

**CITY OF CHELSEA
PLANNING COMMISSION
BY-LAWS AND RULES OF PROCEDURES
July 26, 1990
(Amended May 21, 1991)
(Amended November 19, 2019)**

1. AUTHORITY

These bylaws are adopted by the City of Chelsea Planning Commission (hereinafter referred to as the Commission) pursuant to P.A. 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 Public Act 110 of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3103 et seq.) hereinafter, "the Zoning Act"

These bylaws are written in accordance with the City of Chelsea City Charter, under which it states that, "The Council shall maintain a city Planning Commission in accordance with and having all the powers and duties granted by the provisions of law relating to such commissions, and this charter including but not limited to P.A. 1921, No. 207; P.A. 1931, No. 285 and all other intergovernmental planning and zoning statutes which it deems beneficial to the health, safety, and general welfare of the city." AND "The Council shall maintain a zoning ordinance in accordance with the provisions of law relating to such ordinances and this charter. The ordinance shall provide that zoning be coordinated with the work of the city planning commission".

2. OFFICERS

- 2.1 Selection. At the July meeting, the Commission shall select from its membership a chairperson, vice-chairperson and secretary who shall serve for a twelve (12) month period and who shall be eligible for re-election.
- 2.2 Duties. A chairperson shall preside at all 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 and shall succeed to the office, in which case the Commission shall select a successor to the office of vice-chairperson at the earliest practicable time. The secretary shall be responsible for the preparation of minutes, keeping of pertinent public 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. The duties of the secretary may be delegated to staff. In the event the Secretary is absent, the Chairperson or acting Chairperson shall appoint a temporary secretary for such meeting.
- 2.3 Tenure. The officers shall take office immediately following their appointments. They shall hold their office for a term of one year, or until their successors are elected and assume office.

3. LIAISONS

- 3.1 The purpose of liaisons is to provide certain City of Chelsea officials and quasi-officials the ability to advise and provide clarifications to the Commission, in addition to speaking in public participation. Liaisons cannot vote, introduce motions, initiate any other parliamentary action, be counted for a quorum or be expected to comply with attendance requirements pursuant to Section 4.11 of these bylaws. Liaisons, if not already appointed Commission members are:
 1. Planning Department staff and their agents and consultants
 2. The Commission's Consultants
 3. City of Chelsea Attorney
 4. City of Chelsea water, sewer, DPW or similar department heads
 5. City of Chelsea City Manager

6. Members of the Legislative Body (City Council)

4. GIFTS

- 4.1 Gifts shall not be accepted by a member of the Commission or liaisons from anyone connected with an agenda item before the Commission
- 4.2 As used here, gifts shall mean cash, any tangible item, or serve, regardless of value; and food valued over \$10
- 4.3 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

5. MEETING

- 5.1 Meeting Notices. All meetings shall be posted at the City Offices according to the Open Meeting Act. The notice shall include the date, location, and time of the meeting.
- 5.2 Regular Meeting. Regular meetings of the Commission shall be held monthly. The dates, times and places shall be posted at the City Offices and a notice should be published in accordance with the Open Meetings Act. Any changes in the date, time or place of the regular meetings shall be posted and noticed in the same manner as originally established. When a regular meeting falls on or near a legal holiday, the Commission shall select suitable alternative dates in the same month, in accordance with the Open Meetings Act.
- 5.3 Special Meetings. A special meeting may be called by any two members of the Planning Commission upon written request to the Secretary or by the Chairperson. A non-member must provide a written request to the discretion of the Chair for a Special Meeting. The business, 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 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.
- 5.4 Quorum. In order for the Commission to conduct business or take any official action, a quorum consisting of the simple majority of the voting members of the Commission shall be present. Provided, however, that an affirmative vote of at least six (6) members of the Commission shall be necessary for the adoption or amendment of the master plan.

When a quorum is not present, no official action, except for opening and 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 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.

- 5.5 Order of Business. A written agenda for all regular meetings shall be prepared as follows. The order of business shall be:

- Call to Order
- Approval of Agenda
- Approval of Minutes
- Public Comments
- Public Hearings
- Unfinished Business
- New Business
- Planning Commission Reports
- Discussion
- Adjournment

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

- 5.6 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 Orders". Where these bylaws conflict, or are different than Robert's Rules of Order, then these bylaws control.
- 5.7 Public Participation. All regular and special meetings, hearings, records, and accounts shall be open to the public.
1. All public comment on all agenda items should be presented at the beginning of the meeting where provided in the agenda. After that point during the meeting, public comment is normally not allowed; however, sometimes the Commission may direct questions to members of the public. Public Comment is at the beginning of the meeting so the Commission can hear concerns and questions before acting on an issue. Those making public comment are expected to be familiar with the issue and have prepared comments ahead of time. To help the public in preparing for the meeting, any written material should be made available electronically or at City Hall to members of the public asking for a copy prior to the meeting.
 2. The Chair may limit the amount of time allowed for each person wishing to make a public comment at a Commission meeting.
- 5.8 Hearings. Hearings shall be scheduled and due notice given in accordance with the provisions of the acts and ordinance cited in Section I. Hearings shall coincide with a scheduled Planning Commission meeting 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:

