

# BROWN CITY FESTIVAL COMMISSION BY-LAWS

Adopted May 22, 2024

**COMMISSIONS MISSION:** The Brown City Festival Commission shall permanently preserve, protect, maintain, improve, and enhance its festival opportunities for all current and future generations.

**ARTICLE 1. PURPOSE AND RESPONSIBILITIES:** These bylaws are adopted, by the Commission to facilitate performance of its duties as outlined in City of Brown City Ordinance Section § 31.016 - An Ordinance Establishing the Brown City Festival Board for the purpose of Managing, Financing, Operating and Improving Brown City Festivals (1997 Code §2301) (Ord. passed 1-24-2005)

## **SECTION 1.1 — PURPOSE:**

The Commissions purpose is to advise on the budget and operations of the Festival Commission; establish related policies; plan for long-term festival needs; and make recommendations to the City Council for investments in facilities or expanded operations.

## **SECTION 1.2 - RESPONSIBILITIES:**

First priority, each member shall represent and advocate for what is best for Brown City Festival and City as a whole, putting aside personal or special interests. The responsibilities of the Commission:

- To assess at all times the safety and security of site locations and physical Festival facility standards.
- To advise the initiation, planning, design and to recommend a system of festivals, facilities, etc., that will accommodate the public's need for festival activities.
- To assist with the preparation and development of rules and regulations by which Festivals may operate.
- To monitor and evaluate the effectiveness of Festival programs.
- To advise and recommend ways and means by which Festival programs may be improved or strengthened.
- To support new Festival activities as public need may dictate.
- To recommend a system of fees and charges for Festival facilities or for participation in Festival programs, and alternate sources of funding for Festivals such as grants, gifts, endowments, etc.
- To adopt bylaws and other rules of procedure to achieve its purposes and functions.
- To recommend rules governing participation in Festival programs.
- To suggest rules governing hours of operation of Festivals

- To assist with the adjudication of complaints, disputes or other grievances from the public arising out of Festival activities.
- To evaluate programs and activities which are offered from year to year.
- To perform other duties and responsibilities as may be conferred by the City Council from time to time.
- To review and recommend rules and regulations for Festival facilities in the community.
- To promote a wide range of programs that will contribute to the meaningful use of leisure time.
- To review and recommend operational policies for all properties and assets under the management of the festival.
- To review and recommend a comprehensive plan for Festival programs.
- To review annual budget and goals and objectives for the festival and provide oversight.
- To identify funding alternatives and other resources for the operation and maintenance of Festival programs.
- To provide leadership & administer to the special developmental needs of the children and adults through Festival programs.
- To review and update the bylaws annually or as needed.
- Planning appropriate to the dates, activities, and advertising
- Managing the scheduling, advertising, locations, events, activities, and volunteers,
- Ensuring appropriate clean-up and adequate sanitation facilities.
- Coordinating with local public safety agencies for crowd and traffic control, and other public safety issues.
- Coordinating with the City of Brown City for scheduling, public works support, insurance, and any other issues that require permitting or administrative assistance.

**ARTICLE 2. COMPOSITION: (§ 31.017)**

- The Brown City Festival Commission shall itself be responsible for the recruitment, appointment, and replacement of Commissioners.
- Prospective Commissioners shall be recommended by the Chairperson and appointed with the consent of a majority of current Commissioners.
- Total number of Commissioners shall be set by Resolution of the Commission.
- A quorum shall consist of 50% plus one of the total numbers of appointed Commissioners.
- Offices shall be established by resolution of the Commission, and at a minimum consist of a Chairperson, Secretary or Clerk, and a Treasurer.
- A Commissioner may hold more than one office.
- Officers shall be selected by a majority vote of the current Commissioners.
- Commissioners may be removed from the Commission either by written resignation, a majority vote of the Commissioners, or based on a policy set by resolution of the Commission.

