

KALAMAZOO METROPOLITAN COUNTY PLANNING COMMISSION

BY-LAWS AND RULES OF PROCEDURE
ENACTED January 18, 2011

ARTICLE I

NAME

The name of this body shall be the Kalamazoo Metropolitan County Planning Commission, hereinafter referred to as the Commission.

ARTICLE II

PURPOSE

The Commission was established by a Resolution of the Kalamazoo County Board of Commissioners pursuant to Act 28 of the Public Acts of 1945. The Commission is authorized pursuant to Act 33 of the Public Acts of 2008 as amended. The Commission is designated as a Metropolitan County Planning Commission pursuant to section 37(1).

Section 1 - The Commission shall

1. Make, approve and maintain a master plan as required by law;
2. Perform metropolitan and regional planning whenever necessary or desirable;
3. Cooperate with all departments of the state and federal governments and other public agencies concerned with programs directed towards the economic, social and physical development of the County, and seek the maximum coordination of the County programs of these agencies;
4. Consult with representatives of adjacent counties in respect to their planning so that conflicts in over-all County plans may be avoided; and
5. Serve as a coordinating agency for all planning committees and commissions within the County.

Section 2 - The Commission shall make an annual report to the County Board of Commissioners.

ARTICLE III

COMMISSION ORGANIZATION

Section 1 - Commission Membership:

The Commission shall be under the general control of the Board of Commissioners of Kalamazoo County, and shall consist of eleven (11) members who shall be appointed or removed by the Chairperson of the County Board of Commissioners with confirmation of such appointment or removal by a majority of the Board of Commissioners. The membership of the Commission shall be representative of important segments of the County such as economic, governmental, educational and social development, in accordance with the major interests as

they exist: such as agriculture, natural resources, recreation, education, public health, government, transportation, industry and commerce. The membership shall also be representative of the entire geography of the County to the extent practicable. One of the members of the commission may be a non-elect. The Commission shall make every reasonable effort to ensure that the membership of the Commission includes 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. The chief administrative official or his designee, the Chairperson of the County Board, and one (1) or more members of the Board of Commissioners may be appointed to the Commission as ex-officio members, provided that not more than one-third (1/3) of the members of the Commission are ex-officio members.

Section 2 - Term of Members:

The term of each appointed member shall be for three (3) years as such appointments permit the establishment of overlapping terms of office. Each term shall expire at noon on April 1, and each member shall hold office thereafter until his or her successor is appointed and qualified. Ex-officio members - the term of the Chief Administrative Official or that of his or her designee shall expire with the term of the Chief Elected Official that appointed him or her as chief administrative official. The term of the member of the County Board of Commissioners shall expire with his or her term on the County Board of Commissioners.

Section 3 - Vacancies in Office:

When a vacancy occurs on the Commission, either by death, resignation or removal, the vacancy shall be filled by the Chairperson of the County Board of Commissioners, with confirmation by a majority of the County Board of Commissioners for the unexpired term.

Section 4 - Compensation:

The compensation of the members of the Planning Commission, if any, shall be as established by separate resolution of the County Board of Commissioners.

Section 5 - Neglect of Duties:

Any member who shall have three (3) or more consecutive unexcused absences from the regular meetings of the Commission shall be deemed to have vacated his or her office and said vacancy shall be filled by the County Board of Commissioners for the unexpired term.

Section 6 - Absences:

A simple majority vote of all Commission members present, which consists of a quorum, shall be required to excuse an absence.

Section 7- Officers, Agents and Employees:

The Commission shall elect each year during the month of April a Chairperson, Vice-Chairperson and Secretary. In addition, the Commission may elect a Deputy Secretary who may or may not be a member of the Commission and whose duties it shall be to perform any act imposed by any of the above officers or their agents.

Section 8 - Powers and Duties: The Commission shall have such powers and duties as shall from time to time be provided by law or be assigned by the Kalamazoo County Board of Commissioners.

