

BOARD OF COMMISSIONERS MEETING

Ty Wessell, Chairman

NOTICE OF MEETING

The **Regular Session** of the Leelanau County Board of Commissioners will be held on **Tuesday, January 16, 2024**, at **7:00 p.m.**, in the **Commissioner Meeting Room**, Leelanau County Government Center, Suttons Bay, Michigan.

A live streaming of this meeting will be available for viewing via the following link –

https://www.youtube.com/channel/UCNQTglgcTedF2qB8floC1GQ?view_as=subscriber

There are two ways to provide public comment during the meeting – you can attend in-person, or email your comments prior to the meeting to clerk@leelanau.gov

(Please silence any unnecessary cellular/electronic devices)

(Proceedings of the meeting are being recorded and are not the official record of the meeting; the formally approved/accepted written copy of the minutes will be the official record of the meeting.)

CALL TO ORDER

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE/PRIVATE PRAYER

ROLL CALL

APPROVAL OF BOARD MINUTES

APPROVAL OF AGENDA / LATE ADDITIONS OR DELETIONS

COMMUNICATIONS, PROCLAMATIONS, PRESENTATIONS

PAGES

- Administrator Update
 - Planning Director Hire/Reporting/Designee 3
 - BATA Update & Legal Representation
 - Cohl, Stoker & Toskey, P.C. Legal Counsel Contract Renewal 4 - 22

PUBLIC COMMENT *(3 Minutes)*

COMMISSIONER COMMENTS

CONSENT AGENDA ITEMS

1. Sheriff’s Office – Acceptance of Anonymous Donation for Purchase of Medical Bags
2. Conservation District, Approval of FY 2024 Work Orders
 - a. Conservation Education and Technical Assistance (#1)
 - b. Soil Erosion and Sedimentation Control (#2)
 - c. Water Quality Monitoring (#3)
3. Information Technology – Barracuda Essentials, Annual Maintenance Agreement
4. Solid Waste Council – Bay Area Recycling for Community, Electronics Disposal Agreement
5. Senior Services Advisory Committee Update
 - a. Potential 2024 Millage Proposal
 - b. Conference Attendance Request
6. Teamster Union Letter of Understanding

ACTION ITEMS

7. Broadband Project – DCS Contract Update
8. Drain Commissioner – South Bar Lake Drainage District, Full Faith and Credit Resolution* 23 - 27
9. Land Bank Fast Track Authority – Non-Program Income Use Resolution* 28
10. Approval of the County Copier Maintenance Agreement Bids (Late Addition #1) 29
11. Culture Survey Raw Data Update
12. Board Governance Workshop Update
13. Committee of the Whole Meeting on January 24, 2024
14. Approval of 2024 Board Rules and Committee Structure/Process 30-47

REVIEW OF FINANCIALS

COMMITTEE REPORTS, RECOMMENDATIONS, AND RESOLUTIONS

SPECIAL REPORTS BY STAFF, COMMISSIONERS, AND AFFILIATED AGENCIES

PUBLIC COMMENT *(5 Minutes)*

COMMISSIONER COMMENTS

APPROVAL OF FINANCIALS:

- Amendments & Transfers
- Claims and Accounts
- Post Audit

ADJOURNMENT

January 10, 2024

TO: Leelanau County Board of Commissioners

RE: 2011 County Ordinance / Resolution

This letter is in response to your discussion at the Executive Committee meeting concerning the Leelanau County Planning Commission Ordinance of 2011 and the Resolution adopting the Ordinance. I would like to share the history of this Ordinance, to assist with questions which were raised at the January 9 Executive Committee meeting.

Prior to 2006, there were separate planning and zoning acts for townships, village, cities and counties. On July 1, 2006, Public Act 110 of 2006 was passed, the Michigan Zoning Enabling Act, which placed all prior zoning acts under one Act. On September 1, 2008, Public Act 33 of 2008 was passed, the Michigan Planning Enabling Act, which placed all prior planning acts under one Act.

Section 125.3825 of the Michigan Planning Enabling Act, also referred to as MPEA, states:

Employment of planning director and other personnel; contract for services; use of information and advice provided by public officials, departments, and agencies.

Sec. 25. (1) A local unit of government may employ a planning director and other personnel as it considers necessary, contract for the services of planning and other technicians, and incur other expenses, within a budget authorized by the legislative body. **This authority shall be exercised by the legislative body**, unless a charter provision or ordinance delegates this authority to the planning commission or another body or official. The appointment of employees is subject to the same provisions of law as govern other corresponding civil employees of the local unit of government.

Following the adoption of these two Acts, municipalities had to determine if their prior documents and applicable ordinances were in compliance with the Acts. A large number of municipalities across the state, including Leelanau County, were not in compliance. Trainings and sample documents were made available for municipalities to bring their documents into compliance with the new laws. Leelanau County went through this public process and established a new Ordinance which can be found at the bottom of this link: <https://www.leelanau.gov/planningcomm.asp> (and also included in your January 9 agenda packet). Section 112, D. of the Ordinance adopted in 2011 states: "The management of the planner shall be under the general supervision and control of the Leelanau County Board of Commissioners. Only the County Board may hire or fire the county planner."

My recollection from past experiences and discussions with Corporate Counsel concerning Ordinances is that the Ordinance can only be changed by going through the same public process which was done to adopt the Ordinance. And, any changes to the Ordinance would still need to be in compliance with these Acts, which was the original intent when the Ordinance was approved in 2011, by Resolution of the County Board of Commissioners. In addition, the Board has its own procedures and voting requirements for repealing and approving Resolutions.

I hope this background information is helpful for any future discussions.

Sincerely,



Trudy J. Galla, AICP

COHL, STOKER & TOSKEY, P.C.

601 North Capitol Avenue
Lansing, Michigan 48933

Attorney / Firm Information:

1. Firm: Cohl, Stoker & Toskey, P.C.

- a. *Area of specialty.* Our practice is focused on municipal corporate law and public sector personnel and labor relations. Our firm is a unique Michigan law firm in that we specialize almost exclusively in representing local units of government. Each of the attorneys in this firm have extensive municipal experience and expertise. This public sector experience has positioned our firm to possess an unmatched understanding of the needs of local units of government for legal representation including “authorities.”
- b. *Years in business.* Forty-plus years as our law firm was formed in 1979 with all the firm's founding attorneys having previously served as in-house counsel for various units of local government.
- c. *Number of Michigan Counties Represented.* We represent 20+ counties.

2. Offices:

- a. Our office is located at 601 N. Capitol Ave. in Lansing, Michigan. However, we have leveraged technology to permit our attorneys to work remotely throughout the State.
- b. We are not part of another firm (no parent firm).

3. Personnel:

- a. *Principal Contact.* Matt Nordfjord, Shareholder, Office: (517) 372-9000, Cell: (231) 342-2602, email: mnordi@cstmlaw.com. Other principals of the firm are David Stoker, dstoker@cstmlaw.com and Bonnie Toskey, btoskey@cstmlaw.com
- b. *Personnel.* All attorneys in our firm will be utilized as needed to address legal questions presented. Matt Nordfjord, Dave Stoker and Bonnie Toskey will serve as the primary points of contact on any matter and will respond or distribute assignments to the attorney(s) in our firm who is best positioned to respond. Current resumes for all attorneys attached at the end of this packet (Attachment 1).

- c. *Other key personnel who will be used for County business.* Gwen Kamm, legal assistant to Dave Stoker and Bonnie Toskey; Nicole Moles, legal assistant to Matt Nordfjord; and Miriam Hicks, office manager.
- d. We have 12 licensed attorneys.

4. Experience:

- a. *Municipal Law.* Our firm is experienced in providing legal advice, counsel, services, and consultation to the County Administrator, County Board of Commissioners, Elected Officials and Courts on a wide variety of assignments, including but not limited to: general municipal law, labor law, general state and federal laws relating to County government, public disclosure issues, laws against discrimination, contract law (including grants), municipal leases, purchasing and procurement, trial activity, and tort law. Our corporate counsel advice includes methods to avoid civil litigation and solve problems in a timely and pragmatic manner. The firm has represented counties in civil litigation before various state and Federal courts, administrative agencies and alternative dispute resolution forums such as arbitration. We do not litigate matters for litigation's sake, to make a point or to extract fees. We look at every case from the point of view of the goal, cost analysis, ability to win that case, and the potential precedential value of the particular matter. We are unaware of any other current clients that we represent that would create a potential conflict of interest situation.
- b. *Civil and Appellate Law.* The firm's litigation experience includes extensive practice in District and Circuit Courts, Federal Courts, the Michigan Tax Tribunal, as well as appellate practice in virtually all Michigan appellate courts, including the Michigan Court of Appeals, the Michigan Supreme Court and the Federal Sixth Circuit Court of Appeals. This appellate practice also includes handling administrative appeals both within administrative agencies and to the applicable circuit and appellate courts. Litigation experience includes civil lawsuits, administrative proceedings, and civil infraction/misdemeanor enforcement of ordinances, including County building code, zoning regulations, dog law, and local health department regulation enforcement.
- c. *Ordinances.* Our firm has provided a wide range of legal services concerning all aspects of County ordinances (which are specifically authorized by statute). These services include application of ordinances and state law as to specific issues within the municipality.
- d. *Building Code and Brownfield.* Our firm has been involved in various areas of Building Code issues and enforcement. Building Department matters, including site location of towers and enforcement issues; and Brownfield matters, including grant subcontract review and land contract forfeiture.

