

Jonesfield Township Zoning Board of Appeals
Resolution Adopting Zoning Board of Appeals Bylaws

At a meeting of the Jonesfield Township Zoning Board of Appeals, Saginaw County, Michigan held at the Jonesfield Township Hall on the 13th day of July, 2020 at 7:00 p.m.

PRESENT: Richard Blumner, Ruth Coppers, Larry Tibbits
ABSENT: None

The following resolution was offered by Larry Tibbits and seconded by Ruth Coppers

WHEREAS, the Jonesfield Township Zoning Board of Appeals wishes to adopt Bylaws to govern its procedures as a Zoning Board of Appeals, including provisions governing conflicts of interest and disqualification from voting. MCL 125.3603(1).; and

WHEREAS, the Zoning Board of Appeals finds that any Bylaws should clearly define conflicts of interest and incorporate the Rule of Necessity to allow the Zoning Board of Appeals to take action when conflicts of interest may prevent the Zoning Board of Appeals from considering a matter.

NOW, THEREFORE, be it resolved by the Jonesfield Township Zoning Board of Appeals that the Bylaws below constitute the Bylaws of the Jonesfield Township Zoning Board of Appeals:

Jonesfield Township Zoning Board of Appeals Bylaws

The following rules of procedure are hereby adopted by the Jonesfield Township Zoning Board of Appeals to facilitate the performance of its duties as outlined in the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, *et seq.* See MCL 125.3603(1).

SECTION 1: Officers

- A. Chairperson and Secretary** - The Zoning Board of Appeals ("ZBA") shall select from its membership a Chairperson and Secretary to serve for three-year terms.
- B. Chairperson**—The Chairperson shall preside at all meetings and perform such other duties as ordered by the Zoning Board of Appeals.
- C. Secretary**—The Secretary shall execute documents in the name of the Zoning Board of Appeals and shall perform such other duties as the Zoning Board of Appeals may determine.

SECTION 2: Meetings

The business the Zoning Board of Appeals may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act. The Zoning Board of Appeals may establish reasonable rules and regulations governing public comment and other issues in order to minimize the possibility of disrupting meetings. Meetings will be called when the need arises or when the Chairperson deems a meeting is necessary.

- A. Notice**—Notice required for specific requests or actions will be given pursuant to the Michigan Zoning Enabling Act or other applicable statute. All meeting will be held in accordance with the Michigan Open Meetings Act. Public comment opportunity will be permitted.

- B. Agenda**—The Chairperson or their designee must prepare an agenda for Zoning Board of Appeals meetings. The agenda may be modified by a majority vote of the Zoning Board of Appeals.
- C. Quorum**—A majority of the regular members of the Zoning Board of Appeals shall constitute a quorum for transacting business and taking official action on all matters. The Zoning Board of Appeals shall not conduct business unless a majority of the regular members is present.
- D. Public Hearings**—All public hearings held by the Zoning Board of Appeals must be held as part of a regular or special meeting of the Zoning Board of Appeals.
- E. Voting**—To pass or deny any dimensional and use variance, appeal or other official action authorized by the Jonesfield Township Zoning Ordinance or other applicable authority, an affirmative vote of at least a majority of the total membership of the Zoning Board of Appeals is required. Voting shall be by voice vote; a roll call vote shall be required if requested by any Zoning Board of Appeals member or directed by the Chairperson. Except in the case of a conflict of interest, all Zoning Board of Appeals members, including the Chairperson, shall vote on all matters.
- F. Public Records**—All meetings, minutes, records, documents, correspondence, and other materials of the Zoning Board of Appeals shall be open to public inspection in accordance with the Michigan Freedom of Information Act, except as may otherwise be provided by law.

SECTION 3: Duties of the Zoning Board of Appeals

The Zoning Board of Appeals shall perform the following duties:

- A.** Act on applications for dimensional and use variances, appeals, interpretations, or other matters as authorized or required by the Jonesfield Township Zoning Ordinance, and the Michigan Zoning Enabling Act or other applicable statute.
- B.** Perform other duties and responsibilities as may be specified in the Township Zoning Ordinance.
- C.** Conduct site visits as deemed necessary to evaluate an application and supporting materials. Site visits shall be conducted in a way to avoid violations of the Michigan Open Meetings Act.

