

BYLAWS
of
SOUTHWEST MICHIGAN MULTICOUNTY MATERIALS MANAGEMENT
PLANNING COMMITTEE FOR BERRIEN, CASS, AND VAN BUREN
COUNTIES

Article I – Name and Definitions

Section 1. Name

The name of this committee shall be the Southwest Michigan Multicounty Materials Management Planning Committee (hereafter known as “Committee”).

Section 2. Definitions

The terms defined in this section shall have the following meaning given unless otherwise provided:

- A. “Committee” means the Southwest Michigan Multicounty Materials Management Planning Committee
- B. “Member” refers to individuals appointed to the Committee, including officers.
- C. “Act” means Part 115 (Materials Management) of the State of Michigan’s Natural Resources and Environmental Protection Act of 1994 (MI Public Act 451), as amended.
- D. “DPA” means the Designated Planning Agency
- E. “CAA” means the County Approval Agency. Berrien, Cass, and Van Buren Counties all have their own CAA.
- F. “Counties” means Berrien, Cass, and Van Buren Counties working jointly.
- G. “MMP” means the Multicounty Materials Management Plan

Article II – Purpose and Responsibilities

Section 1. Purpose

Pursuant to the intent and authorities contained within the “Act”, the purpose of the committee shall be to aid in the preparation, adoption, and implementation of the MMP.

Section 2. Responsibilities

The Committee shall have such powers, authority, obligations, and duties pursuant to Part 115 of P.A. 451 of 1994 as amended. Some of the duties of the Committee shall include the following:

- (a) Direct the DPA in the preparation of the MMP.
- (b) Review and approve the DPA's work program under section 11587(4).
- (c) Identify relevant local materials management policies and priorities.
- (d) Ensure coordination in the preparation of the MMP.
- (e) Inform and advise counties and municipalities with respect to the MMP.
- (f) Ensure that the DPA is fulfilling the requirements of part 115 as to both the content of the MMP and public participation.
- (g) Provide a new MMP to the State of Michigan and the CAA pursuant to the terms and conditions of the Act.

Article III – Membership

Section 1. Eligibility

The Committee's composition is directed by the Act, and its members are appointed by each of the County Boards of Commissioners for terms as specified by the Interlocal Agreement based on said law.

The membership of the Planning Committee shall consist of the following nominated members:

- A. A representative of a solid waste disposal facility operator that provides service in the planning area.
- B. A representative of a hauler that provides service in the planning area.
- C. A representative of a materials recovery facility operator that provides service in the planning area.
- D. A representative of a composting facility or anaerobic digester operator that provides service in the planning area.
- E. A representative of a waste diversion, reuse, or reduction facility operator that provides service in the planning area.
- F. A representative of an environmental interest group that has members residing in the planning area.
- G. An elected official of a township in the planning area.
- H. An elected official of a city or village in the planning area.
- I. A representative of a business that generates managed material in the planning area.
- J. A representative of the regional planning agency whose territory includes the planning area.
- K. A member from the Pokagon Band of Potawatomi Indian tribe headquartered within the three-county region. The Tribe shall have the right to appoint one at-large member

Section 2. Appointments

The Counties, in collaboration with the DPA, shall publish advance notice of the appointment opportunities and shall request that the names of persons interested in being considered for appointments be submitted to the DPA. Members of the Committee shall be recommended by the DPA to the counties. Approvals shall be addressed pursuant to the respective County Board of Commissioners' appointment process. Each of the three counties must agree on all appointments. The DPA will ensure that appointment recommendations reflect an equitable geographic representation and equal distribution between counties when possible. In addition, each of the counties shall appoint an elected official of the County and a member that meets the criteria from "I" above without DPA recommendation.

