

CENTERVILLE TOWNSHIP PLANNING COMMISSION BYLAWS

Adopted: February 24, 2020

1 INTRODUCTION

The following rules of procedure are hereby adopted by the Centerville Township Planning Commission to facilitate the performance of its duties as outlined in the Michigan Planning Enabling Act, Public Act 33 of 2008 as amended, being the Michigan Planning Enabling Act, (M.C.L. 125.3801 *et seq.*), hereinafter “the Planning Act.” 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 DUTIES OF THE PLANNING COMMISSION

1. Take required action on petitions, staff proposals and Township Board requests for amendments to the Zoning Ordinance.
2. Prepare, review and recommend changes to the Master Plan as appropriate.
3. Prepare a Planning Commission annual report and budget for the Township Board.
4. Review, deliberate, decide and prepare appropriate findings and final determination documents on special land use and planned unit development proposals.
5. Prepare special studies and plans as deemed necessary by the Planning Commission or Township Board and for which the Township Board has appropriated any needed funds.
6. Attend training sessions, conferences or meetings as needed to properly fulfill the duties of planning commissioner and for which the Township Board has appropriated any needed funds. Necessary training is mandated by the Township Board Continuing Education, Meeting Attendance and Travel Reimbursement Policy.
7. Prepare a capital improvements plan if directed by the Township Board.
8. Perform other duties and responsibilities or respond as requested by the Township Board.

3 MEMBERSHIP AND MEMBERS

3.1 NUMBER, TERMS AND QUALIFICATIONS

The Commission shall consist of qualified members appointed by the Centerville Township Board in accordance with the Centerville Township Planning Commission Enabling Ordinance. All new members will receive a copy of these bylaws and the Planning Commission Enabling Ordinance. All members will be sworn in by the Township Supervisor or Township Clerk.

3.2 TOWNSHIP BOARD REPRESENTATIVE TO THE PLANNING COMMISSION

The Township Board appoints a member of its Board as a representative to the Planning Commission. The representative shall present to the Township Board the recommendations of the Planning Commission pertaining to the Zoning Ordinance and other matters, as appropriate, prior to the Township Board's consideration of each. The representative also shall convey information and requests from the Township Board to the Planning Commission.

3.3 EX-OFFICIO MEMBER

An ex-officio member is a member with full voting rights who serves on the Planning Commission by virtue of holding another office, for the term of that other office.

An ex-officio member is not eligible to serve as chairperson of the Planning Commission.

3.4 PLANNING COMMISSION REPRESENTATIVE TO THE ZBA

A Zoning Board of Appeals representative will be chosen by the Township Board from members serving on the Planning Commission. The representative to the Zoning Board of Appeals shall report the actions of the Zoning Board of Appeals to the Planning Commission and update the Zoning Board of Appeals on relevant actions by the Planning Commission. The Planning Commission representative to the ZBA shall not serve as the chair of the ZBA and shall not vote on matters before the ZBA if they have voted on the matter as a Planning Commissioner.

3.5 DUTIES OF MEMBERS

Each member of the Planning Commission shall adhere to a code of conduct including, but not limited to the following:

1. *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 or hearing what was said, so that every member and other interested parties are made aware of what was said.
 3. If a member participates in *ex parte* communication, they must report it at the next Planning Commission meeting and they may be requested to recuse themselves.
2. 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 or hearing on the site.
 2. If desired, members of the Commission may inspect the site with or without the zoning administrator or staff as long as a quorum is never present.

3.5 DUTIES OF MEMBERS (cont'd)

3. 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 which 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 Commission and the member of the Commission sits both on the Commission and Zoning Board of Appeals.
 - b. When the case is an administrative decision which was decided by the Commission and sent to the Board for further action, and the member of the Commission sits both on the Commission and Board.
4. Accepting gifts.
 1. Gifts shall not be accepted by a member of the Commission or liaisons from anyone connected with an agenda item before the Commission.
 1. As used here, gifts shall mean cash, any tangible item, or service, or food.
 2. This section does not apply to the Commission accepting gifts for the exercise of its functions pursuant to M.C.L. 125.3823(3), §23(3) of the Planning Act.
 4. Gifts shall only be accepted by the Township Board on behalf of the Planning Commission.
5. 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. 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.
6. Code of Conduct
A Planning Commission member:
 1. Shall not divulge to any unauthorized person confidential information in advance of the time prescribed for its authorized release to the public.
 2. Shall not represent his or her personal opinion as that of the Commission.
 3. Shall use personnel, resources, property and funds under the Commission's official care and control judiciously and solely in accordance with the prescribed constitutional, statutory and regulatory procedures, and not for personal gain or benefit.
 4. Shall not engage in a business transaction in which the commission member may profit from his or her official position or authority or benefit financially from confidential information which the Commission member has obtained or may obtain by reason of that position or authority.

