



Southcentral Michigan Planning Council

300 South Westnedge Avenue · Kalamazoo, Michigan 49007

Phone: (269) 385-0409 · Fax: (269) 343-3308 · Email: adams@upjohn.org

April Board Meeting Agenda

MEETING DATE: Tuesday, April 7, 2015
MEETING TIME: 2:00 pm
MEETING LOCATION: Calhoun County Administration Building
315 W Green Street, Marshall, MI 49068

1. **Call to Order**
2. **Members Excused**
3. **Action:** Approval of the Agenda
4. **Action:** Approval of the Minutes
5. **Citizen Comments**
6. **Reimbursements and Invoices**
 - a. None
7. **Treasurer's Report**
 - a. Provided at meeting
8. **Transportation/KATS Items**
 - a. Monthly Report Presented at the meeting
 - b. Regional Transit Mobility Study
9. **Discussion:** Regional Prosperity Initiative
 - a. Update on Regional Prosperity Meetings
10. **Discussion/Action:** Annual Report
 - a. Presentation of the 2014 Annual Report by staff
11. **Action/Discussion:** Organizational Discussion
 - a. Review of potential services and outreach strategy
 - b. Need for new branding
12. **Discussion:** EDA
 - a. Review new EDA regulations and discussion on moving forward as an EDD
13. **Action/Discussion:** By-Law Review
 - a. Review SMPC by-laws
14. **Staff Report/Other:**
 - a. EDA Loan Application – BTR 2.0
 - b. Planning Services
 - i. Homer Township, Homer Village, Yankee Springs Township, Penfield Township
 - c. Update on board vacancies
 - d. MAR Appointment
15. **Board Member Comments**
16. **Action:** Adjournment

***Next Meeting: May 5th at the W.E. Upjohn Building
300 S. Westnedge Ave, Kalamazoo, MI 49007***



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January Board Meeting Minutes

MEETING DATE: Tuesday, January 6, 2014
MEETING TIME: 2:00 pm
MEETING LOCATION: W.E. Upjohn Institute Building
300 S Westnedge Ave. Kalamazoo, MI 49007

1. Call to Order

- a. The meeting was called to order at 4:03 pm

2. Members Excused

- a. Wheat made a motion to excuse Byrnes.
 - i. Hazelbaker seconded the motion.
 - ii. **The motion carried.**

3. Action: Approval of the Agenda

- a. Frantz made a motion to approve the agenda.
 - i. Huffman seconded the motion.
 - ii. **The motion carried.**

4. Action: Approval of the Minutes

- a. Reid made a motion to approve the agenda.
 - i. Frantz seconded the motion.
 - ii. **The motion carried.**

5. Citizen Comments

- a. None made.

6. Reimbursements and Invoices

- a. None presented at the meeting.

7. Treasurer's Report

- a. Treasurer Reid gave a verbal update.
 - i. Reid closed the 5/3 account. The remaining funds were issued to staff in the form of a cashier's check.
 - ii. Reid will close the Talmer West account as soon as possible.
- b. Staff noted that the packet contains status reports from the Upjohn Institute and explained how they are formatted.
 - i. Staff answered a couple of clarifying questions regarding the reports. Staff will include a similar report at each meeting.
- c. Frantz made a motion to accept the Treasurer's Report.
 - i. Dunn seconded the motion.
 - ii. **The motion carried.**

8. Transportation/KATS Items

- a. KATS staff gave a verbal and written report of their work during the previous month.
 - i. Continued to work with the Regional Rural Task Force.
 - ii. Attend asset management workshops.
 - iii. Worked with local jurisdictions to update the National Functional Classification System.
 1. The board asked if they work was region-wide or just for a select area.
 - a. The work is region-wide.
 - iv. Worked with the Southwest Michigan Planning Commission to conduct a regional transit mobility inventory.

1. KATS staff answered a question about the partnership with SWMPC. It was clarified that funds flowed through SWMPC for the project.

9. Discussion: Regional Prosperity Initiative

- a. Staff noted that no decision was made about the Regional Prosperity Grant.
- b. Staff outlined the timing and discussion points of the next RPI meetings.
 - i. The agenda for the next meeting will include:
 1. By-laws
 2. Asset Inventory
 3. Committee composition
 - ii. Staff discussed the work of the asset inventory.
 - iii. Board members asked questions about the role that SMPC staff is playing in the RPI management.
 1. Staff noted that it, along with staff from the Southwest Michigan Planning Commission, is serving as staff for the Regional Prosperity Committee. The partnership is functioning well.

10. Discussion/Action: W.E. Upjohn Services

- a. W.E. Upjohn Institute Staff gave a presentation regarding the organizational structure and history of the Institute, the services they offer, the staff, research conducted, and projects completed.
 - i. A handout was provided at the meeting.
 - ii. Institute staff wanted to convey that the existing staff and resources can help support SMPC in many ways.
- b. The board had a few comments and suggested that staff share a few studies conducted by the Institute.

