

2011 RULES OF ORDER

BOARD OF HEALTH MARQUETTE COUNTY

The great purpose of all rules and forms is to subserve the will of the assembly, rather than to restrain it, to facilitate, and not to obstruct, the expression of their deliberate sense.

RULE 1 JANUARY ORGANIZATIONAL MEETING; ELECTION OF CHAIR & VICE-CHAIR.

At the first meeting of the Board of Health held in January of each year, the Health Officer shall open the meeting, call the roll, and if a quorum is found to be present, the Board shall proceed to nominate and elect one of their number as Chairperson; the election of the Chairperson may be by secret ballot if a majority of the Board members present vote to do so. The Board member receiving the majority of all votes cast shall be Chairperson of the Board and immediately assume the duties thereof. The Chairperson shall first proceed to the election of a Vice-Chairperson by a roll call vote.

RULE 2 RULES OF ORDER.

During the January organizational meeting, the Board shall review and revise, if deemed necessary, the Rules of Order.

RULE 3 SPECIAL & SELECT COMMITTEES.

The Chairperson shall appoint all special and select committees unless otherwise ordered by the Board. A special advisory committee made up of three members shall be appointed by the Chair upon the request of the Health Officer.

RULE 4 NAMED MEMBERS OF ANY COMMITTEE.

The first named members of any Committee shall be the Chairperson thereof, and the second named member shall be the Vice-Chairperson. The Chairperson of the Board may be a member of any committee.

RULE 5 RIGHTS & DUTIES OF COMMITTEES.

Any matter referred to committee remains the property of that committee until reported to the full Board, or another committee, either by a date specified in the motion or at the earliest convenience of said committee. Any matter not reported to the Board within a reasonable length of time

may be brought upon the floor for consideration by a majority of those present.

RULE 6 COMMITTEE REPORTS & RECOMMENDATIONS.

Reports and recommendations of all Standing and Special Committees of the Board will be in writing or verbally presented at the next Board of Health Meeting.

RULE 7 POWERS & DUTIES OF THE CHAIRPERSON.

The Chairperson shall take the Chair precisely on the day and at the hour to which the Board adjourned at the preceding session. He/she shall immediately call the members to order, and on the appearance of quorum from a call of the roll, he/she shall cause the minutes of the preceding session to be read unless otherwise ordered by the Board.

RULE 8 DISORDERLY CONDUCT.

It shall be the duty of the Chair to preserve order. The Chair shall suppress any disorderly conduct and shall strictly enforce the rules and regulations of the Board.

RULE 9 AUTHORIZED ATTENDANCE AT OTHER MEETINGS.

The Chairperson of the Board is authorized to send to any meeting or convention or function deemed important to the conduct of the Health Department on short notice, those persons he/she deems necessary, in number appropriate to the occasion; said members shall travel by the mode of transportation most suited to the situation and action taken by the Chairperson shall be subject to later review by the Board of Health, and when the occasion warrants, it is expected that a written or oral report concerning participation in such activities will be submitted to the full Board by a designated participating delegate.

RULE 10 POWERS & DUTIES OF THE VICE-CHAIRPERSON.

When the Chairperson is absent from Board meetings or otherwise incapacitated during interim, the Vice-Chairperson shall assume all the duties and obligations of the Chairperson.

RULE 11 TEMPORARY CHAIR.

Both the Chairperson and Vice-Chairperson, when presiding, shall have the right to name any member of the Board to perform the duties of Chair temporarily.

RULE 12 QUORUM & ACTING CHAIRPERSON.

A majority of all the Board of Health members duly appointed shall constitute a quorum for the transaction of business. If the Chairperson and Vice-Chairperson are absent from the meeting, the Chairperson will appoint an Acting Chairperson for that meeting.

RULE 13 CANCELLING MEETINGS & SCHEDULING ADDITIONAL MEETINGS.

A previously scheduled regular meeting may be cancelled, by the Chairperson or Vice-Chairperson acting in the Chairperson's capacity. If a regularly scheduled meeting is cancelled, the meeting may be scheduled the following week on the same weekday and at the same time. A special, unscheduled or emergency meeting may be called, by the Chairperson or Vice-Chairperson acting in the Chairperson's capacity, at his or her discretion provided forty-eight (48) hours notice is given to each member and such additional notice is given as required by the Open Meetings Act. A special, unscheduled or emergency meeting is defined as a meeting required because of a sudden and unexpected turn of events requiring immediate action.

RULE 14 ORDER OF BUSINESS.

The order of business of the Board of Health shall be as follows:

1. Call to Order
2. Public Comment
3. Approval of Agenda
4. Approval of Minutes of Preceding Regular and Special Meetings
5. Approval of Departmental Reports
6. Consideration of Bills for Payment
7. Budget Status Report
8. Board of Commissioner Liaison Report
9. Items for Discussion
10. Community Health Assessment Update
11. Review of Health Department Policies
12. Informational Items
13. Public Comment
14. Adjournment

RULE 15 AGENDA.

