

# Otsego County Parks and Recreation Commission Bylaws

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## **ARTICLE I Name**

Section 1. The name shall be the Otsego County Parks and Recreation Commission, hereafter known as the "Commission".

## **ARTICLE II Purpose**

Section 1. These Bylaws are adopted by the Commission to facilitate the performance of its duties as outlined in P.A.261 of 1965.

Section 2. These Bylaws are also adopted to facilitate the duties of the Commission for custody, control and management of all real and personal property acquired by the county for public parks, preserves, parkways, playgrounds, recreation centers, wildlife areas, lands reserved for flood conditions for impounding runoff water, and other county conservation or recreation purposes. (MCL 46.362)

## **ARTICLE III Membership**

Section 1. Members. The county parks and recreation commission shall consist of the following members:

- A. The chairperson of the county road commission or another road commissioner designated by the board of county road commissioners.
- B. The chairperson of the county planning commission or another member of the county planning commission designated by the county planning commission.
- C. Seven members appointed by the county board of commissioners, not less than 1 and not more than 3 of whom shall be members of the board of commissioners.

Section 2. The members shall be representative of the entire geography of the county, with members representing as diverse a geographic area of the County as possible.

Section 3. First priority, each member shall represent and advocate what is best for Otsego County as a whole, putting aside personal or special interests.

Section 4. Liaisons. The purpose of liaisons is to provide certain Otsego County officials and quasi-officials the ability to participate in discussions with the Commission, in addition to speaking in public participation, and nothing else. Liaisons cannot vote, introduce motions, initiate any other parliamentary action, be counted for a quorum or be expected to comply with attendance requirements pursuant to Article III, Section 5, of these bylaws. Liaisons, if not already appointed Commission members, are:

- A. The Commission's consultants.
- B. Otsego County Attorney or corporate council.
- C. Otsego County Administrator.

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D. Chairman of the Otsego County Board of Commissioners.

Section 5. Attendance. If any member of the Commission is absent from three consecutive regularly scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the Otsego County Board of Commissioners to remove a member from the Commission for nonperformance of duty, or misconduct, after holding a public hearing on the matter. The Commission secretary, or acting secretary in the absence of the elected secretary, shall keep attendance records and shall notify the Otsego County Board of Commissioners whenever any member of the Commission is absent from three consecutive regularly scheduled meetings, so the Otsego County Board of Commissioners can consider further action allowed under law or excuse the absences.

## **ARTICLE IV Duties of all Members**

Section 1. Accepting gifts.

- A. Gifts shall not be accepted by a member of the Commission or liaisons from anyone connected with an agenda item before the Commission.
- B. As used here, gifts, shall mean cash, any tangible item, or service, regardless of value; and food valued over \$10.
- C. This section does not apply to the Commission accepting gifts for the exercise of its functions pursuant to M.C.L. 46.360 of the County and Regional Parks Act.

Section 2. Spokesperson for the Commission.

- A. Free and open debate should take place on issues before the Commission. Such debate shall only occur at meetings of the Commission.
- B. Once a vote is taken and an issue is decided by vote, the duty of each member of the Commission is to represent the position reflected by the outcome of the vote. Minority reports and requests for reconsideration may take place only at an open meeting of the Commission.
- C. From time-to-time, or on a specific issue the Commission may appoint a spokesperson for the Commission for all matters which occur outside of the meetings of the Commission.

## **ARTICLE V Officers**

Section 1. Each January the commission shall elect from its membership a president, a vice-president, a secretary, and other officers as it considers necessary. The officers shall hold office for the calendar year in which they are elected and until their successors are elected and qualified. The county treasurer shall be treasurer of the commission. A majority of the members of the commission shall constitute a quorum for transaction of business and the business which the commission may perform shall be conducted at a public meeting of the commission held in compliance with Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date and place of the meeting shall be given in the manner required by Act No. 267 of the

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Public Acts of 1976. The county board of commissioners may authorize the commission to enter into contracts. (MCL 46.353)

