

Manistee Harbor Commission

Established - November 1931

70 Maple Street, Manistee, Michigan 49660

Agenda

Tuesday, February 19, 2013 at 1 p.m. – Second Floor Conference Room

Call to Order

Approval of Agenda

Public Comments on Agenda Items (5 minute limit)

Election of Officers

Approval of Minutes

- Minutes of January 15, 2013

Staff Reports

- Harbormaster
- City Manager

Committee Reports

- None

Unfinished Business

- None

New Business

- Annual Bylaw Review

Public Comment (5 minute limit)

Comments by Harbor Commissioners

Adjourn

Commissioners are encouraged to participate in the preparation of the monthly agendas for Harbor Commission meetings. Please contact the Chair at least two weeks prior to the scheduled meeting to discuss agenda items.

**HARBOR COMMISSION MINUTES
MEETING OF JANUARY 15, 2013**

A regular meeting of the Manistee Harbor Commission was held on Tuesday, January 15, 2013 at 1 p.m. in the Second Floor Conference Room, City Hall, 70 Maple Street, Manistee MI 49660.

Roll Call	Present	Excused Absence	Unexcused Absence
Commissioner Bachman		✓	
Commissioner Cook	✓		
Commissioner Daniels	✓		
Vacancy			
Commissioner Memberto		✓	
Commissioner Smith	✓		
Commissioner Zielinski	✓		
City Manager Mitch Deisch	✓		

OTHERS PRESENT: None

Distributed copies of a resignation from Ed Kriskywicz. City Clerk will advertise the vacancy.

APPROVAL OF AGENDA

MOTION by Zielinski, second by Daniels to approve the agenda as presented. Motion carried.

PUBLIC COMMENTS ON AGENDA ITEMS

None

ELECTION OF OFFICERS

As required in the bylaws, the election of officers shall occur at the first meeting of each calendar year in January and officers shall take office at the start of the next regular meeting. Floor was opened for nominations of chair; no nominations were made.

MOTION by Cook, second by Daniels to postpone the election of officers to the meeting in February. Motion carried.

APPROVAL OF MINUTES

MOTION by Zielinski, second by Smith to approve the minutes for the October 17, 2012 meeting as presented. Motion carried.

MOTION by Zielinski, second by Daniels to approve the minutes for the December 4, 2012 meeting as presented. Motion carried.

STAFF REPORTS

Harbormaster. Report submitted by email dated 1/11/13. Requested that the Harbor Commission review the rate information submitted by Frank Post and made the recommendation that a motion be made to adopt Transient Rate D from the schedule for the 2013-2014 boating season and the Seasonal Rate to remain at Rate C. The logic behind these recommendations is clearly economical and are the only rates that keep the marina from losing money based upon boat inventory comparisons from last season. Anticipates increased pressure on marina use due to low water at other facilities.

MOTION by Cook, second by Zielinski to support the recommendation by Dave Bachman to adopt Transient Rate D and Seasonal Rate C for the 2013-2014 boating season at the Municipal Marina. Motion carried.

Dave Bachman passed the Level A and B Operator exams for underground storage tanks. Due to family and work commitments Frank Post was unable to take the exams this year. It is uncertain if he will be taking the exams this year. Mr. Post has taken a position in the Benzie County Emergency Management. Impact on his position as Marina Manager is uncertain at this time. Bachman will work to fill the position if Mr. Post is unable to come back this season.

City Manager. Discussed historically low water levels in the Great Lakes and its effects on the First Street Boat Launch and other Lake Michigan harbors. Abonmarche will undertake a bathometric survey of the launch ramp in April. Discussed current conditions at the ramp, options to consider, should still be okay for smaller boats, and the fact that Mother Nature will rule at the end of the day. Ty Cook suggested an option to consider – cut into the existing launch ramp area to create a deep water bay for larger boats. Interesting option and will be explored. Staff believes there is adequate water at the marina for their operations. All Lake Michigan harbors will be experiencing difficulties this year.

COMMITTEE REPORTS

None.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Annual Bylaw Review. As required by the City Council all boards and commissions are to conduct an annual review of their bylaws. The Secretary noted that City Council recently amended Chapter 266 of the Code of Ordinances and that bylaws could be amended to reflect revised ordinance language and provide some additional clarifications. Secretary was asked to draft proposed amendments and submit them for Harbor Commission consideration at the next meeting. If Harbor Commissioners have additional amendment suggestions they should submit them to the Secretary for inclusion in the draft.

