OTSEGO COUNTY PLANNING COMMISSION
BYLAWS
APRIL 2009

Adopted, effective immediately, April 7, 2009
Amended March 19, 2012

ARTICLE I
Name

Section 1. The name shall be the Otsego County Planning Commission, hereafter known as the "Commission".

ARTICLE II
Purpose

Section 1. 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."

Section 2. 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 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 *et seq.*), hereinafter "the Zoning Act."

ARTICLE III
Membership

Section 1. Members. Members of the Commission are appointed by the Otsego County Board of Commissioners pursuant to the Otsego County Planning Commission Ordinance of July 3, 2003, as amended.

Section 2. Membership shall be 11 members.

A. One member shall be a member of the Otsego County Board of Commissioners.
B. One member shall be a member of a public school board or an administrative employee of a school district included, in whole or in part, within the county's boundaries.
C. Other members shall be representatives of important segments of the community such as economic, governmental, educational, and social development of the local unit of government, in accordance with 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.
D. The members shall be representative of the entire geography of the county with one residing in each township of the county.

Section 3. First priority, each member shall represent and advocate what is best for the Otsego County as a whole, putting aside personal or special interests.

Section 4. Liaisons. The purpose of liaisons is to provide certain Otsego 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 for a quorum or be expected to comply with attendance requirements pursuant to Article III, Section 3, of these bylaws. Liaisons, if not already appointed Commission members, are:

A. Planning Department staff, and their agents and consultants.
B. The Commission's consultants.
C. Otsego County Attorney.
D. Otsego County engineering, water, sewer, DPW, or similar department heads.
E. Otsego County attorney and corporate council.
F. Otsego County Administrator.
G. Chairman of the Otsego County Board of Commissioners.
H. Manager of the County Road Commission and village or city road agency.

I. The county Emergency Management Coordinator.
J. The county Soil Erosion and Sedimentation Control Officer.
K. District Health Department senior or supervisory Registered Sanitarian.
L. The County Surveyor, except when the issue before the Commission is to review his/ or his client's work.
M. The County Register of Deeds.
N. The County Extension Director.
O. The Conservation District, Otsego, Administrator.
P. Regional (multi-county) Planning Staff.

Section 5. Attendance. If any member of the Commission is absent from three consecutive regularly scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the Otsego County Board of Commissioners to remove a member from the Commission for nonperformance of duty, or misconduct, after holding a public hearing on the matter. The Commission secretary, or acting secretary in the absence of the elected secretary, shall keep attendance records and shall notify the Otsego County Board of Commissioners whenever any member of the Commission is absent from three consecutive regularly scheduled meetings, so the Otsego County Board of Commissioners can consider further action allowed under law or excuse the absences.

Section 6. Incompatibility of Office

A. Each member of the Commission 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:
   1. Issuing, deliberating on, voting on, or reviewing a case concerning him or her.
   2. 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.
   3. 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 where he or she may stand to have a financial gain or loss.
   4. Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a pecuniary benefit to him or her.
   5. Issuing, deliberating on, voting on, or reviewing a case concerning his or her spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parents-in-law, grandparents-in-law, or members of his or her household.
   6. Issuing, deliberating on, voting on, or reviewing a case where his or her employee or employer is:
      a. an applicant or agent for an applicant, or
      b. has a direct interest in the outcome.
B. 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.
C. 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:
   1. declare a conflict exists or at the first available of the Commission or committee;
   2. 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, and
   3. 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.
D. 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.

ARTICLE IV
Duties of all Members

Section 1. *Ex Parte* contact

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

B. 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.

Section 2. Not Voting On the Same Issue Twice.

Any member of the Commission shall avoid situations where they are sitting in judgment and voting on a decision which they had a part in making. As used here, sitting in judgment and voting on a decision which they had a part in making, at a minimum shall include, but not necessarily be limited to, the following:

1. When the appeal is of an administrative or other decision by Commission and the member of the Commission sits both on the Commission and Zoning Board of Appeals.
2. When the appeal is of an administrative or other decision by any committee of the Commission, Otsego County Board of Commissioners, or other committee and the member of the Commission sits both on that committee and Zoning Board of Appeals or both on the Commission and Zoning Board of Appeals.
3. When the case is an administrative decision which was decided by the Commission and sent to the Otsego County Board of Commissioners for further action, and the member of the Commission sits both on the Commission and Otsego County Board of Commissioners.

Section 3. Accepting gifts.

A. Gifts shall not be accepted by a member of the Commission or liaisons from anyone connected with an agenda item before the Commission.

B. As used here, gifts, shall mean cash, any tangible item, or service, regardless of value; and food valued over $10.

C. This section does not apply to the Commission accepting gifts for the exercise of its functions pursuant to M.C.L. 125.3823(3), §23(3) of the Planning Act.

Section 4. Spokesperson for the Commission.

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

B. 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.

C. From time to time, or on a specific issue the Commission may appoint a spokesperson for the Commission for all matters which occur outside of the meetings of the Commission.

ARTICLE V
Officers

Selection 1. At the regular meeting in September of each year, the Commission shall select from its membership a Chair, Vice-Chair, and Secretary. Candidates shall require the support of a majority of Commissioners present and voting. All officers are eligible for reelection. In the event the office of the Chair becomes vacant, the Vice-Chair shall succeed to this office for the unexpired term and the Commission shall select a successor to the office of Vice-Chair for the unexpired term. In the event the office of the Secretary becomes vacant, the Commission shall select a successor to the office of Secretary for the

unexpired term. The Commission or Secretary may also designate another person who is not a member of the Commission to be the recording secretary.

A. Tenure. The Chair, Vice-Chair and Secretary shall take office October 1st following their selection and shall hold office for a term of one year or until their successors are selected and assume office.