The agenda for each regular meeting and any special or emergency meeting shall be prepared by the Health Officer or his designee. Prior to the meeting, any items for discussion shall be placed on the agenda at the request of any member of the Board.

RULE 16 SPECIAL BUSINESS.

At a meeting called for any special business, such business shall be given first consideration by the Board, and shall have the right of way over all other matters taken up by the Board at such special session.

RULE 17 ORDER OF SPEAKING.

No member shall speak a second time on a question until all others who wish to have had an opportunity to speak once.

RULE 18 SIMULTANEOUS SPEAKING.

When two or more members address the Chair at the same time, the Chairperson shall designate the member who is first to speak; but in all other cases the member who shall first address the Chair shall speak first.

RULE 19 RIGHT OF SPEAKING.

Only members of the Board of Health shall be given the right to speak during any Board meeting except:

1. Any person with the consent of the majority of the Board members present.
2. Any member of the public speaking under the privilege of Public Comment.
3. Any staff person, when requested by any member of the Board.
4. Any member of the public speaking during a Public Hearing.

RULE 20 PUBLIC COMMENT.

Public comment is an opportunity for citizens of the County to voice their opinions concerning issues regarding the operation of the Marquette County Health Department. Individuals will be limited to three minutes per person, not to exceed 20 minutes in total. The Board Chairperson will be responsible for keeping time on individuals and to inform them when their limits have expired. At the close of Public Comment, Board members may address issues raised by citizens during the Public Comment Session.

RULE 21 MEMBER CALLED TO ORDER.

A member called to order shall immediately relinquish the floor, unless permitted to explain, and the Board, if appealed to, shall decide the case. If an appeal is not made, the decision of the Chair shall stand.

On an appeal, no member shall speak more than once without the consent of the Board.

RULE 22 DIVISION OF QUESTION.

If a question in debate contains several points, any member may ask for and have the same divided.

RULE 23 SUSPENSION OF RULES; AMENDMENTS.

No rule of the Board shall be suspended, altered or amended without the concurrence of two-thirds of the members present at a meeting.

RULE 24 ROBERT'S RULES OF ORDER.

The rules of parliamentary practice comprised in "Robert's Rules of Order Revised" shall govern the Board in all cases to which they are applicable, providing they are not in conflict with the Board's rules or laws of the State of Michigan.

RULE 25 PRIVILEGED MOTIONS.

When a question is under debate, no motion shall be received or entertained but the following:

- To adjourn.
- To close debate on the pending question.
- To lay on the table.
- To postpone to a certain day.
- To commit, amend or substitute.

---which several motions shall have precedence in the order in which they stand arranged.

RULE 26 MOTION TO TABLE; MOTION TO ADJOURN.

The motion to adjourn shall always be in order; that and the motion to lay on the table, shall always be decided without debate.

RULE 27 MOTION FOR RECONSIDERATION.

A motion for reconsideration of a decision shall be in order when:

1. The motion is made at the same meeting or the following meeting.
2. The motion is made by one who voted with the majority on the original motion.

RULE 28 MOTION TO RESCIND.

A motion to rescind a previous action requires a two-thirds vote, or a majority vote when notice of intent to make the motion, stating the complete substance of the proposed change has been given at the previous meeting or in the call of the present meeting. A motion to rescind a previous action is not in order when:

1. It has been previously moved to reconsider the vote on the original motion; or
2. When something has been done, as a result of the vote on the original motion, that is impossible to undo; or
3. The original motion accepted a contract, resignation, or appointment and the other party has already been informed of the action.

RULE 29 SECONDS; WRITTEN MOTIONS.

No motion or resolution shall be debated or put to the Board unless the same has been seconded and, before voting, stated by the Chair, and any such motion or resolution shall be reduced to writing if the Chair, clerk or any member so desires. Any motion or resolution so reduced to writing by a member of the Board of Health shall be spread verbatim on the minutes of the meeting.

RULE 30 WITHDRAWAL OF MOTION.

After a motion shall be stated by the Chair, it shall be deemed to be in the possession of the Board, but may be withdrawn at any time before amended or otherwise acted upon.

RULE 31 ROLL CALL VOTE; EXCUSE.

Every member who shall be present when a question is last stated by the Chair, and no other, shall vote for or against the same, unless the Board shall excuse him/her, or unless he/she be immediately, financially interested in the question. The Chair must vote on all roll call questions unless excused by a unanimous vote of the Board. He/she may vote on all questions before the Board, except on appeal from his/her own decisions.

RULE 32 ROLL CALL VOTES.

A roll call vote shall be taken on any questions when called for by any member of the Board.

