

City of Wayland

Planning Commission

By-Laws



1. AUTHORITY AND RULES OF PROCEDURE

These rules of procedure are adopted by the City of Wayland Planning Commission (hereinafter "Commission") pursuant to the Michigan Planning Enabling Act (Act No. 33, Public Acts of Michigan, 2006, as amended ("Act 33")); the Michigan Zoning Enabling Act, Act No. 110, the Public Acts of Michigan of 2006, as amended ("Act 110"); the Land Division Act, Act No. Act 288, Public Acts of Michigan, 1967, as amended ("Act 288"); and the Michigan Open Meetings Act, Act 267, Public Acts of Michigan, 1976, as amended ("Act 267").

Except as otherwise provided herein, the Commission shall follow Robert's Rules of Order for all procedural matters.

2. OFFICERS AND MEMBERSHIP

- 2.1. **Selection of Officers and Tenure.** At the March meeting of each year, in addition to any other business, the Commission shall have an Organizational Meeting. The Commission shall select from its membership a Chair, Vice-Chair, and Secretary. They shall serve for a twelve-month term. Each commissioner must have a minimum of 12 months served on the Planning Commission and a minimum of 12 months remaining upon their term in order to be eligible to serve as an officer of the Commission. The Officers shall take office immediately following their election and will serve until their successors are elected and assume office. Each officer shall be eligible for consecutive re-election.
- 2.2. **Chair.** The Chair shall preside at all meetings, shall conduct all meetings in accordance with the rules provided herein, and shall be the official spokesperson of the Commission.
- 2.3. **Vice Chair.** The Vice-Chair shall act in the capacity of the Chair in the absence or recusal of the Chair and shall succeed to the office of Chair for the unexpired term in the event of a vacancy in that office. The Commission shall select a successor to the office of Vice-Chair

at the earliest practicable time. The Vice-Chair shall be the official spokesperson of the Commission in the absence of the Chair.

2.4. Secretary. The Secretary shall execute documents in the name of the Commission, perform the duties hereinafter listed below, and shall perform such other duties as the Commission may determine. The Secretary or the City Council (hereinafter “Council”) may appoint a recording secretary to assist the Secretary in the performance of these tasks.

1. Minutes- The Secretary shall be responsible for maintaining a permanent record of the minutes of each meeting and shall have them recorded in suitable permanent records maintained by the City Clerk. The minutes of each meeting shall be made available to the public and approved by the members of the Commission in conformance with the provisions of Act 267. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and record of votes, conditions, or recommendations made on any action, and record of attendance.
2. Correspondence- The Secretary shall be responsible for issuing formal written correspondence with other groups or persons, as directed by the Commission. All communications, petitions, reports, or other written materials received by the Secretary shall be brought to the attention of the Commission.
3. Attendance- The Secretary shall be responsible for maintaining an attendance record for each Commission member (hereinafter “Commissioner”) and report those records annually to the Commission for inclusion in the annual report to the Council.
4. Notices- The Secretary shall issue such notices as may be required by the Commission in accordance with Act 110, Act 33, or other statute as is applicable.
5. City Staff – City staff shall assist the Secretary in fulfilling the requirements set forth.

2.5. Membership. The composition and terms of the Commission shall be in accordance with Act 33 and Chapter 14, Article I, Section 14-27 of the Wayland Code of Ordinances (“Section 14-27”). The Commissioners shall be appointed in accordance with Section 14.27 . Vacancies, Removals, Absences, Tardiness, and Resignations

1. Composition - The commission shall consist of seven (7) members who shall be representative of important segments of the community and shall, to the extent practicable, be representative of the entire territory of the city. All members of the commission shall be qualified electors of the city, except that one member may be a qualified elector of another municipality if that member serves in an ownership or leadership position of a non-profit organization or business that operates within the city. No member shall hold

any other city office. The members of the Commission shall be appointed by the Mayor, subject to confirmation by a majority vote of the members of the City Council.

