

Gratiot County Planning Commission

By-Laws

Section 1.0 AUTHORITY

The Gratiot County Planning Commission (hereinafter referred to as the Commission) adopts these rules pursuant to Public Act 33 of the Public Acts of 2008, as amended, Public Act 110 of the Public Acts of 2006, as amended, and Public Act 267 of 1976, as amended, the Open Meetings Act.

Section 2.0 OFFICERS

- 2.1 **Selection.** At the first regular meeting in each calendar year, the Planning Commission shall elect from its membership a Chair, Vice-chair, and a Secretary. The County shall provide a recording secretary of the Commission. All officers shall be eligible for reelection. In the event the office of the Chair becomes vacant, the Vice-Chair shall succeed to this office for the unexpired term and the Commission shall select a successor to the office of Vice-Chair for the unexpired term.
- 2.2 **Tenure.** The Chair, Vice-Chair, and Secretary shall take office at the next regular meeting following their selection and shall hold office for a term of one year or until their successors are selected and assume office.
- 2.3 **Duties.**
- 2.3.1 **Chair's Duties.** The Chair retains his or her ability to discuss and vote on issues before the Commission. The Chair shall:
- a) Preside at all meetings;
 - b) Shall rule out of order any irrelevant remarks; remarks which are personal; remarks about another's race, religion, sex, physical condition, ethnic background, beliefs, or similar topics; profanity; or other remarks which are not about the topic before the Commission;
 - c) Restate all motions;
 - d) Appoint committees subject to Planning Commission approval;
 - e) Appoint officers of committees or choose to let the committees select their own officers;
 - f) May call special meetings pursuant to Section 3.3 of these By-Laws;
 - g) Act as an Ex-Officio member of all committees of the Commission;
 - h) Appoint an Acting-Secretary in the event the Secretary is absent from a Commission meeting;
 - i) Review with the Secretary or staff, prior to a Commission meeting, the items to be on the agenda if he or she so chooses;
 - j) Periodically meet with the Permits Office staff to review departmental operation, procedures, and to monitor progress on various projects; and
 - k) Perform such other duties as may be ordered by the Commission.
- 2.3.2 **Vice-Chair's Duties.** The Vice-Chair shall:
- a) Act in the capacity of Chair, with all the powers and duties found in Section 2.31 of these Rules, in the Chair's absence;

- b) In the event the office of the Chair becomes vacant, the Vice-Chair shall succeed to this office for the unexpired term and the Commission shall select a successor to the office of Vice-Chair for the unexpired term; and
- c) Perform such other duties as may be ordered by the Commission.

2.3.3 Secretary's Duties. The Secretary shall:

- a) Execute documents in the name of the Commission;
- b) Be responsible for the minutes of each meeting, pursuant to Section 4.0 of these By-Laws if there is not a recording secretary;
- c) Review the draft of the minutes, sign them, and submit them for approval to the Commission and shall have them annually deposited with the County Clerk. Copies of minutes shall be distributed to each member of the Commission prior to the next meeting of the Commission (the Secretary may delegate this duty to Commission staff);
- d) Receive all communications, petitions, and reports to be addressed by the Commission, delivered or mailed to the Secretary in care of the Permits Office;
- e) Keep attendance records;
- f) Provide notice to the public and members of the Commission for all regular and special meetings, pursuant to the Open Meetings Act, P.A. 267 of 1976, as amended, M.C.L. 15.261 et seq. (the Secretary may delegate this duty to Commission staff);
- g) Prepare an agenda for Commission meetings pursuant to Section 3.9 of these By-Laws (the Secretary may delegate this duty to Commission staff);
- h) May delegate duties to a recording secretary (who shall not be a member of the Commission) which may be designated by the County; and
- i) Perform such other duties as may be ordered by the Commission.
- j) In the event the Secretary is absent, the Chair or acting Chair shall appoint a temporary secretary for such meeting.

2.4 Incompatibility of Office.

2.4.1 Each member of the Commission shall avoid conflicts of interest and/or incompatibility of office. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:

- a) Issuing, deliberating on, voting on, or reviewing a case concerning him or her.
- b) Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by him or her or which is adjacent to land owned by him or her.
- c) 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 he or she may stand to have a financial gain or loss.
- d) Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a pecuniary benefit to him or her.
- e) Issuing, deliberating on, voting on, or reviewing a case concerning biological familial relationships such as, though not limited to 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.
- f) Issuing, deliberating on, voting on, or reviewing a case where his or her employee or employer is:
 - ✦ an applicant or agent for an applicant, or
 - ✦ has a direct interest in the outcome.

