

BY-LAWS
ST. CLAIR COUNTY METROPOLITAN PLANNING COMMISSION

ARTICLE I - AUTHORITY: The Commission shall exercise such powers and perform such duties as are established pursuant to the Ordinance adopted by the St. Clair County Board of Commissioners effective December 22, 2011 under the authority of Act 33 of the Public Acts of Michigan 2008, as amended.

ARTICLE II - DUTIES AND RESPONSIBILITIES

- Section 1.** The Commission shall make and adopt plans for the development of the county, which may include planning in cooperation with the constituted authorities for incorporated areas in whole or to the extent to which, in the Commission's judgment, they are related to the planning of the unincorporated areas of the county as a whole.
- Section 2.** The Commission shall perform metropolitan and regional planning whenever necessary or desirable.
- Section 3.** The Commission shall conduct continuing research on past, current and future physical, social, economic and governmental conditions and make the information available to all public and private agencies in the county.
- Section 4.** The Commission shall establish and carry on an effective program of coordination between local government, county agencies, private agencies, regional agencies, and federal and state agencies on those matters which prove critical to the development of the county.
- Section 5.** The Commission shall stimulate the creation of local planning commissions, local planning programs and the necessary codes and ordinances to implement local plans.
- Section 6.** The Commission may provide technical planning assistance to local units of government for which said governmental units shall pay an agreed-upon amount.
- Section 7.** The Commission shall establish a continuing program of public information and education to create an awareness of understanding among the people of the county as to their common interests in the sound development of St. Clair County.
- Section 8.** The Commission shall serve as the St. Clair County Federal Aid Committee for receipt of federal transportation funds to develop and maintain a multi-modal transportation program for the St. Clair County study area based on the continuing, comprehensive, cooperative planning process. This program shall include, but not be limited to approving:
- (1) the Advisory Committee's recommendation on the County portion of the Regional Long Range Transportation Plan,
 - (2) the three-year list of prioritized transportation projects and programs known as the Transportation Improvement Program (TIP), and
 - (3) a yearly Unified Work Program compatible with local, regional and state development plans.

ARTICLE III - FINANCIAL ASSISTANCE: The Commission may apply for, receive and accept grants from any governmental agency, or from the federal government, and agree to and comply with such terms and conditions as may be necessary, convenient or desirable. The Commission may secure the financial aid or cooperation of the federal government in carrying out the functions of the Commission, when approved by a 2/3 vote of the Board of Commissioners.

ARTICLE IV - MEMBERSHIP

Section 1. The County Metropolitan Planning Commission shall consist of eleven (11) members who shall individually be representatives of important segments of the economic, governmental, social life and development of the county in accordance with the major interests as they exist in the county, such as agriculture, transportation, industry and commerce.

Section 2. All members shall be appointed by the Board of Commissioners for three (3) year terms, except that upon the first appointment of the membership by the board, the terms of office may be varied.

Section 3. When a term of office of a Commission member shall expire, he or she shall continue to serve until a successor is appointed by the Board of Commissioners.

Section 4. Whenever a member of the Commission resigns, retires or otherwise vacates such office, the resulting vacancy on the Commission shall be filled by appointment of the Board of Commissioners upon recommendation of the Commission for the balance of the unexpired term of such member.

ARTICLE V - COMMISSION MEETINGS

Section 1. **Regular meetings** shall be held on a regular basis as established by the commission at the annual meeting; provided that these be held not less than four (4) meetings per year. All regular meetings shall be held at the official office of the Commission, or at such other location or place as may be deemed necessary. Meetings of the Commission shall be open to the public pursuant to the OPEN MEETINGS ACT.

Section 2. Special meetings of the Commission may be called at any time by the Chairperson, and in his/her absence the Vice-Chairperson, or on written request of any four (4) commissioners, at such time or place as may be deemed necessary.

Section 3. The annual meeting of the Commission shall be the first meeting after the annual appointment of planning commission members by the County Board of Commissioners.

