

VILLAGE OF BANCROFT  
PLANNING COMMISSION/DOWNTOWN DEVELOPMENT AUTHORITY  
RULES OF PROCEDURE

Recitals

The Village of Bancroft, pursuant to the Michigan Planning Enabling Act, being Public Act 110 of 2006, established a Planning Commission in February 2007 by passing Village Ordinance 243-07. In August 2017, the Village Council passed Ordinance 290-17, an *Ordinance to Establish a Downtown Development Authority*, under the authority of former Michigan Compiled Law (“MCL”) 125.1652 beginning the process of establishing the Village of Bancroft Downtown Development Authority. In January 2018, pursuant to MCL to former MCL 125.1654(8), the Village Council passed Ordinance 291-18 titled *Ordinance to Appoint the Village of Bancroft Planning Commission as the Downtown Development Authority*. Ordinance 291-18 tasked the Planning Commission (“PC”) with the additional duties of serving as the Village’s Downtown Development Authority (“DDA”). As the Planning Commission took on the secondary duties of the newly developed DDA, the Planning Commission shall primarily operate under statutes established by the State of Michigan for Planning Commissions. However, the combined PC/DDA will also operate under State of Michigan statutes for DDA when doing so does not conflict with Planning Commission statutes. The Village of Bancroft Planning Commission/Downtown Development Authority (“PC/DDA”) implements the following Rules of Procedure:

A. MEETINGS

1. Regular Meetings

Regular meetings of the Bancroft Planning Commission/Downtown Development Authority (hereafter referred to as “Bancroft PC/DDA”) will be established annually by Motion when the officers are elected. In the absence of a Motion to establish a different date for the regular monthly meeting, the regular monthly meetings shall continue to be held on the Monday immediately prior to the Bancroft Village Council’s regular monthly meetings, which are held on the second Wednesday of each month. In the absence of a Motion to establish a different time and/or place for the regular monthly meeting, the regular monthly meeting shall continue to be held at 6:00 p.m. at the Village DPW Building located at 120 Warren Street, Bancroft, Michigan; unless otherwise set by resolution. Individual meetings may be rescheduled by motion of the Bancroft PC/DDA, by the PC/DDA Chairperson, or by the Village President.

2. Special Meetings

A Special Meeting shall be called by the Bancroft PC/DDA Chairperson, or by the Bancroft PC/DDA Clerk upon request of:

- A. the Bancroft PC/DDA Chairperson,
- B. In the absence of the PC/DDA Chairperson, by the Vice-Chairperson,
- C. the Bancroft PC/DDA Clerk or Bancroft PC/DDA Treasurer, or
- D. any three (3) members of the Bancroft PC/DDA.

Notice of a Special Meeting shall be provided to each member of the Bancroft PC/DDA at least 18 hours in advance of the special meeting by:

- A. personal service of written notice upon each member of the Bancroft PC/DDA,

- B. written notice left at the Bancroft PC/DDA member's home with a person of suitable age with instructions to promptly provide the notice to the member, or posted upon a frequently used entrance door to the member's home, or
- C. by email to a specific email address regularly utilized by the member and provided in advance by the member to the Bancroft PC/DDA Clerk for such notification purposes, or
- D. by text message to a specific phone number regularly utilized by the member and provided in advance by the member to the Bancroft PC/DDA Clerk for such notification purposes.

Notice of all meeting shall also be posted on the Village website, on the DDA Facebook page, on the bulletin board outside the Village office, and on the bulletin board outside the DPW Hall on the entrance way to the Village Office. All Special Meeting notices shall state the name of the meeting body, the date, time and address of the location of the meeting, phone number of the body meeting and purpose(s) of the meeting. No action shall be transacted on any issue at any Special Meeting of the Bancroft PC/DDA, unless that issue has been stated in the Special Meeting notice.