- A. President's Duties. The President retains his or her ability to discuss, make motions and vote on issues before the Commission. The President shall:
1. Preside at all meetings with all powers under parliamentary procedure;
  2. Shall rule out of order any irrelevant remarks; remarks which are personal; remarks about another's race, religion, sex, physical condition, ethnic background, beliefs, or similar topics; profanity; or other remarks which are not about the topic before the Commission;
  3. Restate all motions as pursuant to Article VI, Section 5., of these Bylaws;
  4. Appoint committees;
  5. Appoint officers of committees or choose to let the committees select their own officers.
  6. May call special meetings pursuant to Article VI, Section 2., of these Bylaws;
  7. Act as member and Chair of the Executive Committee pursuant to Article VIII, Section 1., of these Bylaws;
  8. Act as an Ex-Officio member of all committees of the Commission;
  9. Appoint an Acting-Secretary in the event the Secretary is absent from a Commission meeting.
  10. Review with the Secretary or staff, prior to a Commission meeting, the items to be on the agenda if he or she so chooses;
  11. Periodically meet with the Parks and Recreation Director and/or other Parks and Recreation Department staff to review Parks and Recreation Department operation, procedures, and to monitor progress on various projects.
  12. Assist in the interview and selection process for a Parks and Recreation Director;
  13. Act as the Commission's and Parks and Recreation Department's chief spokesman and lobbyist to represent the Commission at local, regional, and state government levels.
  14. Represent the Commission, along with the Otsego County Board of Commissioners Commission member, before the Otsego County Board of Commissioners; and
  15. Perform such other duties as may be ordered by the Commission.

B. Vice-President's Duties. The Vice-President shall:

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1. Act in the capacity of President, with all the powers and duties found in Article V., Section 1., of these Rules, in the President absence;
2. Act as member and Vice-President of the Executive Committee pursuant to Article VIII, Section 1., of these Rules; and
3. Perform such other duties as may be ordered by the Commission.

C. Secretary's Duties. The Secretary shall:

1. Execute documents in the name of the Commission;
2. Review the draft of the minutes, sign them, and submit them for approval to the Commission and shall have them spread in suitable volumes. Copies of minutes shall be distributed to each member of the Commission prior to the next meeting of the Commission (the Secretary may delegate this duty to Commission staff);
3. Receive all communications, petitions, and reports to be addressed by the Commission, delivered or mailed to the Secretary in care of the Parks and Recreation Department Office;
4. Keep attendance records pursuant to Article III, Section 5., of these Bylaws (the Secretary may delegate this duty to Commission staff);
5. Provide notice to the public and members of the Commission for all regular and special meetings, pursuant to the Open Meetings Act, P.A. 267 of 1976, as amended, M.C.L. 15.261 *et seq.* (the Secretary may delegate this duty to Commission staff);
6. Act as member and Secretary of the Executive Committee pursuant to Article VIII, Section 1., of these Bylaws; and
7. Perform such other duties as may be ordered by the Commission.

## ARTICLE VI Meetings

Section 1. Regular meetings. Meetings of the Commission will be held the second Monday of every month at 6 p.m. at the location given in the public notice of the meeting.. When the regular meeting day falls on a legal holiday, the Commission shall select a suitable alternate day in the same month. An annual notice or regularly scheduled Commission meetings shall comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meeting Act M.C.L. 15.261 *et seq.*)

Section 2. Special Meetings. Special meetings shall be called in the following manner:

- A. By the President.
- B. By any two members of the Commission.
- C. By the President at the request of any non-member of the commission, upon payment of a non-refundable fee to cover costs of the special meeting. The

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fee shall be calculated as follows: The current amount of per diem paid times the total number on the Commission, regardless if they attend the meeting or not, plus the sum of travel reimbursement of each member, regardless if they each attend the meeting or not.

- D. Notice of special meetings shall be given by the Secretary to members of the Commission at least forty eight (48) hours prior to such meeting and shall state the purpose, time, day, month, date, year and location of the meeting (the Secretary may delegate this function to staff). In addition notices shall comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meetings Act M.C.L. 15.261 *et seq.*).

