Adoption Date: March 4th, 2019

PLANNING COMMISSION BYLAWS AND RULES OF PROCEDURE EATON RAPIDS, MICHIGAN

SECTION 1 AUTHORITY

These bylaws and rules of procedure are adopted by the Eaton Rapids Planning Commission pursuant to Chapter 5, Division 2 of the City Code; Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended); Condominium Act (P.A. 59 of 1978, as amended); Land Division Act (P.A. 288 of 1967, as amended); Open Meetings Act (P.A. 267 of 1976, as amended); and Freedom of Information Act (P.A. 442 of 1976, as amended). These bylaws and rules of procedure have also been prepared in conformance with the Michigan Planning Enabling Act (Public Act 33 of 2008, as amended; effective date: September 1, 2008).

SECTION 2 OFFICERS

A. **Selection of Officers.** The Planning Commission shall elect its Chair and Vice-Chair from amongst the appointed members of the Commission. The Commission shall also elect a Secretary from amongst its members, and may create and fill such other officer positions as needed.

B. **Terms of Office.** The terms of the Chair, Vice-Chair, and Secretary shall be for one (1) year, or until a successor is elected. All Planning Commission officers shall be eligible for re-election to consecutive terms for the same office.

C. **Openings.** If a Planning Commission officer position becomes open before the end of the regular term of office, the Planning Commission shall elect another person to fill the position in the same manner and under the same conditions outlined above for the remainder of the term of office.

D. **Duties of the Chair.** The Chair shall review and approve Planning Commission meeting sub-committees, and execute documents and official Commission correspondence in the name of and as directed by the Commission.

E. **Duties of the Vice-Chair.** The Vice-Chair shall perform the duties of the Chair in the absence or disability of the Chair.

F. **Duties of the Secretary.** The Secretary shall perform the following duties:

(1) Review the draft of the minutes and submit them for approval by the Planning Commission

(2) Perform such other duties as may be ordered by the Planning Commission

G. **Duties of the Recording Secretary.** The Recording Secretary shall perform the following duties:

(1) Prepare Planning Commission meeting agendas in consultation with the Chair.

(2) Receive and distribute written correspondence to the Planning Commission.

(3) Prepare and maintain a permanent written record of the minutes for each meeting, which shall be recorded in suitable permanent records maintained by the City Clerk. The minutes shall include a brief synopsis of public hearing comments and meeting business, a record of attendance and votes, and a complete restatement of the Commission's findings, conclusions, motions, actions, and conditions.

(4) Ensure proper preparation and dissemination of Planning Commission meeting and public hearing notices in consultation with the City Clerk.

H. **Duties of the Zoning Board of Appeals Representative.** The Planning Commission representative to the Zoning Board of Appeals shall report the actions of the Board of Appeals to the Commission, and shall update the Board of Appeals on actions by the Commission that relate to the functions and duties of the Board of Appeals.

I. **Other Duties.** Planning Commission officers shall perform such other duties as directed by the Commission or prescribed by these bylaws, State and local laws or the parliamentary authority adopted by the Planning Commission.

SECTION 3 MEMBERS

All members shall agree to abide by these bylaws and rules of procedure to be considered Planning Commission members in good standing.

A. **Membership Composition.** The Eaton Rapids Planning Commission shall consist of nine (9) members appointed by the City Council. One (1) commissioner shall also be a member of the Zoning Board of Appeals. This requirement may be met as vacancies occur on a Commission that existed prior to adoption of these bylaws.

B. **Terms of Office.** The term of each appointed member shall be three (3) years, or until his or her successor takes office.

C. **Vacancies.** A Commission vacancy occurring otherwise than through the expiration of the term shall be filled for the unexpired term by action of the City Council.

D. **Restrictions.** An appointed Planning Commission member shall hold no other office, except for the Commission representative(s) on the Zoning Board of Appeals.

E. **Excused Absences.** To be excused, a member shall notify the Chair at least two (2) hours before a meeting from which he or she intends to be absent. If the Chair is not available, the member shall notify the Vice-Chair, Secretary, and City Clerk in that order. Failure to make such notification will result in an unexcused absence. If notification is given to anyone other than the Chair, that person shall notify the Chair at the earliest possible convenience.