B. Chair's Duties. The Chair retains his or her ability to discuss, make motions and vote on issues before the Commission. The Chair shall:
   1. Preside at all meetings with all powers under parliamentary procedure;
   2. 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;
   3. Restate all motions as pursuant to Article VI, Section 5., A., of these Bylaws;
   4. Appoint committees;
   5. Appoint officers of committees or choose to let the committees select their own officers.
   6. May call special meetings pursuant to Article VI, Section 2., of these Bylaws;
   7. Act as member and Chair of the Executive Committee pursuant to Article VIII, Section 1., of these Bylaws;
   8. Act as an Ex-Officio member of all committees of the Commission;
   9. Appoint an Acting-Secretary in the event the Secretary is absent from a Commission meeting.
   10. Review with the Secretary or staff, prior to a Commission meeting, the items to be on the agenda if he or she so chooses;
   11. Periodically meet with the Director of Land Use Services and/or other Planning Department staff to review Planning Department operation, procedures, and to monitor progress on various projects.
   12. Assist in the interview and selection process for a Director of Land Use Services;
   13. Act as the Commission's and Planning Department's chief spokesman and lobbyist to represent the Commission at local, regional, and state government levels.
   14. Represent the Commission, along with the Otsego County Board of Commissioners Commission member, before the Otsego County Board of Commissioners; and
   15. Perform such other duties as may be ordered by the Commission.

C. Vice-Chair's Duties. The Vice-Chair shall:
   1. Act in the capacity of Chair, with all the powers and duties found in Article V., Section 1. B., of these Rules, in the Chair's absence;
   2. Act as member and Vice Chair of the Executive Committee pursuant to Article VIII, Section 1., of these Rules; and
   3. Perform such other duties as may be ordered by the Commission.

D. Secretary's Duties. The Secretary shall:
   1. Execute documents in the name of the Commission;
   2. Be responsible for the minutes of each meeting, pursuant to Article VII, of these Bylaws if there is not a recording secretary.
   3. Review the draft of the minutes, sign them, and submit them for approval to the Commission and shall have them spread in suitable volumes. Copies of minutes shall be distributed to each member of the Commission prior to the next meeting of the Commission (the Secretary may delegate this duty to Commission staff);
   4. Receive all communications, petitions, and reports to be addressed by the Commission, delivered or mailed to the Secretary in care of the Planning Department Office;
   5. Keep attendance records pursuant to Article III, Section 3., of these Bylaws (the Secretary may delegate this duty to Commission staff);

6. Provide notice to the public and members of the Commission for all regular and special meetings, pursuant to the Open Meetings Act, P.A. 267 of 1976, as amended, M.C.L. 15.261 *et seq*. (the Secretary may delegate this duty to Commission staff);
7. Prepare an agenda for Commission meetings pursuant to Article VI, Section 11., of these Bylaws (the Secretary may delegate this duty to Commission staff);
8. Act as member and Secretary of the Executive Committee pursuant to Article VIII, Section 1., of these Bylaws; and
9. Perform such other duties as may be ordered by the Commission.

E. Recording Secretary's Duties. The Recording Secretary shall not be a member of the commission or any of its committees, and shall:
   1. At each meeting take notes for minutes and prepare a first draft of minutes pursuant to Article VII of these Bylaws for review and signature by the Secretary; and
   2. Perform such other duties as may be ordered by the Commission or secretary.

ARTICLE VI
Meetings

Section 1. Regular meetings. Meetings of the Commission will be held the third Monday of every month at 6 p.m. in the Planning and Zoning meeting room located in the Land Use Services Building at 1068 Cross Street, Gaylord, Michigan. When the regular meeting day falls on a legal holiday, the Commission shall select a suitable alternate day in the same month. An annual notice or regularly scheduled Commission meetings shall comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meeting Act M.C.L. 15.261 *et seq.*)

Section 2. Special Meetings. Special meetings shall be called in the following manner:

A. By the Chair.
B. By any two members of the Commission.
C. By the Chair at the request of any non-member of the commission, upon payment of a non-refundable fee to cover costs of the special meeting. The fee shall be calculated as follows: The current amount of per diem paid times the total number on the Commission, regardless if they attend the meeting or not, plus the sum of travel reimbursement of each member, regardless if they each attend the meeting or not, plus the total Planning Department budget, which represents the costs of operating the Planning Department, divided by 365.
D. Notice of special meetings shall be given by the Secretary to members of the Commission at least forty eight (48) hours prior to such meeting and shall state the purpose, time, day, month, date, year and location of the meeting (the Secretary may delegate this function to staff). In addition notices shall comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meetings Act M.C.L. 15.261 *et seq.*).

Section 3. Recess. The Chair, or the Commission, after the meeting has been in session for two hours (not including site inspections), shall suspend the Commission's business and evaluate the remaining items on its agenda. The commission shall then decide to finish that meetings agenda, may act to continue the meeting on another day (fix the time at which to adjourn), or complete some agenda items and continue the meeting on another day to complete other agenda items or postpone certain agenda items to the next meeting. No agenda item may be started after 9:00 p.m. If applicable such action shall include the time, day, month, date, year, and location the Commission will reconvene. If more than 18 hours will pass before the reconvened Commission, public notice shall be given to comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meeting Act M.C.L. 15.261 *et seq.*). Upon reconvening, a roll call of attendance shall be the first item of business before proceeding with the same agenda. The commission shall resume with the same meeting agenda, proceeding at the same point where they left off, without the addition of additional business.

Section 4. Quorum. More than half the total number of seats for members of the Commission, regardless if vacancies exist or not, shall constitute a quorum for the transaction of

business and the taking of official action for all matters before the Commission. Whenever a quorum is not present at a regular or special meeting, those present shall adjourn the meeting to another day.

