



Statement of Bylaws Livingston County, Michigan Materials Management Planning Committee

ARTICLE I NAME AND ESTABLISHMENT

This organization shall be known as the Livingston County Material Management Planning Committee (MMPC).

This committee was established by the Livingston County Board of Commissioners, the County Approval Agency (CAA), on January 27, 2025, Resolution 2025-01-009, and under the authority of Part 115 of PA 451 of Michigan Public Acts of 1994.

ARTICLE II OFFICE

The office and mailing address of the Materials Management Planning Committee shall be:

Livingston County Department of Planning
304 East Grand River Avenue
Howell, MI 48843

ARTICLE III DEFINITIONS

Section 1. Definitions.

The following words and expressions are used throughout this document, whether used in the singular or plural, shall be defined, read, and interpreted as follows:

- a) County Approval Agency (CAA): is the entity that assumes responsibility and is authorized to approve the MMP. The CAA is the Livingston County Board of Commissioners.
- b) Designated Planning Agency (DPA): is the entity specified by the CAA that shall serve as the primary government resource in the planning area for administering and developing the MMP. The DPA is the Livingston County Department of Planning.
- c) Designated Planning Agency Representative: is the specific individual of the DPA designated as the primary contact for the MMP. The Designated Planning Agency Representative is Scott Barb, Director, Livingston County Planning Department.
- d) Materials Management Plan (MMP): is a new plan that will replace the existing Solid Waste Management Plan after approval from EGLE that seeks adequate materials management capacity for all nonhazardous solid waste generated in the county with a focus on developing strategies to utilize materials to their best and full potential prior to final disposal.

- e) Michigan Department of Environment, Great Lakes & Energy (EGLE): is the primary state agency overseeing the Materials Management planning process and administering Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451.

ARTICLE IV PURPOSE AND FUNCTION

Section 1. Purpose

The purpose of this organization, in accordance with the State of Michigan's Materials Management Program pursuant to Part 115 of the Natural Resources and Environmental Protection Act of the Michigan Acts of 1994 (the "Act"), is to:

- a) Implement a new Materials Management Plan (MMP) that will focus on sustainable material management approaches such as recycling and composting instead of landfilling waste; and
- b) To provide recommendations and guidance to the Livingston County Department of Planning, who shall serve as the Designated Planning Agency (DPA) pursuant to the Act.
- c) To provide information through the DPA to the Livingston County Board of Commissioners, who is designated as the County Approval Agency (CAA) under the Act and the MMP; and
- d) To provide a new MMP to the State of Michigan and the CAA pursuant to the terms and conditions of the Act.

Section 2. Function

The function of the MMPC is to:

- a) Meet on a consistent and timely basis to provide recommendations and guidance to the DPA for the Work Plan that is to be submitted to the State of Michigan.
- b) Review and approve the MMPC Work Plan.
- c) Provide guidance and recommendations for all issues identified in Part 115 of the Act to the DPA.
- d) Shape the MMP program's philosophy and long- and short-term goals and objectives.
- e) Provide the final level of approval of the MMP before it is presented for CAA approval.

ARTICLE V Membership and Officers

Section 1. Establishment: Members

The Livingston County Materials Management Planning Committee shall consist of twelve (12) members, all of which shall be approved by the Livingston County Board of Commissioners. All members shall be selected pursuant to the criteria listed in Section

11572 of Part 115 of Act 451 of the Michigan Public Acts of 1994. One (1) member shall be voted by the MMPC to be the Chairperson.

- a) Membership on the Planning Committee shall include:
- One (1) Solid Waste Disposal Facility Operator
 - One (1) Managed Material Hauler
 - One (1) Materials Recovery Facility Operator
 - One (1) Compost or Anaerobic Digester Facility Operator
 - One (1) Waste Division, Reuse, or Reduction Facility Operator
 - One (1) Environmental Interest Group Representative
 - One (1) County Elected Official
 - One (1) Township Elected Official
 - One (1) City or Village Elected Official
 - One (1) Representative of a Business that Generates a Managed Material
 - One (1) Representative of the Regional Planning Agency
 - One (1) Representative that does business in or resides in an adjacent community outside of the planning area.

