



# Southcentral Michigan Planning Council

300 South Westnedge Avenue · Kalamazoo, Michigan 49007

Phone: (269) 385-0409 · FAX: (269) 343-3308 · Email: [adams@upjohn.org](mailto:adams@upjohn.org)

## January Board Meeting Agenda

**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**
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
9. **Discussion: Regional Prosperity Initiative**
  - a. Update on Regional Prosperity Meetings
10. **Discussion/Action: W.E. Upjohn Services**
  - a. Presentation by W.E. Upjohn Institute Staff
11. **Action/Discussion: CEDS**
  - a. Final acceptance
  - b. New EDA regulations
12. **Action/Discussion: By-Law Review**
  - a. Review SMPC by-laws
13. **Action/Discussion: Meeting Schedule**
  - a. Discuss move to bi-monthly meetings
14. **Staff Report/Other:**
  - a. Update on board vacancies
15. **Board Member Comments**
16. **Action: Adjournment**

***Next Meeting: February 3<sup>rd</sup> at the Coldwater Municipal Building  
One Grand Street, Coldwater, MI 49036***



# Southcentral Michigan Planning Council

300 South Westnedge Avenue · Kalamazoo, Michigan 49007

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

## December Board Meeting Minutes

**MEETING DATE:** Tuesday, December 2, 2014  
**MEETING TIME:** 2:00 pm  
**MEETING LOCATION:** Calhoun County Administration Building  
315 W Green Street. Marshall, MI 49068

### 1. Call to Order

- a. The meeting was called to order at 4:17 pm

### 2. Members Excused

- a. Hazelbaker made a motion to excuse Baker, Frantz, and Shafer.
  - i. Huffman seconded the motion.
  - ii. **The motion carried.**

### 3. Action: Approval of the Agenda

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

### 4. Action: Approval of the Minutes

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

### 5. Citizen Comments

- a. Kelly Scott stated that some of the items discussed under item 9 were discussed in other committees and groups that she has participated in. She wanted to make sure that the potential programming would be coordinated with other groups.
  - i. Staff will try to ensure that efforts are not duplicated and groups that want to participate are included.
- b. Scott also felt that research into recycling and composting services and ordinances is needed.

### 6. Reimbursements and Invoices

- a. None

### 7. Treasurer's Report

- a. The Treasurer provided a report at the meeting. The report needed supplemental information from the Upjohn Institute, staff will have the information at the next meeting.

### 8. Transportation/KATS Items

- a. KATS staff gave a verbal and written report of their activities. The report included information on changes to the Rural Task Force, an update on the federal aid surface inventory, creation of an asset management plan for Branch County, coordinated meetings for the national functional classification updates, and completed an annual audit.
  - i. The last billing from KATS included two rebates. The provisional rate was a little higher than the actual rate used in for two categories. KATS issued SMPC a rebate. Staff led the board in a discussion of the MDOT contractual work.
  - ii. Reid made a motion to authorize staff to submit the presented invoices and statements of credit to MDOT, issue payment to MDOT upon receipt of invoice from MDOT, issue payment to KATS subsequent to receipt of funds from MDOT for enclosed invoices.
    1. Byrnes seconded.

## **2. The motion carried.**

- b. **Action:** Reimbursement Requests and end of year updates

## **9. Discussion/Action: Strategic Calendar Items**

- a. Adams gave an update on items undertaken by SMPC staff.
  - i. The CEDS was submitted to the EDA and staff is awaiting a response.
  - ii. Staff also stated that a survey destined for local units of government will be created early next year. The survey will help SMPC determine what staff it needs to help fill the needs of local government.
  - iii. Adams also mentioned that staff is beginning to work on creating a clearinghouse of recreational opportunities in the region. The clearinghouse would allow SMPC to create a website that would disseminate information to the public about all of the recreational opportunities in the region. This project could serve as a placemaking/economic development tool.
  - iv. Adams is also interested in pursuing a local government education program. This program could ultimately lower the liability of local government and potentially save them money as well as help government operate more efficiently.
    - 1. These education sessions could include: parliamentary procedure, public finance, planning and zoning, and others.
    - 2. Geiger mentioned that MMRMA also offers rebates to participants that lower their liability.
  - v. The board discussed other possible programs for SMPC to pursue:
    - 1. Common local governance issues (host an educational session): blight enforcement, sidewalk snow clearing (Ithaca, NY was mentioned), TIF/DDA Startup and Management, PPT, IFT's, recycling and composting, HR items (wage classification, diversity, sensitivity training)

