

**CALEDONIA TOWNSHIP  
ALCONA COUNTY, MICHIGAN  
PLANNING COMMISSION BYLAWS**

Adopted, effective immediately

**1. Name and Purpose.**

- A. The name shall be the Caledonia Township 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 P.A. 33 of 2008, as amended, being the 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 Township Board of Trustees pursuant to the Caledonia Township Planning Commission Ordinance Number \_\_\_\_\_ effective \_\_\_\_\_.
- B. Attendance. If any member of the Commission is absent from three consecutive regularly scheduled meetings, without providing an acceptable excuse, then that member shall be considered delinquent. Delinquency shall be grounds for the Caledonia Township Board of Trustees to remove a member from the Commission for nonperformance of duty, or misconduct, after holding a public hearing on the matter. The Commission Secretary shall keep attendance records and shall notify the Township Board of Trustees whenever any member of the Commission is absent from three consecutive regularly scheduled meetings, so the Caledonia Township Board of Trustees can consider further action allowed under law or excuse the absences.
- C. Training. Each member shall have attended at least four (4) hours per year of training in planning and zoning during the member's current term of office. If so provided in the Ordinance creating the Commission, failure to meet the training requirements shall result in the member not being reappointed to the Commission. Training shall be provided by one or more of the following organizations: Michigan State University Extension or Michigan Townships Association.
- D. Incompatibility of Office.
  - 1. Each member of the Commission shall avoid conflicts of interest and/or incompatibility of office. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:
    - a. Issuing, deliberating on, voting on, or reviewing a case concerning him/her.

- b. Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by him/her.
  - c. Issuing, deliberating on, voting on, or reviewing a case involving a corporation, company, partnership, or any other entity in which he/she is a part owner, or any other relationship where he/she may stand to have a financial gain or loss.
  - d. Issuing, deliberating on, voting on, or reviewing a case resulting in a pecuniary benefit to him/her.
  - e. Issuing, deliberating on, voting on, or reviewing a case concerning his/her spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parents-in-law, grandparents-in-law, or members of his/her household.
  - f. Issuing, deliberating on, voting on, or reviewing a case where his/her employee or employer:
    - (1) is an applicant or agent for an applicant, or
    - (2) has a direct interest in the outcome.
2. If there is a question whether a conflict of interest exists or not, the question has to 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.
  3. When a conflict of interest exists, the member of the Commission 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;
    - b. cease to participate during the Commission's deliberation of the agenda item, or in any other manner, or represent one's self before the Commission, or others; and
    - b. during deliberation of the agenda item before the Commission, leave the meeting or remove one's self from the front table where members of the Commission sit, until that agenda item is concluded.
  4. If a member of the Commission is appointed to another office, which is an incompatible office with his/her membership on the Commission, then on the effective date of the appointment to the other office, that member shall resign from the Commission. If a member of another office is appointed to the Commission, which is an incompatible office with his/her membership in the other office, then on the effective date of the appointment to the Commission, that member shall resign 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/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/hearing on the site.
    - 2. If desired, no more than one member of the Commission may accompany the Zoning Administrator or other staff on a site inspection.
  - C. Not Voting On the Same Issue Twice.
    - 1. Any member of the Commission shall avoid situations where they are sitting in judgment and voting on a decision which they had a part in making. As used here, sitting in judgment and voting on a decision they had a part in making, at a minimum shall include, but not necessarily be limited to, the following:
      - a. When the appeal is of an administrative or other decision by the Commission and the member of the Commission sits both on the Commission and the Zoning Board of Appeals.
      - b. When the case is an administrative decision decided by the Commission and sent to the Township Board of Trustees for further action, and the member of the Commission sits both on the Commission and the Township Board of Trustees.
  - D. Accepting Gifts. Gifts shall not be accepted by a member of the Commission.
  - E. 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 and 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 Commission shall select a successor to the office of Secretary for the unexpired term.
  - B. Tenure. The Chair, Vice-Chair and Secretary shall take office immediately following their election and shall hold office for a term of one year or until their successors are selected and assume office.
  - C. Chair's Duties. The Chair retains his/her ability to discuss, make motions and vote on issues before the Commission. The Chair shall:
    - 1. Preside at all meetings with all powers under parliamentary procedure;
    - 2. Shall rule out of order any irrelevant remarks; remarks which are personal;

remarks about another's race, religion, sex, physical condition, ethnic background, beliefs, or similar topics; profanity; or other remarks which are not about the topic before the Commission;

