

OTTAWA COUNTY AGRICULTURAL PRESERVATION BOARD

BYLAWS

ARTICLE I

CREATION AND NAME

Section 1. This Board was established by the Ottawa County Board of Commissioners in Section 4 of Ordinance No. 08-1, as amended and replaced by Ordinance No. 13-1, on July 23, 2013, (“the Ordinance”).

Section 2. In accordance with the Ordinance, this Board shall be known as the Ottawa County Agricultural Preservation Board.

ARTICLE II

PURPOSE

Section 1. Pursuant to Section 4 of the Ordinance, the Board is responsible for overseeing the County’s farmland preservation program and for performing the functions required by the Ordinance including but not limited to:

- a) Establishing selection criteria for the ranking and prioritization of applications. The selection criteria must be approved by the County Board of Commissioners prior to each Purchase of Development Rights (PDR) application cycle.
- b) Reviewing and providing oversight in scoring all applications according to the adopted selection criteria.
- c) Ranking and prioritizing the top scoring applications for acquisition and making recommendations to the County Board of Commissioners for the purchase of development rights.
- d) Approving the restrictions and permitted uses under the agricultural conservation easement.
- e) Establishing the price to be offered to the property owner and authorize negotiations for the purchase of development rights and agricultural conservation easement. All purchase of development rights and agricultural conservation easements must be approved by the County Board of Commissioners.

- f) Establishing monitoring procedures and overseeing subsequent monitoring to ensure compliance with the agricultural conservation easement. Enforcement of the agricultural conservation easement in the case of non-compliance shall be the responsibility of the County Board of Commissioners or an agency that the Board of Commissioners contracts with (utilizing funds other than those originating from the County General Fund) to enforce the program.

ARTICLE III

BOARD MEMBERS

Section 1. The Board shall consist of seven (7) members to be appointed by the County Board of Commissioners as provided in the Ordinance. The seven (7) members shall be residents of the County and include:

- (a) One County Commissioner
- (b) Three individual with agricultural interests
- (c) One representative from township government
- (d) One individual with real estate or development interests
- (e) One individual representing local conservation interests

Section 2. Members of the County Agricultural Preservation Board shall serve three-year terms, with the exception that the County Commissioner representative shall be designated on an annual basis. The initial term shall be staggered so that one of the agricultural representatives and the real estate representative serve an initial one-year term, another agricultural representative and the representative local township representative serve an initial two-year term and the third agricultural representative and the local conservation representative serve an initial three-year term. Members may be re-appointed by the County Board of Commissioners. The County Board of Commissioners shall have the discretion to remove members for inefficiency, neglect of duty or malfeasance in office. Vacancies due to removal or resignation shall be filled for the remainder of a term by appointment by the County Board of Commissioners. Members shall not be compensated for their services. All Board Members are expected to maintain at least a seventy-five (75%) attendance record at meetings and to not miss more than three (3) consecutive meetings without acceptable reasons. A Board Member may be removed by the Board of Commissioners for failure to meet this expectation.

Section 3. Board members may not sell development rights to farmland under the Ordinance during their term in office. Board members shall disclose any potential conflict of interest and may not vote when a conflict exists. Conflicts of interest include, but are not limited to, situations where (1) the member is a close relative of the applicant; (2) the board member has a close business association or ties with the applicant; (3) the board member, a relative, or a business associate could receive financial gain or benefit from the acceptance of the application.

Section 4. Board members are generally responsible for fundraising for the Farmland Preservation Fund to the best of their ability.

ARTICLE IV POWERS OF THE BOARD

Section 1. The Board may exercise any and all of the powers granted to it in the Ordinance. The Board may delegate such powers to the officers of the Board as it deems necessary.

Section 2. The Board may establish standing advisory committees of the Board as it deems necessary. The Board may also establish special advisory committees of the Board as the need arises from time to time.

ARTICLE V OFFICERS

Section 1. The officers of the Board shall be the Chairperson, Vice-Chair, and Secretary.

Section 2. The initial election of officers shall occur at the first meeting of the Board, and the officers elected shall serve until the next annual meeting pursuant to Article VII, Section 1. Thereafter, the officers shall be elected for a term of one (1) year at the annual meeting, which term shall end at the next annual meeting.

Section 3. Vacancies in office shall be filled by the Board at the next regular meeting of the Board following the occurrence of a vacancy, except for the office of Chairperson, which shall be filled as provided for in Article VI, Section 2.