- e. *Real Estate Development (including Industrial, undeveloped land and commercially zoned land or property).* Members of our firm have extensive experience in real property acquisition and sales including negotiations regarding purchase, drafting sale documents, compliance with the uniform condemnation requirements, and real estate closings. This includes acquisition for utility easements and road rights-of-way, and we have represented the City of Williamston, the Village of Fowlerville, the Ingham County Road Department (formerly Commission), the Village of Pinckney and many other municipal agencies in this area.
- f. *Planning Commission on Zoning and Master Planning documents.* Our firm has provided a wide range of legal services concerning all aspects of land use and planning. These services include application of ordinances and state law as to specific issues within the municipality. The firm's representation of counties has also included:
 - i. Providing advice to the County Planning Commissions and Zoning Administrators and representation in zoning appeals and litigation.
 - ii. Advice on legal aspects of proposed Zoning Ordinance Amendments; and
 - iii. Advice on procedural requirements under the zoning enabling acts.
- g. *Forfeitures of Property for Non-Payment of Taxes.* Our law firm has handled tax foreclosure litigation under PA 123, i.e., preparation of the petition and judgment, or appearance at the foreclosure hearings. Members of our firm have extensive expertise and experience in advising County Treasurers on tax foreclosure matters under PA 123, the delinquent tax foreclosure funds, and in litigation against County Treasurers arising under the tax foreclosure law.
- h. *Equalization, Tax Tribunal and Property Tax Assessment.* Members of our firm have appeared numerous times before the Michigan Tax Tribunal representing counties, including challenges by local units to equalization, special assessments and personal property exemptions. We have extensive experience in tax assessment law and advising municipal taxing entities as well as defending taxing units in court. This includes representing the county in challenges to equalization. We have been involved in the tax collection process for numerous years representing taxing entities, including assisting treasurers with jeopardy assessments, personal property tax collection, tax sales and related litigation.
- i. *Contracts.* We have extensive experience in the drafting and negotiating of multiple forms related to construction contracts, purchasing and inter-local agreements including, but not limited to, Urban Cooperation Agreements relating to water and sewer authorities, law enforcement and other emergency services, 911 authorities, mental health authorities under the Mental Health Code, district health departments and district libraries. We have also negotiated, and prepared agreements related to the transfer and sharing of governmental functions and services between public entities. One of the main advantages we provide is that

we have likely reviewed or drafted the type of contract Leelanau County will need. This allows an informed and efficient review or document drafting. You will not be charged to “get up to speed” by our firm. Many contracts with counties are with the same group of vendors and, although specialized due to the nature of county law, thanks to the number of counties we represent with the same grants, agreements, and underlying issues we are able to quickly recognize and work through contracts due to our experience in this area and relationships with the entities contracting with counties.

- j. *Labor, including collective bargaining agreements, unemployment appeals, workers compensation claims, grievances, arbitration.* This firm has extensive experience in the hiring process, negotiating and drafting of employment contracts, the discipline process, all aspects of FMLA law, Americans with Disabilities Act accommodation and other requirements, performance evaluations, the drafting of personnel policy manuals and all other aspects of personnel law. Moreover, various members of our firm have lectured extensively in virtually every aspect of personnel law from the use of independent contractors to the Fair Labor Standards Act, FMLA, ADA, the use of effective discipline and harassment law. In this challenging and rapidly changing landscape our firm is advising the Michigan Association of Counties (in addition to our individual county clients) on changes to unemployment, workers compensation issues, work share programs, FFCRA and the EFMLA all in response to changes in the law in response to COVID-19.
 - i. We have negotiated and are currently negotiating hundreds of contracts with numerous unions, including POAM, COAM, TPOAM, FOP, POLC, GELC, AFSCME, Teamsters, United Steelworkers, UAW, MNA, Operating Engineers, SEIU, ICEA/PERA, UWUA and the OPEIU. We have represented clients in all phases of the labor negotiation process beginning with the preparation of ground rules and proposals, negotiating to impasse, and including mediation, fact finding, and Act 312 Arbitrations. We have represented clients in numerous arbitrations, Worker’s Compensation defense, MERC and unemployment hearings, including bargaining unit clarifications, union election petitions, and unfair labor practice charges. We frequently represent clients in Circuit and U.S. District Courts on labor and civil rights matters (including but not limited to Title VII, ADA and FMLA issues) at both the trial and appeals levels.
- k. *Election Law.* We have extensive experience related to petition drives and referendums, Campaign Finance Act requirements, recounts, and preparing charter amendments and millage and other ballot propositions. We have also had experience in litigating most of these issues and Bonnie Toskey is a regular speaker for the Michigan Association of County Clerks.

1. *Environmental Law and Public Health.* Members of the firm are experienced in environmentally related Health Department enforcement actions and land use issues, as well as other environmental issues such as Act 641 plans and regulation of underground storage tanks. Our firm has advised numerous County and District Health Departments regarding drafting, amending and enforcing Sanitary Codes. We have advised counties regarding Solid Waste Management Plans and amendments, landfill issues, and related contracts. We represent various County Drain Commissioners regarding drafting soil erosion and sedimentation control ordinances and amendments, and soil erosion enforcement issues, including litigation matters. Our firm has represented counties and their Boards of Public Works in contract disputes for sanitary sewer construction and wastewater treatment plants, and related litigation.

- m. *Public Utility, Public Works, and Construction Law.* Members of our firm have extensive experience in issues relating to public water and sewer systems, including right-of-way disputes, collection issues, tort claims arising out of system malfunctions, and system expansions. Our firm also has extensive public sector construction experience including experience in construction code enforcement. We have experience in drafting construction contracts and other documents, and firm members have litigation experience in enforcing construction contracts and warranties.

5. Municipal References:

Nathan Burd, County Administrator
Livingston County
304 E. Grand River
Howell, MI 48843
(517) 540-8800
nburd@livgov.com

Gregg Todd, County Administrator
Ingham County
342 S Jefferson St, #101
Mason, MI 48854
Office: 517-676-7203
gtodd@ingham.org

Katie Zeits, MPA, County Administrator
Benzie County
448 Court Place
Beulah, MI 49617
(231) 882-0558
kzeits@benzieco.gov

Nate Alger, County Administrator
Grand Traverse County
400 Boardman Avenue
Traverse City, MI 49684
(231) 922-4780
nalger@grandtraverse.org

Michael Overton, County Administrator/Controller
Jackson County
120 W. Michigan Ave, 6th Floor
Jackson, MI 49201
(517) 768-6624
moverton@co.jackson.mi.us

- 6. Conflict identification and resolution.** Our firm is diligent in tracking and identifying potential conflicts of interest. If a potential conflict arises, we will notify you and, if possible, seek to resolve the conflict through a written waiver if we believe it is legally appropriate and ethical to do so. In the event a conflict waiver is not obtained or is unavailable our office will notify the County and facilitate a transition to another firm or attorney for the issue that created the conflict. In this instance, our firm would not represent either client for that specific matter.

ATTACHMENT 1

RESUME OF

PETER A. COHL SHAREHOLDER

COHL, STOKER & TOSKEY, P.C.
January 1979 - Present

UNDERGRADUATE EDUCATION

MICHIGAN STATE UNIVERSITY
Bachelor of Arts in Political Science
Graduated: June, 1969

LEGAL EDUCATION

DETROIT COLLEGE OF LAW
Juris Doctor Degree
Graduated: June, 1972

MEMBERSHIPS IN LEGAL ORGANIZATIONS

State Bar of Michigan, admitted 1972
Public Corporation Section
Labor Law Section
Ingham County Bar Association
Former member, Representative Assembly of State Bar of
Michigan (appointed by Supreme Court)
Selected as a Fellow of the Michigan State Bar Foundation
Selected as a Fellow of the American Bar Foundation
(admission is limited to 1/3 of the 1% of the bar in each state)
Highest possible rating in both legal ability and ethical standards by
Martindale-Hubbell

PREVIOUS EMPLOYMENT

Research Attorney
COURT OF APPEALS, STATE OF MICHIGAN
Lansing, Michigan

INGHAM COUNTY CORPORATION COUNSEL
Lansing, Michigan

ADMISSIONS

State Bar of Michigan
U.S. District Court, Western District
U.S. Sixth Circuit Court of Appeals
U.S. Supreme Court

RESUME OF

DAVID G. STOKER SHAREHOLDER

COHL, STOKER & TOSKEY, P.C.
January 1979 - Present

UNDERGRADUATE EDUCATION

MICHIGAN STATE UNIVERSITY
Bachelor of Science
Graduated: June, 1970, Cum Laude

LEGAL EDUCATION

WAYNE STATE UNIVERSITY LAW SCHOOL
Juris Doctor Degree
Graduated: December, 1974

MEMBERSHIPS IN LEGAL ORGANIZATIONS

State Bar of Michigan
Public Corporation Law Section
Labor Law Section
Michigan Association of Municipal Attorneys

