

BYLAWS OF
THE NATURAL FEATURES PROTECTION REVIEW BOARD
OF THE CITY OF KALAMAZOO

**Article I
Purpose and Responsibilities**

Section 1. Purpose and Intent.

- a) The purpose of the Natural Features Protection Review Board (“Board”) is to assist staff in the Site Plan Review process by providing expert knowledge on relevant natural features and development or construction. Approval from the Board is necessary for a project to obtain full site plan review approval as part of the development, permitting, and construction process.
- b) The intent of the Board is to guide development of land in the Natural Features Protection Overlay District in order to protect natural features in the City. The action items in the 2025 Master Plan require the City to work collaboratively with the community for long-term protection of natural features for such ends as public enjoyment and environmental health.

Section 2. Responsibilities.

- a) To review development site plans on parcels located in the Natural Features Protection Overlay District to ensure all requirements and standards are satisfied.
- b) To serve as an advisory group as the City conducts an analysis of natural features in the City.
- c) To work with the City on providing environmental education and stewardship opportunities for property owners, stakeholders, and conservation-minded organizations to protect natural features throughout the City.

Section 3. Overlay District Boundaries.

The Board shall exercise its powers on parcels identified within the Natural Features Protection Overlay District as designated in the ordinance establishing the Natural Features Protection Overlay District, and as such ordinance may from time to time be amended by the City Commission.

**Article II
Board Membership**

Section 1. Membership.

- a) Number. The Board shall consist of seven (7) persons.
- b) Terms. Members shall be appointed for a term of three (3) year terms except that of members first appointed, two shall be appointed for one-year terms, two for two-year terms, and three for three-year terms.

- c) Qualifications. Members shall have education or experience so that the Board has at least one member with knowledge in each of the following areas: 1) wetlands/water resources, 2) plants/trees, 3) slopes, and 4) site development/building construction.

Section 2. Selection of Members.

Board members shall be appointed by the Mayor and approved by the City Commission.

Section 3. Compensation.

Members shall serve without compensation as a voluntary board of the City.

Section 4. Expiration of Term, Replacement, and Vacancies.

Subsequent members shall be appointed in the same manner as original appointments at the expiration of each member's term of office. A member whose term of office has expired shall continue to hold office until his or her successor has been appointed. A member may be reappointed and may serve no more than two successive terms; but is eligible for reappointment after an absence of one term. If a vacancy is created by death, resignation, or removal of a member, a successor shall be appointed by the Major with the approval of the City Commission within thirty (30) days of the vacancy to hold office for the remainder of the term so vacated.

Section 5. Duties of Board Members.

- a) Discussion and deliberation among members should take place on issues before the Board; such deliberations must only occur at meetings of the Board open to the public in accordance with the Michigan Open Meetings Act (Act 267 of the Public Acts of 1976, as amended).
- b) Members are required to make every effort to attend all regular and special meetings of the Board. Except in emergency or unforeseen circumstances, members must notify the Chairperson or Vice-Chairperson of an absence at least forty-eight (48) hours before a scheduled meeting.
- c) Members must avoid contact with an applicant or the agent of an applicant regarding a matter pending before the Board, if possible. If it is not possible to avoid such contact, the member shall report the substance of the contact or conversation when the matter is considered by the Board. Such report shall be reflected in the minutes of the meeting.
- d) Members shall not accept gifts from anyone connected with a pending, anticipated or decided Board agenda item. As used here, a gift means cash; any tangible item or service, regardless of value; and food valued over \$10.

Section 6. Removal.

- a) After having been given notice and an opportunity to be heard, a member may be removed from office for neglect of duty, misconduct, or malfeasance by a majority vote of the Kalamazoo City Commission.
- b) A member who is absent from three consecutive regularly scheduled meetings or five meeting absences in a calendar year may be considered delinquent by Board vote. Delinquency is grounds for the City Commission to remove a member, upon notice and an opportunity to be heard.

Section 7. Conflict of Interest.