Section 5. Motions.

A. Motions shall be restated by the Chair before a vote is taken.

B. Findings of Fact. All actions taken in an administrative capacity (including but not limited to, special use permits, subdivisions, zoning, site plan review, planned unit developments, review and submission on another municipality's proposed plan, review and submission on a capital improvement, review of township zoning) shall include each of the following parts.

1. A finding of fact, listing what the Commission determines to be relevant facts in the case in order to eliminate misleading statements, hearsay, irrelevant, and untrue statements.
2. Conclusions to list reasons based on the facts for the Commission's action, often directly related, or not, to a finding of compliance, or noncompliance, to standards.
3. The Commission's action; recommendation or position, approval, approval with conditions, or disapproval.

Section 6. Voting. 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 shall be recorded by "yes" or "no". Members must be present to cast a vote. Voting by proxy shall not occur. The affirmative vote of a majority of those present or a majority of a quorum, whichever is greater, shall be necessary for the adoption of motions. The affirmative vote of a majority of the total number of seats for members of the Commission, regardless if vacancies or absences exist or not, shall be necessary for the adoption, or recommendation for adoption, of any plan or amendment to a plan.

Section 7. Commission Action. Action by the Commission on any matter on which a hearing is held shall not be taken until the hearing has been concluded.

Section 8. Parliamentary Procedure. Parliamentary procedure in Commission meetings shall be informal. However, if required to keep order, Commission meetings shall then be governed by *Roberts Rules of Order Newly Revised,* (10th Edition, Perseus Publishing, New York, 2000 (ISBN 0-7382-037-6)) for issues not specifically covered by these Bylaws. Where these Bylaws conflict, or are different than *Robert's Rules of Order*, then these Bylaws control.

Section 9. Public Participation. All regular and special meetings, hearings, records, and accounts shall be open to the public.

A. Public Comment on all non-agenda items should be presented at the beginning of the meeting where provided during the agenda item for public comment.

B. Public comment on agenda items shall only be given during the public comment period of the agenda item. After that point during the meeting, public comment is normally not allowed; however, sometimes the Commission may direct questions to members of the public. Public comment is at the beginning of the meeting so the Commission can hear concerns and questions before acting on an issue. Those making public comment are expected to be familiar with the issue and have prepared comments ahead of time. To help the public in preparing for the meeting, any written material shall be made available without cost for members of the public asking for a copy prior to the meeting.

C. The Chair may limit the amount of time allowed for each person wishing to make public comment at a Commission meeting. The Chair may ask members of the audience to caucus with others sharing similar positions so they may select a single spokesperson. If a single spokesperson is selected, that individual shall be able to make public comment at the Commission meeting without time limit or an extended time limit.

Section 10. Consensus Business. Certain items of business before the Commission are routine matters where no discussion normally occurs or is expected to occur and a consensus for adoption normally occurs or is expected to occur. The individual preparing the agenda may mark such items on the agenda as a Consent Item, if that individual feels it qualifies

as consensus business. The agenda or material presented on the issue should indicate the proposed action (approve, disapprove, no comment, approve with modification). First, any Consent Item can be removed by request of a member. It is automatically removed if discussed during Public Participation. Second, a motion to adopt the Consent Items can be made, in effect adopting all agenda items still included as Consent Items. The approval of minutes and the expense report shall be proposed on the agenda as Consent Items. Consensus business can be proposed for any item on the agenda, but shall never include any of the following:

A. Items of business which are listed in Section 18 of these bylaws.
B. Review of plans and zoning ordinances, or any part or amendment thereto.
C. Action on special use permits, planned unit developments, site plans, and similar administrative actions.
D. Election of officers.
E. Any item not printed on the agenda which is delivered, along with adequate supporting information, to Commissioners prior to the meeting.
F. The motion to adopt Consent items in the minutes shall clearly list each item and indicate its action/disposition.

Section 11. Order of Business. Agenda. The Secretary, or designee, shall prepare an Agenda for each meeting and the order of business shall be as follows:

A. Call to order.
B. Roll call.
C. Pledge of Allegiance/Housekeeping business.
D. Approval of Minutes.
E. Consent Business.
F. Public participation for items not on this agenda.
G. Advertised Public Hearings. The Chair will declare such a public hearing open and state its purpose. The petitioner, or proponent of the action advertised will be heard first.
H. Advertised Cases (from public hearing(s)).
I. Unfinished Commission business.
J. New business (other business and communications).
K. Reports and Commission Member's comments.
L. Adjournment.

Section 12. Delivery of Agenda. The agenda and accompanying materials shall be mailed to Commission members so it is reasonably expected to be received prior to the weekend prior to the regular meeting date, generally accepted to be, but not always, mailed by first class mail on the Tuesday of the week prior to the Commission meeting, pursuant to Article VI, Section 1.

Section 13. Placement of Items on the Agenda.

A. The Department of Land Use Services shall be the office of record for the Commission.
B. The Director of Land Use Services may receive items on behalf of the Commission between the time of the adjournment of the previous Commission meeting and eight business days prior to the next regularly scheduled Commission meeting.
C. Items received by the Director of Land Use Services between seven business days prior to the next regularly scheduled Commission meeting and the next regularly scheduled Commission meeting shall be set aside to be received by the Commission at its next regularly scheduled Commission meeting. The Commission may act on those items of a minor nature or table action to the subsequent regular or special Commission meeting. Those items of a major nature, or items normally receiving staff review, analysis, or recommendation shall be tabled until the subsequent regular or special Commission meeting.
D. The deadline to add items to the Commission's meeting agenda shall be seven business days prior to the next regularly scheduled Commission meeting.