PREVIOUS EMPLOYMENT

CITY OF LIVONIA
Department of Law
Livonia, Michigan
December 1975 – January 1979

ADMISSIONS

State Bar of Michigan
U.S. District Court, Western District
U.S. District Court, Eastern District
U.S. Sixth Circuit Court of Appeals
U.S. Supreme Court

RESUME OF

BONNIE G. TOSKEY SHAREHOLDER

COHL, STOKER & TOSKEY, P.C.
1985 to Present

UNDERGRADUATE EDUCATION

MICHIGAN STATE UNIVERSITY
Bachelor of Arts

GRADUATE EDUCATION

MICHIGAN STATE UNIVERSITY
Master of Arts

LEGAL EDUCATION

THOMAS M. COOLEY LAW SCHOOL
Juris Doctor Degree

MEMBERSHIPS IN LEGAL ORGANIZATIONS

Michigan State Bar Association
Labor Law Section
Litigation Section
Public Corporation Law Section
Workers Compensation Section
Michigan Association of Municipal Attorneys

PREVIOUS EMPLOYMENT

Senior Assistant City Attorney
CITY OF LANSING
Lansing, Michigan
1980 - 1985

Coordinator of Special Education Programs
LANSING SCHOOL DISTRICT
Lansing, Michigan
1970 - 1980

ADMISSIONS

State Bar of Michigan
U.S. District Court, Western District
U.S. District Court, Eastern District
U.S. Sixth Circuit Court of Appeals
U.S. District Court, California
U.S. 9th Circuit Court of Appeals

**RESUME OF
ROBERT D. TOWNSEND
SHAREHOLDER**

COHL, STOKER & TOSKEY, P.C.
January 1979 - Present

UNDERGRADUATE EDUCATION

ALBION COLLEGE
Graduated: December, 1973
Bachelor of Arts Degree, Cum Laude

LEGAL EDUCATION

THOMAS M. COOLEY LAW SCHOOL
Juris Doctor Degree
Graduated: May, 1977

MEMBERSHIPS IN LEGAL ORGANIZATIONS

State Bar of Michigan/Public Corporation Section

CURRENT EMPLOYMENT

COHL, STOKER & TOSKEY, P.C.
January 1979 - Present

PREVIOUS EMPLOYMENT

INGHAM COUNTY CORPORATION COUNSEL OFFICE
Lansing, Michigan

THOMAS M. COOLEY LAW SCHOOL, LIBRARY
Lansing, Michigan

ADMISSIONS

State Bar of Michigan

RESUME OF

TIMOTHY M. PERRONE SHAREHOLDER

COHL, STOKER & TOSKEY, P.C.
October 1999 - Present

UNDERGRADUATE EDUCATION

NORTHERN MICHIGAN UNIVERSITY
Bachelor of Science in Law Enforcement
Graduated: May, 1981, Summa Cum Laude

LEGAL EDUCATION

WAYNE STATE UNIVERSITY LAW SCHOOL
Juris Doctor Degree
Graduated: June, 1985, Cum Laude, Order of the Coif

MEMBERSHIPS IN LEGAL ORGANIZATIONS

State Bar of Michigan
Ingham County Bar Association
Catholic Lawyers Guild

CURRENT EMPLOYMENT

COHL, STOKER & TOSKEY, P.C.
October 1999 - Present

PREVIOUS EMPLOYMENT

CITY OF LANSING
Assistant City Attorney
December 1991 - September 1999

FARHAT, STORY & KRAUS, PC
East Lansing, MI
February 1988 - December 1991

HILL, LEWIS, ADAMS, GOODICH, & TAIT
Lansing, MI
November 1985 - February 1988

ADMISSIONS

State Bar of Michigan
U.S. District Court, Western District of Michigan
U.S. District Court, Eastern District of Michigan
U.S. Sixth Circuit Court of Appeals

RESUME OF

**MATT NORDFJORD
SHAREHOLDER**

COHL, STOKER & TOSKEY, P.C.
June 2013 - Present

UNDERGRADUATE EDUCATION

MICHIGAN STATE UNIVERSITY, JAMES MADISON COLLEGE
Bachelor of Arts, Political Theory
Graduated: May, 2002

LEGAL EDUCATION

UNIVERSITY OF TOLEDO COLLEGE OF LAW
Juris Doctor Degree
Graduated: May, 2006

MEMBERSHIPS IN LEGAL ORGANIZATIONS

State Bar of Michigan
Public Corporation Law Section
Labor Law Section

CURRENT EMPLOYMENT

COHL, STOKER & TOSKEY, P.C.
June 2013 - Present

PREVIOUS EMPLOYMENT

MARTINEAU, HACKETT, ROMASHKO & O'NEIL, PLLC
Jan 2011 – June 2013

LYNCH, GALLAGHER, LYNCH, MARTINEAU & HACKETT, PLLC
Sept 2009 – Dec 2010

ZIMMERMAN, KUHN, DARLING, BOYD, QUANDT & PHELPS, PLC
March 2007 – Sept 2009

ADMISSIONS

State Bar of Michigan
U.S. District Court, Western District of Michigan
U.S. District Court, Eastern District of Michigan
U.S. Sixth Circuit Court of Appeals

**RESUME OF
GORDON LOVE
SHAREHOLDER**

COHL, STOKER & TOSKEY, P.C.
June 2015 - Present

UNDERGRADUATE EDUCATION

MICHIGAN STATE UNIVERSITY
Bachelor of Arts, Journalism
Graduated: May, 2005

LEGAL EDUCATION

MICHIGAN STATE UNIVERSITY COLLEGE OF LAW
Juris Doctor Degree
Graduated: May, 2010, Cum Laude

MEMBERSHIPS IN LEGAL ORGANIZATIONS

State Bar of Michigan

CURRENT EMPLOYMENT

COHL, STOKER & TOSKEY, P.C.
June 2015 - Present

PREVIOUS EMPLOYMENT

AUTO-OWNERS INSURANCE COMPANY

MICHAEL R. KLUCK & ASSOCIATIONS

GRUA, JAMO & YOUNG, PLC

ADMISSIONS

State Bar of Michigan
U.S. District Court, Western District of Michigan
U.S. District Court, Eastern District of Michigan
U.S. Sixth Circuit Court of Appeals

**RESUME OF
RICHARD D McNULTY
OF COUNSEL**

COHL, STOKER & TOSKEY, P.C.
1997 to Present

UNDERGRADUATE EDUCATION

MICHIGAN STATE UNIVERSITY
Bachelor of Arts, James Madison College
Graduated: June, 1985, with Honors

LEGAL EDUCATION

UNIVERSITY OF MICHIGAN
Juris Doctor Degree
Graduated: 1988

MEMBERSHIPS IN LEGAL ORGANIZATIONS

American Bar Association, Labor and Litigation Sections
State Bar of Michigan, Labor and Litigation Sections
Member of the Human Resource Management and
Personnel Association of Mid-Michigan

CURRENT EMPLOYMENT

COHL, STOKER & TOSKEY, P.C.
1997 to Present

PREVIOUS EMPLOYMENT

DICKINSON, WRIGHT, MOON, VAN DUSEN & FREEMAN
Lansing, Michigan
1988 - 1997

ADMISSIONS

State Bar of Michigan
U.S. District Court, Western District of Michigan
U.S. District Court, Eastern District of Michigan
U.S. Sixth Circuit Court of Appeals

RESUME OF

SARAH K. OSBURN SHAREHOLDER

COHL, STOKER & TOSKEY, P.C.
February 2018 - Present

UNDERGRADUATE EDUCATION

UNIVERSITY OF MICHIGAN
BA English/Communication
Graduated: 1992

LEGAL EDUCATION

UNIVERSITY OF TOLEDO COLLEGE OF LAW
Juris Doctor Degree
Graduated: 1996

MEMBERSHIPS IN LEGAL ORGANIZATIONS

State Bar of Michigan
Government Law Section
Lenawee County Bar Association
Michigan Association of Municipal Attorneys

PREVIOUS EMPLOYMENT

City Attorney
CITY OF ADRIAN
Adrian, Michigan

Associate Attorney
NELSON AND BENZ LLP
Adrian, Michigan

Associate Attorney
PLUNKETT & COONEY, P.C.
Detroit, Michigan

ADMISSIONS

State Bar of Michigan
U.S. District Court, Eastern District of Michigan
U.S. District Court, Western District of Michigan
U.S. Sixth Circuit Court of Appeals
U.S. Supreme Court

