RULES/APPOINTMENTS SUBCOMMITTEE
April 16, 2019
Minutes

Members Present: Grebner, Naeyaert, Sebolt, and Stivers.

Members Absent: None.

Others Present: Becky Bennett, Ryan Buck, Elizabeth Noel, and Beth Foster.

The meeting was called to order by Chairperson Stivers, at 6:00 p.m. in Personnel Conference Room D & E of the Human Services Building, 5303 S. Cedar Street, Lansing, Michigan.

Additions to the Agenda

Substitute
2. Board Rules and Proposed Changes

Limited Public Comment

None.

1. Appointments
   a. Interview Process

Commissioner Sebolt stated that feedback he had received from candidates for boards and commissions was that they were uncomfortable being called up several at a time and the interview process did not seem to be taken seriously. He further stated that he recommended candidates be interviewed one at a time, with the others asked, out of respect, to leave the room, and each candidate be asked five standardized questions.

Commissioner Grebner stated he was concerned that for some positions this process might be the right answer and for others it might not. He further stated that he thought of instances where appointees were honorary and virtually powerless, versus those statutorily created positions with significant independent authority, as an example of the need for the interview process to remain flexible.

Chairperson Stivers stated that a resolution could be worded in such a way that left the option to waive the requirements in applicable instances. She further stated this basic framework would apply to a majority of appointments.

Commissioner Naeyaert stated that she felt having everyone in the room gave an unfair advantage to people who listened to the questions and answers before it was their turn. She
further stated she was concerned about applicants who did not show up for their interviews and if that held weight in the appointment process.

Commissioner Grebner stated that he did not remember anyone ever getting appointed who was a no-show.

Becky Bennett, Board of Commissioners' Office Director, stated that in the past there had been people who rescheduled their interviews, but if the applicant did not call, then the appointment process moved on without them.

Chairperson Stivers stated that seemed like a side issue.

Commissioner Naeyaert stated she suggested language about no shows be included in the resolution.

Chairperson Stivers asked Ms. Bennett to draft a resolution for the next meeting.

Commissioner Seibolt stated that the current standardized application form limited the type of information the Commissioners received about the applicants, such as the lack of resumes.

Chairperson Stivers asked if there could be a spot for applicants to upload documents to include a resume.

Ms. Bennett stated she could see people struggling even more with uploading resumes than they already did without that option, as applicants were sometimes unable to complete the current form.

Chairperson Stivers asked if there was an IT person who could help with making it more user friendly.

Ms. Bennett stated the form could be looked at.

Commissioner Naeyaert stated that there were many situations where people would not have a resume or a way to get one, or know what a resume was and that may discourage them from applying.

Chairperson Stivers stated that uploading a resume could be optional.

Commissioner Grebner stated that it should be optional because it was largely irrelevant.

Discussion.

Ms. Bennett stated that her office could add an option for those who wanted to upload a resume.

1. Appointments
   b. Review of Policies
The Committee reviewed Resolution #13-201, Resolution Rescinding Resolutions #02-012 and Revising Certain Policies Pertaining to Appointed Advisory Boards and Commissions.

Ms. Bennett stated current policy for absences under Resolution #13-201 was not manageable and asked that the Committee review the policy.

Commissioner Grebner stated that he kept trying to simplify the policy and it kept getting more complicated. He further stated that he suggests the rules simply state a period of time for consecutive absences when it may be deemed a resignation and not worry about distinguishing between excused and unexcused absences.

Chairperson Stivers stated perhaps there could be a probationary period after a certain amount of absences.

Commissioner Grebner stated that was an example of complicating things. He further stated if the Committee picked a number of absences and used the word “may” in the policy, it left some discretion to deal with things on a case by case basis.

Commissioner Sebolt stated that he wondered if that was not too much work for the Committee and for the Board Director. He further stated that maybe the rule should say that three absences in four months would be unacceptable and have it be self-policing.

Commissioner Naeyaert stated that she agreed with keeping the threshold at three meetings in a quarter.

Commissioner Grebner stated that he would still leave who was doing the deeming, out of the resolution. He further stated he was not sure how three meetings in four months would work because not all bodies met that often.

Discussion.

Chairperson Stivers suggested the Resolution be amended as follows:

THEREFORE BE IT RESOLVED, that citizen appointees who have 2 consecutive unexcused absences from their regular meetings shall receive a letter inquiring about their absences and advising that committee members who miss 3 meetings in a 4 months period, unless barred by statute are automatically may be deemed to have resigned from that board or commission and appropriate steps will be taken to fill that vacancy.