11. Action/Discussion: CEDS

- a. Staff noted that the CEDS was accepted by the EDA.
 - i. The board thanked staff and the Institute for their work on the document.
- b. Staff also outlined the new EDA regulations.
 - i. A notable change was the removal of the need to incorporate a project list in the CEDS document.
 - ii. The board composition requirements were relaxed as well.
- c. The board had a couple of questions regard Economic Development District Status.
 - i. Staff led a discussion of the new regulations from EDA regarding EDD status. Staff also mentioned that it scheduled a call with the EDA region representative to discuss EDD designation.

12. Action/Discussion: By-Law Review

- a. This item was tabled until the next SMPC meeting.

13. Action/Discussion: Meeting Schedule

- a. Staff reminded the board that it wanted to review a suggestion of moving to a bi-monthly basis.
 - i. The board felt that keeping the monthly schedule while expecting meeting cancelations was the best way to move forward.

14. Staff Report/Other:

- a. Staff noted that new member Jim Robey was appointed by Calhoun County.
- b. Kalamazoo County is in the process of reviewing application for their vacancies.

15. Board Member Comments

- a. Robey noted a need for certified grant administrators; SMPC staff could play that role.
- b. Baker mentioned that a pork processor will locate in Coldwater and employ about 800.
- c. Reid mentioned that Kalamazoo Township is asking the voters to approve ~10 million in bonds for road improvements.

16. Action: Adjournment

- a. The meeting was adjourned at 3:30 pm



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RETURN SERVICE REQUESTED

Date 12/31/14 Page 1
 Primary Account Acct Ending 1302

169014 0101 0 003585 006439 1/1

Southcentral Michigan Planning Council
 201 West Kalamazoo Avenue, Room 101
 Kalamazoo MI 49007



Ask about our Great Home Equity Line Limited-Time Special Offer!

Checking Account

Account Title: Southcentral Michigan Planning Council

Community Plus		Item Truncation	
Account Number	Acct Ending 1302	Statement Dates	12/01/14 thru 12/31/14
Previous Balance	63,896.63	Days in the Statement Period	31
Deposits/Credits	.00	Average Daily Balance	63,896.63
Withdrawals	.00	Average Collected	63,896.63
Service Charge	.00	Interest Earned	13.57
Interest Paid	13.57	Annual Percentage Yield Earned	0.25%
Ending Balance	63,910.20	2014 Interest Paid	159.56

Deposits and Additions

Date	Description	Amount
12/31	Interest Deposit	13.57

Daily Balance Summary

Date	Balance	Date	Balance
12/01	63,896.63	12/31	63,910.20

W. E. Upjohn Institute for Employment Research
 Project #34050 SouthCentral Michigan Planning Council

10/01/14 - 09/30/17

Project Director: Dr. Randall Eberts (Lee Adams)

	Current Month 01/2015	Project Year To Date	Total Project To Date	Budget	To be paid by Agency	Paid by Institute
Professional Staff	2,920.92	2,920.92	15,334.22	-	15,334.22	-
Research Staff	-	-	-	-	-	-
Support Staff	-	-	-	-	-	-
Indirect Cost	2,920.92	2,920.92	15,334.22	-	15,334.22	-
	-	-	-	-	-	-
Copies/Duplicating	0.40	0.40	3.92	-	3.92	-
Books, Periodicals	-	-	-	-	-	-
Postage	-	-	0.48	-	0.48	-
Supplies - Office	-	-	92.40	-	92.40	-
Telephone	1.80	1.80	1.80	-	1.80	-
Travel Reimbursement	-	-	-	-	-	-
Travel	-	-	344.92	-	344.92	-
Direct Cost	2.20	2.20	443.52	-	443.52	-
Total Expense	2,923.12	2,923.12	15,777.74	-	15,777.74	-

Billings	-	-	43,915.92
Expense	2,923.12	2,923.12	15,777.74
Net Income(Expense)	(2,923.12)	(2,923.12)	28,138.18

Billings	-	-	43,915.92
Receipts	10,054.39	10,054.39	31,168.33
Acct.Rec.Balance	(10,054.39)	(10,054.39)	12,747.59

	Agency	Institute	Total
Contract	-	-	-
Expense	15,777.74	-	15,777.74
Funding Balance	(15,777.74)	-	(15,777.74)

Staff	Hrs.CM	Hrs.YTD	Hrs.PTD
Eberts	-	-	-
Lee Adams	56.50	56.50	320.00
	-	-	-
	-	-	-
	-	-	-
Molhoek	-	-	-
	-	-	-
	-	-	-
Total Hours	56.50	56.50	320.00

TRACK HOURS

W. E. Upjohn Institute for Employment Research
 Project #34051 SouthCentral Michigan Planning Council
 RPI
 10/01/14 - 09/30/15
 Project Director: Dr. Randall Eberts (Lee Adams)