SECTION 4: Attendance, Removals, Resignations and Vacancies

- A.** To the greatest extent possible, meetings of the ZBA shall be scheduled when all board members are available to attend.
- B.** Members of the Zoning Board of Appeals may be removed by the Jonesfield Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.
- C.** A member may resign from the Zoning Board of Appeals by sending a letter of resignation to the Township Board.
- D.** A successor shall be appointed as soon as reasonably possible after the term of the preceding member has expired. Successors shall serve out the unexpired term of the member being replaced, with the exception of the Planning Commission representative, whose term shall run consecutively with their term on the Planning Commission.

SECTION 5: Conflict of Interest

- A.** Before casting a vote on a matter on which a Zoning Board of Appeals member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict(s) of interest to the Zoning Board of Appeals.

B. Members of the Zoning Board of Appeals shall disqualify themselves from voting, deliberating, or considering a matter when they have a conflict of interest. The following circumstances constitute conflicts of interest.

1. The Zoning Board of Appeals member or an immediate family member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency or association.
2. A Zoning Board of Appeals member or their immediate family member is involved in any request for which the Zoning Board of Appeals is asked to make a decision or recommendation.
3. A Zoning Board of Appeals member or immediate family member owns or has a financial interest in a property directly adjacent to a property being considered by the Zoning Board of Appeals.
4. For purposes of this section, an "immediate family member" shall include a Zoning Board of Appeals member's spouse, children (including adopted) and their spouses, step-children and their spouses, grandchildren and their spouses, parents and step-parents, brothers and sisters and their spouses, grandparents, parents in-law, grandparents in-law, or any person residing in the Zoning Board of Appeals member's household.
5. There is a reasonable appearance of a conflict of interest, as determined by the Zoning Board of Appeals member declaring such conflict.
6. **Rule of Necessity:** For purposes of these Bylaws, and under MCL 125.3601(9), the following scenario shall not qualify as a conflict of interest prohibiting members of the Zoning Board of Appeals from voting, deliberating, or considering a matter. Under these circumstances, members with the ZBA may vote, deliberate, and consider a matter under the Rule of Necessity. It shall not be a conflict of interest when:
 - a) Conflicts of interest under these Bylaws or the Standards of Conduct for Public Officers and Employees Act, Act 196 of 1973, MCL 15.341 *et seq.*, prevent a quorum of the ZBA from voting, deliberating, or considering a matter.
 - b) All ZBA members with conflicts of interests (as defined above) disclose all personal, financial, or business interests in a proposed land use or with an applicant/appellant and disclose anything they reasonably believe may constitute conflicts of interest during an open meeting. These disclosures must be made during an open meeting and made part of a meeting's minutes.
 - c) A member of the ZBA shall not be able to vote, deliberate, or consider any matter under the Rule of Necessity should they be paid for more than 25 hours of week per week for the State of Michigan or a political subdivision of the State of Michigan. See MCL 15.342a(3)(b).

SECTION 6: Amendments/Conflicts

These Bylaws may be amended at any meeting by a vote of a majority of the membership of the Zoning Board of Appeals. In the event that any of these Bylaws conflict with a state statute or other binding law, the provisions of the binding authority shall govern.

Adopted on July 13, 2020 at a meeting of the Jonesfield Township Zoning Board of Appeals.

ADOPTED:

YEAS:

Richard Bluemer, Ruth Coppens

NAYS:

None

ABSENT/ABSTAIN:

None

RESOLUTION DECLARED ADOPTED.

x Ruth A. Coppens
Zoning Board of Appeals Chairperson

CERTIFICATION

I, the undersigned, the duly qualified and acting Secretary for the Jonesfield Township Zoning Board of Appeals, Saginaw County, Michigan DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Jonesfield Township Zoning Board of Appeals at a meeting held on the 13th day of July, 2020.

[Signature]
Zoning Board of Appeals Secretary