

MICHIGAN STRATEGIC FUND

**RESOLUTION
2023-103**

APPROVAL OF MSF PUBLIC COMMENT POLICY

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

WHEREAS, the Michigan Economic Development Corporation (“MEDC”) provides administrative services to the 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”);

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 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 June 27, 2023.

Ayes: Britany L. Affolter-Caine, Susan Corbin, Wesley Eklund, Dimitrius Hutcherson, Michael B. Kapp (on behalf of Director Wieferrich, designation attached), Andrew Lockwood (on behalf of Treasurer Eubanks, designated attached), Quentin L. Messer, Jr., Dan Meyering, Leon Richardson, Charles P. Rothstein, Susan Tellier, Randy Thelen

Nays: None

Recused: None

Lansing, Michigan
June 27, 2023

Michigan Strategic Fund (MSF) 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). Accordingly, all Board meetings are open to the public, and members of the public attending a Board meeting are permitted to address the Board under rules established and recorded by the Board. MCL 15.263(5). In order to ensure that members of the public have a fair and adequate opportunity to be heard at Board meetings, and to facilitate the orderly conduct of the meeting, the following public comment policy shall apply at all MSF Board meetings:

Guidelines

I. Public Comment

- a. Members of the public must stay within the area designated for the public.
- b. Public comment is limited to the designated public comment period as listed on the agenda. Unless requested by a Board member, the public has no right to address the Board during its deliberations on a particular matter.
- c. 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.
- d. Each individual public comment must last no longer than three (3) minutes. Individuals making a public comment cannot reserve or yield this time, however, this three (3) minute time limitation may be waived or modified at the discretion of the Chair or at the request of any MSF Board member.
- e. No individual may be recognized to speak more than once during the designated public comment period.
- f. The public comment period is 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 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.
- g. In an effort to provide the public a full opportunity to be heard, if a Board member provides a response to an individual's public comment, the time used by the Board member shall not count against the individual's 3-minute time limit for making their comment, i.e. the 3 minute time limit for an individual public comment shall be tolled while a Board member is speaking. However, once an individual has used their 3-minute period, there is no right to additional time to make a "rebuttal" or follow-up comment in response to a Board member's reply unless specifically granted under sub-paragraph d above.
- h. Individuals making a public comment shall direct all comments to the Board and not to staff or other participants.
- i. Groups are encouraged to designate one or more individuals to speak on their behalf to avoid cumulative comments.

- j. 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 commenters during the public comment period, such materials must be provided to the MEDC no later than noon the day prior to the scheduled 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. 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.

Procedure

- I. The presiding member of the Board shall have the authority to maintain order during the meeting.
- II. In an effort to maintain order during the public comment period, the presiding member of the Board is empowered to enforce the public comment policy and may:
 - a. terminate an individual's comment period when the comment exceeds three (3) minutes;
 - b. request 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.

Effective: June 27, 2023



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



STATE OF MICHIGAN
DEPARTMENT OF TREASURY
LANSING

GRETCHEN WHITMER
GOVERNOR

RACHAEL EUBANKS
STATE TREASURER

January 6, 2023

Valerie Hoag
MSF Fund Manager
Michigan Economic Development Corporation
300 N. Washington Square
Lansing, MI 48913

Re: Michigan Strategic Fund Board Meeting and Michigan Strategic Fund Finance
and Investment Subcommittee Designee for Treasurer Eubanks

Dear Ms. Hoag:

I hereby designate Andrew Lockwood to attend all Michigan Strategic Fund Board Meetings and Michigan Strategic Fund Finance and Investment Subcommittee meetings that I am unable to attend in 2023.

If you need anything additional, please contact Kara Kabia at (517) 241-2624.

Sincerely,

A handwritten signature in cursive script that reads "Rachael Eubanks".

Rachael Eubanks
State Treasurer

Cc: Eric Bussis
Andrew Lockwood