	Current Month 01/2015	Project Year To Date	Total Project To Date	Budget	To be paid by Agency	Paid by Institute
Professional Staff	1,347.68	1,347.68	4,201.23	-	4,201.23	-
Research Staff	-	-	-	-	-	-
Support Staff	-	-	-	-	-	-
Indirect Cost	1,347.68	1,347.68	4,201.23	-	4,201.23	-
Alpha Computer Charges	-	-	-	-	-	-
Copies/Duplicating	-	-	-	-	-	-
Books, Periodicals	-	-	-	-	-	-
Postage	-	-	-	-	-	-
Supplies - Office	-	-	-	-	-	-
Telephone	4.24	4.24	4.24	-	4.24	-
Travel Reimbursement	-	-	-	-	-	-
Travel	-	-	49.73	-	49.73	-
Direct Cost	4.24	4.24	53.97	-	53.97	-
Total Expense	1,351.92	1,351.92	4,255.20	-	4,255.20	-

Billings	-	-	-
Expense	1,351.92	1,351.92	4,255.20
Net Income(Expense)	(1,351.92)	(1,351.92)	(4,255.20)

Billings	-	-	-
Receipts	-	-	-
Acct.Rec.Balance	-	-	-

	Agency	Institute	Total
Contract	-	-	-
Expense	4,255.20	-	4,255.20
Funding Balance	(4,255.20)	-	(4,255.20)

Staff	Hrs.CM	Hrs.YTD	Hrs.PTD
Eberts	-	-	-
Lee Adams	25.50	25.50	84.00
	-	-	-
	-	-	-
	-	-	-
Molhoek	-	-	-
	-	-	-
	-	-	-
Total Hours	25.50	25.50	84.00

TRACK HOURS

W. E. Upjohn Institute for Employment Research
 Project #34052 SouthCentral Michigan Planning Council
 Local Services
 10/01/14 - 09/30/15
 Project Director: Dr. Randall Eberts (Lee Adams)

	Current Month 01/2015	Project Year To Date	Total Project To Date	Budget	To be paid by Agency	Paid by Institute
Professional Staff	1,386.87	1,386.87	6,111.77	-	6,111.77	-
Research Staff	-	-	-	-	-	-
Support Staff	-	-	-	-	-	-
Indirect Cost	1,386.87	1,386.87	6,111.77	-	6,111.77	-
Alpha Computer Charges	-	-	-	-	-	-
Copies/Duplicating	-	-	-	-	-	-
Books, Periodicals	-	-	-	-	-	-
Postage	-	-	-	-	-	-
Supplies - Office	-	-	-	-	-	-
Telephone	-	-	-	-	-	-
Travel Reimbursement	-	-	-	-	-	-
Travel	-	-	53.31	-	53.31	-
Direct Cost	-	-	53.31	-	53.31	-
Total Expense	1,386.87	1,386.87	6,165.08	-	6,165.08	-

Billings	-	-	4,728.78
Expense	1,386.87	1,386.87	6,165.08
Net Income(Expense)	(1,386.87)	(1,386.87)	(1,436.30)

Billings	-	-	4,728.78
Receipts	2,618.24	2,618.24	2,618.24
Acct.Rec.Balance	(2,618.24)	(2,618.24)	2,110.54

	Agency	Institute	Total
Contract	-	-	-
Expense	6,165.08	-	6,165.08
Funding Balance	(6,165.08)	-	(6,165.08)

Staff	Hrs.CM	Hrs.YTD	Hrs.PTD
Eberts	-	-	-
Lee Adams	26.00	26.00	112.50
	-	-	-
	-	-	-
	-	-	-
Molhoek	-	-	-
	-	-	-
	-	-	-
Total Hours	26.00	26.00	112.50

TRACK HOURS



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TECHNOLOGY, MANAGEMENT & BUDGET
LANSING

DAVID B. BEHEN
DIRECTOR

February 6, 2015

Mr. John Egelhaaf
Southwest Michigan Planning Commission
376 West Main St.
Suite 130
Benton Harbor, MI 49022-3651

Dear Mr. Egelhaaf:

I wish to thank you for applying for grant dollars from the Regional Prosperity Initiative, a grant program administered by the Department of Technology, Management and Budget (DTMB). As you know, Governor Snyder developed the Regional Prosperity Initiative to grow and support collaborative regional efforts. The initiative, now in its second year, is producing real results. Local and regional partners like you have worked hard to create and advance locally developed plans for economic prosperity in your communities. We are thankful for your partnership and the contribution you are making to Michigan's comeback.

Your fiscal year 2015 application was for a Regional Prosperity Collaborative level grant. Unfortunately, the mid-year reductions in state revenue for fiscal year 2015 prevent the Department from fully funding successful applicants. However, as a successful applicant, we have reviewed your grant request and approved an award amount of \$228,750. The progress shown as a result of your first year grant indicates real momentum and positive progress, which I hope can be maintained through this second grant.

