

# **CITY OF HARTFORD**

## **RULES OF PROCEDURE AND BY-LAWS OF THE PLANNING COMMISSION**

### **ARTICLE I – NAME**

The name of the Commission shall be the City of Hartford Planning Commission, herein after referred to as “Commission.”

### **ARTICLE II – PURPOSE AND OBJECTIVES**

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.), hereinafter “the Planning Act.” These bylaws are also adopted to facilitate the duties of the Commission for administration of a zoning ordinance as outlined in P.A. 110 of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 et seq.), hereinafter “the Zoning Act.” Additionally, these Bylaws set forth the administration of the Hartford Planning Commission Ordinance.

#### **Duties of the Commission**

1. The Commission shall review and act on all proposed zoning ordinances and zoning amendments pursuant to the Zoning Act. At least one hearing shall be held on each proposed zoning ordinance, and amendments with notices given as specified in the zoning ordinance and the Zoning Act. After the hearing, the action shall be in the form of a recommendation to the City Council.
2. The Commission shall review and act on all special land use permits and applications pursuant to the Zoning Act and Hartford Zoning Ordinance. At least one hearing shall be held on each special use permit.
3. The Commission shall review and act on all those site plans for which the zoning ordinance requires Commission action.
4. The Commission shall not act or otherwise hear issues on zoning ordinance interpretation, zoning map interpretation, non-use variances, or use variances. Such matters shall be exclusively the jurisdiction of the Zoning Board of Appeals.

### **ARTICLE III - MEMBERSHIP**

#### **Members**

1. The Commission shall consist of seven (7) members.
2. Members of the Commission are appointed by the Hartford City Council pursuant to the Hartford Planning Commission Ordinance.
3. Each member of the Commission's priority shall be to represent and advocate for what is best for the City of Hartford as a whole, putting aside personal or special interests.

## **Attendance**

If any member of the Commission is absent from three consecutive regularly scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the Hartford City Council to remove a member from the Commission for nonperformance of duty or misconduct after holding a public hearing on the matter. The Commission recording secretary shall keep attendance records and notify the Hartford City Council whenever any member of the Commission is absent from three consecutive regularly scheduled meetings so the Council can consider further action allowed under law or excuse the absences.

## **Incompatibility of Office**

1. 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 is an action that results in a monetary 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, grandparents-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 an applicant or agent for an applicant or has a direct interest in the outcome.
2. If there is a question of 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.
3. 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. declare a conflict exists at the beginning of the meeting which involves the issue in question, and

- 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 for the public hearing, deliberation, and vote until the agenda item is concluded.

### **Duties of all Members**

#### **1. *Ex Parte* Contact**

- a. Members shall avoid Ex Parte contact about cases where an administrative decision is before the commission whenever possible.
- b. Despite one's best efforts, it is sometimes not possible to avoid ex parte contact. When that happens, the member should take detailed notes on what was said and report to the Commission at a public meeting or hearing so that every member and other interested parties are made aware of what was said.

#### **2. Site Inspections**

- a. The city manager or other staff shall conduct site inspections. A written report of the inspection shall be orally presented to the Commission at a public meeting or hearing on the site.
- b. If desired, no more than one member of the Commission may accompany the city manager or staff on a site inspection.

#### **3. Not Voting on the Same Issue Twice.**

Any member of the Commission shall avoid situations where they are sitting in judgment and voting on a decision they had a part in making. As used here, sitting in judgment and voting on a decision that they had a part in making, at a minimum, shall include, but not necessarily be limited to, the following:

- a. When the appeal concerns an administrative or other decision by the Commission, and the member of the Commission sits both on the Commission and the Zoning Board of Appeals.
- b. When the appeal concerns an administrative or other decision by any committee of the Commission, City Council, or other committee and the member of the Commission sits both on that committee and the Zoning Board of Appeals or both on the Commission and Zoning Board of Appeals.
- c. c. When the case is an administrative decision that was decided by the Commission and sent to the City Council for further action, and the member of the Commission sits both on the Commission and City Council.

#### **4. Accepting gifts.**

- a. A member of the Commission or liaisons may not accept gifts from anyone

connected with an agenda item before the Commission.

- b. As used here, gifts shall mean cash, any tangible item, or service, regardless of value.
- c. This section does not apply to the Commission accepting gifts for the exercise of its functions pursuant to M.C.L. 125.3823(3), §23(3) of the Planning Act.

