

BYLAWS OF THE

ANN ARBOR COMMISSION ON DISABILITY ISSUES – CITY OF ANN ARBOR, MICHIGAN

Article I. Name

The name of this Commission is the Ann Arbor Commission on Disability Issues.

Article II. Enabling Authority

The Ann Arbor Commission on Disability Issues was established by resolutions of the Ann Arbor City Council dated 11/4/69 (~~rescinded by City Council 11/4/69/6/83~~), 6/6/83, 8/18/86, 7/1/91, ~~and 4/1/02, 7/21/14, and 3/10/16.~~

Article III. Purpose, Objectives, and Duties

Section 1. The purpose of the Ann Arbor Commission on Disability Issues ("Commission") is to:

- a) Promote equal opportunities for individuals with disabilities;
- b) Strive to enable full participation in all aspects of community life for persons with disabilities;
- c) Provide disability-related technical assistance, information, referral and advocacy to City Council personnel, community, individuals and groups.

~~Section 2. The vision of the Commission, as adopted February 21, 2007 is:~~

~~"An Ann Arbor whose programs, businesses, facilities and organizations are accessible to persons of all abilities, and where inclusion and full and equitable participation in community life are available to everyone."~~

~~Section 3. To achieve the vision of the Commission, the mission of the Commission, as adopted July 18, 2007 is:~~

~~"To encourage, facilitate and assist our city in the identification and removal of physical, programmatic, social and attitudinal barriers to inclusion and full and equitable participation in community life."~~

Section 42. The Commission is an advisory body and shall be limited to performing the tasks enumerated in these bylaws or otherwise delegated to it by City Council. By City Council resolution, the Commission is charged with the following powers and duties:

- a) The Commission is authorized to coordinate and provide recommendations to City personnel; citizen commissions, authorities, and committees; and community individuals and groups serving on annually designated programs to respond to identified service needs. Specifically, the functions of the Commission shall be:
 1. To provide information on community service needs to government officials and other relevant community constituents;

2. To provide direction to City Council of identified needs through volunteer services of standing committees;
 3. To provide consultation and technical assistance to the community at large;
 4. To serve as an information and resource clearinghouse for the community at large;
 5. To be a proactive and reactive advocacy body for ~~area disabled persons~~community members with disabilities;
 6. To provide mechanisms promoting resource linking, networking;
 7. To provide opportunities for Commission volunteers to develop leadership skills;
 8. To provide human and civil rights support to ~~the disabled~~community members with disabilities;
 9. To carry out activities encouraging community partnerships and promoting equal opportunities for "full participation" by ~~area disabled persons~~community members with disabilities.
- b) The Commission shall keep City Council informed of Commission activities via communication by their City Council representative and shall present an Annual Report to City Council and shall present an Annual Report to City Council on achievements and recommended activities or projects.
- c) The Commission shall also carry out the organization functions contained in:
1. The Mayor's letter to the Commission authorizing activities to achieve operational policies for Fiscal Year 1987 (dated July 31, 1986);
 2. The Fiscal Year 1984 Annual Report of the Commission (dated April 22, 1985).

Article IV Membership

Section 1. The Commission shall consist of not more than ~~thirteen (13)~~ members, 12 of whom shall be citizens appointed by the Mayor with the approval of City Council and 1 of whom shall be a member of the City Council appointed by City Council in accordance with its adopted procedures for Council appointments to boards and commissions. The City Council representative shall be a voting member of the Commission with all rights and privileges of membership. At least 9 of the 13 positions on the Commission are reserved for persons who have a disclosed disability as defined in the federal Americans with Disabilities Act, 41 U.S.C. Section 12102, as amended. No more than four (4) members may be appointed who do not have a disability as defined by the federal Americans with Disabilities Act.

Section 2. With the exception of the City Council representative, who shall be appointed

~~annually. All~~ members of the Commission shall be appointed to ~~three~~3-year terms. ~~The appointment schedule that~~ shall be ~~arranged~~staggered so that one-third of the terms expire each year. ~~The appointment schedule shall be a repeated three-year cycle, with five (5) terms beginning the first year, four (4) the second year, and four (4) the third year.~~

Section 3. All members of the Commission shall serve without compensation.

