

LEELANAU COUNTY PLANNING COMMISSION

APPROVED BYLAWS

Adopted by the Leelanau County Planning Commission, pursuant to the Michigan Planning Enabling Act, P.A.33 of 2008, as amended, and the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, as follows:

ARTICLE I: AREA

The area served by the County Planning Commission shall include all lands legally included within the present or future boundaries of the unincorporated portions of the County of Leelanau, State of Michigan.

ARTICLE II: PURPOSE AND DUTIES

Section 2.1 - Purpose

As stipulated in the Michigan Zoning Enabling Act, and in accordance with present and future needs for best promoting the health, safety and general welfare of the inhabitants of the County, this Commission shall participate in drafting plans for the County and use them to encourage a coordinated and harmonious development of the County. The Commission shall take overall responsibility for advising the County Board of Commissioners in all zoning matters.

Section 2.2 – Duties

The County Planning Commission is responsible for:

- a. Preparing and maintaining a plan for the development and/or protection of the peninsula. It will be responsible for adopting the **Leelanau General Plan**. Review of the Plan should be performed at least once every 5 years.
- b. Preparing and updating a Capital Improvements Plan, and submitting it to the County Board of Commissioners on a regular basis for use during the budgeting process.
- c. Preparing special studies and plans, as deemed necessary by the County Board of Commissioners.
- d. Preparing an Annual Report and submitting to the County Board of Commissioners, and all local units of government in the county.
- e. Reviewing and commenting on proposed new public facilities or improvements.
- f. Making recommendations on proposed township plans and/or rezoning or text amendments.
- g. Assisting in the development of model regulations for use by the county or local governments.
- h. Educating the general public about the values and benefits of planning.
- i. Welcoming citizen comments on local planning and zoning issues and acting upon or referring those comments as appropriate.
- j. Learning about and staying up to date on the responsibilities of the Planning Commissioners and on various tools available in implementing local plans.
- k. Coordinating planning and associated development regulations with other governmental units and public agencies.
- l. Attempting to prevent incompatible planning and zoning.

ARTICLE III: MEMBERSHIP AND REPRESENTATION

Section 3.1 - Membership and Appointment

The Planning Commission shall consist of eleven (11) members. All members of the Planning Commission shall be appointed by the County Board of Commissioners, in accordance with the Michigan Planning Enabling Act, and the Leelanau County Planning Commission Ordinance of May 17, 2011, and preferably based on recommendations from the County Planning Commission. Appointments shall be done according to Section 102, C of the Leelanau County Planning Commission Ordinance, adopted by the Board of Commissioners on May 17, 2011 as follows:

1. One seat to represent the interests of Transportation
2. One seat to represent the interest of Business
3. One seat to represent the interests of Economic Development
4. One seat to represent the interests of Education
5. One seat to represent the interests of Finance
6. One seat to represent the interests of Recreation
7. One seat to represent the interests of Legal and Real Estate
8. One seat to represent the interests of Agriculture
9. One seat to represent the interests of Tourism
10. One seat to represent the interests of Municipal Government
11. One seat to represent the interests of a member of the Leelanau County Board of Commissioners

Section 3.2 - Removal

The county board of commissioners may remove a member for nonperformance of duty or misconduct.

Section 3.3 - Term

The term of each member shall be for three (3) years, except for any member appointed as the County Board of Commissioners representative, whose term shall be for one (1) year. All vacancies for unexpired terms shall be filled for the remainder of such term. In the absence of that member appointed as the County Board of Commissioners representative, his/her alternate, as duly designated by the County Board of Commissioners, shall be entitled to sit in his/her place and stead and shall qualify as a member in all respects for as long as that member appointed as a County Board of Commissioners representative shall remain absent.

Section 3.4 - Attendance

Should any member of the Planning Commission miss three (3) consecutive regularly scheduled meetings, notice of the three (3) missed meetings will be provided to the County Board of Commissioners. Members shall notify staff at the earliest available opportunity of any absences prior to a meeting. Notification of said absences will be documented in the meeting minutes.

Section 3.5 - Training

Members of the Planning Commission shall attend at least one training workshop within one year of their Planning Commission appointment, as long as such workshops are offered. Members are encouraged to attend training workshops every year thereafter. Failure to comply with this section may be considered non-performance of duty or misconduct, and subject to removal as per section 3.2.

Section 3.6 - Voting

An affirmative vote of the majority of a quorum of the Commission present for the conduct of business shall be required for the approval of any requested action or motion placed before the Commission except for procedural motions as prescribed in Roberts Rules of Order. Voting shall ordinarily be voice vote; provided however that a roll call vote shall be required if requested by any Commission member or directed by the Chairperson. All members of the Commission including the Chairperson shall vote on all matters, but the Chairperson shall vote last. Any member may be excused from voting only if that person has a bonafide conflict of interest as recognized by the majority of the remaining members of the Commission, as outlined in Section 3.7. A member may not abstain from voting unless there is a recognized conflict of interest.

