

## PERRY TOWNSHIP PLANNING COMMISSION

### BY-LAWS AND RULES OF PROCEDURES

The following rules of procedure are hereby adopted by the Perry Township Planning Commission of Shiawassee County (hereafter referred to as the Commission) to facilitate the performance of its duties as outlined in the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, et seq., and the Open Meetings Act, Public Act 267 of 1976.

#### 1. AUTHORITY

1.1 The seven (7) members of the Perry Township Planning Commission are to be appointed by the Perry Township Board and are at the discretion of the Township for reappointment of new members. Posting of vacancies will appear in the local papers and members will be selected with consideration given to Township Planning Commission members.

1.2 Terms of office will be for three years. Every year two members will either be reappointed or a new member will be appointed. A Township Representative will be appointed at the Township Board's discretion. If a member has to resign before their term is up, a letter of their resignation should be sent to the Township Clerk.

1.3 The fiscal year will be April 1 to March 31.

1.4 Proposed zoning changes will be referred to the Perry Planning Commission. The Recording Secretary will invite the petitioner to a Planning Commission meeting. A recommendation will be forwarded to the Township Board for review.

#### 2. OFFICERS

##### 2.1 Selection:

At the June meeting, the Commission shall select from its membership a chairperson, vice-chairperson, and a secretary who shall serve for a twelve-month period and who shall be eligible for reelection.

##### 2.2 Duties:

- The chairperson shall presides at all meetings, conduct all meetings in accordance with the rules provided herein, 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 his/her absence. In the event the office of chairperson becomes vacant, the vice chairperson shall succeed to this office for the un-expired term, and the planning commission shall select a successor to the office of vice chair person for the un-expired term.
- The recording secretary shall be responsible for the preparation of minutes, keeping of pertinent records, delivering communications, petitions, reports, and related items of business of the Commission, issuing notices of public hearings, and performing related administrative duties to assure efficient and informed Commission operations. In the event the recording secretary is absent, the chairperson or vice chairperson shall appoint a temporary recording secretary for such meeting.

### 2.3 Tenure:

The officers shall take office at the regular July meeting.

They may succeed themselves, but not for more than two (2) succeeding terms (totaling 6 years).

## 3. MEETINGS

### 3.1 Meeting notices:

All meetings shall be posted at the Perry Township Hall according to the Open Meetings Act. The notice shall include the date and time of the meeting.

### 3.2 Regular Meeting:

The planning commission shall hold not less than four regular meeting each year. Regular meetings of the Commission shall be held monthly at the start of the fiscal year, April 1, in the Perry Township Hall on the 3rd Thursday of the month at 7:00 p.m. or on a date established by the Commission. Any changes in the date of time of the regular meetings shall be posted in the same manner as originally established. When a regular meeting date falls on or near a legal holiday, the Commission shall select suitable alternate dates in the same month, and shall be posted in accordance with the Open Meetings Act.

### 3.3 Special Meetings:

The Chairperson or at least two members of the Commission upon written request to the Secretary may call a special meeting. The Recording Secretary shall provide notice of the special meeting to commission members at least 48 hours prior to the meeting. Such notice shall state the purpose, time and location of the special meeting and shall be posted in accordance with the Open Meetings Act.

#### 3.4 Quorum:

Four members of the seven member planning commission (or a majority of appointed members) shall constitute a quorum for transacting business or taking any official action. When a quorum is not present, no official action, except for closing of the meeting may take place. The members of the 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 rescheduled for the next regular or special meeting and no additional public notice is required provided the date, time, and place is announced of the meeting.

#### 3.5 Public Hearings:

All public hearings held by the planning commission must be held as part of a regular or special meeting of the planning commission.

Public hearings conducted by the Planning Commission shall be run in an orderly and timely fashion. This shall be accomplished by the following procedure:

- The public hearing will be opened.
- Presentation by applicant.
- The public shall be invited to speak on the matter, each speaker will be asked to give their name and address for the record. Each speaker shall be granted 5 minutes
- Staff reports, if any, shall be presented.
- Following the public comment, the Planning Commission will question staff and public.
- Following questioning by the Commission members of the Planning Commission the public hearing portion of the meeting will be closed. The Commission members will discuss the matter and take whatever action if appropriate.

#### 3.6 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.

#### 3.7 Voting:

An affirmative vote of the majority of those Commission members present for the conduct of business shall be required for the approval of any requested action or motion placed before the Commission. Voting shall ordinarily be voice voted; provided however that a roll call shall be required if requested by a 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 bona fide conflict of interest as recognized by the majority of the remaining members of the Commission. Any member abstaining from

a vote shall not participate in the discussion of that item. See Section 8 for definition of conflict of interest.

### 3.8 Agenda:

The chairperson shall be responsible for preparing a tentative agenda for planning commission meetings. The agenda may be modified by action of the commission.

