

MICHIGAN STRATEGIC FUND

RESOLUTION 2024-050

APPROVAL OF MSF PUBLIC COMMENT POLICY REVISIONS

WHEREAS, Public Act 270 of 1984, MCL 125.2001 *et seq.* (the “MSF Act”), established the Michigan Strategic Fund (“MSF”);

WHEREAS, under Section 5(10) of the MSF Act, MCL 125.2005(10), MSF Board meetings are conducted in accordance with the Michigan Open Meetings Act, MCL 15.261 *et seq.*, (the “OMA”) and the Michigan Strategic Fund Act, MCL 15.2001 *et seq.*,

WHEREAS, under Section 3(5), MCL 15.263(5), of the OMA, members of the public attending a meeting of a public body are permitted to address the public body under rules established and recorded by the public body;

WHEREAS, in order to ensure that members of the public have a fair and adequate opportunity to be heard at meetings of the MSF Board and to facilitate the orderly conduct of MSF Board meetings, the MEDC recommends that the MSF Board adopt the revised Public Comment Policy attached to this Resolution (the “MSF Public Comment Policy”); and

WHEREAS, the MSF Board wishes to adopt the MSF Public Comment Policy.

NOW, THEREFORE, BE IT RESOLVED, the MSF Board adopts the MSF Public Comment Policy , effective as of March 26, 2024.

BE IT FURTHER RESOLVED, the MSF Board approves MSF President and Fund Manager to develop, finalize, and revise any processes and procedures needed to implement the policy.

Ayes: Britany L. Affolter-Caine, Wesley Eklund, Rachael Eubanks, John Groen (in lieu of Director Corbin), Dimitrius Hutcherson, Michael B. Kapp (in lieu of Director Wieferich), Quentin L. Messer, Jr., Dan Meyering, Leon Richardson, Charles P. Rothstein, Susan Tellier, Randy Thelen, Cindy Warner

Nays: None

Recused: None

Lansing, Michigan
March 26, 2024

Michigan Strategic Fund

Public Comment Policy

Background

Meetings of the MSF Board are conducted pursuant to the Open Meetings Act MCL 15.261 *et seq.*; see also MCL 125.2005(10). Meetings are held In-Person with Board member attendance permitted by use of telecommunications or other electronic equipment as authorized by the MSF Board bylaws and MCL 125.2005(9). Accordingly, all MSF Board meetings are open to the public, and members of the public attending an MSF Board meeting (In-Person Commentors) are permitted to address the MSF Board during the Public Comment period pursuant to rules established and recorded by the MSF Board. MCL 15.263(5).

In order to allow the greatest opportunity for public participation, it is the policy of the MSF Board to additionally allow individuals to pre-register to address the MSF Board using telecommunications technology (“Virtual Commentor”) during the Virtual Public Comment period pursuant to the rules established under this policy and in a manner provided by the MSF Board. Individuals may also submit written public comment.

In order to ensure that members of the public have a fair and adequate opportunity to be heard at MSF Board meetings, and to facilitate the orderly conduct of the meeting, the following public comment policy shall apply at all MSF Board meetings:

Policy

I. General Rules

- a. Public comment is limited to the designated public comment period(s) as listed on the agenda. Unless requested by a MSF Board member, the public has no right to address the MSF Board during its deliberations on a particular matter.
- b. No individual may make a comment until recognized. Upon being recognized and prior to making their public comment, an individual shall state their name and city of residence.
- c. The public comment periods are an opportunity for the public to express their comments regarding any subject matter. Board members may engage in dialogue with an individual making a public comment, however no Board member is required to respond to a public comment. In general, the MSF Board will not respond to comments made during the public comment period unless it becomes necessary to ask a clarifying question, correct a factual error, or provide or request specific factual information.
- d. No individual may be recognized to speak more than once during the designated public comment periods.
- e. Individuals making a public comment shall direct all comments to the MSF Board and not to staff or other participants.
- f. Groups are encouraged to designate one or more individuals to speak on their behalf to avoid cumulative comments.

- g. Individuals making a public comment may submit materials in support of their comments. In order to ensure that members of the MSF Board have access to materials being used by public commentors during the public comment period, such materials must be provided to the MEDC no later than noon the day prior to the scheduled MSF Board meeting. The MEDC cannot guarantee that materials provided after this deadline will be incorporated into the Board materials for the scheduled meetings. Materials in support of comments may be submitted by the public in the manner specified on the MSF website.

