

**OCEANA COUNTY
PLANNING COMMISSION
BYLAWS**

As of November 7, 2019

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1. NAME AND PURPOSE

- A. The name shall be the Oceana County Planning Commission, hereafter known as the "Commission".
- B. 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.).

2. MEMBERSHIP

- A. Members of the Commission are appointed by the Oceana County Board of Commissioners pursuant to the Oceana County Planning Commission Ordinance of October 9, 2008, as amended.
 - 1. First priority, each member shall represent and advocate what is best for the Oceana County government as a whole, putting aside personal interests.
 - 2. Second priority, each member shall represent a separate important segment of the community, as appointed by the Oceana County Board of Commissioners and shall meet the individual qualifications put forth in the Oceana County Planning Commission Ordinance of October 9, 2008.
 - a. One citizen member representing agriculture and forestry interests: Be familiar with the desires and needs of farmers, Farm Bureau, Soil Conservation District, Michigan DNR Forestry Division, US Forest Service, Forest Stewardship Plans, P.A. 116, Michigan State University Extension, etc.
 - b. One citizen member representing educational interests: Be familiar with the desires and needs of the local school districts, intermediate school district, college, Michigan State University Extension and other educational institutions.
 - c. One member representing recreational and tourism interests: Be familiar with the desires and needs of the tourist division of the Chamber of Commerce, hotel/motel business owners, recreation associations, civic and social organizations, snowmobile and other recreation clubs, DNR Parks division, Recreation Division and Waterways Division.
 - d. One Citizen Member representing industrial and economic interests: Be familiar with the desires and needs of industrial associations, the Chamber of Commerce, Economic Development Corporation.
 - e. One member representing the transportation and road interests: Be familiar with the desires and needs of the County Road Commission, village and city road agencies, mass/bus transportation systems, airports and harbors.
 - f. One member representing housing, health and human services interests: Be familiar with the desires and needs of public utility providers, water and sewer providers, County Health Department, Council on Aging, Housing Commission, landlords associations and other human services.

- g. One member shall be a member of the County Board of Commissioners: Be familiar with the desires and needs of the Board of Commissioners and its committees, adjacent legislative bodies and their planning commissions.
 - h. One citizen member representing environmental and water quality interests: Be familiar with the desires and needs of environmental organizations in Oceana County, including, but not limited to garden clubs, conservation clubs, lake and river landowners and associations and Michigan DEQ land and water programs.
 - i. One citizen member representing the governmental municipal interests: Be familiar with the desires and needs of the county chapter of the Michigan Townships Association, cities, villages and township governments.
- B. Liaisons - The purpose of liaisons is to provide certain Oceana 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 Section 2.C of these bylaws. Liaisons, if not already appointed Commission members, are:
- 1. The Commission's consultants
 - 2. Oceana County Attorney
 - 3. Oceana County Administrator
 - 4. Manager of the County Road Commission
 - 5. County Emergency Management Coordinator
 - 6. County Soil Conservation Service Soil Conservationist
 - 7. District Health Department representative
 - 8. County Surveyor
 - 9. County Register of Deeds
 - 10. County MSU Extension Director
 - 11. Regional (WMSRDC) planning staff
 - 12. Oceana County Housing Commission
- C. 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 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 shall keep attendance records and shall notify the Board of Commissioners whenever any member of the Commission is absent from three consecutive regularly scheduled meetings, so the Board of Commissioners can consider further action allowed under law, or excuse the absences.
- D. Each member shall have attended at least four hours of training in planning and zoning during the member's first term of office, provided the budget includes funds to pay for tuition, registration and travel expenses for the training. It is recommended that training in Roberts Rules of Order, Michigan Open Meetings Act and Michigan Zoning Enabling Act be included.

Failure to meet the training requirements of four hours could result in the member not being reappointed to the Commission.

E. Incompatibility of Office

1. 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:
 - a. Deliberating on, voting on, or reviewing a case concerning him/her.
 - b. Deliberating on, voting on, or reviewing a case which is an action which results in a pecuniary benefit to him or her.
 - c. 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.
2. 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:
 - a. declare a conflict exists at the next meeting of the Commission
 - b. during deliberation of the agenda item before the Commission, remove one's self from the front table where the members of the Commission sit until that agenda item is concluded.
3. 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 of 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.

3. OFFICERS

- A. Selection - At the regular meeting in December of each year, the Commission shall select from its membership a Chair, Vice-Chair and Secretary. 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.
- B. Tenure - The Chair, Vice-Chair and Secretary shall take office January 1 following their selection and shall hold office for a term of one year.

C. 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 Section 4.E of these Bylaws.
4. Appoint Committees.
5. May call special meetings.
6. Act as member and chair of the Executive Committee.
7. Act as an ex-officio member of all committees of the Commission.
8. Appoint an acting Secretary in the event the secretary is absent from a commission meeting
9. Act as the Commission's chief spokesman and lobbyist to represent the commission at local, regional or State levels.
10. Represent the Commission, along with the County Board of Commission member, before the Oceana County Board of Commissioners.
11. Perform such other duties as may be ordered by the Commission.

