

**VILLAGE OF MACKINAW CITY
102 SOUTH HURON AVENUE
MACKINAW CITY, MI 49701**

**PLANNING COMMISSION
BYLAWS**



Bylaws as amended on: June 22, 2017

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I. NAME and PURPOSE

- A. The name shall be the Mackinaw City Planning Commission, hereafter known as the "Commission".
- B. These Bylaws are adopted by the Commission to facilitate the performance of its duties as outlined in PA 33 of 2008, as amended, being the Michigan Planning Enabling Act, (MCL 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 PA 110 of 2006, as amended, being the Michigan Zoning Enabling Act (MCL 125.3101 et. seq.), hereinafter "the Zoning Act."

II. MEMBERSHIP

Members of the Commission are appointed by the Village Council pursuant to Mackinaw City Planning Commission Ordinance #153, as amended.

- 1. The Commission shall consist of seven (7) members appointed by the Mackinaw City Village Council.
- 2. Members shall be appointed for three (3) year terms. The terms of one-third (1/3) of all Commission members will expire each year. If a vacancy occurs, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment, so that, as nearly as possible, the terms of one-third (1/3) of all Commission members continue to expire each year. Terms shall end the last day of September of the respective year.
- 3. All members of the Planning Commission shall serve with compensation as set by the Village Council.
- 4. The Commission shall have their powers and duties as set forth in PA 33 of 2008, as amended, being the Michigan Planning Enable Act. MCL 125.3801 et. seq.; and PA 110 of the Public Acts of 2006, as amended, being the Michigan Zoning Enabling Act, (MCL 125.3101 et. seq.)
- 5. First priority, each member shall represent and advocate what is best for Mackinaw City as a whole, putting aside personal or special interests.
- 6. Second priority, each member shall represent a separate important segment of the community, as appointed by the Village Council.
- 7. The membership shall be representative of the entire geography of Mackinaw City, to the extent practicable and as a secondary consideration to the representation of the major interests.
- 8. After an individual's first appointment and before reappointment, he/she shall have attended training for Commission members (such as through the MSU Extension Citizen Planner Program), if the adopted budget for that year includes funds to pay for tuition, registration, and travel expenses for the training. The member shall be ineligible for reappointment at the conclusion of the term of office if they did not attend training.

III. REMOVAL FROM OFFICE

- A. The legislative body may remove a member of the Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

- B. The Secretary of the Planning Commission shall report to the Village Council any member who has missed three consecutive regular meetings. Failure to repeatedly attend Commission meetings shall be considered a nonfeasance in office.

IV. ATTENDANCE

If any member of the Commission is absent from three (3) consecutive REGULAR meetings, that member shall be deemed delinquent. The Commission Secretary, or acting Secretary, shall keep attendance records, and shall notify the Village Council so they may consider further action allowed under law, or excuse the absences.

V. EX OFFICIO MEMBERS

There shall not be any ex officio members on the Planning Commission.

VI. LIAISONS

The Commission, in its Bylaws, may name "liaisons" to the Commission. The purpose of liaisons is to provide the identified Village of Mackinaw City officials the ability to participate in discussion with the Commission in addition to speaking in public participation, and nothing else. At a minimum, liaisons shall include:

1. Planning staff and their agents and consultants
2. Village of Mackinaw City Village Manager
3. Village of Mackinaw City Attorney

VII. OFFICERS

At the regular meeting in November of each year, the Commission shall elect from its membership a Chairperson, Vice-Chairperson, and Secretary. In the event the office of the Chairperson becomes vacant, the Vice-Chairperson shall succeed to this office for the unexpired term. The Commission may also designate another person who is not a member of the Commission to be the recording Secretary.

VIII. TENURE OF OFFICERS

The Chairperson, Vice-Chairperson, and Secretary shall take office December 1st following their elections, and shall hold office for a term of one year. All officers are eligible for Reelection.

IX. DUTIES OF THE CHAIRPERSON

- A. The Chairperson retains the ability to discuss, make motions, and vote on issues before the Commission.
- B. The Chairperson shall preside at all meetings with all powers under parliamentary procedure.
- C. The Commission may appoint the Chairperson to be spokesperson for the Commission.
- D. The spokesperson shall represent the position of the Commission.
- E. The Chairperson may appoint with approval, a member of the Commission as spokesperson when deemed appropriate.

X. DUTIES OF THE VICE-CHAIR

The Vice-Chairperson shall act in the capacity of Chairperson, in the Chairperson's absence.

XI. DUTIES OF THE SECRETARY

- A. The Secretary shall be responsible for the minutes of each meeting if there is not a recording Secretary.
- B. The Secretary shall sign the approved minutes.
- C. The Secretary shall keep attendance records.
- D. The Secretary shall act as Chairperson if Chairperson/Vice-Chairperson are absent.

XII. DUTIES OF ALL MEMBERS

- A. Planning Commission members shall avoid ex-parte contact about cases where an administrative decision is before the Commission whenever possible.
- B. Planning Commission members shall not accept gifts.
- C. Planning Commission members shall represent the position reflected by the vote in a public forum.
- D. Most senior member will be Chairperson if the three officers are not present.