#### 4. Bancroft PC/DDA Workshops

The Bancroft PC/DDA Board may schedule workshops to discuss the annual budgets and other topics of concern. The PC/DDA will use such a workshop as a platform for in-depth discussions and planning. No motions shall be made, nor votes taken, nor any debate toward reaching a decision shall occur at a workshop. Any recommendations that come from a workshop shall be voted on in a Regular or Special Meeting. All workshops shall be conducted under and minutes posted in accordance with Michigan's Open Meetings Act, Public Act 267 of 1976, being Michigan Compiled Law (hereafter "MCL") 15.261, et al.

#### 5. Standing Committees

Standing Committees are appointed by the Bancroft PC/DDA Chairperson and may be changed at any time by the Bancroft PC/DDA Chairperson.

Standing Committees discuss, investigate and make recommendations to the full PC/DDA on areas of concern, operations, and any other topic within the purview of the Committee. Issues and topics may be referred to the appropriate Committee by the full PC/DDA or the Chairperson. Each Committee may also decide, on its own, to examine any topic or topics within its charge. No motions shall be made, nor any vote taken at a Standing Committee meeting except as part of the approval process for meeting minutes, to make recommendations to the full PC/DDA, or to adjourn a meeting. Any recommendations that come from a Standing Committee meeting shall be voted on by the full PC/DDA, in the PC/DDA's discretion, at a Regular or Special Meeting of the DDA. All Standing Committee meetings shall be conducted and the minutes posted in accordance with Michigan's Open Meeting Act.

The Chairperson of a Standing Committee shall be appointed by the Bancroft PC/DDA Chairperson at the same meeting in which the Committee members are appointed. In the absence of the Committee Chairperson, the most senior member of the PC/DDA present and sitting on that Committee, will preside at the meeting.

Agendas of Standing Committee meetings shall include the following order of business:

- |                          |                                  |
|--------------------------|----------------------------------|
| a. Meeting Call to Order | e. Business Before the Committee |
| b. Roll Call             | f. Public Comment                |
| c. Pledge of Allegiance  | g. Committee member comments     |
| d. Public Comment        | h. Adjournment                   |

Public comment during Standing Committee meetings shall be conducted in the same manner as Regular and Special PC/DDA Meetings.

Bancroft PC/DDA Recording Secretary, or a person designated from the Committee, shall take minutes which shall be made available for the PC/DDA to review at the next regularly scheduled PC/DDA meeting.

#### 6. Posting requirements for Regular and Special Meetings

For a Regular, rescheduled Regular, Special Meeting of the PC/DDA, or any Committee meeting, a public notice shall be prepared stating the date, time, location, and agenda of the meeting. The public notice shall be posted at least eighteen (18) hours prior to the meeting on the Village website, on the DDA Facebook page, on the bulletin board outside the Village office, and on the bulletin board outside the DPW Hall on the entrance way to the Village Office.

#### 7. Minutes of Regular and Special Meetings

The Recording Secretary shall attend the PC/DDA meetings and record all the proceedings and resolutions of the PC/DDA in accordance with Michigan's Open Meetings Act. In the absence of the Recording Secretary, the PC/DA Clerk, or in the event of the absence of the PC/DDA Clerk, the PC/DDA may appoint one of its own members, or another person to perform the Recording Secretary's duties.

Within 8 business days of a meeting, proposed Minutes showing the substance of each separate decision of the PC/DDA or Committee, or the entirety of the meeting proceedings, shall be prepared by the Recording Secretary and shall indicate the vote of the members. Proposed Minutes shall be:

1. available for public inspection at the Village Office during regular business hours,
2. posted on the Village Website,
3. posted on the DDA Facebook home page via a link to the Village website where Minutes are posted, or a link to the DDA Facebook page where Minutes are posted.

Within 5 business days of the approval of proposed Minutes at a Regular or Special Meetings, the approved Minutes shall be available and posted as outlined above in the same manner as proposed Minutes.

### B. ELECTION OF OFFICERS

The Officers of the PC/DDA shall be elected annually in April of each year. However, at anytime during the course of their elective office, a majority of the possible membership of the PC/DDA may vote to replace an Officer of the PC/DDA for the remainder of that Officer's term, with or without cause.