Please notify me if you intend to accept this grant at its reduced amount. At that time I ask that you submit a revised spending plan and timeline to reflect the award amount to DTMB. Attached you will find a brief contract which I ask you submit with the revised spending plan. When your revised timeline, spending plan, and contract are submitted, DTMB staff will work to make the grant payment to your organization in a timely manner.

Thank you for continued support and partnership in the regional prosperity initiative. I look forward to our continued work together.

Sincerely,

A handwritten signature in black ink, appearing to read "Ch - Harkins", written over a horizontal line.

Christopher Harkins
State Budget Office
Department of Technology, Management & Budget



Southcentral Michigan Planning Council

300 South Westnedge Avenue · Kalamazoo, Michigan 49007 · SMPCRegion3.org

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FY 2014 SMPC Annual Report

The Southcentral Michigan Planning Council (SMPC) accomplished a great deal in FY 2014 (October 1 through September 30); the organization found a new home with the W.E. Upjohn Institute, completed a Comprehensive Economic Development Strategy, provided general and transportation planning services, and staffed the Region 8 Prosperity Committee. SMPC is looking to build on its success in FY 2014 with a highly productive FY 2015.

FY 2014 was another year of transition for SMPC. During the 2014 fiscal year SMPC found a new home. Kalamazoo County had housed SMPC since its reorganization in 2012; SMPC is grateful for the support that Kalamazoo County gave it while it was in a fledgling state. Kalamazoo County could not house SMPC into 2015, so the SMPC board reviewed its options at a strategic planning session. After exploring several options, the board chose to seek a new home at the W.E. Upjohn Institute. The Institute and SMPC came to an agreement in August of 2014. Under the agreement, existing staff would be maintained but move to the W.E. Upjohn Institute. As such, Lee Adams became the Director of SMPC October 1, 2014. Additionally, the Institute provides SMPC with a wealth of resources including: professional staff from a range of disciplines, access to databases and library resources, and administrative and fiduciary services.

SMPC met another major milestone in FY 2014; it completed a Comprehensive Economic Development Strategy (CEDS) for the entire five-county region. The CEDS outlines the economic conditions of the region, provides a blueprint for future economic improvement, and lists several projects that could have a significant economic benefit to the region. The Upjohn Institute headed up the creation of the CEDS and conducted the research needed to complete the document. This was an important milestone because the US Department of Commerce, Economic Development Administration (EDA) requires an approved CEDS in place before they will consider funding project specific grants. Several communities and organizations within our region are already planning to apply for EDA grants.

The Regional Prosperity Initiative (RPI) was announced and funded in FY 2014. SMPC and the Southwest Michigan Planning Commission, representing our seven-county region (Berrien, Branch, Calhoun, Cass, Kalamazoo, St. Joseph, and Van Buren Counties), were co-applicants on an RPI grant. We received a \$250,000 grant to coordinate meetings with stakeholders from five sectors (adult education, economic development, higher education, transportation, and workforce development), prepare a five-year Prosperity Plan, and a create a performance dashboard. We met those requirements and helped to create the Region 8 Prosperity Committee that will last into the future. We anticipate another year of funding to begin to implement some of the goals and objectives in the Prosperity Plan. More information on the Regional Prosperity effort in our region is found on the SMPC website, SMPCRegion3.org.

We look forward to another year of growth and development for SMPC in FY 2015. As such, we anticipate that SMPC will begin to expand its menu of services offered to local units of government; primarily planning services in FY 2015 with other services in the following years (SMPC will continue to offer transportation planning services through the Kalamazoo Area Transportation Study). FY 2014 was an exciting year of transition and organizational development but we look forward to another year of progress and increased stability. A current roster of the SMPC Board is attached.

Sincerely,
Lee Adams, SMPC Director

FY 2015 SMPC Services

Planning

- Master plans
- Recreation plans
- Ordinance development
- Ordinance review
- Community development

Economic Development

- Economic development planning
 - Economic development plans
 - Placemaking strategies
 - Real estate development plans
- Tax Increment Financing
 - Education
 - TIF Plan development
 - TIF management
 - TIF policy development
- Brownfield Redevelopment
 - Staff authorities
 - Project management
- Rural/small town economic development
 - Small downtown development
 - Small Business Revolving Loan Fund
 - Farmland/open space preservation planning
- Fiscal Impact Analysis

Other

- Grant writing and administration
- Geographic Information Systems
 - Produce and analyze maps
- Process facilitation
 - Strategic planning
- State reporting
 - Dashboards
 - Consolidation reports



EDA Regulatory Revision Final Rule – Summary

Things to Know:

- EDA’s revised regulations promote two key pillars of EDA: innovation and regional collaboration. The final rule encourages coordination and the leveraging of other federal resources while providing greater flexibility to EDA stakeholders.
- The final rule will take effect on January 20, 2015. The proposed rule, which was published in December 2011, received more than 120 public comments, which were taken into account in this Final Rule.
- Based on the public comments, some key changes are to the regulations governing the Comprehensive Economic Development Strategies (CEDS) process, EDA’s Planning program and Economic Development Districts (EDDs).

