

ADDENDUM/ REAFFIRMATION OF

RURAL SOUTHWEST NEIGHBORHOOD PLANNING COUNCIL - NPC # 9

BYLAWS

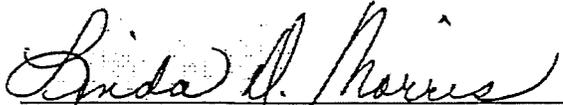
After motion, discussion and by unanimous vote by a quorum of members present at the January 8, 2013 regular monthly meeting, the

RURAL SOUTHWEST NEIGHBORHOOD PLANNING COUNCIL - NPC # 9

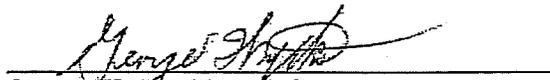
BYLAWS

which were approved and adopted at the regular meeting of NPC # 9 on May 10, 2005 are reaffirmed.

Dated: January 9, 2013


Linda D. Morris, Chairperson

Dated: January 9, 2013


George Wytko, Vice Chairperson

RURAL SOUTHWEST NEIGHBORHOOD PLANNING COUNCIL - NPC # 9

BYLAWS

Preamble

So as to assist the City Commission and City administrative staff in the current and long-range planning and programming of projects and services necessary to revitalize and improve the quality of the City neighborhoods; and to provide an effective avenue of communication between City residents and City departments, boards, committees, staff and officials, the City Commission established a system of Neighborhood Planning Councils in 1979. So as to continue to ensure that Neighborhood Planning Councils (NPCs) remain open, responsive and supportive vehicles for representing the diverse interests of City residents and to bring a measure of uniformity to the structure and operation of Neighborhood Planning Councils, while recognizing that each neighborhood is unique, with its own resources and challenges different from other areas of the City, these bylaws are adopted this 10th day of May, 2005.

Article I . NAME

The name of this organization shall be City of Battle Creek Neighborhood Planning Council # 9. It may sometimes be referred to as the Rural Southwest Neighborhood Planning Council (RSWNPC).

Article II . ROLES AND PURPOSE

Section 1. NPC # 9 is authorized by and subject to the authority granted to it by the Battle Creek City Commission to exercise limited governmental authority by:

- Acting as a channel for information to and from NPC # 9 residents and the various departments, boards, committees, employees and officials of the City of Battle Creek and other public, private or nonprofit agencies.
- Acting as a forum through which residents and other neighborhood interests can deliberate and express preferences to the various departments, boards, committees, employees and officers of the City of Battle Creek on neighborhood or community issues, including responding to planning issues that impact the neighborhood.
- Providing a representative to the Community Development Advisory Council (CDAC). It is required that this person be able to present the ideas and preferences of the NPC # 9 residents and lead NPC meeting discussions or reports on the work of the CDAC.

Section 2. NPC # 9 is permitted, but is not required, to:

- Assemble new and existing plans and strategies into a single plan for the improvement of their large geographic areas of responsibility and to work in collaboration with other neighborhood agencies and programs to implement neighborhood improvement strategies.

Serve as a representative and advocate for site-specific improvements in the NPC # 9 geographic area of responsibility, while recognizing that City staff, the City Commission and other City boards and committees retain the responsibility for final decisions about zoning, planning and delivery of services throughout the City.

Article III . MEMBERSHIP

Neighborhood Planning Council # 9 shall consist of not less than nine (9) nor more than thirty (30) persons appointed by the City Commission.

Section 2. Criteria for Council Membership

- (a) A person is qualified to be a Council Member who is at least 18 years of age and who has or can demonstrate a substantial interest in the NPC # 9 geographic area. As used in these by laws, a "substantial interest" means residing, employed, operating a business, or owning real property within the NPC # 9 geographic area.
- (b) No Council member shall be a member of more than one Neighborhood Planning Council.

Section 3. Equal Opportunity

Eligibility for Council Membership is open to all persons meeting the criteria set forth in Section 2 of this Article regardless of religion, race, color, national origin, age, sex, height, weight, familial status, marital status or disability, unless accommodation of the disability imposes an undue hardship on the City.

Section 4. Appointment and Removal Process

- (a) The Battle Creek City Commission shall be resolution appoint, and except as provided in Section 4(c) of this Article, remove Council Members. The Council may recommend a person for appointment to the City Commission.
- (b) A person may be removed as a Council Member by a majority vote of the City Commission on the recommendation of a two-thirds vote of the remaining Council Members for misconduct or neglect of duty in office. As used in this section, the phrase "misconduct or neglect of duty in office" means that an officer while exercising the duties of their office or while acting under the color of their office commits malfeasance, misfeasance or nonfeasance, as those terms are understood under Michigan law. (**Malfeasance:** performing a wrongful or unlawful act; **Misfeasance:** performing a lawful act in an unlawful manner; and, **Nonfeasance:** failing to do an act required by the duties of the public office.)
- (c) A Council Member who misses three consecutive regular meetings in any operational year may be removed from office upon the majority vote of the remaining Council Members without further action by the City Commission. A vacancy created by the operation of this section shall be filled by the City Commission as provided in Section 4(a) of this Article.

Section 5. Holding Other City Offices

A Neighborhood Planning Council member who is also a member of the City Commission, Planning Commission, Zoning Board of Appeals, Historic District Commission or any other decision-making body of the City, shall, without violating their obligation of office as a NPC member, recuse themselves from participating in the discussion or taking action on matters that may come before the City Commission, Planning Commission, Zoning Board of Appeals, Historic District Commission or other decision making board of the City on which the NPC member sits.