G. **Resignation.** A member may resign by sending a letter of resignation to the Mayor with a copy to the Planning Commission Chair.

H. **Removal.** The Mayor may recommend to the City Council that a Planning Commission member be removed for neglect of duty, malfeasance or misfeasance in office. Such removal shall be subject to a concurring majority vote by the City Council. Any member missing two (2) unexcused consecutive regular Commission meetings during a calendar year may be deemed negligent of duty. The Chair shall be responsible for informing the Mayor of instances of suspected neglect of duty, malfeasance or misfeasance by a commissioner.

I. **Conflicts of Interest.** It shall be a conflict of interest for a Planning Commission member to participate in the deliberation or to vote where the member may have a direct or indirect interest in any property that is the subject of the matter before the Planning Commission, or professionally represents a client whose property is the subject of the matter.

(1) "Interest" shall be defined by these bylaws to include a direct financial interest in or ownership of the subject property, or an indirect interest through an immediate family member, partnership, or corporation of which the member holds ten percent (10%) or more of the stocks either directly or indirectly.

(2) A potential conflict of interest shall be disclosed before discussion on the topic begins, the conflict shall be evaluated as bona fide or not by the majority of the remaining members of the Commission. If the conflict is determined to be bona fide, the member involved shall abstain from discussion and voting on the matter, and shall step away from the Commission table, and shall not participate in discussion or action on the request.

(3) Failure of a member to disclose a potential conflict of interest shall constitute malfeasance in office.

SECTION 4 MEETINGS

All business that the Planning Commission may perform shall be conducted at a public meeting held in compliance with state laws, City ordinances, and these bylaws and rules of procedure.

A. **Schedule of Regular Meetings.** The Planning Commission shall adopt a schedule of regular meeting dates for the next calendar year at its final regular meeting of the current calendar year.

(1) The Commission shall schedule and hold a regular meeting at 7:00 p.m. on the first Monday of each month, unless the Commission approves an alternative schedule.

(2) The Planning Commission may schedule and hold additional regular meetings as deemed necessary to properly perform its duties and complete its work.

B. Annual Meeting. The regular meeting of the Planning Commission in January of each year shall be known as the Annual Meeting, and shall be for the purpose of electing officers, receiving annual reports of officers and committees, and for any other business.

C. Special Meetings. Special meetings may be called by the Chair, or by any two (2) members of the Planning Commission upon written request to the Recording Secretary. The purpose of the meeting shall be stated in the call.

(1) Public notice of the time, date, and place of the special meeting shall be given in the manner required in the Open Meetings Act. The Chair or Recording Secretary shall send written notice of a special meeting to Commission members not less than 48 hours before the meeting. Electronic transmittal of the notice is acceptable, provided that a record of the transmittal is kept by the Recording Secretary or Clerk.

(2) However, any meeting at which all members of the Commission are present or have waived notice in writing shall be a legal meeting for all purposes without notice, subject to the Open Meetings Act.

D. Workshops. The Planning Commission may, at its option, schedule workshop meetings to discuss, formulate, and deliberate upon planning and zoning policy issues. The intent of workshop meetings is to promote informal, open discussion on policy issues, and to seek consensus and resolution to policy matters. Formal rules of procedure shall be waived, and the Chair shall serve as moderator to redirect or halt discussion. The Commission may override any action of the moderator by majority vote. No formal action on any matter shall be undertaken at a workshop meeting; such matters shall be placed on a regular Commission meeting agenda for final disposition.

E. Quorum. Five (5) members of the nine (9) member Planning Commission shall constitute a quorum for the conducting of business. No official action of the Commission may take place without a quorum, except for the closing of the meeting. All public hearings without a quorum present shall be rescheduled for the next regular or special meeting.