D. Vice-Chair - The Vice-Chair shall:

1. Act in the capacity of the chair, with all the powers and duties of the chair, in the Chair's absence.
2. Act as member and Vice-Chair of the Executive Committee.
3. Perform such other duties as may be ordered by the Commission.

E. Secretary's duties - The Secretary shall:

1. Execute documents in the name of the Commission.
2. Be responsible for the minutes of each meeting.
3. Review the draft of the minutes and submit them for approval to the Commission. Copies of minutes shall be distributed to each member of the Commission prior to the next meeting.
4. Keep attendance records.
5. Provide notice to the public and members of the Commission for all regular and special meetings, pursuant to the Open Meetings Act.
6. Prepare an agenda for Commission meetings.
7. Perform such other duties as may be ordered by the Commission.

4. MEETINGS

A. Regular meetings - Meetings of the Commission will be held the First Thursday of every month at 1:00 P.M. in the Commissioners Room in the Oceana County Courthouse. 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 of regularly scheduled Commission meetings shall comply with P.A. 267 of 1976, as amended, being the Michigan Open Meetings Act M.C.L. 15.261 et seq.

- B. Special Meetings - Special meetings shall be called in the following manner:
1. By the Chair.
 2. By any two members of the Commission.
 3. 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.
 4. 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.
- C. Recess - The Chair or the Commission, after the meeting has been in session for two hours, shall suspend the Commission's business and evaluate the remaining items on its agenda. The commission shall then decide to finish that meeting's 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. If more than 18 hours will pass before the reconvened Commission, public notice shall be given to comply with the Open Meetings Act. 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.
- D. 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.
- E. Motions
1. Motions shall be restated by the Chair before a vote is taken.
 2. Findings of Fact. All actions taken in an administrative capacity (Including but not limited to, 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:
 - a. A finding of fact, listing what the Commission determines to be relevant facts in the case in order to eliminate misleading statements, irrelevant and untrue statements.
 - b. 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.
 - c. The Commission's actions; recommendation or position, approval, approval with conditions or disapproval.

- F. 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 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.
- G. 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.
- H. 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). Where these Bylaws conflict, or are different than Robert’s Rules of Order, then these Bylaws control.
 - 1. Public Participation - All regular and special meetings, hearings, records, and accounts shall be open to the public. During the meeting, public comment is normally not allowed; however, sometimes the commission may direct questions to members of the public.
 - 2. The Chairperson may limit the amount of time allowed for each person wishing to make public comment at a Commission meeting.
 - 3. During a public Oceana County Planning Commission meetng, correspondence that is addressed to the Commission will be acknowledged and copies will be available to members of the commission prior to the scheduled meeting. During the meeting, correspondence may or may not be read, either in its entirety or summarized, depending on the decision of the Chairperson.
- I. 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 electronically or by first class mail on the Thursday of the week prior to the Commission meeting.
- J. Placement of items on the Agenda. The deadline to add items to the Commission’s meeting agenda shall be seven calendar days prior to the next regularly scheduled Commission meeting.
- K. Order of Business is as follows:
 - 1. Roll Call
 - 2. Approval of the Minutes of Previous Meeting
 - 3. Approval of the Agenda Items
 - 4. Public Comment on Agenda Items
 - 5. Chairperson’s report
 - 6. Communications and Reviews

7. Committee reports
8. Other New or Unfinished Business
9. Adjournment

5. COMMITTEES

A. Executive Committee

1. 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 budget, day-to-day administration of the Planning Department and anything else directed to the Executive Committee by the Commission.
2. The Executive Committee has limited power to act only on housekeeping matters, budget, overseeing contracts and 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.

B. 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.

1. 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.

6. INTERGOVERNMENTAL COORDINATION

A. The Commission shall be responsible for coordination of all related plans between departments and intergovernmental coordination of all related planned activities among the state, federal, and municipal governments concerned.

7. MILEAGE AND PER DIEM

A. Mileage and per diem shall be paid to members of the Commission at rates established by the Board of Commissioners for attending Commission meetings and Executive Committee meetings, and other authorized meetings and trips to represent the Oceana County Planning Commission. If those Commission members bill Oceana County for the same. Only mileage shall be paid for attendance at Ad Hoc Committee meetings. If those Commission members bill Oceana County for the same.

8. HEARINGS

- A. 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 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.
- B. Special Hearings - Notice of special hearings for the purposes of presenting preliminary master plans, obtaining public opinion on a problem with interested parties, will be given to persons or groups interested, as required by the Planning Act.
- C. 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.