Commissioner Sebolt stated it was important to be vague on who deemed the resignation, but could include language that the department or commission may notify the Board of Commissioners of absence of one of its members for their consideration.

Discussion.
Commissioner Grebner stated it was important to not distinguish between excused and unexcused absences.

Discussion.

Ms. Bennett stated she would rewrite the resolution and send something back to the Committee.

The Committee reviewed Resolution #06-292, Resolution Requiring Certain Advisory Boards, Commissions, and Committees That Evaluate Employees to Submit the Evaluations to the Ingham County Board of Commissioners.

MOVED BY COMM. GREBNER, SUPPORTED BY COMM. NAeyaERT TO RESCIND THE RESOLUTION.

Commissioner Grebner stated that the Committee could rescind the resolution now and then add something similar back in the future, if there is a specific board or commission they had in mind.

Commissioner Sebolt agreed with Commissioner Grebner that the Board of Commissioners may want to use it at some point, but did not have use for it generally.

Discussion.

THE MOTION CARRIED UNANIMOUSLY.

The Committee revisited Resolution #13-201, Resolution Rescinding Resolutions #02-012 and Revising Certain Policies Pertaining to Appointed Advisory Boards and Commissions.

Ms. Bennett asked if the Committee wanted to keep or strike the following language regarding term limits:

BE IT FURTHER RESOLVED, that the time served by citizen appointees on boards and commissions is limited to two consecutive terms, or six consecutive years, whichever is greater.

Commissioner Sebolt recommended getting rid of the policy all together. He further stated that if the Board did not like an appointee, the process should be that the person would not be reappointed.

Discussion.

Chairperson Stivers stated that Ms. Bennett would remove the term limit provision as part of her edit of Resolution #13-201.

The Committee reviewed Resolution #06-115, Resolution to Establish a Policy on the County Orientation of County Appointees to Certain Boards, Commissions, and Committees.
Ms. Bennett asked if the language regarding orientations for the specific stated board, commissions and committees, should be removed.

Commissioner Sebolt said the policy should be kept and that it should be utilized. He further stated that there should be social media training with specific mentions about how accounts were tied to County emails.

Commissioner Naeyaert stated she thought orientation was necessary and that it should be enforced.

Ms. Bennett stated that new appointees were sent the Ethics Policy and various other policies.

Chairperson Stivers stated that there had been social media questions that came up during board and commission meetings.

Ms. Bennett stated that the Board of Commissioners’ Office could add the Social Media Policy to what they send to new appointees.

Discussion.

Commissioner Grebner stated that the Capital Region International Airport Authority should be included as part of the resolution.

Ms. Bennett stated that the Community Mental Health Board should also be included in the resolution.

Commissioner Sebolt stated that the Equal Employment Opportunity Committee (EEOC) should be included.

Discussion.

Commissioner Naeyaert suggested offering a crash course orientation session to new appointees.

Ms. Bennett stated that maybe the course could be offered a few times a year.

Commissioner Sebolt asked if it was possible to add something to the resolution regarding the creation of county emails for each commission to create social media.

Chairperson Stivers asked if something like that should that be separate.

Discussion.

Commissioner Sebolt stated that EEOC currently had two Facebook accounts active, but they did not have access to one because the person who was managing it left the committee and took the login information with them.
Discussion.

The Committee reviewed Resolution #83-14, RE: Setting a Residency Requirement on Appointments to Advisory Boards and Commissions, Resolution #83-14.

Commissioner Naeyaert stated that she did not mind waiving the residency requirement occasionally, when appropriate, but Ingham County boards and commissions should have Ingham County residents on them.

Commissioner Grebner stated that it was harmless to leave it in.

Chairperson Stivers stated she would like to keep it.

Discussion.

Chairperson Stivers stated that the Committee might need a resolution on a new email policy.

Commissioner Grebner stated that it could be added to the Ethics Policy discussion.

2. Board Rules and Proposed Changes

Ryan Buck, Chief Deputy County Clerk, stated that he and Ingham County Clerk Barb Byrum made changes based on the procedures currently followed by the Clerk’s Office.

Commissioner Sebolt asked Mr. Buck why Section VII, regarding the Recording Secretary’s assistance to the Chairperson, was completely stricken.

Mr. Buck stated that duty existed prior to when the Board received support from the Board of Commissioners’ Office.

Chairperson Stivers referenced Section V, regarding members attending over the phone but not getting a per diem.

Mr. Buck stated that was not an edit by the Clerk’s Office.