- a) A member shall not engage in a board decision by which the individual may profit from their official position with the Board or benefit from confidential information which the individual has obtained or may obtain by reason of his or her position with the Board.
- b) A conflict of interest occurs when a Board member's financial or personal interests conflict with their responsibility to impartially act in the best interest of the Board. Personal interests include direct interests as well as those of family, friends, or other organizations a person may be involved with or have an interest in. A conflict of interest may be actual, potential, or perceived and may be financial or non-financial. An apparent conflict of interest exists whenever circumstances are such that a Board member or a Board member's family may appear to be in a position to benefit, either financially or personally, from the position the person holds as a Board member.
- c) A member who has a direct interest in any matter before the Board shall disclose this interest prior to the Board taking any action with respect to the matter, which disclosure shall become a part of the record of the Board's official proceedings. Further, except as provided herein, any member making such disclosure shall then refrain from participating in the Board's decision-making process relative to such matter.

Article III Officers

Section 1. Officers.

The officers of the Board shall be a Chairperson and Vice-Chairperson.

Section 2. Election and Term of Office.

Officers shall be elected at the first regular meeting of the Board and at each annual meeting thereafter. The term of each office shall be for one (1) year. Each officer shall hold office until his or her successor is appointed. No person shall hold the same office for more than two (2) successive terms. However, no terms of office created under this section shall extend beyond the Board term of the member designated.

Section 3. Vacancies and Removal.

A vacancy in any office because of death, resignation, removal, disqualification or otherwise, may be filled at any meeting of the Board for the unexpired portion of the term of such office.

Section 4. Chairperson.

The Chairperson shall preside at meetings of the Board with the ability to fully participate and vote on matters coming before the Board.

Section 5. Vice-Chairperson.

The Vice-Chairperson shall perform the duties of the Chairperson in the Chairperson's absence and such other duties as shall from time to time be assigned to the office by the Board.

Article IV Meetings

Section 1. Annual Meeting.

The Board shall hold an annual meeting in the first calendar quarter of each year at which time officers of the Board shall be elected as provided herein.

Section 2. Regular Meetings.

Regular meetings of the Board shall be held at a time and place to be set by the Board. Notice of the dates, times, and places of regular meetings shall be annually published in accordance with the Michigan Open Meetings Act, being Public Act 267 of 1976, as amended.

Section 3. Special Meetings.

Special meetings of the Board may be called by or at the request of the Chairperson of the Board or any two members. All special meetings shall be preceded by public notice posted at least eighteen (18) hours prior to the meeting in accordance with the Michigan Open Meetings Act, being Act 267 of the Public Acts of 1976, as amended.

Section 4. Agenda.

The City of Kalamazoo staff liaison shall prepare the agendas for all meetings and send them to the Board at least eighteen (18) hours prior to a meeting. Any member may request an item to be placed on the agenda. The agenda shall be approved by the Board at the beginning of each meeting.

Section 5. Notice and Open Meetings.

All regular and special meetings of the Board shall be open to the public and held in a place available to the general public and be noticed to the public in accordance with the Open Meetings Act (Act 267 of the Public Acts of 1976, as amended).

Section 6. Quorum and Voting.

A majority of the members of the Board shall constitute a quorum for the transaction of business. The vote of the majority of members present at a meeting at which a quorum is present constitutes the action of the Board, unless the vote of a larger number is required by statutes, ordinance, or elsewhere in these Bylaws.

Section 7. Participation by Communication Equipment.

A member may participate in a meeting by means of conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other. Any member communicating by conference telephone or similar communications equipment shall not be counted toward quorum, although the individual vote of the member shall count toward majority vote.

Section 8. Rules of Order.

Robert's Rules of Order, Newly Revised will govern the conduct of all meetings. Motions for reconsideration may take place only at an open meeting of the Board where the decision was made or at the next regular meeting after the meeting where the decision was made.

Section 9. Public Comment.

- a) An applicant presenting a proposal to the Board shall identify themselves by name and address. The applicant and persons speaking in favor or opposition to the proposal shall identify themselves by name and address and be permitted to address the Board under rules established by the Board.
- b) During the portion of the Board meeting set aside for general public comment on other matters relevant to the functions and responsibilities of the Board, shall identify themselves by name and address and be permitted to address the Board for up to three (3) minutes.

**Article V
Amendments**

Section 1. Amendments.

The Board shall have power to make, alter or amend the bylaws in whole or in part by 2/3 vote of its members, to be effective if approved by the Kalamazoo City Commission, with written copies of the proposed changes having been given at the next preceding regular or special meeting.

Section 2. Effective Date.

These bylaws shall become effective upon approval by the Kalamazoo City Commission.

HISTORY

Approved by the Kalamazoo City Commission on June 3, 2019.