- (a) The chairperson opens the hearing on time, and announces the subject of the hearing.
- (b) The procedures are summarized for all present. Procedures are to be posted on a wall or given to people on a handout. Each person who speaks must identify him/herself.
- (c) The staff presents the essence of the application and any staff reports or other pertinent information. This information shall be available to the public.
- (d) Individuals speaking in support are next invited to speak, beginning with the applicant and his/her representative.
- (e) Individuals speaking in opposition go next. Irrelevant and off-the-wall comments should be ruled "out-of-order" by the chairperson.
- (f) The Chairperson must either announce the close of the public comment portion of the hearing or announce the continuation of the public hearing to another specified time and date if the hour is late or additional pertinent information must be obtained.
- (g) The hearing body then deliberates on the matter.

The Chairperson may choose to incorporate the following procedures to improve the orderliness and productivity of the meeting:

- (a) If several people (from the same subdivision for example) who have the same view are present at a public hearing, the Chair may encourage a single representative to speak for the group. However, the Planning Commission should not prevent anyone from having an opportunity to speak.
- (b) The Chairperson can allow "cross-examination" or rebuttal, but should ensure that all comments are directed through the chair and not to a particular individual. The hearing body should refrain from debating or arguing with the persons. The purpose of the hearing is to gather facts, not to carry on an adversary relationship.

5.9 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.

5.10 Voting. A quorum of the commission shall be required for the approval of any requested action or motion placed before the Commission. Voting shall ordinarily be voice vote; provided however that a roll call vote shall be required if requested by any 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 abstain 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 abstaining from a vote shall not participate in the discussion of that item.

5.11 Notice of Decision. A written notice containing the decisions of the Planning Commission shall be sent to petitioners and originators of the request.

5.12 Attendance. The position of a member of the Commission shall be considered vacant if such member shall miss four consecutive regular meetings of the Commission or twenty-five percent of such meetings in the fiscal year of the City, unless such absences shall be excused by the Commission and the reason therefor entered in the proceedings of the Commission. Members should report to staff whether they plan to attend or not attend the meeting.

If a member cannot attend a meeting, he should contact the Secretary in advance of that meeting in order that attendance may be anticipated. A person shall be considered excused when, with prior notification, for any of the following reasons is provided:

- 1) illness
- 2) business
- 3) prearranged vacation
- 4) family conflict

5.12 Recess. The Chair, or the Commission, after the meeting has been in session for two hours shall suspend the Commission's business and evaluate the remaining items on its agenda. The Commission shall then decide to finish that meetings agenda, or may act to postpone certain agenda items to the next meeting. If applicable, such action shall include the time, day, month, date, year, and location the Commission will reconvene.

6. MINUTES

6.1 Commission minutes shall be prepared by the Secretary of the Commission. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and recording of 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. The official records shall be regularly deposited with the City Clerk.

7. OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS

7.1 All meetings of the Commission shall be open to the public and held in a place accessible to the general public.

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

7.3 A person shall be permitted to address a hearing of the Commission under the rules established in sub-section 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.

- 7.4 A person shall not be excluded from a meeting of the Commission except for breach of peace, committed at the meeting.
- 7.5 All records, files, publications, correspondence, and other materials available to the public for reading, copying, and other purposes are governed by the Freedom of Information Act.

8. CONFLICT OF INTEREST

8.1 In order to maintain public trust and ensure fairness, it is critical that the Commissioners remove themselves from discussions or hearings, and the decision process if they are in, or quite likely to be in, a conflict of interest situation. This can occur if a matter before the Commission involves:

- a) property a Commissioner owns, leases or rents
- b) property owned by a relative or employer
- c) a party with whom a Commissioner shows a financial interest, such as
 - 1) partner
 - 2) borrower, lender, renter
 - 3) investor

If a member of the Commission has a conflict that does not meet any of the defined qualifications above, the member shall disclose the potential conflict of interest to the planning commission. The member is disqualified from voting on the matter if so determined by a majority vote of the remaining members of the planning commission.

8.2 If a conflict of interest does exist, the Commissioner must disclose its existence at the beginning of the consideration of the subject to be discussed.

8.3 Conflicts of interest comprise the only reason for abstention or recusal from voting.

9. AMENDMENTS

These rules may be amended by the Legislative Body by a concurring vote 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 BYLAWS AND RULES OF PROCEDURE ARE HEREBY AMENDED ON THIS 19 DAY OF NOVEMBER, 2019

COMMISSIONERS PRESENT:

LARRY LEDEBUR _____
 CLAIRE ROBINSON _____
 SARAH HASELSHWARDT _____
 CATHY SCULL _____
 ERIK LARSEN _____
 JAMIE LANE _____
 ADAM ELLISON _____
 VINCENT ELIE _____
 PETER SHAW _____