Ms. Bennett stated the italics in that section indicated language adopted by the Board earlier in the year.

Chairperson Stivers stated she would like to see it changed.

Discussion.

Commissioner Sebolt stated, to clarify, that the Board Rules specifically stated a quorum must be physically present in order for the Commissioner’s vote to count over the phone.
Commissioner Naeyaert agreed that if a Commissioner participated and voted, they should get paid.

Commissioner Grebner stated it was such a rare occasion for a Commissioner to attend via phone.

Commissioner Sebolt stated that he liked people being able to call and participate but he was torn on the per diem issue.

Chairperson Stivers stated it was important that people with serious issues who could not be physically present were accommodated.

Commissioner Sebolt asked if legal counsel could be consulted to see if there was applicable state law.

Ms. Bennett stated that she asked the County Attorney earlier in the day and counsel said it was up to the Board.

Commissioner Naeyaert stated she would not want to encourage someone not to attend. She suggested limiting the amount of times a Commissioner could attend by phone.

Discussion.

MOVED BY CHAIRPERSON STIVERS, SUPPORTED BY COMM. GREBNER, TO AMEND THE BOARD RULES AS FOLLOWS:

Commissioners unable to attend due to medical reasons or due to military duty shall be permitted to participate in the discussion and votes of committee and board meetings by telephone or videoconference provided that the requirements of the Open Meetings Act are met and that a quorum is physically present. Commissioners participating by telephone or videoconference shall be considered present (by telephone or videoconference), but and are not entitled to a per diem payment for that meeting.

Commissioner Sebolt proposed to amend the amendment as follows:

Commissioners participating by telephone or videoconference shall be considered present (by telephone or videoconference), but and are not entitled to compensation for up to three meetings annually.

This was considered a friendly amendment.

Commissioner Naeyaert stated that it would be obvious if someone was abusing this policy.

Commissioner Grebner stated that it would be a question for the County Attorney if the Board Rules can even be amended in this way.

(7)
Commissioner Naeyaert stated she had a concern with Commissioners who came in excessively late to a meeting and got paid the per diem. She further stated that if Commissioners were missing half the meeting they should not be getting paid.

Commissioner Grebner stated that it was not a good idea to try to create policy unless you had a clear policy in mind.

Commissioner Naeyaert stated right now there was no incentive for the person to actually be present.

Discussion.

THE MOTION TO AMEND THE BOARD RULES CARRIED UNANIMOUSLY.

Discussion.

Commissioner Naeyaert stated that tardiness happened all the time with no consequence.

Chairperson Stivers stated that this issue should be deferred until a later meeting.

Commissioner Sebolt stated that in Section VII, that the following amendment should be made:

**BA. FORM OF REPORTS AND COMMUNICATIONS.** All written reports and communications to the Board and its Committees and members from any office, agency or employee of the County shall be upon 8-1/2 by 11 inch paper punched for standard notebook use.

This was considered a friendly amendment.

Commissioner Sebolt stated that he liked the changes made to the designee language and would like everything in the Board Rules changed from his/hers to their/their.

Discussion.

Commissioner Sebolt stated that the title of Section IV, Subsection D. should read “Special Committees and Subcommittees.”

MOVED BY COMM. GREBNER, SUPPORTED BY COMM. NAeyaert TO AMEND THE BOARD RULES AS FOLLOWS:

D. **SPECIAL COMMITTEES.** There shall be, in addition to the standing Committees, such other special Committees as the Chairperson, from time to time, may appoint and establish subject to approval by the Board. The membership of all such special Committees shall automatically be vacated upon a new Board of Commissioners taking office.
1. The Chair of a standing committee may create subcommittees and shall designate what is to be considered by each subcommittee. The Chair of the standing committee shall designate a Chair of the subcommittee and shall appoint members to each subcommittee.

2. The Board Chair may designate additional members to serve on any subcommittee of a standing committee as voting members who do not serve on the full committee.

3. Subcommittees shall follow the same rules as standing committees.

4. The Board of Commissioners may create permanent subcommittees by resolution and members of the subcommittee may receive per diem payments.

THE MOTION TO AMEND THE BOARD RULES CARRIED UNANIMOUSLY.

Commissioner Grebner would like the quorum for seven member committees to be 3.

MOVED BY COMM. GREBNER TO AMEND THE QUORUM FOR SEVEN MEMBERS TO THREE.

THE MOTION DIED DUE TO LACK OF SUPPORT.

Ms. Bennett called attention to the meeting cancellations provision that had been added as a result of potential bad weather scenarios.