Section 4. Each member of the Commission shall have the right to receive Commission documents in alternate formats accessible to that member.

Section 5. In an effort to keep the Commission full and diverse, any member of the Commission may present applicants to the Commission for a vote on whether to recommend to the Mayor the applicant's appointment to the Commission.

Section 6. Consistent with City Charter § 12.2, all members of the Commission shall ~~behave been~~ registered electors in the City of Ann Arbor on the date of appointment, unless an exception is granted by a resolution concurred in by at least ~~seven (7)~~ members of City Council.

Section 7. ~~A M~~members whose term has expired ~~shall~~may hold over and continue to serve as ~~a~~ members of the Commission until a successor has been appointed. Consistent with City Code § 1:171, no member shall be allowed to hold over for more than ~~sixty (60)~~ days beyond the appointed term whether or not a successor has been appointed, except that City Council may extend terms for periods of ~~ninety (90)~~ days upon the recommendation of the Mayor and vote of at least ~~six (6)~~ members of Council.

Section 8. Consistent with City Code § 1:171, the Mayor shall notify City Council of the expiration of a member's term at least ~~thirty (30)~~ days prior and shall present to City Council all proposed reappointments no later than ~~sixty (60)~~ days after the expiration of the term.

Section 9. Consistent with City Code § 1:171, any vacancy on the Commission occurring in the middle of a term shall be filled for the remainder of the term in the same manner as for full-term appointments.

Section 10. Members of the Commission are expected to attend regularly scheduled meetings and to notify the Chair or staff designated by the City Administrator in advance if they expect to be tardy or absent. If a member misses more than ~~three (3)~~ regularly scheduled meetings in a ~~twelve (12)~~ month period without notification, the Chair shall notify the Mayor and the Commission may recommend removal of the member.

Section 11. Consistent with City Code § 1:171, ~~Aa~~ member of the Commission may be removed for cause upon recommendation by the Mayor and approval of City Council.

Section 12. The Commission may vote to recommend removal of any member of the Commission who has failed to perform his/her duties, or who has failed to abide by the Commission's bylaws. The member who is the subject of such a vote shall not participate in the vote. A recommendation to remove shall be transmitted to the Mayor and City Council.

Section 13. A member who wishes to resign shall do so in writing to the Mayor with a

copy to the Chair.

Article V Ethics and Conflicts of Interest

Section 1. A member of the Commission shall abstain from discussion or voting on any matter ~~wherein which~~ that member ~~is involved in~~ has a real or apparent conflict of interest. Decisions regarding conflicts of interest shall be evaluated on a case-by-case basis with reasonable application of the principles provided in this Article. Conflicts of interest shall at a minimum include:

- a) Discussing, voting on, or otherwise acting on a matter in which a member or any member of his/her immediate family, his/her partner, or an entity with whom the member has family or business ties has a direct financial or beneficial interest.
- b) Discussing, voting on, or otherwise acting on a matter involving work on property which is owned by that member or which is adjacent to property owned by that member.
- c) Discussing, voting on, or otherwise acting on a matter when the member's employee or employer is an applicant or agent for an applicant, or has a direct financial or beneficial interest in the outcome.

Section 2. A member of the Commission shall neither solicit nor accept gratuities, favors, or anything of monetary value from entities in a position to benefit from a decision of the Commission.

Section 3. A member of the Commission shall not obtain, for himself/herself or for any person with whom he/she has business or family ties, any financial or beneficial interest in a matter which may be affected by a decision of the Commission. This restriction shall apply during the member's tenure on the Commission and for one year thereafter.

Section 4. A member of the Commission shall abstain from discussion or voting on any matter from which that member, any member of his/her immediate family, his/her partner, or a person with whom the member has family or business ties may obtain a financial interest or other benefit.

