

PLANNING COMMISSION BYLAWS

City of Pontiac

Municipal Code – Article V – Boards and Commissions

2-371. Scope, purpose and intent.

This division is adopted pursuant to the authority granted to the city under the Michigan Planning Enabling Act, Public Act No. 33 of 2008 (MCL 125.3801 et seq.) to establish a City Planning Commission with the powers, duties and limitations provided by those Acts and subject to the terms and conditions of this division and any future amendments to this division.

The purpose of this division is to provide that the City of Pontiac shall hereby confirm the establishment under the Michigan Planning Enabling Act, Public Act No. 33 of 2008 (MCL 125.3801, et seq.) to establish the appointments, terms, and membership of the city planning commission; to identify officers and the minimum number of meetings per year of the city planning commission; and to prescribe the authority, powers and duties of the city planning commission.

(Ord. No. 2222, § 2 (Exh. A), 5-20-11; Ord. No. 2224, § 1, 5-20-11)

2-372. Composition; terms.

- a. Under and by virtue of the authority in Act No. 33 of the Public Acts of Michigan of 2008 (MCL [125.3801](#) et seq.), there is created a city planning commission, formerly established under the former Act No. 285 of the Public Acts of Michigan of 1931 (MCL 125.31 et seq.). The city planning commission shall consist of six (6) resident persons plus one (1) ex officio member for a total of seven (7) members. The resident persons shall be appointed by the mayor, subject to approval by a majority vote of the City Council, or, in the event of an appointment of an Emergency Manager under the Local Government and School District Fiscal Accountability Act, Act No. 4 of the Public Acts of Michigan of 2011 (MCL [141.1501](#) et seq.), the Emergency Manager shall appoint the members without any vote by the City Council, as provided in state law.
- b. City planning commission members shall be qualified electors of the city (i.e., a United States citizen who is eighteen (18) years old, and who has been a resident of the State of Michigan for six (6) months and a resident of the City for at least thirty (30) days), except that one city planning commission member may be an individual who is not a qualified elector of the City.
- c. An appointed member of the city planning commission shall hold no other municipal office, except that one member may be a member of the zoning board of appeals or a member of the joint fire administrative board, except one ex officio member. No elected officer or employee of the City is eligible to be a member of the city planning commission, except one ex officio member.
- d. The term of each appointed member shall be three (3) years and shall serve for the terms herein specified, unless removed before the expiration of the term pursuant to this division or state law and except as provided in subsection (f) below.
- e. Members of the city planning commission shall represent, insofar as is possible, different professions or occupations. By way of example and to the extent practicable, members should come from the economic, governmental, educational, and social development segments of the City of Pontiac, in accordance with the major interests as they exist in the

City of Pontiac, such as agricultural, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire territory of the City of Pontiac to the extent practicable.

- f. The terms of the six (6) resident members shall be for three (3) years and commence on July 1, 2011; provided, however, that three members of the first city planning commission to be appointed hereunder shall serve until June 30, 2012, two members until June 30, 2013, and two members until June 30, 2014. Thereafter all members shall be appointed for a term of three years and shall serve until their successors are appointed and qualified. The term of ex officio member shall be concurrent with the term of office of the Mayor of the City of Pontiac. A member will hold the position until a successor is appointed, although the mayor or, in the event of an appointment of an Emergency Manager under the Local Government and School District Fiscal Accountability Act, Act No. 4 of the Public Acts of Michigan of 2011 (MCL [141.1501](#) et seq.), the Emergency Manager, shall nominate an appointee three (3) months prior to the expiration of a sitting appointee's term for consideration as an appointee under the provisions of this division.
- g. The ex officio member shall include the mayor or a person designated by him.
- h. No member of the city planning commission shall receive any compensation as such.
- i. The service of current members of the city planning commission shall terminate on June 30, 2011 (whether their terms are expired or unexpired), replaced by the members appointed under this division on July 1, 2011. Notwithstanding the foregoing, such current members of the city planning commission may apply for appointment to the new city planning commission created under this division.

(Ord. No. 2222, § 2 (Exh. A), 5-20-11; Ord. No. 2224, § 2, 5-20-11; Ord. No. 2236, § 1, 12-5-11)

Cross references—Buildings and building regulations, ch. [22](#).