Commissioner Sebolt asked if that violated the Open Meetings Act.

Ms. Bennett stated that the notice for a special meeting only had to be posted 18 hours before the meeting took place.

Ms. Bennett stated that language could be added to say, “as long as it was in compliance with the Open Meetings Act.”

Mr. Buck pointed out a typo, that “cancellations,” should have two l’s in the subsection title.

Commissioner Naeyaert asked about the section addressing agenda deadlines and whether that would help address the issue of late resolutions. She further stated the Board Office and Clerk’s Office had lengths to go through when late resolutions were presented.

Commissioner Sebolt stated that he thought it should be up to the Chairperson of each Committee to allow the late resolution or not, and also up to the person in charge of the Department bringing items to the Board of Commissioners, to let that person know late resolutions were not acceptable.

Discussion.

Mr. Buck stated that on behalf of Clerk Byrum, it was a matter of accountability and the Board of Commissioners and those they supervised should hold department heads accountable. He
further stated that it did cause a burden to process late resolutions and while the Clerk did know things came up, late resolutions should be an exception and not a rule.

Commissioner Naeyaert stated she agreed with Mr. Buck.

Ms. Bennett called attention Section V, Subsection B. (5), which addressed individual resolutions which had not been moved at a Committee.

Commissioner Grebner stated that if a resolution had never been brought up in Committee, it took only a handful of people to send it to Committee and bring it to the Board of Commissioners in a few weeks.

Discussion.

Mr. Buck stated he would like to suggest striking “audiotape” and replacing it with “audio recording.”

Chairperson Stivers stated she thought “audiotape” should be replaced with just “recording.”

Discussion.

MOVED BY COMM. GREBNR, SUPPORTED BY COMM. SEBOLT TO ADOPT THE BOARD RULES AS AMENDED AND REFER THEM TO THE COUNTY SERVICES COMMITTEE.

THE MOTION CARRIED UNANIMOUSLY.

3. Ethics Policy

Commissioner Grebner left at 7:26 p.m.

Discussion.

Commissioner Grebner returned at 7:28 p.m.

Commissioner Sebolt stated he thought the Ethics Policy deserved a deep dive because of how old it was.

Chairperson Stivers stated she thought the Ethics Policy should be tabled until the next meeting.

Commissioner Naeyaert stated she agreed, then everyone could be prepared with their proposed changes.

Commissioner Grebner stated he would like to discuss Commissioner Morgan’s proposed changes to the Ethics Policy regarding Email Communications.
Discussion.

Commissioner Sebolt stated that he felt this was the creation of a problem that might not occur.

Commissioner Nacyaert stated that her County email is forwarded to her personal email, which this proposed change made confusing.

Discussion.

Commissioner Grebner stated that he felt this would create frequent technical violations of the rule.

Chairperson Stivers stated there were good reasons to keep County and personal emails separate.

Commissioner Grebner stated that he was worried about losing access when he was no longer a Commissioner.

Commissioner Sebolt stated that it would be a very rare instance that a Commissioner would leave without notice and they would have time to archive emails they might want to reference later for personal reasons.

Chairperson Stivers stated that she did not think anyone was looking to nitpick and the policy was intended to prevent bigger issues.

Commissioner Grebner stated that he had seen nitpicking and pointed out that former Commissioner Dennis Louney’s problems started with nitpicking his use of emails.

Commissioner Grebner expressed concern over losing access to all his correspondence upon leaving the County. He further stated that many people would use County email as the only email they have and then you will be cut off when you leave.

Commissioner Sebolt stated that the issue with former Commissioner Louney was not nitpicking, because he discussed campaign issues using his county email. He further stated that former Commissioner Louney violated the law and it was dangerous for Commissioner Grebner to suggest otherwise.

Discussion.

Commissioner Grebner stated that Ingham County’s Ethics Policy was taken for granted because they just lived with the rules. He further stated that the County had provisions that none of the other 82 counties in Michigan have because their Board of Commissioners Offices were political and this County’s was not.

Commissioner Grebner gave an example that in Ingham County, former Commissioners or their relatives were not hired, even if they were qualified. He further stated the Ethics Policy rules were self-enforcing.
Chairperson Stivers tabled the discussion on the Ethics Policy until the next meeting.

Announcements

Chairperson Stivers discussed potential dates in May for the next meeting.

Ms. Bennett stated she would confirm an exact date for the next meeting soon.

Public Comment

None.

Adjournment

The meeting was adjourned at 7:54 p.m.