

Eagle Township Planning Commission

Resolution Establishing Planning Commission Bylaws

At a meeting of the Eagle Township Planning Commission, Clinton County, Michigan, held at the Eagle Township Hall on the Seventh day of September, 2023, at 7:00 p.m.

PRESENT: ROBIN CURRIER, MICHELLE HOPPE, EMILY SUTHERLAND, PICH JONES

ABSENT: JOAN ISLER

The following resolution was offered by HOPPE and seconded by JONES.

WHEREAS, the Eagle Township Ordinance No. 01-2023 established the Planning Commission, pursuant to the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801 *et seq.*; and

WHEREAS, Section 8 of Ordinance No. 01-2023 requires the Planning Commission to adopt bylaws for the transaction of business. Moreover, the Planning Enabling Act requires a planning commission to adopt bylaws to define and govern conflicts of interests; and

WHEREAS, the Planning Commission finds that the Bylaws should be adopted to clearly define the scope of duties of the Planning Commission, to govern Planning Commission meetings and procedures, and to allow the Planning Commission to take appropriate action under Michigan law.

NOW, THEREFORE, be it resolved by the Eagle Township Planning Commission that the Bylaws below constitute the Bylaws of the Eagle Township Planning Commission:

Eagle Township Planning Commission Bylaws

The following Bylaws are hereby adopted by the Eagle Township Planning Commission, Clinton County, Michigan 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 and Committees

A. Selection and Delegation of Duties: At the first regular meeting each year, the Planning Commission shall select from its membership a Chairperson, Vice Chairperson, and Secretary. All officers shall be eligible for re-election for consecutive terms for the same office. The Chairperson, Vice Chairperson, and Secretary shall take office immediately following their selection and shall hold office for a term of one year or until their successors are selected and assume office. All officers can lawfully delegate their duties below (e.g., preparing agendas) if not in conflict with Michigan law.

- B. Chairperson:** The Chairperson shall preside at all meetings, create the meeting agenda, appoint committees, and perform such other duties as may be ordered by the Planning Commission. Additionally, the Chairperson shall prepare an annual budget for the Planning Commission to be submitted to the Township Board for Commission training, supplies, reference materials, studies, and other tools to meet the requirements for carrying out Planning Commission responsibilities.
- C. Vice Chairperson:** The Vice Chairperson shall act in the capacity of the Chairperson in their absence, and in the event the office of the Chairperson becomes vacant, the Vice Chairperson shall succeed the office of Chairperson for the unexpired term. The Commission shall select a successor for the office of Vice Chairperson for the unexpired term should the Vice Chairperson become Chairperson under the provision above.
- D. Secretary:** The Secretary shall prepare and execute documents in the name of the Planning Commission, keeping a record of all the Planning Commission's resolutions, transactions, findings, and determinations, and shall perform such other duties as the Planning Commission may determine. The Secretary shall file all minutes and other public records of the Planning Commission meetings with the Township Clerk.
- E. Other Offices and Committees:** Upon majority vote of those present at a meeting of the Planning Commission, the Planning Commission may create other officer positions and committees as determined necessary and may specify the duties of such officers and committees by motion.

All communications, petitions, and reports shall be addressed to the Planning Commission and delivered to the Secretary for distribution amongst members of the Planning Commission. The Secretary shall also be responsible for the following:

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. No official action taken by the Commission at any meeting shall be validated or effective until a copy of the minutes of the meeting at which such action was taken shall be filed with the Township Clerk.
2. **Correspondence:** The Secretary shall be responsible for issuing formal written correspondence with other groups or persons, as directed by the Planning Commission.
3. **Notices:** The Secretary shall oversee the issuance of such notices as may be required by the Planning 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. **Attendance:** The Secretary shall be responsible for maintaining an attendance record for each Planning Commission member and report those records annually to the Planning Commission for inclusion in the annual report to the Township Board.

F. Tenure of Planning Commission Members: Planning Commission member terms shall be for three (3) years with staggering dates besides terms corresponding with initial Planning Commission member appointments, ex-officio members, those filling vacancies for members who have left office, or as otherwise provided by law.

SECTION 2: Meetings

The business the Planning Commission may perform shall be conducted at public meetings 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 a meeting including reasonable rules governing public comment. Such reasonable rules can be verbally articulated by the Chairperson of the Planning Commission (as moderator of the meeting) if not objected to by a majority vote of the Planning Commission members in attendance at such 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 fiscal year in accordance with the Open Meetings Act.

