



Green Charter Township Planning Commission
Resolution Adopting Planning Commission Bylaws

24-01

At a meeting of the Green Charter Township Planning Commission, Mecosta County, Michigan held at the Green Charter Township Hall on the 29th day of April, 2024 at 12:00 p.m.

PRESENT: Cushway, Olen, Streeter, Mason, Finkbiner
ABSENT: _____

The following resolution was offered by Olen and seconded by Kushway.

WHEREAS, the Green Charter Township Planning Commission wishes to adopt Bylaws as required by law, MCL 125.3815(9), including provisions governing conflicts of interest and disqualification from voting; and

WHEREAS, the Planning Commission has reviewed and desires to adopt the Bylaws below for the transaction of Planning Commission business.

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

Green Charter Township Planning Commission Bylaws

The following bylaws are hereby adopted by the Green Charter Township Planning Commission, Mecosta 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. See MCL 125.3819.

SECTION 1: Officers and Members

- A. Chairperson:** The Chairperson shall preside at all meetings, create or delegate the creation of meeting agendas, appoint members to committees, and perform such other duties as may be ordered by the Planning Commission. The Chairperson shall not be the ex-officio member of the Planning Commission.
- B. Secretary:** The Secretary or his or her designee shall prepare minutes and other documents in the name of the Planning Commission and shall perform other duties as the Planning Commission may determine.
- C. Other Officers:** 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.
- D. Planning Commission Officers:** Planning Commission members named to officer positions shall hold those positions for one year with the opportunity for re-appointment

by majority vote of members of the Planning Commission present at a meeting. Officers shall hold any previous appointments until a successor has been appointed.

E. Tenure of Planning Commission Members: Planning Commission member terms shall be for three (3) years with staggering dates other than the ex-officio member. The initial appointments to the Planning Commission shall allow one to two year (or other) terms as outlined in Michigan Planning Enabling Act. The ex-officio member's term will correlate with their term on the Township Board. Planning Commission members shall hold office until successors are appointed.

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. **Correspondence:** All communications, petitions, reports or other written materials received by the Township regarding matters of the Planning Commission shall be brought to the attention of the Planning Commission. For purposes of this subsection, matters of the Planning Commission means any request that the Planning Commission must directly review or duty it must perform, and does not mean matters only performed by the Zoning Administrator such as issuing and reviewing applications for zoning permits.
3. **Notices:** The Township Clerk or their designee 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.

SECTION 2: Meetings

The business the Planning Commission may perform 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 a 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 or otherwise in accordance with the Open Meetings Act.

- B. **Special Meetings:** Special meetings may be called by the chairperson or by two other Planning Commission members upon written request to the Secretary. Such meetings can be called in timelines consistent with the Open Meetings Act and upon calling a special meeting. The Secretary shall have no obligations provide written notice of the special meetings to other Planning Commission members other than ensuring such meetings are publicly posted in accordance with the Open Meetings Act, but the Secretary may make other reasonable attempts to notify members of special meetings.
- 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.
- 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 Chairperson or their designee shall be responsible for preparing an agenda for Planning Commission meetings. The agenda may be modified during the Planning Commission meeting by action of the Planning Commission. Each agenda shall include an opportunity for public comment. The duration of the public comments shall be at the discretion of the Chairperson and in accordance with governing law.
- F. **Quorum:** ^{FWI} ~~Three~~ members of the Planning Commission shall constitute a quorum for transacting business and taking official action for all matters. No official action of the commission may be taken without a quorum present.
- G. **Voting:** An affirmative vote of the majority of the members of the Planning Commission present at a meeting is required to approve actions or motions placed before the Planning Commission as long as 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. 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. **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.

SECTION 3: Duties of the Planning Commission

The Planning Commission shall perform the following duties:

- A. Making recommendations as to an interim zoning ordinance and initial zoning ordinance of Green Charter Township.

- B. Prepare, review and update a master plan as a guide for development within the Township's planning jurisdiction.
- C. Take such action on petitions, any proposal brought forward by the Zoning Administrator or consultants retained by the Township Board, and Township Board requests for amendments to the Zoning Ordinance as required.
- D. Take such actions as authorized or required by the Michigan Planning Enabling Act and/or Green Charter Township Zoning Ordinance.
- E. Take such actions as authorized or required by the Michigan Zoning Enabling Act/
- F. Review subdivision proposals and recommend appropriate actions to the Township Board.
- G. Perform other duties and responsibilities or perform other duties as requested by the Township Board.

SECTION 4: Absences, Removals, Resignations and Vacancies

- A. 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 may result in an unexcused absence.
- B. Members may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.
- C. A member may resign from the Planning Commission by sending a letter of resignation to the Township Board.
- D. Planning Commission 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: Conflicts 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 (e.g., as an applicant) for which the Planning Commission is asked to make a decision. An immediate family member is not involved in a request should they speak about a request during a meeting public comment period or perform any other similar action to express an independent opinion related to a request. "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. Factual circumstances, in the determination of the Planning Commission member, may impact the Planning Commission member's independence of judgment in his or her performance of official duties.
5. **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 of 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 6: Amendments/Conflicts

These Bylaws may be amended at any meeting by a vote of the majority of the membership of the Planning Commission present at a meeting. Should these Bylaws conflict with any state statute or other applicable binding law, the binding law shall govern. Should the Planning Commission not act in strict compliance with these Bylaws, but otherwise perform an action by majority vote of those present and in compliance with other applicable laws, then the action shall be deemed valid and any non-conformance with these Bylaws shall be deemed waived.

Adopted by the Green Charter Township Planning Commission at a meeting on April 29, 2024.

ADOPTED: All in attendance
YEAS: Olen, Streetor, Mason, Finkbeiner, Cushman
NAYS: _____
ABSENT/ABSTAIN: Lg Madeline, Meads

RESOLUTION DECLARED ADOPTED.

Brent R. Mason
Planning Commission Chairperson
Print Name: Brent R. Mason

CERTIFICATION

I, the undersigned, the duly qualified and acting Secretary for the Green Charter Township Planning Commission, Mecosta County, Michigan DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Green Charter Township Planning Commission at a meeting held on the 29th day of April 2024.

Larry L. Finkbeiner II
Planning Commission Secretary
Print Name: Larry L. Finkbeiner II