

Kaleva-Maple Grove Joint Planning Commission

Bylaws

Adopted, effectively immediately, April 9, 2019

The name shall be the Kaleva-Maple Grove Joint Planning Commission, hereinafter known as the "Commission".

These bylaws are adopted by the Commission to facilitate the performance of its duties as outlined in P. A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, (M.C.L. 125.3801 *et seq.*), hereinafter "the Planning Act." These bylaws are intended to guide the Commission in supporting the current Master Plans of the Village of Kaleva and Maple Grove Township. To guide the Commission as it serves as the standard bearer for progressive, thoughtful planning in the development of a Joint Master Plan.

These bylaws are also adopted to facilitate the duties of the Commission for administration of a Zoning Ordinance as outlined in P.A. 110 of 206, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 *et seq.*), hereinafter "the Zoning Act." These bylaws are intended to guide the Commission in supporting the current Zoning Ordinances of the Village of Kaleva and Maple Grove Township. To guide the Commission in the development of a fair and equal Zoning Ordinance that is clearly enforceable for the jurisdictional area of the Commission.

Members of the Commission are appointed by the Kaleva Village Council and the Maple Grove Township Board pursuant to the "Kaleva-Maple Grove Joint Planning Commission Ordinance" of February 21, 2019

The purpose of liaisons is to provide certain Village of Kaleva and Maple Grove Township officials, Manistee County officials and quasi officials the ability to participate in discussions with the Commission, in addition to speaking in public participation, and nothing else. Liaisons cannot vote, introduce motions, initiate any other parliamentary action, be counted on for a quorum or be expected to comply with attendance requirements pursuant to Section 2.C of these bylaws. Liaisons, if not already appointed Commission members include but are not limited to:

Kaleva Village Officials, consultants, attorney and staff, DPW staff, Water dept staff, and consultants, Street Administrator and Parks Administrator

Maple Grove Township Officials, consultants, attorney and staff, Maple Grove Township Fire officers and members, Sexton and sub-contractors, Maple Grove Township EMS.

Manistee County Planning Commission, Manistee County Planner and planning department staff and consultants.

Manistee County Road Commission, Superintendent, Engineer and staff

SMART Trails Recreation Trails Committee

District Health Department staff

Manistee County Surveyor, Manistee County Drain Commissioner

Soil Conservation District, County Extension Director

Manistee County Register of Deeds

Bear Creek Watershed Council Members

If any member is absent from three consecutive regularly scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the appointing governmental entity to remove a member from the Commission for nonperformance of duty or misconduct. The Commission secretary, or acting secretary in the absence of the elected secretary, shall keep attendance records and shall notify the appointing government entity whenever any member of the Commission is absent from three consecutive regularly scheduled meetings, so the appointing government entity can consider further action allowed under law or excuse the absences.

Each member shall make every attempt to attend training, if provided by the appointing government entity. Training shall may come from various approved sources. Training may be obtained from sources discovered by the member but must be pre-approved by the appointing government entity.

Each member shall avoid conflicts of interest and/or incompatibility of office. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:

Issuing, deliberating on, voting on, or reviewing a case concerning him or her.

Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by him or her or which is adjacent to land owned by him or her.

Issuing, deliberating on, voting on, or reviewing a case involving a corporation, company, partnership, or any other entity in which he or she is a part owner, or any other relationship, or any other relationship where he or she may stand to have a financial gain or loss.

Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a pecuniary benefit to him or her.

Issuing, deliberating, voting on, or reviewing a case concerning his or her spouse, children, step-children, grandparents, parents, brothers, sisters, grandparents, parents-in-law, grandparents-in-law or members of his or her household.

Issuing, deliberating on, voting on, or reviewing a case where his or her employee or employer is:

An applicant or agent for an applicant

Has direct interest in the outcome

If there is a question whether a conflict of interest exists or not, the question shall be put before the Commission. Whether a conflict of interest exists or not shall be determined by a majority vote of the remaining members of the Commission.

When a conflict of interest exists, the member of the Commission, or committee, shall do all of the following immediately upon first knowledge of the case and determining that a conflict exists:

Declare a conflict exists at the next meeting of the Commission or committee

Cease to participate at the Commission or committee meetings, or in any other manner, or represent one's self before the Commission, its staff, or others.

During deliberation of the agenda item before the Commission or committee, leave the meeting or remove one's self from the front table where members of the Commission sit, until that agenda item is concluded.

If a member of the Commission is appointed to another office, which is an incompatible office with his or her membership on the Commission, then on the effective date of the appointment to the other office, that shall result in an automatic resignation from the Commission. If a member of another office is appointed to the Commission, which is an incompatible office with his or her membership in the other office, then on the effective date of the appointment to the Commission, that shall result in an automatic resignation from the other office.

Duties of all members

Members shall avoid *Ex Parte* contact about cases where an administrative decision is before the Commission whenever possible.

Despite one's best efforts it is sometimes not possible to avoid *Ex Parte* contact. When that happens, the member should take detailed notes on what was said and report to the Commission at a public meeting or hearing what was said, so that every member and other interested parties are made aware of what was said.

Site inspections shall be done by the Zoning Administrator or other staff. A written report on the site inspection shall be orally presented and copies of the written report will be made available to the planning Commission at a public meeting or hearing on this site.

Members of the Planning Commission may accompany the Zoning Administrator to site visits as long as a quorum of members is not present as per the Michigan Open Meetings Act.

