



## Village of Lake Isabella Planning Commission Bylaws November, 2018 Draft

### **I. Purpose:**

These Bylaws of the Planning Commission of the Village of Lake Isabella, Isabella County, Michigan are adopted in accordance with the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended, which provides that “the planning commission shall adopt rules for the transaction of business and shall keep a public record of its resolutions.” These Bylaws are also adopted to facilitate the duties of the Planning Commission for administration of the zoning code and zoning ordinances of the Village of Lake Isabella as adopted under the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

### **II. Membership:**

1. Members of the Planning Commission are appointed by the Village President, with the advice and consent of the Village Council pursuant to the Village Charter. Members shall represent and advocate what is best for the Village of Lake Isabella as a whole, putting aside personal or special interests.
2. If any member of the Planning Commission is absent from three consecutive regularly scheduled meetings without being excused for such absence, shall be considered delinquent. Any member that is absent without excuse from 30% of the meeting during any calendar year shall also be considered delinquent. Delinquency shall be grounds for the Village Council to remove any such member from the Planning Commission for nonperformance of duty.
3. Each member of the Planning Commission shall avoid conflicts of interest as defined by the adopted Ethics Ordinance of the Village of Lake Isabella. Members who have been found to have violated the standards of the Village’s adopted ethics ordinance, or the conduct standards contained herein pertaining to conflicts of interest or voting on the same matter twice shall be considered to have conducted malfeasance of office. Any such member found to have conducted malfeasance of office shall be reported to the Village Council. The Village Council may remove any such member found to have conducted malfeasance of office. Members of the Planning Commission shall also refrain from voting on, and disclose conflicts of interest on 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 where his or her employee or employer is an applicant or agent for an applicant; or, has a direct financial interest in the outcome.

4. 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.
5. 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 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.
  - 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.
6. Duties of all members:
  - A. Ex Parte Contact: Members shall avoid Ex Parte contact about cases where an administrative decision is before the Planning Commission whenever possible. 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 such back to the Planning Commission at a public meeting so that every member and other interested parties can be made aware of what was said.
  - B. Not Voting on Same Issue Twice: Any member of the Commission shall avoid situations where they are sitting in judgement and voting on a decision which they had a part in making. As used here, sitting in judgement and voting on a decision which they had a part in making, at a minimum shall include, but not necessarily be limited to, the following:
    1. When the appeal is of an administrative or other decision by Commission and the member of the Commission sits both on the Commission and Zoning Board of Appeals.
    2. When the appeal is of an administrative or other decision by any committee of the Commission, Village Council, or other committee and the member of the Commission sits both on that committee and Zoning Board of Appeals or both on the Commission and Zoning Board of Appeals.
    3. When the case is an administrative decision which was decided by the Commission and sent to the Village Council for further action, and the member of the Commission sits both on the Commission and Village Council.
7. Officers:
  - A. Selection. At the first meeting of the calendar year, the Commission shall select from its members a chairman, vice-chairman and a recording secretary.
  - B. Terms. Members of the Planning Commission serving as Officers shall serve in that role until their successor has been selected and assumes office.
  - C. Duties.
    1. The chairman shall preside at all meetings, appoint committees and official representatives to other groups with concurrence from the Commission, authorize calls for special meetings and perform such other duties as may be specified by the Commission. The Chairman is a voting

member, and retains his/her ability to make motions and vote on issues before the Planning Commission.

2. The vice-chairman shall act in the capacity of the chairman in the chairman's absence.
3. In the event the office of chairman becomes vacant, the vice-chairman shall succeed to this office for the unexpired term and the Commission shall select a successor to the office of vice-chairman for the unexpired term.
4. The recording secretary shall record all official acts and resolutions of the commission and shall ensure that a public record of such information is submitted and filed with the appropriate individual or body.
5. In the event of an absence of the Chairman or Vice-Chair, the member of the Planning Commission with the longest continual term of service shall be the presiding officer at a meeting.
6. The presiding officer shall have the authority to rule out of order any irrelevant remakes, remarks which are personal attacks, remarks about a protected class of an individual, remarks which are profane, and remarks not related to business under consideration at that time.
7. The presiding officer shall restate all motions before the Planning Commission votes on such.

### **III. Committees:**

1. The Commission may establish committees necessary to assist it in fulfilling its responsibilities and goals.
2. Committee members shall be appointed by the chairman, with concurrence from the Commission. This includes the appoint of citizens to such committees who are not members of the Planning Commission. The purpose of such is to have more citizen involvement in the decision making process, and to use individuals who are knowledgeable in the particular issue before the Planning Commission and to better represent the various interest groups in the community.
3. The Commission shall define the purpose, functions, tenure, selection of chair, meeting and reporting requirements for its committees. A committee may be discharged from its responsibilities by the Commission.
4. Committees shall meet requirements for public participation and access to records as provided for in Rule 7.11 and 7.12 of these rules.