### C. CONDUCT OF MEETINGS

#### 1. Meetings to be public

All Regular and Special Meetings of the PC/DDA shall be open to the public and citizens shall have a reasonable opportunity to be heard in accordance with such rules and regulations as the PC/DDA may determine, except that the meeting may be closed to the public and the media in accordance with the Open Meetings Act.

#### 2. Agenda Preparation

An agenda for each regular PC/DDA meeting shall be prepared by the Chairperson or Clerk of the PC/DDA. Agendas for Committee meetings shall be prepared by the Chairperson. Agenda shall be prepared with the following order of business:

- |                                 |                        |
|---------------------------------|------------------------|
| a. Meeting Called to Order      | i. Public Comment      |
| b. Pledge of Allegiance         | j. Correspondence      |
| c. Roll Call                    | k. Unfinished Business |
| d. Approval of Agenda           | l. New Business        |
| e. Approval of Minutes          | m. Public Comment      |
| f. Financial/Treasurer's Report | n. Member Comments     |
| h. Committee Reports            | o. Adjournment         |

Agendas of special meetings shall include the following order of business:

- |                            |  |
|----------------------------|--|
| a. Meeting Called to Order | d. Public Comment                                      |
| b. Roll Call               | e. Business before the PC/DDA (must be on the posting) |
| c. Pledge of Allegiance    | f. Adjournment   |

Posted Agenda's for special meetings cannot be amended or altered less than 18 hours before the meeting. Posted notices for regular and special meetings shall include the address of the meeting place and the telephone number of the Village Office.

### 3. Quorum

A simple majority of the members of the PC/DDA, who are appointed and currently serving, shall constitute a quorum. In no case shall quorum drop below three (3) members.

### 4. Attendance at PC/DDA Meetings

Appointment to the Bancroft PC/DDA is a privilege freely sought. It carries with it the responsibility to participate in PC/DDA activities and represent the residents of the Village. Attendance at PC/DDA meetings is critical to fulfilling this responsibility. The PC/DDA may excuse absences for cause. If a PC/DDA member has more than three, unexcused absences for regular or special meetings, the PC/DDA may enact a Resolution of Reprimand. In the event that a member's absence continues, the PC/DDA may enact a Resolution of Censure, or refer the matter to the Village Council, or both.

### 5. Presiding Officer

The presiding Officer shall be responsible for enforcing these rules of procedure and for enforcing orderly conduct at meetings. The Chairperson is ordinarily the presiding Officer. The PC/DDA shall elect one of its members as the Vice-Chairperson, who shall preside in the absence of the Chairperson. In the absence of both the Chairperson and Vice-Chairperson, the member who has the longest, consecutive service on the PC/DDA, shall preside.

### 6. Disorderly Conduct

The Chairperson may call to order any person who is being disorderly by speaking out of order, or otherwise disrupting the proceedings, failing to be germane, speaking longer than the allotted time, talking or otherwise causing a disturbance in the audience, or using vulgarities, obscenities, or obscene gestures. Such person(s) shall be seated and remain quiet until the Chairperson determines whether the person(s) is out of order.

If the person engaged in presentation, is called out of order, he or she shall not be permitted to continue to speak at the same meeting, except by special leave of the PC/DDA. If the person shall continue to be disorderly and disrupt the meeting, the Chairperson may order the sergeant at arms or other official to remove the person from the meeting for breaching the peace. No person shall be removed from a public meeting except for an actual breach of the peace committed at the meeting.

## 7. Approval of Agenda

Any member of the PC/DDA may make a motion to amend, add to, or delete, from a regularly scheduled meeting agenda, prior to approving the agenda or during the course of a regular meeting. The agenda of a special meeting may not have anything added thereto, unless done in accordance with the posting requirements of the Open Meeting Act.