Section 4. All members of the Commission shall be notified in writing of the time and place of all meetings at least four (4) days prior thereto.

Section 5. A quorum at any regular or special meeting shall consist of six (6) members of the Commission.

Section 6. Any commissioner who misses three (3) consecutive regular meetings shall be deemed to have resigned. Upon approval by a majority present at any regular meeting of the Commission, that resignation shall become effective and that Commissioner shall be removed from office by the Board of Commissioners upon recommendation of the Commission.

Any commissioner who misses five (5) regular meetings within a calendar year (January through December) shall be deemed to have resigned. Upon approval by a majority of the members present at any regular meeting of the Commission, that resignation shall become effective and that commissioner shall be removed from office by the Board of Commissioners.

A waiver to the above removal procedures may be requested in advance of a known extended absence with the approval of a 2/3 majority of the commissioners.

Section 7. A 2/3 majority of the Commission may recommend to the Board of Commissioners that a commissioner be removed with or without cause.

Section 8. Commissioners participating in a Commission meeting by way of audio, video, or other means of teleconferencing shall be considered as present for that meeting. Those at the meeting and the Commissioner(s) attending by remote means, must at a minimum, be able to hear and be heard by one another ensuring the ability of all parties to participate in meeting deliberations. Procedures shall be established by the Commission defining when a Commissioner can attend a meeting by these means. (See Appendix B for procedures).

ARTICLE VI - ADVISORY COMMITTEES: The Commission may authorize advisory committees or councils, whose membership may consist of individuals whose experience, training and interest in the Commission's work qualifies them to lend valuable assistance to the Commission on technical and special phases of the Commission's program. The Commission may also appoint committees of the Commission members with such duties and functions as it may deem advisable.

ARTICLE VII - OFFICERS OF THE COMMISSION

Section 1. The officers of the Commission shall consist of a Chairperson, Vice-Chairperson, and Secretary.

Section 2. Said officers shall be elected by the Commission from among its members at the annual meeting and shall serve until the next annual meeting or until their successors are elected.

Section 3. The Commission may hold an election to fill a vacancy created by the departure of one of the officers.

ARTICLE VIII - DUTIES OF THE CHAIRPERSON AND EXECUTIVE COMMITTEE: The Chairperson shall be the chief executive officer of the Commission and shall preside at all meetings of the Commission and the Executive Committee, which shall be comprised of the elected officers of the Commission. Included among the purposes of the Executive Committee shall be the making of policy recommendations to the Commission as may be needed and other functions as may be directed by the Commission. The Chairperson shall appoint all committees, or advisory committees or councils established by the Commission unless otherwise provided by the Commission, and shall be an ex-officio

member of all committees. The Chairperson shall have a vote upon all resolutions as a commissioner or member of the Executive Committee.

ARTICLE IX - DUTIES OF THE VICE-CHAIRPERSON: In the event the office of Chairperson shall become vacant by death, resignation or otherwise, the Vice-Chairperson shall become Chairperson for the unexpired term of the Chairperson. In the event of the absence of the Vice-Chairperson or his/her inability to discharge the duties of his/her office, such duties shall for the time being devolve upon the Secretary.

ARTICLE X - DUTIES OF THE SECRETARY: The Secretary shall perform the usual duties of his/her office, and such other duties as the Commission may direct.

ARTICLE XI - EXECUTIVE DIRECTOR: The Commission may employ an Executive Director, who shall hold office at the will and pleasure of the Commission. The Executive Director shall be the chief administrative officer of the Commission, providing general direction to its work and general management of its activities. The Executive Director shall have general supervision of the operating staff of the Commission, and may employ or discharge any employee, except as otherwise provided by the Commission. The Executive Director shall have such powers and duties as may be delegated by the Commission. These shall include, but not be limited to, the following:

- A. Give a report of staff activities and revenues and expenditures at all regular meetings of the Commission, and shall submit a report on accomplished, current and proposed programs at least once a year.
- B. Be an ex-officio member of all advisory committees and sub-committees concerned with any element of the work program.
- C. Prepare an annual financial budget for the Commission for consideration by the Commission prior to submission to the auditor's office.
- D. Delegate to any of his/her subordinates certain of the special duties and powers assigned to him/her.