**ARTICLE 3. TERMS OF OFFICE (§ 31.018)**

- Term of office shall last from the time of appointment until removal under §31.017 E.
- Officers shall be affirmed by a majority vote of the Commissioners at the first meeting of each calendar year I which they are operational. (1997 Code, §2303) (Ord, passed 1-24-2005)

**ARTICLE 4. MEMBERSHIP:** The Chairperson retains his or her ability to discuss, make motions and vote on issues before the Commission. The Chairperson shall:

- Preside at all meetings with all powers under parliamentary procedure; utilize Roberts Rule of Order.
- 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 comparable topics; profanity; or other remarks which are not about the topic before the Commission.
- Restate all motions.
- Appoint additional committees when needed.
- May call special meetings pursuant to these Bylaws.
- Review with the Secretary or staff, prior to a Commission meeting, the items to be on the agenda.
- Perform such other duties as may be ordered by the Commission.

**ARTICLE 5. FESTIVAL COMMISSION:**

- The Commission: shall advise the city council and the city manager regarding:
  - 1 The acquisition, development, improvement, equipment, and maintenance of Festival.
  - 2 The future development of the festival facilities, and the purchase of additional land for those purposes.
  3. Improvements in the maintenance, operation, and general welfare of the festival's recreational facilities and their use by the public.
- The Commission shall outline a general plan of development for festivals to include land, buildings, and equipment. The Commission shall submit the plan to the City Manager for detailed development, and the City Manager shall then submit the plan to the City Council for approval.
- The Commission shall promote close cooperation between the City and all private citizens, institutions, and agencies interested in or conducting festival activities, so that all festival resources within the City may be coordinated to secure the greatest public welfare.
- Accepting gifts: Gifts shall not be accepted by a member of the Commission or from anyone connected with an agenda item before the Commission; as used

here gifts shall mean cash, any tangible item, or service, regardless of value and food value over \$10.00.

- The Commission shall perform other duties as prescribed by the City Code or as directed by the City Council.
- A Commission member who is absent for three consecutive regular meetings or one third of all regular meetings in a "rolling" twelve-month time frame automatically vacates the members position. This does not apply to an absence due to illness or injury of the Commission member, an illness or injury of a Commission member's immediate family, or the birth or adoption of the Commission member's child for 90 days after the event. The Commission member must notify the Commission chair of the reason for the absence no later than the date of the next regular meeting of the Commission. Failure to notify the Commission Chair before the next regular meeting of the board will result in an unexcused absence.
- Organizations listed in Brown City Ordinance Section 31-201 will each appoint an alternate board member to attend whenever their appointed board member is unable to attend. Alternates will affirm the Oath of Office and have voting rights when serving in place of their organization's appointed board member.

#### **ARTICLE 6. MEETINGS:**

- Regular Meetings: Meetings of the Commission shall be held the second Wednesday of every month at 6 PM at the location given in the public notice of the meeting.
- Special Meetings: Special Meetings shall be called in the following manner:
  - 1 By the Chairperson.
  - 2 By any two members of the Board
  - 3 Notice of special meetings shall be given to City Hall 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.
- Recess: The Chairperson or Commission, after the meeting has been in session for two hours shall suspend the Commission's business and evaluate the remaining items on the agenda. The Commission shall then decide to finish that meeting agenda, may act to continue the meeting on another day (fix time at which to adjourn), or complete some of the agenda items and continue the meeting on another day to complete other agenda items or postpone certain agenda items to the next meeting. If applicable such action shall include the time, day, month, date, year, and location the Commission will reconvene. If more than 18 hours shall pass before the reconvened board, public notice shall be given. Upon reconvening a roll call of attendees 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.

- Quorum: 50% plus 1 voting members regardless of vacancies exist or not, shall constitute a quorum for the transaction of business and 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.
- Motions: Motions shall be restated by the Chairperson before a vote is taken.
- 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.
- 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 for issues not specifically covered by these bylaws. Whereas these Bylaws conflict or are different than Roberts Rules of Order, then these bylaws control.
- Public participation: All regular and special meetings, hearings, records, and accounts shall be open to the public,
  1. Public comments on all non-agenda items should be presented at the beginning of the meeting were provided during the agenda item for public comment.
  2. 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 Board may direct questions to members of the public. Public comment is at the beginning of the meeting so the Board can hear concerns and questions before acting on an issue. Those making public comments 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 to members of the public asking for a copy prior to the meeting.
  3. The Chairperson may limit the amount of time allowed for each person wishing to make public comments at a Commission meeting. The Chairperson 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 a public comment at the Commission meeting without a time limit or an extended time limit.
- Order of Business. Agenda. The Secretary, or designee, shall prepare an Agenda for each meeting and the order of business shall be as follows:
  1. Call to order and determine a quorum is present.
  2. Correction and Approval of Minutes of the previous regular and /or special meeting.
  3. Pay Bills.
  4. Unfinished Business.