## **10. Discussion: Regional Prosperity Initiative**

- a. Staff gave a brief update on the RPI and outlined the goals for 2015 if the grant is awarded to our region.
  - i. The RPI committee is looking into spending the leftover funds. The committee is currently looking at evaluating potential projects that are looking to use the unexpended funds.
  - ii. The committee is looking to expand membership in the next couple of meetings.
  - iii. Staff also outlined the plans for 2015 including asset maps for a number of categories.

## **11. Discussion/Action: Planning Services**

- a. Homer Township approved a contract with SMPC to complete a master plan.

## **12. Action/Discussion: CEDS**

- a. See item 9.

## **13. Staff Report/Other:**

- a. Staff updated the board on the vacancies on the Board. Conti and Miller resigned from the board and thanked the board for the opportunity to serve. Kalamazoo and Calhoun County respectively will appoint new members.

## **14. Board Member Comments**

## **15. Action: Adjournment**

- a. Huffman made a motion to adjourn.
  - i. Byrnes seconded the motion.
  - ii. **The motion carried.**



Talmer West Bank - Portage Office  
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 Portage MI 49002

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RETURN SERVICE REQUESTED

Date 11/28/14 Page 1  
 Primary Account Acct Ending 1302

169014 1201 0 003644 006461 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	11/03/14 thru 11/30/14
Previous Balance	63,883.51	Days in the Statement Period	28
Deposits/Credits	.00	Average Daily Balance	63,883.51
Withdrawals	.00	Average Collected	63,883.51
Service Charge	.00	Interest Earned	12.25
Interest Paid	13.12	Annual Percentage Yield Earned	0.25%
Ending Balance	63,896.63	2014 Interest Paid	145.99

**Deposits and Additions**

Date	Description	Amount
11/30	Interest Deposit	13.12

**Daily Balance Summary**

Date	Balance Date	Balance
11/03	63,883.51 11/30	63,896.63

**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)

	<b>Current Month 11/2014</b>	<b>Project Year To Date</b>	<b>Total Project To Date</b>	<b>Budget</b>	<b>To be paid by Agency</b>	<b>Paid by Institute</b>
Professional Staff	4,078.13	10,068.20	10,068.20	-	10,068.20	-
Research Staff	-	-	-	-	-	-
Support Staff	-	-	-	-	-	-
<b>Indirect Cost</b>	<b>4,078.13</b>	<b>10,068.20</b>	<b>10,068.20</b>	<b>-</b>	<b>10,068.20</b>	<b>-</b>
	-	-	-	-	-	-
Copies/Duplicating	0.16	3.36	3.36	-	3.36	-
Books, Periodicals	-	-	-	-	-	-
Postage	-	-	-	-	-	-
Supplies - Office	92.40	92.40	92.40	-	92.40	-
Telephone	-	-	-	-	-	-
Travel Reimbursement	-	-	-	-	-	-
Travel	177.41	177.41	177.41	-	177.41	-
<b>Direct Cost</b>	<b>269.97</b>	<b>273.17</b>	<b>273.17</b>	<b>-</b>	<b>273.17</b>	<b>-</b>
<b>Total Expense</b>	<b>4,348.10</b>	<b>10,341.37</b>	<b>10,341.37</b>	<b>-</b>	<b>10,341.37</b>	<b>-</b>

