

**BYLAWS OF  
THE BERRIEN COUNTY LAND PRESERVATION BOARD**

**ARTICLE I – Name**

Section 1     The name of this committee shall be the Berrien County Land Preservation Board (LPB)

**ARTICLE II – Purpose**

Section 1     In accordance with the Berrien County Farmland and Open Space Preservation Ordinance (No. 21), the County of Berrien hereby establishes the Berrien County Land Preservation Board to serve as an advisory board to advise the County Board of Commissioners regarding the selection of eligible lands to purchase.

**ARTICLE III – Creation, Appointment, Members, Term of Office, and Vacancies**

Section 1     The LPB was created under resolution dated September 9, 2004, by the Berrien County Board of Commissioners.

Section 2     Appointments to the LPB shall be made by the Board of Commissioners.

Section 3     All appointees shall serve at the pleasure of the Board of Commissioners.

Section 4     The LPB shall include nine (9) members who are residents of the County of Berrien; composition of LPB membership shall include:

- 1-Member of the Berrien County Board of Commissioners
- 1-Member of the Berrien County Planning Commission
- 3-Members representing farming
- 1-Member representing the interest of realtors or developers
- 1-Member representing the conservancy community
- 2-Members that are elected officials from municipalities participating in the farmland preservation program

Section 5     The members first appointed to the LPB shall serve for the following terms: five (5) members shall be initially appointed to a three-year term (one representing the Board of Commissioners, one representing the County Planning Commission, two representing farming, one elected official representing a participating municipality); the remaining four (4) members shall be initially appointed to a two-year term. Thereafter, all re-appointments shall be for three-year terms.

All terms of office shall commence on the first day of January, except that the established terms of initial appointments shall commence on the first day of January following appointment.

Section 6 The Board of Commissioners shall provide for the filling of a vacancy in the membership of the LPB for the unexpired term pursuant to the provisions for appointing the initial members

#### **ARTICLE IV – Powers and Duties**

- Section 1 The LPB shall function as an advisory body to the Berrien County Board of Commissioners and assist the County in determining:
1. The priority for the purchase of farmland development rights for all property submitted by landowners for consideration,
  2. Whether the County should enter into a purchase agreement for the development rights from an eligible parcel of farmland including any other eligible land thereto, subject to available funds (i.e. state, federal, private, or other funding),
  3. The price and method of compensation relative to the purchase of the development rights from an eligible parcel of farmland including any other eligible land thereto,
  4. Prepare and administer an application and application prioritization process that results in a prioritized listing of farmland properties,
  5. Publish the prioritized listing of farmland property, file a copy of the listing with each participating local unit of government and make copies available to general public, and
  6. Prepare for approval by the Berrien County Board of Commissioners, applications for state, federal or other sources of grant funds to assist the purchase of development rights pursuant to the provisions of this ordinance.

#### **ARTICLE V – Officers**

- Section 1 The LPB shall annually, at first regular meeting of each year, elect a Chairperson, Vice-Chairperson. The Planning Director shall serve as the Secretary of the LPB.
- Section 2 The Chairperson shall preside at all meetings and perform such duties as may be delegated by the LPB.
- Section 3 The Vice-Chairperson shall preside in the absence of the Chairperson.
- Section 4 The Secretary shall be responsible for maintaining the records of the LPB's actions and minutes. The Secretary shall keep an accurate record of all transcripts, records, plans, etc. brought before the LPB. All such official records shall be kept in the office of the Berrien County Department of Planning & GIS Mapping.
- Section 5 Any vacancy created in the offices of the Chairperson, or Vice-Chairperson shall be filled by election of the LPB.

## **ARTICLE VI – Committees**

Section 1 Special advisory committees shall be as authorized by the LPB and appointed by the Chairperson as found necessary or desirable to the discharge of its duties as the LPB. Each advisory committee shall select its own chair, and report to the Board.

## **ARTICLE VII – Meetings**

Section 1 Regular meeting date and time shall be determined and adopted by a majority decision of the LPB and public notification shall be given of any and all 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 Chairperson.

Section 2 Special meetings may be called by the Chairperson or Vice-Chairperson, or by a majority of the currently appointed members of the LPB, at such time and place as deemed necessary after proper notice.

Section 3 All meetings for the taking of official action shall be open to the public and subject to the Michigan Open Meetings Act.

Section 4 A quorum consists of a majority of the members that are currently appointed to the Board and an affirmative vote of a majority present at a duly constituted meeting shall be necessary to pass any motion.

Section 5 Notices of all regular meetings shall be posted in the County Clerk’s office at least 18 hours before a meeting and shall be mailed or e-mailed to all members not less than five (5) days before such meetings. Notices of special meetings together with an agenda and purpose thereof shall be given to members not later than twenty-four (24) hours preceding such meeting.

Section 6 Conduct of a regular meeting shall require the following order of business:

1. Roll Call
2. Approval of Minutes
3. Communications
4. Hearings (if any)
5. Public Comments
6. Old Business
7. New Business
8. Miscellaneous
9. Adjournment

Section 7 Public Comments shall be limited to three minutes or at the discretion of the Chairman.

Section 8 The Chairperson shall conduct the meeting and shall be guided by Robert’s “Rules of Order”. The Vice-Chairperson shall preside in the absence of the Chairperson.

**ARTICLE VII – Reimbursement**

Section 1       Members of the LPB shall receive Per Diem and mileage at the rate set by the Berrien County Board of Commissioners.

**ARTICLE IX – Budget, Receipt of Monies, Funds Created, Annual Report**

Section 1       The Farmland and Open Space Program may be financed by grants, donations, bonds or notes issued pursuant to MCLA 125.233, general fund revenue, special assessments pursuant to MCLA 125.233, and other sources as approved by the Berrien County Board of Commissioners and permitted by law.

Section 2       All funds received by the Board shall be deposited in the Land Acquisition and Stewardship Fund.

**ARTICLE X – Amendments**

Section 1       These Bylaws, rules and regulations may be amended or altered at any regular meeting by a majority vote of the members of the LPB. The amended bylaw, rule or regulation shall become effective upon approval by the Board of Commissioners.

Ratified by the Berrien County Land Preservation Board:

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Ed Kretchman, Chairperson

July 20, 2005

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John Burt, Secretary

July 20, 2005