2. Term - The term of each member shall be three (3) years. All members shall hold office until their successors are appointed. If a vacancy in office occurs, the vacancy shall be filled for the unexpired term in the same manner provided for herein. All members of the commission shall serve without compensation.
3. Vacancies - Vacancies shall be filled pursuant to the provisions of Section 14-27.
4. Removals - Commissioners may be removed pursuant to Act 33 and Section 14-27.
5. Absences - To be excused, Commissioners shall notify the Chair or City Manager when they intend to be absent from a meeting. Failure to make this notification before the meeting shall result in an unexcused absence.
6. Tardiness - A Commissioner shall be determined tardy if they are not present during roll call. Commissioners who arrive later during the meeting shall not be allowed to participate until recognized by the commission. Members of the commission shall retain the discretion to acknowledge the commissioner at any time during the meeting. Once acknowledged, tardy commissioners shall be allowed to partake in discussion, make a motion, and vote on items on the agenda.
7. Resignations - A Commissioner may resign from the Commission by sending a letter of resignation to the Mayor, Council, or Commission Chair.

3. MEETINGS

- 3.1. **Annual Calendar of Regular Meetings; Frequency; Meeting Notices.** The Commission shall establish an annual calendar of regular meetings at its organizational meeting each calendar year. The Commission shall meet no less than one meeting per quarter.

Within 10 days after its adoption, the annual calendar of regular meetings shall be published at City Hall and on the Commission's website (if it maintains a website that contains notice of Commission meetings) in accordance with Act 267. Unless otherwise provided in the resolution adopting the annual calendar, regular meetings of the Commission shall be held monthly in the Wayland City Hall on the second Tuesday of each month.

All notices of special meetings or rescheduled regular meetings shall also be posted at the Wayland City Hall and on the Commission’s website (if it maintains a website that contains notice of Commission meetings), all in accordance with Act 267.

All meeting notices shall include all information required under Act 267, including but not limited to the date, time, and location of the meeting, and shall also include a contact person and phone number for a person to request an accommodation to participate in the meeting under applicable law.

Any changes to the date or time of the regular meetings shall be posted and noticed in the same manner as originally established. Cancellations shall be posted in accordance with Act 267. When a regular meeting date falls on or near a legal holiday, the Commission may select suitable alternate dates in the same month, in accordance with the Act 267.

- 3.2. **Special Meetings.** A special meeting may be called by two Commissioners upon written request to the Secretary or by the Chair. Public notice of the time, date, purpose, and place of the special meeting shall be given in a manner as required by Act 267. The Secretary or his or her assigns shall send written notice of a special meeting to Commissioners not less than 48 hours in advance of the meeting.
- 3.3. **Quorum.** A quorum shall consist of four (4) regular members appointed to and serving on the Commission. No business shall be conducted or official action taken unless a quorum is present, except for setting the next meeting. When a public hearing is scheduled for a meeting at which a quorum is not present, the public hearing shall be rescheduled for the next regular or special meeting and no additional Public Notice of the hearing is required provided the date, time and place of the rescheduled public hearing is announced at the time the original public hearing was to be held, and the next meeting is noticed as required by Act 267.
- 3.4. **Notices-Hearings.** Hearings shall be scheduled and due notice given in accordance with Act 33, Act 110, and Act 288 as applicable.
- 3.5. **Motions.** Motions shall be restated by the Chair or recording secretary before a vote is taken. The name of the maker and supporter of each motion shall be recorded.
- 3.6. **Voting and Conflict of Interest.** A 2/3 majority of the Commission membership is required to adopt any part of the Master Plan or amendments to the plan or to amend these by-laws. Unless required by statute, other actions or motions placed before the Commission may be adopted by a majority vote of the membership in attendance, as long as a quorum is present. Voting shall be by voice vote; a roll call vote shall be required if requested by any Commissioner or as directed by the Chair. Except in the case of a conflict of interest, all Commissioners, including the Chair, if appointed, shall vote on all matters, but the Chair shall vote last.

