

PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI 49686

Ph: 231.223.7322 Fax: 231.223.7117

www.peninsulatownship.com

PETER A. CORREIA
SUPERVISOR

MONICA A. HOFFMAN
CLERK

DAVID K. WEATHERHOLT
TREASURER

MARK D. AVERY
TRUSTEE

JILL C. BYRON
TRUSTEE

PENELOPE S. ROSI
TRUSTEE

WENDY L. WITKOP
TRUSTEE

**Special Joint Meeting with the Township Board, the Planning Commission,
the Zoning Board of Appeals and the Park Commission**

July 13, 2016

7:00 p.m.

13235 Center Rd.

Traverse City, MI 49686

Agenda

1. **Call to Order**
2. **Pledge**
3. **Roll Call**
4. **Approve Agenda**
5. **Brief Citizen Comments – for items not on the Agenda**
6. **Conflict of Interest**
7. **Business**

1. Code of Ethics/Conflict of Interest/Policies and Procedures – Review with Township Attorney

1. **Citizen Comments**
2. **Board Comments**
3. **Adjournment**



Monica A. Hoffman CMMC/CMC
Peninsula Township Clerk

Posted – July 7, 2016

PENINSULA TOWNSHIP
Resolution No. #2 of 2010-11-09

At a regular meeting of the Peninsula Township Board held in the Peninsula Township Hall, located in Peninsula Township, Grand Traverse County, Michigan, on November 9, 2010.

PRESENT: ~~Rosi, Wilson, Weatherholt, Hoffman, Byron, Horton & Manigold~~

ABSENT: None

The following resolution was made by Hoffman and seconded by Byron, to-wit:

Recitals

WHEREAS, one of the most important roles of township government is to foster public confidence in the decisions made by elected and appointed township officials;

WHEREAS, public confidence in the decisions of township government is enhanced when public officials avoid both actual conflicts of interest and the appearance of conflicts of interest;

WHEREAS, the establishment of a Code of Ethics for elected and appointed township officials which specify standards of conduct will assist those elected and appointed officials in avoiding circumstances that could negatively impact public confidence in the decisions those officials are called upon to make; and

WHEREAS, the Peninsula Township Board desires to adopt a Code of Ethics for all elected and appointed township officials by the adoption of this resolution.

Resolution

NOW, THEREFORE, BE IT RESOLVED that the Peninsula Township Board hereby establishes the following Code of Ethics which shall be applicable to all elected and appointed officials of Peninsula Township:

PENINSULA TOWNSHIP
CODE OF ETHICS

- A. All elected and appointed officials of Peninsula Township (township officials) shall abide by all of the following standards of conduct when discharging the duties of their respective offices:
1. Township officials shall treat each other and members of the public appearing before them with respect, fairness, and sincerity.

2. Township officials shall discharge the duties of their respective offices in accordance with prescribed constitutional, statutory, and regulatory procedures and shall apply the laws and policies of the township in an evenhanded manner without partiality, favoritism, or dishonesty and not for personal gain or benefit.
3. Township officials shall not divulge to any unauthorized person confidential information acquired in the course of their duties in advance of the time prescribed for its authorized release to the public.
4. Township officials who acquire confidential information in the course of their duties that is not available at the time to the general public shall not use such information to further their private interests or the private interests of another person.
5. Township officials shall not represent their personal opinions as that of Peninsula Township or the township board, committee, commission, or board on which they serve, unless expressly authorized to do so.
6. Township officials shall not, directly or indirectly, make use of or permit others to make use of township property, equipment, vehicles, or supplies of any kind for personal gain or benefit.
7. Township officials shall not, directly or indirectly, solicit or accept any gift or a loan of money, goods, services or other thing of value which tends to influence or creates the appearance that it influences the manner in which they perform their official duties or is intended or has the appearance of being intended as a reward for any official act on their part.
8. Township officials shall not engage in or accept employment or render services that are incompatible or in conflict with the discharge of their official duties or that tends to impair their independence of judgment when discharging their official duties.
9. Except as permitted under the Contracts of Public Servants with Public Entities Act, MCL 15.321, et seq., township officials shall not, directly or indirectly, solicit or be a party to a contract between themselves and Peninsula Township and shall not solicit a contract between an entity in which they have a financial or personal interest and Peninsula Township.
10. Township officials shall not participate in the negotiation or execution of contracts, making of loans, granting of subsidies, fixing of rates, issuance of permits or certificates or other regulation or supervision relating to any business entity in which they have, directly or indirectly, a financial or personal interest.
11. Township officials shall not participate in and vote on decisions in which the member's immediate family has, directly or indirectly, a financial or personal interest. For purposes of this paragraph "immediate family" means that member's spouse and children.