ARTICLE VII
Records

Section 1 Minutes and Record. The Commission Secretary shall keep, or cause to be kept, a record of Commission meetings which shall at a minimum include an indication of the following:

A. Copy of the meeting posting pursuant to P.A. 267 of 1976, as amended, (being the Michigan Open Meetings Act, M.C.L. 15.261 *et seq.*)

B. Copy of the minutes, and all its attachments which shall include a summary of the meeting, in chronological sequence of occurrence:

1. Time and place the meeting was called to order.
2. Attendance.
3. Indication of others present (listing names if others choose to sign in and/or a count of those present).
4. Summary or text of points of all reports (including reports of what was seen and discussed at a site inspection) given at the meeting, and who gave the report and in what capacity. An alternative is to attach a copy of the report if offered in writing.
5. Summary of all points made in public participation or at a hearing by the applicant, officials, and guests and an indication of who made the comments. An alterative is to attach a copy of the public's statement, petition, or letter if it is provided in written form.
6. Full text of all motions introduced, whether seconded or not, who made the motion and who seconded the motion. For each motion, the following should be included:
   a. Who testified and a summary of what was said.
   b. A statement of what is being approved (e.g. special use permit, variance, conditional use permit, subdivision, land division, etc.)
   c. The location of the property involved (tax parcel number and description, legal description is best).
   d. What exhibits were submitted (list each one, describe each, number or letter each and refer to the letter or number in the minutes).
   e. What evidence was considered (summary of discussion by members at the meeting).
   f. The administrative body's findings of fact.
   g. Reasons for the decision made. (If the action is to deny, then each reason should refer to a section of an ordinance which would be violated or with which not complied.)
   h. The decision (e.g. approve, deny, approve with modification).
   i. A list of all required improvements (and if they are to be built up-front or name the type of performance security to be used), if any.
   j. List of all changes to the map/drawing/site plan that was submitted. (Sometimes it is easier to use a black flair felt pen and draw the changes on the map of what was applied for, rather than listing the changes. Do not use different colors. The map will most likely be photo copied. Then colors on the copy will not show at all or will just be black.)
   k. Make the map/drawing/site plan part of the motion (e.g. "...attached to the original copy of these minutes as appendix `A', and made a part of these minutes...").
7. Who called the question.
8. The type of vote and its outcome. If a roll call vote, indicate who voted yes, no, abstained or a statement the vote was unanimous. If not a roll call vote, then simply a statement: "the motion passed/failed after a voice vote."
9. That a person making a motion withdrew it from consideration.
10. All the Chair's rulings.
11. All challenges, discussion and vote/outcome on a Chair's ruling.
12. All parliamentary inquiries or point of order.
13. When a voting member enters or leaves the meeting.

14. When a voting member or staff member has a conflict of interest and when the voting member ceases and resumes participation in discussion, voting and deliberations at a meeting.
15. All calls for an attendance count, the attendance, and ruling if a quorum exists or not.
16. The start and end of each recess.
17. All Chair's rulings of discussion being out of order.
18. Full text of any resolutions offered.
19. Summary of announcements.
20. Summary of informal actions, or agreement on consensus.
21. Time of adjournment.

C. Records of any action, support documents, maps, site plans, photographs, correspondence received, attached as an appendix to the minutes.

D. Retention. Commission records shall be preserved and kept on file according to the following schedule:
   1. Minutes, bonds, oaths of officials, zoning ordinances, master or compressive plans, other records of decisions, Commission or department publications: Permanent.
   2. Correspondence: Permanent.

ARTICLE VIII
Committees

Section 1. Executive Committee.

A. The Executive Committee shall be a standing committee of the Commission. Its membership shall be the Chair, Vice-Chair, and Secretary of the Commission and they shall hold the same offices on the committee. The Executive Committee may deal with recommendations to the Commission on matters of the Commission budget; employment of a Director of Department of Land Use Services/Zoning Administrator; overseeing the Department of Land Use Service's day-to-day administration of the Department of Land Use Services/Office of the Zoning Administrator; office and personnel policy; and anything else directed to the Executive Committee by the Commission.

B. The Executive Committee has limited power to act only on housekeeping matters, budget, office policy, and overseeing contracts and personnel when time constraints require action prior to the next regularly scheduled Commission meeting. Such actions shall be reported at the next regularly scheduled Commission meeting and are subject to the Commission's review and/or veto.

C. All members of the Commission shall be notified of Executive Committee meetings and are encouraged to attend.

Section 2. Ad Hoc Committees. The Commission or Chair may establish and appoint ad hoc committees for special purposes or issues, as deemed necessary. Less than a quorum may serve on an ad hoc committee at any given time.

Section 3. Citizen Committees. The Commission, Chair, or Director of Land Use Services/Zoning Administrator may establish and appoint citizen committees with the consent of the Commission. Membership can be any number, so long as less than a quorum of the Commission serve on a citizen committee at any given time. The purpose of the citizen committee is to have more citizen and municipal government involvement, to be able to use individuals who are knowledgeable or expert in the particular issue before the Commission and to better represent various interest groups in the Otsego County.

ARTICLE IX
Rules of Procedures for All Committees

Section 1. Subservient to the Commission. All committees are subservient to the Commission and report their recommendations to the Commission for review and action. The Commission can overrule any action of any committee.

