JONESVILLE PLANNING COMMISSION BYLAWS

Adopted June 1, 2010

1. **Name Purpose** The name shall be the Village of Jonesville Planning Commission, hereafter known as the "Commission".
   A. These Bylaws are adopted by the Commission to facilitate the performance of its duties as outlined in P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, (M.C.L. 125.3801 *et seq.*), hereinafter "the Planning Act."
   B. These Bylaws are also adopted to facilitate the duties of the Commission for administration of a zoning ordinance as outlined in P.A. 110 of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 *et seq.*), hereinafter "the Zoning Act."

2. **Membership** Members. Members of the Commission are appointed by the Jonesville Village Council pursuant to the Village of Jonesville Planning Commission Ordinance #201 of April 1, 2010, as amended.
   A. The Commission shall consist of seven (7) members appointed by the Jonesville Village Council. To be qualified to be a member and remain a member of the Jonesville Planning Commission, the individual shall meet the following qualifications:
      1. shall be a qualified elector of the Village of Jonesville, except that two members may be a non-qualified elector;
      2. after an individual's first appointment and before reappointment the Commission member is encouraged to attend planning and zoning related training, pursuant to section 104 of Ordinance #201;
      3. shall meet the conditions provided for each individual member in sections 102.C, 102.D, 102.E, and 102.F of Ordinance #201, except the geographical location of the individual's residency may be considered optional.
   B. Members shall be appointed for three-year terms. However when first appointed a number of members shall be appointed to one-year, two-year, or three-year terms such that, as nearly as possible, the terms of 1/3 of all Commission members will expire each year. If a vacancy occurs, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment such that, as nearly as possible, the terms of 1/3 of all Commission members continue to expire each year.
   C. Ex officio members shall include the chief elected official of the Village of Jonesville and one (1) member of the Village of Jonesville Council. The terms of office of ex officio members shall coincide with their elected terms of office on the Village Council.
   D. The membership shall be representative of the important segments and in accordance with the major interests, as they exist in the Village of Jonesville. The interests segments shall be as follows:
      1. Natural Resources and Recreation
      2. Education
      3. Government
      4. Economic Development
   E. The membership shall also be representative of the entire geography of the Village of Jonesville to the extent practicable, and as a secondary consideration to the representation of the major interests.
   F. The chief elected official and the member of the Village Council appointment to the Village of Jonesville Planning Commission shall not be chair of the Commission.
   G. Not more than 1/3 of the total membership of the Commission shall consist of members of the Village Council.

H. Attendance. If any member of the Commission is absent from three consecutive regularly scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the Jonesville Village Council to remove a member from the Commission for nonperformance of duty, or misconduct. The Commission secretary shall notify the Jonesville Village Council whenever any member of the Commission is absent from three consecutive regularly scheduled meetings, so the Jonesville Village Council can consider further action allowed under law or excuse the absences.

I. Training. Appointed members of the Commission shall attend educational programs designed for training members of Michigan planning commissions if the adopted Village of Jonesville budget for that fiscal year includes funds to pay for tuition, registration, and travel expenses for the training. The members shall make every effort to attend a core-training program on planning and zoning before the conclusion of their first term of office. Training programs will be affiliated with state, local or university based planning organizations.

J. Incompatibility of Office.

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 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:
      (1) an applicant or agent for an applicant, or
      (2) has a direct interest in the outcome.
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.
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.
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.

3. **Duties of all members.**

A. *Ex Parte* contact

1. Members shall avoid *Ex Parte* contact about cases where an administrative decision is before the commission whenever possible.
2. Despite one's best efforts it is sometimes not possible to avoid *Ex Parte* contact. When that happens, the member should take detailed notes on what was said and report to the Commission at a public meeting or hearing what was said, so that every member and other interested parties are made aware of what was said.

B. Site Inspections

1. Site inspections shall be done by the zoning administrator or other staff. A written report of the site inspection shall be orally presented to the Commission at a public meeting or hearing on the site.
2. If desired, no more than one member of the Commission may accompany the zoning administrator or staff on a site inspection.

C. Not Voting On the Same Issue Twice.

1. Any member of the Commission shall avoid situations where they are sitting in judgment and voting on a decision which they had a part in making. As used here, sitting in judgment and voting on a decision which they had a part in making, at a minimum shall include, but not necessarily be limited to, the following:
   a. When the appeal is of an administrative or other decision by Commission and the member of the Commission sits both on the Commission and Zoning Board of Appeals.
   b. When the appeal is of an administrative or other decision by any committee of the Commission, Jonesville Village Council, or other committee and the member of the Commission sits both on that committee and Zoning Board of Appeals or both on the Commission and Zoning Board of Appeals.
   c. When the case is an administrative decision which was decided by the Commission and sent to the Jonesville Village Council for further action, and the member of the Commission sits both on the Commission and Jonesville Village Council.