The Final Rule:

- Removes outdated provisions (e.g., RLF Recipient no longer required to request that EDA subordinate its interest when seeking EDA approval to sell or securitize its RLF portfolio)
- Streamlines burdensome or unnecessary requirements (e.g., removes the “laundry-list” elements of CEDS and replaces them with four essential planning elements).
- Clarifies definitions, processes and requirements (e.g., EDA will use most recent data from BLS to determine economic distress levels based on unemployment rate, and ACS data to determine distress levels based on per capita income).

Key Provisions:

Eligibility, Investment Rates and Match Requirements

- Changes key definitions, which includes adding a definition for Regional Innovation Clusters (RICs).
- Clarifies the data requirements eligible recipients must follow to demonstrate economic distress.

- EDA can now authorize a grant rate of up to 80 percent to incentivize projects that encourage broad, innovative Regional planning or demonstrate effective leveraging of other Federal resources.
- Modifies EDA's criteria for evaluating applications; projects will be evaluated based on the extent to which they: (a) ensure regional collaboration; (b) leverage public-private partnerships; (c) advance national strategic priorities; (d) enhance global competitiveness; (e) encourage environmentally sustainable development; and (f) support economically distressed and underserved communities.
- Maintains current definitions for traditional infrastructure but now provides examples of innovation- and entrepreneurship-related infrastructure and definitions of these terms, including business incubation, business acceleration, venture development organizations, proof of concept centers and technology transfer.

Planning and Comprehensive Economic Development Strategies (CEDS)

Restructuring of the CEDS process

- Adds non-profit organizations and educational institutions to the list of entities that EDA expects will be part of the planning process.
- Maintains the requirement that a CEDS Strategy Committee represent the main economic interests of the region (e.g., private sector, public officials, community leaders, private individuals, representatives of workforce development boards, institutions of higher education, minority and labor groups), but eliminates the requirement for a majority or membership threshold for any type of economic stakeholder (unless State law says otherwise). *Thus, eliminates the requirement that private sector representatives constitute a majority of Strategy Committee membership.*
- Imposes new public notice and comment requirements before a Planning Organization can submit a CEDS to EDA (e.g., keeping comment period open for at least 30 days, permitting EDA to request any comments received on the CEDS and a demonstration of how these comments were addressed).

CEDS Content Requirements

- Replaces the laundry-list of 10 detailed items with four essential planning elements: (a) summary of economic development conditions of the region; (b) in-depth SWOT analysis of the region; (c) strategies and implementation plan that is not inconsistent with applicable State and local economic development or workforce development strategies; and (d) performance measures used to evaluate the Planning Organization's successful development and implementation of the

CEDS. The CEDS should also include how it is supporting and advancing economic resilience in the region

- Removes the express requirement that the CEDS document contain a “project list.” There is no prohibition on a CEDS document containing a project list, but EDA emphasizes that the appropriate focus should be on developing a strategy-driven plan based on regional visioning, prioritized actions and performance outcomes rather than a stand-alone list of projects and programs.
- Final Rule emphasizes that EDA will provide further guidance through the publication of periodically-updated CEDS Guidelines, which will be based on best practices and developed in collaboration with EDA’s economic development and research partners.

Economic Development Districts (EDDs)

- Eliminates the current membership thresholds for EDD policy boards, so:
- No longer required that EDD policy boards include at least a majority of its membership being elected officials or employees of a State, local or Indian tribal government appointed to represent the government.
- No longer required that EDD policy boards include at least one private sector Representative.
- No longer required that EDD policy boards include one or more representatives from Chambers of Commerce, institutions of post-secondary education, workforce development groups, or labor groups, all of which must aggregate a minimum of 35 percent of the District Organization’s governing body.
- In lieu of the membership thresholds, EDA maintains the requirement that the governing bodies must demonstrate that they are broadly representative of the principal economic interests of the region and adds the requirement that governing bodies must demonstrate the capability to implement the relevant CEDS.
- District Organizations must meet at least twice a year, instead of annually.

Public Works

- Clarifies that recipients must obtain EDA’s prior written approval before an alternate construction method to the traditional design/bid/build approach can be used. The justification for using the alternate method must include a brief analysis of the appropriateness and benefits of using the method to successfully execute the project, as well as the recipient’s past experience in using the method.

- Adds a new paragraph, codifying EDA’s existing practice, setting forth EDA’s procedures in the event of an overrun at construction contract bid opening.