5. Personal Appearances must be identified before the agenda is generated.
  6. Public Questions and Comments
  7. Public Hearing - If scheduled and properly noticed.
  8. Reports and Recommendations - Commission members should notify the Secretary of any requested additions before the agenda is generated.
  9. Petitions and Communications —
  10. New Business -
  11. Public Questions and Comments —
  12. Adjournment.
- Placement of Items on the Agenda.
    1. City Hall shall be the office of record for the Board.
    2. City Hall may receive items on behalf of the Board shall be set aside to be received by the Board at its next regularly scheduled Board meeting.
    3. The deadline to add items to the Board's meeting agenda shall be seven business days prior to the next regularly scheduled Commission meeting.

**ARTICLE 7. RECORDS:** Minutes and Record. A record of Commission meetings, which, shall at a minimum include an indication of the following:

- Shall include a summary of the meeting, in chronological sequence of occurrence:
  1. Time and place the meeting was called to order.
  2. Attendance. Indication of others present (listing names if others choose to sign in and/or a count of those present).
  3. 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.
  4. 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.
  5. 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:
    - Who testified and a summary of what was said.
    - A statement of what is being approved.
    - What exhibits were submitted (if any).
    - What evidence was considered (summary of discussion by members at the meeting).
    - The decision (e.g., approved, deny, approved with modification).
- Records of any action, supporting documentation, maps, photographs, correspondence received, attached as an Appendix to the minutes.
- 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

- The Commission shall keep minutes of meetings and of actions taken and shall submit the minutes to the City Clerk who shall distribute them to the Mayor and Council in the same manner as that of other Commission and Committee meetings.
- Minutes shall also include the date and time of the next scheduled meeting.

### **ARTICLE 8. COMMITTEES.**

- Ad Hoc Committees: The Commission or Chairperson 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.
- Citizen Committees: The Board may establish and appoint citizen committees. Membership can be any number, so long as less than a quorum of the Commission serves 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 City of Brown City and the adjacent Townships,

### **ARTICLE 9. RULES OF PROCEDURES FOR ALL COMMITTEES.**

- 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.
- Same Principles. The same principals of these Bylaws for the Commission also apply to all committees of the Commission including, but not limited to:
  1. Officers: Officers of committees are appointed by the Chairperson 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.
  2. Quorum: A committee's quorum shall be at least half the total appointed membership of the committee plus one.
  3. Voting: Only those appointed members of a committee, who are present at the time of a vote, shall be eligible to cast a vote.
  4. 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 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).
  5. Minutes: The Secretary 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.
  6. Public: All committee meetings are open meetings available for public attendance and participation and the minutes of the meetings are to be

available for public inspection under the same principles found in the Michigan Open Meetings Act.

7. 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 10. OTHER MATTERS -TO BE CONSIDERED BY COMMISSION.**

- Commission Action: The following matters shall be presented for consideration at a meeting of the Board:
  1. At least annually: The adoption of priorities for the Commission's plan of work.
  2. Annually, preparation of an annual report of the Commission to the City Council.
  3. Such other matters as the City Council shall find it advisable or essential to receive consideration by the Commission.

**ARTICLE 11. ADOPTION, REPEAL, AMENDMENTS:**

- Upon adoption of these Bylaws, they shall become effective and all previous Bylaws, shall be repealed.
  1. The Commission may suspend any one of these Bylaws for a duration of not more than one agenda item or meeting.
  2. These Bylaws may be amended at any regular or special meetings by a two-thirds (%) vote of the appointed members.
  3. 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.

**ARTICLE 12. DUTIES OF THE COUNCIL REPRESENTATIVE. (§31.022)**

- The City Council has the option to appoint 1 of its members to the Commission or another Individual.
- A Councilmember or individual so appointed shall provide liaison between Council and the Commission.

**ARTICLE 13. DUTIES OF THE CITY MANAGER. (§31.023)**

- The City Manager shall serve as a non-voting, ex-officio member of the Commission.
- The City Manager shall provide appropriate coordination between the Commission and the City staff, to include public safety, public works, and administration.