall be in order on the same day, or at the succeeding action meeting day following that on which the decision proposed to be reconsidered took place. Only a member of the side which prevailed may move such reconsideration and such motion shall take precedence over all other questions, except a motion to adjourn. A motion for reconsideration shall be decided by majority vote of those members elected and serving.

Question of Appeal. When an appeal is taken from a decision of the Chairperson, the member taking the appeal shall be allowed to state his or her reason for so doing. The question shall then be immediately put in the following form: "Shall the ruling of the Chairperson be sustained?" The question shall be determined by a majority vote of the members present except that the Chairperson shall not vote. In case of a tie vote, the Chairperson shall be sustained.

Division of Question. Upon the request of any member, a division of any question shall be made when the question will admit of a division so distinct that one part being taken away, the other will remain as an entire question for decision.

Resolutions and Ordinances. Resolutions and Ordinances shall be taken up in the order in which they are presented unless otherwise ordered by the Board. All proposed Resolutions and Ordinances shall be presented to the Board of Commissioners in writing and shall be acted upon by the Board of Commissioners.

Privilege Motions. When a question of privilege is under debate, no motion shall be in order, except the following which shall have precedence in the order named:

1. To fix a time to adjourn;
2. To adjourn;
3. To recess;
4. To raise question of privilege;
5. To call for the Orders of the Day.

Subsidiary Motions. When a question is under debate, no subsidiary motion shall be in order except the following which shall have precedence in the order named:

1. To lay on the table;
2. To call the previous question;
3. To limit or extend debate;
4. To postpone to a certain time;
5. To comment or refer;
6. To amend;
7. To postpone indefinitely.

RULE 6.7 PUBLIC COMMENT, RIGHTS OF THE PUBLIC.

Members of the public shall be encouraged to attend all open meetings and address the Board at the meetings. To protect the rights of all people attending such meetings and to maintain reasonable order, the following rules are established, in accordance with OMA:

All public meetings of the Board and committees shall be posted in the County Courthouse, on an announcement board designated for this purpose and on the County Web Site in accordance with the OMA. (MCL 15.264 & MCL 15.265)

No person shall be excluded from a public meeting except for a breach of peace committed at that meeting. However, members of the public who intend to attend an open meeting in groups of twenty (20) persons or more are asked to notify the County Clerk of their intention to attend as a group in advance of the meeting in order that the Board may make all efforts to secure adequate accommodations.

There shall be two opportunities for Public Comment during meetings. Individuals may give Public Comment one (1) time per public comment session on the Agenda.

A member of the public may address the Board after receiving recognition from the Chairperson and giving his or her name. Public comment shall be limited to a period set aside at each meeting for such purpose and each speaker shall have the floor for no longer than three (3) minutes, unless the Board grants an extension to an individual, or at the beginning of a meeting the Chairperson increases the allowed time greater than three (3) minutes uniformly for all public comments provided during the meeting.

In the event that a person desires to address the Board in an extensive manner, that person may contact the county clerk no less than seven (7) days prior to the scheduled meeting to request to be placed on the agenda. The Board Chair may consider such requests and choose to place an individual on the agenda for a reasonable period of time.

RULE 6.8 ANNUAL REPORTS FROM DEPARTMENTS OF COUNTY GOVERNMENT.

It is the policy of the Board of Commissioners to receive Annual written and oral Reports at least once per year from all Departments of County government. Written reports shall be in a form approved by the County Administrator and shall, in the ordinary course, be submitted directly to the Board of Commissioners through the County Administrator’s Office. Sufficient copies of the written reports shall be submitted to the County Administrator’s Office on Monday the week prior to the Board of Commissioners meeting or at least eight (8) days in advance of the meeting at which the oral report is to be given so that the matter can be placed on the Agenda and the written report distributed with the Agenda to the members of the Board of Commissioners.

I hereby acknowledge that I have read and understood the Rules of the Ottawa County Board of Commissioners.

Gretchen Cosby District 1 Commissioner	Lucy Ebel District 2 Commissioner
Doug Zylstra District 3 Commissioner	Jacob Bonnema District 4 Commissioner
Joe Moss District 5 Commissioner	Kyle Terpstra District 6 Commissioner
Rebekah Curran	Sylvia Rhodea

District 7 Commissioner

District 8 Commissioner

Roger Belknap

Roger Bergman

District 9 Commissioner

District 10 Commissioner

Allison Miedema

District 11 Commissioner