3.5 DUTIES OF MEMBERS (cont'd)

5. Shall not engage in or accept employment or render services for a private or public interest when that employment or service is incompatible or in conflict with the discharge of official duties, or when that employment may tend to impair his or her independence of judgment or action in the performance of official duties.
6. Shall not participate in the negotiation or execution of contracts, making of loans, granting of subsidies, fixing of rates, issuance of permits or certificates, or other regulation or supervision relating to a business entity in which the commissioner has a financial or personal interest.

4 OFFICERS

4.1 SELECTION AND TENURE

The Planning Commission shall select from its membership:

1. A chairperson
2. A vice-chairperson
3. A secretary

All officers will be elected at the first meeting of the year and shall serve through December of that year; or until their successors are selected and assume office, except as noted in Section 4.3. All officers shall be eligible for reelection to the same office for consecutive terms.

4.2 CHAIRPERSON

The chairperson shall preside at all meetings, appoint committees and perform other duties as required by the Planning Commission. The chairperson shall be responsible for determining agenda items for Planning Commission meetings.

4.3 VICE-CHAIRPERSON

The vice-chairperson shall act as chairperson in the chairperson's absence. If the office of chairperson becomes vacant, the vice-chairperson shall assume this office for the unexpired term, unless a substantial conflict would result. In that case, the secretary shall become chairperson. The Planning Commission shall select a successor to the vice-chairperson or secretary as appropriate for the unexpired term.

4.4 SECRETARY

The secretary shall execute documents in the name of the Planning Commission and perform other duties as the Planning Commission may determine.

5 SUPPORT STAFF

5.1 RECORDING SECRETARY

The recording secretary shall:

1. Report to the chairperson regarding Planning Commission business.
2. Prepare and post agendas in concurrence with the Planning Commission chairperson.
3. Prepare the minutes of each meeting and publish them to the Centerville Township website within eight (8) working days. Distribute the minutes to members of the Planning Commission and the township clerk. The minutes shall contain a brief synopsis of the meeting, including attendance, a complete restatement of all motions and record of votes, conditions or recommendations made on any action.
4. Keep a public record of Planning Commission resolutions, transactions, findings and determinations.
5. Issue formal written correspondence as directed by the Planning Commission.
6. Bring all communications, petitions, reports and other written materials to the attention of the Planning Commission chairperson.
7. Issue newspaper notices as required by the Planning Commission or by the Centerville Township Zoning Ordinance.

5.2 ZONING ADMINISTRATOR AND PLANNING CONSULTANT

The zoning administrator and planning consultant shall be responsible for the professional and administrative work in coordinating and supporting the functions of the Planning Commission.

5.2.1 THE ZONING ADMINISTRATOR SHALL:

1. Attend Planning Commission meetings as requested by the Planning Commission Chair.
2. Consult with the Planning Commission and other township officials concerning interpretation of procedural questions and other items arising from the Zoning Ordinance.
3. Act as the primary point of contact for special land use and planned unit development applicants.
4. Prepare and forward to the Planning Commission written reviews and staff recommendations, if appropriate, for requests and development proposals.
5. Perform other duties as needed by mutual agreement by the Planning Commission.

5.2.2 THE PLANNING CONSULTANT SHALL:

1. Attend Planning Commission meetings as requested.
2. Consult with the Planning Commission, zoning administrator and other township officials concerning interpretation, procedural questions and other matters arising from the Zoning Ordinance.
3. Draft amendments to the Zoning Ordinance as directed by the Planning Commission.
4. Draft and forward to the zoning administrator written reviews and recommendations, if appropriate, for requests and development proposals to be considered by the Planning Commission.
5. Perform other duties as needed by mutual agreement by the Planning Commission.

5.3 OTHER PROFESSIONAL OR TOWNSHIP STAFF

The Planning Commission may be assisted by other professional or township staff as needed.

6 MEETINGS

6.1 REGULAR MEETINGS

The Planning Commission shall hold no fewer than four regular meetings each year and by resolution shall determine the time and place of regular meetings. Other meetings may be held as necessary. When a regular meeting falls on a legal holiday or when a conflict exists, the Planning Commission shall, if possible, select an alternate meeting date in the same month as the originally scheduled meeting. Notice of regular Planning Commission meetings shall be posted at the Centerville Township Hall in accordance with the Open Meetings Act.

6.2 SPECIAL MEETINGS

Special meetings may be called by the chairperson or upon written request to the chairperson by at least two members. All Planning Commission business shall be conducted at a public meeting held in compliance with the Open Meetings Act. Notice of special meetings shall be given to Planning Commission members at least 48 hours prior to the meeting. This notice shall state the purpose, time and location of the special meeting and shall be posted in accordance with the Open Meetings Act.

6.3 PUBLIC RECORDS

All Planning Commission meetings, minutes, records, documents, correspondence and other materials shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.

6.4 QUORUM

A majority of the Planning Commission membership shall constitute a quorum for transacting all business and taking all official action. Whenever a quorum is not present, those present may adjourn the meeting to another time and day in accordance with the Open Meetings Act, or proceed with the meeting to consider the matters on the agenda. No action taken at a meeting without a quorum shall be final or official unless and until ratified and confirmed at a subsequent meeting at which a quorum is present by approving the minutes of that meeting.

