

West Benzie Joint Planning Commission

**Benzonia and Platte Townships
Benzie County, Michigan**

**By-Laws and Rules of Procedure
Adopted February 2, 2017**

The general purpose of the West Benzie Joint Planning Commission shall be to guide and promote the efficient, coordinated development of these Townships in a manner that will best promote the long-term health, safety and general welfare of its people.

1. **Authority**

These rules of procedures are adopted by the West Benzie Joint Planning Commission (hereinafter referred to as the WBJPC) pursuant to Michigan Planning and Enabling Act, Public Act 22 of 2008, MCL 125.3801, et. seq., and the Michigan Zoning and Enabling Act, Public Act 110 of 2006, MCL 125.3101, et. seq.

2. **Officers and Representative**

The WBJPC shall be composed of five members (three from Benzonia Township and 2 from Platte Township) appointed by the Township Supervisors with the approval of the Township Boards.

- 2.1. **Selection and Tenure:** At the last regular meeting of each year, the WBJPC shall select from its members a Chairperson, Vice Chair, and Secretary who shall be eligible for re-election. All officers shall serve a term of one year, or until their successors are selected and assume office, except as noted in 2.2 or 2.3 listed below. All officers are eligible for re-election, and consecutive terms of the same office.
- 2.2. **Chairperson:** The chairperson shall preside at all meetings, appoint committees and perform such other duties as may be ordered by the WBJPC.
- 2.3. **Vice Chairperson:** The vice chairperson shall act in the capacity of the chairperson in the absence of that person. In the event the office of chairperson becomes vacant, the vice chairperson shall succeed to this office for the unexpired term and the WBJPC shall select a successor to the office of vice chairperson for the unexpired term.
- 2.4. **Secretary:** The secretary (or a contracted recording secretary) shall execute documents in the name of the WBJPC, perform the duties hereinafter listed below, and shall perform such other duties as the WBJPC may determine.

2.4A. **Minutes:** The secretary (or a contracted recording secretary) shall be responsible for maintaining a permanent record of the minutes of each meeting and shall have them contain a brief synopsis of the meeting, including a complete restatement of all motions and record of votes, condition, or recommendations made on any action and record of attendance. All communications, actions, and resolutions shall be attached to the minutes. The official records shall be deposited annually with the Township Clerks.

2.4B. **FOIA Coordinator:** If a FOIA request for paper copies of WBJPC minutes or other business is made by a citizen, said citizen shall be required to pay a fee. The amount of the fee shall be the product of the time required to make requested copies at an hourly rate equal to the hourly equivalent pay of the lowest paid employee of Benzonia Township. Fee shall also include a copy machine charge of .25 per page. If a voice recording of the meeting has been made, the recording shall be held by the Benzonia Township Clerk for one month after the conclusion of the meeting and then destroyed. If a citizen wishes a copy of the voice recording, said citizen shall be responsible for bringing their

own recording device to Benzonia Township Hall and making recording in conjunction with a township employee at the township hall. A fee shall be charged for this as described previously in this section.

2.4C. **Correspondence:** The secretary shall be responsible for issuing formal written correspondence with other groups or persons, as directed by the WBJPC. All communications, petitions, reports, or other written materials received by the secretary shall be brought to the attention of the WBJPC.

2.4D. **Attendance:** The secretary shall be responsible for maintaining an attendance record for each WBJPC member and report those records annually to the WBJPC for inclusion in the annual report to the Township Boards. Any member of the WBJPC who shall be absent for three consecutive regular meetings without being excused by a majority vote of the Commission, shall be cited for nonperformance of duty and a recommendation be made to the respective Township Board that this member be replaced. Members of the WBJPC may, after a public hearing, be removed by the Supervisor for inefficiency neglect of duty, or malfeasance in office, provided that such removal is approved by the respective Township Board.

2.4E. **Notices:** The secretary shall oversee the issuance of such notices as may be required by the planning commission, including Open Meeting Act notices, as well as notices required for specific planning or zoning actions under the Michigan Planning Enabling Act or the Michigan Zoning Enabling Act.

2.5. **Zoning Board of Appeals Representative:** The WBJPC representatives to the zoning boards of appeals (or the Zoning Administrator) shall report the actions of the zoning boards of appeals to the WBJPC and update the zoning boards of appeals on actions by the WBJPC that relate to the functions and duties of the zoning boards of appeals.

2.6. **Available Liaison:** The Zoning Administrator shall attend other governmental meetings, as seen fit by the chairperson, as a Liaison, for the purpose of disseminating information and/or providing a report to the board.

3. Meetings, Boards and Committees

3.1. **Meeting Notices:** All meetings shall be posted at the Township Halls according to the Open Meetings Act. This notice shall include the date, time, and location of the meeting.

3.2. **Regular Meeting:** Regular meetings of the WBJPC are bi-monthly at the Benzonia Township Hall, on the dates established for the subsequent year by the WBJPC at their last regular meeting of each year, and conducted in compliance with the Open Meetings Act. The dates and times of all regular meetings for the year shall be posted at both Township Halls and a notice shall be published in accordance with the Open Meetings Act. Any changes in the date or time of the regular meetings shall be posted and notified in the same manner as a special meeting. When a regular meeting date falls on or near a legal holiday, the WBJPC shall, if possible, select a suitable alternate date in the same month, as the regularly scheduled meeting, in accordance with the Open Meetings Act. 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.

- 3.3. **Special Meeting:** Special meetings may be called by the chairperson or upon written request to the secretary by at least two members of the WBJPC. Notices of special meetings shall be given to the members of the WBJPC 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.
- 3.4. **Public Hearings:** All public hearings held by the WBJPC must be held as part of a regular or special meeting of the WBJPC. All hearings shall be scheduled and given due and timely notice thereof in accordance with the provisions of the acts and ordinance cited in Article 1: Authority.