#### **ARTICLE IV – OFFICERS**

1. Selection. At the regular meeting in January of each year, the Commission shall select a Chair, Vice-Chair, and Secretary from its membership. All officers are eligible for reelection. If the office of the Chair becomes vacant, the Vice-Chair shall succeed to this office for the unexpired term, and the Commission shall select a successor to the office of the Vice-Chair for the unexpired term.

The City Clerk shall be the recording secretary to the Commission.

2. Tenure. The Chair, Vice-Chair, and Secretary shall take office immediately following their selection and hold office for a one-year term or until their successors are selected and assume office.
3. Chair's Duties. The Chair retains his or her ability to discuss, make motions, and vote on issues before the Commission. The Chair shall:
  - a. Preside at all meetings with all powers under parliamentary procedure;
  - b. Shall rule out of order any irrelevant remarks; personal remarks; remarks about another's race, religion, sex, physical condition, ethnic background, beliefs, or similar topics; profanity; or other remarks which are not about the topic before the Commission;
  - c. Restate all motions;
  - d. Appoint committees;
  - e. Appoint committee officers or let the committees select their own officers.
  - f. May call special meetings pursuant to Section 5.3 of these Bylaws;
  - g. Act as an Ex-Officio member of all committees of the Commission;
  - h. Review with the staff, before a Commission meeting, the items to be on the agenda if he or she so chooses;
  - i. Periodically meet with the city manager to review operations and procedures and monitor progress on various projects.
  - j. Act as the Commission's chief spokesman and lobbyist to represent the Commission at local, regional, and state government levels.
  - k. Represent the Commission before the City Council.
4. Vice-Chair's Duties. The Vice-Chair shall:

- a. Act in the capacity of the Chair, with all the powers and duties found in Article IV (3) of these Rules, in the Chair's absence.
5. Secretary's Duties. The Secretary shall:
- a. Be responsible for the minutes of each meeting.
  - b. Review the draft minutes.
  - c. Send the minutes to the City Clerk for the City Council's monthly council meetings.
  - d. Sign the minutes upon approval by the Commission.
  - e. Receive all communications, petitions, and reports to be addressed by the Commission, delivered, or emailed to the Recording Secretary in care of the City Manager's office.
  - f. Act in the capacity of the Chair, with all the powers and duties found in Article IV (3) of these Rules, in the absence of both the Chair and Vice-Chair.
6. Recording Secretary's Duties. The Recording Secretary shall:
- a. Keep pertinent public records and deliver communications, petitions, reports, and related business items for the Commission.
  - b. Preparing and coordinating the delivery method to the Commission for monthly meeting packets.
  - c. Preparing and arranging to publish and mail notices of public hearings.
  - d. Performing related administrative duties to ensure efficient and informed commission operations, such as preparing an agenda for the Commission meetings and providing notice to the public and Commission for all regular and special meetings.
  - e. Perform other duties as may be appropriately requested by the commission.
  - f. Does not have to be in attendance at the meetings.

## **ARTICLE V – MEETINGS**

1. All regular and special meetings, hearings, and records shall be open to the public and conducted under the Open Meetings Act of the State of Michigan.
2. The Commission shall meet monthly at Hartford's city hall in council chambers on the second Monday of each month. The dates and times shall be posted at the City Hall, and a notice shall be published under the Open Meetings Act.
3. The Commission shall select suitable alternate dates in the same month under the Open Meetings Act for regular meetings that fall on or near an approved holiday by the city council.
4. The Chairperson, the Vice-Chair, or any three (3) members of the Commission may call a special meeting. Each member must receive at least two days' notice as to the time, place, and purpose of the meeting.