### **IV. Meetings:**

1. One regular meeting shall be scheduled each month. The regular meeting day and time will be posted at the Village Hall and on the Village's website.
2. Special meetings may be called by the chairman. The chairman shall also call a special meeting at the written request of two or more members of the Commission. The notice of the special meeting shall contain the purpose. In addition, Special Meetings considered as Work Sessions may be scheduled for informal consideration of business, providing no official action or decisions are taken at these sessions.

3. A schedule of the Commission's regular meetings (and work sessions if known) shall be established for each calendar year. Notice of such schedule, including any known changes, shall be posted at the Village Hall and on the Village's website.
4. Four members shall constitute a quorum for the transaction of business at meetings unless otherwise specified in these rules. The Chairman may postpone or reschedule a meeting in the event a quorum will not be present.
5. All motions of a substantive nature may be made in writing or verbally. The name of the originator and seconder of the motion, the rationale and finding of fact shall be stated in the minutes. Motions shall be restated by the presiding officer before a vote is taken. When a finding of fact is necessary for an administrative approval for actions such as, but not limited to action taken on applications for special land uses, plats, site plans, and planned unit developments the motion shall contain and list the relevant facts of the case and conclusions relating to compliance or noncompliance with applicable conditions in the zoning code.
6. Voting shall be by voice and shall be recorded as passing or failing. Any member may request a Roll Call vote on a matter. Voting by proxy is prohibited.
7. Providing a quorum is present, a simple majority of those present and voting shall be required for Commission action. Exceptions shall include:
  - A. Adoption of the master plan, or any part thereof, including amendments, extensions or additions, all of which shall require the affirmative vote of at least five members.
  - B. Any other action which by law, Village ordinance or parliamentary authority requires otherwise.
- 8 Meeting Agendas and Packets:
  - A. An agenda shall be established for each meeting of the Commission by the Chairman and/or designated Village staff. The Chairman shall determine the order of business. Agendas shall be prepared and distributed on the Friday prior to the next Regular Meeting. Agendas and meeting packets shall be placed on the Village's website for the public's inspection and review prior to the meeting.
  - B. Agenda items to be considered at a special meeting shall be limited to those included in the special meeting notice,.
  - C. Proposals for consideration shall be deemed officially received at the first meeting they are listed as Regular Business or New Business on the agenda.
9. The Planning Commission shall hold public hearings as required by applicable state law and by the zoning code. Notice of such hearing shall be provided for as required in state law. Public hearings shall be conducted as part of a Regular or Special Meeting. Action by the Planning Commission shall not occur on a matter subject to a public hearing until after the hearing is closed.
10. Public Participation:
  - A. All regular and special meetings shall be open to the public.
  - B. All citizens shall have a reasonable opportunity to be heard regarding any matter at all meetings of the Planning Commission. In the interest of insuring the orderly processing of business before the Planning Commission, while safeguarding the opportunity of citizens to address the Planning Commission, the following procedures are hereby established when receiving public input or questions:

1. Each citizen, prior to addressing the Planning Commission, shall state his/her name and address.
  2. Individual citizens shall be given three minutes to address the Planning Commission during each Public Comment period.
  3. Public comments and questions shall be directed to the presiding officer.
  4. The Planning Commission may or may not respond to questions or comments during the period of public comment.
  5. The Village Manager may reply to questions or comments made during the public comment period only upon the consent of the presiding officer.
  6. By a majority vote of the Planning Commission, an entire public comment period may be limited to a period of one-hour. However, this rule may not be applied in a manner which denies a member of the public the ability to address the Planning Commission at least once during the meeting.
  7. If a member of the public wishes for their comments or questions to be included in the official record of the Planning Commission, also known as "the minutes," such comments or questions shall be submitted to the presiding officer at the start of the individual's comments. All such submitted comments shall be limited a one single-spaced page per individual.
  8. The minutes shall reflect a summary the points made during a public comment period.
10. Designated Village staff shall be responsible for maintaining minutes and other official records of all Commission meetings and actions, including supporting documentation. Notice of Meetings, minutes and records shall be available to the public in accordance with the Freedom of Information Act (P.A. 442, 1976 as amended) and Open Meetings Act (P.A. 267, 1976 as amended).

## **V. Amendment & Suspension of Rules**

1. Rules not required by state or federal law, or by Village ordinance may be amended by a two-thirds (5 Members) vote of the Commission, provided fifteen days posted notice and an opportunity for comment is given to the public at a regular commission meeting.
2. A rule may be suspended by a two-thirds vote of Commission member present and voting at a meeting, provided said action is in accordance with established state or federal law, Village ordinance and parliamentary authority.