Billings	-	4,746.27	4,746.27
Expense	4,348.10	10,341.37	10,341.37
<b>Net Income(Expense)</b>	<b>(4,348.10)</b>	<b>(5,595.10)</b>	<b>(5,595.10)</b>

Billings	-	4,746.27	4,746.27
Receipts	16,927.95	19,699.94	19,699.94
<b>Acct.Rec.Balance</b>	<b>(16,927.95)</b>	<b>(14,953.67)</b>	<b>(14,953.67)</b>

	<b>Agency</b>	<b>Institute</b>	<b>Total</b>
Contract	-	-	-
Expense	10,341.37	-	10,341.37
<b>Funding Balance</b>	<b>(10,341.37)</b>	<b>-</b>	<b>(10,341.37)</b>

<b>Staff</b>	<b>Hrs.CM</b>	<b>Hrs.YTD</b>	<b>Hrs.PTD</b>
Eberts	-	-	-
Lee Adams	74.00	218.00	218.00
	-	-	-
	-	-	-
	-	-	-
Molhoek	-	-	-
	-	-	-
	-	-	-
<b>Total Hours</b>	<b>74.00</b>	<b>218.00</b>	<b>218.00</b>

**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)

	<b>Current Month 11/2014</b>	<b>Project Year To Date</b>	<b>Total Project To Date</b>	<b>Budget</b>	<b>To be paid by Agency</b>	<b>Paid by Institute</b>
Professional Staff	709.06	1,788.94	1,788.94	-	1,788.94	-
Research Staff	-	-	-	-	-	-
Support Staff	-	-	-	-	-	-
<b>Indirect Cost</b>	<b>709.06</b>	<b>1,788.94</b>	<b>1,788.94</b>	<b>-</b>	<b>1,788.94</b>	<b>-</b>
Alpha Computer Charges	-	-	-	-	-	-
Copies/Duplicating	-	-	-	-	-	-
Books, Periodicals	-	-	-	-	-	-
Postage	-	-	-	-	-	-
Supplies - Office	-	-	-	-	-	-
Telephone	-	-	-	-	-	-
Travel Reimbursement	-	-	-	-	-	-
Travel	49.73	49.73	49.73	-	49.73	-
<b>Direct Cost</b>	<b>49.73</b>	<b>49.73</b>	<b>49.73</b>	<b>-</b>	<b>49.73</b>	<b>-</b>
<b>Total Expense</b>	<b>758.79</b>	<b>1,838.67</b>	<b>1,838.67</b>	<b>-</b>	<b>1,838.67</b>	<b>-</b>

Billings	-	-	-
Expense	758.79	1,838.67	1,838.67
<b>Net Income(Expense)</b>	<b>(758.79)</b>	<b>(1,838.67)</b>	<b>(1,838.67)</b>

Billings	-	-	-
Receipts	-	-	-
<b>Acct.Rec.Balance</b>	<b>-</b>	<b>-</b>	<b>-</b>

	<b>Agency</b>	<b>Institute</b>	<b>Total</b>
Contract	-	-	-
Expense	1,838.67	-	1,838.67
<b>Funding Balance</b>	<b>(1,838.67)</b>	<b>-</b>	<b>(1,838.67)</b>

<b>Staff</b>	<b>Hrs.CM</b>	<b>Hrs.YTD</b>	<b>Hrs.PTD</b>
Eberts	-	-	-
Lee Adams	12.50	38.50	38.50
	-	-	-
	-	-	-
Molhoek	-	-	-
	-	-	-
<b>Total Hours</b>	<b>12.50</b>	<b>38.50</b>	<b>38.50</b>

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)

