

# APPENDIX C

## Section I: Parliamentary Procedures

<b>To Do This:</b>	<b>You Say This:</b>	<b>May You Interrupt Speaker?</b>	<b>Must You Be Seconded?</b>	<b>Is The Motion Debatable?</b>	<b>Is The Motion Amendable ?</b>	<b>What Vote is Required?</b>
Adjourn the meeting	"I move that we adjourn."	No	Yes	No	No	Majority Vote
Recess the meeting	"I move that we recess until..."	No	Yes	No	Yes	Majority Vote
Complain about noise, room temp., etc.	"Point of privilege."	Yes	No	No(2)	No	No Vote Required (3)
Suspend further consideration of something	"I move we table it."	No	Yes	No	No	Majority vote
End debate	"I move the previous question."	No	Yes	Yes	Yes	Two-thirds vote
Postpone consideration of something	"I move we postpone this matter until..."	No	Yes	Yes	Yes	Two-thirds vote
Have something studied further	"I move we refer this matter to a committee."	No	Yes	Yes	Yes	Majority vote
Amend a motion	"I move that this motion be amended by..."	No	Yes	Yes	Yes	Majority vote
Introduce business (a primary motion)	"I move that..."	No	Yes	Yes	Yes	Majority vote

<b>To Do This:</b>	<b>You Say This:</b>	<b>May You Interrupt Speaker?</b>	<b>Must You Be Seconded</b>	<b>Is The Motion Debatable</b>	<b>Is The Motion Amendable ?</b>	<b>What Vote is Required?</b>
Object to procedure or to a personal affront	"Point of Order."	Yes	No	No	No	No vote required, chair decides
Request information	"Point of information."	If urgent, may interrupt speaker	No	No	No	No vote required
Ask for vote by actual count to verify voice vote	"I call for a division of the house."	No(5)	No	No	No	Required unless someone objects (6)
Object to considering some undiplomatic or improper matter	"I object to consideration of this question."	Yes	No	No	No	Two-thirds vote
Take up a matter previously tabled	"I move we take from the table..."	No	Yes	No	No	Majority vote
Reconsider something already disposed of	"I move we suspend the rules and consider..."	No	Yes	Debatable if original motion is debatable	No	Majority vote
Consider something out of its scheduled order	"I move we suspend the rules and consider..."	No	Yes	No	No	Two-thirds vote
Vote on a ruling by the chair	"I appeal the chair's decision."	Yes	Yes	Yes	No	Majority in negative required to reverse chair's decision

1. The motions or points above are listed in established order or precedence. When any one of them is pending, you may not introduce another that's listed below it, but you may introduce another that's listed above it.
2. In this case, any resulting motion is debatable.
3. Chair decides.
4. The motions, points, and proposals listed above have no established order or precedence. Any of them may be introduced at any time except when the meeting is considering one of the top three matters listed in opposite chart (motion to adjourn, motion to recess, point of privilege).
5. But division must be called for before another motion is started.
6. Then majority vote is required.

## **Section II: Act 20 of 1943**

### **INVESTMENT OF SURPLUS FUNDS OF POLITICAL SUBDIVISIONS Act 20 of 1943 (EXCERPT)**

129.91 Investment of funds of public corporations; eligible depository; secured deposits; funds limitation on acceptable assets; pooling or coordinating funds; written agreements; investment in certificate of deposit; conditions; "financial institution" defined; additional definitions.

#### **Sec. 1:**

1. Except as provided in section 5, the governing body by resolution may authorize its investment officer to invest the funds of that public corporation in 1 or more of the following:
  - a. Bonds, securities, and other obligations of the United States or an agency or instrumentality of the United States.
  - b. Certificates of deposit, savings accounts, deposit accounts, or depository receipts of a financial institution, but only if the financial institution complies with subsection (2), or certificates of deposit obtained through a financial institution as provided in subsection five (5).
  - c. Commercial paper rated at the time of purchase within the 2 highest classifications established by not less than 2 standard rating services and that matures not more than 270 days after the date of purchase.
  - d. Repurchase agreements consisting of instruments listed in subdivision (a).
  - e. Bankers' acceptances of United States banks.
  - f. Obligations of this state or any of its political subdivisions that at the time of purchase are rated as investment grade by not less than 1 standard rating service.
  - g. Mutual funds registered under the investment company act of 1940, title I of chapter 686, 54 Stat. 789, 15 USC 80a-1 to 80a-3 and 80a-4 to 80a-64, with authority to purchase only investment vehicles that are legal for direct investment by a public corporation. However, a mutual fund is not disqualified as a permissible investment solely by reason of either of the following:
    - i. The purchase of securities on a when-issued or delayed delivery basis.
    - ii. (ii) The ability to lend portfolio securities as long as the mutual fund receives collateral at all times equal to at least 100% of the value of the securities loaned.
    - iii. The limited ability to borrow and pledge a like portion of the portfolio's assets for temporary or emergency purposes.
  - h. Obligations described in subdivisions (a) through (g) if purchased through an interlocal agreement under the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512.
  - i. Investment pools organized under the surplus funds investment pool act, 1982 PA 367, MCL 129.111 to 129.118.
  - j. The investment pools organized under the local government investment pool act, 1985 PA 121, MCL 129.141 to 129.150.
2. Except as provided in subsection (5), a public corporation that invests its funds under subsection (1) shall not deposit or invest the funds in a financial institution that is not eligible to be a depository of funds belonging to this state under a law or rule of this state or the United States.
3. Assets acceptable for pledging to secure deposits of public funds are limited to assets authorized for direct investment under subsection (1).
4. The governing body by resolution may authorize its investment officer to enter into written agreements with other public corporations to pool or coordinate the funds to be invested under this section with the funds of other public corporations. Agreements allowed under this subsection shall include all of the following:
  - a. The types of investments permitted to be purchased with pooled funds.
  - b. The rights of members of the pool to withdraw funds from the pooled investments without penalty.
  - c. The duration of the agreement and the requirement that the agreement shall not

commence until at least 60 days after the public corporations entering the agreement give written notice to an existing local government investment pool which is organized pursuant to the local government investment pool act, 1985 PA 121, MCL 129.141 to 129.150, in those counties where such a pool is operating and accepting deposits on or before September 29, 2006.

