

**Bylaws
of the
MICHIGAN STATE WATERWAYS COMMISSION**

**Adopted: December 8, 2000
Reviewed and Adopted: August 17, 2023
Reviewed: April 28, 2023**

Article 1. Purpose of the Commission

The Michigan State Waterways Commission is a seven-member advisory board appointed by the Governor, that works with the Michigan Department of Natural Resources (DNR), Parks and Recreation Division (PRD) on the use of dedicated funds provided by boaters and fuel purchasers, to advise upon relevant topics related to recreational public boating facilities, including harbors, Grant-in-Aid partners, boating access sites and certain locks and dams, as follows:

- 1) Infrastructure redevelopment and enhancements
- 2) Maintenance and operations
- 3) Finance and budgets
- 4) Land transactions

Article 2. Officers

The Commission shall annually, at the December meeting, elect from its members a Chair, a Vice-Chair, and a Secretary, each to take office at the next meeting and to serve for one year and until his/her successor is elected and qualified. The Chair shall solicit nominations from the floor for Commission offices, secure candidate acceptance of the nomination, and vote thereon in the following order: Chair, Vice-Chair, and Secretary. Officer selection will be based on a majority vote of members present. The terms of all offices shall be for one year and members shall be permitted to hold the same office for one additional consecutive year.

In the event of a vacancy in any office of the Commission, all lower officers shall automatically move up to the next higher office at the next scheduled meeting.

Article 3. Subcommittees

The Commission may annually create subcommittees to review various elements of the Waterways program. Each December, the Commission will review and approve the creation or continuation of subcommittees for the following calendar year and appoint up to three (3) members for each subcommittee.

Article 4. Duties of the Chair

The Chair shall represent the Commission at such official functions as the Commission shall specify. The Chair shall be charged with the responsibility of calling for such regular

and special meetings of the Commission as are necessary to enable the Commission to carry out its assigned duties and responsibilities. The Chair shall preside at all such meetings and shall be entitled to vote on any matter the same as any other Commissioner. The Chair shall be empowered to appoint committees of the Commission for such purposes deemed necessary and is authorized to designate members of the Commission to represent the Commission at official functions.

Article 5. Duties of the Vice-Chair

The Vice-Chair shall preside in the absence of the Chair and shall assume the duties of the Chair whenever the absence of the Chair necessitates such action, or when the Chair shall request the Vice-Chair to preside, when both are present.

Article 6. Duties of the Secretary

The Secretary shall preside in the absence of both the Chair and Vice - Chair.

Secretary duties include collaboration with the DNR designated Administrative Assistant, as needed. The Secretary shall provide a year in review summary at each December meeting.

Article 7. Authority of the Commissioners

The Commission acts in an advisory capacity to assist the DNR, Parks and Recreation Division, in carrying out the state's Waterways Program. Except by special resolution of the Commission, in a properly constituted meeting, no member of the Commission shall have the authority to represent the Commission or DNR in any manner, nor to enter into or sign agreements or contracts, or amend the same, in any manner whatsoever.

Article 8. Meetings

(a) The Commission shall annually conduct not less than six regular meetings at places to be determined and scheduled at the preceding December meeting.

(b) The Commission may conduct meetings using electronic means with similar notice and access to the meetings by the public.

(c) The Commission is required to follow the Open Meetings Act (OMA), in accordance with statute, Natural Resources and Environmental Protection Act, Act 451 of 1994, Part 781, 324.78103, Sec. 78103, (1).

(d) The Commission may remove a member for incompetence, dereliction of duty, malfeasance, nonfeasance in office, or any other good cause upon majority vote of the Commission.

(e) If a member is unable to attend an in-person regular meeting, with approval

of the Chair, the member may attend virtually for purposes of information only. Members attending virtually are limited to listening and are not permitted to participate or deliberate in discussions, vote or act on items. The member would not be counted as present to the meeting. The only exception to attending virtually is having a military activity.

(f) Members will be prepared and ready to participate by the scheduled meeting start time.

(g) Members are to contact the Chair to seek an excused absence or late arrival to any meeting, which will be noted in the meeting minutes. Any member having two unexcused absences or tardiness within a twelve-month period will be reviewed by the Chair. The same would be for any official scheduled site visits.

(h) At such meetings, attendance by four members shall constitute a quorum for the purpose of holding official meetings and transacting business.

(i) Special meetings of the Commission may be called at any time by the Chair, or the Chair shall call within 15 days of other meetings, on the written request of any two members of the Commission; provided, however, that such written requests may be served upon the Division Chief in lieu of the Chair. Notice of all meetings shall set forth the purpose, time and place of such meetings and shall be electronically mailed (e-mail) to each member at least 10 days prior to said meetings and the Division Chief or designee shall also immediately notify each Commissioner of any special meeting by e-mail or phone contact.

(1.) For special meetings, similar information as required above shall be posted to the Michigan State Waterways Commission website within 24 hours after the call for such a special meeting and in no event shall such notice be posted less than 18 hours prior to the actual special meeting. Closed meetings: in the event of a Closed meetings, it must meet the requirements of the Open Meetings Act (OMA).

(j) A public notice shall be posted on the Michigan State Waterways Commission website listing the dates, times, and places of the Commission's regular meetings for the calendar year. Such notice shall also contain the telephone number and office address of the Division Office.

