

BY-LAWS OF THE HISTORIC DISTRICT COMMISSION OF THE CITY OF BATTLE CREEK

ARTICLE I POWERS AND DUTIES

The powers and duties of the Historic District Commission of the City of Battle Creek are pursuant to Act No. 169, Public Acts of Michigan, 1970, being MCL, Section 399.201 et seq., as amended.

ARTICLE II MEMBERS

Section 1. Membership. The Historic District Commission shall consist of seven (7) members residing in the city one of whom shall be a duly registered architect, if such a qualified person is available for appointment. Members shall be appointed by the Mayor subject to the approval by a majority vote of the City Commission elected and serving. Appointments shall be for three-year terms, except the initial appointments shall provide for three three-year terms, two two-year terms, and two one-year terms so that subsequent appointments shall not recur at the same time. Two of the initial three-year term appointments shall be made from a list of citizens submitted by a duly organized and existing preservation society or societies. A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation. All terms terminate on January 1, except that a member shall continue in office until a successor is appointed and takes office. Members shall be eligible for reappointment.

Section 2. Removal. The City Commission may remove a member of the Historic District Commission for misfeasance, malfeasance, or nonfeasance in office.

- (a) Any member of the Historic District Commission who is absent from three or more regularly scheduled meetings in a 12-month period, may be removed by two-thirds of the vote of the Commission members present.
- (b) The Historic District Commission or the City Commission may after a hearing, remove a member of the Commission for neglect of duty.

Section 3. Vacancies. In the event a vacancy on the Historic District Commission occurs, an interim appointment shall be made by the Mayor subject to the approval by a majority vote of the City Commission elected and serving to complete the unexpired term. A vacancy on the Historic District Commission shall be filled within 60 calendar days by an appointment made by the appointing authority.

ARTICLE III OFFICERS AND THEIR DUTIES

Section 1. Selection. At the first regular meeting of each year, which shall be held on the second Monday of each month, the Historic District Commission shall elect a Chairperson and a Vice-Chairperson. All officers are eligible for re-election.

Section 2. Tenure. The Chairperson and Vice-Chairperson shall take office immediately following their selection and shall hold office for a term of one year or until their successors are selected and assume office.

Section 3. Chairperson. The Chairperson shall be elected from amongst the appointed members of the Historic District Commission. The Chairperson shall preside at all meetings and hearings of the Commission, and shall have and perform the duties incident to the office of the Chairperson. The Chairperson shall decide, subject to these by-laws, all questions of order and procedure, unless otherwise directed by a majority of the Commission

in session at the time, and shall have the privilege of discussing all matters before the Commission and voting thereon.

Section 4. Vice-Chairperson. The Vice-Chairperson shall be elected from amongst the appointed members of the Historic District Commission, and shall act for the Chairperson in their absence.

Section 5. Secretary. The City Planning and Zoning Division shall provide clerical and staff assistance sufficient to carry out the intent of these by-laws.

- (a) They shall keep a record of the resolutions, transactions, findings and determinations of the Historic District Commission, which record shall be a public record;
- (b) Shall prepare, under supervision of the Chairperson, the agenda for all regular and special meetings of the Historic District Commission;
- (c) Shall provide notice of all meetings of the Historic District Commission;
- (d) And shall have and perform such other duties as are incident of the office of Secretary.

Section 6. Other Duties. Other duties of the Chairperson and Vice-Chairperson shall be such as the Historic District Commission shall prescribe.

ARTICLE IV **NOMINATION AND ELECTION OF OFFICERS**

Section 1. Terms of Office. Officers of the Historic District Commission shall be Historic District Commission members, and be nominated and elected annually by and from a majority of its members at their first annual meeting.. Officers shall hold office for one (1) year or until their successor shall take office. The Officers are eligible for reelection.

Section 2. Vacancies. Vacancies in office shall be filled for the unexpired term by regular election procedure at the next regular meeting following such vacancy, or at a special meeting called for that purpose.

