

## **BYLAWS OF PLANNING COMMISSION**

### **Article I: Authority**

1.1 Adoption. These Bylaws are adopted by the City of West Branch and the West Branch Planning Commission (the Commission) pursuant to Public Act 33 of 2008 and the Open Meetings Act.

### **Article II: Purpose**

2.1 Purpose. These Bylaws are adopted by the Commission to facilitate the performance of its duties as outlined in P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, (M.C.L. 125.3801 *et seq*).

### **Article III: Members**

3.1 Appointment. Members of the Commission are appointed by the Mayor and subject to approval by a majority vote of the members of the City Council, and hold office for a three year term, pursuant to the Planning Commission Ordinance 17-04, as amended.

- 3.1.1.1 First priority, each member shall represent and advocate what is best for the City of West Branch as a whole, putting aside personal or special interests.
- 3.1.1.2 Second Priority, each member shall represent a separate important segment of the community, as appointed by the City Council:
- 3.1.1.3 One member representing Recreation interests: attend and/or be familiar with the desires and needs of the recreation associations, civil and social organizations, the arts, snowmobile and other recreation clubs, Michigan Department of Natural Resources Parks Division, Recreations Division and Waterways Division.
- 3.1.1.4 One member representing Education interests: attend and/or be familiar with the desires and needs of the local school districts, intermediate school district, College, University and other educations institutions.
- 3.1.1.5 One member representing Public Health interests: attend and/or be familiar with the desires and needs of public utility providers, water/sewer providers, County Health Department, councils on aging, and human services collaborative bodies.
- 3.1.1.6 Two members representing Government interests: attend and/or be familiar with the desires and needs of the county chapter of the Michigan Townships Associations, cities and villages, and county government.
- 3.1.1.7 One member representing Transportation interests: attend and/or be familiar with the desires and needs of the County Road Commission, and village and city road agencies.

- 3.1.1.8 One member representing Industry interests: attend and/or be familiar with the desires and needs of the industrial associations.
- 3.1.1.9 One member representing Commerce interests: attend and/or be familiar with the desires and needs of the tourist division of the Chamber of Commerce, visitor/convention bureau, hotel/motel tourist business owners, economic development corporations, and labor and trade associations.
- 3.1.1.10 One member representing Residential interests: attend and/or be familiar with the desires and needs of the residential associations, interest groups or bodies.

3.2 Liaisons. The purpose of liaisons is to provide certain West Branch officials and quasi-officials the ability to participate in discussions with the Commission, in addition to speaking in public participation, and nothing else. Liaisons cannot vote, introduce motions, initiate any other parliamentary actions, be county for a quorum or be expected to comply with attendance requirements pursuant to these Bylaws.

3.2.1 At a minimum, the Liaisons shall include:

- 3.2.1.1 City of West Branch staff involved in the planning and zoning process, including the City Zoning Administrator, as well as all Deputy Zoning Administrators.
- 3.2.1.2 The City Manager.
- 3.2.1.3 The City Attorney

3.2.2 Liaisons may also include:

- 3.2.2.1 A representative from the City of West Branch Downtown Development Authority
- 3.2.2.2 A representative from the City of West Branch Zoning Board of Appeals.

3.3 Attendance. In order to be excused from a meeting, members of the commission must have an adequate reason. More than three (3) consecutive, unexcused absences, or absences at twenty-five (25%) percent of all meetings in any one (1) fiscal year shall be considered nonperformance of duty and cause for removal.

3.4 Adequate Reason for Excused Absence. Adequate Reason for Excused Absence. The term Adequate Reason for an Excused Absence here defined as one of the following reasons:

- 3.4.1.1 Illness (whether or not a doctor's note is required shall be within the discretion of the Board Chair)