12. Township officials shall not participate in and vote on land use decisions when they reside on or have an ownership interest in land within 300 feet of the parcel regarding which the decision is to be made.
13. When making discretionary, administrative decisions, including but not limited to land use decisions, township officials shall refrain from making statements or taking any actions outside the formal decision-making process that would suggest they have prejudged the matter before them or would in any way preclude them from affording the applicant and the public a fair hearing.
- B. A willful violation of these standards of conduct may be grounds for removal of an appointed township official following procedures required by law.

YES: Hoffman, Byron, Rosi, Weatherholt & Manigold

NO: Horton & Wilson

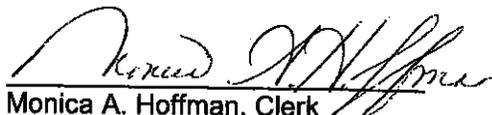
RESOLUTION DECLARED ADOPTED.

PENINSULA TOWNSHIP

By: 
Robert K. Manigold, Supervisor

I, the undersigned, the Clerk of Peninsula Township, Grand Traverse County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by said municipality of Grand Traverse County at its regular meeting held on November 09, 2010, relative to adoption of the resolution therein set forth; that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Dated: 11/9/10


Monica A. Hoffman, Clerk

PENINSULA TOWNSHIP BOARD RULES OF PROCEDURE

1.0 AUTHORITY

These rules are adopted by the Peninsula Township Board pursuant to its implied power to conduct meetings under Section 41.72a of the Compiled Laws of Michigan, as amended.

2.0 MEETINGS

2.1 Regular Meetings

The township board shall meet on the 2nd Tuesday and the 4th Monday of each month in regular session, except as otherwise provided by the township board. At its first meeting in each fiscal year, the board shall establish its schedule of regular meetings for the balance of the year. If any regularly scheduled meeting falls on a legal holiday, the regular meeting shall be held on a date determined by the township board that is not a legal holiday.

2.2 Special Meetings

The township board shall meet in special session at the call of the supervisor or upon written request of a majority of the entire township board members filed with the township clerk. No less than 18 hours before the scheduled special meeting, the township clerk, or his/her designate, shall provide each member of the board a notice of the special meeting, specifying the date, time, place, and purpose of the special meeting. With written consent of a member of the board, that member's notice may be made by email. In the absence of such written consent, notice shall be given personally to each member of the board, left at the member's usual place of residence, or otherwise delivered as authorized by law.

2.3 Emergency Meetings

Emergency meetings of the township board may be held only in the event of a severe and imminent threat to the health, safety, or welfare of the public when two-thirds of the members of the board elected and serving decide that delay would be detrimental to efforts to lessen or respond to the threat.

2.4 Place of Meetings

Meetings of the township board shall be held in the township hall or township office building, as determined by the township board, unless public notice of the meeting states a different location. Whenever the regular meeting place of the board shall appear inadequate for members of the public to attend, the supervisor may change the meeting location to a larger facility in the township, or surrounding area. A notice of such change shall be prominently posted on the door of the regular meeting place. The clerk shall also give notice of the change in the meeting place in a newspaper if time permits.

2.5 Time of Regular Meetings

The time of the regular meetings will be 7:00 p.m. on both the 2nd and 4th Tuesday and shall be stated in the regular schedule of meetings adopted under Rule 2.1, unless the township board by a vote of a majority of its entire membership specifies a different starting time. The township board shall not begin considering any matter on the agenda after 10:00 p.m. except by unanimous consent of the members present. Matters on the agenda which have not been considered shall be placed on the agenda of the next regular meeting, or on the agenda of a special meeting, if one is called.

2.6 Change in Schedule

Change in the regular meeting schedule shall not be made except upon the approval of a majority of the entire township board. In the event the board shall meet and a quorum is not present, the board, with the approval of those present, may only adjourn the meeting to a later day and time provided that proper notice to members and the public is given.

3.0 PUBLIC NOTICE OF MEETINGS

The township clerk, or his/her designee, shall provide the proper notice for all meetings of the township board. All such notices shall comply with the Michigan Open Meetings Act and shall be posted in a conspicuous location at the township office building visible from the outdoors and include, but not necessarily be limited to, the following:

3.1 Regular Meetings

A notice shall be posted within ten (10) days after the first meeting of the township board in each calendar year indicating the date, time, and place of the board's regularly scheduled meetings.