- d. The method by which the pool will be administered.
  - e. The manner by which the public corporations will respond to liabilities incurred in conjunction with the administration of the pool.
  - f. The manner in which strict accountability for all funds will be provided for, including an annual statement of all receipts and disbursements.
  - g. The manner by which the public corporations will adhere to the requirements of section 5.
5. In addition to the investments authorized under subsection (1), the governing body by resolution may authorize its investment officer to invest the funds of the public corporation in certificates of deposit in accordance with all of the following conditions:
- a. The funds are initially invested through a financial institution that is not ineligible to be a depository of surplus funds belonging to this state under section 6 of 1855 PA 105, MCL 21.146.
  - b. The financial institution arranges for the investment of the funds in certificates of deposit in 1 or more insured depository institutions, as defined in 12 USC 1813, for the account of the public corporation.
  - c. The full amount of the principal and any accrued interest of each certificate of deposit is insured by an agency of the United States.
  - d. The financial institution acts as custodian for the public corporation with respect to each certificate of deposit.
  - e. At the same time that the funds of the public corporation are deposited and the certificate or certificates of deposit are issued, the financial institution receives an amount of deposits from customers of other insured depository institutions equal to or greater than the amount of the funds initially invested by the public corporation through the financial institution.
6. A public corporation that initially invests its funds through a financial institution that maintains an office located in this state may invest the funds in certificates of deposit as provided under subsection (5).
7. As used in this section, "financial institution" means a state or nationally chartered bank or a state or federally chartered savings and loan association, savings bank, or credit union whose deposits are insured by an agency of the United States government and that maintains a principal office or branch office located in this state under the laws of this state or the United States.
8. As used in this act:
- a. "Governing body" means the legislative body, council, commission, board, or other body having legislative powers of a public corporation.
  - b. "Funds" means the money of a public corporation, the investment of which is not otherwise subject to a public act of this state or bond authorizing ordinance or resolution of a public corporation that permits investment in fewer than all of the investment options listed in subsection (1) or imposes 1 or more conditions upon an investment in an option listed in subsection (1).
  - c. "Investment officer" means the treasurer or other person designated by statute or charter of a public corporation to act as the investment officer. In the absence of a statutory or charter designation, the governing body of a public corporation shall designate the investment officer.
  - d. "Public corporation" means a county, city, village, township, port district, drainage district, special assessment district, or metropolitan district of this state, or a board, commission, or another authority or agency created by or under an act of the legislature of this state.

In addition to P.A. 20 of 1943 the Districts are also required to comply with GASB (Government Accounting Standards Board) Statement No. 40. Further information regarding compliance with this statement can be found by visiting <http://www.gasb.org/st/summary/gstsm40.html>

### **Section III: Example Policy on Conflict of Interest**

No employee or Board member shall engage in or have a financial interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with his/her duties and responsibilities in the District. When a staff or Board member determines that a possibility of a personal interest conflict exists, they should, prior to the matter being considered by the Board or administration, disclose his/her interest (such disclosure shall become a matter of record in the minutes of the Board).

No staff or Board member shall use his/her position to benefit either himself/herself or any other individual or agency apart from the total interest of the Conservation District. If the pecuniary interest pertains to a proposed contract with the District, all four of the following requirements must be met:

1. The staff or Board member shall disclose the pecuniary interest in the contract to the Board with such disclosure made a part of the official Board minutes. If his/her direct pecuniary interest amounts to \$250 or more or five percent (5%) or more of the contract cost to the District, the staff member shall make the disclosure in one (1) of two (2) ways:
2. In writing, to the Board Chair (or if the member is the Board Chair, to the Board Secretary) at least seven (7) days prior to the meeting at which the vote on the contract will be taken. The disclosure shall be made public in the same manner as the Board's notices of its public meetings.
3. By announcement at a meeting at least seven (7) days prior to the meeting at which a vote on the contract is to be taken. The staff or Board member must use this method of disclosure if his/her pecuniary interest amounts to \$5000 or more.
4. Employees and Board members shall not engage in business, private practice of their profession, the rendering of services, or the sale of goods of any type where advantage is taken of any professional relationship they have with any client in the course of their employment with the District.

Included, by way of illustration rather than limitation, are the following:

- The provision of any private services for a fee.
- The use, sale, or improper divulging of any privileged information about a client gained in the course of the employee's employment or through his/her access to District records.
- The referral of any client for services to any private business or professional practitioner if there is any expectation of reciprocal referrals, sharing of fee, or other remuneration for such referrals.
- The requirement of clients to purchase any private goods or services provided by an employee or any business or professional practitioner with whom any employee has a financial relationship, as a condition of receiving any approvals or recommendations.

Employees and Board members shall not make use of materials, equipment, or facilities of the District in private practice. Examples would be the use of facilities before, during, or after regular business hours for services to private practice clients, or the checking out of items for private practice.