- 3.4.1.2 Jury Duty, and Board Member shall present a copy of the jury duty letter
  - 3.4.1.3 Military Service (deployment and/or active duty)
  - 3.4.1.4 Maternity/Paternity Leave for the birth or adoption of a child
  - 3.4.1.5 Injury, or recovery from injury
  - 3.4.1.6 Surgery, or recovery from surgery
  - 3.4.1.7 Bereavement (death of a family member or attendance at a funeral)
- 3.5 The following reasons for missing a meeting do not constitute an Adequate Reason for an Excused Absence:
- 3.5.1.1 Vacation
  - 3.5.1.2 Work/Employment
- 3.6 Board Members who are unwilling or unable to schedule work and/or vacations in such a manner as to comply with the attendance requirements should resign from the Planning Commission in order to make room for Board Members who have a more flexible schedule, as the regular attendance of Planning Commission Members is vital to the success of the Planning Commission. (Keeping in mind that Planning Commission Members are still entitled to miss up to 25% of the regularly scheduled meetings each year without an excuse, so several meetings a year may still be missed due to vacation or work, just so long as it is not more than three meetings in a row or more than 25% of the total meetings for the year).
- 3.7 Removal. Members of the Commission may be removed by City Council for misfeasance, malfeasance, or nonfeasance of duty. Nonperformance of duty, misconduct in office, and failure to declare a conflict of interest constitutes malfeasance.
- 3.8 Resignation. A member may resign from the Commission by sending a letter of resignation to the City Council or Commission Chairperson.
- 3.9 Training. Each member shall have attended at least four hours per year of training in planning and zoning during the member's current term of office, so long as the adopted City of West Branch budget for that fiscal year includes funds to pay for tuition, registration and travel expenses for the training. Training programs that qualify to meet this requirement shall include any training program that relates to planning or zoning, or related topics, which is approved in advance by either the City Manager, the Planning Director, or a majority vote of the West Branch City Council.
- 3.10 Incompatibility of Office. Each member of the Commission shall avoid conflicts of interest and/or incompatibility of office.

## **Article IV: Officers**

- 4.1 Officers. Officers of the Commission are appointed members of the commission and shall consist of a Chairperson, Vice-Chairperson, and Secretary. The Commission may appoint other officers if deemed appropriate.
- 4.2 Chairperson Duties. The Chairperson shall preside at all meetings, appoint committees, and perform such duties as may be delegated by the Commission or Council. No Ex Officio Member may serve as Chairperson.
- 4.3 Secretary Duties. The Secretary shall serve as the liaison between the Commission and the designated City Staff who are responsible for the execution of documents in the name of the Commission, and performing the duties listed below, and such other duties as the Commission may determine:
- 4.3.1 Minutes: maintaining permanent records of the minutes of each meeting and ensure they are recorded in suitable permanent record. Also ensuring that said minutes are provided to the City Clerk in a timely manner compliant with the Michigan Open Meetings Act, as amended. Secretary is also charged with working with the City Clerk to ensure that the Commission is compliant with Michigan's Freedom of Information Act, as amended.
  - 4.3.2 Correspondence: issuing formal written correspondence with other groups or persons, as directed by the Commission. All communications, petitions, reports, or other written materials received by the designated City Staff shall be brought to the attention of the Commission.
  - 4.3.3 Attendance: maintaining an attendance record for each Commission member and report those records annually to the Commission and to the City Clerk, no later than July 31<sup>st</sup> each year, for inclusion in the Annual Report to Council. Also reporting within 30 days to both the Commission and to the City Clerk anytime any Commission member's unexcused absences exceed the requirements included in Section 5.3 of the City Charter (missing three or more meetings in a row, or missing 25% or more of the total meetings held within any given fiscal year, unless such absences are properly excused pursuant to adopted rules of procedure).
  - 4.3.4 Notices/Agendas: Issuing Notices and preparing Agendas for all meetings, as may be required by the Commission.
  - 4.3.5 Mayor/City Council Representative. The Mayor/City Council Representative to the Commission shall report the actions of the City Council to the Commission and update the Commission on actions by the City Council that relate to the functions and duties of the Commission.

- 4.3.6 ZBA Liaison. The Zoning Board of Appeals Liaison, if applicable, shall report the actions of the ZBA to the commission, and update the commission on actions by the ZBA that relate to the functions and duties of the commission.
- 4.3.7 Election. The Commission shall, at the first practical meeting, select a Chairperson and Vice-Chairperson from its membership, as well as a Secretary who does not have to be from its membership, to serve for a twelve (12) month period, and who shall be eligible for re-election. Newly elected officers shall assume their office immediately after the election. Vacancies in office shall be filled immediately by regular election procedure.
- 4.3.8 Additional Pay for Officers: Pursuant to West Branch City Ordinance § 32.045(E), “Neither the Chairperson nor the Secretary of the Commission shall be entitled to additional pay, other than the standard twenty-five dollar per meeting payment, absent a resolution of City Council authorizing such additionally payment and establishing the amount of any such additional payment.”

#### **Article V. Duties**

5.1 General Duties. The Commission shall perform the following duties:

- 5.1.1 Hold regular meetings monthly, at a date and time properly noticed in accordance with the City Charter, and hold special meetings as necessary.
- 5.1.2 Adopt a Master Plan, review the Plan regularly, and make necessary updates as required.
- 5.1.3 Prepare an Annual Report to the City Council.
- 5.1.4 Review and take action or recommend appropriate action on site plan, special land use, and planned unit development requests.
- 5.1.5 Review Subdivision Proposals and recommend appropriate actions to the City Council.
- 5.1.6 Prepare special studies and plans, as deemed necessary by the Commission or Council, and for which appropriations of funds have been approved by the Council, as needed.
- 5.1.7 Attend training sessions, conferences, or meetings as needed to properly fulfill the duties of commissioner.
- 5.1.8 Perform other duties and responsibilities as may be requested by Council.
- 5.1.9 Members of the Commission may conduct site visits as deemed necessary to evaluate the application and supporting material. Site visits shall be conducted

individually unless otherwise scheduled by the commission, obeying all requirements of the Open Meetings Act.