Section 3.7 - Conflict of Interest

A. All members of the commission and all members of staff shall avoid situations which are 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:

1. Issuing, deliberating, voting or reviewing a case concerning himself/herself.
2. Issuing, deliberating, voting or reviewing a case involving a corporation, company, partnership, or any other entity in which he/she is an owner or part owner, or any other relationship where he/she may stand to have a financial gain.
3. Issuing, deliberating, voting or reviewing a case which may result in a direct financial benefit to himself/herself.
4. Issuing, deliberating, voting or reviewing a case concerning members of his/her household, or relatives, including, but not limited to children, grandchildren, spouse, parents, grandparents, in-laws, etc.
5. Issuing, deliberating, voting or reviewing a case where an employee or employer is:
 - a. an applicant or agent for an applicant, or
 - b. has a direct financial benefit in the outcome.
6. Issuing, deliberating, voting, or reviewing a case where the commissioner was a paid consultant or attorney related to the case being deliberated by the commission. *
7. Issuing, deliberating, voting, or reviewing a case where the commissioner has previously voted on the issue/case in the jurisdiction presenting the case to the commission. E.g. Village or Township Planning Commission. *
8. Issuing, deliberating, voting, or reviewing a case where the commissioner will be expected to vote on the case when reported back to the village council or township board.

* Commissioners recusing themselves for these reasons may function as the representative of the jurisdiction bringing the case by answering specific questions presented by other commissioners.

B. Members of the commission and members of staff shall declare a possible conflict of interest immediately following the agenda approval during the meeting of the commission. If it is recognized by the remaining majority of those commission members present for the conduct of business that a conflict of interest exists, the member of the commission or staff will cease to participate in the issuing, deliberation, voting or review or any attempt to influence same, and they should remove themselves from the deliberating table.

C. Members of the commission shall comply with the Leelanau County Conflict of Interest Policy, as adopted by the Leelanau County Board of Commissioners on September 17, 2013 in addition to the policies outlined above.

ARTICLE IV: COMMISSION MEETINGS

Section 4.1 Meetings

A. Regular meetings of the Commission shall be held generally once each month at a time and place to be designated by the Commission at the first meeting in January. All Commission and committee meetings shall be open to the public as required by the "Open Meetings Act", Act 267, P.A. 1976, as amended, and the Commission members shall comply with all OMA requirements.

No individual Planning Commission member shall represent that he or she is speaking on behalf of the Commission unless authorized to do so.

B. Special Meetings

The Commission shall convene for the purpose of holding Special meetings only upon the written request to staff, from the Chairperson or by two (2) members, specifying the time, date, place and the purpose of such meeting. The fee for a special meeting is \$350. When a special meeting is called by written request, staff shall immediately communicate the meeting information to each member within 24 hours in one or more of the following ways:

- Via confirmed telephone call; or
- Via confirmed email.

Staff shall post a public notice at least eighteen (18) hours before the Special meeting, as required by the Open Meetings Act, 1976 PA 267, as amended. Public notice shall be posted in the Government Center, and on www.leelanau.gov.

C. Modifications to a Regular Scheduled Meeting

Any proposed change to a Regular scheduled meeting date, such as time, day, or location, shall be made only upon the written request to staff, from the Chairperson or by two (2) members. The written request will propose a new time, day, and/or location and the reason. Staff shall immediately communicate the proposed change to all members. Upon confirmation of a quorum of members agreeing to the change, staff shall immediately communicate the new meeting information to each member within 24 hours in one or more of the following ways:

- Via confirmed telephone call; or
- Via confirmed email.

Staff shall immediately post a public notice of the change, in the Government Center, and on www.leelanau.gov.

In the event of cancellation due to inclement weather, unforeseen emergency, lack of Business items, or lack of quorum, staff shall immediately contact each member to notify of the cancelled meeting, send appropriate notice to the media and the mail list through use of email, ~~fax~~, and/or phone call, and post the cancellation at the Government Center.

Section 4.2 - Public Notice

Within ten (10) days after the first meeting, the Annual Schedule of Regular Meetings shall be prominently displayed in the principal office and in the public building where the meetings are held and shall be posted on www.leelanau.gov. The Annual Schedule of Regular Meetings shall include the dates, times and places of the meetings and the name, address and telephone number of the Commission. Within three (3) days after any change is made in the Annual Schedule of Regular Meetings, such changes shall be prominently displayed in the principal office and in the public building where the meetings are held and within ten (10) days shall be posted on www.leelanau.gov. Notice of Special or Rescheduled meetings shall be prominently displayed in the principal office and in the public building where the meetings are held at least eighteen (18) hours prior to the time the Special or Rescheduled meeting is to be held and posted on www.leelanau.gov.

