

BRIDGEHAMPTON TOWNSHIP PLANNING COMMISSION BYLAWS

RULE 1: AUTHORITY

These bylaws are adopted by the Bridgehampton Township Planning Commission (hereinafter referred to as the Planning Commission) pursuant to the Michigan Planning Enabling Act, 2008 Public Act 33 (MCL 125.3801 *et seq.*), as amended.

RULE 2: CREATION AND MEMBERSHIP

2.1 Creation. On _____, ____ and pursuant to the Michigan Planning Enabling Act (Act 33 of the Public Acts of 2008, as amended) and the Michigan Zoning Enabling Act (Act 110 of the Public Acts of 2006, as amended), the Bridgehampton Township Board confirmed the establishment of the Bridgehampton Township Planning Commission by resolution and ordinance with all of the powers and duties set forth in the Michigan Zoning Enabling Act.

2.2 Members. The Planning Commission shall consist of 7 members. Members shall be appointed by the Township Supervisor of Bridgehampton Township with the approval of the Township Board. The term of each member shall be for three years.

- a. All members must be qualified electors of the Township.
- b. One member of the Township Board must be appointed to the Planning Commission.
- c. Pursuant to Section 7.01.01 of the Township Zoning Ordinance, the Chairman of the Planning Commission shall be appointed to the Zoning Board of Appeals. However, the Chairman of the Planning Commission sitting as a member-Zoning Board of Appeals member may not vote on the same matter voted on as a Planning Commission member.

d. Collectively, the Planning Commission members must be representative of important segments of the Township, including agriculture, recreation, education, public health, government, commerce, transportation, and industry.

2.3 Chairperson, Vice Chairperson, and Secretary. At the first regular meeting of the Planning Commission each calendar year following appointments by the Township Board, the Planning Commission must select a chairperson, vice chairperson, and secretary from among its members, and must create and fill other offices and committees as it considers advisable. The term of each office is 1 year, with eligibility for re-election. The Township Board member may not serve as chairperson of the Planning Commission. The Chairperson presides at the public meetings of the Planning Commission. The vice chairperson is authorized to serve as chairperson if the chairperson is absent. The secretary (or authorized designate) must execute all documents in the name of the Planning Commission, is responsible for the minutes of each meeting, and must provide for permanent keeping of all documents of the Planning Commission. All communications, petitions, and reports addressed to the Planning Commission must be delivered or mailed to the secretary (or the secretary's authorized designate).

2.4 Compensation. Members of the Bridgehampton Township Planning Commission may be compensated for their services as provided by the Bridgehampton Township Board.

RULE 3: TERMS OF OFFICE; VACANCIES

3.1 Terms of Office. Planning Commission members' terms are three-year terms, or until their successors are appointed (except for the member representing the Township Board, whose term shall expire with his or her term on the Township Board).

3.2 Vacancies.

- a. Expired Terms. A successor must be appointed not more than 30 days after the term of the preceding Planning Commission member has expired. However, a member whose term has expired shall hold office until his or her successor is appointed.
- b. Unexpired Terms. All vacancies for unexpired terms must be filled within 30 days after the vacancy occurs, and the new appointee shall serve for the remainder of the unexpired term.
- c. Appointments to fill vacancies for unexpired terms must be made by the Township Supervisor of Bridgehampton Township with the approval of the Township Board.

3.3 Removal from Office. The Township Board may remove a Planning Commission member for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

RULE 4: RESPONSIBILITIES AND AUTHORITY

4.1 Responsibilities. The Planning Commission must perform all of the following:

- a. Prepare, update, revise, amend, and supplement the Township Master Plan as a guide for the development of unincorporated portions of the Township pursuant to Michigan law.
- b. Promote public understanding of and interest in the Township Master Plan, and publish and distribute copies of the plan and of any report (using such other means of publicity and education as it deems necessary).
- c. Make an annual written report to the Township Board concerning its operations and the status of planning activities including recommendations

regarding actions by its Township Board related to planning and development and Planning Commission budget recommendations.

- d. Review all plats or other matters related to land development if they are referred to the Planning Commission by the Township Board before final action by the Township Board.
- e. Perform all other actions required by law, the Township Zoning Ordinance, and other applicable rules and regulations.

4.2 Requirements for Action. All actions taken by the Planning Commission require the affirmative vote of at least the majority of Planning Commission members.

4.3 Conflict of Interest. Before casting a vote on a matter on which a Planning Commission member may reasonably be considered to have a conflict of interest, the member must disclose the potential conflict of interest to the Planning Commission. The member is disqualified from voting on the matter if a conflict of interest exists or if a majority vote of the remaining Planning Commission members concludes that a conflict exists. Failure of a member to disclose a potential conflict of interest as required under these bylaws and Michigan law constitutes malfeasance in office. For purposes of these bylaws, a conflict of interest shall include, but is not limited to, a matter pending before the Planning Commission in which:

- a. a Member has a direct pecuniary interest in the matter or in the outcome of the matter, if such interest would result in an incompatibility between the Member's private interests and the Member's fiduciary duties to the Township; or
- b. a person in the Member's immediate family has a direct pecuniary interest in the matter or in the outcome of the matter, if such interest would result in an incompatibility between the Member's private interests and the Member's fiduciary duties to the Township. "Immediate family" means a Member's spouse,

children, stepchildren, grandchildren, parents, brothers, sisters, grandparents, parent's in-law, or any individual living in the Member's household.