**RESUME OF
CHRISTIAN K. MULLETT
ASSOCIATE**

COHL, STOKER & TOSKEY, P.C.
January 2020 - Present

UNDERGRADUATE EDUCATION

UNIVERSITY OF COLORADO
BA Political Science
Graduated: 1992

LEGAL EDUCATION

WAYNE STATE UNIVERSITY LAW SCHOOL
Juris Doctor Degree
Graduated: 1997

MEMBERSHIPS IN LEGAL ORGANIZATIONS

State Bar of Michigan

PREVIOUS EMPLOYMENT

Litigation Attorney
BLOOM SLUGGETT, P.C.
Grand Rapids, Michigan

Litigation Attorney
ORLANS, P.C.
Troy, Michigan

Member/Attorney
HICKS & MULLETT, PLLC
Lansing, Michigan

Associate Attorney
D. HAYWOOD & ASSOCIATES, P.C.
Lansing, Michigan

Associate Attorney
CONSUMER LEGAL SERVICES, P.C.
Garden City, Michigan

Law Clerk
STRINGARI, FRITZ, KREGER, AHEARN & CRANDALL, P.C.
Detroit, Michigan

ADMISSIONS

State Bar of Michigan
U.S. District Court, Western District of Michigan
U.S. District Court, Eastern District of Michigan
U.S. Sixth Circuit Court of Appeals

**RESUME OF
DONALD J. KULHANEK
ASSOCIATE**

COHL, STOKER & TOSKEY, P.C.
July 2021 - Present

UNDERGRADUATE EDUCATION

UNIVERSITY OF MICHIGAN – Ann Arbor
BA Political Science
Graduated: 1989

LEGAL EDUCATION

WAYNE STATE UNIVERSITY LAW SCHOOL
Juris Doctor Degree
Graduated: 1993

MEMBERSHIPS IN LEGAL ORGANIZATIONS

State Bar of Michigan

PREVIOUS EMPLOYMENT

Development Manager
CITY OF LANSING
Lansing, Michigan

Attorney, City Attorney's Office
CITY OF LANSING
Lansing, Michigan

Attorney
PATERSON & PATERSON
Sandusky, Michigan

ADMISSIONS

State Bar of Michigan
U.S. District Court, Western District of Michigan
U.S. District Court, Eastern District of Michigan
U.S. Sixth Circuit Court of Appeals
U.S. Supreme Court

RESUME OF

JENNIFER L. BLISS ASSOCIATE

COHL, STOKER & TOSKEY, P.C.
September 2023 - Present

UNDERGRADUATE EDUCATION

MICHIGAN STATE UNIVERSITY
BA
Graduated: 1992

LEGAL EDUCATION

Western Michigan University THOMAS M. COOLEY LAW SCHOOL
Juris Doctor Degree
Graduated: 1997

ADDITIONAL TRAINING

NATIONAL INDIAN GAMING COMMISSION,
Gaming Commission Training 2005
Constitution Drafting 2001
Gaming auditing standards 1999

MEMBERSHIPS IN LEGAL ORGANIZATIONS

State Bar of Michigan 1998
State Bar of Nebraska 2003

PREVIOUS EMPLOYMENT

General Counsel – ACRO SERVICE CORP.
Of Counsel – KAZHE LAW GROUP (California)
Assistant General Counsel – LAC VIEUX DESERT
Attorney – BLISS LAW OFFICES
Of Counsel Attorney – DIETRICH LAW FIRM
Partner – FREDERICK'S AND PEEBLES, LLP (Nebraska)
Indian Gaming and Regulatory Compliance Specialist –
MICHIGAN GAMING CONTROL BOARD

ADMISSIONS

State Bar of Michigan 1998
State Bar of Nebraska 2003
District of Nebraska Federal Court 2003
Western District of Michigan Federal Court 2012
Eastern District of Michigan Federal Court 2008
Michigan District Federal Bankruptcy Court 2008
Lac Vieux Desert Band of Lake Superior Chippewa Indian 2000
Keweenaw Bay Band of Indians 2021

EXECUTIVE DOCUMENT SUMMARY

Department: <u>Drain Commissioner</u> Contact Person: <u>Steve Christensen</u> Telephone No.: <u>231-256-8263</u>	Submittal Dates
	<input checked="" type="checkbox"/> Executive Board Session 01/09/2024
Source Selection Method	
<input type="checkbox"/> Select One <input type="checkbox"/> Other: _____ Account Number (Funds to come from): _____	VENDOR: <u>n/a</u> Address/ Phone: _____

Budgeted Amount: _____ \$ 0.00	Contracted Amount: _____ \$ 0.00
--------------------------------	----------------------------------

Document Description	
<input type="checkbox"/> Select One	<input checked="" type="checkbox"/> Other _____

Request to Waive Board Policy on Bid Requirements

The South Bar Lake Drain Drainage District received bids from 5 contractors for this project on December 13, 2023 and Walton Contracting is the recommended lowest responsible bid. A Day of Review of Apportionments will be held on January 4, 2024 where all property owners and at-large entities (Empire Township, Village of Empire, MDOT and Leelanau County/Leelanau County Road Commission) received notice of their total assessments that will be levied in order to fund the Drain project. There is a 10-day appeal period regarding the assessments after the Day of Review. The first special assessment tax for this project we are planning to get on the tax roll in 2024 and will appear on the December 1, 2024 tax bills, with the first installment of the financed amount typically due on either June 1 or July 1 of 2025. We are working with a Financial Advisor (Paul Stauder, PFM Financial Advisors) to do this financing and plan to finance the overall cost of the work by getting a 10-year Note. At the Day of Review, we are showing a 5-year & 7-year average payment amount as well to gain feedback regarding these financing lengths to see if shorter would be preferred, since over approximately 90% of the 880+ total landowners assessments are approximately \$150 or less. We will begin the financing process once we receive Full Faith & Credit approval from the County Board of Commissioners.

(continued on next page)

Suggested Recommendation: I move to recommend to the County Board of Commissioners approval of County Resolution #2024-____, Resolution Pledging the Full Faith and Credit of the County of Leelanau, Within Constitutional Limitations, for the Payment of the South Bar Lake Drain Drainage District Drain Note, as presented.

Department Head Approval: _____ Date: 01/09/2024

As part of the financing, it is common on Drain projects when financing them that the lending institutions ask the Drainage Districts to get Full Faith & Credit (FF&C) backing by the County on the financed amount borrowed by the Drainage District. FF&C backing by the County is simply another layer of financial security for the lending institutions in determining their interest rates on the Drainage District's Note terms; that should there be any shortfalls in payback of the Note via the levied assessments, then the County agrees to fund any shortfalls on the remaining Note. The only reason there would be shortfalls in payback over the 10-year Note would be if a significant percentage of properties within the Drainage District defaulted on paying their property taxes and properties went into foreclosure because of non-payment of their taxes. Even when that occurs, there is a process for collection of these special assessment drain taxes that further insulates the County.

The engineer for the project, Brian Cenci, P.E. of GEI Consultants, has managed close to 250 drain projects in Michigan over the last 20+ years and has never heard of a situation, even on projects he wasn't involved in, where the County's pledge of FF&C actually came into play. This is because if there are defaults, the drain special assessment tax is still be collected in the same manner as property taxes are if those are not paid (i.e., the banks don't immediately come to the County if there is shortfall, they go back to recoup on the property first and then within the District, even prior to the County if there is FF&C backing). FF&C backing is typically more of a concern in Drainage Districts where a large portion of the properties are economically challenged or had prior tax defaults. A County Treasurer's Office review of the properties in the South Bar Lake Drain Drainage District in 2021 (required in the Drain Code) found that less than 1% of the properties within the prior three years had ever not paid their property taxes.

The County Board providing FF&C on the District's financing simply allows the Drainage District to secure the lowest interest rate possible because Leelanau County has a very good credit rating. Voting yes or no on this resolution does not have any bearing as to whether the project moves forward or not. The project is moving forward with construction and the levying of assessments regardless if the County Board provides this FF&C or not. If the County Board were to vote "no" and not give FF&C backing on the tax-free municipal Note or Bond, then the Drainage District would likely still get the Note money but most likely would have to borrow the money at a much higher interest rate and thus residents would end up having to pay more for the project because of it being financed at a higher interest rate. Voting "yes" means that the residents and at-large entities (Empire Township, Village of Empire, MDOT and Leelanau County) will get the best interest rate possible for the District's financing of this Drain project.

**NOTE: Any resident or at-large entity in the Drainage District can pay their assessment off (or a portion thereof) prior to financing of the project and not be subject to paying interest over the length of the borrowing.*

LEELANAU COUNTY RESOLUTION #2024-___

**RESOLUTION PLEDGING THE FULL FAITH AND CREDIT OF THE COUNTY OF LEELANAU,
WITHIN CONSTITUTIONAL LIMITATIONS, FOR THE PAYMENT
OF THE SOUTH BAR LAKE DRAIN DRAINAGE DISTRICT DRAIN NOTE
*(Leelanau County, Michigan)***

A regular meeting of the Board of Commissioners of the County of Leelanau, Michigan (the "County"), was held at the Leelanau County Government Center, 8527 E. Government Center Dr., Suttons Bay Michigan 49682 on _____, 2024. The following Commissioners were:

PRESENT: _____

ABSENT: _____

The resolution set forth below was offered by Commissioner _____ and were supported by Commissioner _____.