3.7. Agenda and Order of Business. The general order of business for meetings shall be as follows:

- Call to Order
- Pledge of Allegiance
- Roll Call
- Approval of Meeting Agenda
- Approval of Planning Commission Minutes
- City Council Minutes (accept and place on file)
- Communications
- Public Comment
- Public Hearing
- New Business
- Old Business
- Public Comments
- Staff Comments
- Commissioner Comments
- Adjournment

A written agenda for special meetings shall be prepared and followed; however, the form as enumerated above shall not be necessary.

3.8. Public Hearings. All public hearings held by the Commission shall be held as part of a regular or special meeting of the Commission. The following rules of procedure shall apply to public hearings held by the Commission:

1. Chair announces the subject and opens the public hearing.
2. Chair summarizes the procedures/rules to be followed during the hearing.
3. Applicant or applicant's representative presents the main points of the application and answers questions from the Commission and staff as directed through the Chair.
4. City planner/engineer/other city staff present their report and recommendation and answers question from the Commission.
5. Upon recognition by the Chair, members of the public may speak upon identifying themselves and giving their address. The Chair may elect to limit the time permitted for each person to speak to ensure that everyone has an opportunity to speak.
6. Chair closes the public hearing and returns to the regular/special meeting.
7. Commission may then begin deliberation and take action on the item. All comments by the public, staff and the Commission shall be directed to the Chair. All comments shall be related to the matter before the Commission; unrelated comments shall be ruled out of order. The Chair must recognize all participants.

8. The printed agenda shall contain the following within the announcement of each public hearing:
 - a. Open Public Hearing – Chair
 - b. Applicant’s Presentation – Applicant or Representative
 - c. Staff Comments – City Planner, Engineer, City Manager, etc.
 - d. Public Comments
 - e. Close Public Hearing – Chair

3.9 Notice of Decision. A written notice containing the decision of the Planning Commission shall be sent to the petitioners and originators of a request.

4. OPEN MEETINGS & FREEDOM OF INFORMATION PROVISIONS

- 4.1. All meetings of the Commission shall be opened to the public and held in a place available to the general public. The Commission shall comply in all respects with the provisions of Act 267 notwithstanding anything contrary herein.
- 4.2. All deliberations and decisions of the Commission shall be made at a meeting open to the public.
- 4.3. A person shall be permitted to address a hearing of the Commission under the rules established in Subsection 3.9 and to address the Commission concerning non-hearing matters under the order of business established in Section 3.8 to the extent that they are applicable.
- 4.4. A person shall not be excluded from a meeting of the Commission except for breach of the peace as committed at the meeting.
- 4.5. All records, files, publications, correspondence, and other materials shall be made available to the public for reading, copying and other purposes as governed by the Freedom of Information Act.

5. COMMITTEES

- 5.1. The Commission may establish temporary committees or task forces as the Commission deems appropriate and necessary.

6. DUTIES OF THE COMMISSION

The Commission shall perform the following duties:

- 6.1. Prepare an annual report to the City Council that summarizes the previous year’s activities and accomplishments and puts forth a proposed work program and budget for carrying out the planning and zoning responsibilities of the Commission for the upcoming year. The report shall be submitted to the Council by January 31st of each year.

- 6.2. Take such action on petitions, staff proposals, and Council requests for amendments to the zoning ordinance as required.
 - 6.3. Take such action on petitions, staff proposals, and Council requests for amendments to the master land use plan as required.
 - 6.4. Take such actions as are required by the Zoning Enabling Act and Act 33, as amended.
 - 6.5. Review site condominium proposals, special use plans, and site plans as required under the City of Wayland Code (Zoning Ordinance) and recommend appropriate actions to the Council.
 - 6.6. Review subdivision proposals and recommend appropriate actions to the Council.
 - 6.7. Prepare special studies and plans, as deemed necessary by the Commission or Council and for which appropriations of funds have been approved by the Council, as needed.
 - 6.8. Attend training sessions, conferences, or meetings as needed to properly fulfill the duties of Commissioner and for which appropriations of funds have been approved by the Council, as needed.
 - 6.9. Assist the Council in the preparation of a capital improvements plan as directed by the Council.
 - 6.10. Perform other duties and responsibilities as requested by the Council.
7. **CONFLICT OF INTEREST & INCOMPATIBILITY OF OFFICE; CONDUCT IN PERFORMANCE OF DUTIES**
- 7.1. **Definition of Conflict of Interest.** Each Commissioner shall avoid conflicts of interest and/or incompatibility of office. As used here, a conflict of interest shall be determined by the provisions of Act 317, Public Acts of Michigan, 1968, as amended, and the following circumstances:
 1. Deliberating on, voting on, or reviewing a case concerning him or her.
 2. 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. For purposes of this section, a neighboring property shall include any property falling within the notification radius for the proposed development, as required by the zoning ordinance or other applicable ordinance.

