



BYLAWS

Approved January 29, 2008

Southwest Michigan Planning Commission

185 East Main Street, Suite 701

Benton Harbor, MI 49022

269-925-1137

Amended through January 2008

ARTICLE I: COMMISSION ESTABLISHED

There is hereby established a Regional Planning Commission, to be known as the Southwest Michigan Planning Commission (hereafter called the "Commission" or "SWMPC") as a service agency for business and government in Southwestern Michigan, that being the Counties of Berrien, Cass, and Van Buren.

ARTICLE II: AUTHORITY

This Commission is established under the authority of the Regional Planning Commission Act 281, 1945, as amended, to coordinate Regional Planning and Development Programs in the Counties of Berrien, Cass, and Van Buren, all located in the State of Michigan.

ARTICLE III: PURPOSE

The Southwest Michigan Planning Commission shall be a voluntary organization of local governments which fosters a cooperative effort in resolving problems, policies, and plans that are common and regional. The purpose of this organization is:

1. To serve as a mutual forum to identify, discuss, study, and bring into focus regional challenges and opportunities;
2. To serve as a vehicle for the collection, exchange and dissemination of information;
3. To provide a continuing organizational mechanism to insure effective communication and coordination among governments and agencies;
4. To foster, develop, and review policies, plans, and priorities for regional growth, development, and conservation;
5. To facilitate agreements and cooperative action proposals among member governments for specific projects or other interrelated developmental needs and for the adoption of common policies and plans with respect to common regional challenges;
6. To maintain liaison with members, governmental units, and groups or organizations and to serve as regional spokesman and advocate for local government upon their request;
7. To furnish general and technical aid to member governments, as they request and direct, to promote and accomplish Commission approved agreements, policies and plans;
8. To review and coordinate federal state, and local programs of regional importance; and,

four. These County Commissioners are to be selected by each of the individual County Boards of Commissioners of Berrien, Cass, and Van Buren Counties for two-year terms commencing at the first full board meeting of the year.

2. The mayor of any city with a population of more than 9,000 people based upon the most recent United States Census of Population is also eligible for membership. If no city within a county has a population of 9,000 the mayor of the largest city of each county is automatically eligible for membership on the Commission.
3. The township supervisor of any township with a population of more than 9,000 based upon the most recent U.S. Census is also eligible for membership.
4. Also, townships with populations less than 9,000 as determined by the most recent U.S. Census shall be grouped together by county and entitled to two representatives per group per county. The representatives, who shall be township supervisors, or their designees, shall be chosen by official action of the respective county chapters of the Michigan Townships Association for two-year terms.
5. Fifteen non-elected residents of Berrien, Cass, and Van Buren Counties are also eligible for membership. These members shall be appointed by the three County Boards of Commissioners according to the following formula: Berrien County, seven appointees; Cass County, four appointees; Van Buren County, four appointees. One member of each shall be a member of a County Planning Commission. These citizen appointments shall be made with the goal of attaining the necessary representation to qualify the SWMPC as an Economic Development District. These citizen appointees may be individuals representing business, business organizations, industry, finance, agricultural professions, organized labor, utilities, education, public health agencies, racial or ethnic minorities, seniors, youth, and the unemployed.

The Commission's goals include meeting the qualifications as an U. S. Economic Development Agency Economic Development District. The Commission membership shall meet the necessary criteria for an EDA Economic Development District. In order to insure this, the Commission hereby retains to itself the right to set the qualifications of citizen members to be appointed by the three counties.

B. Special Meetings

Special meetings of the Commission may be called at any time by direction of the Chair or upon written request to the Chair by ten or more Commission members. Notice of special meetings shall specify the business to be transacted.

C. Notice of Meetings

Proper notice of regular or special meetings shall be made in accordance with the State of Michigan Open Meetings Act.

D. Location of Meetings

1. Regular meetings of the Full Commission may be held in the county of the current Commission chair. The exact location will be selected by the chair in consultation with the Executive Director.
2. Administration Committee meetings held in conjunction with other committee meetings will also conform to point #1.
3. Other Administration Committee meetings may be held in the Commission's offices, or at another suitable location.
4. Locations for the following meetings will be selected by the Commission Chair or respective committee chair in consultation with the Executive Director:
 - a. Special Commission Meetings
 - b. Meetings of the Commission for strategic planning or training purposes
 - c. Special meetings of any committee or subcommittee
 - d. Other meetings sponsored by the Commission for training, information, etc

E. Quorum

A quorum at any regular or special meeting of the Full Commission shall consist of fifteen or more members or alternates of the Commission, with at least two representing each county.

