

BYLAWS OF THE PLANNING AND ZONING COMMISSION WAVERLY TOWNSHIP, VAN BUREN COUNTY, MICHIGAN

1. AUTHORITY

These bylaws are adopted by the Waverly Township Planning and Zoning Commission pursuant as required by PA 110 of 2006 - Michigan Zoning Enabling Act, PA 33 of 2008 - Michigan Planning Enabling Act, and PA 267 of 1976 – Open Meetings Act.

2. OFFICERS

2.1 Selection: At the May meeting, the Commission shall elect from its membership a Chairperson, Vice-chairperson, and Secretary who will serve for a twelve-month period and who shall be eligible for re-election.

2.2 Duties: A Chairperson shall preside at all meetings and shall conduct all meetings in accordance with the rules provided herein. The Vice-chairperson shall act in the capacity of the Chairperson in the absence of the Chairperson and shall succeed to the office of Chairperson in the event of a vacancy in that office, in which case the Commission shall elect a successor to the office of Vice-chairperson at the earliest practicable time. The Secretary shall be responsible for the preparation of minutes, keeping of pertinent records, delivering communications, petitions, reports, and related items of business of the Commission, work with the Township Clerk for issuing notices of public hearings, and performing related administrative duties to assure efficient and informed Commission operations. In the event the Secretary is absent, the Chairperson or acting Chairperson shall appoint a temporary Secretary for such meetings.

2.3 Tenure: The officers shall take office at the next meeting following their election. They shall hold their office for a term of one year, or until their successors are elected.

3. MEETINGS

3.1 Meeting Notices: All meetings shall be posted at the Waverly Township Hall according to the Open Meetings Act. The notice shall include the date, time, and place of the meeting.

3.2 Regular Meeting: Regular meetings of the commission shall be held monthly in the Waverly Township Hall on a date established by the Commission. The dates and times shall be posted at the Waverly Township Hall and notice published in accordance with the Open Meetings Act. Changes in the date or time of the regular meetings shall be posted and noticed in the same manner as originally established. When a regular meeting date falls on or near a legal holiday, the Commission shall select a suitable alternate date in the same month in accordance with the Open Meetings Act.

3.3 Special Meetings: A special meeting may be called by the Chairperson or by two members of the Planning Commission upon written request to the Secretary or the Chairperson. The

business which the Planning Commission may perform shall be conducted at a public meeting of the Planning Commission held in compliance with the Open Meetings Act. Public notice of the time, date, and place of the special meeting shall be given in a manner as required by the Open Meetings Act, and the Secretary shall send written notice of a special meeting to Commission members not less than 48 hours in advance of the meeting.

3.4 Quorum: In order for the Commission to conduct business or take any official action, a quorum consisting of the majority of the voting members of the Commission shall be present. When a quorum is not present, no official action, except for the closing of the meeting may take place. The members of the commission may discuss matters of interest, but can take no action until the next regular or special meeting. All public hearings without a quorum shall be scheduled for the next regular or special meeting and no additional public notice is required provided the date, time, and place is announced at the meeting.

3.5 Hearing: Hearing shall be scheduled and due notice given in accordance with the provision of the acts and ordinance cited in Section 1. Public hearings conducted by the Planning Commission shall be run in an orderly and timely fashion. This shall be accomplished by the following procedure:

- a) Chairperson opens public hearing and announces subject.
- b) Chairperson summarizes procedures/rules to be followed during the hearing.
- c) Staff/Chairperson presents main points of application.
- d) Correspondence or persons speaking in support of application are recognized, beginning with the applicant. Each participant will be accorded three minutes to present their position. The Chairperson may elect to allow a group of participants to pool their time for one person to present the common view of the group.
- e) Correspondence or persons speaking in opposition to the application are recognized.
- f) Rebuttal comments by applicant. (Three minute time limit.)
- g) Chairperson closes public hearing. Explains the next steps. The Commission may elect to postpone a decision to allow more research or investigation to occur, or make a decision.
- h) Planning Commission deliberates and reaches a decision.

3.6 Motions: Motions shall be restated by the chairperson before a vote is taken. The name of the maker and supporters of the motions shall be recorded.

3.7 Voting: An affirmative vote of the majority of the Commission shall be required for the approval of any requested action or motion placed before the Commission. Voting shall ordinarily be by voice provided, however, that a roll call vote shall be required if requested by any Commission member or directed by the Chairperson. All members of the Commission including the Chairperson shall vote on all matters except where a conflict of interest is determined to exist. The duty exists when one does not have a conflict, even if the issue pertains to a friend or someone in the neighborhood where to vote may be uncomfortable or difficult.

