

**BY-LAWS OF THE CITY OF WAKEFIELD  
PLANNING COMMISSION**

**ARTICLE 1- NAME AND PURPOSE**

The City of Wakefield Planning Commission hereby adopts these Bylaws to comply with all applicable statutes and facilitate the performance of its duties as outlined in P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, (MCL 125.3801 *et seq.*)

**ARTICLE II - MEMBERSHIP**

**Section 1. Selection and Composition.**

The members of the City Planning Commission shall consist of the Mayor; the City Manager; a member of the City Council who shall be selected by the Council; and four residents of the City who shall be appointed by the Mayor, subject to the approval by a majority vote of the members-elect of the City Council. Up to two alternate members may be appointed by the Mayor, subject to the approval by majority vote of the members elect of the City Council, for three year terms. If two alternate members have been appointed, they may be called on a rotating basis, as they are available to sit as regular members of the Planning Commission in the absence of a regular member if the regular member will be unable to attend one or more meetings. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the board of the Planning Commission. An alternate member shall only serve to discuss or vote upon a case in the absence of a regular member or upon the conflict of interest of a regular member.

**Section 2. Terms of office and compensation of members.**

The term of each of the four appointed members of the Planning Commission shall be for three years. The terms of ex officio (Mayor, Council member, and City Manager) members shall correspond to their respective official tenures. All members of the commission shall serve without compensation.

**Section 3. Removal of members and filling of vacancies.**

Members other than the Council member selected by the Council may, after a public hearing, be removed by the Mayor for insufficiency, neglect of duty, or malfeasance in office. If any member of the Planning Commission is absent from three (3) unexcused consecutive regularly scheduled meetings, then that member shall be considered inefficient. Inefficiency shall be grounds for the Mayor to remove a member from the Planning Commission for inefficiency. The Council for like cause may remove the member selected by it. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term by the mayor in the case of members selected or appointed by him and by the Council in the case of the Council member, in the same manner as appointed in the first instance.

**ARTICLE III - OFFICERS**

**Section 1. Election of officers; powers.**

At the first regular meeting of each year, the members of the Planning Commission shall elect a Chairperson, and Vice-Chairperson. The Chairperson shall preside at all meetings, appoint committees and perform such other duties as may be ordered by the planning commission. The Vice-Chairperson shall act in the capacity of the Chairperson in absence of the Chairperson. In the event the office of Chairperson becomes vacant, the Vice-Chairperson shall succeed to this office for the unexpired term, and the Planning Commission shall select a successor to the Vice Chairperson for the unexpired term. Ex officio members shall not serve as chairperson.

## ARTICLE IV - MEETINGS

### Section 1. Meetings; records; quorum.

The business of the Planning Commission shall be conducted at a public meeting held in compliance with the Open Meetings Act. Notice of the meetings shall be given in accordance with all applicable laws. The Planning Commission may establish reasonable rules and regulations to enable an orderly meeting to minimize the possibility of disruption of the meeting. The regular planning commission meetings shall be scheduled on the first (1st) Tuesday following the second Monday of each month and shall hold not less than four (4) meetings a year and as many special meetings as the planning commission shall deem necessary. Special meetings may be called by the chairperson or two or more commission members upon written request to the secretary. A minimum 18 hours written notice is required, unless additional notice is required by law. Where a special meeting is called due to an applicant request, all costs for conducting the meeting shall be paid by the applicant prior to scheduling the meeting. The Planning Commission shall keep a public record of its resolutions, transactions, findings and determinations. Five members of the commission shall constitute a quorum for the transaction of business. Unless otherwise required by law, all actions of the commission shall be by a majority of the members present and voting.

### Section 2. Motions; Voting; Public Participation

1. Motions shall be restated by the Chair before a vote is taken.
2. Findings of Fact. Actions taken in an administrative capacity may include each of the following parts, if applicable.
  - a. A finding of fact, listing what the Commission determines to be relevant facts in the case.
  - b. Conclusions based on the facts for the Commission's action, finding compliance, or noncompliance, to standards.
  - c. The Commission's action; recommendation or position, approval, approval with conditions, or disapproval.
3. 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". Members must be present to cast a vote. Voting by proxy shall not occur. 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 a majority of 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 recommendation for adoption, of any plan or amendment to a plan.
4. Commission Action. Action by the Commission on any matter on which a public hearing is required shall not be taken until the required public hearing has been concluded.
5. Parliamentary Procedure. 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 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.
6. Public Participation. All regular and special meetings, hearings, records, and financial accounts shall be open to the public. The Commission shall adhere to the City's Public Participation Plan.
7. All public comments on all agenda items requiring a public hearing shall be presented during the public hearing for that agenda item. The Commission may direct questions to members of the public at any time. Public comment on agenda items not requiring public hearings shall be at the chairperson's discretion.