3.4A. **Master Plan, Zoning Hearings, and Special Hearings:** Before the adoption of any part of the Master Plan or any amendment to the Master Plan, or recommending approval of an amendment to the Zoning Ordinance to the Township Boards, the WBJPC shall hold a public hearing on the matter. The secretary shall follow the notice requirements in accordance with the Open Meetings Act.

3.4B. **Organization and Procedures:** Officers shall be elected according to the Joint Planning Commission bylaws. The annual report will be prepared at the last regular meeting of the year.

3.4C. **Notice of Decision:** A written notice containing the decision of the WBJPC will be sent to the petitioners and originators of the request. Any approved plan should be filed with the Township Boards and the County planning commission.

3.4D. **Rules of Procedure:** Public Hearings conducted by the WBJPC shall be run in an orderly and timely fashion. This shall be accomplished by the following general procedure:

3.4Di. Chairperson opens the public hearing and announces the subject.

3.4Dii. Procedures/rules to be followed at the meeting are summarized by the chairperson.

3.4Diii. When appropriate, a member of the Commission will present the main points of the application and make a report.

3.4Div. Correspondence in support of the application will be read first followed by correspondence opposed.

3.4Dv. The applicant will speak first, followed by all persons in favor of the application. Next the persons opposed to the application will speak.

3.4Dvi. Each public speaker shall limit his presentation to five (5) minutes, unless he requests longer and is approved by a majority votes of the WBJPC.

3.4Dvii. After all persons have spoken, rebuttal comments will be heard. All comments must be addressed to the chairperson.

3.4Dviii. The WBJPC's planner/engineer/other consultants will present their report and recommendation.

3.4Dix. The chairperson will then close the public hearing and the WBJPC may deliberate. A decision may be made then or at another later public meeting. To ensure everyone has the opportunity to speak, the chairperson may elect to limit the time permitted for each person to speak, except that the applicant may be permitted additional time as the chairperson allows. The chairperson may also elect to allow persons to speak only once, until all persons have had the opportunity to speak, at which time the chairperson, at his/her discretion, may permit additional comments. All comments by the public, staff and planning commission shall be directed to the chairperson. All comments shall be related to the land use request; unrelated comments shall be ruled out of order.

- 3.5. **Motions:** Shall be restated by the chairperson before a vote is taken. The names of the maker of the motion and supporter of the motion shall be recorded.
- 3.6. **Voting:** An affirmative vote of the majority of those WBJPC members present for the conduct of business shall be required for the approval of any requested action or motion placed before the WBJPC.

3.6A. However, there must be a minimum of three concurring votes regardless of the size of the quorum. If only three members are in attendance, an option would be given to the applicant at the commencement of the meeting to proceed or adjourn for a future meeting when more members can attend.

3.6B. Voting shall ordinarily be by voice vote; provided however that a roll call vote shall be required if requested by any WBJPC member or directed by the chairperson. All members of the WBJPC including the chairperson shall vote on all matters.

3.6C. Incompatibility of Office

3.6Ci. Each member of the commission shall avoid conflicts of interest and/or incompatibility of office. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:

- a. Issuing, deliberating on, voting on, or reviewing a case concerning him or her
- b. Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by him or her or which is adjacent to land owned 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 a part owner, or has 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 pecuniary benefit 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:

1. An applicant or agent for an applicant, or
2. Has a direct interest in the outcome.

3.6Cii. If there is a question whether a conflict of interest exists or not, the question shall be put before the WBJPC. Whether a conflict of interest exists or not shall be determined by a majority vote of the remaining members of the WBJPC.

3.6Ciii. When a conflict of interest exists, the member of the WBJPC, or committee, shall do all of the following immediately, upon first knowledge of the case and determining that a conflict exists:

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

3.6Civ. If a member of the WBJPC is appointed to another office, which is an incompatible office with his or her members on the WBJPC, then on the effective date of the appointment to the other office, that shall result in an automatic resignation from the WBJPC. If a member of another office is appointed to the WBJPC, which is an incompatible office with his or her membership in the other office, then on the effective date of the appointment to the WBJPC, that shall result in an automatic resignation from the other office.

3.7. **Order of Business:** A written agenda for all regular meetings shall be prepared as follows:

The order of business shall be:

1. Call to Order
2. Secretary roll call
3. Approval of Minutes
4. Approval of Agenda
5. Conflict of Interest
6. Unfinished Business
7. Reports-Zoning Administrator, ZBA, other
8. New Business
9. Public Comment on agenda items
10. Public Comment on non-agenda items
11. Any other business or general input

12. Adjournment

3.7A. A written agenda for special meetings shall be prepared and followed, however the form as enumerated above shall not be necessarily followed.

- 3.8. **Rules of Order:** All meetings of the WBJPC shall be conducted in accordance with generally accepted parliamentary procedure, as governed by "Robert's Rules of Order".

4. Open Meetings and Freedom of Information Provisions

- 4.1. All meetings of the WBJPC shall be open to the public and held in a place available to the public
- 4.2. All deliberations and decisions of the WBJPC shall be made at a meeting open to the public
- 4.3. A person shall be permitted to address the WBJPC under the rules established in subsection 3.4D to the extent that they are applicable.
- 4.4. A person shall not be excluded from a meeting of the WBJPC except for breach of the peace committed at a meeting.
- 4.5. All records, files, publications, correspondences, and other related materials are available to the public for reading, copying and other purposes as governed by the Freedom of Information Act.

5. Amendments

These rules may be amended by the WBJPC by a concurring vote pursuant to subsection 3.7, during any regular meeting, provided that all members have received an advanced copy of the proposed amendments at least three days prior to the meeting at which amendments are to be considered.