

Adopted:

ROAD COMMISSIONER ROLE, RESPONSIBILITIES, AND RULES OF CONDUCT

GENERAL

Calhoun County Road Commissioners are appointed by the Calhoun County Board of Commissioners for six year terms. Duties of a Road Commissioner include, but are not limited to, holding public meetings, establishing policies and budget priorities, hiring and providing oversight to the Managing Director, and reviewing operations. The Board of County Road Commissioners shall act as an administrative board only, and the function of the Board shall be limited to the formulation of policy and the performance of official duties imposed by law and delegated by the County Board of Commissioners. Any questions, suggestions, comments, or other input on daily operations during work hours shall be directed to the Managing Director. Prior to any work site visit, to observe daily operational activities, the Road Commissioner must coordinate through the Managing Director or their designee.

SCOPE

Road Commissioners, like employees, are expected to follow standards of ethics and conduct that include compliance with lawful instructions and policies established by the Road Commission Board and to follow all safety rules and practices so as not to endanger the safety of employees or the public in a deliberate or reckless manner.

Any of the following acts will be considered a violation of this policy:

- A. Divulging to an unauthorized person confidential information acquired in the course of membership on the Board in advance of the time prescribed for its authorized release to the public.
- B. Representing his or her personal opinion as that of the agency.
- C. Not using personnel resources, property, and funds under the officer's official care and control judiciously and solely in accordance with prescribed constitutional, statutory, and regulatory procedures and not for personal gain or benefit.
- D. Soliciting or accepting a gift or loan of money, goods, services, or other thing of value for the benefit of a person or organization, other than the Commission, which tends to influence the manner in which the public officer or another public officer or employee performs official duties.
- E. Engaging in a business transaction in which the public officer may profit from his or her official position of authority or benefit financially from confidential information which the public officer has obtained or may obtain by reason of that position of authority.

- F. Engaging in or accepting employment or rendering service for a private or public interest when that employment or service is incompatible or in conflict with the discharge of the officer's official duties or when that employment may tend to impair his or her independence of judgment or action in the performance of official duties.
- G. Participating in the negotiation or execution of contracts, 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 public officer has a financial or personal interest.
- H. Acting in a profane, abusive, threatening, or coercive way toward members of the public, other Commission members, and employees.
- I. Stealing, borrowing without permission, or intentional or negligent destruction of property belonging to the Commission, a private individual or company, the public, or an employee.
- J. Removing any property from the Commission's premises, equipment, or facilities without proper authorization.
- K. Acting in an immoral, indecent, or dishonest way.
- L. Intentionally falsifying Commission records, documents, reports, or data.

COMPLIANCE

Individuals alleging a violation of this policy should submit their complaint to the Chair of the Board of Calhoun County Road Commissioners. If the complaint involves the Chair, then the complaining party may go to the Vice Chair or the Managing Director. The Board of Calhoun County Road Commissioners, or their designee, shall conduct an independent investigation and evaluation of the validity of the complaint in a timely manner. All complaints should be reduced to writing. Anonymous complaints will not be pursued. Complaints will be resolved in the best interest of both the complainant and the Road Commission.

MEETINGS

A. REGULAR BOARD MEETINGS

Meetings of the Board of Road Commissioners shall be held on the first and third Wednesday of each month at 5:30 p.m. in the Board Room of the Calhoun County Road Commission, or on other designated dates, times, and places as agreed upon by a majority vote of the Commissioners. All dates, times, and places of County Road Commission meetings shall be posted in accordance with the Open Meetings Act 267 of 1976.

B. SPECIAL MEETINGS

Special meetings of the Board of Road Commissioners shall be posted in accordance with the Open Meetings Act. Only items specified on the agenda may be discussed at Special meetings.

C. CLOSED SESSIONS

A public body may meet in closed session only for purposes as outlined in Section 8 of the Open Meetings Act. A 2/3 roll call vote of members appointed and serving shall be required to call a closed session. The roll call vote and the purpose for calling the closed session shall be entered into the minutes of the meeting at which the vote is taken.

A separate set of minutes shall be taken by the designated secretary of the public body at the closed session. These minutes shall be retained by the clerk of the public body, are not available to the public, and shall only be disclosed if required by a civil action. These minutes may be destroyed 1 year and 1 day after approval of the minutes of the regular meeting at which the closed session was approved.

D. PUBLIC HEARINGS

During a Regular or Special meeting, a Public Hearing that has been noted on the agenda shall be declared Open for Public Comment by the Board Chairperson. Upon conclusion of the Public Hearing, the Board Chairperson shall declare the Public Hearing closed.

E. OPEN MEETINGS - CITIZEN TIME

Citizens have two opportunities to comment during a meeting: at the beginning of the meeting for comments on agenda items only, and near the close of the meeting. Comments only regarding County Road Commission business must be directed to the Board. Negative personal comments will not be tolerated. Citizens will cease speaking when ruled out of order of by the Chairperson.

F. ORDER OF BUSINESS

REGULAR MEETING: The business of all Regular meetings of the Board of Road Commissioners shall be considered and conducted in the following order:

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of Claims Payable Listing
5. Approval of Meeting Minutes
6. Supervisor, Public Official, Citizen Comments on Agenda
7. Communications and Resolutions
8. Managing Director's Report
9. Unfinished Business
10. New Business
11. Supervisor and Public Official Comments
12. Citizen Comments
13. Commissioner Time

14. Announcements
15. Adjournment

SPECIAL MEETING: The business of all Special meetings of the Board of Road Commissioners shall be considered and conducted in the following order:

1. Call to Order
2. Roll Call
3. Supervisor, Public Official, Citizen Comments on Agenda
4. Purpose of Special Meeting
5. Supervisor and Public Official Comments
6. Citizen Comments
7. Commissioner Time
8. Announcements
9. Adjournment

G. QUORUM

MAJORITY NEEDED: A majority of Commissioners appointed and physically present shall constitute a quorum. No business shall be transacted without the presence of a quorum, except to adjourn or recess. By prior arrangement, Commissioners may attend and vote at meetings via a teleconference or video conference, provided that a quorum as defined above is present.