Section 2. Same Principles. The same principals of these Bylaws for the Commission also apply to all committees of the Commission including, but not limited to:

A. Officers. Officers of committees are appointed by the Chair of the Commission at the time the committee is created, or are elected by the committee's membership at their first meeting. Officers, at a minimum, include a Chair and Secretary-Vice-Chair.
B. Quorum. A committee's quorum shall be at least half the total appointed membership of the committee.
C. Voting. Only those appointed members of a committee, who are present at the time of a vote shall be eligible to cast a vote.
D. Attendance. If any member of a committee is absent from three consecutively scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the Commission to remove any member from the committee. The committee Secretary-Vice-Chair or acting committee Secretary in the absence of the elected committee Secretary-Vice-Chair shall keep attendance records and notify the Commission of any committee member who is absent from three consecutively scheduled meetings so the Commission may consider removal of the individual from the committee or excuse the absence(s).
E. Minutes. The Secretary-Vice-Chair of the committee shall keep minutes of the committee meetings in the same format used by the Commission and filed in the same office as the Commission's minutes.
F. Staff. Committees have reasonable use of Department of Land Use Services/Zoning Administrator staff time and assistance and direction for performing the work of the committee.
G. Public. All committee meetings are open meetings available for public attendance and participation and minutes of the meetings are to be available for public inspection under the same principals found in P.A. 267 of 1976, as amended, (being Michigan Open Meetings Act, M.C.L. 15.261 *et seq.*).
H. Subcommittees. Citizen committees may form subcommittees from their own membership and/or with additional citizens when deemed necessary. Subcommittees are subservient to the parent committee. Subcommittees are informal, not requiring quorums, attendance requirements, minutes, or public participation. Subcommittee membership shall consist of less than half the parent committee's membership.

ARTICLE X
Otsego County Department and Subdivisions; and Intergovernmental Coordination

Section 1. The Commission shall be responsible for coordination of all related plans between departments or subdivisions of Otsego County and intergovernmental coordination of all related planned activities among the state, federal, and municipal governments concerned. The Commission may use committees (pursuant to Article VII, Section 2., of these rules), Department of Land Use Services/Zoning Administrator staff, citizen committees (pursuant to section 7.C of these rules), and interagency staff teams for purposes of accomplishing coordination. If a staff team is used, the team shall not be a committee of the Planning Commission or any other public body and shall not be a public body. The team shall be an employee level technical review with only powers to recommend.

ARTICLE XI
Mileage and Per Diem

Section 1. Mileage and per diem shall be paid to members of the Commission at rates established by the Otsego County Board of Commissioners for attending Commission meetings and Executive Committee meetings, and other authorized meetings and trips to represent the Otsego County, if those Commission members bill the Otsego County for the same. Only mileage shall be paid for attendance at ad hoc committee meetings, if those Commission members bill the Otsego County for the same. No mileage or per diem is paid to any members of a citizen committee, unless authorized and budgeted by the Otsego County Board of Commissioners with recommendation by the Commission.

ARTICLE XII
Hearings

Section 1. Plan Hearings. Before the adoption of any part of a plan, as defined in the Planning Act, or any amendment to a plan, or recommending approval of an amendment to the Otsego County Board of Commissioners, the Commission shall hold a public hearing on the matter. Notice of the time and place of the hearing shall be given, not less than 15 days prior to such hearing, by at least one publication in each newspaper of general circulation.

Section 2. Special Hearings. Notice of special hearings for the purposes of presenting preliminary master plans, obtaining public opinion on a problem, or discussion of a particular problem with interested parties will be given in the most practical manner and to persons, or group representatives most interested, and as required by the Planning Act, Zoning Act, and relevant local zoning ordinance.

Section 3. Notice of Decision. A written notice containing the decision of the Commission will be sent to petitioners and originators of a request for the Commission to study a special problem.

ARTICLE XIII
Zoning Responsibilities

Section 1. All powers of the zoning commission have been transferred to this Commission, pursuant to M.C.L. 125.3301 of the Zoning Act.

Section 2. Zoning adoption or amendment (including PUD zoning amendments). The commission shall review and act on all proposed zoning ordinances, or zoning amendments pursuant to the Zoning Act. At least one hearing shall be held on each proposed zoning ordinance or amendment, with notices given as specified in the zoning ordinance and the Zoning Act. After the hearing, action shall be in the form of a recommendation to the legislative body. At a minimum the recommendation shall include:

A. Zoning plan for the areas subject to zoning, or zoning amendment of the local unit of government;
B. The establishment of or modification of zoning districts, including the boundaries of those districts, if applicable;
C. The text of a zoning ordinance or amendment with the necessary maps and zoning regulations to be adopted for a zoning district or the zoning jurisdiction as a whole; and
D. The manner of administering and enforcing the zoning ordinance.

Section 3. Special Use Permit (including PUDs). The Commission shall review and act on all special use permits pursuant to the Zoning Act and zoning ordinance. At least one hearing shall be held on each proposed zoning ordinance or amendment, with notices given as specified in the zoning ordinance and the Zoning Act. After the hearing action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action, and the Commission's action, pursuant to Article VI, Section 5. B., of these Bylaws.

Section 4. Site Plan Review. The Commission shall review and act on all those site plans which the zoning ordinance requires Commission action. Action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action, and the Commission's action, pursuant to Article VI, Section 5.B of these Bylaws.

Section 5. Appeals. The Commission shall not act, or otherwise hear issues on zoning ordinance interpretation, zoning map interpretation, non-use variances, or use variances. Such matters shall be exclusively the jurisdiction of the Zoning Board of Appeals.

ARTICLE XIV
Plan Reviews

Section 1. The Commission shall review all adjacent, or contiguous, local government plans (township, village, and city), adjacent county plans, local governments government plans (township, village, and city plans) within the boundaries serviced by the Commission, and the county plans in which the Commission’s service area is located.

Section 2. Action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action, and the Commission's advisory action, pursuant to Article VI, Section 5. B., of these Bylaws.