WHEREAS pursuant to a petition filed with the Drain Commissioner of Leelanau County, State of Michigan (the "Drain Commissioner"), proceedings have been taken under the provisions of Act 40, Public Acts of Michigan, 1956, as amended (the "Act"), for the construction and establishment of certain drain referred to as the South Bar Lake Drain Project (the "Project"), located in Leelanau County, and which is being undertaken by the South Bar Lake Drain Drainage District (the "Drainage District") in a Special Assessment District (the "Special Assessment District") established by the Drain Commissioner; and

WHEREAS, the Drain Commissioner has determined that the Project is necessary for the protection of the public health, convenience or welfare, and in order to provide funds to pay the costs of the Project, the Drainage District intends to issue the Drain Note in an amount not to exceed \$425,000 pursuant to the Act; and

WHEREAS, the principal of and interest on the Note will be payable from assessments to be made upon public corporations and benefited properties in the Special Assessment District; and

WHEREAS, the Leelanau County Board of Commissioners (the "Board") may, by resolution adopted by a majority of the members of the Board, pledge the full faith and credit of the County for the prompt payment of the principal of and interest on the Note pursuant to Section 276 of the Act; and

WHEREAS, the pledge of the full faith and credit of the County to the Note will reduce the cost of financing the Project and will be a benefit to the people of the County.

WHEREAS, the Note is not a private activity bond for purposes of Section 141 of the Internal Revenue Code of 1986 (the "Code");

NOW THEREFORE BE IT RESOLVED BY THE LEELANAU COUNTY BOARD OF COMMISSIONERS AS FOLLOWS:

1. The limited tax full faith and credit of the County of Leelanau is hereby pledged for the prompt payment of the principal of and interest on the Note in a par amount not to exceed \$425,000. In case of any deficiency in the assessments to be made to pay the principal of and interest on the Note as and when due, the County shall pay the amount of such deficiency out of its general funds as a first budget obligation and, if necessary, shall levy ad valorem taxes for such purpose against all taxable property within its limits, subject to constitutional and statutory limitations provided, however, that if it is necessary to reimburse the County for money, it is obligated to advance, it shall be the duty of the Drain Commissioner to at once levy an additional assessment as herein before provided as such an amount as will make up the deficiency pursuant to Section 434 of the Drain Code.

2. Should the County advance County funds pursuant to the pledge made in this Resolution, the amounts shall be repaid to the County from assessments or reassessments made upon benefited properties in the Special Assessment District as provided in the Act.

3. The Drain Commissioner, the County Administrator, the County Clerk, the County Treasurer and any other official of the County, or any one or more of them ("Authorized Officers"), are authorized and directed to take all actions necessary or desirable for the issuance of the Drain Note and to execute any documents or certificates necessary to complete the issuance of the Note, including, but not limited to, any applications including the Michigan Department of Treasury, Application for State Treasurer's Approval to Issue Long-Term Securities, any certificates pursuant paragraph (b)(5) of SEC Rule 15c2-12 issued under the Securities Exchange Act of 1934, as amended, and amendments to such certificate from time to time in accordance with the terms of such certificate (the certificate and any amendments thereto are collectively referred to herein as the "Continuing Disclosure Certificate"), and any waivers, certificates, receipts, orders, agreements, instruments, and any certificates relating to federal or state securities laws, rules, or regulations and to participate in the preparation of a preliminary official statement and a final official statement for the Note and to sign such documents and give any approvals necessary therefor. The County hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate.

4. All previous resolutions of the Board of Commissioners of the County, or parts thereof, that are inconsistent with this resolution, are hereby rescinded.

Discussion followed. A vote was thereupon taken on the foregoing resolution and the vote for each such resolution was as follows:

Introduced by the County Land Bank Authority to the:

LEELANAU COUNTY BOARD OF COMMISSIONERS

RESOLUTION TO PROVIDE THE COUNTY LAND BANK FAST TRACK AUTHORITY WITH CAPACITY BUILDING FUNDING FOR ATTAINABLE HOUSING INITIATIVES

RESOLUTION #24 – 0__

WHEREAS, in 2009, the County, County Treasurer and the Michigan Land Bank Fast Track Authority entered into an agreement to establish a Leelanau County Land Bank; and

WHEREAS, the Land Bank has grown to be a significant economic development tool in Leelanau County for attainable housing and is the major public responder to the plight of property thrown into tax foreclosure; and

WHEREAS, the need exists for capacity at the Land Bank to deal with management and disposition of the Land Bank's inventory of property; and

WHEREAS, the Land Bank has significant physical assets with value to unlock and redeploy in the future, but faces property management and development challenges currently; and

WHEREAS, the funding provided by state law for Michigan Land Banks does not provide adequate resources to manage property or to apply for funds to properly enhance, develop and dispose of property; and

WHEREAS, there are non-committed CDBG Non Program Income funds available for the restricted use of attainable housing initiatives within Leelanau County.

THEREFORE BE IT RESOLVED, that the Leelanau County Board of Commissioners authorizes a transfer of \$112,274.04 to the Leelanau County Land Bank to be paid for out of the NON PROGRAM INCOME CDBG FUND 276 for the purpose of the enhancement, development and disposition of property for attainable housing initiatives in the County.

BE IT FURTHER RESOLVED, that the County Finance Director/Administrator is directed to make any necessary budget adjustments consistent with this resolution.

COUNTY SERVICES: Yeas:

Nays: None Absent: Approved

FINANCE: Yeas:

Nays: None Absent: Approved

**Leelanau County Board of Commissioners
County Copier Maintenance Agreement Bids**

RFQ-2023-002

Bids Due: Wednesday, January 3, 2024 – 3:00 p.m.

Bid Opening: Wednesday, January 3, 2024 – 4:00 p.m.

Opened by: Deb Allen
Present: Lyn Drzewiecki, Deb Allen, Liana Wilson
Recorded by: Lyn Drzewiecki

DL
LKD
AW

	Bidder	Amount	Comments
1	Netlink Business Solutions 6005 E Traverse Hwy Traverse City MI 49684	B&W: \$3,149.33 Color: \$10,693.82 Total: \$13,843.15	<ol style="list-style-type: none"> 1) Includes tone, developer, photoconductive drum, and staples; 2) Any other consumables used by the Sharp Multifunction Printer (MFP's); 3) Includes onsite delivery of all supplies; 4) Includes all imaging technician drive time and onsite labor, servicing Sharp MFP's; 5) Includes Sharp genuine repair and replacement parts needed for the Sharp MFP's.
2	Dynamic Advantage, Inc. 229-19 Merrick Blvd, Suite 331 Queens, New York 11413 (516) 202-4680	B&W: \$15,187.05 Color: \$19,957.20 Total: \$35,144.25	No clarification on maintenance or supplies included in the proposal. The RFQ will be based on a flat service rate, per visit, pricing based on time, equipment, and material. Charges will be based on a half hour per occurrence.