Section 3. Recess. The President, or the Commission, after the meeting has been in session for two hours, shall suspend the Commission's business and evaluate the remaining items on its agenda. The commission shall then decide to finish that meetings agenda, may act to continue the meeting on another day (fix the time at which to adjourn), or complete some agenda items and continue the meeting on another day to complete other agenda items or postpone certain agenda items to the next meeting. No agenda item may be started after 9:00 p.m. If applicable such action shall include the time, day, month, date, year, and location the Commission will reconvene. If more than 18 hours will pass before the reconvened Commission, public notice shall be given to comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meeting Act M.C.L. 15.261 *et seq.*). Upon reconvening, a roll call of attendance shall be the first item of business before proceeding with the same agenda. The commission shall resume with the same meeting agenda, proceeding at the same point where they left off, without the addition of additional business.

Section 4. Quorum. More than half the total number of seats for members of the Commission, regardless if vacancies exist or not, shall constitute a quorum for the transaction of business and the taking of official action for all matters before the Commission. Whenever a quorum is not present at a regular or special meeting, those present shall adjourn the meeting to another day.

Section 5. Motions. Motions shall be restated by the President before a vote is taken.

Section 6. Voting. Voting shall be by voice and shall be recorded as passing or failing. Roll call votes will be recorded only upon request by a member of the Commission and shall be recorded by "yes" or "no". Members must be present to cast a vote. Voting by proxy shall not occur. The affirmative vote of a majority of those present or a majority of a quorum, whichever is greater, shall be necessary for the adoption of motions.

Section 7. Parliamentary Procedure. Parliamentary procedure in Commission meetings shall be informal. However, if required to keep order, Commission meetings shall then be governed by *Roberts Rules of Order Newly Revised*, (10<sup>th</sup> Edition, Perseus Publishing, New York, 2000 (ISBN 0-7382-037-6)) for issues not specifically covered by these Bylaws. Where these Bylaws conflict, or are different than *Robert's Rules of Order*, then these Bylaws control.

Section 9. Public Participation. All regular and special meetings, hearings, records, and accounts shall be open to the public.

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- A. Public Comment on all non-agenda items should be presented at the beginning of the meeting where provided during the agenda item for public comment.
- B. Public comment on agenda items shall only be given during the public comment period of the agenda item. After that point during the meeting, public comment is normally not allowed; however, sometimes the Commission may direct questions to members of the public. Public comment is at the beginning of the meeting so the Commission can hear concerns and questions before acting on an issue. Those making public comment are expected to be familiar with the issue and have prepared comments ahead of time. To help the public in preparing for the meeting, any written material shall be made available without cost for members of the public asking for a copy prior to the meeting.
- C. The President may limit the amount of time allowed for each person wishing to make public comment at a Commission meeting. The President may ask members of the audience to caucus with others sharing similar positions so they may select a single spokesperson. If a single spokesperson is selected, that individual shall be able to make public comment at the Commission meeting without time limit or an extended time limit.

Section 10. Consensus Business. Certain items of business before the Commission are routine matters where no discussion normally occurs or is expected to occur and a consensus for adoption normally occurs or is expected to occur. The individual preparing the agenda may mark such items on the agenda as a Consent Item, if that individual feels it qualifies as consensus business. The agenda or material presented on the issue should indicate the proposed action (approve, disapprove, no comment, approve with modification). First, any Consent Item can be removed by request of a member. It is automatically removed if discussed during Public Participation. Second, a motion to adopt the Consent Items can be made, in effect adopting all agenda items still included as Consent Items. The approval of minutes and the expense report shall be proposed on the agenda as Consent Items. Consensus business can be proposed for any item on the agenda, but shall never include any of the following:

- A. Election of officers.
- B. Any item not printed on the agenda which is delivered, along with adequate supporting information, to Commissioners prior to the meeting.
- C. The motion to adopt Consent items in the minutes shall clearly list each item and indicate its action/disposition.

