

**MANCHESTER COMMUNITY JOINT PLANNING COMMISSION
BY LAWS**

ARTICLE I – Name

The name of the Joint Planning Commission shall be the Manchester Community Joint Planning Commission, hereinafter referred to as the “Joint Planning Commission.”

ARTICLE II – Purpose

Section 1. The Village of Manchester, Manchester Township, Bridgewater Township and Freedom Township find it in their long-term interests to cooperate on planning and zoning issues. A means of achieving this goal is to jointly plan for land use and may include the joint exercise of zoning powers.

Section 2. The participating municipalities agree that the Joint Planning Commission shall develop a comprehensive plan for its jurisdictional area consistent with the powers granted by PA 226 of 2003, the “Joint Municipal Planning Act,” as well as the ordinances enacted by each of the participating jurisdictions. When completed, the comprehensive plan shall be presented to each of the participating municipalities for their review and approval.

Section 3. If the comprehensive plan is approved by all the participating municipalities, then the municipalities may direct the Joint Planning Commission to prepare a joint zoning ordinance for their consideration, consistent with statutes and this Agreement.

ARTICLE III – Membership, Officers and Their Duties

Section 1. Membership of the Joint Planning Commission shall consist of eight members. The initial members appointed by each participating municipality shall be appointed for staggered terms with one member appointed to a one-year term ending on December 31 of 2008 and one member appointed to a two-year term ending December 31, 2009. After the initial terms, all appointed members shall serve for terms of two years ending on December 31 of the applicable year.

The Joint Planning Commission, at its first meeting of every calendar year shall select a Chair, Vice-Chair, Treasurer, and Secretary, who shall serve as such officers of the Joint Planning Commission for that calendar year.

In the first year, officers shall be selected at the first meeting of the Joint Planning Commission and shall serve through the end of the subsequent calendar year.

Section 2. In the event that any officer position is vacated for any reason, a replacement shall be appointed by the Joint Planning Commission at its next regularly scheduled meeting.

Section 3. Such other officers, sub-committees, etc. as are deemed necessary and advisable for the conduct of business shall be appointed as required and provided for by the Joint Planning Commission.

Section 4. The Chairperson shall preside at all meetings and hearings of the Joint Planning Commission and shall have the duties normally conferred by parliamentary usage on such officers.

Section 5. The Vice-Chairperson shall preside and exercise all of the duties of the Chairperson in his/her absence. Should neither the Chairperson nor the Vice-Chairperson be present at a meeting, a temporary Chairperson shall be elected by the majority vote of the members present.

Section 6. The Secretary or designee of the Commission shall take minutes during regular meetings of the Joint Planning Commission and shall record key decisions and recommendations made by the Joint Planning commission in the execution of its responsibilities.

Section 7. The Chairperson shall sign all legal documents for the Joint Planning Commission.

Section 8. Each participating municipality shall also appoint two (2) alternate members.

Section 9. At least one of the members, and that member's alternate, appointed by the Village of Manchester shall be a duly elected member of the Village of Manchester Village Council. At least one of the members, and that member's alternate, appointed by each of the townships participating in this Agreement shall be a duly elected member of the appointing Township's board. The members or alternate members described in this paragraph shall cease to be members of the Joint Planning Commission if they cease to be duly elected officials of the appointing municipalities.

Section 10. Each member of the Joint Planning Commission will have one vote in all decisions requiring a vote of the Joint Planning Commission. If a member is physically absent, the alternate for that member will have one vote in all decisions requiring a vote of the Joint Planning Commission.

Section 11. All duly appointed members of the Joint Planning Commission shall reside within the jurisdictional area of the Joint Planning Commission as defined in this Agreement. All of the members appointed by each of the municipalities participating in this Agreement shall reside within the jurisdictional area of their appointing municipality.

ARTICLE IV – Selection of Officers

Section 1. Nomination of officers shall be made from the floor at the first organizational meeting each year, and the election shall be immediately thereafter. Each appointee selected to serve in these positions must represent a different participating municipality.

Section 2. A candidate receiving a majority vote of the Joint Planning Commission shall be declared selected and shall serve a term of one year or until his/her successor shall take the office.

Section 3. Vacancies in office shall be filled by selection of the Joint Planning Commission at the next regularly scheduled meeting.

Section 4. The officers shall be members of the Joint Planning Commission.

ARTICLE V – Meetings

Section 1. All regular and special meetings, hearings, and records shall be open to the public. Meetings shall be conducted under the Open Meetings Act of the State of Michigan.

Section 2. The regular meetings of the Joint Planning Commission shall be held on a monthly basis to be determined by the Joint Planning Commission.

Section 3. A special meeting of the Joint Planning Commission may be called by the Chairperson, or the Vice-Chairperson in the event the Chairperson is unavailable, or any three (3) members of the Joint Planning Commission. Each member of the Joint Planning Commission must receive at least two days notice as to the time, place and purpose of the meeting.