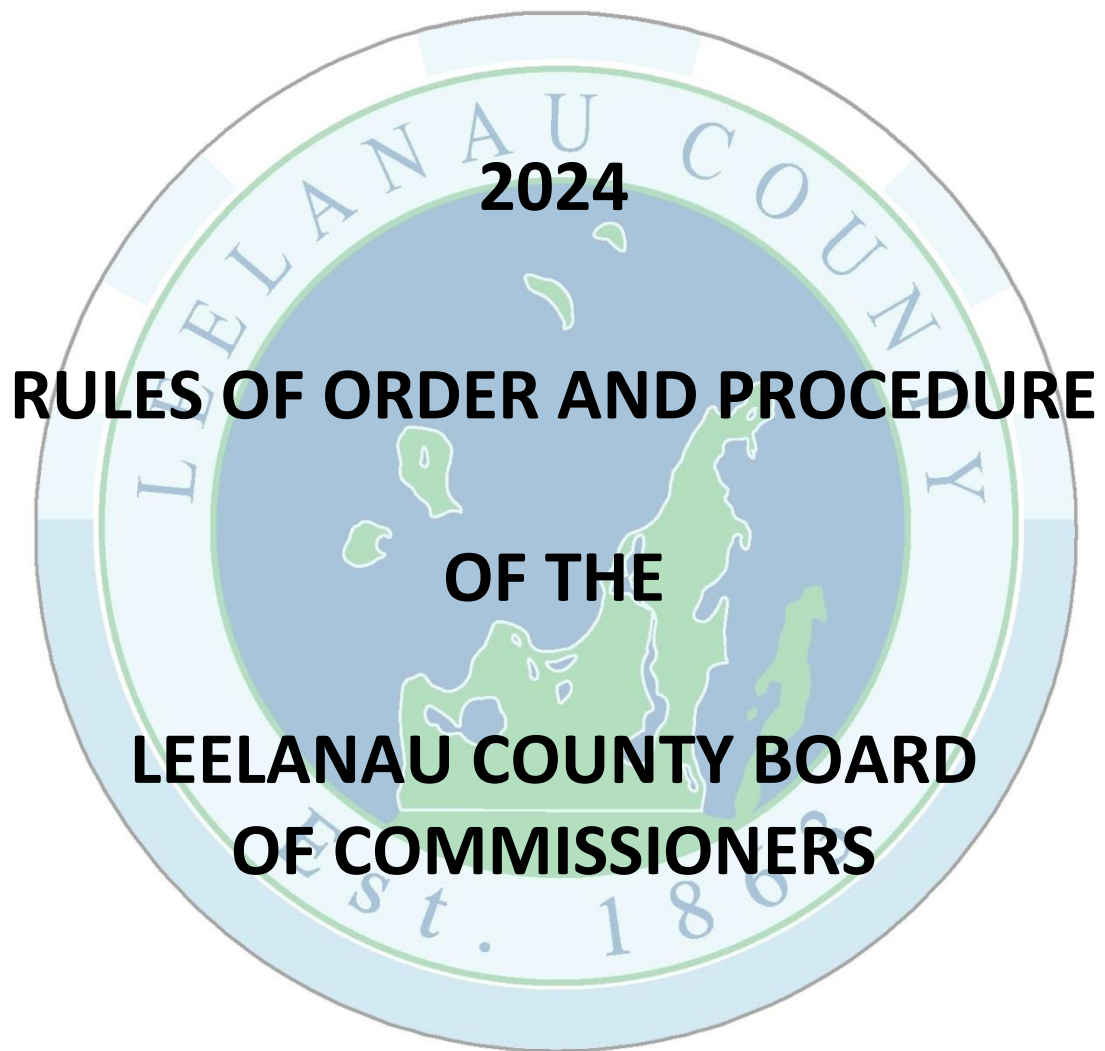


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ARTICLE I
BOARD MEETINGS – TIME AND PLACE

A. Regular, Executive Board of Commissioners and Adjourned Regular Meetings

The Board of Commissioners shall convene for the purpose of holding meetings in the Board of Commissioners Meeting Room, Leelanau County Government Center, 8527 E. Government Center Drive, Suttons Bay, Michigan, or such other place as provided by public notice, pursuant to the Open Meetings Act, 1976 PA 267, as amended, on the days listed below. The said meetings shall convene at the times indicated, except as otherwise provided in these rules.

1. **Organizational Meeting** – first Tuesday of January at 9:00 a.m.
2. **Executive Board of Commissioners Meeting** – second Tuesday of January at 9:30 a.m.
3. **Regular Board Meeting** – third Tuesday of January at 7:00 p.m.
4. **Executive Board of Commissioners Meeting** – second Tuesday of February at 9:30 a.m.
5. **Regular Board Meeting** – third Tuesday of February at 7:00 p.m.
6. **Executive Board of Commissioners Meeting** – second Tuesday of March at 9:30 a.m.
7. **Regular Board of Commissioners Meeting** – third Tuesday of March at 7:00 p.m.
8. **Executive Board of Commissioners Meeting** – second Tuesday of April at 9:30 a.m.
9. **Statutory Equalization Meeting Special Session, (MCL 209.5)** – second Tuesday of April at 9:30 a.m.
10. **Regular Board Meeting** – third Tuesday of April at 7:00 p.m.
11. **Executive Board of Commissioners Meeting** – second Tuesday of May at 9:30 a.m.
12. **Regular Board Meeting** – third Tuesday of May at 7:00 p.m.
13. **Executive Board of Commissioners Meeting** – second Tuesday of June at 9:30 a.m.
14. **Regular Board Meeting** – third Tuesday of June at 7:00 p.m.
15. **Executive Board of Commissioners Meeting** – second Tuesday of July at 9:30 a.m.
16. **Regular Board Meeting** – third Tuesday of July at 7:00 p.m.
17. **Executive Board of Commissioners Meeting** – second Tuesday of August at 9:30 a.m.
18. **Regular Board Meeting** – third Tuesday of August at 7:00 p.m.
19. **Executive Board of Commissioners Meeting** – second Tuesday of September at 9:30 a.m.
20. **Regular Board Meeting** – third Tuesday of September at 7:00 p.m.
21. **Executive Board of Commissioners Meeting** – first Tuesday of October at 9:30 a.m.
22. **Statutory Annual Meeting** – second Tuesday of October at 7:00 p.m.
23. **Executive Board of Commissioners Meeting** – second Tuesday of November at 9:30 a.m.
24. **Regular Board Meeting** – third Tuesday of November at 7:00 p.m.
25. **Executive Board of Commissioners Meeting** – second Tuesday of December at 9:30 a.m.
26. **Regular Board Meeting** – third Tuesday of December at 7:00 p.m.

Any other meetings not listed above shall be special meetings or adjourned sessions of regular scheduled meetings. Unless the Board provides otherwise, the motion to “adjourn” any meeting of this Board, whether Executive Board of Commissioners, Regular, or Special shall mean to adjourn to the next succeeding regular meeting on the list above.

B. Special Meetings

The Board shall convene for the purpose of holding special meetings only upon the written request of at least one third of the commissioners, to the county clerk, specifying the time, date, place and the purpose of such meeting. When a special meeting is called by written request, the county clerk shall immediately communicate the written request to each commissioner within 24 hours in one or more of the following ways:

- Via confirmed facsimile to the commissioner’s residence;
- Via personal delivery of the notice to the commissioner;
- Leaving the notice at the home of the commissioner;
- Via confirmed telephone call to commissioner’s residence; or
- Via confirmed email.

The clerk shall post a public notice at least eighteen (18) hours before the meeting, as required by the Open Meetings Act, 1976 PA 267, as amended.

C. Meetings on Legal Holidays

A Regular, Executive Board of Commissioners Meeting or adjourned meeting of the Board that falls on a legal holiday shall automatically be set over to the next working day following, that is not a legal holiday, at the same time and place indicated on the original meeting notice.

**ARTICLE II
CHAIRPERSON**

A. Election

At the first meeting in each odd numbered calendar year, the Board shall elect, from among its members, a Chairperson and in each calendar year a vice-chairperson, who shall take office and assume their respective duties immediately upon their election provided that the Constitutional Oath of Office had been administered previously by the appropriate officials. The concurrence of a majority of all members of the Board shall be necessary for election.

B. Duties

The chair (and during any absence of the chair, the vice-chairperson) shall preside at all meetings of the Board and shall decide all questions of order, subject to appeal to the Board. It is the responsibility of the Chairperson to appoint standing and special committees, with approval of the Board of Commissioners. The vice-chairperson shall hold office for one year, and the Chairperson shall hold office for two years or until their successors are duly elected and qualified.

C. Orientation Session

For the purpose of more fully informing the new members of the Board of Commissioners about the workings and procedure of Leelanau County government, the Chairperson of the Board may provide for an orientation session for the purpose of explaining the structure, functions and procedures of county government.

**ARTICLE III
CLERK OF THE BOARD / OPEN MEETINGS ACT**

A. Official Clerk and Duties

The duly elected clerk of Leelanau County shall be the clerk of the Board. In the clerk's absence, the duly appointed deputy clerk shall perform all duties pertaining to such office, as required by law.

B. Minutes

Proposed minutes of all County Board meetings shall be ready for public release no later than eight (8) working days following the meeting date pursuant to the requirements of the Open Meetings Act. Recordings of all Board meetings shall be retained until minutes are approved.

C. Open Meetings Act Posting

The clerk or deputy clerk shall perform all posting functions required by the Open Meetings Act, 1976 PA 267, as amended.

D. Prior Notice of Absence

Board members should notify the county clerk or the county administrator at the earliest available opportunity for any absences prior to the meeting. Notification of said absences will be documented in the meeting minutes.

**ARTICLE IV
EXECUTIVE BOARD OF COMMISSIONERS MEETING**

Executive Board of Commissioners Meeting *(All Commissioners)*

This meeting is comprised of all seven elected County Commissioners and shall meet as a whole as noted Under Article I-A. The primary objective of this meeting shall be to conduct extensive research and discussion on matters dealing with county issues and finances for presentation/ recommendation at the Regular Board meeting, or Special Board meetings as needed. The Chairperson shall conduct the overall order of business so as to permit free and informal discussion of the agenda items presented.

1. Matters presented at the Executive Board of Commissioners meeting may or may not be recommended to the full Board, based on a majority vote of those elected.
2. The Commissioners shall make NO final decisions at the Executive Board of Commissioners meeting. This power is expressly reserved for the Board of Commissioners when meeting in a Regular Session or Special Session.
3. An item/issue at the Executive Board of Commissioners meeting that does not receive a majority vote for recommendation, may be added to the Regular Session agenda as a late addition, if a motion is made and seconded at said meeting and agreed to by a majority vote of the Board of Commissioners elected.
4. Any question at the Executive Board of Commissioners meeting that does not receive a majority vote of support for recommendation to the Regular Session or Special Session of the Board of Commissioners may be reconsidered at the same meeting or at any succeeding Executive Board of Commissioners meeting. A simple majority vote is needed to place the item on the Executive Board of Commissioners agenda if said topic previously failed to receive a majority vote for recommendation.
5. Discussion may take place on items on the Executive Board of Commissioners meeting agenda without a recommendation being made.
6. Recommendations will only be allowed to have one amendment to an amendment, which are germane to the original recommendation. All amendments must be in writing to the County Clerk or staff.
7. The Order of Precedence of Motions will be as outlined in Article VI, F, 2 a-h.
8. It is the goal of the Board of Commissioners to complete the Executive Board meeting within a five-hour period or less (9:00 a.m. to 2:00 p.m.). At the end of the five-hour period, a vote will be taken to determine if the meeting will be adjourned, recessed, or continued to the completion of the agenda.