A written agenda for all regular meetings shall be prepared as follows:

- Call to order
- Pledge to the flag
- Roll call
- Approval of agenda
- Approval of minutes
- Public comments & communications concerning items not on agenda.  
Each speaker will be granted 5 minutes.
- Public hearings
- Unfinished business
- New business
- Any other business/on-going business
- Adjournment

A written agenda for special meetings shall be prepared and followed: however, the form as enumerated above shall not be necessary.

### 3.9 Rules of Order:

All meetings of the Commission shall be conducted in accordance with generally accepted parliamentary procedure, as governed by "Robert's Rules of Order."

## 4. MINUTES

4.1 Commission minutes shall be prepared by the Recording Secretary of the Commission or designee. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and recording of all votes; complete statement of the conditions or recommendations made on any action; and recording of attendance. All communications, actions, and resolutions shall be attached to the minutes.

4.2 The recording secretary shall be responsible for maintaining a permanent record of the minutes of each meeting and shall have them recorded in suitable permanent records maintained by the township clerk.

## 5. OPEN MEETING AND FREEDOM OF INFORMATION PROVISIONS

5.1 All meetings of the Commission shall be opened to the public and held in a place available to the general public.

5.2 All deliberations and decisions of the commission shall be made at a meeting open to the public.

5.3 A person shall be permitted to address a hearing of the commission under the rules established in subsection 3.5 and to address the Commission concerning non-hearing matters under the rules established in Section 3.8 to the extent that they are applicable.

5.4 A person shall not be excluded from a meeting of the Commission except for breach of the peace, committed at the meeting.

5.5 All records, files, publications, correspondences, and other materials are available to the public for the reading, copying, and other purposes as governed by the Freedom of Information Act., except as may otherwise be provided by law. Cost for material is determined by the Township Board.

## 6. ATTENDANCE, REMOVALS, RESIGNATIONS AND VACANCIES

6.1 Members failing to attend four regular meetings of the Planning Commission in a fiscal year, or three consecutive meetings may be voted upon to be removed from the Commission. The Township Board will vote to remove and replace a member within 30 days to fulfill the remainder of the term of the vacant position.

6.2 Verbal or written notice should be given to the chairperson or secretary up to and including the day of the meeting for excused absences. The township hall phone number is 517-625-4597. Failure to make this notification prior to the meeting shall result in an unexcused absence.

6.3 A member may resign from the planning commission by sending a letter of resignation to the township board.

## 7. DUTIES OF THE PLANNING COMMISSION

The planning commission shall perform the following duties:

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

- 7.2 Take such action on petitions, staff proposals and township board requests for amendments to the master land use plan as required.
- 7.3 The Shiawassee County Zoning Office will refer proposed zoning changes to the Perry Planning Commission. The Commission recording secretary will invite the petitioner to a Planning Commission meeting. The petitioner will be given ample opportunity to present the reasons for the proposed change. The Commission will deliberate the presentation and makes a decision. Their written recommendation is forwarded to the Township Board as soon as possible.
- 7.4 Prepare an annual written report to the township board of the planning commission's operations and the status of planning activities, including recommendations regarding actions by the township board related to planning and development.
- 7.5 Take such actions as authorized or required by the Michigan Planning Enabling Act and the Michigan Zoning Enabling Act.

## 8. CONFLICT OF INTEREST

A conflict of interest is defined as, and a planning commission member shall declare a conflict of interest and abstain from participating in planning commission deliberations and voting on a request, when:

1. The planning commission 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 planning commission member's household.
  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. The planning commission member owns or has a financial interest in neighboring property. A neighboring property shall include any property falling within the notification radius for the application or proposed development, as required by the zoning ordinance or other applicable ordinance.
  4. There is a reasonable appearance of a conflict of interest, as determined by a majority vote of the remaining members of the planning commission.
- 8.1 Before 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. Failure of a member to disclose a potential conflict of interest as required by these

bylaws constitutes malfeasance in office. There needs to be a quorum (4) of votes for a motion to carry. If a person abstains because of a conflict of interest the motion would fail for not having 4 votes.

## 9. AMENDMENTS

9.1 These rules may be amended by the Commission by a concurring vote pursuant to subsection 3.7 during any regular meeting, provided that all members have received an advanced copy of the proposed amendments at least 3 days prior to the meeting at which such amendments are to be considered.

THESE BY-LAWS AND RULES OF PROCEDURES ARE ADOPTED AT A REGULAR MEETING ON THIS 7<sup>th</sup> Day of July, 2021.

Approved by Planning Commission on June 17, 2021

Approved by Township Board on July 7, 2021

Fraser moved to approve.

Griffith seconded to approve.

Roll Call: Fraser, Griffith, Schmidt, Parmalee, Fulks. All ayes Carried.