

## **FREMONT COMMUNITY JOINT PLANNING COMMISSION BYLAWS**

The following rules of procedure are hereby adopted by the Fremont Community Joint Planning Commission to facilitate the performance of its duties as outlined in the Joint Municipal Planning Act, Act 226 of 2003, as amended (MCL 125.131 et. seq.), the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended (MCL 125.3801 et. seq.), and the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, (MCL 125.3101 et. seq.).

### **SECTION 1. DEFINITIONS**

As used in this Ordinance:

- (a) "Municipality" means the City of Fremont, Dayton Township and Sheridan Charter Township
- (b) "Participating" means, with respect to a municipality, that the municipality is a member of the Fremont Community Joint Planning Commission
- (c) "Joint Planning Commission" means the Fremont Community Joint Planning Commission

### **SECTION 2. COMPOSITION OF THE JOINT PLANNING COMMISSION; MEMBER APPOINTMENT**

A. Composition. The Joint Planning Commission shall consist of thirteen (13) members, of which five (5) members shall be appointed by the City of Fremont, four (4) shall be appointed by Dayton Township, and four (4) members shall be appointed by Sheridan Charter Township.

At least one of the members appointed by the City of Fremont shall be a duly elected member of the Fremont City Council. At least one of the members appointed by each of the townships participating in this Agreement shall be a duly elected member of the appointing Township's Board.

B. Member appointment. Members of the Joint Planning Commission shall be appointed by the Mayor of the City of Fremont subject to confirmation by the Fremont City Council; the Supervisor of Dayton Township subject to confirmation by the Township Board; and the Supervisor of Sheridan Charter Township subject to confirmation by the Township Board.

Each participating municipality may appoint an alternate member for the purpose of filling any vacancy created by the absence, resignation or termination of a member appointed by a participating municipality, provided, in the event of a vacancy caused by resignation or termination of a member such alternate shall act only until said vacancy is filled by further appointment by the participating municipality.

### **SECTION 3. TERMS OF MEMBERS; AND VACANCIES**

A. Terms of office. The initial members appointed by the City of Fremont shall be appointed for staggered terms with one member appointed to a one-year term, two members appointed to a two year term, and two members appointed to a three-year term. The initial members appointed by all of the participating townships shall be appointed for staggered terms with one member appointed to a one year term, one member appointed to a two year term, and two members appointed to a three year term. After the initial terms, all appointed members shall serve for terms of three years ending on December 31 of the applicable year. There are no term limits for members.

The term of the ex-officio member shall be determined by the respective municipalities' board or council when selecting the ex-officio member but shall not exceed the member's term of office as a board or council member.

B. Vacancies. The office of a member becomes vacant when the incumbent dies, resigns, is convicted of a felony or certain misdemeanors, is removed by the appointing municipality for cause, or ceases to be a resident of the Joint Planning Commission jurisdictional area. If a vacancy occurs, the vacancy shall be filled for the balance of the unexpired term by the participating entity that made the original appointment to the vacated position.

### **SECTION 4. RESIDENCY REQUIREMENTS; QUALIFICATIONS OF OFFICE; AND EDUCATIONAL REQUIREMENTS**

A. Residency requirements. All duly appointed members of the Joint Planning Commission shall reside within the jurisdictional area of the Joint Planning Commission. All of the members appointed by each of the municipalities who are a party to the Joint Planning Commission shall reside within the jurisdictional area of their appointing municipality. If a member moves to a residence in a municipality within the jurisdictional area of the Joint Planning Commission but outside of the municipality from which that member was appointed, that member may complete the appointed term but shall not be eligible for re-appointment. However, the member may be appointed in the municipality he/she now resides.

B. Qualifications of office. The membership of the Joint Planning Commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the Fremont Community, in accordance with the major interests as they exist in the local unit of government, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry and commerce. The membership shall also be representative of the entire geography of the local unit of government to the extent practicable.

C. Educational Requirements. Within the first twelve (12) months of being appointed to the Joint Planning Commission, each member shall attend at least eight (8) hours of education through seminars or continuing planning education that involves planning and zoning issues as approved in advance by the Commission chair. Thereafter, each member shall attend at least three (3) hours of seminars or continuing education per calendar year as approved in advance by the Commission chair. The Joint Planning Commission shall pay for all such approved seminars and continuing education courses subject to the appropriation and availability of training funds. If a member does not fulfill this requirement, such shall be deemed neglect of duty and subject the member to removal, except in the event funding is not provided such requirement need not be met and same in such circumstances shall not be deemed neglect of duty.

## **SECTION 5. ABSENCES; AND REMOVALS**

A. Absences. To be excused, members of the Joint Planning Commission shall notify the Joint Planning Commission chair when they intend to be absent from a meeting. Failure to make the notification prior to the meeting shall result in an unexcused absence. Three (3) consecutive unexcused absences shall be considered nonfeasance in office.

B. Removal from Office. The Joint Planning Commission may request the removal of one of its members by submitting a written request to the appointing municipality.

A member of the Joint Planning Commission may be removed from office by the appointing municipality following a hearing for cause. “Cause” shall include, but not be limited to, performance, conduct or behavior, whether by act or omission, which the entity appointing the member concludes materially and adversely affects the orderly or efficient operation of the Joint Planning Commission.

Examples of performance, conduct or behaviors that constitute “cause” for purposes of this provision include:

- Material breach of this Agreement;
- Violation of established bylaws, rules, regulations and policies, whether written or oral;
- Attendance infractions as defined by the Commission;
- Conviction of any felony or certain misdemeanors as provided by law; and/or
- Removal of residency from the Joint Planning Commission jurisdictional area

## **SECTION 6. OFFICERS**

A. Selection and Tenure. The Joint Planning Commission, at its first meeting of every calendar year shall select a chair, vice chair, secretary-treasurer, who shall serve as such officers of the Joint Planning Commission for that calendar year. Each appointee selected to serve in these positions must represent a different participating municipality.