Section 4.3 – Meeting Procedure

For purposes of discussion and action for each item on the agenda and each motion introduced during the planning commission meeting, the following procedure should be followed:

1. The staff report is reviewed.
2. The applicant is allowed to comment.
3. Discussion, questions and answers between members of the commission and staff or consultants.
4. Discussion, questions and answers with the applicant.
5. Others in attendance are allowed to comment. At the Chairperson’s discretion, a time limit may be

- imposed for every individual.
- 6. Reading of correspondence received on the issue.
- 7. Applicant comments.
- 8. A motion is introduced.
- 9. Call the question and vote on the motion.

Section 4.4 - Public Hearing Procedure

Any person shall be permitted to address any meeting of the Commission during the time specifically provided on the agenda. In addition, anyone may speak at the time a subject is under discussion and must direct their remarks to the Chairperson, and shall speak only to the subject.

When a public hearing is scheduled on an agenda, the procedure for conducting the public hearing shall be as follows:

- A. Public Hearing (on case number)
 - 1. The Chairperson declares the hearing open, and states its purpose. He/She summarizes the rules of procedure, or provides copies of the rules.
 - 2. The Planning Director or a designee presents the petitioner's request, the Planning Department's staff report on the matter (including reasons for any recommendation), plus a copy of the petitioner's request.
 - 3. The petitioner - in person, by agent or by attorney, as stated on the submitted application - may present his/her case, including presenting witnesses on his/her behalf. The petitioner shall be given a reasonable time to present the case.
 - 4. Members of the public who support the petitioner may speak and correspondence may be read.
 - a. The Chairperson may recess the meeting for a short time to allow those in support to caucus in order to choose a spokesperson to speak on their behalf for fifteen (15) minutes, if there are a large number of people present.
 - b. The Chairperson may allow anyone to speak in favor of the petitioner and may impose a time limit of three (3) minutes or less per speaker.
 - 5. Members of the public who oppose the petitioner may speak and correspondence may be read.
 - a. The Chairperson may recess the meeting for a short time to allow those in opposition to caucus in order to choose a spokesperson to speak on their behalf for fifteen (15) minutes, if there are a large number of people present, or
 - b. The Chairperson may allow anyone to speak in opposition to the petitioner and may impose a time limit of three (3) minutes or less per speaker.
 - 6. Rebuttal. Anyone may ask the Chairperson questions on presentations or statements given at this hearing. The Chairperson will seek an answer to the question. Responses shall be made to the Chairperson. No discussion, questioning or answering shall take place between any two or more people except between the Chairperson and the individual who has the floor.
 - 7. Close the Public Hearing (At which point all public participation on the issue ends).
- B. Business Session (may immediately follow public hearing or be held later in the meeting). (Action on pending case number___)
 - 1. Discussion: Review of facts based on all information presented (from the application, zoning ordinance, physical characteristics of the parcels, staff reports, hearing testimony, etc.). Discussion continues until a member is confident enough to propose a motion that includes a conclusion and rationale explaining why conclusions are reached.

2. Discussion on the motion.
3. Action on the motion. Action may include approval, denial or postponing.

Section 4.5 - Minutes

The Commission shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations which record shall be a public record. Minutes shall be kept of each meeting, including hearings and site inspections, showing the date, time, place, members present, and members absent. All motions, who moved and who seconded, the reasons given, and the outcome, must be complete and precise, with roll call votes recorded. Less formal decisions should also be noted, with the gist of the discussion. The purpose for which any closed session is held shall be recorded, but not its discussion. Proposed minutes shall be available for public inspection not more than eight (8) days after the meeting to which they refer. Approved minutes shall be available for public inspection not later than five (5) business days after the meeting at which they are approved.

ARTICLE V: OFFICERS OF THE COMMISSION

Section 5.1 - Officers of the Commission

The officers of the Commission shall consist of a Chairperson and Vice-Chairperson from its members, to serve for a period of one (1) year, or until successors are elected. Such officers shall be elected by a majority vote of a quorum of the Commission present at the time of election. The Commission may create and fill such other offices or committees as it may deem advisable.

Section 5.2 - Temporary Chair

At the annual organizational meeting, the Planning Commission will name a member as Pro-Tem of the Commission, to perform the duties of temporary chair in the absence of both the Chair and Vice-Chair. Likewise, when the Chair or Vice-Chair are presiding, they shall have the right to turn the duties of the chair over to the Pro-Tem, should the situation warrant.

ARTICLE VI: QUORUM

Section 6.1 - Quorum

A majority of the appointed members of the Commission present at a regular or special meeting shall constitute a quorum to take action at any meeting.

