

Cohoctah Township Planning Commission Bylaws

The following rules of procedure are hereby adopted by the Cohoctah Township Planning Commission to facilitate the performance of its duties as outlined in the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, *et seq.*, and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, *et seq.*

SECTION 1: Officers

- A. Selection and Tenure.** At the regular meeting each February, the planning commission shall elect from its membership a chairperson, vice-chairperson and secretary who shall begin to serve immediately upon their election. All officers shall serve a term of one year, or until their successors are selected and assume office, except as noted in C, below. All officers shall be eligible for re-election for consecutive terms for the same office.
- B. Chairperson.** The chairperson shall preside at all meetings, appoint committees, and perform such other duties as may be ordered by the planning commission.
- C. Vice Chairperson.** The vice chairperson shall act in the capacity of the chairperson in his/her absence. In the event the office of chairperson becomes vacant, the vice chairperson shall conduct an election at the next planning commission meeting to select a successor to the office of chairperson for the unexpired term.
- D. Secretary.** The secretary shall execute documents in the name of the planning commission and shall perform such other duties as the planning commission may determine, including those as set forth below.

The secretary shall:

1. Prepare agendas.
2. Prepare correspondence as directed.
3. Make up meeting packages (agendas, minutes, letters, etc.).
4. Notify all members of meeting dates.
5. File correspondence, meeting packages, etc.
6. Notify applicants of commission decisions.
7. Notify permit holders thirty (30) days prior to renewal date.
8. Notify recording secretary of meeting date.
9. Notify zoning administrator of meeting date and any information, action, etc. required of him/her.
10. Make available copies of the minutes and agendas for the public at the meetings.
11. Supply chairman with the data needed.
12. Post meeting notice on bulletin board at least eighteen (18) hours before the time of a meeting.
13. See that published notices are properly and timely made.
14. Be responsible for the minutes.

SECTION 2: Meetings

The business the planning commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act. The planning commission may establish reasonable rules and regulations in order to minimize the possibility of disrupting the meeting.

- A. Regular Meetings.** The meetings of the planning commission will be held on the first Thursday of the month and not less than four regular meetings shall be held each year. At its first annual meeting the planning commission shall determine the time and place of such meetings. Other meetings may be held as necessary. When a regular meeting falls on a legal holiday or upon a day resulting in a conflict, the planning commission shall, if possible, select a suitable alternate meeting date in the same month as the originally scheduled meeting.

Notice of regular planning commission meetings shall be posted at the township hall within 10 days after the planning commission's first meeting in each calendar year in accordance with the Open Meetings Act.

- B. Special Meetings.** Special meetings may be called by the chairperson or upon written request to the secretary by at least two members of the planning commission.

Notice of special meetings shall be given to the members of the planning commission at least 48 hours prior to the meeting. Such notice shall state the purpose, time, and location of the special meeting and shall be posted in accordance with the Open Meetings Act.

- C. Notice.** Notice required for specific planning, zoning, or other land use actions will be given in accordance with the Michigan Planning Enabling Act, the Michigan Zoning Enabling Act, Land Division Act, or other applicable statute.

- D. Public Hearings.** All public hearings held by the planning commission must be held as part of a regular or special meeting of the planning commission.

- E. Quorum.** A majority of the planning commission shall constitute a quorum for transacting business and taking official action for all matters. No official action of the commission may be taken without a quorum present.

- F. Voting.** An affirmative vote of the majority of the members of the planning commission is required to approve any part of the master plan or amendments to the plan or to amend these bylaws. Unless otherwise required by statute, other actions or motions placed before the planning commission may be adopted by a majority vote of the members present and voting, as long as a quorum is present. Voting shall be by voice vote; a roll call vote shall be required if requested by any commission member or directed by the chairperson. Except in the case of conflict of interest, all planning commission members, including the chairperson and ex officio member, shall vote on all matters.

- G. Public Records.** All meetings, minutes, records, documents, correspondence and other materials of the planning commission shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.

SECTION 3: Order of Business

The secretary shall prepare an agenda for each meeting and the order of business therein shall be as follows:

1. Call the meeting to order.
2. Pledge of Allegiance.
3. Roll call.
4. Approval of agenda.
5. Approval of minutes.
6. Call to the public.
7. Matters pertaining to the general citizenry and citizens present at the meeting will be heard in the following order:
 - a. **Advertised Public Hearings.**The Chairman will declare such public hearing open and state its purpose. The petitioner or proponent of the action advertised will be heard first.
 - b. Citizens requested by the planning commission to attend the meeting for discussion of a local problem, or presentation of further information on an issue previously considered.
 - c. **Communications.**The writers of which, or their representatives, are present in the audience and wish to give additional information, or explanation of the written statements.
8. Unfinished Business
9. New Business
10. Call to the Public
11. Adjournment

SECTION 4: Duties of the Planning Commission

The planning commission shall perform the following duties:

- A. Prepare, review, and update a master plan as a guide for development within the township's planning jurisdiction.
- B. Take such action on petitions, staff proposals, and township board requests for amendments to the zoning ordinance as required.
- C. Take such action on petitions, staff proposals, and township board requests for amendments to the master plan as required.
- D. Prepare, not less than annually, a written report to the township board of the planning commission's operations and the status of planning activities, including recommendations regarding actions by the township board related to planning and development.
- E. Take such actions as authorized or required by the Michigan Planning Enabling Act.