F. Order of Business. The Chair shall follow a written agenda for all regular and special Commission meetings. Except where modified by the Chair and approved by the Commission, the order of business for Commission meetings shall be as follows:

(1) Call to Order
(2) Roll Call and Determination of a Quorum
(3) Approval of Agenda

(4) Approval of Minutes
(5) Unfinished Business
(6) Public Hearings
(7) New Business
(8) Public Comments (non-agenda items)
(9) Correspondence (non-agenda items)
(10) Reports to the Commission –
- Zoning Board of Appeals Representative
- Zoning Administrator

(11) Commissioner Comments
(12) Adjournment

G. Public Hearings. Hearings shall be scheduled and due notice given in accordance with state law and City ordinances. The following rules of procedure shall apply to public hearings conducted by the Planning Commission:

(1) The Chair opens the public hearing, announces the subject of the request, and summarizes the rules of conduct for public comments, as follows:
- All comments must be addressed to the Chair.
- Each person will be given an opportunity to be heard. The Chair may elect to allow persons to speak only once, or may permit additional public comments.
- The Chair may terminate a presentation if comments become excessively repetitive or stray from the issues at hand.
- For large hearings, the Chair may impose a time limit of no less than three (3) minutes per person on all individual public comments.
- The Chair expects courtesy from all participants during the public hearing; applause, booing, shouting or other public outbursts will not be tolerated.

(2) The Chair invites the applicant to make a presentation on the request.

(3) The Chair invites public comment on the request.

(4) When all public comments have been received, the Chair closes the public hearing.

(5) The Recording Secretary reads or summarizes all written correspondence received by the Commission on the request, which shall be made part of the public hearing record.

(6) Review of the Planning Consultant's report and any other reports or correspondence from City staff, officials, and other consultants, agencies, persons or groups.

H. Planning Commission Consideration. Where a public hearing is required by state law or City ordinance, the Planning Commission shall not deliberate on the request until after the hearing has been closed to public comment. The Chair may recognize any Commission

member to begin discussion and deliberation on any request. All Commission comments and questions of the applicant, staff or consultants shall be directed through the Chair. The Chair may invite the applicant, staff or consultants to provide additional information or respond to Commission questions or public comments.

I. Motions. Decisions of the Planning Commission shall be based upon sound planning and zoning principles, applicable ordinance standards, and relevant findings of fact. Commission motions shall contain the following elements, as applicable to the request:

(1) Summary of the request, the proposed action (approval, denial, approval with conditions or recommendation for City Council action), and any conditions.

(2) Statement of findings of fact and conclusions that support the proposed action and conditions. Commissioners may choose to make a separate motion identifying relevant findings of fact before making a motion to take action on the request.

(3) Citing of relevant sections of state laws, City ordinances, and staff, consultant or agency reports.

(4) If the decision involves a site plan, plat or similar exhibit, the motion shall include references to the title of the exhibit and its creation or revision date.

(5) Identification of who will be responsible for verifying that all conditions have been satisfied (i.e. Zoning Administrator, Planning Consultant or other person).

The Chair shall make certain that all members are clear on the motion, and shall request that the motion be restated if necessary before a vote is taken. The name of the commissioners who made and seconded each motion shall be recorded.

J. Voting. Affirmative votes from a majority of the quorum of Planning Commission members present at the meeting shall be required for the approval of any requested action or motion placed before the Commission, unless a larger number is required by law.

(1) Voting shall ordinarily be by voice vote, and shall be permitted for approval of agendas and minutes, election of officers, meeting adjournment, and similar actions.

(2) All Commission members shall vote on all matters, with the Chair voting last.

(3) A member may be excused from voting only if that person has a bona fide conflict of interest, as recognized by the majority of the remaining members of the Commission. Any member abstaining from a vote shall step away from the Commission table, and shall not participate in discussion or action on the request.

K. Notice of Decisions. The Recording Secretary or Clerk shall prepare a written notice of the Planning Commission decision, including the approved motion and any conditions, to the applicant, petitioner or originator of a request. The Chair, Secretary, and Recording Secretary shall concur on the accuracy of the notice before it is sent. Copies of the notice shall be provided to the City Clerk, and Zoning Administrator. Electronic transmittal of the

notice is acceptable, provided that a record of the transmittal is kept by the Recording Secretary or City Clerk.