- 2.4.2 If there is a question whether a conflict of interest exists or not, the question shall be put before the Commission. Whether a conflict of interest exists or not shall be determined by a majority vote of the remaining members of the Commission.
- 2.4.3 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:
- a) declare a conflict exists at the next meeting of the Commission or committee,
 - b) cease to participate at the Commission or committee meetings, or in any other manner, or represent one's self before the Commission, its staff, or others, and
 - c) during deliberation of the agenda item before the Commission or committee, leave the meeting or remove one's self from the front table where members of the Commission sit, until that agenda item is concluded.
- 2.4.4 If a member of the Commission is appointed to another office, which is an incompatible office with his or her membership on the Commission, then on the effective date of the appointment to the other office, that shall result in an automatic resignation from the Commission. If a member of another office is appointed to the Commission, which is an incompatible office with his or her membership in the other office, then on the effective date of the appointment to the Commission, that shall result in an automatic resignation from the other office.

Section 3.0 MEETING

- 3.1 **Meeting Notices.** All meetings shall be posted at the Gratiot County Courthouse according to the Open Meeting Act. The notices shall include the date, time and place of the meeting.
- 3.2 **Regular Meetings.** Meetings of the Commission shall be held at least four (4) times annually, unless there are no agenda items for consideration, in which case the scheduled meeting may be cancelled. Said meetings to be held on the first Wednesday of the month at 5:00 p.m. in the Gratiot County Courthouse or other announced site. The date shall be posted at the Gratiot County Courthouse. 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 the regular meeting day falls on a legal holiday, the Commission shall select a suitable alternate day in the same month, in accordance with the Open Meeting Act.
- 3.3 **Special Meetings.** Special meetings shall be called at the request of the Chairperson, or upon written request to the secretary by any two members of the Commission. 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 the Commission members not less than 48 hours in advance of the meeting.
- 3.4 **Public.** All regular and special meetings, hearing, records and accounts shall be open to the public in accordance with the Freedom of Information Act, P.A. 443 of 1976 (MCLA 15.231 et seq.).

- 3.5 **Quorum.** In order for the Commission to conduct business or take any official action, a quorum consisting of the majority of the voting members of the Commission shall be present. 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 meetings 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.
- 3.6 **Hearings (Public).** Public hearings shall be scheduled and due notice given in accordance with the provisions of the County's Zoning Ordinance, Public Act 33 of Public Acts of 2008, as amended, and/or Public Act 110 of the Public Acts of 2006, as amended. Public hearings conducted by the Commission shall be run in an orderly and timely fashion a maximum speaking time during public comment of three (3) minutes for individuals and five (5) minutes for a representative of a group. The Commission may adopt a specific format.
- 3.7 **Motions.** The chairperson shall restate motions before a vote is taken. The name of the maker and supporter of the motion shall be recorded.
- 3.8 **Voting.** An affirmative vote of the majority of the Commission present 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 be excused 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.
- 3.9 **Order of Business: Agenda.** A written agenda for all regular and special meetings shall be prepared as follows. The recommended order of business may be:
- ✦ Call to Order
 - ✦ Roll Call
 - ✦ Approval of Minutes
 - ✦ Public Comments and Communications Concerning Items on the Agenda
 - ✦ Public Hearings
 - a. Explanation of request by staff
 - b. Presentation of request by applicant
 - c. Presentation of staff report
 - d. Open hearing to public comment
 - e. Close hearing to public comment
 - f. Questions to applicant and staff, from Planning Commission members
 - g. Close public hearing
 - h. Decision
 - ✦ Unfinished Business
 - ✦ New Business
 - ✦ Committee and special reports.
 - ✦ Any General Public Comments on Any Item Not on the Agenda
 - ✦ Adjournment
- 3.10 **Commission Action.** Action by the Commission on any matter on which a hearing is held shall not be taken until the hearing has been concluded, and sufficient time has been given to discuss everything pertinent to any action.

- 3.11 **Parliamentary Procedure.** Parliamentary procedure in commission meetings shall be guided by Roberts Rules of Order.
- 3.12 **Notice of Decision.** A written notice containing the decision of the Planning Commission shall be sent to petitioners and originators of a request.
- 3.13 **Meeting Documents.** All meeting documents must be at the Gratiot County Permits Office no less than ten (10) days prior to the Planning Commission meeting in order to be placed on the agenda.

Section 4.0 MINUTES

The Secretary of the Commission shall prepare Commission minutes. 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 annually deposited with the County Clerk.

Section 5.0 OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS

- 5.1 All meetings of the Commission shall be open 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 3.6, and to address the Commission concerning non-hearing matters under the rules established in Section 3.9 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, correspondence, and other materials are available to the public for reading, copying and other purposes as governed by the Freedom of Information Act.

Section 6.0 AMENDMENTS

These rules may be amended at any regular or special meeting by the Commission by a concurring vote pursuant to subsection 3.8, 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 THIS 16TH DAY OF MARCH, 2011
GRATIOT COUNTY PLANNING COMMISSION.

AMENDED SECTION 3.2 REGULAR MEETINGS FROM "SECOND" TO "FIRST" THIS 12TH DAY OF
OCTOBER, 2022 GRATIOT COUNTY PLANNING COMMISSION.

Karla Childers, Chairperson