- F. Take such actions as authorized or required by the Michigan Zoning Enabling Act.
- G. Review subdivision proposals and recommend appropriate actions to the township board.
- H. Perform other duties and responsibilities or respond as requested by the township board.

SECTION 5: Absences, Removals, Resignations, and Vacancies

- A. To be excused, members of the planning commission shall notify the planning commission chairperson or other planning commission member when they intend to be absent from a meeting. Failure to make this notification prior to the meeting shall result in an unexcused absence.
- B. Members may be removed by the township board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.
- C. A member may resign from the planning commission by sending a letter of resignation to the township board.
- D. Vacancies shall be filled by the township supervisor, with the approval of the township board. Successors shall serve out the unexpired term of the member being replaced.

SECTION 6: Conflict of Interest

All members of the planning commission shall avoid situations which are a conflict of interest. Conflict of interest is defined as, and a planning commission member shall declare a conflict of interest and abstain from participating in planning commission deliberations, and voting on a request, when:

1. Issuing, deliberating, voting or reviewing a case concerning herself or himself.
2. Issuing, deliberating, voting or reviewing a case concerning work on land owned by herself or himself.
3. Issuing, deliberating, voting or reviewing a case involving a corporation, company, partnership or any other entity in which she or he is a part owner, or any other relationship where she or he may stand to have a financial gain or loss; except in situations where the Township is the applicant.
4. Issuing, deliberating, voting or reviewing a case which is an action which results in a direct monetary benefit or loss to herself or himself.
5. Issuing, deliberating, voting or reviewing a case where an employee or employer is an Applicant, Agent for Applicant or has a direct interest in the outcome; except in situations where the Township is the applicant.
6. Issuing, deliberating, voting or reviewing a case concerning her or his: Spouse, Children, Step-Child, Grandchildren, Parents, Brother, Sister, Grandparents, Parents-In-Law, Grandparents-In-Law or members of her or his household. This shall not apply if the related person is appointed to a Township planning commission and is acting in their official capacity.

When a conflict of interest exists, the member of the Township's planning commission shall do all of the following immediately, upon first knowledge of the case and determining a conflict exists:

1. Declare a conflict exists at the next meeting of the planning commission
2. Cease to participate at the planning commission meeting, or in any other manner; or to represent one's self before the planning commission, its staff, or others, and
3. During deliberation of the agenda item at the planning commission meeting, remove one's self from the front table where members of the planning commission sit until that agenda item is concluded.

Duty to perform: When one does **not** have a conflict, then one must do the job they were appointed to do: That is to deliberate, decide and **vote**. This must be done even if it is a friend, someone in the neighborhood, uncomfortable or difficult.

Failure of a member to disclose a potential conflict of interest as required by these bylaws constitutes malfeasance in office.

SECTION 7: Parliamentary Procedure

Parliamentary procedure in commission meetings shall be governed by Robert's Rules of Order.

SECTION 8: Procedure for Public Comment

Members of the public may address the commission at those times identified in the agenda for public comment or if the chairperson shall specifically request public input according to the procedure in this paragraph. When recognized by the chairperson, the member of the public should first rise, give his/her name and address, and then state their comments. Members of the audience shall not interrupt during an individual's presentation. If an individual is addressing the planning commission with regard to a particular matter or parcel of property on the agenda, the individual will also indicate their location or property ownership with respect to the particular matter of property.

If there is a group which wishes to address the planning commission on any one particular issue, the group should appoint one spokesperson for the group to speak. There will be no interruptions by any member of the audience whenever anyone is making a presentation to the commission. A time limit of five (5) minutes is established as the length of time any one person may address the commission at any one time.

SECTION 9: Amendments

These bylaws may be amended at any meeting by a vote of the majority of the membership of the planning commission.

SECTION 10: Miscellaneous Provisions

- A. Chair Approval.** Commission members wishing to speak shall first obtain approval of the chair and each person who speaks shall address the chair. Other persons at the meeting shall not speak unless recognized by the chair.
- B. Request for Remarks to be Included.** Any member of the commission may request to have his/her comments printed as part of the record. If there are no objections by any member of the

commission, comments may be included. If there is an objection to such printing of the comments, the commission shall decide the matter by a majority vote. Such comments to be included as a part of the official record shall be provided in writing by the members or transcribed exactly by the secretary.

C. Expense Reimbursement. Members of the Planning Commission may be reimbursed for mileage, per diem or other costs incurred by them when attending to Township business in accordance with policy established by the Township Board providing for such reimbursement upon submittal of a bill or other proof of such expense as provided by the policy in effect at the time of the request for reimbursement.

D. Orders of Motions. Whenever a question is under debate, no motion shall be received except a motion to:

1. fix the time to adjourn;
2. adjourn;
3. recess;
4. vote immediately;
5. lay on the table;
6. postpone to a certain time;

These motions shall take precedence in the order in which they are stated above.

E. Non-Debatable Motion. The motion to adjourn, clear the floor, to recess, to lay on the table, to vote immediately, and all questions relating to priority of business shall be ordered and voted upon without debate.

F. Effective Date. These Bylaws are declared to have been amended as set forth herein and are declared to be effective this _____ day of _____, 2017.

Karen Thurner
Secretary

Robert Beach
Chairman