

VILLAGE OF DECATUR PLANNING COMMISSION  
BY-LAWS AND RULES OF PROCEDURE

Sec. I. AUTHORITY

These By-Laws and Rules of Procedure are adopted by the Village of Decatur Planning Commission, pursuant to Public Act 33 of 2008, as amended, the Michigan Planning Enabling Act (MPEA), and Public Act 267 of 1976, as amended, the Open Meetings Act.

Sec. II. MEMBERSHIP

- A. The Planning Commission shall consist of five (5) members, who shall be representative of the different professions, occupations, geographical areas, and constituencies as they exist in the Village. All members shall be qualified electors of the Village. One member of the Planning Commission shall be a member of the Village Council.
  
- B. The members of the Planning Commission shall be appointed by the Village President with the approval of the Village Council. Upon written charges and after a public hearing, a Planning Commission member may be removed by the Village Council for misfeasance, malfeasance, or nonfeasance in office. Failure to disclose a conflict of interest shall constitute malfeasance in office.
  
- C. The term of each appointed member shall be three (3) years or until his or her successor takes office. Members shall be appointed to staggered terms such that no more than two (2) members' terms shall expire in the same year. The term of the ex-officio member from the Village Council shall be the same as their term in office or until they are replaced by another representative from the Council.
  
- D. The Planning Commission shall adopt rules for the transaction of business and shall keep a public record of its resolutions, transactions, findings, and determinations. Minutes of Planning Commission meetings shall be kept on file at Village Hall for public review.

Sec. III. OFFICERS AND COMMITTEES

The Planning Commission shall elect a chairperson, vice-chairperson, and secretary at the first regular Planning Commission meeting of the year. These officers shall serve for a twelve (12) month period and are eligible for re-election. The representative from the Village Council shall not be eligible to serve as Chairperson.

#### Sec. IV. DUTIES OF OFFICERS.

The Chairperson shall preside at all Commission meetings; act as general supervisor over the affairs of the Commission; shall appoint special committees, call meetings, and perform all other duties that are incident to his office. The Vice-Chairperson shall preside at all meetings in the absence of the chairperson and perform all duties of the chairperson.

The Secretary, or his/her delegate, shall attend all meetings, keep minutes of all meetings, keep and record all official records and documents necessary to comply with the MPEA and subsequent amendments and shall send copies of the minutes of all meetings to the Village Clerk. The Secretary shall send and receive all correspondence pertaining to the business of the Commission.

#### Sec. V. COMMITTEES

Any committee that may be deemed necessary and advisable for the proper conduct of Planning Commission business may be established for purposes and terms that the Commission approves. Members of a committee shall be designated by the Chairperson, subject to approval by a majority of the Commission members present at the meeting. Committee members may include members who are not members of the Planning Commission.

#### Sec. VI. REPRESENTATION OF APPLICANTS

No member of the Commission shall represent any applicants on matters on which the Commission is to make determinations.

#### Sec. VII. CONFLICT OF INTEREST

Planning Commission members shall declare a conflict of interest and abstain from participating in any hearing, deliberations, discussion, or vote on a request when:

- A. An immediate family member is involved in any request for which the Planning Commission is asked to make a decision.

An immediate family member is defined as 'the member's spouse, the member and member's spouse's children (including adopted) and their spouses, step-children and their spouses, grandchildren and their spouses, parents and step-parents, brothers and sisters and their spouses, grandparents, parents' in-law, grandparents' in-law, or any person residing in the member's household.'

- B. The 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.
- C. The member owns or has a financial interest in neighboring property. For purposes of this section, a neighboring property shall include any property immediately adjoining the property involved in the request. (or 'any property falling within the notification radius for the application or proposed development, as required by ordinance.')
- D. There is a reasonable appearance of a conflict of interest, as determined by a majority vote of the remaining members of the Board present.

If there is a question whether a conflict of interest exists or not, the question shall be put before the Board and shall be determined by a majority vote of the remaining members of the Board.

Failure of a member to disqualify himself/herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

#### Sec. VIII. MEETINGS.

The Planning commission shall hold at least four (4) regular meetings each year. All meetings shall be posted at the Village Hall according to the Open Meetings Act. The Notice shall include the date and time of the meeting. A Quorum shall consist of three ( 3) members. A member shall be deemed to have resigned if he/she fails to attend three (3) consecutive regular meetings.

#### Sec. IX. SPECIAL MEETINGS.

A special meeting may be called by three (3) members of the Planning Commission upon written request to the Secretary or by the Chairperson. The business to which the Planning Commission may perform shall be conducted at a public meeting of the Planning Commission held in compliance with the 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 forty-eight ( 48) hours in advance of the meeting.

#### Sec. X. HEARINGS.

Hearings shall be scheduled and due notice given in accordance with the provisions of the acts and ordinance cited in Section 1.

Public Hearings conducted by the Planning Commission shall be run in an orderly and timely fashion. This shall be accomplished by the following procedure. This procedure may be modified as necessary and warranted by the Planning Commission Chairperson based on the nature of the

application and the material under review to ensure an efficient and effective hearing.