ARTICLE V COMMITTEES

A. Commissioner Appointment – Standing Committees

The Chairperson of the Board shall appoint, with the approval of a majority of the Board members, commissioners to their areas of responsibility under the designated standing committees and/or commissions. The commissioner so appointed shall be responsible for reporting back to the full Board of Commissioners. No commissioner shall be appointed to a committee and/or commission without their consent.

B. Select Committee

The Chairperson of the Board of Commissioners, with the approval of a majority of the Board members, shall establish select committees, as needed, to study a particular one-time issue, problem or requirement. Normally, the commissioner in whose district the issue exists shall be appointed unless there is a conflict. The chairperson for each select committee shall schedule meetings and locations to accomplish the task at hand. The select committee shall be dissolved at the completion of the issue.

C. Committee Procedures

The board member assigned to a committee may be authorized to request additional help to research, analyze, and make recommendations on specific matters before the Board of Commissioners. In addition, these procedures applicable to each committee, board or commission shall be followed:

1. Upon majority vote, recommendations and resolutions shall be developed and presented to the full Board.
2. Provisions will be made for separate committee minutes to be taken and provided to the Board of Commissioners and administrator's office for consideration.
3. Meeting schedules, except those set forth in these rules shall be at the discretion of the Chairperson of the respective board, commission or committee, subject to the posting requirements of the Open Meetings Act.
4. No scheduled committee meeting set forth by these rules shall be changed to another time or date unless all members are polled and a majority agree to the change.
5. All Committees are required to comply with the requirements of the Open Meetings Act.
6. All Committees including the Executive Board of Commissioners shall refer for final decisions on all matters to the Regular Board of Commissioners meeting as this power is expressly reserved for the Board of Commissioners.
7. Public meeting notices shall be posted and published in coordination with the county clerk as required by the Open Meeting Act, 1976 PA 267, as amended.

D. Committee Meetings

Meetings of the Executive Board of Commissioners, standing committee, or select committees **upon approval of the Board**, may be convened by its Chairperson or a majority of its members upon reasonable notice of at least 24 hours to its members and the Board Chairperson provided said notice complies with the Open Meetings Act, 1976 PA 267, as amended. A quorum shall consist of a majority of the committee members. Each committee shall have a prepared agenda including all items to be considered prior to the committee

meeting; however, late items may be added with the concurrence of a majority of the quorum present. All committees shall keep minutes of their meetings as required by the Open Meetings Act, 1976 PA 267, as amended. Every committee shall provide an opportunity for the public to be heard. Members of the public may address the Executive Board of Commissioners and other committees for up to five (5) minutes per person or longer at the discretion of the chairperson, after they identify themselves and are recognized by the chairperson (See Article VI, Section J. 4.a) & b),page 16, for clarification).

1. Committees should be given specific, well described tasks within their respective area at the direction of the whole board.
2. This should come as a motion from the board, example: “We authorize the building and grounds committee to research possible alternatives to the HVAC system, and make recommendations to the board”
3. Any recommendations from the committee must go to the executive meeting for deliberation, before action (or inaction) at the regular meeting.
4. Any committee meeting recommendation that will have an impact on another committees’ current specific tasks as authorized by the whole board, will need to allow the other committee to meet and review prior to presenting to the executive board. Example: If the personnel committee has been given a specific task to review, and that task has financial implications, it would not need to be run by the finance committee unless it impacts a specific task already given to the finance committee., and vice versa.

ARTICLE VI

CONDUCT OF REGULAR MEETINGS OF THE BOARD OF COMMISSIONERS

A. Chairperson

The Chairperson shall take the Chairperson’s seat on the date and hour set forth for regular meetings or at the time and date of any other meetings as may be provided by these rules.

B. Quorum

A majority of the members of the Board of Commissioners shall constitute a quorum for the transaction of the ordinary business of the county.

C. Adoption of Measure

For the final passage or adoption of a measure or resolution, or the allowance of a claim against the county, a majority of the members elected and serving shall be necessary.

D. Order of Business – Agendas

1. Executive Board Agenda

- a) Call to Order
- b) Pledge of Allegiance
- c) Moment of Silence/Personal Prayer
- d) Roll Call
- e) Approval of Agenda and Late Additions or Deletions
- f) Communications, Proclamations, Presentations
- g) Public Comment (*up to three [3] minutes per person, agenda-specific*)
- h) Commissioner Comments
- i) Consent Agenda Items
- j) Action Items
- k) Review of Financials
- l) Special Reports by Staff, Commissioners and Affiliated Agencies
- m) Public Comment (*up to five [5] minutes per person [General]*)
- n) Commissioner Comments
- o) Approval of Financials
- p) Adjournment

2. **Regular Session Agenda**

- a) Call to Order
- b) Pledge of Allegiance
- c) Moment of Silence/Personal Prayer
- d) Roll Call
- e) Approval of Board Minutes
- f) Approval of Agenda and Late Additions or Deletions
- g) Communications, Proclamations, Presentations
- h) Public Comment (*up to three [3] minutes per person*)
- i) Commissioner Comments
- j) Consent Agenda Items
- k) Action Items
- l) Review of Financials
- m) Committee Reports, Recommendations, and Resolutions
- n) Special Reports by Staff, Commissioners and Affiliated Agencies
- o) Public Comment (*up to five [5] minutes per person [General]*)
- p) Commissioner Comments
- q) Approval of Financials
- r) Adjournment

3. **Special Session Agenda**

- a) Call to Order
- b) Pledge of Allegiance
- c) Moment of Silence/Personal Prayer
- d) Roll Call
- e) Approval of the Agenda (*deletions only*)
- f) Public Comment (*up to three [3] minutes per person, agenda specific*)
- g) Commissioner Comments
- h) Action Item(s)
- i) Public Comment (*up to five [5] minutes per person*)
- j) Commissioner Comments
- k) Adjournment

Members of the public may address the Board of Commissioners, Executive Board of Commissioners, and other committees for up to five (5) minutes per person or longer at the discretion of the Chairperson, after they identify themselves and are recognized by the Chairperson (See Article VI, Section J. 4.a) & b),page 16, for clarification).

4. **Specific Agenda Priorities**

All matters shall be placed upon the agenda within the applicable subcommittee section.

5. **Agenda Deadline**

A Commissioner, an Elected Official, a Department Head or an Affiliated Agency wishing to meet with the Board, or have an item placed on the agenda for the Board, must notify the administrator's office six working days preceding the scheduled meeting date. However, an item may be added to the agenda at any meeting prior to the closing of the agenda and considered or referred to a committee if agreed to by a majority vote of the Board or committee to which the request was made. Further, the Chairperson shall not have the final decision on the agenda.

6. **Late Items**

Late items shall be distributed to all commissioners no later than at the beginning of the Board meeting and shall be announced by title with appropriate agenda numbers, and may be considered if approved by majority vote of the Board. A five-minute recess shall be granted at the request of any commissioner prior to consideration of each late item. Late items shall only be considered if a majority of the Board votes to do so.

7. **Consent Agenda**

Consent agenda items will be recommended by the County Administrator and approved by the Board Chairperson, prior to the distribution of the agenda. A consent agenda may be presented by the Board Chairperson at the beginning of a meeting. Items may be removed from the consent agenda on the request of any one Commissioner. Items not removed may be adopted by general consent without debate. Removed items may be taken up either immediately after the consent agenda or placed later on the agenda at the discretion of the Chairperson.

Typical consent agenda items are routine, procedural decisions, and decisions that are likely to be noncontroversial.

8. **Agenda Availability**

An agenda for each meeting shall be sent at least 24 hours in advance to be received in a timely manner by each commissioner as well as being made available to the public and news media.

E. Rights and Duties of Members (at Executive Board of Commissioner meetings, Regular Board of Commissioner meetings and Special Sessions):

1. **Speaking Priorities** –

- The sponsor of any properly moved and seconded motion, resolution, ordinance or report shall have the right to speak for five (5) minutes after the formal introduction and prior to any discussion on the floor.

- No commissioner shall speak a second time on a question until all others who wish to speak have had an opportunity to speak at least once.
 - When two or more members address the Chairperson at the same time, the Chairperson shall designate the member who is to speak first; but in all other cases, the member who shall first address the Chairperson shall speak first but is limited to no more than five (5) minutes.
 - Only members of the Board of Commissioners shall be given the right to speak during any Board meeting except:
 - a) A county staff person or elected official when information or report pertinent to their office is requested by a Board member.
 - b) Any member of the public, recognized by the Chairperson, not to exceed five (5) minutes per person.
 - No member, while addressing the Board shall be interrupted except to be called to order; and thereupon, the member shall cease talking.
2. **Voting** – Every commissioner shall vote on all questions unless excused by the Chairperson for substantial reason. The Chairperson shall also vote on all questions unless excused by the Board for a valid reason.
 3. **Interruption/Leaving** – No member shall interrupt a meeting for private discourse or leave a meeting prior to adjournment unless excused by the Chairperson. The clerk shall record the time and point in the proceedings at which a member enters or leaves a meeting.
 4. **Order and Decorum** – The Chairperson shall at all times preserve order and decorum pursuant to these rules.