XIII. CONFLICT OF INTEREST

All members of the Commission shall avoid situations which are conflicts of interest, and/or incompatibility of office; "A real or seeming incompatibility between one's private interests and one's public or fiduciary duties." (Black's Law Dictionary). As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:

- 1. Issuing, deliberating on, voting on, or reviewing a case concerning the member.
- 2. Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by the member or which is adjacent to land owned by the member.
- 3. Issuing, deliberating on, voting on, or reviewing a case involving a corporation, company, partnership, or any other entity in which the member is a part owner, or any other relationship where the member may stand to have a financial gain or loss.
- 4. Issuing, deliberating on, voting on, or reviewing a case, which is an action, which results in a pecuniary benefit to the member.
- 5. Issuing, deliberating on, voting on, or reviewing a case concerning the member's spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parent's in-law, grandparent's in-law, or members of the member's household.
- 6. Issuing, deliberating on, voting on, or reviewing a case where the member, employee or employer:
 - a. Is an applicant or agent for an applicant, or
 - b. Has direct interest in the outcome

A conflict of interest can also exist if a planning commissioner has already publicly stated opposition or support for a particular project or use, inside or outside the planning commission, but in a public forum. Then a bias has already been formed. If there is a potential conflict of interest, then the issue should be disclosed and discussed and dispensed with by a vote of the planning commission. It is not permissible for a planning commissioner to abstain on any matter, except where there is a conflict of interest.

XIV. MEETINGS

- A. The Commission shall meet as needed to conduct business but shall not hold less than 4 regular meetings each calendar year. A majority of the Commission shall constitute a quorum (4) for the transaction of the ordinary business of said Commission.
- B. All items requiring action by the Commission shall be determined by a vote of the majority of the members present. Whenever a quorum is not present at a regular or special meeting those present shall adjourn. Any member of the public bringing an issue before the Planning Commission may request postponement at the start of the agenda item if any of the sitting members are not present. A regularly scheduled meeting of the Commission may be canceled by the Village Manager with the approval of the Chairperson of the Commission for the following reasons:
 - i.) National holiday
 - ii.) Lack of Quorum
 - iii.) Village Emergency
 - iv.) No Business
- C. The Commission shall adopt Bylaws for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, and these records shall be a public record.
- D. Motions shall be restated by the Chairperson, or the Chairperson's designee, before a vote is taken.
- E. Action items shall be in the form of a motion, which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reason(s) for the action, and the Commission's action, pursuant to these Bylaws.
- F. Reconsideration of any decision on any motion must be brought by a commissioner of the prevailing side by a new motion. The motion to reconsider is in order at the same meeting or the next meeting.
- G. Voting for all action items such as ordinance recommendations, site plan reviews and site plans shall be roll call votes. Members must be present to vote. The affirmative vote of a majority of those present or a majority of a quorum, whichever is greater, shall be necessary for the adoption of motions. ("The affirmative vote of 2/3 the total number of seats for members of the Commission, regardless if vacancies or absences exist or not, shall be necessary for the adoption, or recommendations for adoption, of any Master Plan, Land Use Plan, Capital Improvement Plan, Recreation Plan or amendment to such plans.")
- H. An annual written report shall be submitted to the Mackinaw City Village Council concerning the status of planning activities.
- I. Free and open debate shall take place on issues before the Commission. The public may speak on agenda items between public comment and commissioner comments. Each member of the public may speak only once on each issue per cycle. The Chairperson may limit the time allowed any citizen and may limit the total time allowed for public discussion.
- J. Recess: The Chairperson, after the meeting has been in session for two hours, shall suspend the Commission's business and evaluate the remaining items on its agenda. The Commission shall then decide to finish the meeting's agenda, complete some agenda items, or postpone agenda items to the next meeting.

Parliamentary procedure in Commission meetings shall be informal. However, if required to keep order, Commission meetings shall then be governed by Roberts Rules of Order Newly Revised, (10th Edition, Perseus Publishing, New York, 2000) (ISBN 0-7382-037-6) for issues not

specifically covered by these Bylaws. Where these Bylaws conflict, or are different than Robert's Rules of Order, then these Bylaws control.

XV. SPECIAL MEETINGS

Special meetings shall be called in the following manner:

1. By the Chairperson
2. By any two (2) members of the Commission
3. By the Chairperson at the request of any non-member of the Commission, upon payment of a non-refundable fee to cover the 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 each attend the meeting or not; plus the sum of travel reimbursement for each member, regardless if they each attend the meeting or not; plus the costs of all staff required at this meeting and the cost for any required notification.
4. Notice of a special meeting shall be given by the staff 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 the Michigan Open Meetings Act.

XVI. ORDER OF BUSINESS

In ordinary transaction of business, the following order shall govern:

1. Call to Order and Welcome
2. Roll Call
3. Pledge to Flag
4. Approval of Minutes
5. Public Comment
6. Old Business
7. New Business
8. Commissioner Comments
9. Commissioner Calendar
10. Adjournment

XVII. AMENDMENTS

These Bylaws may be amended at any regular or special meeting with notice by a two-thirds (2/3) vote of the full board.

I, Matthew Cooley, Secretary for the Village of Mackinaw City Planning Commission, hereby certify that the above Bylaws were adopted on the 22nd of June, 2017.

Matthew Cooley, Secretary