D. Accepting gifts.

1. Gifts shall not be accepted by a member of the Commission or liaisons from anyone connected with an agenda item before the Commission.
2. As used here, gifts shall mean cash, any tangible item, or service, regardless of value; and food valued over $10.
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.

E. Spokesperson for the Commission.

1. Free and open debate should take place on issues before the Commission. Such debate shall only occur at meetings of the Commission.
2. Once a vote is taken and an issue is decided by vote, the duty of each member of the Commission is to represent the position reflected by the outcome of the vote. Minority reports and requests for reconsideration may take place only at an open meeting of the Commission.

3. From time-to-time or on a specific issue the Commission may appoint a spokesperson for the Commission for all matters which occur outside of the meetings of the Commission.

4. Officers

A. Selection. At the regular meeting in January of each year, the Commission shall select from its membership a Chair, Vice-Chair and Secretary. All officers are eligible for reelection. In the event the office of the Chair becomes vacant the Commission shall select a successor to the office of Chair for the unexpired term. The Commission may also designate another person who is not a member of the Commission to be the recording secretary.

B. Tenure. The Chair, Vice-Chair and Secretary shall take office January 1 following their selection and shall hold office for a term of one year or until their successors are selected and assume office.

C. Chair's Duties. The Chair retains his or her ability to discuss, make motions and vote on issues before the Commission. The Chair shall:

1. Preside at all meetings with all powers under parliamentary procedure;
2. 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;
3. Restate all motions before a vote is taken;
4. Appoint committees;
5. Appoint officers of committees or choose to let the committees select their own officers.
6. May call special meetings pursuant to Section 5.B of these Bylaws;
7. Act as an Ex-Officio member of all committees of the Commission;
8. Appoint an Acting-Secretary in the event the Secretary is absent from a Commission meeting.
9. Review with the Secretary or staff, prior to a Commission meeting, the items to be on the agenda if he or she so chooses;
10. Represent the Commission, along with the Village of Jonesville Council Commission member, before the Jonesville Village Council; and
11. Perform such other duties as may be ordered by the Commission.

D. Vice-Chair's Duties. The Vice-Chair shall:

1. Act in the capacity of Chair, with all the powers and duties pursuant to Section 4.C of these Rules, in the Chair's absence;
2. Perform such other duties as may be ordered by the Commission

E. Secretary's Duties. The Secretary shall:

1. Be responsible for the minutes of each meeting, pursuant to section 7 of these Bylaws if there is not a recording secretary.
2. Perform such other duties as may be ordered by the Commission.

5. Meetings

A. Regular meetings. Meetings of the Commission will be held the first Tuesday of every month at 7 p.m. at the Village Hall, 265 E. Chicago Street, Jonesville, Michigan except when designated otherwise. When the regular meeting day falls on a legal holiday, the Commission shall select a suitable alternate day in the same month. An annual notice or regularly scheduled Commission meetings shall comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meeting Act M.C.L. 15.261 *et seq.*)

B. Special Meetings. Special meetings shall be called in the following manner:

1. By the Chair.
2. By any two members of the Commission.

3. By the Chair at the request of any non member of the commission, upon payment of a non-refundable fee to cover costs of the special meeting.
4. Notice of special meetings shall be given to members of the Commission at least forty eight (48) hours prior to such meeting and shall state the purpose, time, day, month, date, year and location of the meeting). In addition notices shall comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meetings Act M.C.L. 15.261 *et seq.*).

C. Quorum. More than half the total number of seats for members of the Commission, regardless if vacancies exist or not, shall constitute a quorum for the transaction of business and the taking of official action for all matters before the Commission. Whenever a quorum is not present at a regular or special meeting, those present shall adjourn the meeting to another day.

D. Motions. Motions shall be restated by the Chair before a vote is taken.

E. Voting. Voting shall be by voice and shall be recorded as passing or failing. Roll call votes will be recorded only upon request by a member of the Commission and shall be recorded by "yes" or "no". Members must be present to cast a vote. Voting by proxy shall not occur. The affirmative vote of a majority of those present or a majority of a quorum, whichever is greater, shall be necessary for the adoption of motions. The affirmative vote of a majority of the total number of seats for members of the Commission, regardless if vacancies or absences exist or not, shall be necessary for the adoption, or recommendation for adoption, of any plan or amendment to a plan.

F. 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.

G. Parliamentary Procedure. Parliamentary procedure in Commission meetings shall be informal. However, if required to keep order, Commission meetings shall then be governed by *Roberts Rules of Order Newly Revised,* (10th Edition, Perseus Publishing, New York, 2000 (ISBN 0-7382-037-6)) for issues not specifically covered by these Bylaws. Where these Bylaws conflict, or are different than *Robert's Rules of Order*, then these Bylaws control.

H. 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 printed 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 shall be made available without cost for 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 public comment at a Commission meeting. The Chair may ask members of the audience to caucus with others sharing similar positions so they may select a single spokesperson. If a single spokesperson is selected, that individual shall be able to make public comment at the Commission meeting without time limit or an extended time limit.