B. Special Meetings: Special meetings may be called at the request of the Chairperson or by two other members, upon written request to the Secretary. 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. If the Secretary is unable to contact Commission members, notice shall be left at the member's usual place of residence, by electronic mail, or by providing such notice to Township Hall with a communication to the member that the notice will be at the Township Hall.

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. The Township Clerk or their designee shall oversee the issuance of such notices.

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 Secretary or their designee shall be responsible for preparing an agenda for Planning Commission meetings. The agenda shall be approved by the Planning Commission at the applicable meeting. The order of business for each meeting shall follow the general format below unless modified during the meeting by action of the Planning Commission or if the Secretary deems the business of a particular meeting warrants a different agenda format.

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of Agenda
5. Approval of Prior Meeting Minutes
6. Public Comment on Agendas Items Only
7. Correspondence
8. Old Business
9. New Business
 - a. Public Hearings (If Applicable)
 - i. The Chairperson will declare such a public hearing open and state its purpose. The petitioner or proponent of the action advertised will be heard first.
 - b. Any Other New Business
10. Public Comment (All Other Items)
11. General Planning Commission Discussion
12. Adjournment

Each agenda shall include an opportunity for public comment and may include multiple opportunities for public comment. The duration of the public comments shall be at the discretion of the Chairperson and in accordance with governing law, but shall generally provide each member of the public at least three minutes to address the Planning Commission per stated public comment period. Public comment need not be responded to by the Planning Commission (e.g., question and answer).

For purposes of the agenda, "New Business," refers to any matters and/or topics not previously addressed at a prior Planning Commission meeting. "Old Business" refers to any matters and/or topics that have been previously addressed at a previous Planning Commission meeting.

F. Quorum: A majority (three of five) of the total assigned members of the Planning Commission shall constitute a quorum for transacting business and taking official action.

Whenever a quorum is not present at a regular or special meeting, those Planning Commission members present may adjourn the meeting to another day and shall not transact any business.

- G. Voting:** An affirmative vote of the majority of the members of the Planning Commission is required to approve actions or motions placed before the Planning Commission as long as a quorum is present and applicable law permits such action by majority vote. Votes may be made by voice vote and shall be recorded by yeas and nays for all matters that can be approved by voice vote. A roll call vote shall be required if requested by any commission member or directed by the Chairperson or if a roll call vote is required by applicable law. Except in the case of conflict of interest, all Planning Commission members, including the Chairperson and ex officio member, shall vote on all matters.

- H. Motions:** Motions shall be restated by the Chairperson before a vote is taken. The name of the maker and supporter of a motion shall be recorded by the Secretary.

- I. Public Records:** All meetings, hearings, 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

In addition to the duties set forth in Ordinance No. 01-2023, the Planning Commission may perform the following duties and shall perform all duties required by law:

- A. Prepare, review and update a master plan as a guide for development within the Township's planning jurisdiction.

- B. Generate comprehensive surveys and studies of present conditions and future growth of the Township with regard to its relation to neighboring territory.

- C. Prepare coordinated and comprehensive programs of public structures and improvements.

- D. Promote public interest in and understanding of the master plan.

- E. Review and take such action on other lawful requests by the Township Board.

- F. Take such action on petitions, staff proposals, and Township Board requests for amendments to a master plan if required.

- G. 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 including, if applicable, any budget recommendations for the Planning Commission.

- H. Take such actions as authorized or required by the Michigan Planning Enabling Act and/or Clinton County Zoning Ordinance or an Eagle Township Zoning Ordinance, if established by the Planning Commission and Township Board.
- I. Take such actions as authorized or required by the Michigan Zoning Enabling Act.
- J. Perform other lawful duties and responsibilities as directed by the Township Board or Planning Commission.

SECTION 4: Attendance, Absences, Removals, Resignations and Vacancies

- A. Members are expected to attend all regularly scheduled Planning Commission meetings and special meetings, as appropriate.
- B. Excused absences are permitted but are limited to two regular meetings per year. Excess of two excused absences per year or one unexcused absence may be deemed nonfeasance in office and warrant removal from the Planning Commission for nonfeasance in office after a public hearing before the Township Board. To be excused, members of the Planning Commission shall notify the Planning Commission Chairperson or Secretary of a pending absence prior to the regularly scheduled Planning Commission meeting. Failure to make this notification prior to the meeting shall result in an unexcused absence. Planning Commission member attendance, including excused or unexcused absences, shall be noted in the meeting minutes. The inability to attend special meetings shall not be deemed an unexcused absence, but excessive absence from special meetings necessary for the Planning Commission to conduct its business may constitute nonfeasance in office.
- C. Members of Planning Commission may be removed from office by the Township Board for misfeasance, malfeasance or nonfeasance in office upon written charges and after a public hearing.
- D. A member may resign from the Planning Commission by sending a letter of resignation to the Chairperson of the Commission. The Commission shall inform the Township Board that a vacancy exists and request appointment of a new member.
- E. 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: Public Hearings