8. The Chair may limit to 3 minutes the amount of time allowed for each person wishing to make public comment at a Commission meeting.

### **Section 3. Conflict of Interest; Gifts**

Before considering an agenda item or casting a vote on a matter on which a Planning Commission member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the planning commission. The planning commission shall then determine by majority vote if there is a conflict of interest that warrants member disqualification from deliberations and voting on the matter. Failure of a member to disclose a potential conflict of interest constitutes malfeasance in office and cause for removal. A conflict of interest occurs when a planning commissioner participates in:

1. Issuing, deliberating on, voting on, or reviewing a case concerning him or her.
2. Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by him or her or which is adjoining land owned by him or her.
3. Issuing, deliberating on, voting on, or reviewing a case involving a corporation, company, partnership, or any other entity in which he or she is a part-owner or any other relationship where they have a pecuniary interest.
4. Issuing, deliberating on, voting on, or reviewing a case, which is an action which results in a financial impact on them.
5. Issuing, deliberating on, voting on, or reviewing a case concerning his or her spouse, children, step children, grandchildren, parents, brothers, sisters, grandparents, parents-in-law, grandparents in law, or members of his or her household.
6. Issuing, deliberating on, voting on, or reviewing a case where thier employee or employer is: an applicant or agent for an applicant or has an interest in the outcome.

When a conflict of interest exists, the member of the Commission, or committee, shall do all of the following immediately, upon first knowledge of the case and determining that a conflict exists:

1. Declare a conflict exists at the first meeting of the Commission where the item is on the agenda;
2. Cease to participate at the Commission meetings, or in any other manner, or represent one's self before the Commission, its staff, or others, and
3. During deliberation of the agenda item before the Commission, leave the meeting or remove oneself from the front table where members of the Commission sit until that agenda item is concluded.

No member of the City Planning Commission shall hold any other municipal office except the Mayor, Administrative Officer, and the Council member to be appointed as herein provided in this subchapter, the excepting further that one of the other six members may be a member of the Zoning Board of Appeals.

Gifts shall not be accepted by a member of the Commission from anyone connected with an agenda item before the Commission. As used here, gifts shall mean cash, any tangible item, or service.

**Section 3. Petitions; public hearing--Notification; appeal.**

Upon petition filed with the Council, the subject matter of which is within the scope of the powers and duties of the Planning Commission, where such petition requires a public hearing (e.g. Rezoning, plat, etc.), such petition shall be referred to the Commission. The Commission shall give notice of a public hearing to all persons having an interest in land within a radius of 500 feet of the area which is the subject matter of said petition; said notice is to be given at least fifteen days before the holding of the meeting, by mail, notifying such interested persons of the filing of the petition and the time and place at which the hearing is to be held. Failure to receive such notification shall in no way invalidate any action taken at such or any subsequent hearing. At such public hearing, the commission shall hear all persons interested in said petition and shall thereafter hold such further hearings, as it may deem necessary. Upon the conclusion of the hearing or hearings, the commission shall, within a period of 30 days, submit either its approval or denial of said petition to the Council and the mayor. If the petition is approved, the Council shall then give notification of a public hearing in accordance with the provisions of the statutes of the state and shall, after such public hearing, either grant or deny said petition. If the commission shall recommend denial of said petition, the petitioner may request further hearing before the Council and the mayor, and such hearing may be granted in the discretion of the Council.

**ARTICLE V - POWERS AND DUTIES**

**Section 1. Powers and duties.**

The general powers and duties of the planning commission shall be as specified in the Code of Ordinances Section 32.46 and the Michigan Planning Enabling Act - PA 33 of 2008.

**Section 2. The annual estimate of funds required.**

In conjunction with the city's annual capital improvement plan (CIP) and budget process, the planning commission shall transmit to the city manager its estimate of the funds required for its purposes for the ensuing fiscal year. For purposes of this section, the Community Development Department CIP and budget submittals shall include the planning commission's requests, if any.

**Section 3. Annual report required.**

The Planning Commission shall, at the first regularly held meeting of the calendar year, make a written report to the Council of the work of the commission during the preceding year. The report shall be certified by the commission and entered on record by the city clerk, and published in such manner as the Council may direct. The Commission shall also make such other reports as the Council may, from time to time, require