Section 3. The review should focus on:

A. First and foremost, the process is intended to increase coordination of planning between governments.
B. Consistencies or inconsistencies with your government's plan(s) for matters such as:
C. Border issues
    1. Issues of greater than local concern
    2. Comparison with local plan contents
    3. Comparison with county/regional plan contents
    4. Comparison to other relevant adopted plans (such as an historic preservation plan, local wetland protection plan, TIF or brownfield redevelopment plan, etc.).
    5. Comparison to various implementation strategies.
D. If the county planning commission considered the proposed plan inconsistent with the plan of any city, village, township, or region that received a copy of the draft plan (or amendment).
E. If the county planning commission considers the draft plan (or amendment) to be inconsistent with a county plan(s), if any.
F. Action by the Commission shall be based on, in part, a review of possible boundary conflicts between the plans of two municipalities. If a boundary conflict is found to exist the following shall apply:
    1. The assumption is made that there should not be any provision of a municipal plan which is in conflict with the county plan.
    2. The Commission shall use compliance with the county plan as its main tool for purposes of coordination of the proposed plans with the plans of municipalities having a common boundary. If a conflict is found to exist, it is not proper to assume the proposed plan is the problem. The problem could be the municipality which is adjacent to the municipality for which the plan is being reviewed. The problem could be both plans.
    3. The criteria to determine which municipality has the plan which causes the boundary conflict shall be the Commission's finding of compliance with the county plan. The municipality (or both municipalities) not in compliance with the county plan shall be deemed to have the plan which contributes to the boundary conflict.

Section 4. The review shall be in the form of a letter and shall take into account:

A. Respect for the idea that the submission and review stages are near the end of a plan adoption process. A community may be ready to adopt and others may be waiting for the task to be done. Do not extend the adoption more than necessary.
B. Focus only on significant issues, in a clear and well documented way. Suggest solutions rather than only pointing out what is wrong.
C. Be clear and document statements to improve the quality of planning for the entire area. This process is to improve coordinated planning, not to undermine relationships or exacerbate tensions between governments.
D. Include mutual respect of others, so the comments are factual, objective, and based on sound planning principles.

ARTICLE XV
Township Zoning Reviews

Section 1. The Commission shall review all zoning ordinances and zoning amendments for townships within the county.

Section 2. Action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action, and the Commission's advisory action, pursuant to Article VI, Section 5. B., of these Bylaws.

Section 3. Township zoning, which shall be submitted with the following information:

A. The text of the proposed ordinance,
B. The map for the proposed ordinance,

C. A letter from the township's attorney of their choice indicating:
   1. proper procedure for adoption and
   2. the ordinance has been reviewed against all other applicable statutes and law, and
   3. the ordinance is appropriately drafted for use as a legal/ordinance document.

Section 4. Action by the Commission shall be based, in part, on a review of possible boundary conflicts between the zoning of two municipalities. If a boundary conflict is found to exist the following shall apply:

A. The assumption is made that there should not be any provision of the township plan which is in conflict with the county plan. Thus the proposed zoning, which is based on the township plan, should also comply with the county plan.
B. The Commission shall use compliance with the county plan as its main tool for purposes of coordination of the proposed zoning ordinances with the zoning ordinances of other municipalities having a common boundary with the township. If a conflict is found to exist, it is not proper to assume the Township's proposed zoning is the problem. The problem could be the township or municipality which is adjacent to the township for which the zoning is being reviewed. The problem could be both zoning ordinances.
C. The criteria to determine which municipality has the zoning which causes the boundary conflict shall be the Commission's finding of compliance with the county plan. The municipality (or both municipalities) not in compliance with the county plan shall be deemed to have the zoning which contributes to the boundary conflict.

Section 5. The review shall be in the form of a letter and shall take into account:

A. Respect for the idea that the submission and review stages are near the end of a plan adoption process. A community may be ready to adopt, and others may be waiting for the task to be done. Do not extend the adoption more than necessary.
B. Focus only on significant issues in a clear and well documented way. Suggest solutions rather than only pointing out what is wrong.
C. Be clear and document statements to improve the quality of planning for the entire area. This process is to improve coordinated planning, not to undermine relationships or exacerbate tensions between governments.
D. Include mutual respect of others, so the comments are factual, objective, and based on sound planning principles.

ARTICLE XVI
Capital Improvements Review

Section 1. Capital Improvements (the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any public way, grounds, agricultural land, open spaces, buildings, or properties before work is started and after municipal capital improvement planning approval is obtained). If the funding for the capital improvement project is from a grant, this approval must be obtained prior to applying for the grant or done as part of the state or federal grant clearinghouse process.

Section 2. All preliminary plans and reports for the physical development of the Otsego County, including the general location, character and extent of streets and roads, viaducts, bridges, farmland, agricultural land, forest land, parks and open spaces; the general location of public buildings and other public property; the general location and extent of public utilities and terminals.

Section 3. Action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action, and the Commission's advisory action, pursuant to Article VI, Section 5. B., of these Bylaws.

Section 4. When reviewing the proposed project the planning commission should at a minimum consider the following issues. If the answer to any of the below is "no," then the planning commission's review of the project should not be favorable.

A. Is the proposed project consistent with adopted plans?
B. Is the project consistent with other governmental management plans?
C. Is the project consistent with the plans of each municipality located within or contiguous to the local unit of government?

D. Is the project consistent with adopted, if any, capital improvement plans?

Section 4. The review shall be in the form of a letter, sent within 35 days after the proposal is filed for review, and shall take into account:

A. Respect for the idea that the submission and review stages are near the end of a process. A community may be ready to start construction and others may be waiting for the task to be done.
B. Focus only on significant issues in a clear and well documented way. Suggest solutions rather than only pointing out what is wrong.
C. Be clear and document statements to improve the quality of planning for the entire area. This process is to improve coordinated planning, not to undermine relationships or exacerbate tensions between governments or agencies of governments.
D. Include mutual respect of others, so the comments are factual, objective, and based on sound planning principles.