## **Article VI: Meetings**

- 6.1 Meetings Generally. Regular meetings of the commission shall be held monthly on a date established by the Commission, and properly noticed in accordance with the City Charter, and the Open Meetings Act.
- 6.2 Special Meetings may be called by two members of the Commission by written request to the Secretary, or by the Chairperson. Notice requirement shall also apply to special meetings.
- 6.3 Open to Public. All meetings of the Commission shall be opened to the public and held in a place available to the general public. All deliberations and decisions of the commission shall be made at a meeting open to the public. All meetings, minutes, records, documents, correspondence, and other materials of the Commission shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.
- 6.4 Quorum Required. In order for the Commission to conduct business or take any official action, a quorum as outlined in the Planning Commission Ordinance, shall be present.
- 6.5 Voting. An affirmative vote of the majority of the Commission, shall be required for the approval of any requested action or motion placed before the commission. Voting shall ordinarily be voice vote; provided however that a roll call vote shall be required if requested by any Commission member or directed by the Chairperson. All Commission Members shall vote on every motion placed on the floor unless there is a Conflict of Interest. Any member abstaining from a vote shall not participate in the discussion of that item.
- 6.6 Procedure. All meetings of the Commission shall be conducted in accordance with the generally accepted parliamentary procedure, as governed by "Robert's Rules of Order".
- 6.7 Written Decisions. A written notice containing the decision of the Commission will be sent to Petitioners and Originators of a request.
- 6.8 Minutes and Record. The Commission shall keep, or cause to be kept, a record of
- 6.8.1 Commission meetings, which shall at a minimum:
- 6.8.1.1 Include indication of a copy of the meeting posting pursuant to the Michigan Open Meetings Act.

- 6.8.1.2 Include indication of a copy of the minutes, and all its attachment which shall include a summary of the meeting, in chronological sequence of occurrence.
- 6.8.2 Retention. Commission records shall be preserve and kept on file according to the following schedule:
  - 6.8.2.1 Minutes, bonds, oaths of officials, zoning ordinances, master or comprehensive plans, other records of decisions, commissions or department publications: permanent (keep indefinitely, do not ever destroy)
  - 6.8.2.2 General ledger: 20 years
  - 6.8.2.3 Account journals: 10 years
  - 6.8.2.4 Bills and/or invoices, receipts, purchase orders, vouchers: 7 years.
  - 6.8.2.5 Correspondence: permanent.

#### **Article VII: Conflict of Interest**

- 7.1 Conflict Defined. Commission Members shall declare a Conflict of Interest where any one or more of the following occur:
  - 7.1.1 Issuing, deliberating on, voting on, or reviewing a case concerning him or her.
  - 7.1.2 Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by him or her which is adjacent to land owned by him or her.
  - 7.1.3 Issuing, deliberating on, voting on, or reviewing a case involving a corporation, company, partnership, or any other entity in which he or she is a part owner, or any other relationship where he or she may stand to have financial gain or loss.
  - 7.1.4 Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a pecuniary benefit to him or her.
  - 7.1.5 Issuing, deliberating on, voting on, or reviewing a case concerning his or her spouse, children, step-children, grandchildren, parents, siblings, grandparents, parents in-law, grandparents in-law, or member of his or her household.
  - 7.1.6 Issuing, deliberating on, voting on, or reviewing a case concerning his or her employer or employee, or in which his or her employer or employee has a direct interest in the outcome.
  - 7.1.7 Where there is a reasonable appearance of a Conflict of Interest, as determined by the Commission Member declaring the Conflict.

7.1.8 Declaration. When declaring a conflict, the Commission Member shall announce the general nature of the conflict of interest, abstain from any discussion or votes relative to the matter, and absent him or herself from the room in which the discussion takes place.

### **Article VIII: Amendment**

8.1 Notice before Amendment. These rules may be amended by the Commission by a concurring vote during any regular meeting, provided that all members have received an advanced copy of the proposed amendment at least three (3) days prior to the meeting at which such amendments are to be considered.

Motion by Showalter, second by Tuttle

Yes: Bennett, Jackson, Lawrence, Schaiberger, Showalter, Tuttle, Weiler

Approved 12/3/18