3.2 Schedule Change

Whenever the township board changes its regular schedule of meetings, a notice of the change in the regular meeting schedule shall be posted within three (3) days following the meeting in which the change was made.

3.3 Special and Emergency Meetings

If a special meeting of the township board is scheduled under Rule 2.2 or an emergency meeting of the township board is scheduled under Rule 2.3, then notice of such meeting shall be posted immediately. With written consent of a member of the board, that member's notice may be made by email. In the absence of such written consent, notice shall be given personally to each member of the board, left at the member's usual place of residence, or otherwise delivered as authorized by law. No meeting, except emergency meetings, shall be held until notice of the meeting has been posted at least eighteen (18) hours in advance of the meeting.

3.4 Notification to Media and Others

The township clerk, or his/her designee, shall notify, without charge, any newspaper or radio or television station of the township board's meeting schedule, schedule changes, or special or emergency meetings whenever such newspaper or radio or television station has filed with the clerk a written request for such notice. The clerk, or his/her designee, shall also notify other individuals or organizations of regular meeting schedules, changes in the schedule, or special and emergency meetings, but only upon their written request and agreement to pay the township for printing and postage expenses.

4.0 QUORUM AND ATTENDANCE

4.1 Quorum

A majority of members of the township board elected and serving (four members) shall constitute a quorum for the transaction of business of the board.

4.2 Attendance

No member of the township board may absent himself or herself without first having notified the township supervisor of his or her intent to be absent from a scheduled meeting.

5.0 MEETING AGENDAS

5.1 Agenda for Regular Meetings

The township clerk, or his/her designee, shall prepare the agenda of business for all regular township board meetings. Any member of the township board, a board or commission created by the township board, a committee of the township board, or a member of the public desiring to place a matter on the agenda shall notify the clerk's office of such item by no later than 10:00 a.m. of the preceding Wednesday for the first regular meeting of the month and no later than 10:00 a.m. of the preceding Wednesday for the second regular meeting of the month. Such items shall be placed on the agenda under Business or other agenda category as appropriate in the order they were received by the clerk's office. The township board reserves the right to alter the agenda, the order of items on the agenda, and remove items from the agenda by a majority vote of the members present at the meeting. In addition, the township board reserves the right to consider an item at a regular meeting not received by the clerk's office by the applicable deadline upon the consent of a majority of the members present.

5.2 Agenda for Special and Emergency Meetings

Whenever the township board is called into special session pursuant to Rule 2.2, the agenda shall be prepared by the township clerk, or his/her designee, and shall be included in the notice of the meeting, and no other matter shall be considered except when all members are present. The agenda for emergency meetings pursuant to Rule 2.3 shall be prepared by the township clerk, or his/her designee, and shall be provided along with the notice of the meeting to members of the township board, if time permits. At other times, the supervisor, or presiding

officer, shall declare the agenda upon the approval of a majority of the members present.

5.3 Distribution of Agenda and Materials

Upon the completion of the agenda, the township clerk, or his/her designee, shall distribute copies of the agenda together with copies of reports, explanations, etc., which relate to the matters of business on the agenda. Members of the township board shall be entitled to receive such materials no later than noon on the Thursday preceding the first regular meeting date of the month and no later than noon on the Thursday preceding the second regular meeting date of the month.

5.4 Consent Agenda – Defined

The consent agenda shall consist of those matters that the township board has determined to be “routine” and usually are matters about which the board commonly concurs. These matters include, but are not necessarily limited to, reports and announcements, correspondence, the approval of payroll and invoices for payment, the approval of minutes, the appointment of persons to township boards, commissions, and committees, the scheduling of public hearings, and other matters that the township board is required by statute or rule to approve.

5.5 Consent Agenda – Procedure

The township clerk, or his/her designee, in preparing the meeting agenda, shall list those matters under the heading of “consent agenda” and include the associated materials with those distributed to the members in accordance with Rule 5.3. At a meeting for which a consent agenda has been prepared, the board, upon the motion of a member, shall vote on the approval of the matters included under the consent agenda. Before putting the question to the members, the supervisor, or presiding officer, shall permit any member of the board or any member of the public to remove from the consent agenda any item on which he/she has questions or wishes further discussion. The supervisor, or presiding officer, shall then direct the clerk to remove such item and place it within the business portion of the meeting’s agenda. A vote shall not be required to remove a matter from the consent agenda.