Gifts shall not be accepted by a member of the Commission or liaisons from anyone connected with an agenda item before the Commission. As used here, gifts shall mean cash, any tangible item, or service, regardless of value, and food valued over one hundred (\$100) dollars.

This section does not apply to the Commission accepting gifts for the exercise of its functions pursuant to M.C.L. 125.3823(3), s23(3) of the Planning Act.

Free and open debate should take place on issues before the Commission. Such debate shall only occur at meetings of the Commission.

Once a vote is taken and an issue is decided by vote, the duty of each member of the Commission is to represent the position reflected by the outcome of the vote. Minority reports and requests for reconsideration may take place only at an open meeting of the Commission.

The spokesperson for the Commission shall be the Chairperson. In the event the Chair is unavailable the Vice-Chair will act as the spokesperson. If neither the Chair or Vice-Chair are available the Secretary may act as the spokesperson.

Officers of the Commission and their Duties

The Chair shall be selected annually in the January meeting. The Chair shall:

Moderate all meetings with all powers under parliamentary procedure.

Shall rule out of order any irrelevant remarks, remarks which are personal, remarks about another's race, religion, sex physical condition, ethnic background, beliefs, or similar topics, profanity, or other remarks which are not about the topic before the Commission.

Restate all motions including who moved and who supported.

Appoint Committees

May call special meetings in accordance with the Michigan Open Meetings Act (P.A. 267 of 1976).

Appoint an acting Secretary in the event the Secretary is absent from the Commission meeting.

Prepare the agenda for each meeting or assign the task to the Secretary.

Periodically meet with the Zoning Administrator to review department operations and procedures.

Act as the Commission's chief spokesperson.

Represent the Commission before the Kaleva Village Council and Maple Grove Township Board.

The Vice-Chair shall be elected annually at the January meeting. The Vice-Chair shall:

Act in the capacity of the Chair with all the powers and duties found in these bylaws in the Chair's absence.

Perform all other duties as may be ordered by the Commission.

The Secretary shall be elected annually at the January meeting. The Secretary shall:

Execute documents in the name of the Commission.

Be responsible for the minutes of each meeting, including meetings where a special secretary is appointed according to the Kaleva-Maple Grove Joint Planning Commission Ordinance.

Review the draft of the minutes, sign them and submit them for approval to the Commission and shall store them in the Administrative office of the Commission and disperse them to the appropriate government agencies.

Distribute minutes to each member prior to meetings.

Receive all communications, petitions, and reports to be addressed by the Commission.

Keep attendance records of all Commission meetings and public hearings.

Provide notice to the public and all Commission members of regular and special meetings.

Prepare an agenda if ordered by the Chair.

May hire a recording secretary if ordered by the Chair.

All other duties as may be ordered by the Commission.

Regular meetings of the Commission shall be held on the second Tuesday of each month at six (6) p.m. at a site to be determined.

Special meetings shall be called in the manner detailed in the Kaleva-Maple Grove Joint Planning Commission Ordinance.

Meetings that have been in session for two hours shall be suspended while the Chair evaluates the need to continue or finish the meeting another day.

A quorum shall be determined according to the Open Meetings Act (P.A. 67 of 1976).

Voting shall be by voice and shall be recorded as passing or failing. Roll Call votes will be recorded only upon request by a member of the Commission and when required by law and shall be recorded by "yes" or "no". Members must be present to vote.

Action by the Commission on any matter on which a hearing is held shall not be taken until the hearing has been concluded.

Parliamentary procedure in Commission meetings shall be informal unless the Chair determines order must be kept by following Roberts Rules of Order.

All meetings, hearings, records, and accounts shall be open to the public.

All public comment should be presented at the beginning of the meeting where time is provided for said comment. The Commission may direct questions to members of the public from time to time for clarification of issues.

Public comment shall be limited to three (3) minutes per person unless extra time is granted before any public comment by the Chair. If one person is selected by members of the public to be their spokesperson the time limit will be suspended.

The form of the agenda shall be chosen by the Chair.

Records of the Commission shall be preserved according to State Statute.

The Duties of the Zoning Administrator

The Zoning Administrator shall support the Kaleva-Maple Grove Joint Master Plan.

The Zoning Administrator shall issue permits according to the Kaleva-Maple Grove Joint Zoning Ordinance.

The Zoning Administrator shall enforce violations of the Zoning Ordinance.

The Zoning Administrator shall submit a report monthly to the Commission.

The Zoning Administrator shall represent the Commission in matters dealing with the Court in conjunction with the respective Attorney.

The Zoning Administrator shall have office hours approved by the Commission.

The Zoning Administrator shall serve in other capacities as requested by the Commission.

The Zoning Administrator shall be available year round, at least, via phone and email.

The Zoning Administrator shall perform all site visits. If the Zoning Administrator is unavailable the Chair or Vice-Chair of the Commission may fill in.

These bylaws become effective on the date signed by all members.

The Commission may suspend any part of these bylaws for no longer than one agenda item or one meeting.

These bylaws may be amended at any regular or special meeting of the Commission.

Adopted April 9, 2019 by roll call vote as follows: Jim Draze yes, Joseph Barnett yes
David Beldo yes, Lisa Six yes H. Wayne Beldo yes

Jim Draze

Jim Draze

Joseph A. Barnett

Joseph Barnett

Lisa Six

Lisa Six

David A. Beldo

David Beldo

H. Wayne Beldo, SECRETARY

H. Wayne Beldo