L. **Meeting Minutes.** Commission minutes shall be prepared by the Recording Secretary of the Commission. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and recording of votes; complete statement of the conditions or recommendations made on any action; and recording of attendance. All communications, actions, and resolutions shall be attached to the minutes. The official records shall be deposited with the City Clerk upon approval by the Commission.

SECTION 5 DUTIES OF THE PLANNING COMMISSION

The Planning Commission shall perform the following duties:

A. **Master Plan.** The Planning Commission shall be responsible for formulation of the City's Master Plan and any amendments or updates to the plan.

B. **Zoning Ordinance.** The Planning Commission shall be responsible for formulation of the Zoning Ordinance and any amendments or updates to the Ordinance.

C. **Development Reviews.** The Planning Commission shall be responsible for review and action, or recommendation of an action to the City Council, on applications for development, subdivision, and land use approvals in accordance with the applicable provisions of the City Zoning Ordinance, the state Land Division Act, and other applicable state laws and county ordinances.

D. **Annual Report.** The Planning Commission shall prepare an annual report to the City Council concerning its operations and the status of planning activities. The Commission shall determine the elements, format, and content of the annual report, after consideration of any direction from the Council on its preparation.

E. **Work Program and Budget.** The Planning Commission shall prepare an annual work program and budget recommendation, which shall be presented to the City Council.

F. **Other Special Studies or Plans.** The Planning Commission shall be responsible for commissioning special studies, corridor or area plans, plans as deemed necessary by the Planning Commission or City Council and for which appropriations of funds have been approved by the Council.

G. **Training and Education.** Planning Commission members shall be jointly and severally responsible for attending training workshops, planning conferences or educational programs as needed to properly fulfill Planning Commission duties, and for which appropriations of funds have been approved by the City Council.

H. Other Duties and Responsibilities. The Planning Commission shall perform such other duties and responsibilities as defined by the City Council or required by state law or City ordinance, and shall respond as requested to any other matters referred by the City Council.

SECTION 6 OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS

Commission meetings shall be open to the public and held in a place accessible to the public. All Commission deliberations and decisions shall be made at a regular or special meeting open to the public. A person shall be permitted to address a hearing of the Commission under the rules established by these bylaws. A person shall not be excluded from a meeting of the Commission except for breach of the peace committed at the meeting. All records, files, publications, correspondence, and other materials shall be available to the public for reading, copying, and other purposes as governed by the Freedom of Information Act.

SECTION 7 COMMITTEES

There shall be no standing committees of the Planning Commission. The Chair of the Planning Commission may appoint special or ad-hoc advisory committees, as the Planning Commission shall deem necessary to carry on the work of the Commission. Advisory committee members may or may not be members of the Planning Commission. The Chair shall be an ex-officio member of all committees of the Commission.

SECTION 9 CONTRACTS AND EXPENDITURES

The Commission may contract with a Planning Consultant, engineers, architects, environmental experts, and other consultants for such services as it may require, subject to City Council approval. All expenditures of the Commission, exclusive of the expenditure of gifts, shall be within the amount appropriated for Commission purposes by the City Council. The City Council shall provide necessary funds, equipment, and accommodations for the Commission's work.

SECTION 10 PARLIAMENTARY AUTHORITY

The parliamentary rules contained in the current edition of Robert's Rules of Order shall govern the Planning Commission as applicable and consistent with these bylaws and rules of procedure.

SECTION 11 ADOPTION AND AMENDMENT OF BYLAWS

These bylaws may be amended at any regular meeting of the Planning Commission by a 2/3 majority vote of the full Planning Commission membership, provided that the amendment has been submitted in writing at the previous regular meeting.

Adoption Date: March 4th, 2019

THESE BYLAWS WERE DULY ADOPTED BY A MAJORITY VOTE OF THE EATON RAPIDS PLANNING COMMISSION MEMBERSHIP DURING A REGULAR MEETING HELD ON March 4th, 2019.

Martin Vanek , Chair Mike Baker , Secretary