

FIRST AMENDMENT TO ARTICLES OF INCORPORATION

FOR

THE BEAVER ISLAND EMERGENCY SERVICES AUTHORITY

The Articles of Incorporation for the Beaver Island Emergency Services Authority adopted, signed, and acknowledged by the incorporating units for the purpose of forming an emergency services authority under the provisions of Act No. 57, Public Acts of 1988, as amended (the “Municipal Emergency Services Act”), being MCL 124.601 *et seq* and effective May 11, 2002, are hereby amended.

ARTICLE VI– BOARD OF DIRECTORS is hereby replaced in its entirety to read as follows:

ARTICLE VI. BOARD OF DIRECTORS

Section 1. The Authority shall be directed and governed by a Board of Directors known as the “Board” (the Authority Board). The Authority Board shall exercise final authority regarding the power of the Authority. The Authority Board shall be comprised of five (5) members with three (3) members appointed by the Peaine Township Board and two (2) members appointed by the St. James Township Board.

Section 2. The terms of the members shall be three years. The initial terms of the directors constituting the Authority Board shall be appointed on or before _____, 2015, and shall be staggered as follows:

a. For the three directors appointed by Peaine Township:

The current, appointed director(s) shall serve their remaining term.

One director shall serve a one-year term.
One director shall serve a three-year term.

b. For the two directors appointed by St. James Township

The current, appointed director(s) shall serve their remaining term.
One director shall serve a three-year term.

Section 3. The Authority Board may delegate to its staff, volunteers and committees such power as it deems appropriate, as long as such delegation does not create a conflict of interest or is otherwise lawful.

Section 4. The Authority Board shall designate one of the directors as Chairperson, another of the directors as Secretary, and another as Treasurer. The Authority Board may create such offices and committees as it deems appropriate.

Section 5. The Chairperson shall preside at meetings of the Authority Board and may sign and execute all Authority-authorized bonds, contracts, and other obligations in the name of the Authority. The Chairperson shall do and perform such other duties as may be fixed by the by-laws and from time to time assigned by the Authority Board.

Section 6. The Secretary shall perform all the duties fixed by the by-laws. The Secretary shall preside at meetings of the Authority Board in the absence of the Chairperson and shall act as recording officer of

the Authority Board.

Section 7. The Treasurer shall perform all duties fixed by the by-laws. The Treasurer shall be bonded for the faithful discharge of the duties as Treasurer, the bond to be of such character, form, and in such amount as the Authority Board may require.

Section 8. Each member of the Authority Board serves at the pleasure of the Township Board that made the appointment. As a result, an Authority Board member may be removed by the Township Board that made the appointment following written charges and a public hearing.

Section 9. A quorum of the Authority Board shall be three (3) of the Authority Board members. Except as may be provided in these articles, all decisions of the Authority Board shall be made by a majority vote of the Authority Board members.

Section 10. The Authority Board shall adopt and amend by-laws including rules of procedure consistent with the provisions of the Emergency Services Authority Act. The Authority Board shall set its schedule for meetings, but at a minimum shall meet at least once every six months. The Authority Board shall comply with the Open Meetings Act and the Freedom of Information Act.

Section 11. The Authority Board may pay its members a per diem payment only if the amount of each per diem payment is specified in the

adopted budget of the Authority.

Section 12. Vacancies occurring in the office of director shall be filled by the entity having appointed the vacated director position. Vacancies shall be filled within 30 days of the vacancy for the remainder of the unexpired term.

ARTICLE IX– FINANCES is hereby replaced in its entirety to read as follows:

IX. FINANCES

The Authority Board shall have budgetary and financial control over the Authority. However, the Authority Board shall adopt a line item budget. A copy of the Authority budget shall be given to each Township Board at least fourteen (14) days before the budget is adopted by the Authority Board. The Authority shall be financed equally by both Townships through St. James Township's voted millages for emergency medical service and fire protection and Peaine Township's fire protection millage and general fund and any district-wide millage adopted as provided in Section 12 of the Act. In the event that a Township's voted millages are insufficient to finance the operations of the Authority under the approved budget for a fiscal year and funds are unavailable or insufficient from a district-wide millage, the Township shall utilize its general fund to finance its portion of the Authority. The funds obtained by any millage or from the Townships may be supplemented by charges for services or any other method authorized by law, including such supplemental payments by the Townships as the Townships in their sole discretion may elect. At its own expense, the Authority shall have its financial records audited at least every two years by the same auditor who is used by either

Township.

ARTICLE IXV– PUBLICATION/FILING OF AMENDMENTS is hereby added to read as follows:

ARTICLE IXV –PUBLICATION/FILING OF AMENDMENTS

The Authority shall be responsible for certifying and publishing Amendments to the Articles of Incorporation for the Beaver Island Emergency Services Authority in the *Charlevoix Courier, Northern Islander and Beaver Beacon* and for filing a certified copy of Amendments to these Articles with the Secretary of State as required by the Act.

ARTICLE XV – EFFECT DATE OF AMENDMENTS is hereby added as follows:

ARTICLE XV – EFFECTIVE DATE OF AMENDMENTS

The Effective date of the First Amendment to the Articles of Incorporation for the Beaver Island Emergency Services Authority is the date on which the amendments are adopted by the last Township to adopt these amendments.

All other Articles and Sections of the Articles of Incorporation shall remain unchanged.

The foregoing First Amendment to the Articles of Incorporation for the Beaver Island Emergency Services Authority were adopted by St. James Township Board, Charlevoix County, Michigan, at a meeting duly held on the ____ day of _____, 2015, of the St. James Township Board.

ST. JAMES TOWNSHIP.

Bill Haggard, Supervisor

Jean Wierenga, Township Clerk

The foregoing First Amendment to the Articles of Incorporation for the Beaver Island Emergency Services Authority were adopted by Peaine Township, Charlevoix County, Michigan, at a meeting duly held on the ____ day of _____, 2015, of the Peaine Township Board.

PEAINE TOWNSHIP

William Kohls, Supervisor

Colleen Martin, Township Clerk

Published in the *Charlevoix Courier* on _____, 2015.

Published in the *Northern Islander* on _____, 2015.

Published in the *Beaver Beacon* on _____, 2015.

Filed with the Secretary of State on _____, 2015.