5.6 Order of Business

The agenda shall be arranged in the following order:

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Conflict of Interest
5. Brief Citizen Comments – for items not on the Agenda and for requests to remove items from consent agenda
6. Approve/Revise Agenda
7. Approve Consent Agenda
8. Business
9. Citizens Comments

10. Board Comments
11. Adjournment

6.0 CONDUCT OF MEETINGS (OTHER THAN ZONING PUBLIC HEARINGS)

6.1 Chair

Except as provided herein, the supervisor shall preside at all meetings of the township board. In the absence of the supervisor, the township clerk shall assume the duties of the chair. In the absence of both the supervisor and township clerk, the township treasurer shall assume the duties of the chair for the purpose of the board electing one of its members present to preside at the meeting.

6.2 Form of Address

Members of the township board wishing to speak shall first obtain the approval of the supervisor, or presiding officer. Other persons at the meeting shall not speak unless recognized by the supervisor, or presiding officer.

6.3 Rules for Citizen Comments to the Township Board

1. The public may only address the township board at the times designated on the agenda, unless otherwise recognized by the supervisor, or presiding officer.
2. Members of the public addressing the board shall take into consideration the rules of common courtesy.
3. Members of the public shall not use the public participation portions of the meeting to make personal attacks against members of the board or against other township officials or employees. If the intended comments constitute a complaint or charge brought against a member of the board or against another township official or employee alleging that the official or employee has violated a federal or state statute, or an ordinance, resolution, or policy of the township, the individual shall contact the township clerk under Rule 5.1 to request placement on the agenda. Any such complaint or charge shall be in writing and signed by the individual making the complaint of charge as required by Rule 15.2.
4. Members of the public wishing to speak shall first obtain the approval of the supervisor, or presiding officer, and each person who speaks shall address the entire board.
5. The persons addressing the board shall identify themselves for the minutes.
6. Each member of the public addressing the board may speak for three (3) minutes unless they contact the township clerk under Rule 5.1 to request placement on the agenda and specify the purpose of the presentation and length of time requested (maximum time allowed 15 minutes per speaker or group).
7. A member of the public who desires to submit a written statement shall give the statement to the township clerk prior to the commencement of the

meeting or any comments. All written statements and documents presented to the board by an individual are considered public documents and shall be retained in the record of the meeting.

8. The above provisions, however, shall in no way impair the right of the supervisor, or presiding officer, to control the meeting as presiding officer.

6.4 Disorderly Conduct

The supervisor, or presiding officer, shall call to order any person who is being disorderly by speaking or otherwise disrupting the proceedings, by failing to be germane, by speaking longer than the allotted time, or by speaking vulgarities. Such person shall thereupon be seated until the supervisor, or presiding officer, has determined whether the person is in order. If a person so engaged in a presentation is ruled out of order, he or she shall not be permitted to speak further at the same meeting except upon special leave by the township board. If the person continues to be disorderly and to disrupt the meeting, the supervisor, or presiding officer, may request the sheriff, a deputy sheriff, or other police officer to remove the person from the meeting. No person shall be removed from a public meeting except for an actual breach of the peace committed at the meeting. The township board shall also have the right to adjourn the meeting if it is interrupted due to the disorderly conduct of any person.

7.0 RECORD OF MEETINGS

7.1 Minutes and Official Records

The township clerk, or recording secretary, shall be responsible for taking the minutes of each meeting of the township board. The minutes shall include all the actions and decisions of the board with respect to substantive (non-procedural) motions. The minutes shall include the names of the mover and seconder and the vote of the members. The record shall also state whether the vote was by voice or by roll call; when by roll call, the record shall show how each member voted. The township clerk, however, shall be responsible for maintaining in his/her office the official minutes and records of the township board and copies of each resolution and ordinance or other matter acted upon by the board. The official minutes, however, may refer to those matters by an identifying number and the descriptive title of the ordinance, resolution, or other matter.

7.2 Record of Discussion

Except for zoning public hearings conducted under Rule 8.0 below which require that the minutes reflect a detailed summary of all comments made during the public hearing, the clerk or recording secretary shall not be responsible for maintaining a written record or summary of the discussion or comments of the members of the township board nor of the comments made by members of the public. The clerk or recording secretary, however, shall be responsible for making an audio tape recording of each regular meeting of the board. Each such recording shall be maintained in the office of the clerk until the minutes are transcribed and formally approved by the board. Thereafter, the recording may

be erased or destroyed, unless the recording is pertinent to any pending or reasonably anticipated legal proceeding.

