

SECTION 1: CREATION

These bylaws and rules of procedure are adopted by the New Haven Planning Commission pursuant to the Michigan Zoning Enabling Act (P.A. 110 of 2006, 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 new Michigan Planning Enabling Act (Public Act 33 of 2008, as amended; effective date: September 1, 2008).

SECTION 2: DEFINITIONS

1. 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 election of the Chair, Vice-Chair, and Secretary shall be held at the December Planning Commission meeting. All Planning Commission officers shall be eligible for re-election to consecutive terms.
- 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 agendas in consultation with the Secretary, preside over all Commission meetings, appoint 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) 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 Village.

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 Village Clerk and Planning Consultant.

(5) Prepare periodic reports of the commissioners' meeting attendance in order that the commissioners may be paid for their services.

G. Duties of the Village Council Representative. The Village Council Representative shall present Planning Commission recommendations to the Village Council, shall provide a regular summary of Commission activities to the Council, and shall update the Commission on actions by the Village Council that relate to the functions and duties of the Commission. In accordance with Section 17(1) of the Michigan Planning Enabling Act, the Village Council Representative on the Planning Commission shall not be eligible to serve as Chair after September 1, 2008.

H. 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 - MEETINGS

All business that the Planning Commission may perform shall be conducted at a public meeting held in compliance with state laws, Village 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 Tuesday 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 December of each year shall be known as the Annual Meeting, and shall be for the purpose of electing officers of the Planning Commission.

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 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 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 Secretary.

(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. Four (4) members of the seven (7) 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, with dissemination to the members no less than one (1) week before any regularly scheduled meeting. 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. Pledge of Allegiance
3. Roll Call
4. Approval of Agenda
5. Approval of Minutes
6. Public Hearings
7. Old Business
8. New Business
9. Adjournment

G. Public Hearings. Hearings shall be scheduled and due notice given in accordance with state law and Village 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:
 - a. All comments must be addressed to the Chair.
 - b. 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.
 - c. For large hearings, the Chair may impose a time limit of no less than three (3) minutes per person on all individual public comments.
 - d. The Chair expects courtesy from all participants during the public hearing; applause, booing, shouting or other public outbursts will not be tolerated.

- e. In accordance with MCL 125.3815(9)-(10), any defamatory, insulting, or demeaning language used by any Member of the Planning Commission shall be construed as malfeasance and may result in loss of appointment to the Planning Commission.

(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 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 Village staff, officials, and other consultants, agencies, persons or groups.

H. Planning Commission Consideration. Where a public hearing is required by state law or Village 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 Township Board 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, Village Ordinances and findings by Planning Counsel.

(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.

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 roll call vote, except that a voice vote 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 Secretary 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 and Secretary shall concur on the accuracy of the notice before it is sent. Copies of the notice shall be provided to the Village Clerk, Chair, and Planning Consultant. Electronic transmittal of the notice is acceptable, provided that a record of the transmittal is kept by the Secretary.

L. Meeting Minutes. Commission minutes shall be prepared by the 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 Township Clerk upon approval by the Commission.

SECTION 4 - 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 New Haven Planning Commission shall consist of seven (7) members appointed by the Village President upon approval by the Village Council. One (1) commissioner shall also be a member of the Village Council, and one ex officio member may be appointed.

B. Terms of Office. The term of each appointed member except the Village Council Representative, shall be three (3) years, or until his or her successor takes office. The Village Council Representative's term shall be the same as his or her term of office on the Village Council.

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 Village President, with the approval of the Village Council.

D. Restrictions. An appointed Planning Commission member shall hold no other Village office, except for the Village Council Representative and any ex officio member. All members must be in good standing with the Village of New Haven.

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, or Village President (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 Village President with a copy to the Planning Commission Chair. Three (3) consecutive unexcused absences shall be deemed a resignation from the Planning Commission.

H. Removal. The Village President may recommend to the Village Council that a Planning Commission member be removed for neglect of duty, malfeasance or misfeasance in office. Such removal shall be subject to a public hearing and a concurring majority vote

by the Village Council. Any member missing two (2) consecutive regular Commission meetings during a calendar year may be deemed negligent of duty, unless such absences are excused. The Chair shall be responsible for informing the Village President 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) Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Planning Commission. The member shall be disqualified from voting on the matter upon a concurring majority vote of the remaining members of the Planning Commission.

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

SECTION 5 – DUTIES OF THE PLANNING COMMISSION

The Planning Commission shall perform the following duties:

- A. General Development Plan. The Planning Commission shall be responsible for formulation of the Village's General Development Plan and any amendments or update 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 Village Council, on applications for development, subdivision, and land use approvals in accordance with the applicable provisions of the Village Zoning Ordinance, the state Land Division Act, and other applicable state laws and Village ordinances.

- D. Annual Report. The Planning Commission shall prepare an annual report to the Village 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 Board 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 Village Council.
- F. Other Special Studies or Plans. The Planning Commission shall be responsible for preparing special studies, corridor or area plans, or capital improvements plans as deemed necessary by the Planning Commission or Village Council and for which appropriations of by the Planning Commission have been approved, and with approval by the Village 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 Village Council.
- H. Other Duties and Responsibilities. The Planning Commission shall perform such other duties and responsibilities as defined by the Village Council or required by state law or Village ordinance, and shall respond as requested to any other matters referred by the Village 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 special or ad-hoc advisory committees.

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 Village Council approval. All expenditures of the Commission, exclusive of the expenditure of gifts, shall be within the amount appropriated for Commission purposes by the Village Council. The Village 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 majority vote of the full Planning Commission membership, and upon approval of the Village Council, provided

that the amendment has been submitted in writing at the previous regular meeting.

THESE BYLAWS WERE DULY ADOPTED BY A MAJORITY VOTE OF THE VILLAGE OF NEW HAVEN
PLANNING COMMISSION MEMBERSHIP DURING A REGULAR MEETING HELD ON
_____, 2021.