	<b>Current Month 11/2014</b>	<b>Project Year To Date</b>	<b>Total Project To Date</b>	<b>Budget</b>	<b>To be paid by Agency</b>	<b>Paid by Institute</b>
Professional Staff	2,081.21	2,081.21	2,081.21	-	2,081.21	-
Research Staff	-	-	-	-	-	-
Support Staff	-	-	-	-	-	-
<b>Indirect Cost</b>	<b>2,081.21</b>	<b>2,081.21</b>	<b>2,081.21</b>	<b>-</b>	<b>2,081.21</b>	<b>-</b>
Alpha Computer Charges	-	-	-	-	-	-
Copies/Duplicating	-	-	-	-	-	-
Books, Periodicals	-	-	-	-	-	-
Postage	-	-	-	-	-	-
Supplies - Office	-	-	-	-	-	-
Telephone	-	-	-	-	-	-
Travel Reimbursement	-	-	-	-	-	-
Travel	-	-	-	-	-	-
<b>Direct Cost</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Total Expense</b>	<b>2,081.21</b>	<b>2,081.21</b>	<b>2,081.21</b>	<b>-</b>	<b>2,081.21</b>	<b>-</b>

Billings	-	-	-
Expense	2,081.21	2,081.21	2,081.21
<b>Net Income(Expense)</b>	<b>(2,081.21)</b>	<b>(2,081.21)</b>	<b>(2,081.21)</b>

Billings	-	-	-
Receipts	-	-	-
<b>Acct.Rec.Balance</b>	<b>-</b>	<b>-</b>	<b>-</b>

	<b>Agency</b>	<b>Institute</b>	<b>Total</b>
Contract	-	-	-
Expense	2,081.21	-	2,081.21
<b>Funding Balance</b>	<b>(2,081.21)</b>	<b>-</b>	<b>(2,081.21)</b>

<b>Staff</b>	<b>Hrs.CM</b>	<b>Hrs.YTD</b>	<b>Hrs.PTD</b>
Eberts	-	-	-
Lee Adams	39.00	39.00	39.00
	-	-	-
	-	-	-
Molhoek	-	-	-
	-	-	-
	-	-	-
<b>Total Hours</b>	<b>39.00</b>	<b>39.00</b>	<b>39.00</b>

TRACK HOURS

DEC 09 2014



UNITED STATES DEPARTMENT OF COMMERCE  
Economic Development Administration  
CHICAGO REGIONAL OFFICE  
111 N. CANAL STREET STE. 855  
CHICAGO, IL, 60606-7204

Kathy-Sue Dunn, Chairperson  
Southcentral Michigan Planning Council  
201 W. Kalamazoo Avenue  
Kalamazoo, Michigan 49007-3726

Don Edgerly, Administrator  
W.E. UpJohn Unemployment Trustee Corporation  
300 S. Westnedge Avenue  
Kalamazoo, Michigan 49007-4686

Dear Ms. Dunn & Mr. Edgerly:

Thank you for the recent submission of your Comprehensive Economic Development Strategy (CEDS) document. The Economic Development Administration (EDA) appreciated the opportunity to review your CEDS document.

We are pleased to inform you that following EDA's review of your CEDS document and process, they align with EDA's regulatory and programmatic requirements and your CEDS has been accepted by EDA. The priorities and the focus outlined within your CEDS document will help form the foundation of how EDA will review applications for Public Works and Economic Adjustment Assistance Programs from your region.

We greatly appreciate the work of the W.E. UpJohn Unemployment Trustee Corporation, Southcentral Michigan Planning Council and your CEDS Committee to develop this innovative, regionally-driven economic development strategy. EDA looks forward to continuing to work with you to help support the goals and priorities outlined in your recently submitted CEDS.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeannette P. Tamayo", written over a horizontal line.