Section 4. The normal order of business at meetings shall be as follows:

1. Call to Order
2. Roll Call
3. Pledge
4. Approval of Agenda
5. Approval of Minutes
6. Audience Participation
7. Old Business
8. New Business
9. Adjournment

Section 5. A quorum shall consist of a five (5) members of the current Joint Planning Commission.

Section 6. All proceedings, decisions and resolutions of the Joint Planning Commission shall be initiated by motion.

Section 7. Voting shall be by voice vote and shall not be recorded as individual ayes or nays unless requested by a member of the Joint Planning Commission or elsewhere required by these By-Laws, in which case the vote shall be by roll call and the Chairperson shall order the vote to be so recorded.

ARTICLE VI Parliamentary Rules

Section 1. Commonly accepted rules of order shall govern the conduct of meetings except where they conflict with these bylaws or laws of the State of Michigan.

Section 2. If a quorum is present, procedural motions shall be approved by a majority of the votes of the Joint Planning Committee members present. These include approval of minutes, approval of agenda, motions to accept reports, to table a motion, and to adjourn. Procedural motions may be approved by voice vote; however, any member may request a roll call vote.

Section 3. Motions to select officers, approve resolutions, establish committees, make recommendations to the respective governing bodies, expenditure of funds, or other substantive action shall be approved by a roll call vote of a majority of the members appointed and serving.

Section 4. No proxy votes shall be accepted, and all members present at the meeting shall vote on all motions unless the member in question can present a reason that they are unable to vote without a conflict of interest. If a member does disclose a conflict of interest, she or he shall not participate in discussion of that item.

Section 5. The Chair shall recognize members to speak and members shall address the Chair during discussion. No motion to limit debate on a motion (call the question) shall be accepted if any member has not spoken on a motion and wishes to speak.

Section 6. Alternates are specific to appointed members and can only vote on behalf of their designated representative pursuant to the Agreement.

ARTICLE VII – Procedures

Section 1. The business performed by the Joint Planning Commission shall be conducted at a public meeting of the Joint Planning Commission held in compliance with the Open Meetings Act, MI Public Act 267 of 1976, as amended (MCL 15.261, et seq.)

Section 2. The Joint Planning Commission shall publish a schedule of meetings in the first month of each calendar year providing notice to the public of the times, dates and locations of each meeting planned for the next twelve (12) months. The Joint Planning Commission may also hold special meetings as needed following proper and lawful public notice. Public notice of meeting schedules, changes to meeting schedules, special meetings, and other meetings of the Joint Planning Commission shall be posted as required by the Open Meetings Act. Minimally, such notice shall be posted at the principal office of each participating municipality, the location where the meeting is to be held, and in the office of the County Clerk.

Comment: How is this impacted if office is declared?

Section 3. Materials prepared for, or on behalf of the Joint Planning Commission in the performance of an official function are subject to the Freedom of Information Act, MI Public Act 442 of 1976, as amended (MCL 15.231, et seq.) .

Section 4. For the purposes of compliance with the Freedom of Information Act and Open Meetings Act, a coordinating entity, including FOIA Coordinator, shall be

designated to comply with all State Statutes.

ARTICLE VIII – Joint Planning Commission Absences

Section 1. In order to maintain maximum participation of all appointed Joint Planning Commission members at all regularly scheduled meetings of the Joint Planning Commission, the following attendance guide and Joint Planning Commissioner replacement policy for “excused” or “unexcused” is implemented:

- a. In the event of unplanned personal matters, business trips, family vacation trips, changed job requirements, sickness, or other physical disabilities that prohibit the Joint Planning Commissioner from attending the scheduled monthly meeting, the Joint Planning Commission Chairperson should be notified as early as possible prior to the start hour of their inability to attend the scheduled meeting. The Joint Planning Commission member upon this notification will receive an “excused absence” for the involved scheduled meeting.
- b. There will be a limit of three (3) consecutive “absences” or two (2) consecutive “unexcused absences” for any member of the Joint Planning Commission. If any member meets the above criteria for consecutive yearly scheduled regular meetings, the Joint Planning Commissioner may request removal of the member by submitting a written request to the appointing jurisdiction.
- c. If any Joint Planning Commission member is absent from any five (5) scheduled monthly Joint Planning Commission meetings during any one year period, whether consecutive or not, the Joint Planning Commission may request removal of the member by submitting a written request to the appointing jurisdiction.
- d. Should the appointing municipality remove the member, the appointing municipality should replace the Joint Planning Commissioner as soon as possible in order to maintain the prescribed number of Joint Planning Commission members.
- e. Attendance by an alternate on behalf of an appointed member shall not constitute an absence of the appointed member.

ARTICLE IX – Miscellaneous

Section 1. These By-Laws may be amended or altered during a regular meeting by the affirmative vote of at least five (5) members of those on the current roster of the Joint Planning Commission, provided notice of the proposed change is given to the Joint Planning Commission at a preceding regular meeting.

Section 2. The provisions of these By-Laws shall be discussed and/or adopted or re-adopted by the Joint Planning Commission annually at its regular January meeting.