(k) The Chair may request the Commission at any meeting to adopt reasonable time limitations for each public appearance before the Commission. Such limitations shall be imposed only where absolutely necessary and then only to assure that all members of the public desiring to do so are afforded an opportunity to appear before the Commission.

(l) All members of the public appearing before the Commission shall give their name and address for the record and will be requested to advise the Commission of any organization they are representing in their appearance. The purpose of this information shall be to assure accuracy of minutes and to provide a means whereby the Commission can mail minutes or follow-up information to the person making such an appearance.

Article 9. Agenda

(a) The agenda for each meeting shall be prepared by the Division Chief and Chairperson of the Commission on the basis of all materials received, either written or oral, up to 10 days before convening of the next regular meeting; provided, however, that any subsequent material to be submitted for consideration at any regular meeting shall be submitted in writing and can be considered only upon the formal consent of all Commissioners present. Every agenda shall contain thereon a notice that time will be allotted to consider any matter brought before the Commission by a member of the public attending the meeting for that purpose as well as to hear any member of the public appearing at the meeting.

(b) Consent Agenda – The agenda may have a section that is entitled Consent Agenda. This section of the agenda may be used for items that are routine and will not likely need discussion by the Commission. Any Commissioner may request items to be separated from the Consent Agenda to the regular agenda for separate action. The Consent Agenda items will be acted upon by the Commission as a group in one motion.

Article 10. Minutes

(a) Summary minutes of each Commission meeting shall be kept by the designated DNR Administrative Assistant. These minutes shall record the date, time, place, members present, members absent, and any decisions made. The minutes shall include all roll call votes taken at the meeting. The draft minutes shall be provided to the Commissioners via meeting packet to review prior to the following meeting. The minutes shall be posted to the Michigan State Waterways Commission website, once approved by the Commission, for public review.

(b) Minutes shall be public records open to public inspection and shall be available at the Commission office. Copies of minutes shall be provided to the public upon request at the cost of printing and copying.

(c) Meeting minutes will be recorded per the Open Meetings Act (OMA).

Article 11. Division Chief

The Parks and Recreation Division Chief shall be selected in accordance with the rules and regulation of the Civil Service Commission. The Division Chief shall be charged with the administration of the policies recommended by the Commission and approved by the Natural Resources Commission/Department Director.

Article 12. Compensation and Reimbursement

Members of the Commission shall serve without compensation. Members of the Commission may receive reimbursement for necessary travel and expenses consistent with state statutes and the rules and procedures of the Civil Service Commission and the DTMB, subject to available funding. Except for regular and special meetings, all

requests for reimbursement of expenses for Commission-related activities shall be made to the staff Administrative Assistant, in writing, in advance of incurring the expenses.

Article 13. Adoption of Rules and Regulations

The bylaws of the Michigan State Waterways Commission shall be reviewed on an as needed basis or every 3 years.

No amendments to the rules shall be adopted until the same have been submitted in writing and allowed to lay upon the table for a period of not less than 30 days.

Suspension of the rules requires an affirmative vote of all Commissioners present.

Article 14. Policy Relating to Public Hearings

(a) Hearings to Which Policy Relates

This procedure shall apply only to those hearings not required by statute or other formal rule or regulation of the Department for which procedures have been prescribed. The policy is intended to provide for the calling of hearings by the Commission for informational or other purposes to assist the commission in the discharge of its responsibilities.

(b) Calling of Public Hearing

A public hearing may be called by the Commission at any time at its discretion.

(c) Announcement of the Hearing

Announcements of any public hearing called by the Commission shall be made to all appropriate units of government and to the news media. Thirty days advance notice of the hearing shall be given. The announcement shall contain the time, date, and place of the hearing as well as its purpose.

(d) Conduct of the Hearing

The Chair shall appoint one member of the Commission to serve as Presiding Officer at the hearing. The Presiding Officer shall conduct the hearing and shall file a written report with the Commission of his/her findings and recommendations as soon after the conclusion of the hearing as is reasonably possible and convenient.

Each person attending the hearing shall be requested to fill out a card, which shall be furnished, giving their name, address, organization represented (if appropriate), and an indication of whether or not they wish to make a statement. These cards shall be used by the Presiding Officer to call for testimony and also as a record of those in attendance. The Presiding Officer shall offer everyone an opportunity to be heard once and may place limitations on the length of individual presentations if

such seems appropriate in view of the number of prospective participants in the hearing.

The submission of written statements at the hearing shall be encouraged in the announcement of the hearing. In addition, the Presiding Officer shall announce at the hearing that written statements will be received and made a part of the record if received within seven calendar days following the hearing.

(e) Staff Participation

The Division Chief shall be responsible for providing such staff members as are necessary to handle all logistic support for the hearing. In addition, the Division chief or his/her designatee shall be present to answer questions which might be raised on the matter at hand, if requested to do so by the Presiding Officer. The purpose of the hearing is to permit members of the public to present their personal views to the Commission via the Presiding Officer, and everything shall be done to assure that this purpose is not frustrated.

(f) Record of the Hearing

An appropriate notice would be posted on the Michigan State Waterways Commission website.