Jeannette P. Tamayo  
Regional Director





UNITED STATES DEPARTMENT OF COMMERCE  
Economic Development Administration  
CHICAGO REGIONAL OFFICE  
111 N. CANAL STREET STE. 855  
CHICAGO, IL, 60606-7204

DEC 09 2014

In reply refer to:  
Project No. 06-86-05876

Kathy-Sue Dunn, Chairperson  
Southcentral Michigan Planning Council  
201 W. Kalamazoo Avenue  
Kalamazoo, Michigan 49007-3726

Don Edgerly, Administrator  
W.E. UpJohn Unemployment Trustee Corporation  
300 S. Westnedge Avenue  
Kalamazoo, Michigan 49007-4686

Dear Ms. Dunn & Mr. Edgerly:

The Economic Development Administration (EDA) has processed the W.E. UpJohn Unemployment Trustee Corporation and Southcentral Michigan Planning Council's final grant disbursement in the amount of **\$7,250.50** based on the documents submitted with your final reimbursement request and closed out the above referenced grant. Final eligible project costs were determined as follows:

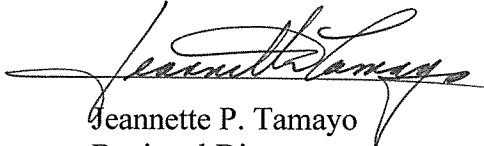
The final accepted total project cost:	\$49,902.53
EDA's share of the final accepted total project cost:	\$20,000.00
EDA's grant amount:	\$20,000.00
Amount disbursed to date:	\$12,749.50
Balance to be disbursed:	\$7,250.50

If a final audit has not been completed for this project, EDA retains the right to recover the appropriate amount based on the recommendations of a final audit.

In closing, I would like to express my sincere appreciation for all the work that your staff and the project team have done in the successful execution of this EDA Investment which supported the development of a regional Comprehensive Economic Development Strategy for Southcentral Michigan. With the plan complete, EDA will look forward to hearing about the growth and development of the region.

We hope that this grant has helped to identify and address the conditions of unemployment and underemployment and has strengthened and improved the economy in your area.

Sincerely,



Jeannette P. Tamayo  
Regional Director



## **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

201 West Kalamazoo Avenue, Room 101 · Kalamazoo, Michigan 49007  
Phone: (269) 384-8305 · FAX: (269) 383-8920 · Email: ladams@smpcregion3.org

### BY-LAWS ADOPTED 12-17-12, AS 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 reorganized on October 18, 2012.

**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.

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

D. 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 Representatives**

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

**SECTION 3: Term of Office**

- A. Representatives who are elected officials may serve for terms equal to their terms of office or three years, whichever ends earliest.
- B. Representatives-at-Large may serve three-year terms beginning at the start of each fiscal year.
- C. Any representatives 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**

**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.

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**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 may have such additional purposes as may be provided by law and 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.
- 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.

**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 4:** Regular Meeting shall be held on a monthly basis.

**SECTION 5:** 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 10:** All regular and special meetings of the Council and its Committees shall be conducted in accordance with procedures as set forth in the Mariam-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.

**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 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.

## SMPC Board - 2015

<i>County</i>	<i>Last</i>	<i>First</i>	<i>Phone</i>	<i>Email</i>
<b>Barry</b>	Byrnes	Valerie	269-945-2454	valerie@mibarry.com
	Geiger	Ben	269-838-8679	bgeiger@barrycounty.org
<b>Branch</b>	Baker	Keith	517-279-6911	Kbaker@coldwater.org
	Hazelbaker	Randall	517-279-7875	rhazelbaker@countyofbranch.com
<b>Calhoun</b>	Dunn	Kathy-Sue	269-209-5701	kathysuedunn1@gmail.com
	Frantz	Jan	269-962-7526	frantz@bcunlimited.org
	Robey	Jim	269-781-5163	<a href="mailto:jrobey@southwestmichiganfirst.com">jrobey@southwestmichiganfirst.com</a>
<b>Kalamazoo</b>	Reid	Ron	269-381-8083	reidre@ktwp.org
	Wheat	Tom	269-372-1158	<a href="mailto:twheat@preinnewhof.com">twheat@preinnewhof.com</a>
<b>St Joseph</b>	Huffman	Lon	269-496-3375	dondilon@frontier.com
	Shaffer	Rick	269-273-8370	repshaffer@comcast.net