7.3 Request for Remarks to Be Included

Any member of the township board may have his or her comments printed as part of the record upon the concurrence of a majority of the other members present. Comments to be included in the record shall be provided in writing by the member.

7.4 Public Access to Meeting Records

The township clerk shall make available to members of the public the records and minutes of the township board meetings in accordance with the Michigan Open Meetings Act and the Michigan Freedom of Information Act. Minutes of board meetings, prepared but not approved by the board, shall be available for public inspection not more than eight (8) business days following the meeting. Minutes approved by the board shall be available within five (5) business days of the meeting at which they were approved. Within twenty-one (21) days after a meeting of the township board, the township clerk shall publish in a newspaper of general circulation within the township either the entire minutes of the board meeting or a synopsis of the board meeting prepared by the township clerk and approved by the supervisor showing the substance of each separate decision of the board and the vote of each member on those decisions.

8.0 CONDUCT OF ZONING PUBLIC HEARINGS.

8.1 Public Hearing Procedure

The procedure for a zoning public hearing of the township board shall be as follows:

1. The supervisor, or presiding officer, shall open the public hearing by announcing the matter to be heard and by summarizing the standards or other regulations of the zoning ordinance on which the township board's decision must be based.
2. When the township planning commission has made a recommendation to the township board concerning the zoning matter before the board, the township board shall pass a motion incorporating by reference into the township board record the prior planning commission minutes and all evidence and exhibits compiled by the planning commission concerning the zoning matter before the board.
3. Determination by the supervisor, or presiding officer, whether a time limitation will be imposed on members of the public wishing to address the township board during the public hearing.
4. Staff report, if applicable.
5. Compilation of list of any additional exhibits (not presented to the planning commission) to be considered by the township board when making its decision.

6. Presentation by the applicant or applicant's attorney or other agents.
7. Correspondence not previously presented to the planning commission and/or persons speaking in favor of the application.
8. Correspondence not previously presented to the planning commission and/or persons speaking in opposition to the application.
9. Rebuttal comments by the applicant or applicant's attorney or other agents.
10. Supervisor, or presiding officer, declares public hearing portion of the case closed.
11. The township board begins its deliberations on the case.
 - a. During deliberations the township board may solicit information from the applicant, applicant's attorney or other agents, or from members of the public. However, the solicitation of additional information shall not be construed as the reopening of the public hearing, unless so declared by the supervisor, or presiding officer. If the public hearing portion of the case is reopened, then the procedures for the original public hearing shall be followed.
 - b. During deliberations the township board shall also specify in writing the findings of fact on which it bases its decision or may adopt by reference the findings of fact made by the planning, either with or without modifications.
 - c. If during deliberations the township board determines that additional information is needed to make its decision, it may adjourn the case to a specific time, date, and place to receive that additional information. At the adjourned time, date, and place, the public hearing portion of the case shall be reopened, but only to receive the requested additional information and other information relevant to that issue.
12. At the conclusion of its deliberations, the township board shall adopt a motion documenting its decision.

8.2 Members of the Public

Members of the public wishing to address the township board during a public hearing shall first be recognized by the supervisor, or presiding officer, and each person who speaks shall state his or her name and shall address the entire township board.

8.3 Limitation of Public Comments during Public Hearings

Prior to opening a public hearing, the supervisor, or presiding officer, shall determine the number of individuals from the general public who may desire to address the township board during the public hearing. Based on this determination, the supervisor, or presiding officer, may establish a reasonable time limitation for each member of the general public when addressing the township board during the public hearing. Members of the general public expressing a desire to address the township board may transfer their allotted time to another individual, who may act as a spokesperson for the group.

Provided, however, the time limitations imposed under this section shall not be less than three minutes for an individual and not less than five minutes for a group. Provided further, the time limitations imposed pursuant to this section shall not apply to the applicant or the applicant's attorney or other agents, since the applicant has the burden of proof on the matter before the township board.

8.4 Written Statements Submitted by the Public

All written statements and documents presented during a public hearing which are intended to be included in the public hearing record should be given to the township clerk prior to the commencement of the public hearing. All written statements and documents presented to the township board by an individual are considered public documents and shall be retained in the public record of the meeting.