3. Restate all motions;
  4. May call special meetings pursuant to Section 6.B. of these Bylaws;
  5. Appoint an Acting Secretary in the event the Secretary is absent from a Commission meeting; and
  6. Represent the Commission, along with the Township Board Commission member, before the Township Board.
- D. Vice-Chair's Duties. The Vice-Chair shall act in the capacity of Chair, with all the powers and duties found in Section 4.C. of these Bylaws, in the Chair's absence.
- F. Secretary's Duties. The Secretary shall:
1. Be responsible for the preparation of minutes of each meeting which shall contain a brief synopsis of the meeting, including a complete restatement of all motions, recommendations and recording of votes;
  2. Shall distribute copies of minutes to each member of the Commission prior to the next meeting of the Commission via email or US Postal Service mail;
  3. Be responsible for keeping pertinent public records, delivering communications, petitions, reports and related items of business of the Commission;
  4. Provide notice to the public and members of the Commission for all special meetings and public hearings, pursuant to the Open Meetings Act, PA 267 of 1976, as amended, MCL 15.261 *et seq.*; and
  5. Perform related administrative duties to assure efficient and informed Commission operations.

#### **5. Zoning Board of Appeals Member.**

The Commission shall review the Zoning Board Appeals appointment at each January meeting when the new officers are elected to insure that the member is still serving an unexpired appointment. If the appointee's term expired the previous December 31<sup>st</sup>, then the Commission must hold an election for the position. Tenure shall be for the duration of the elected member's current appointed term on the Planning Commission. If the member vacates the position, the Commission must elect another member at its next regular meeting. The Township Trustee will convey the name of the elected member to the Board of Trustees at their next regular meeting.

#### **6. Meetings.**

A. Regular meetings. Meetings of the Commission will be held the first Monday of every month at 7 p.m. at the Caledonia Township Hall, Spruce, MI. 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 or regularly scheduled Commission meetings shall comply with P.A. 267 of 1976, as amended (being the Michigan Open Meetings 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 non-member of the Commission, upon payment of a non-refundable fee to cover costs of the special meeting;
  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 Meetings Act M.C.L. 25,261 *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. Voting. Voting shall be by voice and shall be recorded as passing or failing. Roll call votes will be recorded only upon request by a member of the Commission and shall be recorded by “yes” or “no”. Voting by proxy shall not occur. The affirmative vote of a majority of a quorum shall be necessary for the adoption of motions. Any member abstaining from a vote shall not participate in the discussion of that item.
- E. Parliamentary Procedure. Parliamentary procedure in Commission meetings shall be informal. However, if required to keep order, Commission meetings shall then be governed by *Robert’s Rules of Order Newly Revised*, (10<sup>th</sup> 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.
- F. Order of Business. The Chair shall prepare an Agenda for each meeting and the order of business shall be as follows:
- Call to Order
  - Pledge of Allegiance
  - Roll Call
  - Approval of Agenda
  - Public Participation for Items on the Agenda
  - 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.
  - Approval of Minutes
  - Public Comments and Communications Concerning Items Not on the Agenda
  - Reports:
    - Zoning Board of Appeals
    - Synopsis of Board of Trustees Meeting & Trustee’s Comments
    - Zoning Administrator (when present)
    - Other Reports requested by Commission Members
  - Unfinished Business
  - New Business
  - Adjournment

G. Delivery of Agenda. The agenda shall be emailed or sent by US Postal Service mail to Commission members at least 2 days prior to the regular meeting date.

**7. Adoption, Repeal, Amendments.**

- A. Upon adoption of these Bylaws of \_\_\_\_\_ date \_\_\_\_\_, they shall become effective and all previous Bylaws, shall be repealed.
- B. The Commission may suspend any one of these Bylaws, for a duration of not more than one agenda item or meeting.
- C. These Bylaws may be amended at any regular or special meeting by a two-thirds (2/3) vote of the members present.