Section 11. Order of Business. Agenda. The Secretary, or designee, shall prepare an Agenda for each meeting and the order of business shall be as follows:

- A. Call to order, and roll call.
- B. Housekeeping business.
  - 1. Consent Business.
  - 2. Approval of Minutes.
  - 3. Other.

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- C. Public participation for items not on this agenda.
- D. Approval of Bills.
- E. Budget.
- F. Unfinished Commission business.
- G. New business (other business and communications).
- H. Reports and Commission Member's comments.
- I. Adjournment

Section 12. Delivery of Agenda. The agenda and accompanying materials shall be mailed to Commission members so it is reasonably expected to be received prior to the weekend prior to the regular meeting date, generally accepted to be, but not always, mailed by first class mail on the Tuesday of the week prior to the Commission meeting, pursuant to Article VI, Section 1.

Section 13. Placement of Items on the Agenda.

- A. The Parks and Recreation Department shall be the office of record for the Commission.
- B. The Parks and Recreation Director may receive items on behalf of the Commission between the time of the adjournment of the previous Commission meeting and eight business days prior to the next regularly scheduled Commission meeting.
- C. Items received by the Director of Parks and Recreation between seven business days prior to the next regularly scheduled Commission meeting and the next regularly scheduled Commission meeting shall be set aside to be received by the Commission at its next regularly scheduled Commission meeting. The Commission may act on those items of a minor nature or table action to the subsequent regular or special Commission meeting. Those items of a major nature, or items normally receiving staff review, analysis, or recommendation shall be tabled until the subsequent regular or special Commission meeting.
- D. The deadline to add items to the Commission's meeting agenda shall be seven business days prior to the next regularly scheduled Commission meeting.

## ARTICLE VII Records

Section 1 Minutes and Record. The Commission Secretary shall keep, or cause to be kept, a record of Commission meetings, which, shall at a minimum include an indication of the following:

- A. Copy of the meeting posting pursuant to P.A. 267 of 1976, as amended, (being the Michigan Open Meetings Act, M.C.L. 15.261 *et seq.*)
- B. Copy of the minutes, and all its attachments which shall include a summary of the meeting, in chronological sequence of occurrence:
  - 1. Time and place the meeting was called to order.
  - 2. Attendance.

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3. Indication of others present (listing names if others choose to sign in and/or a count of those present).
  4. Summary or text of points of all reports given at the meeting, and who gave the report and in what capacity. An alternative is to attach a copy of the report if offered in writing.
  5. Summary of all points made in public participation or at a hearing and an indication of who made the comments. An alternative is to attach a copy of the public's statement, petition, or letter if it is provided in written form.
  6. Full text of all motions introduced, whether seconded or not, who made the motion and who seconded the motion. For each motion, the following should be included:
    - a. Who testified and a summary of what was said.
    - b. A statement of what is being approved.
    - c. What exhibits were submitted (if any).
    - d. What evidence was considered (summary of discussion by members at the meeting).
    - e. The decision (e.g. approve, deny, approve with modification).
  7. Who called the question.
  8. The type of vote and its outcome. If a roll call vote, indicate who voted yes, no, abstained or a statement the vote was unanimous. If not a roll call vote, then simply a statement: "the motion passed/failed after a voice vote."
  9. That a person making a motion withdrew it from consideration.
  10. All the President's rulings.
  11. All challenges, discussion and vote/outcome on the President's ruling.
  12. All parliamentary inquiries or point of order.
  13. When a voting member enters or leaves the meeting.
  14. When a voting member or staff member has a conflict of interest and when the voting member ceases and resumes participation in discussion, voting and deliberations at a meeting.
  15. All calls for an attendance count, the attendance, and ruling if a quorum exists or not.
  16. The start and end of each recess.
  17. All President's rulings of discussion being out of order.
  18. Full text of any resolutions offered.
  19. Summary of announcements.
  20. Summary of informal actions, or agreement on consensus.
  21. Time of adjournment.
- C. Records of any action, support documents, maps, photographs, correspondence received, attached as an appendix to the minutes.