8.5 Disorderly Conduct at Meetings

Individuals addressing the township board during a public hearing should take into consideration the rules of common courtesy. The comments by members of the public cannot be used to make personal attacks against members of the township board or township staff. The supervisor, or presiding officer, may call out of order any person who is being disorderly by speaking or otherwise disrupting the meeting, failing to be germane, speaking longer than the allotted time, yelling, shouting or speaking vulgarities. Such person shall thereupon be seated until the supervisor, or presiding officer, determines whether the person is in order. If a person is called out of order, he or she shall not be permitted to continue to speak at the same public hearing, except by a majority vote of the township board members present. If the person continues to be disorderly to the extent that the township board cannot continue to conduct the public hearing or its deliberations, the supervisor, or presiding officer, shall consider the person to be in breach of the peace and may request the assistance of a law enforcement officer to remove the person from the meeting. The township board shall have the right to adjourn the meeting if it is interrupted due to the disorderly conduct of any person. No person shall be removed from a public hearing, except for an actual breach of the peace committed at the hearing.

8.6 Rehearings

1. Except as provided in this subsection and the Peninsula Township Zoning Ordinance, a decision of the township board concerning an administrative, discretionary zoning decision (SUP) shall be final. The township board may grant a rehearing under exceptional circumstances for any administrative, discretionary zoning decision made by it. Exceptional circumstances shall mean any of the following:
 - a. The applicant who brought the matter before the township board made misrepresentations concerning a material issue which was relied upon by the township board in reaching its decision.
 - b. There has been a material change in circumstances regarding the township board's findings of fact which occurred after the public hearing.

- c. The township attorney by a written opinion states that in the attorney's professional opinion the decision made by the township board or the procedure used in the matter was clearly erroneous.
2. A rehearing may be requested by the applicant or by township staff, or a rehearing may be granted by the township board on its own motion, pursuant to the following procedure:
 - a. A request for a rehearing which is made by an applicant or by township staff must be made within twenty-one (21) days from the date of approval of the township board's minutes regarding the decision for which the rehearing is being requested.
 - b. A request for a rehearing made by township staff or a rehearing granted by the township board on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.
 - c. Whenever the township board considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first class mail at the applicants' last known address, or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the township board holds a hearing at which it considers whether to grant a rehearing.
 3. If the township board grants a rehearing, then the rehearing on the merits shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

9.0 CONFLICTS OF INTERESTS

9.1 Nonzoning Matters

A member of the township board shall declare a conflict of interest in connection with a nonzoning matter pending before the township board and shall disqualify himself or herself from deliberating and voting on the matter when any of the following circumstances exist:

1. The township board member or the member's spouse; the member's parent or child (regardless of where they reside); or any relative or individual who resides in the member's household has a pecuniary interest in the outcome of the matter.
2. A non-pecuniary matter before the township board, including but not limited to personnel matters, involves the child, grandchild, great-grandchild, parent, grandparent, great-grandparent, brother, sister,

nephew, niece, aunt, or uncle of the township board member or the member's spouse.

3. The township board member concludes in good faith that because of prior business or personal relationships with the individual involved in the matter before the township board, or for other reasons, the member cannot decide the matter in a fair and unbiased manner and in furtherance of the township's best interests.
4. The township board member's participation in the matter would be in violation of the Peninsula Township Code of Ethics.

9.2 Zoning Matters

A member of the township board shall declare a conflict of interest in connection with a zoning matter pending before the township board and shall disqualify himself or herself from deliberating and voting on the matter when any of the following circumstances exist:

1. The applicant is the township board member, the member's spouse, or the child, grandchild, great-grandchild, parent, grandparent, great-grandparent, brother, sister, nephew, niece, aunt, or uncle of the township board member or the member's spouse.
2. The township board member or the member's spouse; the member's parent or child (regardless of where they reside); or any relative or individual who resides in the member's household has a pecuniary interest in the outcome of the matter.
3. The township board member or the member's spouse resides on or has an ownership interest in land within 300 feet of the parcel regarding which the decision is to be made.
4. While being a member of the township board the township board member has made statements or taken any action outside the formal decision-making process that would suggest that he or she has prejudged the matter before the township board or would in any way preclude him or her from affording the applicant and the public a fair hearing.
5. If the township board member has expressed an opinion concerning a matter before the township board prior to becoming a member of the township board and cannot in good faith set aside that prior opinion and decide the matter based on the information provided at the public hearing and the zoning ordinance requirements.