Section 2. Term of Office

- a) All MMPC members shall serve for five (5) years. If proscribed by the Act, members shall be re-appointed by the Livingston County Board of Commissioners who also is the only organization who can authorize his/her removal. If a vacancy occurs on the planning committee, the Board of Commissioners shall make an appointment for the unexpired term in the same manner as the original appointment, pursuant to the Act.
- b) The MMPC may, upon a majority vote, recommend to the CAA for the removal of an MMPC member. An MMPC member can be removed only by the Board of Commissioners. An MMPC member can be removed due to incompetence, dereliction of duty, or malfeasance, misfeasance, or nonfeasance in office.
- c) In case of a vacancy or change in status, all remaining members shall continue to serve until a successor is duly appointed in the same manner as the original appointment for the duration of the unexpired term, pursuant to the Act.

Section 3. Resignation

- a) A member will indicate his/her intent to resign by submitting a written statement with an effective date of resignation to the Livingston County Board of Commissioners and copies to the chairperson of the MMPC. Each committee member shall provide the Livingston County Board of Commissioners at least thirty (30) days' notice before any such resignation shall become effective.

Section 4. Election of Officers

- a) At the first meeting of each calendar year, the MMPC shall elect from its members a Chairperson and a Vice Chairperson, and any other officers it deems necessary.
- b) Any member of the MMPC may place the name of another member in nomination for office. Nominations do not require a second.

- c) The nomination and election of the Chairperson and Vice Chairperson shall be by roll call vote.
- d) The vote of a majority of current members is required to elect the Chairperson and Vice Chairperson.
- e) The term for each officer is one calendar year.
- f) An officer may resign by written notice to the Committee. The resignation will be effective upon its receipt and vote of acceptance by the Committee, or at a subsequent time specified in the notice of the resignation and upon its vote of acceptance by the Committee.

Section 5. Chairperson

The Chairperson (or their approved designee, see Section 7(b)) will:

- a) Preside at all MMPC meetings. The DPA representative shall communicate directly with the Chairperson prior to each meeting, providing an agenda for each meeting. Committee members shall have the ability to pose questions to the chair prior to each meeting and request that certain items be included in subsequent agenda meetings.
- b) Be the primary contact person for the MMPC and DPA Representative.
- c) In consultation with the Chairperson, the DPA Representative shall prepare the agenda for each regular meeting.
- d) Will perform the following actions at each meeting of the Committee:
 - A. Call the meetings to order, and formally close them.
 - B. Note whether a quorum is present.
 - C. Extend every courtesy to the discussion of the motions.
 - D. Repeat and/or explain each motion before it is voted on.

Section 6. Vice Chairperson

The Vice Chairperson (or their approved designee, see Section 7(b)) will:

- a) Preside at a meeting in the absence of the Chairperson; assume the duties and responsibilities of the Chairperson when the Chairperson is absent.

Section 7. Secretary

- a) The Secretary shall serve as Chair in the absence of the Chairperson and the Vice Chairperson.
- b) The Secretary shall be the record keeper (recording of Committee meeting minutes, provide other written records as necessary) for the Materials Management Planning Committee meetings and actions.
- c) In event of the absence of both the Chairperson, Vice Chairperson, and Secretary, the Committee members present at the meeting will designate by majority vote, a present Committee member to act as Chair for that meeting.

ARTICLE VI Committees

Section 1. Committees in General

- a) The DPA representative shall identify for MMPC any ad hoc subcommittees as necessary to assure the proper conduct of business.

Section 2. Subcommittees

The Committee, in consultation with the DPA, may create subcommittees as deemed necessary in the preparation of the MMP.

- a) The size of the subcommittee shall be the lesser of the following:
 - (i) five members, or
 - (ii) less than half of the number of total Committee members.
- b) All subcommittee meetings shall be publicly noticed and open to the public.
- c) Each subcommittee will report to the full MMPC on topics and recommendations discussed in subcommittee meetings.
- d) A subcommittee is advisory and only authorized to make recommendations to the MMPC or the DPA, and only has such other advisory duties as delegated to them by the Committee.

ARTICLE VII Meetings

Section 1. Regular Meetings

All regular meetings shall comply with the following:

- a) Regular meetings of the MMPC will be held on a timely and consistent basis.
- b) Be open to the public.
- c) Be held at a location determined by the DPA Representative with assistance from the Committee Chairperson.
- d) Meetings shall comply with the Michigan Open Meetings Act (OMA) and will be held in person.
- e) Roberts Rules of Order shall be the parliamentary authority of the MMPC and shall govern the proceedings of the MMPC in all cases not conflicting with the Bylaws, the OMA or the law.

Section 2. Notice of Meetings

- a) Written notice shall be digitally distributed, by email, to each member of the MMPC at least seven (7) calendar days prior to the date of each regular meeting. A schedule of the Committee Meeting dates will be posted on the MMPC website for public notice. Public notice of the time, date, and place of meetings shall be posted in the manner required by the Open Meetings Act.