II. Procedure

- a. Individuals who are in attendance at the MSF Board meeting may submit a public comment in writing or by registering as an In-Person Commentor. Individuals who do not register before the end of the Public Comment Period at the meeting are not eligible to make a public comment. In-Person Commentors must stay within the area designated for the public.
- b. Individuals who are not in attendance at the MSF Board meeting may submit a public comment in writing or by pre-registering as a Virtual Commentor in the manner specified on the MSF website. Individuals who do not pre-register are not eligible to make a public comment.
- c. During the designated Public Comment period, In-Person Commentors will be directed to the area designated for public comment. After all In-Person public commentors have completed their remarks, the Virtual Public Comment period will begin and individuals who pre-registered as Virtual Commentors will be called upon.

III. Time Limits

- a. Each individual public comment is limited to the time set forth below. Individuals making a public comment cannot reserve or yield this time, however, the time limitations may be increased at the request of any MSF Board member.
- b. Time Limitations:
 - i. 1-20 pre-registered Virtual Commentors and registered In-Person commentors in total: 3 minutes each.
 - ii. 21-30 pre-registered Virtual Commentors and registered In-Person commentors in total: 2-minutes each.
 - iii. 31-40 pre-registered Virtual Commentors and registered In-Person commentors in total: 1 minute and 30 seconds each.
 - iv. 41 or more pre-registered Virtual Commentors and registered In-Person commentors in total: 1 minute and 30 seconds each, or if at the beginning of the meeting the Chair (as defined in the MSF Bylaws) determines that the total number of public comments will interfere with the orderly conduct of the meeting, the Chair) may:
 - 1. Limit the Virtual Public Comment period to 1 and a half hours and encourage those individuals to submit a written comment, or
 - 2. Move the Virtual Public Comment period to the end of the meeting agenda, or
 - 3. Omit the public comment period for pre-registered Virtual Commentors and encourage those individuals to submit a written comment.

- c. In an effort to provide the public a full opportunity to be heard, if an MSF Board member provides a response to an individual's public comment, the time used by the MSF Board member shall not count against that individual's time limit for making their comment, i.e. the time limit for an individual public comment shall be tolled while a MSF Board member is speaking. However, once an individual has used their time, there is no right to additional time to make a "rebuttal" or follow-up comment in response to a MSF Board member's reply unless specifically granted by a MSF Board Member.

IV. Enforcement

- I. The Chair has the authority to maintain order during the meeting.
- II. In an effort to maintain order during the public comment period, the Chair is empowered to enforce the public comment policy and may:
 - a. Terminate an individual's comment period when the comment exceeds the time limit allowed;
 - b. Require that any individual leave the meeting if that individual commits a breach of the peace;
 - c. request the assistance of law enforcement officers in the removal of an individual when an individual commits a breach of the peace.

Meeting minutes

- a. Pursuant to the Open Meetings Act, minutes of the meeting shall consist of the date, time, place, members present, members absent, any decisions made at the meeting open to the public and as appropriate, the purpose or purposes for which a closed session is held. Additionally, the minutes will include a record of all roll call votes taken at the meeting.

Effective: March 26, 2024



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY
LANSING

SUSAN CORBIN
DIRECTOR

January 21, 2022

Ms. Katelyn Wilcox
Board Relations Liaison
Michigan Strategic Fund
300 N. Washington Square
Lansing, MI 48913

Re: Michigan Strategic Fund Board Meeting Designees

Dear Ms. Wilcox:

Pursuant to MCLA 16.51, I hereby confirm my designation of John Groen and Jonathan Smith as the persons authorized and empowered to act in my stead as a member of the Michigan Strategic Fund Board for scheduled meetings or portions thereof that I am unable to attend.

If you need anything additional, please contact Diane Burton at (517) 230-5454.
Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Susan R. Corbin".

Susan R. Corbin
Director



STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

GRETCHEN WHITMER
GOVERNOR

BRADLEY C. WIEFERICH, P.E.
ACTING DIRECTOR

January 3, 2023

Ms. Rhonda Bishop
Board Relations Liaison
Michigan Strategic Fund Office
300 N. Washington Square
Lansing, Michigan 48913

Dear Ms. Bishop:

I hereby confirm and ratify my designation of Michael B. Kapp, Administrator, Michigan Department of Transportation, as the person authorized and empowered to act in my stead for Michigan Strategic Fund meetings that I am unable to attend.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bradley C. Wieferich".

Bradley C. Wieferich, P.E.
Acting Director

cc: M. Kapp
Executive File