

**BRIDGEWATER TOWNSHIP
PLANNING COMMISSION BY-LAWS**

Adopted _____ 2009

1. AUTHORITY

The following rules of procedure are hereby adopted by the Bridgewater Township Planning Commission (hereinafter referred to as the Commission) to facilitate the performance of its duties as outlined in the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL125.3801, et seq., and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, et seq.

2. MEMBERSHIP

2.1 Number. The Commission shall be composed of seven members, all of whom shall be qualified electors of the Township, except one member may be a non-qualified elector appointed by the Township Supervisor and approved by the Township Board. One member of the Township Board shall be a member of the Commission. One member of the Commission shall be a member of the Township's Zoning Board of Appeals.

2.2 Appointment. All members of the Commission shall be appointed by the Township Supervisor with the approval of the Township Board. Members may be removed by the Township Board for misfeasance, malfeasance or nonfeasance in office upon written changes and after a public hearing.

2.3 Term. The term of office for each member is three years, provided, the term of office of the member selected from the Township Board shall not exceed such member's term on the Township Board. All vacancies for unexpired terms shall be filled for the remainder of such term.

2.4 Succession. Each member shall serve until the member's term expires and a successor is appointed, or until such member's resignation or removal from office.

2.5 Compensation. Members shall be compensated for their services as provided by the Township Board.

2.6 Township Board Representative. The Township Board representative to the Commission shall report to the Township Board on the Commission's activities, and present to the Township Board the recommendations of the Commission. The Township Board representative shall also report to the Commission any relevant actions of the Township Board.

2.7 Zoning Board of Appeals Representative. The Commission representative to the Township Zoning Board of Appeals shall report to the Commission on relevant actions of the Zoning Board of Appeals and shall report to the Zoning Board of Appeals on relevant actions by the Commission.

2.8 Attendance. To be excused, members of the Commission shall notify the chairperson when they intend to be absent from a meeting. Failure to make this notification prior to the meeting shall result in an unexcused absence.

2.9 Training. Each member shall have attended at least four hours per year of training in planning and zoning during the member's current term of office.

2.10The membership of the Commission shall be representative of the important segments of the community such as the economic, governmental, educational, and social development of the Township, in accordance with the major interests as they exist in the Township, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry and commerce as required by the Act.

2.11The membership of the Commission shall also be representative of the entire geography of the Township to the extent practicable.

3. OFFICERS

3.1 Selection. At the regular-meeting in January of each year the Commission shall select from its membership a chairperson, vice - chairperson and secretary.

3.2 Term. The Chair, Vice-Chair and Secretary shall take office immediately following their election and shall hold office for a term of one year or until their successors are selected and assume office. All officers shall be eligible for re-election.

3.3 Chairperson. The chairperson shall be the chief executive officer of the Commission and may not be a member of the Township Board or the Township Zoning Board of Appeals. The chairperson shall:

- (a) preside at all meetings with all powers under parliamentary procedure; and shall conduct all meetings in accordance with the rules provided herein;
- (b) shall rule out of order any irrelevant remarks; remarks that are personal; remarks about another's race, religion, sex, physical condition, ethnic background, beliefs, or similar topics; profanity; or other remarks which are not about the topic before the Commission;
- (c) to the extent required by law, sign resolutions contracts or legal documents authorized by the Commission;
- (d) appoint committees; appoint officers of committees or choose to let the committees select their own officers; and act as an Ex-Officio member of all committees of the Commission;
- (e) appoint an Acting-Secretary in the event the Secretary is absent from a Commission meeting;
- (f) represent the Commission, along with the board representative member, before the Township Board; and
- (g) perform such other duties as may be ordered by the Commission.

3.4 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 Commission shall select a successor to the office of vice chairperson for the unexpired term.

3.5 Secretary. The secretary shall:

- (a) be responsible for the preparation of minutes, and deliver to the Township clerk for custody the Commission's official minutes and records;
- (b) to the extent required by law, co-sign resolutions, contracts and legal documents authorized by the Commission;

- (c) be responsible for maintaining an attendance record for each Commission member and report those records annually to the Commission for inclusion in the annual report to the Township board;
- (d) perform related administrative duties to assure efficient and informed Commission operations and such other duties as may be ordered by the Commission;
- (e) The Township clerk shall oversee the issuance of such notices as may be required by the Commission, including Open Meetings Act notices, as well as notice required for specific planning or zoning actions under the Michigan Planning Enabling Act or the Michigan Zoning Enabling Act.

4. MEETINGS

- 4.1 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.
- 4.2 Regular Meeting.** Meetings of the Commission will be held the on the second Monday of every month at 7: 30 p.m. at Bridgewater Township Hall, 10990 Clinton Road, Manchester, MI 48158. When a regular meeting date falls on or near a legal holiday, the Commission shall select a suitable alternate date in the same month. An annual notice or regularly scheduled Commission meetings shall comply with the Open Meetings Act.
- 4.3 Special Meetings.** A special meeting may be called by the chairperson, or by two members of the Commission upon written request to the Secretary. 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. The Secretary shall send written notice of a special meeting to Commission members not less than 48 hours in advance of the meeting.
- 4.4 Quorum.** Four members will constitute a quorum for the transaction of business at all Commission meetings. Whenever a quorum is not present at a regular or special meeting, those present shall adjourn the meeting to another day in accordance with provisions of the Open Meetings Act.
- 4.5 Agenda.** The chairperson shall be responsible for preparing a tentative agenda for Commission meetings. The agenda may be modified by action of the Commission.
- 4.6 Order of Business.** The order of business for regular meetings shall be:
- (a) Call to Order
 - (b) Roll Call
 - (c) Citizen Participation
 - (d) Approval of Agenda
 - (e) Approval of Minutes
 - (f) Public Hearings
 - (g) Old Business
 - (h) New Business
 - (i) Communications
 - (j) Informational Items
 - (k) Public Comment
 - (l) Adjournment