Revolving Loan Fund (RLF) Requirements

- Permits EDA to waive the requirement to submit the RLF Income and Expense Statement (Form ED-209I) for RLFs with a small capital base, as determined by EDA.
- Imposes more rigorous standard for certification by an independent accountant as to adequacy of the RLF recipient’s accounting system.
- EDA now permits any Federal loans, not just those from the U.S. Small Business Administration’s 7(a) and 504 loan programs, to be used by the RLF recipient to satisfy its leveraging requirement.
- Clarifies requirements related to EDA’s capital utilization standard of 75 percent.
- EDA now may approve, at the request of the RLF recipient, the addition of a new lending area before the full amount of the RLF grant is disbursed to the recipient.
- Clarifies the distinction between a “consolidation,” when a single RLF recipient that has multiple RLF awards obtains EDA approval for consolidation of the multiple awards into a single RLF, and a “merger,” when two or more RLF recipients obtains EDA approval for the merger of their respective RLF awards to form a single RLF award.

Property

- Clarifies that EDA’s use restrictions apply only during the Estimated Useful Life of the Project.
- Clarifies EDA’s authority to enter into an inter-creditor agreement under which EDA and another lien holder share a first lien position.
- Provides flexibility on subordination, depending on whether subordination requests are made before, contemporaneously with, or after the grants award decision.
- Makes clear that EDA may waive the restriction against encumbrances if it finds that there is both “good cause” to waive the restriction and legal authority to waive.
- Provides necessary clarification of the difference between a “Project” and “Real Property” to be benefitted by the scope of work of the “Project.”

- Adds a new provision setting out EDA's authority to accept an instrument other than a recorded statement to protect EDA's interest in project property, such an escrow agreement or a letter of credit.
- Clarifies the procedures for the release of the Federal Interest associated with EDA-assisted property: (a) outlines the general rule that upon a written request, EDA may release the Federal Interest in project property at the expiration of the project's Estimated Useful Life, so long as the recipient has made a good faith effort to fulfill the terms and conditions of the award, as determined by EDA; (b) provides that EDA can release its interest before the expiration of the Estimated Useful Life only if the agency receives compensation for the fair market value of the Federal Interest.



Southcentral Michigan Planning Council

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BY-LAWS ADOPTED 12-17-12, **AS AMENDED**

Comment [LA1]: Needed if amended

ARTICLE I ESTABLISHMENT

SECTION 1: The Southcentral Michigan Planning Commission was created under the authority of Act 281 of Michigan Public Acts of 1945, as amended. It was ~~re-established~~ **reorganized** on October 18, 2012.

Comment [LA2]: More accurate language

SECTION 2: The official title of this Council is the Southcentral Michigan Planning Council, hereinafter referred to as the Council or SMPC.

ARTICLE II DEFINITIONS

SECTION 1: Definitions

- A. COUNCIL - The governing and policy body of the SMPC.
- B. FISCAL YEAR - October 1 through September 30.
- C. IN GOOD STANDING - Current fiscal year local funding contribution is paid in full. Under extenuating circumstances, a grace period for payment may be granted by resolution of the Council.
- D. MEMBER - A local unit of government within Region 3 in good standing with the Council.
- E. REGION 3 - Geographic area contained within the Region 3 boundary as defined by the counties of Barry, Branch, Calhoun, Kalamazoo, and St Joseph.
- F. REPRESENTATIVE - A person on the Council appointed by a member county.
- G. SMPC - Southcentral Michigan Planning Council.

ARTICLE III MEMBERS

SECTION 1: Membership Composition

- A. The Council shall be composed of 13 members representing each of the region's counties.
- B. Representation Plan:
 - a. Each county shall have two representatives.
 - b. A county shall receive an additional representative for every 100,000 residents as determined by the most recent decennial Census
 - c. The representation plan results in the following membership from 2011 through 2021:
 - i. Barry County - two Representatives
 - ii. Branch County - two Representatives

- iii. Calhoun County - three Representatives
- iv. Kalamazoo County - four Representatives
- v. St Joseph County - two Representatives

C. Each County shall allocate half (rounding down) of its membership positions on the Council to individuals who reside outside of the Census defined Urbanized area. If no willing representatives are available, the Council is allowed to waive the rural representation requirement.

~~D. Council composition must follow US-EDA guidelines. Each county will be advised on these guidelines.~~

~~C. Additional units of government may apply for membership at any regular board meeting. The unit must have a resolution from its governing body to apply for membership. New members require a two-thirds majority approval of the SMPC board.~~

SECTION 2: Appointment of ~~RepresentativesDelegates~~

- A. Member Counties are responsible for appointing or removing their ~~representativesdelegates~~.
- B. Member counties should appoint elected officials, whenever possible, as their ~~representativesdelegates~~.

SECTION 3: Term of Office

- A. ~~DelegateRepresentatives~~ who are elected officials may serve for terms equal to their terms of office or three years, whichever ends earliest.
- B. ~~RepresentativesDelegates~~-at-Large may serve three-year terms beginning at the start of each fiscal year.
- C. Any ~~representativesdelegate~~ may be reappointed for additional like terms by their Member County.
- D. Appointments shall be the exclusive prerogative of the appointing authority and shall not be subject to challenge by any member of the Council, or the Council. ~~The council may formally submit a request for the removal of a representative by a member county.~~

SECTION 4: Forfeiture of Membership

- A. A member unit may forfeit its membership by resolution of its governing body.
- B. A forfeiture of membership that results in a geographic boundary change for SMCP requires a resolution of concurrence by SMPC
- C. Financial implications of forfeiture are governed by Article IX of this document.

