

PLANNING COMMISSION BY-LAWS & RULES OF PROCEDURE

Amended October 11, 2006

1. AUTHORITY

These By-Laws and Rules of Procedures are adopted by the City of Bay City Planning Commission (hereinafter referred to as the Commission) pursuant to Public Act 285 of 1931 and Public Act 267 of 1976 as amended, the Open Meetings Act; also pursuant to Article VI, Section 7, of the City Charter and Chapter 2, Article V of the Code of Ordinances of the City of Bay City.

2. MEMBERSHIP

2.1 Membership shall consist of seven members who shall be appointed by the City Commission and shall represent, insofar as it is possible, different professions or occupations; and in addition to seven members, the City Manager shall be ex-officio, a member of said Commission, but without a vote thereon.

2.2 Planning Commission members shall be residents of the City of Bay City and shall hold no elective municipal office while serving on the Planning Commission, except that one member may be a member of the Zoning Board of Appeals. The term of office shall be five years and they shall continue to serve after their term expires until a successor is appointed.

3. OFFICERS

3.1 **Selection.** At the November meeting, the Commission shall select from its membership a president, vice-president, and secretary who shall serve for a twelve month period and who shall be eligible for re-election. Nominations and subsequent votes shall be made from the floor for one officer at a time. A candidate receiving a majority vote of the entire membership of the Commission shall be declared elected.

3.2 **Duties.**

The president shall preside at all meetings and shall conduct all meetings in accordance with the rules provided herein. The president shall decide all points of order and procedure. The president shall designate the members of such committees as may be found necessary from time to time unless otherwise directed by a majority of the Commission in session.

The vice-president shall act in the capacity of the president in the absence of the president and shall succeed to the office of president in the event of a vacancy in that office, in which case the Commission shall select a successor to the office of vice-president at the earliest practicable time.

The secretary shall act in the capacity of the president in the absence of the president and the vice-president. The secretary shall sign all minutes, keep all pertinent public records, deliver communications, petitions, reports, and related items of business of the Commission, issue notices of public hearings, and perform related administrative duties to assure efficient and informed Commission operations. The secretary and Commission may call upon the Bay City Planning Division staff for clerical assistance as deemed necessary.

3.3 **Tenure.** The officers shall take office immediately following their election. They shall hold their office for a term of one year, or until their successors are elected and assume office.

3.4 Vacancies in office shall be filled at the same or next meeting under the rules established in subsection 2.1.

4. ATTENDANCE

4.1 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 a twelve month period, unless such absences are excused by the Commission.

4.2 If a member cannot attend a meeting, Planning Division staff or president should be contacted in advance of the meeting.

5. MEETINGS

5.1 **Meeting Notices.** All meetings shall be posted at the Bay City Hall according to the Open Meetings Act. The notice shall include the date and time of the meeting.

5.2 **Regular meetings.** Regular meetings of the Commission shall be held monthly in the Bay City Hall on the third Wednesday of the month at 7:00 P.M unless otherwise directed by the Commission. A meeting schedule for the following year shall be adopted by December 31st of the current year. The dates and times should be posted at the Bay City Hall and a notice should be published in accordance with the Open Meetings Act. Any changes in the date or time of the regular meetings shall be posted and noticed 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, in accordance with the Open Meetings Act.

5.3 **Special Meetings.** A special meeting may be called by the president or by two members of the Commission upon written request to the secretary. Each member must be notified at least 48 hours in advance of the time set for the meeting unless an announcement of a special meeting is made at any meeting of the Commission at which a quorum is present. The business which the Commission may perform shall be conducted at a public meeting of the Commission held in compliance with the Open Meetings Act.

5.4 **Quorum.** In order for the Commission to conduct business or take any official action, a quorum consisting of four members of the Commission shall be present. When a quorum is not present, no official action, except for the 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 **Hearings.** Hearings shall be scheduled and due notice given in accordance with the provisions of the acts and ordinances cited in Section 1. Public hearings by the Commission shall be run in an orderly and timely fashion. This shall be accomplished by the procedures outlined in subsection 5.8.



Any petitions for amendments to the Zoning Ordinance or for street and alley vacations, except those initiated by the Planning Commission, must be submitted to the City Commission before being referred to the Planning Commission. When the City Commission refers matters back to the Planning Commission for reconsideration, another public hearing will be held before any recommendation may be made from the Planning Commission to the City Commission.

Petitions to amend the Zoning Ordinance or to vacate streets or alleys must be received by Planning Division staff at least twenty days prior to a meeting where the same is to be heard in a public hearing. Applications for Special Approval Permits and Site Plan Review must be received at least twenty days prior to the meeting. Applications failing to meet minimum ordinance requirements shall not be processed.

5.6 Motions. Motions shall be restated by the president before a vote is taken. The name of the maker and supporters of the motion shall be recorded.

Voting. An affirmative vote of the majority of the members present shall be required for the approval of any requested action or motion placed before the Commission. Voting shall be by voiced vote; however a roll call vote shall be required if requested by the president or any Commission member. All members of the Commission including the president shall cast one vote on each item, but in the case of a roll call vote the president shall vote last. Any member may be excused from voting only if that person has a definite 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 the motion.

5.7 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."

5.8 Order of Business. A written agenda for all regular meetings shall be followed as prepared. The order of business shall be:

- A. Call to Order
- B. Roll Call
- C. Approval of Minutes
- D. Secretary Instructions
- E. Public Comments and Communications Concerning Items Not on the Agenda
- F. Public Hearing-Action to Open Public Hearing (one time per meeting all cases heard)
 - 1. Staff Report(s) on Case(s)
 - 2. Applicant(s) Comments
 - 3. Commission and Staff Questions to Applicant(s)
 - 4. Public Comment on Request(s) (five minutes per person)
 - 5. Applicant(s) Response to Public Comment(Action to Close Public Hearing)
- G. Business Session
- H. Discussion and Action on Case(s)
- I. Unfinished Business



- J. New Business
- K. Any other Business

6. MINUTES/AFFIDAVIT

- 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 received by the City Commission and filed with the City Clerk.
- 6.2 A written affidavit containing the decision of the Commission will be sent to petitioners and originators of a request to insure compliance with the requirements, specifications, and conditions approved by the Commission. The affidavit must be signed and notarized in the presence of staff.

7. OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS

- 7.1 All meetings of the Commission shall be opened to the public and held in a place available 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 subsection 5.5, and to address the Commission concerning non-hearing matters under the rules established in Section 5.8 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 the peace, committed at the meeting.
- 7.5 All records, files, publications, correspondence, and other materials are available to the public for reading, copying, and other purposes are governed by the Freedom of Information Act.

8. AMENDMENTS

These rules may be amended by the Commission by a concurring vote pursuant to subsection 5.7, 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.

BAY CITY PLANNING COMMISSION BY-LAWS AND RULES OF PROCEDURES
AMENDED THIS 11TH DAY OF OCTOBER, 2006.



Kurt Fogelsonger
President