ARTICLE *XVII*
Capital Improvements Program

Section 1. Annually, a capital improvement program (CIP) of public structures and improvement shall be adopted.

Section 2. To do so, the Commission shall establish a committee consisting of volunteers from the community or a combination of volunteers and representatives from each department within the local unit of government.

Section 3. The planning commission should also include the following individual, individuals, agencies, and departments in preparing the CIP.

A. Chief Executive (city manager, department heads, township manager, county controller/administrator, supervisor, city mayor, village president, etc.);
B. All departments within the government;
C. Finance and budget department: The financial office or the person responsible who conducts the financial analysis and projections on costs and revenues for a capital improvement program and determines the best possible means to finance each capital project.
D. The Planning department staff (if any exist).

Section 4. The committee shall cause to be requested from each agency or department of the local unit of government (with authority for public structures or improvements) for an annual inventory of desired public improvement projects with lists, plans and estimates of time and cost involved.

Section 5. The committee or planning staff shall organize the proposed public structures and improvements in the general order of their priority, that in the committee's judgment will be needed or desired or can be undertaken in the ensuing 6-year period.

A. In doing so, the committee may make use of expert advice and information from staff from the planning department or private consultants:
    1. Governmental Accounting Standards Board (GASB) Statement No. 34, Basic Financial Statements –and Management's Discussing and Analysis– For State and Local Governments.
    2. Population studies
    3. Economic studies
    4. Land Use Maps
    5. Future Plans
B. In doing so, the committee shall develop a formal set of criteria or use other techniques to use to organize the proposed public structures and improvements in order of importance. The following issues at a minimum should be considered:
    1. Description, location, and purpose of project;
    2. Justification for the need for project;
    3. An explanation of its relationship to other projects;
    4. The cost of project (submit detailed budget);
    5. Estimated annual income from projects;
    6. Estimated annual operation costs for the project;

7. Status of plans/specifications for the project and the expected length of time the capital project will last;
8. Year construction of project should start;
9. The rank/importance of project within department submitting it;
10. Environmental, health, and safety impacts and energy consumption.

C. The proposed public structures and improvements in order of importance shall be considered a draft CIP, which shall be presented to the Commission.

Section 6. The planning commission shall review the CIP:

A. The review shall include each project to determine the conformance of the projects with community comprehensive plans, development policies, and the objectives and goals of the community.
B. The review shall include an opportunity for agencies to present their arguments for why any given project should be included in the program and at what order of priority.
C. Upon completion of the review, a second draft of the CIP shall be prepared.

Section 7. The planning commission shall hold a public hearing on the second draft of the CIP.

Section 8. After the hearing, if needed, a third draft of the CIP shall be prepared. The planning commission then:

A. Formally adopts the CIP in the form of a recommendation to the legislative body for adoption; or
B. Adopts an amended version of the CIP in the form of a recommendation to the legislative body for adoption; or
C. Does not approve, thus does not adopt the ranked listing/project priorities, and proceeds to further revise the CIP until the Commission is prepared to adopt the CIP.

Section 9. If the legislative body refers the CIP back to the Commission, the Commission shall further review the CIP, make modifications, and submit another version of the CIP to the legislative body.

Article XVIII
Subdivision Review

Section 1. Prepare a Subdivision Ordinance (and/or Subdivision, Land Division, Site-Condominium Ordinance), or amendments to the same, to submit to the legislative body.

Section 2. Proposed Subdivisions.

A. Staff for the Commission is to receive a plat and determine that the submission is complete. If incomplete, the plat shall be returned to the applicant with a list of deficiencies. If complete, the plat shall be received on behalf of the Commission.
B. Conduct a review of plats of proposed subdivisions (and/or site-condominium).
C. Hold a hearing on a proposed subdivision (and/or site-condominium) with notice of the hearing sent not sent less than 15 days before the date of the hearing.
   1. The notice shall contain an explanation of what the hearing is for, the location and nature of the proposed development, the date, time, place of the hearing, where written comments may be submitted, and the deadline for those written comments.
   2. The notice shall be sent to the person indicated on the plat (and/or draft site-condominium master deed) as the proprietor or other person(s) to whom notice of the hearing shall be sent, the property owner, and adjacent property owners.
   3. The notice shall be published in a newspaper of general circulation in the Otsego County
   4. Any others as required by the Subdivision Ordinance (and/or Subdivision, Land Division, Site-Condominium Ordinance).
D. Within 63 days of a complete plat (and/or draft site-condominium master deed) being submitted, act on the proposed subdivision (and/or site-condominium) in the form of a recommendation to the legislative body of the municipality in which the proposed subdivision (and/or site-condominium) is located.
   1. If applicable standards under the Land Division Act (M.C.L. 560.101 *et seq.*), Condominium Act (M.C.L. 559.101 *et seq.*) if applicable, and Subdivision Ordinance (and/or Subdivision, Land Division, Site-Condominium Ordinance), the Commission shall recommend approval.

2. Grounds for any recommendation of disapproval of a plat (and/or Site-Condominiums) shall be stated upon the record of the Commission.
3. If the Commission does not act within the 63-day period, the plat (and/or Site-Condominiums) shall be considered to have been recommended for approval, and a certificate to that effect shall be issued by the Commission upon request of the applicant. The applicant may waive the 63-day period and grant an extension.

Section 3. Master Plan Amendment. Commission approval of a subdivision shall be considered to be an amendment to the master plan and a part there of. The Commission shall cause the official copies of the master plan to be modified to reflect the amendment to the master plan within 30 days of the subdivision approval.