4.7 Public Hearings. All public hearings held by the Commission must be held as part of a regular or special meeting of the Commission after proper notice. The following order of presentation and rules of procedure apply to public hearings:

- (a) Presentation of petition or request by applicant
- (b) Consultant Comments
- (c) Commission member comments
- (d) The chairperson opens the public hearing, announces the subject, and summarizes the procedures to be followed during the hearing.
- (e) Other persons desiring to comment on the petition are recognized including any letters or petitions received by the Commission regarding the subject.
- (f) The chairperson closes the public hearing and returns to the regular or special meeting.
- (h) The Commission discusses, deliberates and takes action on the petition or request.

To ensure that everyone has the opportunity to speak, the chairperson may elect to limit the time permitted for each person to speak. The applicant may be permitted additional time as the chairperson allows. The chairperson also may elect to allow persons to speak only once, until all persons have had an opportunity to speak, at which time the chairperson, in his or her discretion, may permit additional comments. All comments by the public, staff, and Commission members shall be directed to the chairperson. All comments shall be related to the matter at hand; unrelated matters will be ruled out of order.

4.8 Motions. Motions shall be restated by the chairperson before a vote is taken.

- (a) Findings of Fact. All actions taken in an administrative capacity (including but not limited to, special use permits, subdivisions, zoning, site plan review, planned unit developments, review and submission on another municipality's proposed plan, review and submission on a capital improvement, review of township zoning) shall include each of the following parts:
 - 1. A finding of fact, listing what the Commission determines to be relevant facts in the case in order to eliminate misleading statements, hearsay, irrelevant, and untrue statements.
 - 2. Conclusions to list reasons based on the facts for the Commission's action, often directly related, or not, to a finding of compliance, or noncompliance, to standards.
 - 3. The Commission's action; recommendation or position, approval, approval with conditions, or disapproval.

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

4.10 Voting. An affirmation 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 voice vote; 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, but the chairperson shall vote last. Any member may be excused from voting only if that person has a bonafide conflict of interest as recognized by the majority of the remaining members of the Commission. Any member abstaining from a vote shall not participate in the discussion of that item.

4.11 Parliamentary Procedure. Parliamentary procedure in Commission meetings shall be informal. However, if required to keep order, Commission meetings shall then be governed by Roberts Rules of Order Newly Revised, (10th Edition, Perseus Publishing, New York, 2000 (ISBN 0-7382-037-6)) for issues not specifically covered by these Bylaws. Where these Bylaws conflict, or are different than Robert's Rules of Order, then these Bylaws control.

4.12 Minutes. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all 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.

4.13 Public records. All meetings, minutes, records, documents, correspondence and other materials of the Commission shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.

5. DUTIES OF THE PLANNING COMMISSION

- 5.1** Prepare, review and update a master plan as a guide for development within the Township's planning jurisdiction.
- 5.2** Take such action on petitions, staff proposals and Township Board request for amendments to the zoning ordinance as required.
- 5.3** Take such action on petitions, staff proposals and Township Board requests for amendments to the master land use plan as required.
- 5.4** Prepare an annual written report to the Township Board of the Commission's operations and the status of planning activities, including recommendations regarding actions by the township board related to planning and development.
- 5.5** Take such actions as authorized or required by the Michigan Planning Enabling Act.
- 5.6** Take such actions as authorized or required by the Michigan Zoning Enabling Act.
- 5.7** Review subdivision proposals and recommend appropriate actions to the Township Board.
- 5.8** Prepare a capital improvements program (if not exempted from preparing a capital improvements program by Township Board resolution).
- 5.9** Commission members are encouraged to perform site inspections in compliance with the Open Meetings Act.

6. CONFLICT OF INTEREST

Before casting a vote on a matter on which a Commission member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the planning commission. Failure of a member to disclose a potential conflict of interest as required by these Bylaws constitutes malfeasance in office.

A Commission member with a Conflict of Interest should not participate in any discussion or decision regarding the property. Any one of the following is indicative of a Conflict of Interest:

- (a) Member owns, leases, or rents property that is the subject of a request.
- (b) The applicant or property owner is a relative, employer, employee, or close personal

- friend of the member.
- (c) The member resides, owns, leases, or rents property that is within the public notification distance required by the governing statute.
- (d) The member is employed by a company or party that represents an applicant, property developer or owner.
- (e) The member has a substantial business relationship with the applicant, property developer or owner.
- (f) Any member that feels they have a Conflict of Interest not specifically detailed may discuss the points of potential conflict before the issue is taken up at the PC meeting. If there is consensus among the PC that no conflict exists, the member should remain at the table and perform their PC duties.

When a conflict of interest is identified, the member will recuse herself or himself and physically leave the room. She or he will refrain from any participation or discussion on the topic. There can be no appearance that the conflicted member is influencing the Planning Commission on any conflicted matter. She or he will rejoin the table after the discussion and vote are completed.

7. AMENDMENTS

These Bylaws may be amended by the Commission at any regular meeting, provided that all members have received an advanced copy of the proposed amendments at least 3 days prior to the meeting at which such amendments are to be considered. Upon adoption of these Bylaws of (date), they shall become effective and all previous Bylaws shall be repealed.

THESE BY-LAWS ARE ADOPTED THIS ___DAY OF _____, 20__ BRIDGEWATER TOWNSHIP PLANNING COMMISSION

_____, Chairman

_____, Secretary