

**PLANNING COMMISSION BY LAWS**  
**of January 2017**

**Adopted, effective immediately, January 12, 2017, 7 pm**

**1. Name Purpose**

- A. The name shall be the Village of Ellsworth Planning Commission, hereafter known as the “Commission”
- B. These Bylaw’s are adopted to facilitate the performance of its duties as outlined in P.A. 33 of 2008, as amended, being Michigan Planning Enabling Act (M.C.L. 125.3801 *et seq.*), hereinafter “the Planning Act.”
- C. 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.”

**2. Membership**

- A. Members. Members of the Commission are appointed by the Village President pursuant to the Village of Ellsworth Planning Commission Ordinance of 2010, as amended.
  - 1. Each member shall represent and advocate what is best for the Village of Ellsworth.
  - 2. 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 officer is appointed to the Commission, which is an incompatible office with his or 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.

**3. Duties of all members.**

- A. *Ex Parte* contact
  - 1. Members shall avoid *Ex Parte* contact about cases where an administrative decision is before the commission whenever possible.
  - 2. 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 what was said, so that every member and other interested parties are made aware of what was said.
- B. Site Inspections
  - 1. Site inspections shall be done by the zoning administrator or other staff. A written report of the site inspection shall be orally presented to the Commission at a public meeting or hearing on the site.

2. If desired, no more than one member of the Commission may accompany the zoning administrator or staff on a site inspection.
- C. Accepting gifts.
  1. Gifts shall not be accepted by a member of the Commission from anyone connected with an agenda item before the Commission.
  2. As used here, gifts shall mean cash, any tangible item, or service, regardless of value; and food valued over \$10.
  3. 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.
- D. Spokesperson for the Commission.
  1. Free and open debate should take place on issues before the Commission. Such debate shall only occur at meetings of the Commission.
  2. Once a vote is taken and an issue is decided by vote, the duty of each member of the Commission is to represent the position reflected by the outcome of the vote. Minority reports and requests for reconsideration may take place only at an open meeting of the Commission.
  3. From time-to-time, or on a specific issue the Commission, may appoint a spokesperson for the Commission for all matters which occur outside of the meetings of the Commission.

#### **4. Officers**

- A. Selection. At the regular meeting in January of each year, the Commission shall select from its membership a Chair, Vice-Chair, Secretary, and Deputy Secretary. All officers are eligible for reelection. In the event 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 Vice-Chair for the unexpired term. In the event the office of the Secretary becomes vacant, the Deputy Secretary shall succeed to this office for the unexpired term and the Commission shall select a successor to the office of Deputy Secretary for the unexpired term. The Commission or Secretary may also designate another person who is not a member of the Commission to be recording secretary.
- B. Tenure. The Chair, Vice-Chair and Secretary shall take office February 1 following their selection and shall hold office for a term of one year or until their successors are selected and assume office.

#### **5. Meetings**

- A. Regular meetings. Meeting of the Commission will be held the 2<sup>nd</sup> Thursday of every odd month at 7 p.m. at the Banks Township Hall, 6520 Center Street, Ellsworth, Michigan. When the regular meeting day falls on a legal holiday, the Commission shall select a suitable alternate day in the same month. An annual notice of regularly scheduled Commission meeting shall comply with P.A. 267 of 1976, as amended (being the Michigan Open Meeting Act M.C.L. 15.261 *et seq.*)
- B. Special Meetings. Special meetings shall be called in the following manner:
  1. By the Chair.

2. By any two members of the Commission.
  3. By the Chair at the request of any nonmember of the Commission, upon payment of a nonrefundable fee to cover costs of the special meeting. The fee shall be calculated as follows: The current amount of per diem paid times the total number on the Commission, regardless if they attend the meeting or not.
  4. Notice of special meetings shall be given by the Secretary to members of the Commission at least forty eight (48) hours prior to such meeting and shall state the purpose, time, day, month, date, year and location of the meeting. In addition notices shall comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meeting Act M.C.L. 15.261 *et seq.*).
- C. Quorum. More than half the total number of seats for members of the Commission, regardless if vacancies exist or not, shall constitute a quorum for the transaction of business and the taking of official action for all matters before the Commission. Whenever a quorum is not present at a regular or special meeting, those present shall adjourn the meeting to another day.
- D. Parliamentary Procedure. Parliamentary procedure in Commission meetings shall be informal. However, if required to keep order, Commission meeting shall then be governed by *Roberts Rules of Order Newly Revised*, (11<sup>th</sup> Edition, Da Capo Press, 2011) for issues not specifically covered by these Bylaws. Where these Bylaws conflict, or are different than *Roberts Rules of Order*, then these Bylaws control.
- E. Order of Business. Agenda. The Secretary, or designee, shall prepare an Agenda for each meeting and the order of business shall be as follows:
1. *Call to order.*
  2. *Matter pertaining to citizens present at the meeting, in the following order:*
    - a. *Advertised Public Hearings. The Chair will declare such a public hearing open and state its purpose. The petitioner, or proponent of the action advertised will be heard first.*
    - b. *Persons requested by the Commission to attend will be heard first.*
    - c. *Other Public participation for items on this agenda.*
  3. *Housekeeping business.*
    - a. *Approval of Minutes.*
    - b. *Other.*
  4. *Unfinished business and reports.*
  5. *New business (other business and communications).*
  6. *Adjournment.*
- F. Delivery of Agenda. The agenda and accompanying materials shall be emailed to Commission members so it is reasonably expected to be received prior to the weekend prior to the regular meeting date.
- G. Placement of items on the Agenda.
1. The Secretary shall be the office of record of the Commission.
  2. The Secretary may receive items on behalf of the Commission between the time of the adjournment of the previous Commission meeting and