RULE 33 PUBLIC HEARINGS RULES OF PROCEDURE.

a) Whenever a public hearing on any issue is convened by the Marquette County Board of Health or committee thereof, the Chairperson shall commence the public hearing by:

1. Stating the purpose of the hearing.
2. Advising the public in attendance on the rules of procedure set forth in this rule.

b) The Chairperson shall be responsible for order and procedure at all public hearings, and enforce this rule, as well as the general Rules of Order of the County Board of Health to the extent applicable.

c) All persons, organizations, firms, partnerships, corporations, or other such entities shall have the right to address the Board either individually or by an agent or representative. Each person addressing the Board must give his name and the name of any organization if he is speaking on behalf of the organization.

d) All presentations to the Board during a public hearing shall be limited to a reasonable length of time.

e) The Board of Health may specifically limit the length of time for each presentation if necessary.

f) Those parties addressing the Board may also submit such written materials, documents, petitions, any exhibits to support their presentation.

g) Following each presentation, each Board member may question the individual making the presentation.

h) The Board shall receive any additional written comments from interested persons or parties on the subject matter of the hearing for up to 30 days following the date of the hearing.

RULE 34 HEALTH BOARD OF APPEALS FORMAL HEARINGS.

When the Marquette County Health Board of Appeals meets as defined by the Marquette County Superior Environmental Health Code, the order of business shall be as follows:

1. Call to Order
2. Public Comment
3. Approval of Agenda

4. Appeal of Environmental Health Code
5. Public Comment
6. Adjournment

RULE 35 SCHEDULING OF HEALTH BOARD OF APPEALS FORMAL HEARINGS.

Formal hearings held by the Marquette County Health Board of Appeals will either be scheduled immediately prior to a regularly scheduled Board of Health Meeting or at another time convenient to the appellant and members of the Health Board of Appeals. These hearings will be held in a manner consistent with the Open Meetings Act (Act 267 of 1976).

RULE 36 PROCEDURE DURING HEALTH BOARD OF APPEALS FORMAL HEARINGS.

After receiving a request for a formal administrative hearing to appeal a ruling of the Health Officer and/or Director of Environmental Health, the Health Board of Appeals, may at any regular meeting of the Board of Health or at any special meeting called for this purpose, consider pertinent information provided by staff and the appellant and vote upon the appeal. Staff and the appellant will provide copies of documents to be discussed during the hearing to the Health Board of Appeals at least three (3) calendar days prior to the hearing.

The Chairperson of the Health Board of Appeals shall conduct all formal administrative hearings. Each individual wishing to make a comment or presentation during the hearing shall be recognized by the Health Board of Appeals' Chairperson and identify themselves for the hearing record. For purposes of each of the presentations described below, the Health Department staff, the appellant, or any interested citizen may be represented by an agent, consultant or legal counsel. Presentations shall occur in the following order:

1. The appellant and/or their representative(s) shall present an overview of the specific situation leading to the appeal including how substantial rights have been prejudiced because the Department's decision is any of the following:
 - A. In violation of the constitution or a statute.
 - B. In excess of the statutory authority or jurisdiction of the local health department.
 - C. Made upon unlawful procedure resulting in material prejudice to a party.
 - D. Not supported by competent material and substantial evidence.

- E. Arbitrary, capricious or clearly an abuse or unwarranted exercise of discretion.
 - F. Affected by other substantial and material error of law.
2. After the appellant and/or their representative(s) have been heard, Health Department staff members shall be given an opportunity to speak on matters and issues relevant to the appeal.
 3. After the appellant and Department staff have been heard, any other interested parties shall be given an opportunity to speak on matters and issues relevant to the appeal.
 4. After other interested parties have been heard, Health Department staff shall have an additional opportunity to speak directly to new matters and issues raised by the appellant and other interested parties not discussed by staff during the initial presentation.
 5. Following each of the above presentations, the chairperson and each Board of Appeals' member upon recognition by the chairperson may ask questions of staff, the appellant and/or their representative(s), or any other interested party.

RULE 37 HEALTH BOARD OF APPEALS FORMAL HEARING FINDINGS.

1. The Health Board of Appeals shall gather information and consider oral and written arguments on issues of law and policy as well as evidence on issues of fact to make a decision. Information may include but not be limited to such items as:
 - a. Materials provided by staff and the appellant or their representative(s).
 - b. Applicable scientific articles or documents.
 - c. Opinions of outside agencies or consultants.
 - d. Personal visit to the site to observe the conditions first hand.
2. If the Health Board of Appeals is desirous of obtaining further information prior to making a decision, they shall adjourn and set a reasonable time frame not to exceed sixty days to obtain that information and to make a decision.

3. If the Health Board of Appeals determines that obtaining further information is not necessary, any member may propose a motion to resolve the appeal. The motion shall clearly state the findings of the Health Board of Appeals, the decision made, and how the decision made complies with the requirement that a decision of the Health Officer shall only be set aside if substantial rights of the petitioner have been prejudiced because the decision is any of the following:
 - A. In violation of the constitution or a statute.
 - B. In excess of the statutory authority or jurisdiction of the local health department.
 - C. Made upon unlawful procedure resulting in material prejudice to a party.
 - D. Not supported by competent material and substantial evidence.
 - E. Arbitrary, capricious or clearly an abuse or unwarranted exercise of discretion.
 - F. Affected by other substantial and material error of law.
4. The Health Board of Appeals shall furnish the appellant with a written report of the findings and decision within 15 days from the day following the hearing. The Health Board of Appeals may delegate this responsibility to the Director of Environmental Health.