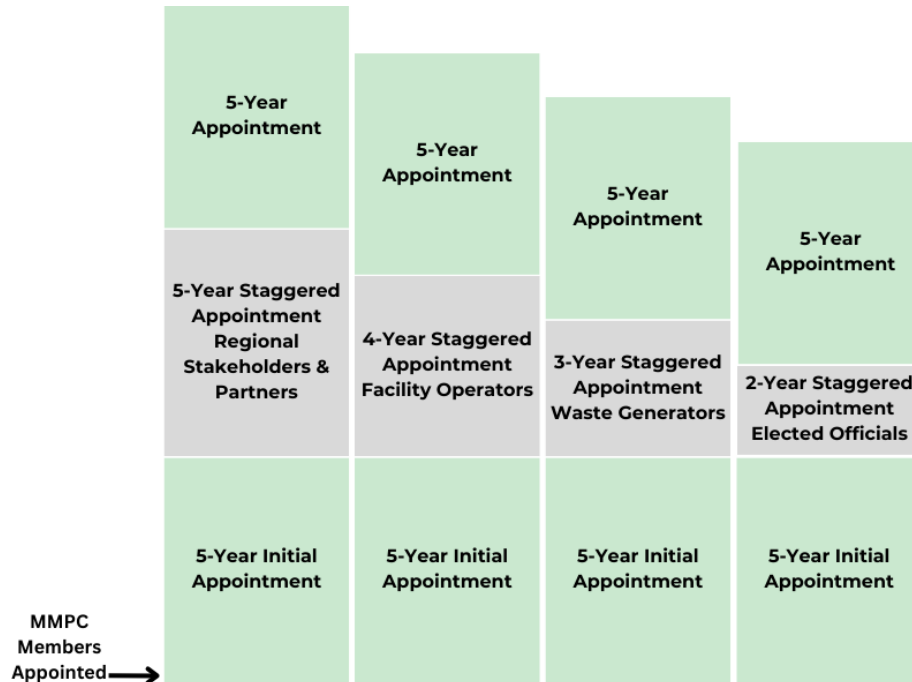
An appointed member may appoint a proxy to attend on the occasion of the member's absence from a meeting. All proxy members must meet the required role of the seat as described in Section 1. Proxy attendees shall not have voting privileges and do not count toward establishing a quorum. Irrespective of the appointment of a proxy, the attendance requirements of Section 6 below apply to the member who appoints a proxy.

Section 3. Terms

Each Member shall initially serve five years. After their initial five-year term, there shall be a period of staggered appointments (for 2, 3, 4, and 5-year terms) as shown in the following figure.

Elected Officials shall serve a two-year staggered term, material generators shall serve a three-year staggered term, facility operators shall serve a four-year staggered term, and regional partners and stakeholders shall serve a five-year staggered term. A graphic is shown in Appendix A.

Subsequently, their successors shall be appointed for terms of 5 years. A member may be reappointed.



Section 4. Vacancies.

When a vacancy on the Planning Committee occurs, the DPA will notify the COUNTIES of the vacancy, and recommend the appointment of a representative following the process dictated in the “Appointments” Article III Section 2, for the Committee seat that meets the expertise required for the vacancy. In case of a vacancy, a successor shall serve for the duration of the unexpired term.

Section 5. Resignation

A member will indicate his/her intent to resign by submitting a written statement with an effective date of resignation to the Committee Chairperson. Each member shall provide at least 30 days’ notice before any such resignation shall become effective.

Section 6. Attendance

Members of the Committee are expected to attend all meetings. If a member is absent from four meetings per rolling 12-month period without prior approval from the Committee Chair, that member is deemed to have abandoned his or her seat and a vacancy shall be created.

Section 7. Removal of a member

The removal of a committee member or official may only occur with a cause and requires a two-thirds vote of voting members present at a meeting at which a quorum is present. A member shall only be removed with cause. The member or official shall not vote on his or her removal and shall not be counted toward a quorum for the purposes of this section.

Section 8. Conflict of Interest

- A. Each member of the Committee shall avoid conflicts of interest related to personal financial gain or benefits.
- B. If there is a question whether a conflict of interest exists or not, the question shall be put before the Committee. Whether a conflict of interest exists or not shall be determined by a majority vote of the remaining members of the Committee.
- C. When a conflict of interest exists, the member of the Committee, shall do all of the following immediately, upon first knowledge of the case and determining that a conflict exists:
 - I. declare a conflict exists at the next meeting of the Committee,
 - II. cease to participate at the Committee meetings, or in any other manner, or represent oneself before the Committee, its staff, or others, regarding the topic, and
 - III. during deliberation of the agenda item before the Committee, leave the meeting or remove oneself from the front table where members of the Committee sit, until that agenda item is concluded.

Article IV - Officers

Section 1. Officers and Terms

The following officers of the Committee shall be elected to one (1) year terms, at the first meeting of each calendar year. In the first year of the Committee's existence, the term of the officers shall begin during the initial meeting of the Committee in 2024 and conclude following the meeting when the election of officers is conducted in the first meeting of 2026.