- A. **Public Hearings:** Any action required by law that requires a public hearing will necessitate the Planning Commission holding a public hearing and meeting all applicable notice requirements, which may include, but is not limited to, mailing, publication, and posting notice. The Planning Commission may also utilize public hearings for other topics as deemed necessary to solicit public input. A public hearing will require additional public

comment on the particular agenda item by the public and interested parties (including any applicant requesting a public hearing).

- B. Commission Action – Public Hearing:** Action by the Planning Commission on any matter on which a public hearing is required shall not be taken until the hearing has been concluded.

SECTION 6: 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 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.

Conflict of interest is defined as, and a Planning Commission member shall declare a conflict of interest and abstain from participating in Planning Commission deliberations and voting on a request, when:

1. An immediate family member is involved in any request for which the Planning Commission is asked to make a decision. "Immediate family member" shall include the Planning Commission member's spouse, children (including adopted) and their spouses, step-children and their spouses, grandchildren and their spouses, parents and step-parents, brothers and sisters and their spouses, grandparents, parents in-law, grandparents in-law, or any person residing in the Planning Commission member's 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 neighboring property. For the purposes of this section, a neighboring property shall include any property immediately adjacent to the property involved in the request.
4. The particular matter to be deliberated on or voted on by the Planning Commission member will cause the Planning Commission member, in their judgment, to not be able to fulfill their fiduciary duties to the Township.
5. There is a reasonable appearance of a conflict of interest, as determined by a majority vote of the remaining members of the Planning Commission.
6. **Rule of Necessity:** For purposes of these Bylaws, and under MCL 125.3815(9), the following scenario shall not qualify as a conflict of interest prohibiting members of the Planning Commission from voting, deliberating, or considering a matter. Under these circumstances, members with the Planning Commission may vote, deliberate, and consider a matter under the Rule of Necessity. It shall not be a conflict of interest when:

- a. Conflicts of interest under these Bylaws or the Standards of Conduct for Public Officers and Employees Act, Act 196 of 1973, MCL 15.341 *et seq.*, prevent a quorum of the Planning Commission from voting, deliberating, or considering a matter.
- b. All Planning Commission members with conflicts of interests (as defined above) disclose all personal, financial, or business interests in a proposed land use or with an applicant and disclose anything they reasonably believe may constitute conflicts of interest during an open meeting. These disclosures must be made during an open meeting and made part of a meeting's minutes.
- c. A member of the Planning Commission shall not be able to vote, deliberate, or consider any matter under the Rule of Necessity should they work more than 25 hours per week for the Township.

SECTION 7: Amendments/Conflicts/Waiver

These Bylaws may be amended at any meeting by a vote of the majority of the membership of the Planning Commission. Should these Bylaws conflict with any state statute or other applicable binding law, the binding law shall govern. Actions by the Planning Commission that are permitted by Michigan law, but are otherwise in conflict with these Bylaws, shall be ratified if conducted by a majority vote of the Planning Commission in attendance at a meeting. Such ratified actions shall not give rise to any claim by any person or entity against Eagle Township including its Planning Commission.

Adopted by the Eagle Township Planning Commission at a meeting on Seventh day of September of 2023.

ADOPTED:

YEAS: JONES, SUTHERLAND, HOPPE, CURRIE

NAYS: _____

ABSENT/ABSTAIN: ISZLER

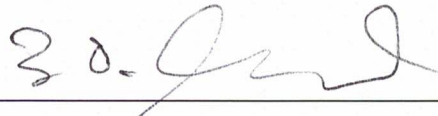
RESOLUTION DECLARED ADOPTED.

Robin Currie

Print Name: Robin Currie
 Planning Commission Chairperson

CERTIFICATION

I, the undersigned, the duly qualified and acting Secretary for the Eagle Township Planning Commission, Clinton County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Eagle Township Planning Commission at a meeting held on the Seventh day of September, 2023.



Print Name: Eric D. Sutherland, PE
Planning Commission Secretary