F. Off-Site Participation in Commissioner Meetings by Commissioners

1. Currently, off-site participation is not allowed by the Michigan Open Meetings Act, except for members on military duty, and as a necessary disability accommodation under State or federal law. Provided the requirements of the Open Meetings Act are met, Commissioners unable to attend due to military duty shall be permitted to participate remotely in Commissioner committee and board meetings by Skype/Facetime/Polycom or similar remote access technology available to the County and member. Members requesting and are granted a disability accommodation by the County Board under State or federal disability laws may also attend Commissioner committee and board meetings by Skype/Facetime/Polycom or similar remote access

technology available to the County and member, provided the requirements of the Open Meetings Act are met. Members attending remotely under this subsection shall be permitted to participate in the discussion and votes of Commissioner committee and board meetings, shall be considered present, and counted toward a quorum.

2. If the Michigan Open Meetings Act is modified to permit remote meetings more broadly, Commissioners can participate remotely with advance notice of preferably 48 hours, Commissioners are allowed to participate in board meetings via Skype/Facetime/Polycom technology. Participation is contingent upon an on-site quorum of the Board of Commissioners, availability of equipment and requires that the Commission chambers be set up so that interaction among all Commissioners is possible.
 - a. Board members participating in the meeting by Skype/Polycom/Facetime or similar remote access technology available to the County and member shall be present at the beginning of the meeting and have the right to vote on any issue properly before the Board.
 - b. Off-site participation in meetings is limited to two meetings per year for each individual Commissioner, except for members attending remotely due to military duty or a disability accommodation.
 - c. These guidelines are subject to modification if the Open Meetings Act is revised.

G. Motions, Resolutions and Committee Reports

To provide an orderly flow of items before the Board (at all meetings – Executive Board of Commissioners, Regular Meeting and Special Session), agenda items shall be scheduled according to subject matter and committee interest. If the item needs to be considered by more than one committee, it will be scheduled during the Executive Board of Commissioners meeting or Regular Board meeting.

1. **No motion shall be debated or voted on unless seconded**. Any motion may, with the permission of the person who moved and seconded it, be withdrawn at any time before it has been adopted.
2. **Order of Precedence of Motions** – When a motion is seconded and before the Board, no other motion shall be received except the following:
 - a) **To adjourn** (end meeting now) – *not* debatable.
 - b) **To raise a question of privilege** (welfare of individual/assembly) – *not* debatable.
 - c) **To lay on the table** (set aside temporarily) – *not* debatable.
 - d) **To call for the previous question** (stop debate) – *not* debatable.
 - e) **To limit or extend limits of debate** (shorten or lengthen debate) – *not* debatable.
 - f) **To postpone to a certain date** (put off to another time) – debatable.

- g) **To commit or refer or recommit to a committee** (let a committee investigate) – debatable.
- h) **To amend** (change a motion) – debatable (See #5 Amendments below.)

These motions shall have precedence in order named.

- 3. **Motion to Adjourn** – A motion to adjourn shall always be in order except while a vote is being taken on any other motion already before the Board or when a member has the floor.
- 4. **Motion to Reconsider** – Applies to the Regular Meeting of the Board of Commissioners and Special Sessions only. A first motion for the reconsideration of any question shall be in order if made on the same day or at the Board meeting next succeeding that on which the decision proposed to be reconsidered was made; providing, however, that a second reconsideration of any question or a reconsideration at a later date may be had with the consent of two-thirds (2/3rds) of the members elected and serving, but in such an event, the moving member shall file written notice of their intention to move for a reconsideration in the office of the clerk at least one day before making such a motion.
- 5. **Amendments** – No motion or proposition not germane to a subject under consideration shall be admitted under cover of an amendment. Commissioners shall give all amendments in writing to the clerk. The clerk shall read it back prior to a vote being taken on the subject. Only one (1) amendment to an amendment is allowed.
- 6. **Resolutions and Ordinances** – Resolutions shall be considered in the order in which they are received unless otherwise ordered by the Board. All resolutions shall be presented to the Board in writing, and be included in the Executive Board Packet. This excludes all internal financial resolutions.
- 7. **Division of Question** – Upon request by any member, any question may be divided and separated into more than one question; provided, however, that such may be done only when the original is of such nature that, upon division, each of the resulting questions is a complete question permitting independent consideration and action. Such request for any member does not need a second or a vote of the Board in order for the question to be considered, provided that the other provisions of this section are met.

H. Appeal from Decision of Chairperson

When an appeal is taken from a decision of the Chairperson, the member taking the appeal shall be allowed to state their reason for doing so. The question shall be then 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 the vice-chairperson shall preside over such vote.

I. **Public Meetings**

All Board and committee meetings shall be open to the public as required by the Open Meetings Act, 1976 PA 267, as amended.

J. **Comments from the Floor**

Only members of the Leelanau County Board of Commissioners shall be given the floor to speak during any Board or Executive Board of Commissioners meeting, except:

1. Anyone who desires to speak under D.1. (g), D.1. (n) or E.1.(b) of this Article for the time allocated; and
2. County officials or personnel under E.1.(a); and
3. Any person with the consent of the Chairperson or majority of the Board.

4. **Public Comment:**

- a. For the Executive Board Session, public comment shall be limited to no more than three (3) minutes per individual for the first public comment *and limited to agenda specific issues*, and five (5) minutes per individual for the second public comment, any topic, and at times as stated in these rules except where extended by the Chairperson. ~~For the Executive Board Session only, the first public comment will also be limited to agenda-specific issues.~~
- b. For all other meetings, **excluding the Regular Board Meeting**, there will be one three (3) minute public comment [per individual] session that is agenda specific and one public comment for five (5) minutes [per individual] non-agenda specific.

**ARTICLE VII
VOTING**

A. **Roll Call Votes**

1. A roll call vote shall be taken on any question when called for by any member of the Board or as required by law. The Chairperson shall determine and announce the outcome of each vote.
2. The names of those who voted for or against the same shall be entered in by district in the minutes. Each member called upon may declare openly and without debate their assent or dissent to the question.

**ARTICLE VIII
ADMINISTRATOR'S OFFICE**

A. Responsibilities

1. The agenda for each Regular Board meeting, Executive Board of Commissioners meeting, select committee, and special meetings shall be prepared by the administrator's office, sent to all members of the Board of Commissioners for review with final approval from the Chairperson, and then coordinated with the clerk in time for the required Public Notice to be posted.
2. Prior to each meeting, each commissioner, elected official or department head shall be provided the agenda to ensure that they are aware of the items that fall under their oversight or action responsibility.
3. Action agenda items shall be scheduled, including type of presentation, documents or in-person presentation to ensure continuity of category, and time consideration.
4. Individuals wishing to have an item considered by the Board and potentially placed on the agenda for the Executive Board of Commissioners or select Committee meetings must notify their respective Commissioner and the County Administrator at least six (6) working days before the announced or scheduled meeting date, unless waived by the Board.

**ARTICLE IX
ADMINISTRATION**

A. Signing of Documents

The Chairperson shall be the signatory of all contracts, bonds and other documents which requires the signature of the Board of Commissioners. In the event the Chairperson is unable to perform such functions, then the vice-chairperson shall act in the Chairperson's stead.

B. Notice of Board Action

When the Board has acted upon a written request or demand for action presented to the Board from other than among its membership, the administrator in coordination with the clerk, shall promptly notify the person or agency making the request or demand of the Board's action thereon.

C. Minutes

A copy of the proposed minutes of each Board meeting shall be prepared and delivered to each member of the Board no later than eight (8) working days after the meeting in accordance with the Open Meetings Act, 1976 PA 267.

D. Resolutions

All resolutions finally adopted by the Board shall be consecutively numbered by the county clerk in order of their adoption.

E. Motions

All motions finally adopted by the Board shall be consecutively numbered by the county clerk in order of their adoption.

F. Robert's Rules of Order, Twelfth Edition

The Leelanau County Rules of Order and Procedure supersede Robert's Rules of Order. The rules of parliamentary practice set forth in Robert's Rules of Order, revised, shall govern the Board, providing they are not in conflict with the Board's rules or laws of the State of Michigan.

**ARTICLE X
AMENDMENT TO AND EFFECTIVE DATE OF THESE RULES**

These rules may be amended, suspended, or rescinded only by a majority vote of all the commissioners. They shall remain in effect until rescinded, amended, or suspended.

Any amendment to these rules, properly presented to the Board of Commissioners and adopted, shall take immediate effect unless otherwise stated by the Board at the time of adoption.

**ARTICLE XI
CONCLUSION**

To the extent that any of the rules herein are contrary to statutory requirements, they shall be of no force and effect.