### D. CLOSED MEETING

#### 1. Purpose

Closed meeting may be held only for the reasons authorized in the Open Meetings Act, which include the following:

- a. To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, [add\*\*\*or to consider a periodic personnel evaluation of\*\*], a public officer, employee, staff member, or individual agent of the PC/DDA when the named person requests a closed meeting.
- b. For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement when either negotiating party requests a closed hearing.
- c. To consider the purchase of a lease of real property up to the time an option to purchase or lease that real property is obtained.
- d. To consult with the Bancroft PC/DDA Attorney or another attorney acting on the PC/DDA's behalf, regarding trial or settlement strategy in connection with specific pending litigation, but only when an open meeting would have a detrimental financial effect on the litigating or settlement position of the PC/DDA.
  - e. To review the specific contents of an application for employment or appointment to a public office when a candidate requests that the application remain confidential. However, all interviews by a public body for employment or appointment to a public office shall be held in an open meeting.
  - f. To consider material exempt from discussion or disclosure by state or federal statute, including the confidential, written, legal opinion of the Bancroft PC/DDA Attorney.

#### 2. Calling Closed Meeting

At a regular or special meeting, by a two-thirds (2/3) roll call vote of members elected or appointed and serving, may call a closed session under the conditions outlined in Section 15.268 of the Open Meetings Act. The roll call vote and purpose(s) for calling the closed meeting shall be entered into the minutes of the public part of the meeting at which the vote is taken.

#### 3. Minutes of Closed Meetings

A separate set of minutes shall be taken by the Recording Secretary, or the designated Clerk of the PC/DDA, at the closed session. These minutes will be retained by the Village Office, shall not be available to the public, and shall only be disclosed if required by civil action, as authorized by the Michigan Open Meetings Act. These minutes shall be destroyed one year and one day after approval of the minutes of the regular meeting at which the closed session was approved. Closed session meetings shall not be taped by anyone.

## E. DISCUSSION AND VOTING

### 1. Duty to vote

Appointment to a deliberative body carries with it the obligation to vote. PC/DDA members present at the PC/DDA meeting shall vote on every matter before the body, unless otherwise excused or prohibited from voting by law. A PC/DDA member who is present and abstains or does not respond to a roll call vote shall be counted as voting with the side approving the motion and shall be so recorded, unless otherwise excused or prohibited by law from voting.

Conflict of interest, as defined by law, shall be the sole reason for a member to abstain from voting. The opinion of the Bancroft PC/DDA Attorney shall be binding on the PC/DDA with the respect to the existence of a conflict of interest. A vote may be tabled, if necessary to obtain the opinion of the Bancroft PC/DDA Attorney.

The right to vote is limited to the members of the PC/DDA present at the time the vote is taken. Voting by proxy, telephone or electronic mail is not permitted.

### 2. Results of Voting

In all cases where a vote is taken, the Chairperson shall declare the result. It shall be in order for any PC/DDA member voting in the majority to move for a reconsideration of the vote on any question at that meeting or at the next succeeding meeting of the Council. When a motion to reconsider fails, it cannot be renewed.

## F. CITIZEN PARTICIPATION

### 1. General

Each regular DDA meeting agenda shall provide for reserved time for audience participation.

If requested by a member of the PC/DDA, the presiding officer shall have discretion to allow a member of the audience to speak at times other than reserved time for audience participation.

### 2. Length of Presentation

Any person who addresses the PC/DDA during a PC/DDA meeting shall be limited to three (3) minutes in length per individual presentation. The time period will include PC/DDA response or questions, if any. Persons may not give unused time to persons out of time. Organizations or groups who make presentations to the PC/DDA concerning agenda items have twenty (20) minutes to make their presentation. This twenty (20) minute time period includes PC/DDA discussion.

### 3. Addressing the PC/DDA

During Public Comment the Chairperson will ask if anyone wishes to make public comment and will then call upon individuals one at a time. When a person addresses the PC/DDA, he or she shall stand at the podium, state his or her name and home address. A person who refuses to state their name or address shall not be denied the opportunity to address the PC/DDA. Remarks should be addressed to the Chairperson of the PC/DDA in a courteous tone.

G. MISCELLANEOUS

1. Adoption and amendment of Rules of Procedure

The PC/DDA may alter or amend its rules at any time by a vote of a majority of its members, but any changes must be approved by the Village Council.

Adopted \_\_\_\_\_, 2020