ARTICLE VII: DUTIES OF THE OFFICERS

Section 7.1 - The Chairperson

The Chairperson shall be the chief executive officer of the Commission and shall preside at all meetings of the Commission. He/She shall appoint all members to committees or advisory committees, subject to the approval of the Commission, established and provided by the Commission, and shall be an ex-officio member of all committees. He/She shall vote on all motions as a Commissioner. He/She shall sign all documents authorized by the Commission.

The Planning Director shall confer with the Chairperson of the Planning Commission in the preparation of meeting agendas. Action items to be placed before the Commission shall be submitted in accordance with the Commission's adopted Meeting Schedule & Mailing Dates. In the event an action item in need of immediate attention is presented after an established deadline date, the Planning Director shall confer with the Chairperson of the Planning Commission to determine if the item is to be included on the regular meeting agenda. The Planning Commission Chairperson shall decide the fate of the request, and that decision shall be final.

Section 7.2 - The Vice-Chairperson

- A. In the event that the office of the Chairperson becomes vacant by death, resignation, or otherwise, the Vice-Chairperson shall serve as Chairperson until a new Chairperson is elected.
- B. In the event of the absence of the Chairperson or his/her inability to discharge the duties of his/her office, such duties shall, for the time being, devolve upon the Vice-Chairperson.

Section 7.3 – Secretary and Recording Secretary

The Commission may appoint a Secretary or combine this position with the Chair Pro-Tem position. Duties typically assigned to a Recording Secretary shall be provided by the Leelanau County Planning Director or his/her designee. In this capacity, he/she shall record and transmit all minutes of all Planning Commission meetings in accordance with these bylaws. He/She shall be responsible for all correspondence and notices pertaining to meetings or other business of the Planning Commission. (See Section 4.6: Minutes)

ARTICLE VIII: ADVISORY COMMITTEES

Section 8.1 - Advisory Committees

The Commission may appoint and authorize ad-hoc advisory committees to advise the County Planning Commission on how to deal with issues of greater than local concern or on other matters that may arise. Members may consist of governmental officials and individuals whose experience, training and interest in the Commission's work qualifies them to lend valuable assistance to the Commission. The Commission may also appoint various committees of competent citizens to collect information and prepare reports to the Commission on those phases of the comprehensive planning program for which the Commission is primarily responsible.

Advisory committees shall conduct their meetings at a time and place set in accordance with the Open Meetings Act (Act 267, P.A. 1976, as amended). Written notice of meetings shall specify, by agenda, business to be transacted. Each advisory committee shall post a public notice stating the time, date and place of the meeting at least 18 hours before the meeting. The notice shall be posted at or near the County Planning Department and at the County Clerk's Office. Advisory committees without sufficient commissioners to consist of a quorum, and with business limited to providing recommendations to the commission are exempt of the preceding requirements.

ARTICLE IX: COMPENSATION

Section 9.1 - Compensation

Members of the Planning Commission may be compensated for their services as provided by the County Board, including reimbursement of mileage, and per diem. The Planning Commission may make and administer regulations relative to compensation for the travel of its members and employees when engaged in the performance of activities authorized by the County Planning Commission, including attendance at conferences and meetings.

ARTICLE X: COMMISSION BUDGET AND APPROPRIATIONS

Section 10.1 - Commission Budget and Appropriation

The Planning Commission shall review an annual budget prepared by the Planning Department. The County Board annually appropriates and makes available funds for carrying out the purposes and functions permitted under Act 33 of 2008, and Act 110 of 2006, as amended and may match County funds with federal, state, or other local government or private grants. The County Planning Commission may accept and use gifts and grants for Planning Commission purposes. Money so accepted shall be deposited with the County for expenditure by the Planning Commission for the purpose designated by the donor or Commission.

ARTICLE XI: ANNUAL REPORT

Section 11.1 - Annual Report

The Commission shall review an annual written report by the Planning Department to the County Board concerning its operations and the status of planning activities, including recommendations regarding actions by the County Board related to planning and development.

ARTICLE XII: AMENDMENT OF BYLAWS

Section 12.1 - Amendment of Bylaws

These by-laws, in whole or in part, may be altered, amended, added to or repealed by a majority vote of the total Commission membership at any regular or special meeting.

ARTICLE XIII: PARLIAMENTARY PRACTICE

Section 13.1 - Parliamentary Practice

For meetings of the Commission and those ad-hoc advisory committees, the rules of parliamentary practice as set forth in "Robert's Rules of Order" shall govern in all cases in which they are not inconsistent with the standing rules and orders of the Commission and not contrary to any existing laws of the State of Michigan.

Adopted by the Leelanau County Planning Commission, Thursday, July 24, 1975, at the Regular Meeting, with amendments through March 15, 2022.