ARTICLE V **MEETINGS**

Section 1. Regular Meeting Date. Regular meetings of the Historic District Commission shall be held on the second (2nd) Monday of each month at City Hall in an appropriately designated room. However, in the event that there are no permit applications or other matters to be heard, the Chairperson of the Board may cancel said meeting and shall notify all Commission members of said cancellation.

Section 2. Quorum. A majority of the members of the Historic District Commission shall constitute a quorum for the transaction of business. The concurring vote of four members of the Commission shall be necessary to issue a certificate of appropriateness and/or a notice to proceed. Other actions of the Commission shall require a simple majority of members present constituting a quorum.

Section 3. Special Meetings. Special meetings of said Historic District Commission may be held at any time upon call of the Chairperson, or shall be called by request of at least three (3) members of said Commission. Notice of the time, place, and purpose of any special meeting shall be given to each member not less than one (1) day in advance of such meeting. The business considered or transacted at any special meeting shall be restricted to that stated in the notice or call, unless by consent of at least four (4) members present at such meeting.

Section 4. Reserved.

Section 5. Open Meetings Act. All meetings shall be open to the public and conform to the Michigan Open Meetings Act, being Act 267 of the Public Acts of 1976, as amended. Any person shall be entitled to appear and be heard on any matter before the Historic District Commission before it reaches its decision, subject to the rules of procedure as later provided in these by-laws. Public notice of the time, date and place of the meeting shall be given in the manner required by the Open Meetings Act. A meeting agenda shall be part of the notice and shall include a listing of each application to be reviewed or considered by the Commission. The Commission shall keep a record, which shall be open to public view of its resolutions, proceedings, and actions.

Section 6. Public Comment. Any person or a representative of such person shall be entitled to appear and be heard on any matter before the Historic District Commission before it reaches its decision at the time provided for in Article VI and under the following rules:

- (a) During the consideration of specific matters by the Historic District Commission, speakers addressing the Commission shall limit their comments to the specific issue being considered. A three-minute time limit is imposed per speaker, per matter considered. The three-minute limit may be lengthened or shortened by the Chairperson or other presiding officer, when appropriate, taking into consideration such factors as the number of individuals seeking to make comment.
- (b) During the general public comment portion of the meeting, speakers may address the Historic District Commission on any matter within the control and jurisdiction of the Historic District Commission. A speaker shall be permitted to address the Commission once, for up to three minutes.
- (c) An individual wishing to address the Historic District Commission shall wait to be recognized by the Chairperson or other presiding Commissioner before speaking. An individual wishing to address the Commission shall raise their hand and wait to be recognized by the Chairperson before speaking and shall identify themselves by name and address and, if appropriate, group affiliation for the record.
- (d) Speakers shall address all remarks to the Historic District Commission as a whole, and not to individual Commissioners. Speakers shall not address their remarks to members of the public in attendance at the meeting.
- (e) A speaker will be ruled out-of-order by the Chairperson or other presiding officer and the Historic District Commission will continue with its business when the speaker:
 1. Becomes repetitive or speaks longer than the allotted time;
 2. Attempts to yield any unused portion of time to other speakers;
 3. Engages in a personal attack upon a city employee, administrator or Commissioner only if the personal attack is totally unrelated to the manner in which the employee, administrator or Commissioner carries out their public duties or office;
 4. Uses obscene or profane language;
 5. Engages in slanderous or defamatory speech;
 6. Uses derogatory racial, sexual or ethnic slurs or epithets relating to any individual or category of persons; or
 7. Engages in conduct that interrupts or disrupts the meeting.

Section 7. Annual Report. The Historic District Commission shall submit an annual report of its activities to the Planning Commission and the City Commission.

Section 8. Robert's Rules of Order Govern. Parliamentary practice at the meetings of the Historic District Commission shall be governed, where applicable, by Roberts Rules of Order, except where in conflict with the laws of the State of Michigan, the Charter or ordinances of the City of Battle Creek, or by these by-laws.