Section 5. A member of the Commission ~~who perceives that he/she has a potential conflict of interest in a matter shall, before discussing or voting on the matter, shall~~ disclose the general nature of the conflict and, except where it violates a confidence, shall disclose all pertinent facts relating to the conflict. These disclosures shall be made prior to discussion and voting when possible and shall be recorded in the minutes of the proceedings. The member may then abstain from discussion and voting on the matter.

Section 6. A member who cannot vote due to a conflict of interest shall, during deliberation of the matter before the Commission, leave the meeting or the area where the members sit until action on the matter is concluded.

Section 67. When a question has arisen as to whether a member is ineligible to participate in discussion or vote on a matter because of a conflict of interest, the Commission may determine that the member is ineligible due to a conflict of interest by a vote of the majority of the other members present. Upon such a determination, the

~~ineligible member shall not participate in discussion or vote on the matter. If facts are presented which raise the question of whether any member of the Commission is subject to a conflict of interest, the question may be decided by a majority vote of the remaining members of the Commission. Upon a finding that a conflict exists, the member subject to the conflict shall be disqualified from discussing or voting on the matter.~~

Section 8. Members of the Commission shall complete an annual disclosure of organization affiliations and shall update this disclosure in writing at any time during the year when those affiliations change.

Section 9. Members shall not act, hold themselves out, or permit themselves to be perceived as official representatives or spokespersons for the Commission without authorization from the Commission. When communicating for personal purposes on matters that may relate to the Commission's business, members shall clearly indicate that their statements are made in a personal capacity and do not necessarily reflect the views of the Commission. Whenever a member is asked to speak on behalf of the Commission, the member shall seek permission of the Commission in advance.

Section 10. A member shall not be heard before the Commission as a petitioner, representative of a petitioner, or as a party interested in a petition during the member's term.

Section 11. The Commission or individual members shall not intrude into the management of the Commission or into matters that are handled administratively by the City.

Section 12. Members shall conduct themselves in a fair, courteous, and understanding manner at all times in the discharge of their duties, and shall avoid exchanges or actions based upon personal differences.

Article VI Officers

Section 1. The officers of the Commission shall be a Chair and Vice-Chair. The officers shall be elected by a plurality of the voting members ~~currently serving on~~ the Commission. Voting shall be conducted by voice or roll call vote~~secret ballot and absentee ballots shall be made available~~. The officers shall be elected for a two-year term that shall run from ~~August~~ July ~~November~~ December 1 of the year of election to ~~July~~ June ~~October~~ November 30~~31~~ of the second following year. No member shall serve more than ~~two (2)~~ consecutive ~~two-year~~ full terms in ~~one~~ the same office.

Section 2. The officers shall be elected every ~~two~~ 2 years at the ~~July~~ June ~~October~~ November regular meeting of the Commission. If it is not possible to hold elections at the ~~July~~ June ~~October~~ November regular meeting, officers shall be elected at the next regular meeting or as soon thereafter as possible. If a current officer's term has expired, ~~he/she~~ the officer shall continue to serve until a new officer is elected.

Section 3. The Chair shall preside at all meetings and shall decide points of order and procedure, subject to the provisions of these bylaws. ~~The Chair shall not vote on any matter except in the event of a tie or to complete a quorum.~~ Upon election, and as deemed necessary and appropriate to the function of the Commission, the Chair may recommend to the Commission appointment of individual members as Committee

Chairs. The Vice-Chair shall assume the duties of the Chair in the Chair's absence.

Section 4. When an office becomes vacant before the expiration of the current term, the vacancy shall be filled in the same manner as full-term offices and the new officer shall serve the remainder of the term. Should an officer resign or be removed from the Commission, or otherwise become unable to fulfill his/her official duties before the expiration of his/her term, a replacement officer shall be elected at the next regular meeting and shall serve for the remainder of the term. The replacement officer shall be elected in the same manner as for full-term officers. The Vice-Chair may be elected as replacement Chair, in which case a replacement Vice-Chair shall be elected at the same time.

Section 5. No individual may hold ~~more than one (1)~~multiple offices at ~~the same~~ time.

