

BARTON TOWNSHIP PLANNING COMMISSION BYLAWS

These Bylaws of the Planning Commission of Barton Township, Newaygo County, Michigan, are adopted in accordance with the Michigan Planning Enabling Act (Act 33 of 2008, as amended) and the Barton Township Ordinance Confirming Establishment of Planning Commission, requiring the Planning Commission to adopt Bylaws for the transaction of business and keep a public record of its resolutions, transactions, findings, and determinations. Members of a planning commission other than ex officio members shall be appointed for 3-year terms. The Township Supervisor shall appoint members of the planning commission, subject to approval by a majority vote of the Township Board.

SECTION 1: OFFICERS & COMMISSIONERS

- A. Selection and Tenure - At the first regular meeting each calendar year the Planning Commission shall select from its membership a chairperson, vice chairperson and secretary. All officers shall serve a term of one year, or until their successors are selected and assume office, except as noted below. All officers shall be eligible for re-election for consecutive terms for the same office. An ex officio member of the Planning Commission is not eligible to serve as chairperson.
- 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. An ex officio member of the Planning Commission is not eligible to serve as Vice Chairperson.
- 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.
 1. Minutes. The Secretary shall be responsible for maintaining a permanent record of the minutes of each meeting and shall have them recorded in suitable permanent records maintained by the Township Clerk. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and record of votes, conditions or recommendations made on any action and record of attendance.
 2. Notices. The Secretary or Township Clerk shall oversee the issuance of such notices as may be required by the Planning Commission, including Open Meetings 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.

SECTION 2: MEETINGS

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

- 1) Regular Meetings. The Planning Commission shall hold not less than four 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 in accordance with the Open Meetings Act.

- 2) 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. The Planning Commission may establish other methods of calling a special meeting.

Notice of special meetings shall be given to the members of the Planning Commission at least eighteen (18) 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) 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.
- 4) 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.
- 5) Agenda. The Chairperson or his/her designee shall be responsible for preparing a tentative agenda for Planning Commission meetings. The agenda may be modified by action of the Commission.
- 6) Quorum. A majority of Planning Commission members appointed and serving shall constitute a quorum for the transaction of business at meetings unless otherwise specified in these Bylaws. The Chairperson may postpone or reschedule a meeting in the event a quorum will not be present upon proper notification in accordance with the Open Meetings Act (Act 267 of 1976 as amended).
- 7) Voting. An affirmative vote of a majority of the members of the Planning Commission appointed and serving is required to approve: 1) the Master Plan or amendments to the Master Plan, 2) the Zoning Ordinance or amendments to the Zoning Ordinance, and 3) 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, providing 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. Voting shall be by rotation amongst the members as much as possible and reasonable, to discourage influence in decision making. Except in the case of conflict of interest, all Planning Commission members, including the Chairperson and ex officio member, shall vote on all matters.
- 8) 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.
- 9) Reporting Requirements. The Commission shall provide for timely transmission of such reports or recommendations as are required by State law, Township Ordinance or Board policy.
- 10) Public Comment. No member of the public shall address the Planning Commission without first being recognized by the chairperson, and then providing their name and address. There shall be a time limit of five (5) minutes per speaker during that portion of the meeting designated on the agenda for public comment. The chairperson shall, subject to being

overruled by vote of a majority of the Planning Commission members present, have discretion to extend this time limit for an individual speaker for good cause shown.

SECTION 3: DUTIES OF THE PLANNING COMMISSION

The Planning Commission shall perform the following duties:

- A. Take such actions as authorized or required by the Michigan Planning Enabling Act (Act 33 of 2008 as amended).
 - 1. Prepare, review, and update a master plan as a guide for development within the Township's planning jurisdiction.
 - 2. Take such action on petitions, staff proposals and Township Board requests for amendments to the Zoning Ordinance as required.
 - 3. Take such action on petitions, staff proposals and Township Board requests for amendments to the master land use plan as required.
 - 4. 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.
 - 5. Review subdivision proposals and recommend appropriate actions to the Township Board.
- B. Take such actions as authorized or required by the Michigan Zoning Enabling Act (Act 110 of 2006 as amended)
 - 1. Hear and recommend to the Barton Township Board to grant Special Land Use permits.
 - 2. Formulate and recommend Zoning Ordinances, including their amendments or revisions.
 - 3. Evaluate and prepare recommendations related to the administration and enforcement of the Zoning Ordinance.
- C. Prepare and submit a budget request to the Township Board by the end of January each year.
- D. Perform other duties and responsibilities or respond as requested by any Township Board or commission.

SECTION 4: ABSENCES, REMOVALS, RESIGNATIONS AND VACANCIES

- A. Absences. 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. Removal. Members may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.
- C. Resignation. A member may resign from the Planning Commission by sending a letter of resignation to the Township Board.
- D. Vacancies. 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

- A. Planning Commission members shall declare a potential conflict of interest and abstain from participating in Planning Commission deliberations and voting on a request when:
1. The request for which the Planning Commission is asked to deliberate involves the Commissioner, his/her spouse, children, stepchildren or adopted children, grandchildren, parents, brothers, sisters, grandparents, parents' in-law, grandparents' in-law, or members of his/her household.
 2. The Planning Commission member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency, or association.
 3. The Planning Commission member owns or has a financial interest in an adjoining property. For purposes of this section, property separated only by an abutting public or private road, street or highway shall be deemed an adjoining property.
 4. There is a reasonable appearance of a conflict of interest, as determined by a majority vote of the remaining members of the Planning Commission present.
- B. Each Planning Commission member declaring a conflict of interest must state the nature of the conflict and whether they believe they could impartially consider the request before the Planning Commission. They must abstain from any discussion or votes relative to the matter that is the subject of the conflict. They may make presentations to the Planning Commission as a representative of their own proposal, for which they are the applicant, provided they are seated in the audience and do not vote. Otherwise, they may not participate in the discussion.
- C. Failure of a member to disclose a potential conflict of interest as required by these bylaws constitutes malfeasance in office.
- D. Notwithstanding any conflicts of interest as described above, all members of the Planning Commission shall vote on, make, or participate in making any decision or recommendation that comes before the Planning Commission, if the following occur:
1. The requisite quorum necessary for official action on the decision or recommendation by the Planning Commission is not available because a majority of the Planning Commission members have a conflict of interest as defined by this section.
 2. Each member of the Planning Commission discloses any personal, contractual, financial, business, or employment interest they may have in the decision or recommendation and the disclosure is made part of the public record of the official action on the Planning Commission decision or recommendation.

SECTION 6: ADVISORY COMMITTEES

The Commission may authorize and appoint advisory committees whose members may consist of government officials and individuals whose experience, training and interest in the Commission's work qualifies them to provide valuable assistance and expertise to the

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Commission. The Commission may also appoint various committees of competent citizens to collect information and prepare reports to the Commission on the various phases of the comprehensive planning program for which the Commission is primarily responsible. In accordance with Public Act 33 of 2008, the Commission may also appoint advisory committees whose members are not members of the Planning Commission.

SECTION 7: AMENDMENTS

These Bylaws may be amended at any meeting by a vote of the majority of the members of the Planning Commission appointed and serving.

SECTION 8: RECORD OF ADOPTION

A motion to approve the **Bylaws**, was made by Richard Talcott and supported by Abe Symanski.

Aye: Abe Symanski, Arlan Jackson, John Wright, John Zimmerman, Keith Cook, Richard Talcott, Ron Dukavas

Nay: None

Adopted by the Barton Township Planning Commission at a regular meeting on May 18, 2023.

Attested:

Arlan Jackson, Secretary