Section 6. Terms

A qualified person appointed by the City Commission as a Council Member shall serve a three (3) year term or until their successor is appointed. Members may be reappointed at the end of their term. Council membership shall consist of staggered three (3) year appointments so that terms of approximately one-third of the Council Members expire each year. Except for the appointment of persons to fill an unexpired term, the terms of all appointees shall commence with the first meeting of the operational year of the NPC.

Section 7. Unexpired Terms

Appointment of qualified persons to fill unexpired terms due to vacancies shall be made by the City Commission as provided in Section 3 of this Article.

Section 8. Resignations and Vacancies

- (a) A person desiring to resign from Council Membership shall submit his or her written resignation to both the Secretary of the Council who shall present it to the Council and the City Planning Community Development Department.
- (b) A vacancy is deemed to occur in the event a member no longer maintains nor can demonstrate a "substantial interest" as defined in Section 3 of this Article.

Article IV . OFFICERS

Section 1. Officers

The officers of NPC # 9 shall be a Chairperson, Vice-Chairperson, and Secretary who shall perform the duties prescribed by these Bylaws.

Section 2. Duties of Officers

- (a) The Chairperson shall preside at all NPC meetings, seek to assure that there is an agenda or program for each NPC meeting and perform any such duties as established by custom and as procedures require of the office.
- (b) The Vice-Chairperson shall perform the duties of the office of the Chairperson, whenever the Chairperson shall be unable to do so.
- (c) The Secretary shall give proper notice of all NPC meetings, prepare accurate and complete all required minutes, provide copies of all minutes to the City Planning

Department in a timely manner and attend to correspondence and perform such duties as ordinarily pertain to the office.

- (d) The Immediate Past Chairperson may serve as either an active or ex-officio member of the council to act in an advisory capacity to the organization and its officers and shall perform the duties of the Chairperson in the event that both the Chairperson and Vice-Chairperson are unable to discharge these duties.

Section 3. Election and Term of Office

- (a) The Council shall appoint a Nominating Committee of at least 3 members and it shall be the duty of this committee to nominate candidates for the officer positions to be elected at the November regular meeting. Nominations for officers shall be reported at the regular meeting of NPC # 9 in October, before elections are held in November; additional nominations from the floor shall be permitted.
- (b) Elected officers shall assume office at the regular meeting of NPC # 9 in January and hold office for a term of one year.

Section 4. Limitation

No Council Member shall hold more than one office at a time.

Article V. MEETINGS AND OPERATIONAL YEAR

Section 1. Operational Year.

The operational year for NPC # 9 shall be from January 1 to December 31 of each year. However, **no regular meetings shall be held during the months of June, July and August.**

Section 2. Date, Time and Location of Regular Meetings

The regular meetings of NPC # 9 shall be held once a month, every month at the same time and same location in an effort to assure maximum resident attendance and participation, except when such times conflict with a holiday, difficulty arises in securing a public meeting place, inclement weather dictates rescheduling or canceling of the meeting, or a majority of the members of the Council vote to set a different meeting time. An annual meeting schedule shall be approved and a copy provided to the City Planning Department.

Section 3. Special Meetings

- (a) Special meetings of NPC # 9 may be called in writing to the remainder of the Council by any Officer or by written request to the Chairperson by 3 Council Members. The purpose of the meeting shall be stated in the call. Written notice of the special meeting shall be provided to Council Members at least 48 hours before the time and place of the special meeting.
- (b) A Council may waive the notice of the time and place of a special meeting either before or after such a meeting has been held.

Section 4. Definition of a Quorum

A majority of the Council Membership shall constitute a quorum.

Section 5. Parliamentary Process

In the event of a question of parliamentary process, the rules contained in *Roberts Rules (Newly Revised), Eighth Edition* or later, shall govern the meetings of NPC # 9 in so far as they are not inconsistent with these bylaws or any rules adopted for the NPC by the City Commission.

Any other source of parliamentary procedure may be substituted for *Roberts Rules (Newly Revised)*, including, but not limited to: (1) *The Standard Code of Parliamentary Procedure, Third Edition* or later, (2) *Modern Parliamentary Procedure, Revised Edition*, or (3) *Roberts Rules in Plain English*.

Section 6. State Statutory Requisite

Meetings of NPC # 9 shall conform to the requirements of the Michigan Open Meetings Act.

Article VI. COMMITTEES

Section 1. Standing Committees

The Council may appoint members to the following standing committees:

- (a) Program Committee
- (b) Membership Committee
- (c) Beautiful Battle Creek Committee
- (d) Code and Ordinance Enforcement Committee
- (e) Planning and Zoning Committee
- (f) Public Relations Committee

Section 2. Special Committees

Such other committees as are needed may be appointed by the Council as is deemed necessary to carry out the purposes of NPC # 9.

Article VII. BYLAWS AMENDMENTS

These Bylaws may be amended at any regular meeting of the Council by a two-thirds vote of the Council Membership, provided that the amendment is consistent with the NPC Bylaws template adopted by the City Commission, has been submitted in writing at the previous regular meeting and submitted to the City Attorney for an opinion as to form and content.

These Bylaws were approved and adopted at the regular meeting of NPC # 9 on May 10, 2005.

/s/
Mike Fatt, Chairperson