Article VII Meetings

Section 1. The Commission shall conduct regularly scheduled meetings on the third Wednesday of each month or at such other time as scheduled by the Commission. ~~Consistent with the Open Meetings Act MCL § 15.265, t~~The entire schedule of regular meetings for the upcoming organizational year shall be posted within ~~ten (10)~~ days after approval at the first meeting of the year. If there is a change in the schedule of regular meetings, notice of the change shall be posted within ~~three (3)~~ days after the meeting at which the change is ~~made~~approved.

Section 2. Special meetings may be called by the Chair or by ~~a concurring vote~~ the written concurrence of a majority of the voting members currently serving on Commission. When practicable, notice of the special meeting shall be provided to staff and all members of the Commission at least 2 business days in advance. The purpose of the special meeting shall be stated in the public notice for that meeting. At the special meeting, the Commission may not conduct any business beyond the specific purpose stated in the public notice, except by unanimous consent of the voting members present. ~~Consistent with the Open Meetings Act MCL § 15.265, p~~Public notice of the special meeting shall be posted at least ~~eighteen (18)~~ hours prior to the scheduled starting time.

Section 3. The Commission may hold non-voting working meetings to carry on the work of the Commission. Public notice of the working meeting shall be posted at least ~~eighteen (18)~~ hours prior to the scheduled starting time.

Section 4. Public notice of committee meetings shall be posted at least ~~eighteen (18)~~ hours prior to the scheduled starting time.

Section 5. Public notice of all meetings shall be posted at City Hall or at any location designated by the City Administrator or City Council.

Section 6. When practicable, staff shall provide notice of each meeting to all members at least 48 hours prior to the scheduled starting time. ~~Notice of each meeting shall be provided to all members of the Commission at least forty-eight (48) hours prior to the scheduled starting time for all regular and special meetings and at least eighteen (18) hours prior for all rescheduled and committee meetings.~~

Section 7. The Chair may cancel a meeting if there is no business on the agenda or if it is clear that a quorum will not be present. The Chair may cancel a meeting due to

weather, emergency, or other circumstances that may substantially limit the ability of members of the Commission or the public to attend. The Chair shall give notice of cancellation to members of the Commission and to the staff designated by the City Administrator at least ~~two (2)~~ hours prior to the scheduled meeting time, when ~~re~~ practicable. The Chair shall post public notice of the cancellation as soon as practicable. The Chair may reschedule cancelled meetings ~~with the Commission's consent~~ after consulting with staff. Public notice for rescheduled meetings shall be posted at least ~~eighteen (18)~~ hours prior to the scheduled starting time.

Section 8. The ~~lesser presence of five (5) voting members or a majority of all voting members currently serving on the Commission~~ shall constitute a quorum. A concurring vote of the majority of all voting members present at the meeting shall be required for the Commission to ~~pass any motion act on any matter, unless otherwise provided in these bylaws~~. If the effective voting membership of the Commission is reduced because of a conflict of interest, a majority of the remaining voting members present at the meeting shall be required for the Commission to ~~act on any matter~~ pass any motion. The right to vote is limited to members of the Commission actually present at the time the vote is taken at a lawfully called meeting, ~~except for absentee ballots in the election of officers~~.

Section 9. Except for the election of officers, voting may be by voice, a show of hands, or other indication of intent. If the vote is not unanimous, a roll call vote shall be taken and recorded in the minutes.

Section 10. The Commission shall arrange to keep minutes of all regular and special meetings of the Commission, which shall be a record of the Commission's consideration and actions, and which shall include at a minimum a list of those members present and not present at each meeting; identifying information, ~~where~~ when given, of all persons appearing before the Commission; a copy of each resolution or other matter acted upon by the Commission and a description of the outcome of each action. The minutes shall be filed in the service area designated by the City Administrator ~~in the City Clerk's office~~ and shall be a public record.