ARTICLE XII - PROFESSIONAL ETHICS

Conflict of Interest. Public servants should employ independent objective judgment in performing their duties, deciding all matters on the merits, free from conflicts of interest and both real and apparent improper influences. See Appendix A, Guidelines on Conflict of Interest.

ARTICLE XIII - FISCAL YEAR: The fiscal year of the Commission shall be the same as the calendar year.

ARTICLE XIV - ANNUAL REPORT: The Commission shall, on or before the thirtieth (30th) day of April of each year, submit to the Board of Commissioners of St. Clair County and the legislative bodies of all units of local government a written report of its activities covering the previous fiscal year.

ARTICLE XV - AMENDMENT OF BY-LAWS: These rules of procedure, in whole or in part, may be altered, amended, added to or repealed by a majority of the Commission members at any regular or

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special meeting provided that notice of the proposed alterations, amendments or repeal shall be submitted by mail to all members of the Commission at last fifteen (15) days before the regular or special meeting of the Commission at which they are to be considered.

ARTICLE XVI - PARLIAMENTARY PRACTICE: For meetings of the Commission, the rules of parliamentary practice comprised in "Robert's Rules of Parliamentary Procedure" shall govern in all cases in which they are not inconsistent with the standing rules and orders of the Commission and not contrary to any existing laws of the State of Michigan.

Amended: September 18, 1991

Amended: January 19, 1994

Amended: September 21, 1994

Corrected: October 27, 1997

Amended: January 21, 1998

Amended: May 18, 2011

Amended: December 21, 2011

APPENDIX A:

GUIDELINES ON CONFLICT OF INTEREST

Conflict of interest shall be defined as a situation in which a Metropolitan Planning Commissioner has competing professional or personal interests in the outcome of a vote. Such competing interests include but are not limited to financial reward or the involvement of employers of immediate family members or any that may affect the member's ability to be impartial. Such competing interests can make it difficult to fulfill his or her impartiality. A conflict of interest exists, even if no unethical or improper act results from it. A conflict of interest can create an appearance of impropriety that can undermine confidence in the conduct of Metropolitan Planning Commission business. "Immediate family" shall include a member's spouse, children, other dependents, parents, siblings and a spouse's parents and siblings.

In accordance with these by-laws, failure of a Metropolitan Planning Commission member to disclose a known, or likely appearance of, conflict of interest, constitutes malfeasance in office.

Before joining in deliberation, fact finding, or casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Metropolitan Planning Commission.

Following such disclosure, unless a majority of the remaining members of the Metropolitan Planning Commission, excluding the member with the potential conflict, finds that no conflict exists, the member with the conflict is disqualified from fact finding, deliberation, and voting on the matter .

APPENDIX B:

PROCEDURE FOR USE OF AUDIO/VIDEO TELECONFERENCING BY A PLANNING COMMISSIONER

1. Article V, Section 8, authorization shall be granted by the Chairperson or in his/her absence, the Vice Chairperson.
2. Authorization may be granted at the discretion of the Chairperson or in his/her absence the Vice Chairperson for unusual circumstances such as, by way of example, the following:
 - a. Temporary employment related travel
 - b. Medical reasons
 - c. To secure a quorum
3. Commissioners are permitted to attend meetings by way of audio/video or other teleconferencing means no more than three times in a calendar year.
4. No more than three Commissioners shall be permitted to participate in a meeting by way of audio/video or other teleconferencing means at one time.
5. The Chairperson, or in his/her absence the Vice Chairperson, shall report the authorization to participate pursuant to Section 8 at the beginning of the Commission meeting.
6. Staff shall be notified as soon as possible of the need for teleconferencing equipment at a meeting.

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