ARTICLE VI DUTIES OF THE OFFICERS

Section 1. The Chairperson shall preside at all meetings, appoint committees with the approval of the Board, authorize calls for any special meetings, and generally perform the duties of the presiding officer.

Section 2. In the absence of the Chairperson, the Vice-Chair shall perform the duties of the Chairperson. In the case of the resignation, removal, disability or death of the

Chairperson, the Vice-Chair shall assume the office of Chairperson for the remainder of the unexpired term.

Section 3. The Secretary of the Board shall see that true and accurate minutes of all Board meetings are kept, which comply with the requirements of the Open Meetings Act, as amended. The Secretary shall issue notices of all regular meetings, and, on the authorization of the Chairperson, of all special meetings, in compliance with any requirements of state law regarding the holding of meetings. The Secretary shall have custody of the minutes and other records of the Board. The records of the Board shall be open to the public in accordance with the Freedom of Information Act. As amended, the Secretary shall maintain a current roster of Board Members and the expirations of their terms of office. With the approval of a majority of the Board, the Secretary may delegate any of these responsibilities to the Purchase of Development Rights (PDR) staff for Ottawa County.

ARTICLE VII

MEETINGS

Section 1. The annual meeting of the Board shall be held each year in the month of January or the following month in which there is a quorum present.

Section 2. At the annual meeting, the Board shall determine the schedule of the regular meetings of the Board for the year. Within ten (10) days of its first meeting and thereafter within ten (10) days following the annual meeting, the Secretary or designee shall post a notice at the principal office of the County setting forth the dates, times and locations of the regular meetings of the Board for the calendar year and provide a copy of the notice to the Ottawa County Clerk/Register.

Section 3. Special meetings may be called by the Chairperson or upon written request of two (2) Board members, provided eighteen (18) hours of notice is given of the time and purpose for which such meeting is called to the public, or as otherwise may be provided for in the Open Meetings Act, as amended.

Section 4. Notices of regular meetings with an agenda shall be posted at the principal office of the County and shall be emailed or otherwise delivered by the Secretary or designee to all Board members and to the Ottawa County Clerk/Register at least five (5) days before the meeting.

Section 5. The agenda for regular Board meetings will include, but is not limited to, the following format:

OTTAWA COUNTY AGRICULTURAL PRESERVATION BOARD

AGENDA

Date and time

Location

Call to Order

Establish Quorum

Invocation

Approval of Agenda

Approval of Minutes from previous meeting

Public Comment

Committee Reports

Old Business

New Business

Next Meeting Date

Adjournment

Section 6. A quorum for the transaction of business shall consist of four (4) members of the Board.

Section 7. Except as provided in Article VIII, Section 1 with respect to amendments to the Bylaws, any Board action must be approved by a majority of the Board members present and voting, including via telephone conference call, Skype or such other similar “live” technology as may be approved for use by Ottawa County.

Section 8. Official Board action shall only be taken by a resolution or motion approved by the Board at a regular or special meeting. Questions shall be voted on by voice vote unless the Chair of any member of the Board shall call for a roll call vote.

Section 9. All meetings of the Board shall comply with the Open Meetings Act.

Section 10. Roberts Rules of Order shall govern in all questions of procedure which are not provided for by these Bylaws.

**ARTICLE VIII
AMENDMENTS**

Section 1. These Bylaws may be amended at any regular meeting of the Board by a majority vote of all members appointed and serving, provided the amendment was presented in writing at the previous regular meeting.

**ARTICLE IX
CONFLICT**

Section 1. The Ordinance shall govern in the event of any conflict between the Bylaws and the Ordinance.

ADOPTION

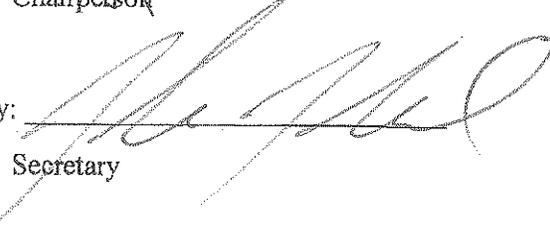
These Bylaws were adopted by the Ottawa County Agricultural Preservation Board at its regular meeting on March 1, 2017.

By:



Chairperson

By:



Secretary