Discuss Meeting Dates for 2013. Past practice was to hold monthly meetings. Chapter 266 of the Manistee Code of Ordinances requires the Commission to meet at least quarterly each year, and more frequently as needed. The date and time of each meeting will, where practicable, be agreed upon by the consensus of the Commission and City Staff assigned to the Commission.

Consensus to schedule quarterly meetings in January, April, July and October on the Third Tuesday of the month. Meetings will start at 1 p.m. and will be held in the Second Floor Conference Room, City Hall. Additional meetings can be scheduled as necessary.

A meeting was scheduled for February 19, 2013 at 1 p.m. in the Second Floor Conference Room to continue the election process and continue to review bylaws for proposed amendments.

PUBLIC COMMENTS

None.

COMMENTS BY HARBOR COMMISSIONERS

MOTION by Cook, second by Zielinski that the Harbor Commission sends their thanks and appreciation to Ed Kriskywicz for his contributions and years of service on the Harbor Commission. Motion carried.

ADJOURNMENT

MOTION by Zielinski, second by Daniels to adjourn at 1:50 p.m.

Respectfully submitted,

DRAFT *el*

Cindy Lokovich, Recording Secretary



MANISTEE HARBOR COMMISSION
BYLAWS AND RULES OF PROCEDURE

Section 1. NAME.

The name of the Commission shall be the "Manistee Harbor Commission."

Section 2. PURPOSE.

The purpose of the Commission shall be to implement and carry out provisions of Chapter 266 of the Manistee Code of Ordinances. (As may be amended from time to time.)

Section 3. MEMBERSHIP OF THE COMMISSION.

The membership of the Commission shall consist of seven (7) members appointed by the City Council, one of whom shall be the Harbormaster. They shall serve three (3) year terms. The City Manager shall be a non-voting ex-officio member of the Commission.

Section 4. OFFICERS.

4.1 Selection: The Commissioners shall elect a chair, and a vice-chair. The election shall take place during the first meeting of each calendar year ~~in January~~. Officers shall be selected by majority vote of the Commissioners. Recording Secretary services will be provided by the Executive Secretary in the City Manager's Office.

4.2 Tenure: The Officers shall take office at the start of the next regular meeting following their selection and shall hold office for a term of one year, or until their successors are selected and assume office. *Consider assuming office upon selection?*

Section 5. OFFICER DUTIES.

5.1 CHAIR. The Chair shall:

- a.) Preside at all meetings.
- b.) Appoint committees.
- c.) Periodically meet with City department staff.
- d.) Appoint an acting recording secretary for a meeting in which the recording secretary is absent.
- e.) Perform such other duties as may be ordered or authorized by the Harbor Commission.

5.2 VICE-CHAIR. The Vice-Chair shall:

- a.) Act in full capacity of the Chair in the absence of the Chair.
- b.) In the event of a vacancy in the position of Vice-Chair, the Harbor Commission shall then select a successor to the office of Vice-Chair from its membership for the unexpired term.

5.3 SECRETARY. The Secretary shall:

- a.) Execute documents in the name of the Harbor Commission as authorized by the Harbor Commission.
- b.) Be responsible for the minutes of each meeting and shall have them appropriately distributed.
- c.) Track attendance and make reports to the City Manager as specified in Section 6.3 of these bylaws.
- d.) Perform such other duties as the Harbor Commission may determine.

Section 6. VACANCIES, REMOVAL, ABSENCES.

6.1 Vacancies: Vacancies shall be filled for unexpired terms in the same manner as original appointments.

6.2 Removal: A member may be removed from office by the appointing City Council for neglect of official duty or misconduct in office after being given a written statement for reasons and an opportunity to be heard thereon.