ARTICLE IV

OFFICERS AND EMPLOYEES

Section 1 - Chairperson:

The Chairperson shall be elected by and from the membership of the Commission. An ex-officio member of the Commission is not eligible to serve as chairperson. His or her duties and powers shall include the following:

- a. He or she shall preside at all meetings of the Commission;
- b. He or she shall appoint all standing and special committees of the Commission;
- c. He or she shall be the ceremonial representative of the Commission and shall perform such other duties as specified by law, the County Board of Commissioners or by custom.

Section 2 - Vice-Chairperson:

The Vice-Chairperson shall be elected by and from the members of the Commission. He or she shall preside in the absence of the Chairperson and shall perform such other duties as may from time to time be assigned.

Section 3 - Secretary:

The Secretary or, in his or her absence, his or her deputy, shall be the Secretary of the Commission. It shall be the duty of the Secretary to

- a. Take minutes of all proceedings of the Commission;
- b. Record all resolutions and decisions made by the Commission;
- c. Record the vote of each member on any question submitted to the Commission, if required by any member present;
- d. Prepare copies of the minutes of the proceedings of the Commission for distribution to the members of the Commission not more than eight (8) days after each meeting; and
- e. Perform such other and further duties as the Commission may require.

Section 4 - Deputy Secretary:

The Commission may elect a Deputy Secretary to perform such duties as may from time to time be designated.

ARTICLE V

MEETINGS

Section 1 - Regular Meetings:

Except as otherwise required by law, the regular meetings of the Commission shall be held as follows:

- a. The Commission shall schedule meetings for the first Thursday of every month at 7:00 p.m. If a regular meeting date shall be a national holiday, the meeting shall be

- rescheduled to the first Thursday following the holiday and properly noticed. If there are no items requiring action, the Commission may cancel a meeting provided that they meet at least four (4) times during the calendar year;
- b. All regular meetings of the Commission shall be held in the County Administration Building at 201 West Kalamazoo Avenue unless the Commission shall otherwise specify;
 - c. Unless the motion of adjournment shall otherwise direct, any regular meeting of the Commission may be reconvened by the Commission Chairperson by serving on the other members a written notice of the time and purpose of any such reconvened meeting. Provided, however, that service may be waived in writing by a member, and said waive shall become a part of the permanent record. Service of such notice may be made by delivering the notice to the members personally or by leaving the same at each member's residence with some person of the household at least eighteen (18) hours before such meeting is to take place or by depositing the same in a government mail receptacle enclosed in a sealed envelope plainly addressed to such member at his or her last known residence address at least seventy-two (72) hours before such meeting is to take place. Such service may be made by a member of the Commission or by any employee or agent of the Commission. A public notice stating the date, time and place of a rescheduled regular or special meeting shall be posted in the Planning Department and County Board Office eighteen (18) hours before the meeting. Any adjournment necessitated because of a lack of a quorum shall be sine die, (adjourned without assigning a future meeting date), subject to being reconvened by the Chairperson of the Commission as provided in this subsection (MCLA 15.265); and
 - d. The deadline for submittal of an item for the agenda of any regular meeting shall be 5:00 p.m. on the Thursday two weeks prior to the scheduled meeting. Twelve (12) copies of the item must be provided to the Planning Department by the deadline.

Section 2 - Special Meeting:

A special meeting may be called by the Chairperson or any two (2) members of the Commission. Written notice of the special meeting shall be served on each member or left at his or her place of residence, at least eighteen (18) hours prior to such meeting. The notice shall state the purpose, time, day, month, date, year and location of the meeting. A public notice stating the date, time and place of a special meeting shall be posted in the Planning Department and County Board Office at least eighteen (18) hours before the meeting pursuant to the requirements of the Open Meeting Act (MCL 15.265).

Section 3 - Order of Business for Regular Meetings:

The order of business shall be as follows:

- A. Call to Order
- B. Roll Call
- C. Approval of Minutes
- D. Old Business
- E. New Business
- F. Members' Time

G. Liaison Reports

H. Citizens' Time (for items not on the Agenda)

I. Adjournment

Section 4 - Adjourned Meetings:

Any legal meeting of the Commission may be adjourned from time to time as the Commission may deem necessary.