RAISE QUESTION OF QUORUM: At any time during a meeting, any Board Member or the Clerk may raise the question of the presence of a quorum.

H. ELECTION OF OFFICERS

TERM: At the first meeting in January of each year, the Board shall select from its membership a Chairperson and Vice Chairperson. All members are eligible for election. The Board Clerk shall call the meeting to order and shall preside over the meeting until the Board has elected its Chairperson and Vice Chairperson.

RESIGNATION OF CHAIRPERSON: In the event of the resignation of the Chairperson from the Board of Calhoun County Road Commissioners, the Vice Chairperson shall assume the duties until a new Chairperson is elected by the remaining Commissioners. Unless otherwise agreed, the election of a new Chairperson shall be held at the next regularly scheduled meeting of the Board of Calhoun County Road Commissioners. The newly elected Chairperson shall serve out the remainder of the term created by the resignation.

I. DUTIES OF THE CHAIRPERSON

CHAIRPERSON SHALL PRESIDE – SUCCESSION: The Chairperson shall preside at all meetings of the Board. In his/her temporary absence, the Vice Chairperson shall preside. In the

absence of both the Chairperson and Vice Chairperson, the most senior member present shall preside.

RULINGS AND DECISIONS: All rulings and decisions by the Chairperson may be appealed to the Board. An appeal, when duly made and seconded, shall be determined by a majority of the Commissioners present and voting, and shall overrule the decision of the Chairperson. No member shall speak more than once on an appeal from the ruling of the Chairperson except by unanimous consent of the Board.

PRESERVE ORDER: The Chairperson shall at all times preserve order and decorum and shall enforce all Board rules.

J. **MEMBERS**

CALL MEMBER TO ORDER: If any member violates the Board Rules, the Chairperson shall, or any member may through the Chairperson, call the member to order. The question of order shall be decided by the Chairperson, without debate, subject to appeal.

OBSERVING ORDER: While the Chairperson is stating any question or while the roll is being called by the Clerk, no Commissioner shall leave his/her seat or entertain private discussion. When a Commissioner is speaking, he/she shall not be interrupted.

ABSTENTION, PRESENT BUT NOT VOTING, OR TIE VOTES: Any Commissioner in attendance and not voting shall be recorded by the Clerk as present but not voting. When there is a tie vote on any question, the question shall fail. In the event of a conflict of interest, a member shall abstain from the discussion and voting and the Clerk shall record as such.

EXCUSED DURING MEETING: No member shall leave a meeting prior to adjournment unless first excused by the Chairperson. The Clerk shall record in the official record the time at which the member enters or leaves the meeting while the Board is in session.

CONFLICT OF INTEREST: No member of the Board of County Road Commissioners shall be interested directly or indirectly in any contract or other business transaction with the Commission which will cause a substantial conflict of interest for the Road Commissioner during the time for which he/she is appointed.

K. **DUTIES OF THE CLERK**

AGENDA PREPARATION: The Clerk or the Clerk's designee shall prepare the agenda for each meeting and supply the agenda (via email and office mailbox) to Board members not less than five days prior to the meeting.

CALL ROLL – ANNOUNCE QUORUM: The Clerk or the Clerk's designee shall call the roll at the opening of each meeting of the Board and announce whether or not a quorum is present.

MEMBERS ABSENT – EXCUSED: During roll call, the Chairperson may excuse absent members. Members present and members absent will be recorded in the meeting minutes.

MEETING MINUTES: The Clerk, or the Clerk’s designee, shall attend all Board meetings, record the minutes of the Board meetings in written form and tape recording, and maintain the official files for both. Minutes, with the exception of Closed Sessions, shall be made available for public inspection in accordance with the Open Meetings Act and Freedom of Information Act.

BOARD DIRECTIVES: The Clerk or the Clerk’s designee shall maintain a current record of all authorizing resolutions and directives adopted by the Board.

PUBLIC NOTICES: It shall be the duty of the Clerk or the Clerk’s designee to publish all public notices as they pertain to Board matters.

L. **MOTIONS AND VOTING**

SECOND AND DEBATE: No motion shall be debated or put by the Chairperson until it has been seconded. The motion shall then be properly stated by the Chairperson.

CLARIFICATION BEFORE SECOND: Any member of the Board may make explanatory remarks prior to the seconding of any motion for the purpose of clarification.

VOTING: Voting shall be by voice with the Clerk or the Clerk’s designee recording the passage or failure of a motion unless a roll call vote is required or requested.

M. **ALTERATION AND SUSPENSION OF RULES**

PERMANENT RULE ALTERATION: Any rule of the board except a statutory rule, may be altered or amended by a majority vote of the members, provided that notice of the proposition to amend or alter has been given at a meeting of the Board immediately preceding.

TEMPORARY RULE SUSPENSION: Any rule may be suspended for a single meeting by a majority vote of the members present and voting. Such rule shall be deemed in full force and effect either upon a motion duly passed to reinstate it, or at the close of business at any session in which it was suspended.

N. **PARLIAMENTARY PRACTICE**

The Rules of Parliamentary Practice according to “Robert’s Rules of Order for Deliberative Assemblies” shall govern in other matters not addressed by these Rules and not contrary to any existing laws of the State of Michigan.