6.3 Absences: In order to maintain the maximum participation of all appointed Harbor Commission members at all scheduled meetings, the following is the attendance guide and Board member replacement policy for “excused” or “unexcused” absences:

- a) When appointed, each Commission member should state his/her willingness and intention to attend each scheduled meeting of the Harbor Commission.
- b) In the event of unplanned personal matters, business trips, family vacation trips, changed job requirements, sickness, or other physical disabilities that prohibit the Board member from attending the scheduled meeting; the Commission Chair or staff liaison to the Harbor Commission should be notified as soon as possible prior to the time of the scheduled meeting of their inability to attend. The Commission member upon this notification will receive an “excused absence” for the involved scheduled meeting.
- c) If any Commission member is absent from three (3) consecutive scheduled meetings without an “excused absence” for any of the three (3) meetings, the Commission member shall be reported in writing to the City Manager. The City Manager will contact the Commission member in writing and question his/her continued ability or interest in being on the Commission, giving the member a chance to rectify the attendance issue or submit a resignation.

- d) There will be no limit on the number of consecutive “excused absences” for any Commission member. However, if the Commission member is repeatedly absent for at least 50% of the yearly scheduled meetings, that member will also be reported in writing to the City Manager. The City Manager will contact the Commission member in writing and question the member’s continued ability or interest to be on the Commission. The Commission member will be considered for appointment nullification when the absences total six in the calendar year.
- e) The appointment nullification action would be initiated by the City Manager and forwarded on to the City Council for official action.

Section 7. MEETINGS.

7.1 Regular Meetings: ~~Meetings shall be held monthly to conduct the business of the Commission~~ As directed in Chapter 266 of the Manistee Code of Ordinances the Commission shall meet at least quarterly during each year, and more frequently as needed. The date and time of each meeting will, where practicable be agreed upon by the consensus of the Commission members and such City staff as may be assigned to meet with the Commission. Meeting times and locations shall be posted and open to the public with time set aside at each meeting to receive public comment. All actions taken by the Commission shall be recorded by the Secretary and filed with the Manistee City Clerk. All meetings and Commission business shall comply with the Open Meetings laws of the State of Michigan.

~~Meetings can be cancelled by the Chair if there are no agenda items or if it is predetermined that a quorum will not be present. Special meetings may be called by or at the request of the Chair or any two members. Meetings shall be held after due notice to all members and the public.~~

7.2 Quorum: Four members shall constitute a quorum for the transaction of business. Whenever a quorum is not present at a meeting, those present may adjourn the meeting to another day or hold the meeting for the purpose of considering such matters as are on the agenda. No action taken at such a meeting shall be final or official unless and until ratified and confirmed at a subsequent meeting when a quorum is present by acting to approve the minutes of the meeting at which the quorum was not present.

7.3 Order of Business: The Chair or their designee shall prepare an agenda for each meeting and the order of business shall follow in an orderly manner according to the agenda. A designated period for public comment shall be allowed. A time limit for discussion and/or comment may be set by the Chair.

7.4 Parliamentary Procedure: Parliamentary procedure in Harbor Commission meetings, when needed, shall be governed by Roberts' Rules of Order.

Section 8. EXPENSE REIMBURSEMENT.

Commissioners shall be reimbursed by the City of Manistee for all pre-approved out of pocket expenses incurred in carrying out the official business of the Commission. ~~The City Manager shall be responsible for the preapproval process.~~

Section 9. CONFLICT OF INTEREST.

In the event that business being carried out by the Commission may have a personal or financial impact on a member of the Commission or their immediate family, or any corporation or business of which a Commissioner is an officer or director, the Commission member must disclose the conflict of interest and refrain from voting on that particular business. If any question of whether or not a conflict exists cannot be determined by the Commission, then the matter of the question shall immediately be referred in writing to the Manistee City Attorney for consultation and recommendation.

Section 10. CHANGES OR AMENDMENTS.

Bylaws shall be reviewed annually during the first meeting of the year. All changes or amendments to the Bylaws must be approved by the majority of the Commissioners. Such changes or amendments must be presented to the Commission in writing for consideration and may not be voted upon until the following regularly scheduled meeting. Upon approval by the Commission, the Bylaws, showing the proposed amendment, shall be submitted to the Manistee City Council for final approval.

The foregoing Bylaws were duly adopted at a regular meeting of the Manistee Harbor Commission held 9/16/91; amended 5/06/96; amended 4/4/06; amended 8/3/09 amended 5/10/11; amended _____/13.

Cynthia J. Lokovich, Secretary Dated

Approved by the Manistee City Council:

Mayor Colleen Kenny Dated