Subsequent to the first years of the Committee, officer's terms will expire after the conclusion of the meeting when election of new officers is completed. No more than one officer shall be from any one of the Counties. With the exception of the initial meeting, officers take office at the meeting following their selection. The officers' respective duties shall be as follows:

- A. Chairperson. The Chairperson shall see that all the rules and policies of the Committee are understood and observed; appoint membership to any ad hoc committees as approved; and act as a spokesperson for the Committee. The Chairperson shall preside over all Committee meetings. In consultation with the DPA the Chairperson shall generate the agenda for each meeting.
- B. Vice Chairperson: The Vice-Chairperson shall preside over Committee meetings in the absence of the Chairperson and perform other duties as may be delegated by the Chairperson.
- C. Recording Secretary: The Recording Secretary shall be responsible for the recording and maintenance of minutes for all Committee meetings; forwarding minutes, notices and

communications to Committee members; reviewing correspondence and other communications and consulting with appropriate parties to facilitate actions as needed; maintaining all Committee documents.

Upon approval by two-thirds (2/3) of the Committee members present, a staff person may be employed to assume some or all of the duties of the Recording Secretary. In such case, the Recording Secretary will retain oversight of the duties assigned to staff.

Article V – Sub-Committees and Working Groups

Section 1. Sub-Committee Formation

The DPA will recommend the formation of subcommittees as needed. Special subcommittees shall be formed, as authorized by the Committee and appointed by the Chairperson, when deemed necessary for the discharge of the duties of the Committee. Sub-Committee meetings must comply with the Open Meetings Act of PA 267 of 1976.

Section 2. Working Groups

The DPA will recommend the formation of working groups to address specific topics or projects. Working groups shall be established when authorized by the Committee and appointed by the Chairperson. Membership of working groups may include members of the public with expertise relevant to the group's purpose but must include one member appointed to the Committee. Working groups may operate under the oversight of an existing subcommittee or independently, as determined by the Committee. Members of the working groups will be eligible for a per diem at the same rate as the Committee.

Article VI – Meetings

Section 1. Meeting Times

A regular meeting day and time shall be determined and adopted by a vote of the Committee, and public notification shall be given of any changes. In the event such an established regular meeting date falls on a holiday, such meeting shall be convened the following day, at the same time, or as set by the Chairperson.

Section 2. Special Meetings

Special Meetings may be called by the Chairperson or Vice Chairperson, or by a majority of the members of the Committee, at such time and place as deemed necessary after proper notice.

Section 3. Meeting Notice

Proper notice of regular or special meetings shall be made in accordance with the State of Michigan Open Meetings Act. Written notice shall be provided to each member of the Committee at least seven calendar days prior to the date of each meeting.

Section 4. Location of Meetings

Regular meetings of the Committee may be held in the county of the current Committee Chairperson. The exact location will be selected by the Committee Chairperson in consultation

with the DPA. Special meetings will be selected by the Committee Chairperson in consultation with the DPA.

Section 5. Open Meetings

All meetings for the taking of official action shall be open to the public and comply with the Open Meetings Act, PA 267 of 1976.

Article VII – Designated Planning Agency Duties

Section 1. Responsibilities

The Duties of the DPA shall be found in the Contract for Materials Management Planning between the Counties and the DPA.

Article VIII – Rules of Conduct

Section 1. Quorum

A quorum of the Committee shall consist of a majority of the seated and serving appointed members. Attendance by proxy shall not count toward establishing a quorum.

Section 2. Voting

Official action can be taken only by a majority vote of the appointed membership. Proxy voting shall not be permitted.

Section 3. Regular Meeting

The conduct of a regular meeting shall generally follow the order of business outlined below, subject to modification at the discretion of the committee:

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes
5. Communications
6. Old Business
7. Hearings (if scheduled)
8. New Business
9. Sub-Committee Reports
10. Public Comment
11. Miscellaneous
12. Adjournment

Article IX. – Amendments

Section 1. Policy Amendment

Any amendments to these bylaws which would commit the Counties adherence to a specified waste management policy requires approval by the governing boards of all Counties.

Section 2. Procedure Amendment

An amendment which involves modifications in Committee operating procedure, but does not impact Counties, must be approved by a two-thirds (2/3) vote of the total Committee membership during a Committee meeting.

Article X. – Adoption**Section 1. Adoption**

Upon adoption of these bylaws, at the date of signature, they shall become effective.

Appendix A: Staggered Terms for the Planning Committee

