

## Vergennes Township Planning Commission Amended Bylaws

The following rules of procedure are hereby adopted by the Vergennes Township Planning Commission to facilitate the performance of its duties as outlined in the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, *et seq.*, and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, *et seq.*

### SECTION 1: Officers

- A. Selection and Tenure.** At the first regular meeting each January, the planning commission shall select from its membership a chairperson and secretary and vice-chairperson. All officers shall serve a term of one year, or until their successors are selected and assume office, except as noted in C, below. All officers shall be eligible for re-election for consecutive terms.
- B. Chairperson.** The chairperson shall preside at all meetings, appoint committees and perform such other duties as may be ordered by the planning commission.
- C. Vice Chairperson.** The vice chairperson shall act in the capacity of the chairperson in his/her absence. In the event the office of chairperson becomes vacant, the vice chairperson shall succeed to this office for the unexpired term, and the planning commission shall select a successor to the office of vice chairperson for the unexpired term.
- D. Secretary.** The secretary shall execute documents in the name of the planning commission and shall perform such other duties as the planning commission may determine.

### SECTION 2: Meetings

The business the planning commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act. The planning commission may establish reasonable rules and regulations in order to minimize the possibility of disrupting the meeting.

- A. Regular Meetings.** The planning commission shall hold not less than four regular meetings each year and by resolution shall determine the time and place of such meetings. Other meetings may be held as necessary. When a regular meeting falls on a legal holiday or upon a day resulting in a conflict, the planning commission shall, if possible, select a suitable alternate meeting date in the same month as the originally scheduled meeting.

Notice of regular planning commission meetings shall be posted at the principal township office within 10 days after the planning commission's first meeting in each calendar year in accordance with the Open Meetings Act.

- B. Special Meetings.** Special meetings may be called by the chairperson or upon written request to the secretary by at least two members of the planning commission.

Notice of special meetings shall be given to the members of the planning commission at least 48 hours prior to the meeting. Such notice shall state the purpose, time and location of the special meeting and shall be posted in accordance with the Open Meetings Act.

- C. Notice.** Notice required for specific planning, zoning or other land use actions will be given in accordance with the Michigan Planning Enabling Act, the Michigan Zoning Enabling Act, Land Division Act, or other applicable statute.
- D. Public Hearings.** All public hearings held by the planning commission must be held as part of a regular or special meeting of the planning commission.
- E. Agenda.** The chairperson shall be responsible for preparing a tentative agenda for planning commission meetings. The agenda may be modified by action of the commission.

- F. Quorum.** Three members of the planning commission shall constitute a quorum for transacting business and taking official action for all matters. No official action of the commission may be taken without a quorum present.
- G. Voting.** An affirmative vote of the majority of the members of the planning commission is required to approve any part of the master plan or amendments to the plan or to amend these bylaws. Unless otherwise required by statute, other actions or motions placed before the planning commission may be adopted by a majority vote of the members present and voting, as long as a quorum is present. Voting shall be by voice vote; a roll call vote shall be required if requested by any commission member or directed by the chairperson. Except in the case of voting on whether a conflict of interest, all planning commission members (excluding the member with potential conflicts of interest), including the chairperson and any ex officio member, shall vote on all matters.
- H. Public Records.** All meetings, minutes, records, documents, correspondence and other materials of the planning commission shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.

### **SECTION 3: Duties of the Planning Commission**

The planning commission shall perform the following duties:

- A.** Prepare, review and update a master plan as a guide for development within the township's planning jurisdiction.
- B.** Take such action on petitions, staff proposals and township board requests for amendments to the zoning ordinance as required.
- C.** Take such action on petitions, staff proposals and township board requests for amendments to the master land use plan as required.
- D.** Prepare an annual written report to the township board of the planning commission's operations and the status of planning activities, including recommendations regarding actions by the township board related to planning and development.
- E.** Take such actions as authorized or required by the Michigan Planning Enabling Act.
- F.** Take such actions as authorized or required by the Michigan Zoning Enabling Act.
- G.** Review subdivision proposals and recommend appropriate actions to the township board.
- H.** Perform other duties and responsibilities or respond as requested by any township board or commission or as set forth by township ordinances.

### **SECTION 4: Absences, Removals, Resignations and Vacancies**

- A.** To be excused, members of the planning commission shall notify the 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.
- B.** Members may be removed by the township board for misfeasance, malfeasance or nonfeasance in office upon written charges and after a public hearing.
- C.** A member may resign from the planning commission by sending a letter of resignation to the township board.
- D.** Vacancies shall be filled by the township supervisor, with the approval of the township board. Successors shall serve out the unexpired term of the member being replaced.

## SECTION 5: Conflict of Interest

Each member of the Planning Commission shall avoid conflicts of interest.

1. **Definition.** A conflict of interest is any set of facts or circumstances which would impact a planning commission member's ability to act objectively and fairly and may, at a minimum include, but not necessarily be limited to, the following:
  - a. Issuing, deliberating on, voting on, or reviewing a case, directly or indirectly, concerning him or her.
  - b. Issuing, deliberating on, voting on, or reviewing a case, directly or indirectly, concerning work on land owned directly or indirectly by him or her or which is adjacent to land owned directly or indirectly by him or her.
  - c. Issuing, deliberating on, voting on, or reviewing a case involving a corporation, company, partnership, or any other entity in which he or she is directly or indirectly a part owner, or any other relationship where he or she may stand to have a financial gain or loss.
  - d. Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a financial benefit, directly or indirectly, to him or her.
  - e. Issuing, deliberating on, voting on, or reviewing a case concerning his or her spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parents-in-law, or members of his or her household.
  - f. Issuing, deliberating on, voting on, or reviewing a case where his or her employee or employer is:
    - (i) An applicant or agent for an applicant, or
    - (ii) Has a direct or indirect interest in the outcome.
2. **Disclosure of Possible Conflict.** Each Planning Commissioner shall disclose a conflict of interest prior to the presentation of the applicable agenda item. In all cases, the Planning Commission shall deliberate on the disclosure and, by a majority vote of the remaining members present, shall determine whether a conflict of interest exists.
3. **Conflict of Interest Exists.** When a conflict of interest is determined to exist, the affected member shall cease to participate in discussion or voting on the subject item.
4. **No Conflict of Interest Exists.** Where no conflict of interest is determined to exist, the affected member shall participate in discussion and shall vote on the agenda item. It is not permissible for a Planning Commissioner to abstain on any matter, except where it is determined a conflict of interest exists.
5. **Voting with Conflict of Interest.** Without disclosing a potential conflict of interest and knowingly voting on such matter, and shall constitute malfeasance of office.

## SECTION 6: Amendments

These bylaws may be amended at any meeting by a vote of the majority of the membership of the planning commission.

Adopted by the Vergennes Township Planning Commission at a regular meeting June 4, 2012.