

**Jonesfield Township Planning Commission
Resolution Amending Planning Commission Bylaws**

At a meeting of the Jonesfield Township Planning Commission, Saginaw County, Michigan held at the Jonesfield Township Hall on the 12th day of November 2020 at 6:00 p.m.

PRESENT: Richard Bluemer, Mike Kenny, Mike Keenan, Mark Gath and Kathy Nock

ABSENT: None

The following resolution was offered by Nock and seconded by Gath.

WHEREAS, the Jonesfield Township Planning Commission has adopted Bylaws as required by law, MCL 125.3815(9), including provisions governing conflicts of interest and disqualification from voting; and

WHEREAS, the Bylaws may be amended by a vote of a simple majority of the members of the Planning Commission; and

WHEREAS, the Planning Commission finds that the Bylaws should be amended in order to clearly define conflicts of interest and incorporate the Rule of Necessity to allow the Planning Commission to take action when conflicts of interest may prevent the Planning Commission from considering a matter.

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

Jonesfield Township Planning Commission Bylaws

The following rules of procedure are hereby adopted by the Jonesfield Township Planning Commission, Saginaw 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

A. Selection and Tenure: At the first regular meeting each year, the Planning Commission shall select from its membership a Chairperson and Secretary. Each officer shall serve a term of one year. All officers shall be eligible for re-election for consecutive terms for the same office.

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.

C. Secretary: The Secretary shall prepare minutes and other documents in the name of the Planning Commission and shall perform such other duties as the Planning Commission may determine.

D. Tenure of Planning Commission Members: Planning Commission member terms shall be for three (3) years with staggering dates.

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:** The Secretary shall be responsible for issuing formal written correspondence with other groups or persons, as directed by the Planning Commission. All communications, petitions, reports or other written materials received by the Secretary shall be brought to the attention of the Planning Commission.

3. **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.

4. **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 in order 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 accordance with the Open Meetings Act.

- B. Special Meetings:** The Chairperson may call special meetings. Notice of special meetings shall be given to the members of the Planning Commission at least 72 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.
- 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:** 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 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.** Prepare, review and update a master plan as a guide for development within the Township's planning jurisdiction.
- B.** Take such action on petitions, staff proposals, and Township Board requests for amendments to the Zoning Ordinance as required.

- C. Take such action on petitions, staff proposals, and Township Board requests for amendments to the master land use plan as required.
- D. 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.
- E. Take such actions as authorized or required by the Michigan Planning Enabling Act and/or Jonesfield Township Zoning Ordinance.
- F. Take such actions as authorized or required by the Michigan Zoning Enabling Act.
- G. Review subdivision proposals and recommend appropriate actions to the Township Board.
- H. Perform other duties and responsibilities or respond as requested by any Township Board or commission.

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 shall 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. 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

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. There is a reasonable appearance of a conflict of interest, as determined by a majority vote of the remaining members of the Planning Commission.
 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 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 State of Michigan or a political subdivision of the State of Michigan. MCL 15.342a(3)(b).

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. Should these Bylaws conflict with any state statute or other applicable binding law, the binding law shall govern.

Adopted by the Jonesfield Township Planning Commission at a meeting on November 12, 2020.

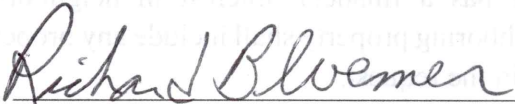
ADOPTED:

YEAS: Nock, Gath, Kenny, Keenan and Bluemer

NAYS: None

ABSENT/ABSTAIN: None

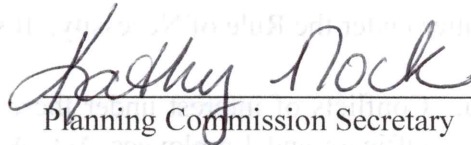
RESOLUTION DECLARED ADOPTED.



Planning Commission Chairperson

CERTIFICATION

I, the undersigned, the duly qualified and acting Secretary for the Jonesfield Township Planning Commission, Saginaw County, Michigan DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Jonesfield Township Planning Commission at a meeting held on the 12th day of November, 2020.



Planning Commission Secretary