State law references— Michigan Planning Enabling Act, MCL [125.3801](#) et seq.

2-373. Officers' election; meeting.

- a. The city planning commission shall elect its chairman from among the appointed members and create and fill such other of its offices as it may determine. The term of chairman shall be one (1) year, with eligibility for reelection.
- b. The city planning commission shall hold at least one regular meeting in each month.
- c. The city planning commission shall comply with the Open Meetings Act.

(Ord. No. 2222, § 2 (Exh. A), 5-20-11; Ord. No. 2224, § 3, 5-20-11)

2-374. Removal of city planning commission member vacancy.

- a. Members of the city planning commission may, after written charges and a public hearing occurring no sooner than ten (10) days after the preparation of written charges, be removed by the mayor for the following reasons: conflict of interest; inefficiency; neglect of duty; malfeasance, misfeasance or nonfeasance in office; lack of qualifications; incompetency; misconduct; conviction of a felony; or a violation of this charter (including the charter's conflict of interest provisions) or any job-related ordinance, rule or regulation. In the event of an appointment of an Emergency Manager under the Local Government and School District Fiscal Accountability Act, Act No. 4 of the Public Acts of Michigan of 2011 (MCL [141.1501](#) et seq.), the Emergency Manager may remove a member for any reason as

- provided by Act No. 4 of the Public Acts of Michigan.
- b. Members shall disclose of all potential conflicts of interest and may not vote on a matter for which the member has a conflict of interest. Failure to disclose potential conflicts of interest or voting on matters for which the member has a conflict of interest is considered malfeasance in office.
 - c. In the case of the termination of membership of any member of the city planning commission before the expiration of his term, through resignation, removal or any other reason, the vacancy shall be filled by appointment by the mayor, subject to the approval by a majority vote of the members of the city council, for the unexpired term of the member whose membership has terminated or, in the event of an appointment of an Emergency Manager under the Local Government and School District Fiscal Accountability Act, Act No. 4 of the Public Acts of Michigan of 2011 (MCL 141.1501 et seq.), the Emergency Financial Manager shall fill the vacancy with an appointment with no vote by the City Council required, as provided in state law.

(Ord. No. 2222, § 2 (Exh. A), 5-20-11; Ord. No. 2224, § 4, 5-20-11)

2-375. City liability limited; expenditures.

No liability shall be incurred by the city planning commission, nor shall any employee be hired or contract made with any person, except on the approval of the city planning commission by resolution. No expenditure of any funds shall be made unless such funds are first appropriated and set aside by the city planning commission.

(Ord. No. 2222, § 2 (Exh. A), 5-20-11; Ord. No. 2224, § 5, 5-20-11)

2-376. Additional duties

The City Planning Commission shall:

- a. Under the authority in Act No. 33 of the Public Acts of Michigan of 2008 (MCL 125.3801 et seq.), and other applicable planning statutes, the Planning Commission shall make a master plan as a guide for development within the City's planning jurisdiction;
- b. Keep a public record of all resolutions, transactions, findings and determinations, including, but not limited to, making all final agendas and minutes available on the City Planning Commission's website; and
- c. Make an annual written report to the Mayor and City Council of the City Planning Commission's operations and status of planning activities.
- d. Be exempted from preparing the capital improvement program in accordance with MCL 125.3865. The capital improvement program shall be prepared by the Community Development Director, subject to final approval by the City Council.

(Ord. No. 2222, § 2 (Exh. A), 5-20-11; Ord. No. 2224, § 6, 5-20-11; Ord. No. 2298, § 1, 7-7-13)

2-377. State regulations applicable.

The city planning commission, except as provided in this division, shall be governed by the rules and regulations set forth in Act No. 33 of the Public Acts of Michigan of 2008 (MCL 125.3801 et seq.), as amended. The purpose of the city planning commission shall be the adoption of a city plan and a zoning ordinance for the control of the height, area, bulk, location and use of buildings and premises in the city.

(Ord. No. 2222, § 2 (Exh. A), 5-20-11; Ord. No. 2224, § 7, 5-20-11)