Section 5 - Quorum:

A majority of the members shall constitute a quorum for the transaction of the ordinary business of this Commission.

Section 6 - Voting:

All business shall be determined by the votes of a majority of the members present, except as otherwise provided by statute.

Section 7 - Citizen Participation:

Any citizen may comment upon Agenda items prior to the taking of a vote thereon. Citizens, after being recognized, shall ordinarily limit their presentation to four (4) minutes, unless the time is otherwise extended by the Chairperson or by a vote of the Commission.

Section 8 - Distribution of Minutes:

A copy of the proposed minutes shall be e-mailed to each member not less than six (6) days prior to the next regular scheduled meeting. A hard copy of the minutes may be mailed to a member upon request.

Section 9 - Commission Orders Record:

Every order, resolution and determination of the Commission shall be recorded in the records of the Commission.

Section 10 - Rules of Order:

Robert's Rules of Order, newly revised, shall govern the Commission and its committees in all of the deliberations, except as modified by these By-Laws or Rules. The Rules of Order of business may be suspended at any meeting by a two-thirds (2/3) vote of those present.

Section 11 - Open Meetings Act:

All business of the Commission shall be conducted in compliance with the requirements of the Open Meetings Act (MCL 15.261 to 15.275).

Section 12 - Freedom of Information Act:

All documents possessed by the Commission and used in the performance of an official function shall be made public in compliance with the requirements of the Freedom of Information Act (MCL 15.231 to 15.246).

ARTICLE VI

COMMITTEES OF THE COMMISSION

Section 1 - Committees:

The Commission may establish advisory committees as are deemed necessary and proper.

Section 2 - Appointment of Committees:

The Chairperson of the Commission shall have the power to appoint to such committees such members as shall be required thereon.

Section 3 - Criteria:

Committee members shall be selected on the basis of their interest in the subject matter to be considered by the committee and shall, as nearly as possible, be representative of the people of the community.

ARTICLE VII

RULES OF GENERAL CONDUCT AND PROCEDURE

Section 1 - General Conduct:

A member shall not use profane, intemperate or discourteous language or conduct.

Section 2 - Conflict of Interest:

No member shall directly or indirectly be interested in or a party to any contract or other business transaction with the Commission or recommend or encourage any contract between the Commission and a relative or the employment of a relative, except upon proper disclosure to the Commission at a public meeting. A relative shall include any member of the immediate family, grandchild, parent, grandparent, uncle, aunt, first cousin, niece or nephew. This provision herein shall be in addition to any conflict of interest provision now or hereinafter established by law.

Section 3 - False Statements:

No member shall make any false statement for the purpose of receiving compensation or reimbursement for expenditures.

Section 4 - Previous Question:

Every member present shall have an opportunity to speak to a question before there may be a call for a vote.

ARTICLE VIII

AMENDMENT

These By-Laws and Rules may be amended, altered, changed, added to or repealed by the affirmative vote of a majority of the members of the entire Commission at any regular or special meetings, provided notice of the intention to amend had been included in the call; however, the adoption of By-Laws and Rules are subject to the approval of the County Board of Commissioners and shall conform to such guidelines or policies as may be from time to time established by said County Board of Commissioners. Further, a two-thirds (2/3) vote of the entire Commission shall be required when a motion to amend, alter, change, add to or repeal these By-Laws is not included on the regular call.

The foregoing New By-Laws and Rules were adopted by the Kalamazoo Metropolitan County Planning Commission at a meeting called for the purpose of repealing the old By-Laws, originally adopted on April 3, 1979, and adopting said By-Laws held at the County Administration Building on January 6, 2011.

Said By-Laws and Rules were approved by the Kalamazoo County Board of Commissioners at a regularly scheduled meeting on January 18, 2011.

KALAMAZOO COUNTY BOARD OF COMMISSIONERS


Board Chairperson


County Clerk