9. PLAN REVIEWS

- A. The Commission shall review all adjacent or contiguous local government plans (township, village and city), adjacent county plans, local governments government plans, within the boundaries serviced by the Commission, and the County plans in which the Commission's service area is located.
- B. 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.
- C. The review should focus on:
 - 1. First, the process is intended to increase coordination of planning between governments.
 - 2. Consistencies or inconsistencies with our government's plan, such as:
 - a. Border issues.
 - b. Issues of greater than local concern.
 - c. Comparison with local plan contents.
 - d. Comparison with County plan contents.
 - e. Comparison to other relevant adopted plans, such as historic preservation, local wetland protection, TIF or brownfield redevelopment plans, etc.
 - f. Comparison to various implementation strategies.
 - 3. 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.
 - 4. If the county planning commission considers the draft plan or amendment to be inconsistent with the county plan.

5. 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:
 - a. The assumption is made there should not be any provision of a municipal plan which is in conflict 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 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.
 - c. 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.
- D. The review shall be in the form of a letter and shall take into account:
 1. 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.
 2. Focus only on significant issues, in a clear and well documented way. Suggest solutions rather than only pointing out what is wrong.
 3. 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.
 4. Include mutual respect of others, so the comments are factual, objective, and based on sound planning principles.

10. TOWNSHIP ZONING REVIEWS

- A. The Commission shall review all zoning ordinances and zoning amendments for townships within the county.
- B. 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.
- C. Township zoning, which shall be submitted with the following information:
 1. The text of the proposed ordinance
 2. The map for the proposed ordinance
- D. 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:

1. 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.
2. 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 or both.
3. 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.

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

1. Respect for the idea that the submission and review stages are near the end of the 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.
2. Focus only on significant issues in a clear and well documented way. Suggest solutions rather than only pointing out what is wrong.
3. 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.
4. Include mutual respect of others, so the comments are factual, objective and based on sound planning principles.

11. CAPITAL IMPROVEMENTS REVIEW

- A. 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.
- B. Preliminary plans and reports for the physical development of Oceana 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.
- C. 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.
- D. The review shall be in the form of a letter, sent within 35 days after the proposal is filed for review.

12. CAPITAL IMPROVEMENTS PROGRAM

- A. Annually, a capital improvement program (CIP) of public structures and improvement shall be adopted.
- B. The Planning Commission should include the following individuals, agencies and departments in preparing the CIP.
 - 1. Chief Executive – County Administrator.
 - 2. All departments within the government.
 - 3. The person 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 project.
- C. The Commission 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.
- D. The Commission shall organize the proposed public structures and improvements in the general order of their priority, that in the commission’s judgment will be needed or desired or can be undertaken in the ensuing 6-year period.
 - 1. In doing so, the Commission may make use of expert advice and information from private consultants:
 - a. The Governmental Accounting Standards Board (GASB) Statement No. 34, Basic Financial Statements – and management’s discussing and Analysis – for State and Local governments.
 - b. Population studies.
 - c. Economic studies.
 - d. Land use maps.
 - e. Future plans.
 - 2. The commission shall develop a formal set of criteria or use other techniques to organize the proposed public structures and improvements in order of importance. The following issues at a minimum should be considered:
 - a. Description, location, and purpose of project.
 - b. Justification for the need for project.
 - c. An explanation of its relationship to other projects.
 - d. The cost of the project (detailed budget).
 - e. Estimated annual income from projects.
 - f. Estimated annual operation costs for the project.

- g. Status of plans/specifications for the project and the expected length of time the capital project will last.
 - h. Year construction of project should start.
 - i. The rank/importance of project within department submitting it.
 - j. Environmental, health, and safety impacts and energy consumption.
3. The proposed public structures and improvements in order of importance shall be considered a first draft CIP.
- E. The Planning Commission shall review the CIP
- 1. 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.
 - 2. 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.
 - 3. Upon completion of the review, a second draft of the CIP shall be prepared.
- F. The Planning Commission shall hold a public hearing on the second draft of the CIP.
- G. After the hearing, if necessary, a third draft of the CIP shall be prepared. The Planning Commission then:
- 1. Formally adopts the CIP in the form of a recommendation to the legislative body for adoption; or
 - 2. 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.
- H. 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.

13. OTHER MATTERS TO BE CONSIDERED BY THE COMMISSION

- A. Commission Action - The following matters shall be presented for consideration at a meeting of the Commission:
- 1. At least annually, the adoption of priorities for the Commission's plan of work.
 - 2. Preparation of an annual report of the Commission.
 - 3. Review all planning reports and plans before publication.
 - 4. Planning Commission's budget requirements for the fiscal year and request for appropriation.

- B. From time to time the Commission shall publish policy to define and categorize work done for municipalities in Oceana County as:
 - 1. Tasks which are a basic purpose of the County Planning Commission and for which no charge or fee shall be charged.
 - 2. A secondary purpose of the Commission which is to include “assistance” to municipalities in Oceana County for which a fee may or may not be charged, as may be established by the Commission.

14. ADOPTION, REPEAL, AMENDMENTS

- A. Upon adoption of these Bylaws of November 07, 2019, they shall become effective and all previous Bylaws shall be repealed.
- B. The Commission may suspend any one of these Bylaws, for a duration of not more than one agenda item or meeting.
- C. These Bylaws may be amended at any regular or special meeting by a two thirds (2/3) vote of the members present.