ARTICLE IV COMPENSATION

SECTION 1: The SMPC shall not pay compensation to members of the SMPC for their services as members of the Council; provided that this shall not affect in any way remuneration received by any state or local official who, in addition to his/her responsibilities and duties as a state or local official, serves also as a member of the Council. All members may be reimbursed for actual expenses incurred as representatives of the Council as authorized by the Council.

ARTICLE V PURPOSE AND FUNCTION

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Comment [LA3]: We may not need this with the new EDA Regs

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Comment [LA4]: Need mechanism for adding members

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Comment [LA5]: More accurate language

Comment [LA6]: May need a mechanism to ask for removal

Comment [LA7]: We need a mechanism to allow members to leave

SECTION 1: The Council is a voluntary organization of member counties organized to foster a cooperative effort in resolving problems, policies and plans that are common and regional with the greatest benefit to citizens of Region 3 while maximizing the efficient use of its resources.

SECTION 2: The purpose of the SMPC shall be to prepare and/or coordinate the development of plans and aid in the implementation of agreed upon plans and services within the region.

SECTION 3: The Council ~~shall~~may have such additional purposes as may be provided by law and ~~shall~~may have the following functions:

- A. To provide a mutual forum to identify, study, discuss and define regional issues and opportunities by utilizing the democratic processes and encouraging citizen participation.
- B. To assure a continuing practical vehicle to promote communication and cooperation for the exchange of information among area governmental units and agencies.
- C. To foster, develop and review plans for growth, development and conservation of the environment in the region.
- D. To encourage and assist in the development of region wide policies and proposals for coordinating human services, land use, transportation and other related physical planning programs among area local governments.
- E. To furnish general and technical aid to member governments and groups or organizations ~~relative to regional issues and opportunities as they request and direct.~~
- F. To review and coordinate federal, state and local programs of regional importance as defined and approved by the Council.
- G. To provide necessary assistance to local governments, agencies and individuals in securing federal and state funding programs that would have regional significance as defined by the Council.
- H. To undertake such other activities consistent with the purposes as set forth under the authority of the State of Michigan's Regional Planning Act 281 of 1945, as amended which provides for regional planning; the creation, organization, powers and duties of regional planning Councils; the provision of funds for the use of regional planning Councils; and the supervision of the activities of regional planning Councils under the provisions of this act.
- I. To consider other matters that may benefit and be of value in promoting and accomplishing the purposes of the Council.
- J. To encourage region wide cooperation to enhance economic opportunity between the public and private sectors in development, expansion, attraction, and retention of business and industry.

SECTION 4: The Council shall make an annual report of its activities to the member counties and the Executive Office of the Governor, and make that report available publicly.

ARTICLE VI OFFICERS

SECTION 1: The officers of this Council shall be:

- A. A Chairperson who shall preside at meetings and shall have special duties as prescribed by the Bylaws, and shall have the further authority to preside at any recessed meeting, or call and

preside at any special meeting and who shall also chair the Executive and Personnel Committee.

- B. A Vice Chairperson who shall function in the same capacity as the Chairperson in the case of the Chairperson's absence or inability to act.
- C. A Treasurer whose duties shall be to function in the same capacity as Chairperson in case of the Chairperson's and Vice Chairperson's absence or inability to act, and such other duties as are usual to the office. The Treasurer and such other officers and staff members as are responsible for the handling of funds and shall be bonded in an amount to be determined by the Council.
- D. A Secretary whose duties shall be to function in the same capacity as Chairperson in the case of the Chairperson's, Vice Chairperson's and Treasurer's absence or inability to act, and to recommend to the Council a correct copy of minutes of any meeting at which SMPC business shall have been transacted, and such other duties as are usual to the office.

SECTION 2: The officers of the SMPC shall be elected each year for a one-year term by the Council from the voting members, at their Annual Meeting, or at such times as vacancies may occur.

During the election of officers at the annual meeting, the Executive Director shall assume the chair until such time as the elected person shall assume the chair having been duly elected as prescribed by these Bylaws.

ARTICLE VII PERSONNEL

SECTION 1: The Council may employ an Executive Director and/or such employees as it deems necessary for its work, and may hire such consultants for part-time or full-time service as may be necessary for the execution of its responsibilities.

SECTION 2: The Council shall prepare and adopt personnel policies and procedures which shall apply to the conduct of all personnel hired.

SECTION 3: The Executive Director of the Council shall keep a written record of all business transacted by the Council, serve notification to members of all meetings, keep on file all official records of the Council, certify all maps, records and reports of the Council, serve notice of all hearings and public meetings, and shall submit the Annual Report of the Council's activities to the member units of government and the Office of the Governor.