Section 11. Consistent with City Council Resolution R-642-11-91, all meetings of the Commission shall be open to the public in the spirit of section 3 of the Open Meetings Act. ~~All meetings of the Commission and its committees shall be open to the public and conducted in accordance with the Michigan Open Meetings Act (PA 267 of 1976), as amended. Closed sessions may be called for purposes listed in the Open Meetings Act.~~

Section 12. Public comment shall be allowed at all meetings. An individual may speak or present a planned, scheduled presentation for up to ~~eight (8)~~ minutes on any item open for public comment. The Chair may extend an individual's speaking or presentation time in ~~his/her~~ the Chair's discretion. Public comment on non-agenda items may be limited in the Chair's discretion.

Section 13. After a motion has been decided, any member voting with the prevailing side may move for reconsideration of the motion at the same or the next regular meeting. No motion may be reconsidered more than once.

Section 14. ~~A member of City Council may attend Commission meetings in the capacity of an ex officio member of the Commission and may participate in all aspects of Commission business, except he/she may not vote.~~

Article VIII Agenda and Order of Business

Section 1. Agendas for each meeting of the Commission shall be developed by the Chair ~~or in coordination with~~ staff designated by the City Administrator. Agendas for all regular meetings shall be made available to the public and other members of the Commission at least ~~forty-eight (48) hours~~ five calendar business days before the meeting's ~~scheduled starting time unless at the meeting was rescheduled was made and time does not allow.~~

Section 2. The order of business at regular meetings shall be as follows. The order of business may be suspended or modified by a majority vote of those ~~voting members of the Commission~~ present.

- a) Roll Call
- b) Approval of Minutes of Previous Meetings
- c) Approval of Agenda
- d) Public Comment
- e) Regular Business
- f) New Business
- g) Adjournment

Article IX Committees

Section 1. The Commission may create standing or special committees to carry on the work of the Commission. Standing committees may, but need not be, described in the bylaws. The purpose and terms of all committees shall be explicitly defined and approved by the Commission. Committees shall be limited to performing the tasks delegated to them by the Commission.

Section 2. Members of committees shall be nominated and approved by the Commission. Each committee shall include at least ~~two (2)~~ members of the Commission. Committee chairs shall accept and encourage members of the Commission as volunteers for committee membership. All committees and committee chairs shall be reassessed upon election or reelection of a Commission Chair.

Section 3. There shall be a standing Recruitment Committee, which shall be vigilant in the recruitment of qualified applicants for vacant Commission positions. In an effort to keep the Commission full and diverse, the Recruitment Committee may present applicants to the Commission for a vote to recommend to the Mayor and City Council the applicant's appointment to the Commission.

Section 4. Prior to, and with enough time to organize each election of officers, an election committee shall be created to facilitate the election.

Article X Parliamentary Authority

Section 1. The rules contained in the current edition of Robert's Rules of Order Newly Revised shall guide the Commission; however parliamentary procedure shall be flexible and may be adjusted in the Chair's discretion to best serve the needs of the Commission. Nevertheless, no procedure shall be adopted that is inconsistent with these

bylaws.

Section 2. The Commission shall not adopt or follow any operating rules, regulations, ~~or~~ guidelines, or procedures not expressly prescribed by these bylaws.

Article XI Amendment of Bylaws

Section 1. Proposed amendments to these bylaws may be approved at any regular meeting by a majority vote of all voting members currently serving on the Commission. Proposed amendments must have been submitted in writing at the previous regular meeting to be considered. Proposed amendments shall not conflict with the laws, resolutions, or charter of the City. Proposed amendments must be submitted to the Office of the City Attorney for review prior to adoption by the Commission. After adoption by the Commission, the bylaws and shall not be effective until approved by City Council, ~~which shall have final discretion to modify these bylaws.~~

Section 2. These bylaws shall be reviewed by the Commission each July for possible amendment.

Article XII Miscellaneous

Section 1. At the discretion of the City Administrator, or as otherwise mandated by City Council, the staff of the Human Resources Services Unit shall be the primary provider of administrative support and professional advice to the Commission and the Human Resources and Labor Relations Director or their designee shall be the primary liaison between the Commission and staff.

Section 2. The Ann Arbor City Attorney's Office shall be the legal consultant to the Commission.

Adopted by the Commission on January 20, 2016.