5. All inquiries, applications, or matters requiring official action by the Commission shall be submitted in writing, be properly drafted on official forms necessary, and contain all relevant information regarding the matter upon which the Commission is requested to act. Further, any petitioners may withdraw a petition at any time by filing a written notice of withdrawal.
6. The normal order of business at meetings shall be as follows:
  1. Call to order
  2. Roll call
  3. Approval of minutes
  4. Approval of agenda
  5. Public comment
  6. Public hearing
  7. Old business
  8. New business
  9. City Manager's report (may also be referred to as staff report)
  10. Adjournment
7. A quorum shall consist of no less than four (4) members.
8. Parliamentary procedure in Commission meetings may be informal. If necessary to keep order, Commission meetings may be governed by Roberts Rules of Order, newly revised at the chairperson's discretion.
9. All proceedings, decisions, and resolutions of the Commission shall be initiated by motion. Motions made in an administrative capacity, such as rezonings, site plan reviews, and special use permits, shall include findings of facts and reasons for the Commission's action.
10. Any motion involving the adoption or amendment of plans, policy statements, or recommendations to the Council requires an affirmative vote of a majority of those present.
11. Voting shall be by voice vote. It shall not be recorded as individual ayes or nays unless requested by a member of the Commission, in which case the Chairperson shall order the vote to be so recorded. The exception is that any member may abstain by declaring before the vote. An abstention may only be made in the case of a conflict of interest; it is otherwise the duty of all Commissioners present to participate in the vote.
12. The City Manager, City Attorney, and other city officials may participate in the Commission's discussion. Shall not vote, introduce motions, be counted towards a quorum, or initiate any other parliamentary action.

### **Special Meetings**

A special meeting may be called by three (3) members of the Planning Commission upon written request to the Secretary or by the Chairperson. The business to which the Planning Commission may perform shall be conducted at a public meeting of the Planning Commission held in compliance with the Open Meetings Act. Public Notice of the time, date, and place of the special meeting shall be given in a manner as required by the Open Meetings Act, and the Secretary shall

send written notice of a special meeting to commission members not less than forty-eight ( 48) hours in advance of the meeting.

## **ARTICLE VI – PROCEDURES**

1. Applications shall be made by the owner or parties with substantial interest and rights in the premises affected, provided that the owner consents to the request. The applicant may appear on his/her behalf or may be represented by his/her attorney or agent at the hearing.

Applications and all required supporting documentation must be submitted to the Recording Secretary by the filing deadline. Applicants will be provided with instructions that include the filing deadline. Failure to submit a complete application and/or any required component will result in the case being withdrawn.

City staff shall provide applications and associated staff reports to the Commission at least five days before the meeting, including the agenda item(s).

2. The usual order of procedure of a public hearing shall be:
  - 1) The Chairperson shall move to open the public hearing and explain the procedure.
  - 2) Applicant presents his/her petition.
  - 3) The public in favor and/or opposed to the proposed change are heard.
  - 4) Closing of public hearing – motion to close shall require majority concurrence for each petition.
  - 5) Discussion by Commissioners and opportunity to ask the petitioner questions.
  - 6) Motion and decision by Commissioners.

## **ARTICLE VII – DISPOSITION AND RECORD**

The applicant shall be advised of the decision in writing within five (5) days of the final hearing and decision. The Commission shall keep, or cause to be maintained, a permanent record of Commission meetings and decisions, which shall, at a minimum, include:

- a. A copy of the meeting posting pursuant to P.A. 267 of 1976, as amended (being the Michigan Open Meetings Act, M.C.L. 15.261 et seq.)
- b. A copy of the minutes and all their attachments shall include a summary of the meeting in chronological sequence of occurrence.
- c. Records of any action, support documents, maps, site plans, photographs, and correspondence received, attached as an appendix to the minutes

## **ARTICLE VIII - COMMITTEES**

### **Ad Hoc Committees**

The Commission or Chair may establish and appoint ad hoc committees for special purposes or

issues deemed necessary. The ad hoc committee must consist of less than a quorum.

### **Citizen Committees**

1. The Commission, Chair, or City Manager may establish and appoint citizen committees with the consent of the Commission. Membership can be any number, so long as less than a quorum of the Commission serves on a citizen committee at any given time. The citizen committee's purpose is to use individuals who are knowledgeable or expert in a particular issue before the Commission or better to represent various interest groups in the City of Hartford.
2. All committees are subservient to the Commission and report their recommendations to the Commission for review and action. The Commission can overrule any action of any committee.
3. The same principles of these Bylaws for the Commission also apply to all its committees, including, but not limited to, making all meetings open to the public and keeping a record of all proceedings.

### **ARTICLE IV – ADOPTION AND AMENDMENTS**

Upon adoption of these Bylaws of \_\_\_\_\_, they shall become effective, and all previous Bylaws shall be repealed. These Bylaws may be amended at any regular or special meeting by a two-thirds (2/3) vote of the members present.

DRAFT

DRAFT