6. The township board member concludes in good faith that because of prior business or personal relationships with the applicant or with other participants in the public hearing process, or for other reasons, he or she cannot afford the applicant and the public a fair hearing.
7. The township board member's participation in the matter would be in violation of the Peninsula Township Code of Ethics.

10.0 COMMITTEES

10.1 Standing Committees; Establishment; Appointment

The township board hereby creates two standing committees, entitled "Personnel Committee" and "Public Utilities Committee." Each standing committee shall be composed of three (3) members of the township board. The members of each standing committee shall be appointed by the township board and shall serve for a term of one (1) year.

1. Except as provided herein, the Personnel Committee shall be responsible for evaluating, resolving and making recommendations to the township board regarding all township personnel matters, including but not limited to, the appropriate number of township employee positions, job descriptions for township employee positions, appropriate compensation for township employee positions, the township personnel policies, workplace safety issues, the interview and selection of candidates for employment with the township, periodic employee evaluations in conjunction with that employee's immediate supervisor, and issues related to employee discipline in conjunction with that employee's immediate supervisor or to consider complaints made against or involving township employees. Provided, however, the Personnel Committee shall have no responsibilities concerning township employees to the extent the township board has delegated its personnel responsibilities over those employees to another board or committee, as authorized by law.
2. The Public Utilities Committee shall be responsible for evaluating, resolving and making recommendations to the township board regarding all township utility matters, including but not limited to, sewer, water, rights-of-way, and tower questions.

10.2 Ad hoc Committees; Establishment; Appointment

If deemed advisable, the township board by a vote of a majority of the entire township board may establish ad hoc committees. At the time an ad hoc committee is established, the township board shall specify the number of and appoint the committee members, which shall not be limited to members of the township board, shall define the responsibilities of the committee, and shall specify the duration of the committee, which can be extended by a vote of a

majority of the entire township board. The township board by a vote of a majority of the entire township board may at any time dissolve an ad hoc committee or may relive the committee from further consideration of any matter originally included in its defined responsibilities.

10.3 Committee Meetings

A majority of the members of a committee shall constitute a quorum. Each committee shall comply with the provisions of the Michigan Open Meetings Act and the Freedom of Information Act.

10.4 Exercise of Governmental Function

A committee shall not exercise a governmental function as defined by the Michigan Open Meetings Act in a meeting not open to the public unless the act permits the action to be considered in a meeting closed to the public. The responsibility of each committee is to make recommendations to the township board and to report matters considered and rejected as well as those considered and recommended.

11.0 CLOSED MEETINGS

11.1 Vote Required

The vote to hold an executive meeting shall be recorded in the minutes of the meeting at which the decision was made.

11.2 Grounds for Closed Meeting; 2/3 Vote

The township board may hold a meeting closed to members of the public upon the motion of any member and roll call approval by two-thirds of the entire members for the following purposes:

1. To consider the purchase or lease of real property, until an option to purchase or lease that property is obtained.
2. To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only when an open meeting would have a detrimental financial effect on the litigating or settlement position of the township.
3. To meet with an attorney to consider the attorney's written opinion.
4. To review the specific contents of an application for employment to a township position and the applicant requests that the application remain confidential. Whenever the personnel committee or township board meets to interview an applicant, the meeting shall be open to the public.

11.3 Grounds for Closed Meeting; Majority Vote

The township board may also hold a closed meeting upon the motion of any member and roll call approval by a majority of the entire members for the following purposes:

1. To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of a public officer, employee, staff member, or individual agent if the named person requests a closed hearing. If the person rescinds his/her request for a closed meeting the matter at issue shall thereafter be considered only in open public meeting.
2. To consider strategy connected with the negotiation of a collective bargaining agreement.

11.4 Minutes, Closed Meetings

For each closed meeting, the township clerk or recording secretary shall make a separate record of the topics discussed. This record shall not be disclosed to the public except upon the order of a court. The township clerk shall destroy the minutes after one year and one day have passed after the meeting at which the board approved the minutes of the meeting at which the board voted to hold the closed meeting.

12.0 PROCEDURAL MOTIONS AND RESOLUTIONS

12.1 Statement by Supervisor, or Presiding Officer; Motions; and Resolutions

No motion or resolution shall be entertained unless the same is seconded. No motion or resolution shall be adopted until the supervisor, or presiding officer, states the motion. All motions, except procedural motions and resolutions, may be required to be in writing upon the demand of any member. A request to recess for the purpose of writing out a motion or resolution shall be in order.

