

By-Laws
Onekama Disincorporation Commission
Formation, Process, Purpose and Operating Rules

Formation of Disincorporation Commission

The Commission was established as required under Act 3 of the Michigan Public Acts of 1895 following the circulation of a petition under Act 3 where more than 15% of the registered voters in the Village requested a vote on whether the Village of Onekama should disincorporate into Onekama Township.

Purpose and Process

The Commission is required under Act 3 to prepare a report that addresses specific issues defined in Act 3 and submit the report to the Village and Township Boards. Pending approval by those Boards, the question of disincorporation would then be posed to the voters of the Village, followed by the Voters of the Township if a simple majority of Village voters choose to disincorporate.

Act 3 requires the Commission to prepare a report that addresses:

- Methods for dealing with land use and zoning within the Village
- Payment for indebtedness of the Village
- Disposition of the Village's real and personal property and other assets
- Disposition of all public records of the Village
- The transfer or termination of Village employees
- Jurisdiction over the Village's roads, sidewalks, and any public easement, including street lights and snow removal.
- Jurisdiction over traffic control
- Provision of any special assessments within the Village
- The transfer or termination of public utilities and public services of the Village
- The regulation of orderly transfer of responsibility for any special districts
- Provision for any authorities that the Village has established or in which the Village is a member
- Findings as to the fiscal impact of dissolution upon the Township and residents of the Village
- A process for resolution of any disputes that may arise in the process of disincorporating
- The effect disincorporation may have on collateral matters such as, but not limited to, property values, public shared service levels and costs, and local property tax rates

Membership

Three residents of the village are appointed by the Village Council and three residents of the Township are appointed by the Township to comprise the Commission. In addition, one alternate from the Village

and one alternate from the Township will be appointed, will attend all meetings and will serve in the absence of a regular appointed member.

Rules of Order

The Commission has established the following regarding their conduct and rules of order:

1. The purpose of the Commission is defined by law and the Commission will not deviate from that purpose in the conduct of their work.
2. The personal feelings, opinions or biases of a Commission member(s) regarding the matter of disincorporation is not germane to the work of the Commission and will not be presented, discussed or otherwise considered in the work of the Commission. Further, no Commissioner shall, in any way, use the work of the Commission, including the Commission meetings, as an opportunity to present personal views or opinions that are not germane to the explicit purpose of the Commission as defined in Act 3.
3. The Commission agrees that, to the extent possible, a neutral entity(ies) or organization(s) that has no present or defined future interest in the report to be prepared by the Disincorporation Commission or the final decisions of the governing bodies or electorate regarding disincorporation shall be charged with facilitating meetings of the Commission. That entity(ies) or organization(s) shall be mutually identified by the Village President and Township Supervisor and proposed as the facilitator to the Commission.
4. Facilitation means:
 - a. Collaborating with commission members to ensure meetings of the Commission are in keeping with their rules of order and schedule for the Commission to address the issues cited in Act 3 and prepare a report in compliance with Act 3 for submission to the governing bodies of the Village and Township.
 - b. Seeing that information, data and other material needed to inform and educate the Commission is provided and/or developed.
 - c. Preparing agendas for meetings of the commission and facilitating those meetings to ensure that agendas are following and that the Commission adheres to its rules of order.
 - d. Seeing that records are kept of Commission meetings.
 - e. Preparing drafts for the Commission report and the final Commission report.
 - f. Ensuring that the Commission is able to avail itself of the appropriate expertise to enable them to fulfill their obligations under Act 3. This includes ensuring that the Village President and Township Supervisor attend all Commission meetings to serve as sources of information and education for the Commission.
 - g. Maintaining neutrality and objectivity at all times in facilitating Commission meetings.

- h. Seeing that the public participation practices and goals of the Commission are supported by the agendas and operations of the Commission.

If the Commission believes that the facilitating entity is not fulfilling its duties, it shall notify the Township Supervisor and Village President in writing about what is not being fulfilled and, if the matter cannot be satisfactorily resolved to the satisfaction of the Commission, the facilitating entity may be replaced by the mutual action of the Township Supervisor and Village President with the advice of the Commission.

5. The Commission is responsible for ensuring that it has fulfilled the obligations contained in Act 3. As such, except as otherwise required by statute, the Commission is not a body that votes but, instead, will reach consensus regarding the report that will be prepared by the Commission in accord with Act 3. The Commission will establish a process, if needed, to define how consensus will be established in their deliberations.

Meetings

1. Regular Meetings. Regular meetings shall be held in the Farr Center weekly on Monday at 3:00 p.m. Evening meetings will be scheduled as needed.
2. Special Meetings. Special Meetings may be called by the Chairperson or by any two Commission members, or by the facilitator, upon 18 hours posting and advance written notice to all Commission members. Special meetings shall consider only such matters as are specified in the notice of the meeting, unless all members are present.
3. Changing Meetings. If all Commission members are given at least 48 hours written or actual notice, the Chairperson may change the date and/or time of a regularly scheduled meeting or a previously scheduled special meeting.
4. Order of Business. The Chairperson may change the order of business listed on the Agenda to expedite Commission business or to accommodate those in attendance.
5. Members shall give 48 hours' notice of their planned absence from a meeting to the official who appointed that member, the Village President or the Township Supervisor, so they may notify the alternate member.

Public Participation

The Commission agrees that transparency is of utmost importance in the conduct of their duties. Accordingly the Commission will do the following:

1. Follow the Michigan Open Meetings Act involving public notice of meetings and materials.
2. Provide an advance schedule of Commission meetings and hold all Commission meetings in the Farr Center, Onekama, MI.
3. Provide a toll-free phone number for anyone to participate as a member of the audience by phone to any portion of all commission meetings.
4. Place copies of draft meeting agendas and draft minutes at the following locations or web sites:
 - Onekama Township Hall
 - Onekama Village Hall
 - Onekama Consolidated School Library
 - Post Office
 - Franz Market
 - www.onekama.info and www.allianceforeconomicsuccess.com
5. Any interested person may address the Commission on any agenda item if recognized by the Chairperson or upon request of any Commission member. Any interested person may address the Commission on any matter of Commission concern during the agenda item designated Public Comment. The comment of a member of the public or special interest group may be limited in time by the Chairperson. The Chairperson shall have the authority to limit and terminate any public comment that becomes disruptive, unduly repetitive or impedes the orderly progress of the meeting. All persons addressing the Commission must identify themselves.

Report of the Commission

The final report of the Commission shall be adopted by an affirmative vote of 2/3rds of members representing the Village and 2 of the members representing the Township. The final report shall be presented with a cover letter from the Commission to the Village and Township Boards. The Report shall also be made available at all places defined under "Public Participation" above and be made generally available to all interests through a news release that will be widely disseminated. The Commission will support statewide dissemination of the report so that other communities may benefit from the report and the process to prepare the report.

Signatures

By their signatures in the following, the Commissioners agree to abide by the above referenced purpose, process and rules of order, including the relevant provisions of Act 3, P. A. 1895.

Signature

Date

Roger Burger

Suzanne Schwing

Mary Reed

Dan Behring

Al Taylor

Rosalind Jaffe

Steve Szilvagy