7. **Record.**

A. Minutes and Record. The Secretary shall keep, or cause to be kept, a record of Commission meetings, which shall at a minimum include an indication of the following:

1. Copy of the meeting posting pursuant to P.A. 267 of 1976, as amended, (being the Michigan Open Meetings Act, M.C.L. 15.261 *et seq.*)

2. Copy of the minutes, and all its attachments which shall include a summary of the meeting, in chronological sequence of occurrence:

B. Retention. Commission records shall be preserved and kept on file according to the following schedule:
1. Minutes, bonds, oaths of officials, zoning ordinances, master or compressive plans, other records of decisions, Commission or department publications: Permanent.
2. General ledger: 20 years.
3. Account journals: 10 years.
4. Bills and/or invoices, receipts, purchase orders, vouchers: 7 years.
5. Correspondence: Permanent.

8. **Committees**

A. Ad Hoc Committees. The Commission or Chair may establish and appoint ad hoc committees for special purposes or issues, as deemed necessary. Less than a quorum may serve on an ad hoc committee at any given time.

B. Citizen Committees. The Commission or Chair may establish and appoint citizen committees with the consent of the Commission. Membership can be any number, so long as less than a quorum of the Commission serves on a citizen committee at any given time. The purpose of the citizen committee is to have more citizen and municipal government involvement, to be able to use individuals who are knowledgeable or expert in the particular issue before the Commission and to better represent various interest groups in the Village of Jonesville.

9. **Rules of Procedure for All Committees**

A. Subservient to the Commission. All committees are subservient to the Commission and report their recommendations to the Commission for review and action. The Commission can overrule any action of any committee.

B. Same Principles. The same principals of these Bylaws for the Commission also apply to all committees of the Commission.

10. **Per Diem** Per diem shall be paid to members of the Commission at rates established by the Jonesville Village Council for attending Commission meetings and Committee meetings, and other authorized meetings and trips to represent the Village of Jonesville, if those Commission members bill the Village of Jonesville for the same. No mileage or per diem is paid to any members of the Commission, unless authorized and budgeted by the Jonesville Village Council.

11. **Hearings**

Plan Hearings. Before the adoption of any part of a plan, as defined in the Planning Act, or any amendment to a plan, or recommending approval of an amendment to the Jonesville Village Council, the Commission shall hold a public hearing on the matter. Notice of the time and place of the hearing shall be given, not less than 15 days prior to such hearing, by at least one publication in each newspaper of general circulation.

12. **Zoning Responsibilities**

A. All powers of the zoning commission have been transferred to this Commission, pursuant to M.C.L. 125.3301 of the Zoning Act.

B. Zoning adoption or amendment (including PUD zoning amendments). The commission shall review and act on all proposed zoning ordinances, or zoning amendments pursuant to the Zoning Act. At least one hearing shall be held on each proposed zoning ordinance or

amendment, with notices given as specified in the zoning ordinance and the Zoning Act. After the hearing, action shall be in the form of a recommendation to the legislative body. At a minimum the recommendation shall include:

1. Zoning plan for the areas subject to zoning, or zoning amendment of the local unit of government;
2. The establishment of or modification of zoning districts, including the boundaries of those districts, if applicable;
3. The text of a zoning ordinance or amendment with the necessary maps and zoning regulations to be adopted for a zoning district or the zoning jurisdiction as a whole; and
4. The manner of administering and enforcing the zoning ordinance.

C. Special Use Permit (including PUDs). The Commission shall review and act on all special use permits pursuant to the Zoning Act and zoning ordinance. At least one hearing shall be held on each proposed zoning ordinance or amendment, with notices given as specified in the zoning ordinance and the Zoning Act. After the hearing action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action, and the Commission's action.

D. Site Plan Review. The Commission shall review and act on all those site plans which the zoning ordinance requires Commission action. Action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action, and the Commission's action.

E. Appeals. The Commission shall not act, or otherwise hear issues on zoning ordinance interpretation, zoning map interpretation, non-use variances, or use variances. Such matters shall be exclusively the jurisdiction of the Zoning Board of Appeals.

F. Conflict of Interest. Pursuant to Section 2,J.

13. **Plan Reviews**

The Commission shall review all adjacent, contiguous, local government plans and the county plans in which the Commission service area is located.

14. **Capital Improvements Review**

A. The Commission shall review preliminary plans for the physical development of the Village of Jonesville.

B. The Commission shall communicate its recommendations, including its reasons for approval or disapproval to the Village Council.

15. **Adoption, Repeal, Amendments** Upon adoption of these Bylaws on June 1, 2010, they shall become effective and all previous Bylaws shall be repealed.

A. The Commission may suspend any one of these Bylaws, for a duration of not more than one agenda item or meeting.

B. These Bylaws may be amended at any regular or special meeting by a two-thirds vote of the members present.

Adopted June 1, 2010 at a regular meeting of the Jonesville Planning Commission.