ARTICLE XIX
Other Matters to be considered by the Commission

Section 1. Commission Action. The following matters shall be presented for consideration at a meeting of the Commission:

A. At least annually, the adoption of priorities for the Commission's plan of work.
B. Annually, preparation of an annual report of the Commission.
C. Office, or Administrative Policy and ruling of interpretation of regulations by the Commission or its staff.
D. The general character, extent and layout of the re-planning and redevelopment of blighted districts and slum areas.
E. Land subdivision plats.
F. All Planning reports and plans before publication.
G. Matters which properly come before the Otsego County Designated Solid Waste Planning Agency, pursuant to Part 115 of P.A. 451 of 1994, as amended, (being the Solid Waste Management part of the Natural Resources and Environmental Protection Act, M.C.L. 324.11501 *et seq.*)
H. Soil and Sedimentation Control Board of Appeals cases.
I. All matters of business of the Otsego County Resource Conservation and Development Committee, with the Commission acting as that committee.
J. All matters of business of the Otsego County policy committee as created by the Otsego County, County Remonumentation Plan.
K. Such other matters as the Director shall find it advisable or essential to receive consideration by the Commission.

Section 2. Staff Policy. From time to time the Commission shall publish policy to further define and categorize work done by staff for municipalities in Otsego County as:

A. Tasks which are a basic purpose of the County Planning Commission and for which no charge or fee shall be charged.
B. A secondary purpose of the Commission which is to include "assistance" to municipalities in Otsego County for which a fee may or may not be charged, as may be established from time to time by the Commission.

ARTICLE XX
Commission Staff

Section 1. General Responsibility. The Commission staff is charged with the duty of preparation and administration of such plans as are authorized by the Commission, appropriate for the Otsego County and its environs and are within the scope of the Planning Act and the Zoning Act.

Section 2. Advocacy. The Commission staff shall not attempt to represent the views or comments of a member of the public at a public hearing or Commission meeting. Staff shall indicate a member of the public wishing to make their views known and they should do so directly to the Commission in person, through an agent, or by providing written comment. Staff should avoid situations of appearing to advocate for an individual or group. Nothing herein is intended to prevent staff from helping an individual or group be better informed and to present their own views. Nothing herein is intended to prevent staff from expressing their own views as private citizens.

Section 3. Coordinated Enforcement. To further supplement the small number of staff responsible for inspections and enforcement of various regulations, staff shall report all suspected problems or violations seen during the course of their work. Staff shall follow the following procedures and guidelines:

A. When observing a problem or suspected violation, do not assume a violation exists or confront the suspected perpetrator. Avoid a situation where discussion or confrontation exists in an area outside the staff person's jurisdiction.
B. Report the problem or suspected violation to the Otsego County department, county, state, or federal agency which has jurisdiction, as quickly as possible.
C. When observing or receiving a report from another Otsego County department, county, state, or federal agency, of a problem or suspected violation, pursue enforcement, or its resolution through normal procedures for the particular situation.

Section 4. Conflict of Interest.

A. All members of the Commission's staff shall avoid situations which are 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:
    1. Issuing, deliberating on, voting on, or reviewing a case concerning him or her.
    2. 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.
    3. 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 where he or she may stand to have a financial gain or loss.
    4. Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a pecuniary benefit to him or her.
    5. Issuing, deliberating on, voting on, or reviewing a case concerning his or her spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parents in-law, grandparents in-law, or members of his or her household.
    6. Issuing, deliberating on, voting on, or reviewing a case where his or her employee or employer is:
        a. an applicant or agent for an applicant, or
        b. has a direct interest in the outcome.
B. When a conflict of interest exists staff shall do all of the following immediately, upon first review of the case and determining a conflict exists:
    1. declare a conflict exists,
    2. cease to process the case any further, and
    3. forward the case, and all pertinent records, to an alternate, assistant, or manager so the case is dealt with by someone else.
C. Other than as part of work for the Commission staff shall not (1) provide private consultation services, or advise on similar related services for clients, (2) provide work in professions or services which is or could be regulated by the Commission (such as, but not limited to planning, zoning, real estate, land development, solid waste, land surveying, architecture, professional and civil engineering, landscape architecture, sociology, economics, geography, political science, public administration consulting or work) within a site within the boundaries of Otsego County or for clients who are or may be applicants before the Commission, Zoning Board of Appeals, or the Commission’s staff. This is not intended to prevent a staff person from assisting residents, municipalities, or others seeking help from the Commission, which are normally part of an employee's duties.
D. Public Relations. Director of Land Use Services shall:
    1. Officially present the Commission's recommendations to the governing body.
    2. Officially represent the Commission and its staff at planning conferences, interdepartmental meetings of the county government, and serve generally as a liaison between the Commission and the public.
    3. Encourage private development or investment in accord with comprehensive plans.

4. Cooperate with public and private agencies and with individuals for the development, acceptance, and effectuation of plans.
5. Supply information for and encourage interested public agencies and citizen organizations in programs to promote public understanding of and government cooperation with planning efforts.
6. Accept other responsibilities as may be directed by the Commission, Governing Body, or Chief Executive.

E. Commission duties delegated to the Director of Land Use Services.
   1. To oversee and coordinate Commission staff teams, pursuant to Article X of these rules as directed.

ARTICLE XXI
Adoption, Repeal, Amendments

Section 1. Upon adoption of these Bylaws of April 2009, they shall become effective and all previous Bylaws, shall be repealed.

A. The Commission may suspend any one of these Bylaws, for a duration of not more than one agenda item or meeting.
B. These Bylaws may be amended at any regular or special meeting by a two-thirds (⅔) vote of the appointed members.
C. Proposals to amend these Bylaws may be made at a regular meeting of the Commission. However, the final vote on proposed amendments shall be delayed until the next regular meeting of the commission.

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