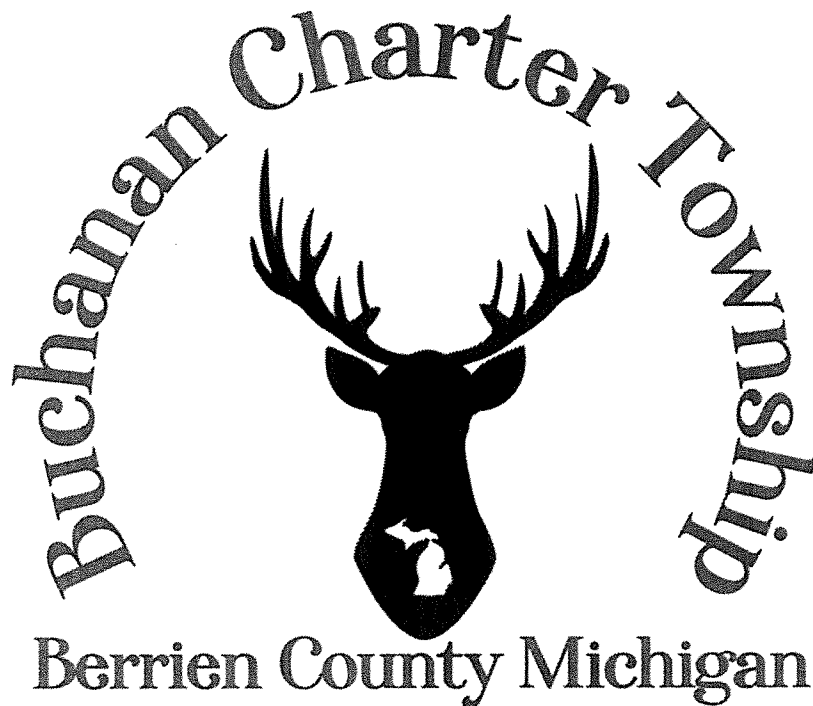


**RULES OF PROCEDURE
& BYLAWS**

OF THE

PLANNING COMMISSION

OF



Adopted: November 22, 2023

ARTICLE I - NAME

The name of the Commission shall be the Buchanan Charter Township Planning Commission, hereinafter referred to as "Commission."

ARTICLE II - OBJECTIVES

The objectives, purposes, powers, and duties of the Commission are those set forth by P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, (M.C.L. 125.3801 et seq.), hereinafter "the Planning Act," and the administration of Buchanan Charter Township Zoning Ordinance and Master Plan, and all subsequent amendments thereto, in accordance with P.A. 110 of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 et seq.), hereinafter "the Zoning Act."

Section 1. The commission shall review and act on all proposed zoning ordinances, zoning amendments, or pursuant to the Zoning Act. At least one (1) hearing shall be held on each proposed zoning ordinance and amendments 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 Buchanan Charter Township Board of Trustees.

Section 2. The Commission shall review and act on all matters with which it has jurisdiction.

Section 3. The Commission shall review and act on all matters to the extent required by law or ordinance.

Section 4. The Commission shall review and advise upon all master plans of adjacent or contiguous government units, including the City of Buchanan, Weesaw, Berrien, Niles, Galien, and Bertrand Townships, Village of Galien, and Berrien County. This review should focus on coordination of planning between governments, including consistencies or inconsistencies between plans and consideration of matters of broader interest than Buchanan Charter Township.

ARTICLE III - MEMBERSHIP

Section 1. Membership of the Planning Commission shall consist of seven (7) members. Members of the Commission shall be appointed by the Buchanan Charter Township Board of Trustees upon recommendation of the Township Supervisor.

Section 2. Each member of the Commission shall avoid conflicts of interest, including, but not limited to, deliberating on, voting on, or reviewing a matter concerning the member; the immediate family, or household of the member; property owned by or adjacent to property owned by the member; or a corporation or partnership in which the member has financial interest.

Potential conflicts of interest should be identified by the member prior to deliberation of the case; if the Commission determines that a conflict exists, the member shall recuse him/herself.

Section 3. Members shall avoid *ex parte* contact with an applicant in any manner which would influence a decision about matters before the Commission. If such contact occurs, the member shall make a report of the discussion to the Commission at the public hearing or deliberation of the case. Once a vote is taken and an issue is decided by vote, the duty of each member of the Commission is to accurately represent the position reflected by the outcome of the vote. 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.

Section 4. One member of the Commission may also serve on the Buchanan Township Zoning Board of Appeals.

ARTICLE IV – OFFICERS AND THEIR DUTIES

Section 1. The officers of the Commission shall be a Chairperson, a Vice-Chairperson and Secretary. Such other officers, sub-committees, etc. as are deemed necessary and advisable for the conduct of business may be appointed by the Commission.

Section 2. The Chairperson shall preside at all meetings and hearings of the Commission. If the Chairperson is absent or unable to preside, the Vice-Chairperson shall preside. If both are absent or unable to preside, the remaining members present shall elect a temporary Chairperson to preside.

In accordance with these and other applicable rules, the presiding officer shall decide all points of procedure or order and may, at any time, change the order of business at his/her discretion, unless otherwise directed by a majority of the members in attendance on a motion duly made and passed. The presiding officer shall maintain order and decorum, and to that end may order removal of disorderly or disruptive persons.

Other Responsibilities and Duties of Chairperson: Delegation to Vice Chairperson.

The Chairperson shall have further duties and responsibilities as indicated below. The Chairperson may delegate any or all duties to the Vice-Chairperson as necessary to ensure that Commission functions are performed in a timely manner. The Vice-Chairperson shall perform all duties so delegated, and in the case of absence or incapacity of the Chairperson, on approval by majority of the Commission, shall perform any or all duties of the Chairperson.