6.5 MOTIONS

Any Planning Commission member can make a motion by bringing it to the table. The Chair shall then recognize the motion. Another member must second the motion for it to go forward. If the motion is seconded, open discussion can begin. The member making the motion can revise or retract the motion before a vote is taken; if the motion is revised, a new second is necessary. The motion will then be formally restated by the recording secretary before the Chair calls for a vote. The vote is then taken, and the motion either passes or fails.

6.6 VOTING

- A. An affirmative vote of the majority of the Planning Commission membership is required to adopt any part of the Master Plan or amendments to the plan.
- B. Unless required by statute, other actions or motions placed before the Planning Commission may be adopted by a majority vote of the membership in attendance, as long as a quorum is present.
- C. Voting shall be by voice vote; a roll call vote shall be required if requested by any commission member or if directed by the chairperson.
- D. 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. Any member disqualified from a vote shall not participate in the discussion of that item once a motion regarding that item has been made.

6.7 AGENDA

The chairperson shall be responsible for determining agenda items for Planning Commission meetings. Any member of the Planning Commission can make a motion to amend the agenda. If the motion is seconded and a majority of members vote to support the amendment, then the agenda will be so amended. A member of the public may also request an amendment to the agenda. If a Planning Commission member makes a motion on behalf of the public to amend the agenda and the motion is seconded and a majority vote support the amendment, then the agenda will be so amended.

6.7 AGENDA (cont'd)

The order of business for meetings shall be as follows:

1. Call to Order
2. Review Agenda
3. Public Comment
4. Approval of Agenda
5. Declaration of Conflict of Interest
6. Approval of Minutes
7. Public Hearings (if scheduled)
8. Report of Township Board Representative to the Planning Commission
9. Report of Planning Commission Representative to the Zoning Board of Appeals
10. Zoning Administrator Report/Comment
11. Business (itemized)
12. Other Business (as required)
13. Set Public Hearing Dates (as required)
14. Planning Commission Comment
15. Set/Confirm Date of Next Planning Commission Meeting
16. Public Comment
17. Adjournment

6.8 PUBLIC HEARINGS

All public hearings held by the Planning Commission must be part of a regular or special meeting of the Planning Commission. The following procedure shall apply to public hearings held by the Planning Commission:

1. Chairperson opens the public hearing and announces the subject.
2. Chairperson summarizes the procedures/rules to be followed during the hearing.
3. Discussion of Conflict of Interest.
4. Applicant presents the main points of the application.
5. Township planner/zoning administrator/other consultants present report(s).
6. Persons speaking to the issue are recognized by the Chairperson.
7. Chairperson closes the public hearing and returns to the regular/special meeting.
8. Planning Commission decides when it will begin deliberation.

6.9 CLOSED SESSIONS

Closed sessions of the planning commission shall only be permitted for one or more of the following reasons:

To discuss disciplinary action regarding an employee of the commission.

To meet with legal counsel when such meetings are necessary to maintain client attorney confidentiality.

The Planning Commission shall not make any binding decisions when in closed session. All such decisions must be made after the closed session in full view of the public.

7 ABSENCES, REMOVAL, RESIGNATION AND VACANCIES

7.1 ABSENCES

Members of the Planning Commission shall notify the Planning Commission chairperson or vice-chairperson when they intend to be absent from a meeting. Should any member of the Planning Commission miss three (3) consecutive commission meetings, his/her continued membership will be evaluated at the next commission meeting. The Commission shall report failure of compliance with this section to the Township Board for their consideration.

7.2 REMOVAL

Members of the Planning Commission may be removed by the Township Board for misfeasance, malfeasance or nonfeasance in office, upon written charges and after a public meeting.

7.3 RESIGNATION

A member may resign from the Planning Commission by sending a letter of resignation to the township supervisor with a copy to the Planning Commission chairperson.

7.4 VACANCIES

Vacancies shall be filled by the township supervisor, with approval of the Township Board. The successor shall serve out the unexpired term of the member being replaced.

8 CONFLICT OF INTEREST

8.1 DECLARATION OF A CONFLICT OF INTEREST

At the beginning of each Planning Commission meeting a member shall declare a potential conflict of interest when:

1. A relative or other family member is involved in a request for which the Planning Commission is asked to make a decision;
2. The Planning Commission member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency or association;
3. There is a reasonable appearance of a conflict of interest involving a member, as determined by the Planning Commission.

8.2 DECLARED CONFLICT OF INTEREST

Before discussing a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict to the Planning Commission. The member may be disqualified from discussing and/or voting on the matter by a majority vote of the remaining members of the Planning Commission.

8.3 FAILURE TO DECLARE CONFLICT OF INTEREST

Failure to disclose a potential conflict of interest constitutes malfeasance in office, rendering the member subject to removal as specified in Section 7.2.

9 AMENDMENTS

These bylaws may be amended at any meeting by a vote of a majority of Planning Commission members.

Centerville Township Planning Commission Bylaws

Adopted February 24, 2020