Section 9. Conflict of Interest. A conflict of interest exists when a member of a public body has an economic, personal, or family connection to a matter before them, which may prevent, or appear to prevent, an objective vote. The following shall apply in determining whether a conflict of interest in fact exists; the obligations of a

member with a conflict of interest, or a potential conflict of interest; and the consequences of failing to disclose a potential conflict, or abstaining from voting where there is no conflict of interest.

- (a) "Conflict of interest" shall be defined as a material financial interest, or where a member has a legal or fiduciary duty to another organization or entity, or personal relationship that may give the appearance of a conflict of interest in a matter presented for action. For purposes of this section, a "material financial interest" shall be defined as one in which the member will directly benefit in an amount exceeding \$250.00, or receive a benefit exceeding a fair market value of \$250.00 in a matter presented for action. Additionally, a public officer shall not engage in or accept employment or render services for a private or public interest when that employment or service is incompatible or in conflict with the discharge of the officer or employee's official duties or when that employment may tend to impair their judgment or action in the performance of official duties.
- (b) Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Historic District Commission. If a conflict of interest in fact exists, then the member is disqualified from discussion or voting on that matter in his or her capacity as a Commission member.
- (c) Even if the member does not disqualify themselves based upon a conflict of interest, the member may be disqualified from discussion or voting on that matter in their capacity as a Commission member by a majority vote of the remaining members of the Historic District Commission.
- (d) Failure of a member to disclose a potential conflict of interest as required by this subsection constitutes malfeasance in office.
- (e) Abstaining from voting where either the City Attorney's Office has issued an opinion (verbal or written), or there has been a majority vote of the remaining members of the Historic District Commission as set out in above subsection (c), that no conflict of interest exists, constitutes nonfeasance in office.

ARTICLE VI **Order of Business**

The order of business at all regular meetings of the Historic District Commission, as far as practicable, shall be as follows:

1. Call to Order
2. Roll Call
3. Additions or Deletions to Agenda
4. Approval of Minutes
5. Written Correspondence
6. Old Business
7. New Business
8. Comments by the Public
9. Commission Member Comments
10. Staff Comments
11. Adjournment

ARTICLE VII **Commission Business**

Section 1. Additional Commissioner Considerations. The following matters, in addition to those required by law and pursuant to Section 1470.15 of the Historic Preservation Ordinance, may be presented for consideration at any meeting of the Historic District Commission.

- (a) Approval of all plans and reports, or any part or extension thereof, or amendment or addition thereto, requiring action by the Historic District Commission, prior to public or general distribution.
- (b) Approval of budget requirements for the fiscal year and requests for appropriations.
- (c) Such other matters as the Chairperson or City Planning and Zoning Division staff shall find it advisable or essential to receive consideration by the Historic District Commission.

Section 2. Not to be Limited. Section 1 of this Article shall in no way limit the business of the Historic District Commission.

ARTICLE VIII **Contractual Services**

The Historic District Commission may contract with planners, engineers, architects, and other consultants for such services as it may require.

ARTICLE IX **Minor Classes of Work**

Section 1. Administrative Approval. The Historic District Commission delegates the City Planning and Zoning Division staff as the authority to approve and issue certificates of appropriateness for minor classes of work as outlined in the Resolution titled “Historic District Commission Resolution Delegating Minor Classes of Work for Staff Approval” revised on February 12, 2024.

Section 2. Administrative Approval Reporting. The City Planning and Zoning Division staff will prepare a list for the Historic District Commission of any and all certificates of appropriateness for minor classes of work issued by staff at the next regularly scheduled meeting held by the Commission.

Section 3. Administrative Approval Evaluation Process. On at least a quarterly basis, the Historic District Commission shall review the certificates of appropriateness, if any, issued for work by its staff, the inspector, or another authority to determine whether the delegated responsibilities should be continued.

ARTICLE X **Amendments**

These by-laws may be altered or amended by a vote of no less than five (5) members of the Historic District Commission, notice having been given in writing of the proposed alteration or amendment at a previous meeting of the Commission.

Approved and Adopted on this date:

February 12, 2024

BATTLE CREEK
HISTORIC DISTRICT COMMISSION

By: _____
Its: Chairperson