- a. Managerial Responsibilities. The Chairperson shall direct the official business of the Commission, requests for legal or staff assistance, and perform such other duties as may be directed by the Commission.
- b. Appointment of Committees. The Commission shall appoint such committees and as are necessary for the proper conduct of business.
- c. Reporting to the Commission. The Chairperson shall also make or cause to be made any reports concerning the affairs of the Commission required or requested by the Township Supervisor or Township Board of Trustees.

Section 3. The Commission may designate a person who is not a member of the Commission to serve as Recording Secretary. Such Recording Secretary shall prepare draft minutes for review by the Commission and shall perform such other duties as may be directed by the Commission.

Section 4. Nomination of officers shall be made by the Commission annually and the election shall be immediately thereafter.

Section 5. A candidate receiving a majority vote of those present shall be declared elected and shall serve a term of one (1) year or until his/her successor shall take the office.

Section 6. Vacancies in office shall be filled immediately by regular election procedures.

Section 7. The officers shall be members of the 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 Commission shall meet at least four (4) times per year.
- Section 3. A special meeting of the 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 Commission. Each member of the Commission must receive at least twenty-four (24) hours' notice as to the time, place, and purpose of the meeting.
- Section 4. All inquiries, applications, or matters requiring official action by the Commission shall be submitted in writing; be properly drafted on official forms necessary; and contain all relevant information regarding the matter upon which the Commission is requested to act. Further, any petitioners may withdraw a petition at any time by filing a written notice of withdrawal with the Township Clerk. The Township Clerk will then notify the Zoning Administrator of request to withdrawal.
- Section 5. The normal order of business at meetings shall be as follows:
- 1) Call to order
 - 2) Pledge of Allegiance
 - 3) Roll call
 - 4) Additions to and approval of the agenda
 - 5) Approval of minutes
 - 6) Reports
 - 7) Public comment
 - 8) Any business item requiring a public hearing
 - 9) Unfinished business
 - 10) New business
 - 11) Correspondence/Comments
 - 12) Adjournment
- Section 6. Four (4) members of the Commission shall constitute a quorum.
- Section 7. All proceedings, decisions, and resolutions of the Commission shall be initiated by motion.
- Section 8. An affirmative vote of a majority of those present shall be necessary to pass any motion involving the adoption or amending of plans, policy statements, or recommendations to the Township Board.
- Section 9. Voting shall be by voice vote and shall not be recorded as individual ayes or nays unless requested by a member of the Commission, in which case the Chairperson shall order the vote to be so recorded except that any member may abstain by so declaring prior to vote. An abstention may only be made in the case of a conflict of interest; it is otherwise the duty of all Commissioners present to participate in the vote.
- Section 10. The Township Attorney, Planner of Record, and other officials of the Township may participate in the Commission's discussion, but shall not vote, introduce motions, be counted towards quorum, or initiate any other parliamentary action.

ARTICLE VI – PROCEDURES

The usual order of procedure of the public hearing shall be as adopted by the Commission.

ARTICLE VII – WORKING GROUPS AND COMMITTEES

- Section 1. The Chairman may establish and appoint working groups for special purposes or issues as deemed necessary. Less than a quorum may serve on a working group at any given time. Working groups are not subject to the Open Meetings Act and cannot deliberate.
- Section 2. The Chairman may establish and appoint committees with the consent of the Commission. Membership can be any number, so long as less than a quorum of the Commission serves on a committee at any given time. Committees are subject to the Open Meetings Act and may deliberate on matters before the Commission.
- Section 3. All working groups and committees are subservient to the Commission and shall report their recommendations to the Commission for review and action.

ARTICLE VIII – EXPERIENCE AND TRAINING

- Section 1. Qualifications for Officers. Officers of the Commission shall have a minimum of one (1) year prior experience being on the Commission.
- Section 2. Training Requirement. All new members are expected to attend a basic planning and zoning training program within the first (1st) year of their appointment. This training will be paid for by the Township.
- Section 3. If any Planning Commission member is absent from any four (4) scheduled monthly Commission meetings during any one (1) year period, whether consecutive or not, the Commissioner is subject to an automatic appointment review immediately after the fourth (4th) missed meeting, whether the absences are excused or not.

ARTICLE IX – MISCELLANEOUS

- Section 1. These rules and regulations may be amended or altered during a regular meeting by the affirmative vote of at least four (4) members, or a majority of those on the current roster of the Commission, provided notice of the proposed change is given to the Commission at a preceding regular meeting.
- Section 2. The Commission assigned Liaison by the Buchanan Charter Township Board of Trustees shall provide the Buchanan Charter Township Board of Trustees with a report at the following scheduled Buchanan Charter Township Board of Trustees Meeting. This report shall include discussion of the Commission's activities, the status of any planning processes, priorities and recommendations to the Township Board for the coming year, and any fiscal needs anticipated.

ARTICLE X – AUTHORITY

These Rules of Procedure and Bylaws are intended to provide guidance to the Commission and shall not be interpreted as binding or to create any responsibilities of the Commission or rights to the public other than those established by law or ordinance.

CERTIFICATION

CERTIFICATION

I HEREBY CERTIFY that the above Rules of Procedure and Bylaws were adopted by the Buchanan Township Planning Commission on November 22, 2023, at a regular meeting held in compliance with the Open Meetings Act, being Act 267 of the Public Acts of Michigan of 1976, as amended.



Dennis Wentworth
Chairman
Buchanan Charter Township Planning Commission