

BY-LAWS
LAKE MITCHELL IMPROVEMENT BOARD
CADILLAC, MICHIGAN

ARTICLE I
ORGANIZATION

The Lake Mitchell Improvement Board (LMIB) was formed under the authorities of Michigan P.A. 451 part 309 and has been in existence since 1988.

ARTICLE II
PURPOSE

The LMIB was established in 1988 to manage nuisance aquatic vegetation including naiad and invasive species such as Eurasian water milfoil, curly leaf pondweed, phragmites, purple loosestrife, and others. The Board hires a consultant to direct the technical aspects of lake management. The Board may hire herbicide applicators, weed harvesters , weed pick-up services and other contractors as needed. The LMIB, through the consultant, develops an annual weed management plan and implements the plan as finances allow.

ARTICLE III
MEMBERSHIP

The membership of the LMIB is dictated by P.A. 451. It is composed of a representative of each municipal government around the lake (Cherry Grove Township, Selma Township, City of Cadillac and Wexford County.) Additionally a representative riparian owner and the Wexford County Drain Commissioner make up the Board. Each municipality should appoint a Board member through vote of the municipality or appointment by the Chief Officer. The riparian representative serves four (4) years and may be reappointed or another riparian may be selected by the LMIB.

Resignation: LMIB members may resign at any time. Statements outlining the reason(s) for resignation should be provided to the Chair prior to the next regularly scheduled meeting. The Chair will contact the appointing municipality to seek a replacement.

Officers: Elections for officers will occur every two years. In the event of a vacancy, the board chair will appoint a replacement until the next election.

Chair: The Chair shall preside over all regular and special meetings of the LMIB. The Chair:

1. Shall open the meeting on time and call the members to order.
2. Shall announce the business before the LMIB in the order outlined in the agenda.
3. Shall recognize members entitled to the floor and direct questions to consultants or members.
4. Shall ensure participation of the full membership in discussions.
5. Shall call for a vote on all questions before the LMIB and to announce the results of the vote.
6. Shall protect the meeting from annoyance and to keep the order of the meeting.
7. Shall expedite business under rules of procedure compatible with rights of the members and the public.
8. Shall enforce the observance of order among the members and the public. The Chair shall decide all questions of order unless preferring to submit the question for a decision of the LMIB.
9. Shall inform the LMIB, when appropriate, on a point of order pertinent to pending business.
10. Shall authenticate by his/her signature, as required, all acts, orders and proceedings of the LMIB.
11. Shall have the privilege of motions, discussion and voting on all matters.
12. Shall authorize attendance of LMIB members in an official capacity as a representative to any meeting, convention, conference or gathering deemed important to the conduct of the LMIB.
13. May authorize expenditures up to 50% of the amount in the Contingency Fund.
14. Shall appoint committees, as needed, and approved by the Board and each appointed Committee shall present a written report to the Board as requested.
15. Shall insure the meetings are posted on the Cherry Grove Township Hall door to comply with the Open Meetings Act.

Vice Chair: Shall act for the Chair in his/her absence.

Secretary:

1. Shall act for the Chair in the absence of the Chair and Vice Chair.
2. Shall be responsible for assuring the minutes of all meetings are accurate, maintained in continuing files and for signing the minutes.
3. Shall maintain the official assessment roll for the District and provide it to the Equalization Director for Wexford County.
4. Shall notify the Equalization Director of any changes to the rolls by May 1 of each year and provide a resolution with the current costs.

5. Shall oversee the development of written policy to ensure accuracy and maintain updated copies.
6. Shall prepare and distribute draft minutes to the LMIB within two (2) weeks.
7. Shall report all correspondence received (mail, email, etc.)

Treasurer:

1. Shall be responsible for paying all bills through the Cherry Grove Treasurer.
2. Shall prepare statements of all revenues and expenditures and provide to the LMIB a summary of the same to each Board member prior to each regular meeting.
3. Shall prepare an annual budget to be reviewed and approved by the LMIB and a year-end account of all revenues and expenditures.
4. Shall approve authorized expenditures that are consistent with an LMIB approved budget.
5. Shall notify Cherry Grove Township Treasurer of the LMIB's annual budget and insure there is an adequate annual township authorization to spend these funds.

ARTICLE IV

MEETINGS

Regular Meetings: Meetings are scheduled throughout the year to do business as necessary. Meetings are generally scheduled by the Board at the last meeting of the previous year or the first meeting of the current year. Meetings may be canceled or rescheduled by the Chair with due notice of four (4) days or by the Board itself.

Special Meetings: Special meetings can be called by the Chair or any two (2) members of the Board by providing notice to all members of the Board by e-mail or written notice.

Agenda for Regular Meetings: The agenda for regularly scheduled meetings of the LMIB will be prepared by the Chair and, at a minimum, consist of the following order of business: Call to Order; Roll Call; Approval of Agenda; Approval of Minutes; Public Comment; Old Business; New Business; Public Comments; Board Comments; Chair Comments.

Meeting Minutes: Draft proceedings of all meetings of the LMIB will be prepared by the Secretary and distributed to other members within two (2) weeks.