Section 3. Special Meetings

- a) When necessary, and with a 48-hour written notice provided digitally, by email, to MMPC membership, special meetings may be requested by the DPA representative. Public notice of the time, date, and place of special meetings shall be posted in the manner required by the Open Meetings Act.

Section 4. Quorum

- a) If a quorum is not established within one half hour of the scheduled meeting time, no official meeting can be held. A quorum for this purpose shall be a majority of the currently appointed members.
- b) Whenever a quorum is not present for a scheduled meeting, those present may adjourn the meeting to another date certain or hold an informal discussion for the purpose of considering such matters as are on the agenda. No action taken at such meeting shall be final or official.
- c) The MMPC is not a separate legal entity under Michigan law and does not have the legal ability to execute agreements. Therefore, the DPA Representative shall have discretion to conduct a meeting if a majority of the members are not present. The MMPC Secretary in consultation with the DPA Representative shall have the responsibility to provide all members with a summary of any held official regular meeting.

Section 5. Conducting Business

- a) Business shall be conducted in accordance with Robert's Rules of Order and any applicable laws or regulations of Livingston County or state and federal law. All meetings shall be held in full compliance with the Open Meetings Act, MCL 15.261 *et seq.* Public notice of the time, date, and place of meetings shall be posted in the manner required by the Open Meetings Act.

The order of business for Materials Management Planning Committee meetings shall be:

- A. Call to order by the Chair
 - B. Roll Call
 - C. Determination of Quorum
 - D. Additions to the Agenda
 - E. Adoption of Agenda
 - F. Approval of Minutes of Prior Meeting
 - G. General Public Comments
 - H. Agenda and Discussion Items
 - I. Announcements
 - J. Additional Public Comment
 - K. Adjournment
- b) In consultation with the Chairperson, the DPA Representative shall prepare the agenda for each regular meeting.

- c) MMPC members may contact the DPA Representative or the MMPC Chairperson to request that items be placed on the agenda or may request that an item appear on a future agenda. If approved by the Chairperson, such requested items will be placed on the agenda of the next meeting or a subsequent meeting.
- d) Members of the public may contact the DPA Representative to request that items be placed on the agenda, or that an item appear on a future agenda. If approved by the Chairperson, the proposed item will be placed on the agenda of the next meeting or a subsequent meeting.

Section 6. Voting

- a) Each member of the MMPC has one (1) vote. There is no proxy voting.
- b) Each member shall be present during the motion and discussion of the voting issue at hand to be eligible to vote.
- c) Each member understands that the MMPC is not a separate legal entity, and any voting shall be treated as a recommendation to the DPA regarding issues brought before the Committee. If circumstances prevent a member from being physically present, a member may participate in the discussion and vote by teleconference or videoconference if s/he is present for all discussion related to a motion on which s/he is voting.

Section 7. Actions

- a) All actions at meetings of the Materials Management Planning Committee, unless specifically stated otherwise in this document, will be made by a majority vote of the Materials Management Planning Committee present. A majority vote is more than half of the members present.

Section 8. Motion

- a) Motions shall be restated by the Chairperson before a vote is taken. The name of the maker and the supporter of a motion shall be recorded for the minutes.

Section 9. Conflict of Interest

- a) **Disclosure.** All Committee members shall comply with the Standards of Conduct for Livingston County Officers and Employees. When a Committee member or officer is affiliated with an organization seeking to provide services or facilities to the County and/or the MMPC, or when a Committee member or officer has any duality of interest or conflict of interest, real or apparent, such affiliation or conflict of interest shall be disclosed to the Committee and made a matter of record, either when the interest becomes a matter of Committee action or as part of a periodic procedure to be established by the Committee. An affiliation with an organization will be considered to exist when a Committee member or officer or member of their immediate family or a blood relative is an officer, director, trustee, partner, owner, employee, or agent of the organization, or has any other substantial interest or dealings with the organization.

- b) **Voting.** Any Committee member or officer having a duality of interest or conflict of interest on any matter shall not vote, use their personal influence on the matter, or participate in the discussion or deliberations on the matter, even if permitted by law. The minutes of the meeting should reflect that the disclosure was made and that the interested Committee member or officer abstained from voting.
- c) A Materials Management Planning Committee member shall not personally appear before the Materials Management Planning Committee as a petitioner or as a representative of a petitioner during the member's term of office.
- d) A Materials Management Planning Committee member, when speaking to individuals, groups or organizations, shall indicate representation of the Materials Management Planning Committee. When speaking for personal purposes, the Materials Management Planning Committee member shall indicate that the stated opinions and beliefs are not the opinions and beliefs of the Materials Management Planning Committee as a whole.
- e) Materials Management Planning Committee members shall conduct themselves at Materials Management Planning Committee meetings in a fair, courteous, and understanding manner. Materials Management Planning Committee members shall avoid interchanges involving personality differences.