## PUBLIC HEARING PROCEDURAL GUIDE

ITEM	PERSON
1. OPENING OF HEARING	
A. Official opening announcement, indicating basic nature of request, citing public notice in official newspaper and notification of neighboring properties (if applicable).	Chairperson
B. Announce order of hearing which is as follows:	Chairperson
1. Explanation of request as received by community.	
2. Review and recommendation by planner/ professionals.	
3. Comments and explanations by applicant.	
4. Questions by Commission.	
5. Responses by professionals and/or applicant.	
6. Opening of hearing for public comments.	
7. Close hearing to public comments	
8. Consideration of action by Commission.	
C. Announce that all comments will be addressed to the Chairperson. Each person will be given an opportunity to be heard; second comments will not be permitted until every person has had the chance to speak for the first time. In the interest of fairness to the public, ask that statements from the floor be concise as possible. The Chairperson reserves the right to terminate a presentation or ask for a summation if comments become excessively repetitive or stray from the issues at hand. (For large hearings, a time limit shall be established.)	Chairperson

D. Indicate that at all times during the hearings the Chairperson expects courtesy of all participants. (It is imperative that all decisions be based upon "findings of fact." Controversial hearings which allow catcalls, booing or votes of the public can be seriously challenged by an aggrieved party as being an emotional decision rather than one based upon proper facts and accepted principals of planning.)

Chairperson

2. PRESENTATION OF PROPOSAL.

Chairperson

The following procedure assumes that an application has been received which provides all the necessary information and documentation. Such applications must provide sufficient lead-time to permit proper review by all necessary staff and board members involved prior to the formal hearing. Hearings which allow major factual elements to be submitted for the first time at the hearing cannot typically produce effective review and decision making.

A. Presentation by municipal advisors:

Staff/Consultant

1. Compliance with local ordinances and requirements.
2. Conformance with desirable and established principles of development.
3. Conflicts and discrepancies.
4. Recommendations.
5. Questions from Commission for reasons of clarification.

B. Presentation by applicant:

Applicant

1. Brief review of project proposal.
2. Response to questions raised by municipal advisors.
3. Questions by Commission.

4. Statement for record of any changes to proposal which will be made to correct problems noted.

3. OPENING OF HEARING TO FLOOR.

At this point the public will have a more definitive explanation of the proposal together with any potential amendments/alternatives.

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| A. | Announce opening of hearing to public comments with reminder that all comments and questions will be: addressed to the Chairperson, limited to a set time, and that additional comments will be received once every person has had the opportunity to be heard for the first time.   | Chairperson |
| B. | Indicate that once a person has been recognized by the Chairperson they shall stand and give their name, address and concise statement of their questions and/or concerns. (When individual time limits have been imposed, the Chairperson reserves the right to limit the amount of time allocated to a spokesperson to avoid filibustering.) | Chairperson |
| C. | The Chairman may elect during the course of public comments to obtain brief answers from its municipal advisors or the applicant if such comments may expedite the hearing.  | Chairperson |
| D. | Receive for the official record any letters and/or petitions received by the municipality regarding the matter. Read and/or summarize this matter.   | Chairperson |
| E. | Close the hearing to public comment following completion of public participation.  | Chairperson |

#### 4. CONSIDERATION OF MATTER BY COMMISSION

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| A. | Commission members, when recognized may continue discussion and seek additional information from others in attendance (through the Chairperson).                                | Commission |
| B. | Typically, four (4) courses of action are open to the Commission:<br><br>1. Approval.<br>2. Approval with conditions.<br>3. Denial<br>4. Tabling/ Adjournment to future meeting | Commission |

Motions for any approvals or denials should include reasons for such actions. Motions for tabling or adjournment should also include reasons and the date, time and place the matter will be further considered. Adjournment is normally used for continuation of a hearing without having to readvertise.

#### Sec. XI. 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 Commission may be adopted by a majority vote of the members present and voting, as long as a quorum is present.

Voting shall be by voice vote; a roll call vote shall be required if requested by any Commission member or directed by the Chairperson.

#### Sec. XII. RULES OF ORDER.

All meetings of the Commission shall be conducted in general accord with the most recently published version of "Robert's Rules of Orders."

#### Sec. XIII. ANNUAL REPORT

The Planning Commission shall prepare an annual report for the Village Council, which lists the attendance of each member, the activities performed by the Planning Commission during the

year, common enforcement or appeals issues, recommendations regarding master plan and zoning activities for the coming year, and recommended budget allocations for the upcoming year to support these activities. This report shall be for activity through December 31st of each year and submitted to the Village Council prior to adoption of the next fiscal year's budget.

#### Sec. XIV. NOTICE OF DECISION

A written notice containing the decision of the Planning Commission will be sent to petitioners and originators of a request.

#### Sec. XV. AMENDING RULES

These rules may be amended by a majority vote of the Commission except where such amendment would be contrary to requirements or limitations set by state law or the Village Ordinance. An amendment may be proposed and acted on at any regular meeting of the Commission.

#### Sec. XVI. WAIVING OR SUSPENDING RULES

A rule of procedure may be suspended or waived at any meeting by majority vote of Commission members present unless state legislation or the Village Ordinance sets such rule.