



BY-LAWS OF THE CITY OF GRAND HAVEN PLANNING COMMISSION

1. AUTHORITY

These By-Laws are adopted by the Planning Commission of the City of Grand Haven to facilitate the performance of its duties described in the Michigan Planning Enabling Act, Public Act 33 of 2008 as amended.

2. OFFICERS

2.1 Selection. At the June regular meeting, the Planning Commission shall elect a Chairperson, Vice-Chairperson and Secretary.

2.2 Duties. The Chairperson shall preside at all Planning Commission meetings and shall conduct all meetings in accordance with the rules provided herein.

The Vice-Chairperson shall act in the capacity of the Chairperson in the absence of the Chairperson or if a vacancy in the office of Chairperson occurs; in which case, the Planning Commission shall select a successor to the office of Vice-Chairperson at the earliest practicable time.

The Secretary or his or her designee shall be responsible for sending written notice of special meetings to Planning Commission members delivering communications, pertinent reports, and related items of business of the Planning Commission, and performing related administrative duties to assure efficient and informed Planning Commission operations. If the Secretary is absent, the Chairperson or Acting Chairperson shall appoint a temporary Secretary for such meeting.

2.3 Tenure. Each officer shall take office immediately following his or her election. Each officer shall hold his or her office for a term of one year, or until his or her successor is elected and assumes office. Each officer shall be eligible for re-election.

3. MEETINGS

3.1 Regular Meetings. The Planning Commission shall hold not less than four regular meetings each year and by resolution shall determine the time and place of such meetings. Other meetings may be held as necessary. The dates, times, and location of the regular Planning Commission meetings shall be posted at City Hall within ten (10) days of the first meeting of each calendar year in accordance with the Michigan Open Meetings Act. Any changes in the date, time or location of the regular meetings shall be posted and noticed in the same manner as originally established. When a regular meeting date falls on or near a legal holiday, the Planning Commission shall select suitable alternate dates.

3.2 Special Meetings. A special meeting may be called by two members of the Planning Commission upon written request to the Secretary, or by the Chairperson. The business which the Planning Commission may perform shall be conducted at a public

meeting of the Planning Commission held in compliance with the Michigan Open Meetings Act. Public Notice of the time, date, and place of the special meeting shall be given in a manner as required by the Open Meetings Act, and the Secretary shall send written notice of a special meeting to Commission members not less than 48 hours in advance of the meeting.

3.3 Quorum. In order for the Planning Commission to conduct business or take any official actions, a quorum consisting of at least 5 members of the Planning Commission shall be present. When a quorum is not present, no official action, except for the closing of the meeting, may take place. The members of the Planning Commission may discuss matters of interest, but can take no action until the next regular or special meeting. All public hearings without a quorum shall be scheduled for the next regular or special meeting and no additional public notice is required provided the date, time and place is announced at the meeting.

3.4 Hearing. The City shall provide for notification of public hearings in local newspapers and by direct mailings as required for rezonings, special land uses, or other such actions, in accordance with Act 110 of the Michigan Public Acts of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 *et seq.*).

All public hearings shall be held as part of a regular or special meeting of the Planning Commission. If adjournment or tabling of a public hearing occurs, public notice of the time and place of the public hearing shall be provided by posting written notice at the City offices and the City's website. A rescheduled public hearing shall meet all requirements for notification and scheduling of an initial public hearing.

At a public hearing, the Chairperson may limit the speaking time for each individual in order to encourage participants to be succinct in their comments. An individual who is speaking on behalf of others in attendance at the meeting may be given additional time.

3.5 Motions. Motions shall be restated by the Chairperson before a vote is taken. The name of the maker and supporters of the motions shall be recorded.

3.6 Voting. An affirmative vote of the majority of the members of the Planning Commission is required to approve any part of the master plan or amendments to the plan or to amend these bylaws. Unless otherwise required by statute, other actions or motions placed before the Planning Commission may be adopted by a majority vote of the Planning Commission. Voting shall be by voice vote; a roll call vote shall be required if requested by any commission member or directed by the Chairperson. Except in the case of conflict of interest, all Planning Commission members, including the Chairperson, shall vote on all matters.

3.7 Agenda Items. For an item to be considered at a regular Planning Commission meeting, it must be submitted to the Zoning Administrator no later than the established policy of the City prior to the next scheduled Planning Commission meeting.

4. DUTIES OF THE PLANNING COMMISSION

The Planning Commission shall perform the following duties:

- a. Prepare, review and update a master plan as a guide for development within the City's planning jurisdiction.

- b. Take action on petitions, staff proposals, and City Council requests for amendments to the zoning ordinance as required.
- c. Take action on petitions, staff proposals, and City Council requests for amendments to the master land use plan as required.
- d. Prepare an annual written report to the City Council of the Planning Commission's operations and the status of planning activities, including recommendations regarding actions by the City Council related to planning and development.
- e. Take actions as authorized or required by the Michigan Planning Enabling Act.
- f. Take actions as authorized or required by the Michigan Zoning Enabling Act.
- g. Perform other duties and responsibilities or respond as requested by City Council.

5. OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS

Deliberations and decisions of the Commission are governed by the Michigan Open Meetings Act. Meetings notices shall comply with the Michigan Open Meetings Act, Act 267 of the Michigan Public Acts of 1976, as amended;(MCL 15.261 *et seq.*

Persons shall be permitted to address the Commission after receiving permission from the Chairperson or Acting Chairperson.

Records, files, correspondence, and other materials pertaining to Planning Commission agenda topics are available to the public for reading, copying, and other valid purposes as governed by the Michigan Freedom of Information Act, Act 442 of the Michigan Public Acts of 1976, as amended; MCL 15.231 *et seq.*.

6. ABSENCES, REMOVALS, RESIGNATIONS AND VACANCIES

6.1 To be excused, members of the Planning Commission shall notify the Planning Commission chairperson or other Planning Commission member when they intend to be absent from a meeting. Failure to make this notification prior to the meeting shall result in an unexcused absence.

6.2 Members may be removed by the City Council for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

6.3 A member may resign from the Planning Commission by sending a letter of resignation to the City Council.

6.4 Vacancies shall be filled by the Mayor, with the approval of the City Council. A successor shall serve out the unexpired term of the member being replaced.

7. CONFLICTS OF INTEREST

Each member of the Commission shall avoid conflicts of interest.

7.1 Definition. A conflict of interest shall include, but not necessarily be limited to, the following:

- a. Deliberating on, voting on, or reviewing a matter concerning him or her, in which he or she has a substantial financial interest.
- b. Deliberating on, voting on, or reviewing a matter involving a corporation, company, partnership, or any other entity in which he or she holds at least a ten percent (10%) ownership interest.

- c. Deliberating on, voting on, or reviewing a matter concerning his or her spouse or children.
- d. Issuing, deliberating on, voting on, or reviewing a matter where his or her employee or employer is:
 - a. An applicant or agent for an applicant.
 - b. Has a direct interest in the outcome.

7.2 Procedures. If a member has a conflict of interest, then:

- a. The Member shall disclose that interest.
- b. A member shall remove himself or herself from the hearing, discussions and decision-making process until the matter is over. Physical removal minimizes any public perception that the member with the conflict of interest is unduly influencing his or her fellow members by the member's physical presence.
- c. A member shall not represent any applicant, developer, neighbor or party directly interested in a matter before the Planning Commission. Except as otherwise prohibited by law, a member's employer, fellow employee or partner may represent a party appearing before the Planning Commission, but in such case the member involved shall be deemed to have a conflict of interest, shall publicly disclose the situation, and shall remove himself or herself from the proceedings.

7.3 Member Disclosure. In order to maintain public trust and insure fairness, each Member shall disclose at a Planning Commission hearing or meeting whenever:

- a. The Member is related to an applicant, developer, applicant's/developer's representative or any party involved.
- b. The Member is (or has been) in business or financially connected with the applicant or parties involved.
- c. The Member is a close friend of the applicant or parties involved.

8. EX PARTE COMMUNICATIONS

Planning Commission members (collectively "Members" and individually "Member") should avoid outside contact with applicants, developers, applicant's representatives (including planners or attorneys) or interested neighbors regarding matters before the Planning Commission.

- a. The Planning Commission must act as a board and NOT as individuals. Advisory opinions should not be given to any applicant.
- b. Communication of any kind (other than at public Planning Commission meetings or hearings) ("Ex Parte Communications") by Members of the Planning Commission with applicants, developers, applicant's/developer's representatives or interested neighbors is to be avoided, except for limited necessary contact during fact-finding site visits.
- c. Site Visits – Members shall view sites only if they can do so without any unnecessary contact with the applicant, developer, applicant's/developer's representatives or interested neighbors and for the specific purpose of gathering physical facts and/or data.
- d. If a Member is contacted by an applicant, developer, or their representatives or an interested neighbor, the Member shall promptly inform that party that he or she will not discuss the matter or have any contact other than at a Planning Commission hearing or

meeting except for site visits. The Member shall then immediately welcome the party to attend the Planning Commission meetings to discuss their views, wishes, etc. or to deliver written comments to the Office of City Planner for distribution to Commission members.

9. AMENDMENTS

The Commission may amend these By-Laws by a majority vote, at a regular meeting, provided that all members have received a copy of the proposed amendments at least three (3) days prior to the meeting at which such amendments are to be considered.

THESE BY-LAWS ARE ADOPTED ON THIS 8 DAY OF DECEMBER, 2009.

THE CITY OF GRAND HAVEN PLANNING COMMISSION