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D. Retention. Commission records shall be preserved and kept on file according to the following schedule:

1. Minutes, oaths of officials, other records of decisions, Commission or department publications: Permanent.
2. Correspondence: Permanent.

## **ARTICLE VIII Committees**

Section 1. Executive Committee.

- A. The Executive Committee shall be a standing committee of the Commission. Its membership shall be the President, Vice-President, and Secretary of the Commission and they shall hold the same offices on the committee. The Executive Committee may deal with recommendations to the Commission on matters of the Commission budget; employment of a Parks and Recreation Director; overseeing the Parks and Recreation Department, day-to-day administration of the Parks and Recreation Department; office and personnel policy; and anything else directed to the Executive Committee by the Commission.
- B. The Executive Committee has limited power to act only on housekeeping matters, budget, office policy, and overseeing contracts and personnel when time constraints require action prior to the next regularly scheduled Commission meeting. Such actions shall be reported at the next regularly scheduled Commission meeting and are subject to the Commission's review and/or veto.
- C. All members of the Commission shall be notified of Executive Committee meetings and are encouraged to attend.

Section 2. Ad Hoc Committees. The Commission or President may establish and appoint ad hoc committees for special purposes or issues, as deemed necessary. Less than a quorum may serve on an ad hoc committee at any given time.

Section 3. Citizen Committees. The Commission, President, or Parks and Recreation Director may establish and appoint citizen committees with the consent of the Commission. Membership can be any number, so long as less than a quorum of the Commission serve on a citizen committee at any given time. The purpose of the citizen committee is to have more citizen and municipal government involvement, to be able to use individuals who are knowledgeable or expert in the particular issue before the Commission and to better represent various interest groups in the Otsego County.

## **ARTICLE IX Rules of Procedures for All Committees**

Section 1. Subservient to the Commission. All committees are subservient to the Commission and report their recommendations to the Commission for review and action. The Commission can overrule any action of any committee.

Section 2. Same Principles. The same principals of these Bylaws for the Commission also apply to all committees of the Commission including, but not limited to:

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- A. Officers. Officers of committees are appointed by the President of the Commission at the time the committee is created, or are elected by the committee's membership at their first meeting. Officers, at a minimum, include a Chair and Secretary-Vice-Chair.
- B. Quorum. A committee's quorum shall be at least half the total appointed membership of the committee.
- C. Voting. Only those appointed members of a committee, who are present at the time of a vote shall be eligible to cast a vote.
- D. Attendance. If any member of a committee is absent from three consecutively scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the Commission to remove any member from the committee. The committee Secretary-Vice-Chair or acting committee Secretary in the absence of the elected committee Secretary-Vice-Chair shall keep attendance records and notify the Commission of any committee member who is absent from three consecutively scheduled meetings so the Commission may consider removal of the individual from the committee or excuse the absence(s).
- E. Minutes. The Secretary-Vice-Chair of the committee shall keep minutes of the committee meetings in the same format used by the Commission and filed in the same office as the Commission's minutes.
- F. Staff. Committees have reasonable use of Parks and Recreation Department Director's and staff time, and assistance and direction for performing the work of the committee.
- G. Public. All committee meetings are open meetings available for public attendance and participation and minutes of the meetings are to be available for public inspection under the same principals found in P.A. 267 of 1976, as amended, (being Michigan Open Meetings Act, M.C.L. 15.261 *et seq.*).
- H. Subcommittees. Citizen committees may form subcommittees from their own membership and/or with additional citizens when deemed necessary. Subcommittees are subservient to the parent committee. Subcommittees are informal, not requiring quorums, attendance requirements, minutes, or public participation. Subcommittee membership shall consist of less than half the parent committee's membership.

## ARTICLE X

### Mileage and Pre Diem

- Section 1. Mileage and per diem shall be paid to members of the Commission at rates established by the Otsego County Board of Commissioners for attending Commission meetings and Executive Committee meetings, and other authorized meetings and trips to represent the Otsego County Parks Board, if those Commission members bill the Otsego County Parks Board for the same. Only mileage shall be paid for attendance at ad hoc committee meetings, if those Commission members bill the Otsego County Parks Board for the same. No mileage or per diem is paid to any members of a citizen committee, unless authorized and budgeted by the Otsego County Board of Commissioners with recommendation by the Commission.

