

**RULES AND REGULATIONS**  
**of the**  
**MICHIGAN STATE WATERWAYS COMMISSION**

**Adopted: December 8, 2000**  
**Reviewed and Accepted: June 9, 2017**

**Article 1. 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 2. 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 3. 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 4. Duties of the Secretary**

The Secretary shall be charged with the responsibility of taking and publishing minutes of each regular and special Commission meeting; Provided, However, that the Secretary may, at his/her discretion, delegate such responsibility to a member of the staff of the Commission. The Secretary shall preside in the absence of both the Chair and Vice-Chair, and shall sign as Secretary all duly approved minutes.

## **Article 5. Authority of the Commissioners**

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 in any legal manner, nor to enter into or sign agreements or contracts, or amend the same, in any manner whatsoever.

## **Article 6. 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) At such meetings, attendance by four members shall constitute a quorum for the purpose of holding official meetings and transacting business.

(c) Special meetings of the Commission may be called at any time by the Chair, or the Chair shall call within 15 days 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) A public notice shall be posted in the Division Office and in the Executive Office of the Department 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.

(2) For special meetings, similar information as required above shall be posted 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.

(d) Closed meetings may be called by a two-thirds roll call vote of the Commission for the purposes authorized by law.

(e) 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.

(1) 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 7. 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 8. Minutes**

(a) Summary minutes shall be kept by the Secretary of each Commission meeting. 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.

(b) A draft of the minutes shall be mailed or e-mailed to each Commissioner not later than thirty calendar days after the conclusion of the meeting. These draft minutes shall also be included on the agenda of the next meeting for review and approval by the Commission.

(1) The draft minutes shall be available for public inspection not more than thirty working days after the meeting to which the minutes refer. Approved minutes shall be available for public inspection not later than five business days after the meeting at which the minutes are approved by the Commission.

(c) 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.

(d) In the event a closed meeting is held, separate minutes shall be taken by the Secretary. These minutes shall be retained by the Secretary of the Commission, shall not be available to the public, and shall only be disclosed if required by law. These minutes may be destroyed one year and one day after approval of the minutes of the regular meeting at which the closed session was approved.

## **Article 9. Division Chief**

The 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. He/she shall make reports at such times as may be required and shall employ such assistants and make such expenditures as may be necessary and authorized in carrying out said duties. The Division Chief shall be responsible for all expenditures made.

## **Article 10. Adoption of Rules and Regulations**

The rules of procedure of the Michigan State Waterways Commission shall be reviewed each year at the same meeting at which the officers of the Commission are elected.

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 11. 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 designate 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**

The staff shall be responsible for recording the entire proceedings on magnetic tape or electronic device and the recordings shall be specifically provided to the Commission at the next meeting. The meeting proceedings shall not be transcribed unless requested by members of the public or others, in which case, the cost of transcription shall be borne by such persons.

All tapes or electronic recordings of public hearings shall be preserved for a period of one year, after which they may be destroyed. Written statements submitted at the hearing shall be preserved for a similar period after which they may be destroyed.