3.7.1 Conflict of Interest: Any member may be excused from voting only if that person has a bona fide conflict of interest as recognized by the majority of the remaining members of the Commission. Members shall avoid situations which are conflicts of interest. Conflict of

interest shall at a minimum include but not necessarily be limited to the following: Issuing, deliberating, voting, or reviewing a case:

- a) concerning herself or himself.
- b) concerning work on land owned by herself or himself.
- c) involving a corporation, company, partnership, or any other entity in which she or he is a part owner, or any other relationship where she or he may stand to have a financial gain or loss.
- d) which is an action which results in a pecuniary benefit to herself or himself.
- e) concerning her or his spouse, children, step-child, grandchildren, parents, brother, sister, grandparents, parents-in-law, grandparents-in-law, or members of her or his household.
- f) where an employee or employer is an applicant or agent for an applicant or has a direct interest in the outcome.

3.7.2 Where a Conflict is Determined to Exist: The member of the Commission shall do all of the following immediately, upon first knowledge of the case and determining a conflict exists:

- a) Declare a conflict exists at the next meeting of the Commission or committee.
- b) Cease to participate in the conflict issue at the Commission or committee meetings, or in any other manner; or to represent one's self before the Commission, its staff, or others, and
- c) During deliberation of the agenda item at a Commission or committee meeting leave the meeting or remove one's self from the front table where members of the Commission sit until that agenda item is concluded.

3.8 Order of Business: A written agenda for all regular meetings shall be prepared as follows. The order of business shall be:

Call To Order
Roll Call
Approval of Agenda
Approval of Minutes
Public Hearings
Unfinished Business
New Business
Public Comments
Commissioner Comments
Adjourn

A written agenda for special meetings shall be prepared and be similar to the form as enumerated above.

3.9 Rules of Order: Unless otherwise detailed within these bylaws, all meetings of the Commission shall be conducted in accordance with the generally accepted parliamentary procedure as governed by "Roberts Rules of Orders." Public comments may be allowed during Commission deliberation at the discretion of the Chairperson to allow or to conclude up to three minutes per person. The decision to allow or disallow should be stated at the beginning of the meeting.

3.10 Notice of Decision: A written notice containing the decision of the Planning Commission will be sent to petitioners or originators of a request.

4. MINUTES

4.1 Commission minutes shall be prepared by the Secretary. The minutes shall contain a brief synopsis of the meeting including a complete restatement of any motions and recording of votes, complete statement of the conditions or recommendations made on any action, and recording of attendance. All communications, actions, and resolutions shall be attached to the minutes. Posted minutes shall be available for public inspection not more than 8 business days after the meeting to which the minutes refer. Approved minutes shall be available for public inspection not later than 5 business days after the meeting at which the minutes are approved by the public body. The official records shall be submitted annually to the Township Clerk.

5. OPEN MEETING AND FREEDOM OF INFORMATION PROVISIONS

5.1 All meetings of the Commission shall be opened to the public and held in a place available to the general public.

5.2 All deliberations and decisions of the Commission shall be made at a meeting open to the public.

5.3 A person shall be permitted to address a hearing of the Commission under the rules established in Section 3.5 and to address the Commission concerning non-hearing matters under the rules established in Section 3.8 to the extent that they are applicable.

5.4 A person shall not be excluded from a meeting of the Commission except for breach of the peace committed at the meeting.

5.5 All records, files, publications, correspondence, and other materials are available to the public for reading, copying, and other purposes as governed by the Freedom of Information Act.

6. AMENDMENTS

6.1 These bylaws may be amended by the Commission by a concurring vote pursuant to Section 3.7 during any regular meeting provided that all members have received an advance copy of the proposed amendments at least three days prior to the meeting at which such amendments are to be considered.

6.2 These bylaws shall be reviewed every three years by the Commission.

7. ABSENCES, REMOVALS, RESIGNATIONS, AND VACANCIES

7.1 To be excused, members of the planning commission shall notify the township supervisor, planning commission chairperson or other planning commission member when they

intend to be absent from a meeting. Failure to make this notification prior to the meeting shall result in an unexcused absence.

7.2 Members may be removed by the township board for misfeasance, malfeasance or nonfeasance in office upon written charges and after a public hearing.

7.3 A member may resign from the planning commission by sending a letter of resignation to the township supervisor, township board or planning commission chairperson.

7.4 If any member of the Commission is absent from two consecutive regularly scheduled meetings with excuse, then that member shall be considered delinquent which may be presented to the Township Board as grounds for removal of that member for misconduct or nonperformance of the member's duties. The Commission Secretary, or acting secretary in the absence of the elected Secretary, shall maintain attendance records of the Commission and must inform the Township Board, in writing, of any delinquent members of the Commission.

7.5 Vacancies shall be filled by the township supervisor, with the approval of the township board, within one month of resignation or removal of a planning commission member. Successors shall serve out the unexpired term of the member being replaced.