

**BY-LAWS AND RULES OF PROCEDURE
OF THE
PLANNING COMMISSION OF DELTA COUNTY**

We, the members of the Planning Commission of County of Delta, authorized by ordinance and duly appointed by the Delta County Board of Commissioners, do hereby adopt, publish and declare the following by-laws and rules of procedure.

ARTICLE I. NAME AND MAILING ADDRESS

- A. The official name shall be the "DELTA COUNTY PLANNING COMMISSION", herein referred to as "Planning Commission."
- B. The official mailing address of the Planning Commission shall be the same as the mailing address for the Delta County Zoning and Building Department

ARTICLE II. MEETINGS AND QUORUM

- A. Regular meetings of the Planning Commission shall be held at 5:30 at the Delta County courthouse, or such other place that the chair shall designate, on the first Monday of each month. A meeting may be canceled if there are no matters for the Planning Commission to consider. Special meetings of the Planning Commission may be held upon the call of the Chair, Vice-Chair, Secretary or at the request of a majority of the members of the Planning Commission. 7 days notice of any special meetings shall be given to each member of the Planning Commission.
- B. A majority of the total members of the Planning Commission shall constitute a quorum for the transaction of any business that may come before any regular or special meeting of the Planning Commission. No official action shall be taken without a quorum present.
- C. The sessions of the Planning Commission shall be open to the public and shall proceed in accordance with provisions of the Open Meetings Act 1976 PA 267, MCL 15.261 to 15.275.
- D. Only members of Planning Commission shall be given the floor to speak during any meeting except:
 - a. County officials who may speak with the consent of the majority of the Board members present.

- b. Any person who, with the consent of the majority of the Board members present, may be given permission to speak in an appropriate place on the agenda for the purpose of addressing the Commission.
- c. Any member of the public speaking at a meeting under the privilege of "Public Comment" or during a "Public Hearing" shall be limited by the following Board policy: Any individual wishing to address the Board will be allocated one three (3) minute period. The three minutes used by the individual are to make statements. There will be no question-and-answer session format.
- d. The Planning Commission may require a Public Hearing. The information shared at a Public Hearing will become part of the County's permanent record and may be used by the Planning Commission in forming its conclusions and make recommendations to the Delta County Board of Commissioners. Planning Commissioners will remain open-minded, objective, and impartial in considering testimony and forming a decision.

Public Hearing Process:

- i. The Planning Commission Chair will open the Public Hearing.
- ii. Administrative Staff presents pertinent information.
- iii. Applicant presents pertinent information.
- iv. Planning Commission Chair asks if any members of the public wish to speak about the petition. Those wishing to speak should provide their name and address for the meeting notes. The public may also provide written testimony. Respectful conduct is expected.
- v. After the public has spoken, the Planning Commission Chair will close the Public Hearing, after which public comments will no longer be accepted.
- vi. Commissioners will deliberate. Commissioners may ask more questions of staff or the applicant, consider the public testimony, or offer reasons they are considering reaching a decision. They evaluate the project based on criteria outlined in County codes. A motion to approve, deny, or continue is typically entertained. If the motion is seconded, a vote is taken.

ARTICLE III. MEMBERSHIP, ATTENDANCE, AND TRAINING

- A. Members of the Planning Commission are appointed by the Delta County Board of Commissioners pursuant to the Delta County Planning Commission Ordinance of February 5, 2019, as amended.
- B. Liaisons. The purpose of liaisons is to provide certain Delta County officials and quasi-officials the ability to participate in discussions with the Planning Commission, in addition to speaking in public participation. Liaisons cannot vote, introduce motions, initiate any other parliamentary action, be counted for a quorum, or be expected to comply with attendance requirements. Liaisons, if not already appointed Planning Commission members, are:

- 1. Delta County Administrator.
- 2. Delta County Zoning and Building Administrator.

3. City of Escanaba Planning Commission representative.
4. City of Gladstone Planning Commission representative.

- C. Attendance. If any member of the Planning Commission is absent from three consecutive regularly scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the Delta County Board of Commissioners to remove a member from the Planning Commission for nonperformance of duty, or misconduct, after holding a public hearing on the matter. The Planning Commission Chair shall notify the Delta County Board of Commissioners whenever any member of the Planning Commission is absent from three consecutive regularly scheduled meetings, for consideration of further action allowed under law or excuse the absences.
- D. Training. Each member shall put forth a concerted effort to attend at least four hours per year of training in planning and zoning during the member's current term of office.

ARTICLE IV. OFFICERS, ELECTIONS, AND TERMS

- A. The officers of the Planning Commission shall be a Chair, Vice-Chair, and Secretary. The officers shall be regularly appointed members of the Planning Commission.
- B. The Chair shall preside over the meetings of the Planning Commission and exercise all the powers usually incident of the office, retaining the full privileges of a Planning Commissioner. The Chair shall decide on all points of order and procedure, subject to these by-laws. The Chair shall appoint any committees found necessary to investigate any matters before the Planning Commission.
- C. The Vice-Chair shall, in the absence of the Chair, perform all the duties incumbent upon the Chair. In the absence of the Chair and Vice-Chair, the members present may elect for the meeting an acting Chair who shall have full powers of the Chair during the absence of the Chair and Vice-Chair.
- D. The Secretary shall execute, or delegate to the Administrator or Administrative Secretary execution of, documents in the name of the Planning Commission and shall perform such duties as the Planning Commission may determine.
- E. The Delta County Zoning and Building Administrator, hereafter referred to as the "Administrator" or his/her designee shall serve, ex officio without a vote, as the Administrator for the Planning Commission. The Administrator shall receive cases, with appropriate fee, to be put before the Planning Commission, prepare the agenda, organize relevant data and documents, and present cases to the Planning commission. The Administrator shall keep and maintain record of all meetings of the Planning Commission and its committees. These records shall remain the property of the Planning Commission and be retained by the office of the Delta County Zoning and Building Department.