ARTICLE VIII MEETINGS

SECTION 1: The regular meetings of the Council shall be held as prescribed by the Council and adopted at the annual meeting as recorded and posted. Special meetings may be held as required, subject to call of the Chairperson, or in the absence of the Chairperson by the Vice Chairperson, or by no less than three (3) voting members. The necessity for a meeting may be called to the attention of the Chairperson or Vice Chairperson by the Executive Director.

The Executive Director shall attend all meetings and keep a written record of all business conducted at meetings. The Executive Director shall make a report of activities between meetings. ~~director shall attend all meetings.~~

Comment [L48]: Update language

SECTION 2: A simple majority of the members shall constitute a quorum. No business shall be considered without the presence of a quorum, except to adjourn or recess. Any formal action must be by a simple majority of the Council members present with a quorum unless otherwise designated in these bylaws.

SECTION 3: The Chairperson in cooperation with the Executive Director/staff shall notify the Council members of the date and location of each meeting no less than ten (10) days prior to the date set for the meeting.

SECTION 54: Regular Meeting shall be held on a bi-monthly basis.

SECTION 45: In accordance with the Open Meetings Act, Public Act 267 of 1976, as amended, and other applicable statutes, members of the public are encouraged to attend all open public meetings and to address the public body at that meeting.

SECTION 6: All regular meetings are open to the public and meeting notices are available through each member county's office. Special meetings may be public or closed in accordance with the Open Meetings Act, Public Act 267 of 1976, as amended. At any closed meeting, the Council may designate or invite any member of its technical staff or county/city official(s) to be present if it so desires.

SECTION 7: The Annual Meeting shall be the first meeting of the fiscal year.

SECTION 8: The Council may, by majority vote at a public meeting, designate a different day for any regular monthly meeting as specified in SECTION 1 above.

SECTION 9: Council members present at a regular meeting or a duly called special meeting may adjourn such meeting in the event a quorum is not present. Future meeting notification shall be as specified in ARTICLE VII, SECTION 3 of these Bylaws.

SECTION 910: All regular and special meetings of the Council and its Committees shall be conducted in accordance with procedures as set forth in the Merriam-Webster *New Roberts Rules of Order*.

ARTICLE IX FINANCIAL CONSIDERATIONS

SECTION 1: To achieve the goals and objectives of the SMPC and to meet concomitant financial needs, federal and state grant programs may be utilized to their fullest extent possible. For administrative responsibilities and to meet grant program fund matching requirements, it is necessary that the Council membership provide certain amounts of money as local funding contributions.

SECTION 2: Upon adoption of the annual budget, the Council shall fix membership assessments for all governmental members of the Council in amounts sufficient to provide all the local contribution effort required to support the budget. Each county is responsible for the proportion of the budget equal to its proportional representation on the board. Membership assessments are due quarterly; advanced notice is given at least one month prior to the deadline.

Any member government which does not pay its assessed local funding contribution within ninety (90) days of invoicing shall be considered delinquent and shall be ineligible to vote at Council meetings. ~~Local contributions will not be returned to member governments in the case of withdrawal.~~

SECTION 3: If dissolved, any and all assets of SMPC are distributed in accordance with the proportion of dues paid. If a member county voluntarily forfeits its membership, a refund of cash dues paid for the current fiscal year is distributed on a prorated basis. ~~No more than half of the dues paid shall be refunded.~~ No refunds are given on in-kind contributions.

ARTICLE X ADOPTION OF PLANS

SECTION 1: For the adoption of Master Plans, or any substantial amendment thereof, or precise plans as designated in the Regional Planning Council Act, Act 281 of Michigan Public Acts of 1945, as amended, an affirmative vote of a majority of the full membership of the Council shall be required. The resolution for adoption shall be made in writing and attached to the plan and related maps with any descriptive information,

approvals, signatures, and in accordance with appropriate laws and regulations. Before adopting a Master Plan or substantial amendment thereof, the Council shall hold at least one public hearing thereon, notice of the time and place of which shall be given on the SMPC website and at the administrative offices of SMPC and each member county by one publication in a newspaper of general circulation in the counties, not more than thirty (30) days or no less than ten (10) days before such hearing.

ARTICLE XI COMMITTEES AND COUNCILS

SECTION 1: Committees, as deemed necessary by the Council, shall be appointed by the Council Chairperson who shall also select the committee chairpersons from the membership of the Council.

SECTION 2: The SMPC shall approve policies for any and all advisory committees, subcommittees, and councils.

ARTICLE XII AMENDMENTS

SECTION 1: The Bylaws may be amended by a majority vote of the full membership of the Council at the annual meeting or any regular meeting. Any proposed amendment to the Bylaws shall be submitted to the membership at least ten (10) days prior to such meeting.

ARTICLE XIII STATUTE

SECTION 1: Act 281 of Michigan Public Acts of 1945, as amended, is incorporated in and is hereby a part of these Bylaws.