Section 10. Public Participation

- a) Public comments regarding agenda items will be received as those items are taken up by the MMPC.
- b) Public comments on non-agenda matters will be received during the Public Comment portion of the meeting.
- c) Persons wishing to address the MMPC shall identify themselves and state their address and reason for addressing the MMPC.
- d) Persons shall limit their comments to three (3) minutes unless the time is extended by the Chairperson or by a majority vote of the MMPC membership.
- e) The Open Meetings Act allows persons to record or broadcast the MMPC meetings. However, such actions shall result in a minimum of disruption of the meeting. The Chairperson shall determine if the actions are disrupting the meeting, and the Chairperson shall have the right to direct that those actions be modified and not cause further disruption for the remainder of the meeting.

ARTICLE VIII COMMUNICATIONS

- a) All media inquiries into the business of the MMPC shall be directed to the Livingston County Planning Department:

A: 304 E. Grand River Avenue, Howell, MI 48843
P: 517-546-7555
E: planning@livgov.com

- b) Freedom of Information Act requests (FOIA) shall be directed to/ and submitted online through the Livingston County Clerk's Office/FOIA Coordinator:

Link: <https://milivcounty.gov/foia/>

ARTICLE VIII AMENDMENTS TO BYLAWS

These MMPC by-laws may be amended by the DPA and providing such amendment to the MMP at least ten (10) calendar days prior to the next scheduled MMPC meeting. Each proposed amendment will be sent to each MMPC member at least seven (7) calendar days before the meeting. The MMPC may debate the amendment and provide feedback before such amendment is implemented by the DPA.

ARTICLE IX DISSOLUTION

Section 1. Dissolution

- a) **Dissolution.** The MMPC may be dissolved by a resolution passed by the Livingston County Board of Commissioners.

ARTICLE X ADOPTION OF A MATERIALS MANAGEMENT PLAN

- a) Once the MMP is drafted and approved by the MMPC, the DPA shall share the MMP draft for public review and comment for a minimum of sixty (60) days.
- b) A public hearing shall be held during the public comment period. A public notice of the hearing must be published at least 30 days prior to the hearing. The notice shall be published in a newspaper, or by electronic media, with major circulation or viewership in the planning area. The notice must state where to find the draft MMP, the end date of the public comment period, and solicit public comment. Online notices must remain posted until the end of the public comment period. This notice may also serve as the public hearing notice.
- c) A copy of the MMP along with a notice of the end of the public comment period shall be provided to: EGLE, each municipality within the planning area, counties and municipalities adjacent to the planning area that may be significantly affected by the MMP or that have requested the opportunities to review the MMP, and the regional planning agency for each county in the planning area.
- d) A summary of comments received during the public comment period shall be submitted to the MMPC. The MMP shall be revised based on public comment, as directed by the MMPC. The DPA has 30 days from the end of the public comment period to resubmit the MMP to the MMPC, if applicable.
- e) An additional public hearing shall be held when required by: Part 115 of Public Act 451 of 1994, the duly adopted by-laws of the Materials Management Planning Committee, or when a majority of the membership of the Committee deem a public hearing necessary. Such a

hearing shall be advertised on the Livingston County Materials Management website described in the initial public notice announcing the amendment to the plan, no less than thirty (30) days before such a hearing. The notice shall indicate a location where copies of the plan are available for public inspection and the time and place of the public hearing.

- f) The Materials Management Plan, as designated in Part 115 of Public Act 451 of 1994, shall be approved in accordance with Part 115 of Act 451 of 1994.

EFFECTIVE DATE

These Bylaws of the Livingston County Materials Management Planning Committee, Livingston County, Michigan, were adopted at a regular meeting of the Materials Management Planning Committee held on June 24, 2025.

These Bylaws shall take effect upon Livingston County Board of Commissioner Approval.

ENDORSEMENT

The foregoing Bylaws were adopted by an affirmative vote of the majority of the Committee members at a regular meeting held on June 24, 2025.

Signed:

MMPC Chair: _____ **Date:** _____

MMPC DPA Representative: _____ **Date:** _____