3. 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.
4. Deliberating on, voting on, or reviewing a case that is an action which results in a financial benefit, directly or indirectly, to him or her.
5. Deliberating on, voting on, or reviewing a case concerning an immediate family member. "Immediate family member" is defined as the Commissioner's spouse, the Commissioner, and the Commissioner's spouse's children (including adopted) and their spouses, step-children and their spouses, grandchildren and their spouses, parents and step-parents, brothers and sisters and their spouses, grandparents, parents-in-law, grandparents-in-law, or any person residing in the Commission's household.
6. Deliberating on, voting on, or reviewing a case where his or her employee or employer is:
 - a. an applicant or agent for an applicant, or
 - b. has a direct interest in the outcome.

7.2. Determination of Conflict of Interest. If there is a question whether or not a conflict of interest exists, the question shall be put before the Commission. Whether a conflict of interest exists or not shall be determined in accordance with applicable law by the City Attorney. The Commission anticipates that each member shall identify if a conflict of interest exists. If a member cannot determine whether a conflict exists, he may seek the guidance of the full Commission and the City Attorney.

Each member who has a conflict of interest, or the possibility of the existence of a conflict of interest, shall immediately (within three business days of becoming aware of the conflict and under no circumstances later than the next meeting of the Commission) notify the Commission Chair, and the Mayor, City Manager and City Attorney of the City of the existence and nature of the conflict of interest. Each member shall make all additional disclosures and take all other actions with respect to conflicts of interest as required by State law, City Charter, City Ordinance, and these bylaws.

7.3. Conflicts of Interest. 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:

1. Declare a conflict exists at the next meeting of the Commission or committee:
2. Cease to participate in the Commission or committee meetings, or in any other manner, or represent oneself before the Commission, its staff, or others.

3. During deliberation of the agenda item before the Commission or committee, leave the meeting or remove oneself from the front table where members of the Commission sit, until that agenda item is concluded.

7.4. Incompatibility of Office. If a Commissioner is appointed to another office, which is an incompatible office with his or her membership on the Commission pursuant to the provisions of Act 566, Public Acts of Michigan, 1978, as amended, the Commissioner must make a determination as to which office he or she shall retain and must resign that rejected office prior to the next meeting of the Commission.

7.5. Ex-Parte Communication. Commissioners shall avoid, whenever possible, ex parte contact about petitions where a decision is before the Commission. It is recognized, however, that it is sometimes not possible to avoid ex parte contact. When that happens, the Commissioner 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 Commissioner and other interested parties are made aware of what was said.

7.6. Not Voting On the Same Issue Twice. Commissioners shall avoid situations where they are sitting in judgment and voting on an appeal of a decision in which they had a part in making. As used here, sitting in judgment and voting on an appeal of a decision in which they had a part in making, at a minimum, shall include, but not necessarily be limited to, the following:

- When the appeal is of a decision by the Commission and the member of the Commission sits on both the Commission and the Zoning Board of Appeals.

8. AMENDMENTS

These by-laws and rules of procedure may be amended by the Commission by a concurring vote pursuant to Subsection 3.7 during any regular meeting, provided that all members have received an advanced copy of the proposed amendments at least three (3) days prior to the meeting at which such amendments are to be considered.