- F. An administrative secretary may be appointed, with approval and reimbursed by the Delta County Board of Commissioners. The Administrative Secretary shall be responsible to take and prepare meeting minutes, take attendance, take roll call votes and other clerical duties the Planning Commission may request.
- G. The officers shall be elected at the first meeting of each calendar year and shall assume office immediately. The officers shall serve for a period of one year, serving until a successor has been elected and assumes office. All officers shall be eligible for re-election for 1 additional year. After serving 2 consecutive years in a particular officer position, the Commissioner will not be eligible for re-election to that particular officer position until a 1-year hiatus from the officer position.
- H. Vacancies in office shall be filled by special election.

ARTICLE V. VOTING

- A. Each regularly appointed member, including the Chair, shall be entitled to one vote on any matter that may come before the Planning Commission. Except on administrative or procedural matters, the record of the Planning Commission shall show the individual vote of each member.
- B. The approval of a comprehensive plan, or any amendment, extension or addition thereto, shall require the affirmative vote of not less than a majority of the total membership of the Planning Commission. Passage of other matters upon which the Planning Commission is authorized to act shall require the majority vote of the Planning Commissioners present in session at the time.
- C. Failure of a motion to approve any matter upon which the Planning Commission is authorized to act shall be deemed a denial. Failure of a motion to deny any matter upon which the Planning Commission is authorized to act shall not constitute approval.
- D. The Planning Commission shall include findings of fact supporting any action upon which it authorized to act. A clear description of conditions necessary to carry out the spirit and intent of any comprehensive plan or official control shall be included in the action. The Administrator shall submit to the Board of Commissioners, in writing, the recommendation of the Planning Commission no later than fourteen (14) calendar days following action by the Planning Commission. The transmittal to the Board of Commissioners shall include the motion and findings of fact considered by the Planning Commission.

ARTICLE VI. CONFLICT OF INTEREST

- A. Before engaging in a matter on which a Planning Commission member may have a conflict of interest, the member shall disclose the potential conflict of interest to the Planning Commission at a time during the meeting when the agenda allows such

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

- B. Conflict of interest shall be defined as by the State of Michigan Public Acts including but not limited to PA 96 2014 and PA 318 1968.
- C. Each member of the Commission shall avoid conflicts of interest and/or incompatibility of office. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:
 - a. Issuing, deliberating on, voting on, or reviewing a case concerning him or her.
 - b. Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by him or her or which is adjacent to land owned by him or her.
 - c. 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 a financial gain or loss.
 - d. Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a pecuniary benefit to him or her.
 - e. Issuing, deliberating on, voting on, or reviewing a case concerning his or her spouse, children, stepchildren, grandchildren, parents, brothers, sisters, grandparents, parents' in-law, grandparent's in-law, or members of his or her household.
 - f. Issuing, deliberating on, voting on, or reviewing a case where his or her employee or employer is:
 - i. an applicant or agent for an applicant, or
 - ii. has a direct interest in the outcome.
- D. If there is a question whether a conflict of interest exists or not, the question shall be put before the Commission. Whether a conflict of interest exists or not shall be determined by a majority vote of the remaining members of the Commission.
- E. When a conflict of interest exists, the member of the Commission, or committee, shall do all of the following immediately, upon first knowledge of the case and determining that a conflict exists:
 - a. declares a conflict exists at the next meeting of the Commission or committee:
 - b. cease to participate at the Commission or committee meetings, or in any other manner, or represent one's self before the Commission, its staff, or others, and
 - c. during deliberation of the agenda item before the Commission or committee, leave the meeting or remove one's self from the front table where members of the Commission sit, until that agenda item is concluded.
- F. If a member of the Commission is appointed to another office, which is an incompatible office with his or her membership on the Commission, then on the effective date of the appointment to the other office, that shall result in an automatic resignation from the Commission. If a member of another office is appointed to the Commission, which is an

incompatible office with his or her membership in the other office, then on the effective date of the appointment to the Commission, that shall result in an automatic resignation from the other office.

ARTICLE VII. COMMITTEES

Committees may be established by the Chair or by affirmative vote of a majority of the membership of the Planning Commission. Standing or temporary committees of one or more members shall be charged with such duties of examination, investigation and inquiry relative to one or more subjects of interest to the Planning Commission, as the Chair may direct or the Planning Commission may by motion or resolution determine. No standing or temporary committee shall have the power to commit the Planning Commission to the endorsement of any plan or program without its submission to the Planning Commission for consideration at a regular or special meeting.

ARTICLE VII. AMENDMENTS

The Planning Commission may amend these By-laws and Rules of Procedure by majority vote of the total membership at any regular or special meeting. A copy of the proposed amendments must be transmitted in writing to each member of the Planning Commission at least fourteen (14) calendar days in advance of the meeting at which action is scheduled.

Approved by Planning Commission March 1, 2021

Approved by County Board March 2, 2021

Adopted: March 2, 2021