12.2 Non-debatable Motions

The motions to fix the time of the next meeting, adjourn, recess, point of privilege, to table, vote immediately, limit or extend debate shall be ordered and voted upon without debate.

12.3 Motion to Reconsider

The motion to reconsider shall be in order on any question that the township board has decided, but no question shall be reconsidered more than once. The motion to reconsider shall be in order on the same day as the vote to be

reconsidered was taken or at the next succeeding meeting at which the question may lawfully be raised. The motion to reconsider shall be made only by a member who voted with the prevailing side. A motion to reconsider a motion to amend shall not be in order if the main question has been voted upon. If the board has adopted a motion to reconsider, however, motions to amend shall be in order.

12.4 Motion to Clear the Floor

The motion to clear the floor may be made by the supervisor or a member, whenever procedural matters have become sufficiently confused. If the motion to clear the floor has been adopted, it shall clear the floor of all motions as though they had been withdrawn. The motion shall not be subject to debate nor, if adopted, to reconsideration.

12.5 Temporary Suspension of the Rules

These Rules may be suspended temporarily at any time by vote of two-thirds of the members elected and serving to achieve any legal objective of the township board in a legal manner.

12.6 Appeal Rulings of the Supervisor, or Presiding Officer,

Any member of the township board may appeal the procedural ruling of the supervisor, or presiding officer. On all appeals receiving a second, the question shall be, "Shall the procedural decision of the supervisor, or presiding officer, stand as the decision of the township board?"

13.0 VOTING

13.1 Abstaining from Voting

Except as provided herein, whenever the supervisor, or presiding officer, puts a question to the township board, every member present shall vote on the question. No member present shall abstain from voting "yes" or "no". Provided, however, if a township board member has a conflict of interest, such conflict of interest shall be fully stated on the record. If a question exists whether the circumstances actually present a conflict of interest, the township board may, by majority vote of the members present, adjourn the matter under consideration to a specific time, date, and place in order to obtain a written opinion from the township attorney. Once the conflict of interest is declared or confirmed, the township board member with the conflict of interest shall abstain from participating and voting in the matter under consideration.

13.2 Roll Call Votes

The names and votes of members shall be recorded on board actions to adopt final measures such as ordinances, resolutions, appointment or election of

officers, etc. A roll call vote shall be taken on other motions and actions at the request of any board member.

13.3 Votes Required

Except as provided elsewhere in these Rules and except for those decisions required by statute to have a higher majority, procedural and other questions arising at a meeting of the township board shall be decided by a majority of the members present. A majority of the members elected and serving shall be required for final passage or adoption of an ordinance, resolution, or the allowance of a claim.

14.0 PARLIAMENTARY AUTHORITY

Generally, *Robert's Rules of Order, Newly Revised* (10th Edition) shall govern all questions of procedure not otherwise provided by these Rules or by state or federal law. The township attorney shall serve as the board's parliamentarian and shall advise the supervisor, or presiding officer, regarding the Rules of Procedure.

15.0 MISCELLANEOUS PROCEDURES

15.1 Distribution of Correspondence

All correspondence received by the township supervisor, township clerk or township treasurer shall be distributed to all members of the township board either as part of the township board meeting agenda materials or independent of the meeting agenda materials, whichever method is the most efficient, given the urgency of the correspondence.

15.2 Personnel Complaint Procedures

Any complaint against a township employee or official to be considered by the township board shall be in writing and signed by the individual making the complaint. A copy of this written complaint shall be given to the employee or official prior to the township board meeting at which the complaint will be considered. The township employee or official shall then be given the opportunity to request a closed meeting of the township board to consider the complaint against that employee or official, as authorized by the Michigan Open Meetings Act.

16.0 AMENDMENTS

These Rules of Procedure may be added to, amended or repealed in whole or in part. Proposed changes to these Rules of Procedure must be submitted in

writing to the members of the township board at least one (1) month in advance of the meeting at which the proposed changes will be considered. A majority vote of the entire regular township board shall be required to amend these Rules of Procedure.

17.0 SEVERABILITY

If any section, provision or clause of these Rules of Procedure or the application thereof to any person or circumstance shall be invalid, such invalidity shall not effect any remaining portion or application of these Rules of Procedure which can be given effect without the invalid portion or application.

The Peninsula Township Board Rules of Procedure were adopted by the Peninsula Township Board at its meeting held on _____, 2013.

Monica A. Hoffman, Clerk