**B. Duties.**

Chair. The Chair shall preside over all meetings of the Joint Planning Commission and shall perform the duties prescribed by these provisions.

Vice chair. The vice chair shall act in the capacity of the chair in his/her absence.

Secretary-Treasurer. The secretary/treasurer shall execute documents in the name of the Joint Planning Commission and shall perform such other duties as the Joint Planning Commission may determine. The secretary/treasurer will work with the staff of the Joint Planning Commission to carry out these duties.

**C. Vacancy.** In the event of a vacancy of the chair, vice chair or secretary-treasurer the Joint Planning Commission shall elect another person to fill such vacancy for the remainder of the term of the officer in the same manner and under the same conditions as an original election.

**SECTION 7. MEETINGS**

- A. Regular Meetings.** The Joint Planning Commission shall schedule at least one (1) regular meeting each month, to be held if the business of the Joint Planning Commission warrants the need for a meeting, but at a minimum there shall be at least four (4) regular meetings each year. Notice of the schedule of regular Joint Planning Commission meetings shall be posted in accordance with the requirements of the Open Meetings Act, Public Act 267 of 1976, as amended (MCL 15.261 et seq.).
- B. Annual Meeting.** The regular meeting of the Joint Planning Commission in January of each year shall be known as the Annual Meeting and shall be for the purpose of electing officers, establishing the meeting schedule for the coming year and for any other business that may arise.
- C. Special Meetings.** Special meetings may be called through written request by the chair or by any two (2) members of the Joint Planning Commission. Notice of special meetings shall be given in accordance with the Open Meetings Act, Public Act 267 of 1976, as amended (MCL 15.261 et. seq.).
- D. Quorum and Voting.** Seven (7) members of the Joint Planning Commission shall constitute a quorum of the Commission for the conduct of business. When a quorum is not present, no official action of the Commission except for closing the meeting may take place. All public hearings without a quorum present shall be rescheduled for the next regular or special meeting, and no additional public notice shall be required, provided that the date, time and place for the rescheduled public hearing is announced at the meeting, and such notice complies with the

Michigan Open Meetings Act, Public Act 267 of 1976, as amended (MCL 15.261 et. seq.).

The affirmative vote of 2/3 of the total membership of the Commission, regardless if vacancies or absences exist or not, shall be necessary for the adoption or recommendation for adoption of any master plan or amendment to such a plan.

- E. Meetings and Hearings. Meeting and hearings shall be scheduled and due notice given in accordance with the provisions of the Michigan Open Meetings Act, Public Act 267 of 1976, as amended (MCL 15.261 et. seq.) and the relevant enabling act under which the public hearing is being held.
- F. Public Records. All meetings, minutes, records, documents, correspondence and other materials of the Joint Planning Commission shall be open to public inspection in accordance with the Freedom of Information Act, Public Act 442 of 1976, as amended (MCL 15.231 et. seq.), except as may otherwise be provided by law.

## **SECTION 8. DUTIES OF THE JOINT PLANNING COMMISSION**

The Joint Planning Commission shall:

- A. Take such actions as authorized or required by the Joint Municipal Planning Act, Public Act 226 of 2003, as amended, (MCL 125.131, et. seq.)
- B. Take such actions as authorized or required by the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended, (MCL 125.3801 et. seq.)
- C. Take such actions as authorized or required by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, (MCL 125.3101 et. seq.)
- D. Prepare an annual written report to the participating jurisdictions' Boards/Council on the Joint Planning Commission's operations and the status of planning activities including recommendations regarding actions by the legislative bodies related to planning and development.
- E. Have authority to apply for and receive grants from any government agency or the federal government and to receive gifts in accordance with applicable Michigan laws.

The annual creation of a Capital Improvement Program (CIP) shall be the responsibility of participating municipalities.

## **SECTION 9. CONFLICT OF INTEREST**

Before casting a vote on a matter on which a Fremont Community Joint Planning Commissioner may reasonably be considered to have a conflict of interest, the member

shall disclose the potential conflict of interest to the Joint Planning Commission. Failure of a member to disclose a potential conflict of interest as required by these Bylaws constitutes a malfeasance in office.

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

1. An immediate family member is involved in any request for which the Fremont Community Joint Planning Commission is asked to make a decision. “Immediate family member” is defined as the Fremont Planning Commission member’s spouse, the member and member’s spouse’s 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 Joint Planning Commission member’s household.
2. The Joint 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 Joint 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 adjoining the property involved in the request.
4. The Joint Planning Commission member has close ties with the applicant, which is apparent to the casual observer, such as a long term or close friendship.
5. There is a reasonable appearance of a conflict of interest, as determined by a majority vote of the remaining members of the Joint Planning Commission.

In the case of a conflict of interest, the member shall state the conflict and recuse himself or herself and shall abstain from participating in Joint Planning Commission deliberations and voting on the matter.

## **SECTION 10. COMPENSATION**

Appointed members of the Fremont Joint Planning Commission may be compensated by their respective participating municipalities for participation at the Fremont Joint Planning Commission meetings and for attendance at educational sessions on planning and zoning issues that satisfy education requirements at a rate to be determined by resolution of the legislative bodies.

## **SECTION 11. AMENDMENTS**

These Bylaws may be amended at any meeting by a vote of the majority of the membership of the Fremont Community Joint Planning Commission, provided there is no

conflict with enabling statutes, the establishing agreement, and the joint zoning ordinance, all as amended.