Quorum. A majority of the Members of the Planning Commission constitute a quorum for purposes of transacting business of the Planning Commission and the Open Meetings Act. Each Member of the Commission has one vote. If the Planning Commission lacks a quorum due to a member(s) having a conflict of interest, each conflicted Member's name(s) shall be put on a separate piece of paper and placed into a hat, or other suitable container. One name at a time shall be drawn, and the Member whose name(s) is drawn shall be entitled to vote until there are enough voting Members so a quorum exists. The voting Member(s) with a conflict shall also meet the additional requirements provided in MCL 15.342a.

RULE 5: MEETINGS

5.1 Meeting Schedule. The Planning Commission must meet in regular session according to a schedule adopted by resolution at the end of the previous calendar year or as subsequently revised. At a minimum, there must be quarterly meetings of the Planning Commission. Special meetings may be called by the chairperson or at the written request of four (4) members of the Planning Commission. Written requests must be submitted to the Planning Commission Secretary.

5.2 Meetings. Planning Commission meetings will usually be held at the Bridgehampton Township Hall or at such other locations properly noticed in compliance with the Open Meetings Act.

5.3 Notice of Meetings. Notice of meetings must be posted pursuant to the Open Meetings Act. For a special meeting, the secretary must send written notice of a special meeting to all members of the Planning Commission not less than 18

hours in advance of the meeting. The notice must state the purpose, time, date and location of the meeting.

5.4 Agenda. A written agenda outlining the order of business for all regular meetings may be developed by the Planning Commission with concurrence of the chairperson. The agenda may be supplemented or reordered by the Planning Commission during a regularly scheduled meeting. The Planning Commission may postpone action on an agenda item if substantive information or materials are submitted at the meeting at which the agenda item is scheduled for consideration. The Planning Commission may postpone any public hearing if adequate information is not available to the Planning Commission to conduct the public hearing for a regular or special meeting.

5.5 Public Participation. A member of the public may speak at public meetings or the public hearing part of a meeting of the Planning Commission in accordance with procedures adopted by the Planning Commission. The following procedures apply:

- a. Time for public comment must be provided at the beginning of a regular Planning Commission meeting. Additional time may be scheduled at the end of such meeting, if necessary.
- b. Individuals wishing to speak are requested to provide the person's name, address, topic to be addressed, and position on the matter.
- c. Persons must be recognized by the Chairperson before speaking.
- d. Persons addressing the topic of a scheduled public hearing are encouraged to present their remarks during the public hearing portion of the meeting.

RULE 6: ATTENDANCE AND QUORUM

6.1 Quorum. A majority of the members of the Planning Commission constitute a quorum for purposes of transacting business of the Planning

Commission and the Open Meetings Act. Each member of the Commission has one vote.

6.2 Attendance. Members of the Planning Commission who are absent from more than three consecutive regularly-scheduled Planning Commission meetings or more than 40% percent of the regularly-scheduled Planning Commission meetings in a calendar year may, after notice and public hearing, be removed by the Township Board from the Planning Commission for nonfeasance in office. Exceptions may be made if absences are due to the conduct of other business as authorized by the Planning Commission or absences are excused by the Planning Commission. The following procedures must apply:

- a. A member of the Planning Commission must notify the Planning Commission Chairperson of an anticipated absence as far in advance of the meeting as possible, stating the reason for such absence.
- b. The Chairperson may postpone or reschedule a meeting in the event a quorum will not be present.

RULE 7: RECORDS

7.1 Meeting Records. Minutes must be maintained for all Planning Commission proceedings, including evidence, information and data relevant to each case under consideration, resolutions, transactions, findings, voting by members, determinations, and final disposition of each case.

7.2 Maintenance of Records. Minutes of each Planning Commission meeting must be filed with the Township Clerk and must be available to the public. Minutes of closed sessions must be maintained separately and not disclosed to the public, except upon court order. A writing prepared, owned, used, in the possession of, or retained by the Planning Commission in the

performance of an official function must be made available to the public except where exempted by the Freedom of Information Act.

RULE 8: COMMITTEES

8.1 Formation of Committees. The Planning Commission may establish committees to meet the needs and objectives of the Planning Commission and must specify the number of members, terms of appointment, functions, goals, and projected time period for such committees. The Planning Commission may appoint advisory committees outside of its membership.

8.2 Public Notice. Notice of the formation of committees, their purpose, membership, and meeting schedule must be posted in the Bridgehampton Township Hall. All meetings and meeting records must be open to the public except where otherwise provided by the Open Meetings Act or the Freedom of Information Act.

8.3 Accountability and Records. Committees must be accountable to the Planning Commission. Records must be maintained for all meetings. Reports and recommendations must be submitted to the Planning Commission in writing.

8.4 Discharge of a Committee. A committee may be discharged from its responsibilities by a majority vote of the Planning Commission.

RULE 9: PERSONNEL

9.1 Other Personnel. The Township Board, upon recommendation of the Planning Commission, may employ a zoning administrator, planning director or other personnel or consultants, contract for services of planning and other experts and technicians, provide support staff, and pay or authorize payment of expenses within the funds budgeted for planning or zoning purposes.

RULE 10: REVIEW OF RULES

Rules and procedures adopted by the Planning Commission may be reviewed and amended from time to time. Amendments will require an affirmative vote of a majority of the Planning Commission.

83709:00001:2682386-4