ARTICLE VII: EXECUTIVE DIRECTOR

The Commission shall employ an Executive Director, who shall hold office by written agreement with the Commission. The Executive Director shall be the chief administrative officer of the

through which all persons participating can communicate with each other. Alternative participation in this manner constitutes presence at the meeting.

B. Voice and Roll Call Voting

Voting in Commission meetings may be either by voice vote or roll call vote. A roll call vote shall be conducted upon the demand and support of any official representative present, or at the discretion of the presiding officer. Voting by alternative participation is acceptable.

ARTICLE IX: FINANCE

A. Fiscal Year

The fiscal year of the Commission shall be established by the Administration Committee, subject to the approval of the full Commission.

B. Annual Contribution

The annual contribution for participating members shall be adopted by the Commission at the regular July meeting each year and shall be forwarded to the members. The contribution for the forthcoming year shall be based upon a per capita formula using a uniform current national or state population count determined by the Commission. The local funding formula shall be composed of three separate elements:

1. a per capita rate, equal for all counties, comprising a contribution to maintain the professional staff support for required certification and/or eligibility determinations;
2. an additional contribution for the conduct of other Commission responsibilities; and,
3. a special contribution from any or all members for other specified purposes when requested, determined necessary, and approved by the Commission.

C. Budget

1. The Executive Director shall prepare the annual preliminary budget and submit the budget upon approval of the Administration Committee to the Commission prior to the start of the fiscal year following the approval of the members' budgets. The Commission shall approve the final budget at the first full Commission meeting of the fiscal year.

D. Cessation

Each person who is an official representative shall cease to be such immediately upon their ceasing for any reason to be the mayor of a member city, supervisor of a member township, or a member of a Board of County Commissioners of a member county. Any alternate shall immediately be disqualified and cease to be such alternate upon their ceasing to be a member of the legislative body of the member county, city or township which so designated them. Any appointed representative shall immediately cease to be such upon their ceasing to be a representative of the interest they were originally appointed for.

E. Vacancies

A vacancy shall immediately occur in the office of Chair, Vice Chair, Secretary, Treasurer or Alternate Treasurer upon the resignation or death of the person holding such office, or upon their ceasing to be an official representative of a member city, township, or county. Upon a vacancy occurring in the office of Chair, the Vice Chair shall automatically and without further action become Chair for the balance of the unexpired term. Upon a vacancy occurring in the office of Secretary, Treasurer, or Alternate Treasurer, the Commission shall elect a member from among the official representatives to serve for the balance of the unexpired term.

ARTICLE XI: COMMITTEES AND ADVISORY COUNCILS

A. Appointment of Committees

The Commission Chair shall appoint annually an Administration Committee and standing committees, and/or advisory bodies, as deemed appropriate by the Commission. All actions of the standing committees and advisory bodies shall be subject to final approval by the full membership.

B. Executive Committee

The Executive Committee shall consist of the elected officers. Duties include approval of project and program contracts over \$75,000, and the first level of personnel conflict resolution. The Executive Committee will be available to advise the Executive Director on critical matters arising between scheduled meetings.

ARTICLE XII: RATIFICATIONS AND AMENDMENTS

A. Ratification

These bylaws shall take effect upon approval and adoption thereof by the Commission.

B. Notice of Amendment

Any proposed amendment to these bylaws shall be distributed to each member of the Commission at least two weeks prior to the meeting at which the amendment will be considered.

C. Adoption of Amendment

These bylaws may be amended by a two-thirds vote of the members present at any regular or special meeting of the Commission.

ADOPTED AND APPROVED BY
THE SOUTHWEST MICHIGAN PLANNING COMMISSION
THIS THIRTEENTH DAY OF NOVEMBER, 1974
AS AMENDED THROUGH JANUARY 29, 2008

David Bly, Chair