eight business days prior to the next regularly scheduled Commission meeting.

3. Items received by the Secretary between seven business days prior meeting shall be set aside to be received by the Commission at its next regularly scheduled Commission meeting. The Commission may act on those items of a minor nature or table action to the subsequent regular or special Commission meeting. Those items of a major nature, or items normally receiving planning consultant review, analysis, or recommendations shall be tabled until the subsequent regular or special Commission meeting.
4. The deadline to add items to the Commission's meeting agenda shall be seven business days prior to the next regularly scheduled Commission meeting.

## **6. Record.**

A. Minutes and Record. The Commission Secretary shall keep, or cause to be kept, a record of Commission meetings, which, shall at a minimum include an indication of the following:

1. 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.*)
2. Copy of the minutes, and all its attachments which shall include a summary of the meeting, in chronological sequence of occurrence:
  - a. Time and place the meeting was called to order.
  - b. Attendance.
  - c. Indication of others present (listing names if others choose to sign in and/or a count of those present).
  - d. Summary of text of points of all reports (including reports of what was seen and discussed at a site inspection) given at the meeting, and who gave the report and in what capacity. An alternative is to attach a copy of the report if offered in writing.
  - e. Summary of all points made in public participation or at a hearing by the applicant, officials, and guests and an indication of who made the comments. An alternative is to attach a copy of the public's statement, petition, or letter if it is provided in written form.
  - f. Full text of all motions introduced, whether seconded or not, who made the motion and who seconded the motion. For each motion, the following should be included:
    - 1) Who testified and a summary of what was said.
    - 2) A statement of what is being approved.
    - 3) The location of the property involved (tax parcel number and description, legal description).
    - 4) What exhibits were submitted.
    - 5) What evidence was considered (summary of discussion by members at the meeting).
    - 6) The administrative body's findings of fact.

- 7) Reasons for the decisions made. (If the action is to deny, then each reason should refer to a section of an ordinance which would be violated or with which not complied.)
  - 8) The decision (e.g. approve, deny, approve with modification).
  - 9) A list of all required improvements (and if they are to be built up-front or name the type of performance security to be used), if any.
  - 10) List all changes to the map/drawing/site plan that was submitted.
3. Records of any action, support documents, maps, site plans, photographs, correspondence received, attached as an appendix to the minutes.
- B. Retention. Commission records shall be preserved and kept on file according to the following schedule:
1. Minutes, bonds, oaths of officials, zoning ordinances, master or compressive plans, other records of decisions: Permanent.
  2. Correspondence: Permanent.

## **7. Committees**

- A. Ad Hoc Committees. The Commission or Chair may establish and appoint ad hoc committees for special purposes or issues, as deemed necessary. Less than a quorum may serve on an ad hoc committee at any given time.
- B. Citizen Committees. The Commission, Chair, or Village President 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 purpose of the citizen committee is to have more citizen and municipal government involvement, to be able to use individuals who are knowledgeable or expert in the particular issue before the Commission and to better represent various interest groups in the Village of Ellsworth.

## **8. Rules of Procedure for All Committees**

- A. Subservient to the Commission. 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.
- B. Same Principles. The same principles of these Bylaws for the Commission also apply to all committees of the Commission including, but not limited to:
  1. Officers. Officers of committees are appointed by the Chair of Commission at the time the committee is created, or are elected by the committee's membership at their first meeting. Officers, at a minimum, include a Chair and Secretary-Vice-Chair.
  2. Quorum. A committee's quorum shall be at least half the total appointed membership of the committee.