## ARTICLE XI

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## **Other Matters to be considered by the Commission**

- Section 1. Commission Action. The following matters shall be presented for consideration at a meeting of the Commission:
- A. At least annually, the adoption of priorities for the Commission's plan of work.
  - B. Annually, preparation of an annual report of the Commission.
  - C. Office, or Administrative Policy.
  - D. Such other matters as the Director shall find it advisable or essential to receive consideration by the Commission.

## **ARTICLE XII Commission Staff**

- Section 1. General Responsibility. The Commission staff is charged with the duty of preparation and administration of such plans as are authorized by the Commission, appropriate for Otsego County and its environs and are within the scope of the County and Regional Parks Act 261 of 1965.
- Section 2. Advocacy. The Commission staff shall not attempt to represent the views or comments of a member of the public at a public hearing or Commission meeting. Staff shall indicate a member of the public wishing to make their views known and they should do so directly to the Commission in person, through an agent, or by providing written comment. Staff should avoid situations of appearing to advocate for an individual or group. Nothing herein is intended to prevent staff from helping an individual or group be better informed and to present their own views. Nothing herein is intended to prevent staff from expressing their own views as private citizens.
- Section 3. Agenda. Prepare an agenda for Commission meetings pursuant to Article VI, Section 11., of these Bylaws.
- Section 4. Minutes. Be responsible for the minutes of each meeting, pursuant to Article VII, of these Bylaws if there is not a recording secretary.
- Section 5. Conflict of Interest.
- A. All members of the Commission's staff shall avoid situations which are conflicts of interest, and/or incompatibility of office. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:
    1. Issuing, deliberating on, voting on, or reviewing a matter concerning him or her or any other relationship where he or she may stand to have a financial gain or loss. .
    2. Issuing, deliberating on, voting on, or reviewing a matter involving a corporation, company, partnership, or any other entity in which he or she is a part owner, or any other relationship where he or she may stand to have a financial gain or loss.

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3. Issuing, deliberating on, voting on, or reviewing a matter which is an action which results in a pecuniary benefit to him or her.
  4. Issuing, deliberating on, voting on, or reviewing a matter concerning his or her spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parents in-law, grandparents in-law, or members of his or her household.
  5. Issuing, deliberating on, voting on, or reviewing a matter where his or her employee or employer is has a direct interest in the outcome.
- B. When a conflict of interest exists staff shall do all of the following immediately, upon first review of the case and determining a conflict exists:
1. declare a conflict exists,
  2. cease to process the case any further, and
  3. forward the case, and all pertinent records, to an alternate, assistant, or manager so the case is dealt with by someone else.
- C. Public Relations. Parks and Recreation Director shall:
1. Officially present the Commission's recommendations to the governing body.
  2. Officially represent the Commission and its staff at conferences, interdepartmental meetings of the county government, and serve generally as a liaison between the Commission and the public.
  3. Accept other responsibilities as may be directed by the Commission, Governing Body, or Chief Executive.
- E. Commission duties delegated to the Parks and Recreation Director
1. To oversee and coordinate Commission staff teams, pursuant to Article III of these rules as directed.

## **ARTICLE XIII Adoption, Repeal, Amendments**

- Section 1. Upon adoption of these Bylaws of [March, 2012], they shall become effective and all previous Bylaws, shall be repealed.
- A. The Commission may suspend any one of these Bylaws, for a duration of not more than one agenda item or meeting.
  - B. These Bylaws may be amended at any regular or special meeting by a two-thirds ( $\frac{2}{3}$ ) vote of the appointed members.
  - C. Proposals to amend these Bylaws may be made at a regular meeting of the Commission. However, the final vote on proposed amendments shall be delayed until the next regular meeting of the commission.



Adopted March 12, 2012