Open Meetings Act: All business conducted by the LMIB shall be held as public meetings in compliance with the Michigan Open Meetings Act, Act 267, of the Public Acts of Michigan of 1976, as amended.

Notice of all meetings shall be posted at the Cherry Township Office or if a meeting occurs elsewhere, that facility will also be posted.

Parliamentary Law: All proceedings of the LMIB shall be conducted in accordance with Robert's Rules of Order.

Quorum: A quorum shall consist of a majority of the membership of the LMIB. This is four (4) members. A quorum shall be required for the LMIB to conduct any business.

Voting: All actions taken by the LMIB shall be by a motion or resolution adopted by the affirmative vote of a majority of the LMIB in attendance at a meeting of the LMIB.

Public Comment: A person shall be permitted to address the LMIB during Public Comment periods. Each person shall be limited to one (1) three (3) minute comment. A person shall also be allowed to submit written material or comments to the LMIB. See Article VI on Public Comments.

Article V

CONFLICT OF INTEREST

No Lake Mitchell Improvement Board member shall use, or attempt to use, his or her official position to secure, request, or unreasonably grant any special consideration, privilege, exemption, advantage, contract, or preferential treatment for himself, herself, or others, beyond that which is available to every other citizen.

Determination of Conflict: LMIB members shall disclose any conflict of interest which may influence, or be perceived to influence, their decision. The question of whether a potential conflict of interest exists is a matter that should be brought to the Board. A conflict may exist where the member has a financial interest in the project, such as a direct relationship in a development, a professional or personal association with the applicant, or the project could be influenced or perceived as influencing or having a direct impact on the individual's livelihood. LMIB members may question whether another board member has a conflict of interest.

Procedures:

1. A member with a potential conflict of interest should disclose the conflict to the satisfaction of the full membership and the disclosure becomes part of the official record prior to any deliberation on the matter.
2. If a potential conflict is raised, the remaining LMIB members shall discuss the potential conflict and may vote to determine whether the conflict is significant enough to warrant abstention.
3. A member abstaining due to a conflict shall not participate in the discussion of that item and may leave the Board seating area.

4. The remaining members of the LMIB may require participation of a member if the member is needed for the quorum necessary for official action or to conduct duties as required by law. In such cases, the member with the potential conflict shall not participate in any deliberation or discussion on the motion.

Article VI

PUBLIC COMMENT

Importance of Public Comment

The LMIB values comments from the general public, especially lakefront and adjoining property owners. The board has enjoyed a rich history of public involvement in decision-making, before, during, and after decisions have been made. Oftentimes board members rely on neighborhood groups to bring issues of concern to its attention. In order to balance the input of public comments with the traditional rules of order that public bodies follow to enhance their ability to engage in discussion and make informed decisions, the following guidelines have been developed.

Guiding Principles:

1. Rules of Order related to Public Comment are consistent with other public meetings
2. Public comment is welcomed and valued
3. Everyone will be treated fairly/equitably

Public Comment Guidelines:

1. There will be two Public Comment periods at each meeting, one at the beginning and one at the end:
 - a. 3 minute limit per person,
 - b. 5 minutes for group presentation,
2. Persons providing Public Comment will be asked to state their name and address for the record.
3. Public Comments are delivered one way from the public to the board. It is not standard practice for questions or concerns to be addressed during Public Comment; therefore, it is not two way dialogue or discussion.
4. There will be no comments from persons other than board members and invited guests throughout the normal business meeting (unless requested by the chair). This allows for board members to deliberate issues without additional influence during deliberation.
5. If a group or individual has brought an issue to the board and it has been placed on the agenda, he/she will be asked to represent it and will be asked to comment on specifics of the issue until the board deliberates (in the event of a decision.)
6. Issues of great concern or magnitude of importance will be treated as Public Hearings and will be publicly noticed as such.
7. A 10-15 minute Question and Answer period will be added at the end of the agenda, usually after the consultant's report.

8. The Board Chair may, together with the full board, address issues brought forward during Public Comment. Items may be placed on the current or future agenda if it requires more discussion or action, addressed by an individual board member, or filed.

Article VII

PURCHASING & CONTRACTING

All contracts and purchases involving \$1,000.00 or more must be bid and approved by the Board. No purchase or contract shall be divided for the purpose of circumventing the dollar limit contained in this section. Contracts that have been bid may be continued, with board approval, if the contractor is deemed competent and there is no increase in costs or the increase in cost is an acceptable inflation factor. Contracts shall be given to the low bidder unless other information leads the Board to choose the next highest bidder. The Board reserves the right to reject any and all bids.

Due to their unique nature, sealed bids for professional services normally will be waived by the Board. When it is deemed by the Board to be in the best interest, selection based on criteria reflecting the need for the service, professional competence and experience on the lake will be used.

Article VIII

BYLAW AMMENDMENTS

Amendments: The LMIB Bylaws may be amended at any regular meeting or special meeting by an affirmative vote of two thirds (2/3) of the full membership of the LMIB.

Severability: If any provision of these Bylaws shall be deemed to be invalid or unenforceable by a court, then the unenforceable or invalid provisions shall be struck from the Bylaws or modified to comply with the law.

Approved on: April 23, 2012

Amended: April 11, 2015