

PLANNING COMMISSION RULES OF PROCEDURE
City of Swartz Creek, Michigan
January 6, 2009

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**ARTICLE I: GENERAL STATUTES, ORDINANCES
AND RULES OF PROCEDURE**

The City of Swartz Creek Planning Commission, hereinafter referred to as the “Commission” has been created pursuant to Act 285 of the Public Acts of 1931, as amended and is governed by the statutes, ordinances, and rules cited in the document.

The City of Swartz Creek Planning Commission has adapted these rules for the transaction of its business and as provided by law. The rules of the Commission are available to the public, upon request, at the city office. The office is located at the Paul D. Bueche Municipal Building, 8083 Civic Drive, Swartz Creek, Michigan 48473-1498, which is open for business during hours specified by the City. All communications to the Commission shall be addressed to its Chairperson through the administrative offices located at the above location.

ARTICLE II: COMMISSION POWERS AND MEMBERSHIP

2.1 Powers of commission, Numbers of Members and Term of Office

The Commission exercises powers delegated to it by law. The Commission shall consist of nine (9) members, based on the methods of appointment, qualifications, term of office, procedure for removal, procedure for filling vacancy and terms of members appointed to fill vacancies as set forth in the City Charter and Ordinances.

2.2 Causes for Removal from Commission

Causes for removal of members from the Commission in the manner provided by the City Charter and applicable laws include inefficiency, wrong doing and malfeasance in the office.

2.3 Resignations of Office

A member wishing to resign should give a one (1) month notice of resignation or intent to resign to the Mayor, City Council, City Clerk and/or Chairperson in such a manner as to allow time for appointment of a replacement.

Upon learning of the death or resignation of a member, the Chairperson should promptly notify the Mayor. If a member is unable to perform the duties of office, moves from the jurisdiction, or is no longer qualified for office and fails to resign, the Chairperson should notify the Mayor of such relevant facts and request that appropriate investigation and action be taken.

ARTICLE III: OFFICERS, COMMITTEES AND DUTIES

3.1 Election and Term of Chairperson, Vice-Chairperson and Secretary

On an annual basis, and generally at the regular meeting in February, the Commission shall elect from its membership a Chairperson, Vice-Chairperson and Secretary. They shall take office immediately upon election and shall hold office for a term of one (1) year, ending after the regular meeting in February and until their successors are elected and assume office.

3.2 Succession of Office

If the Chairperson resigns his/her office or is no longer a member of the Commission, the Vice-Chairperson shall succeed him/her in office for the remainder of the term. If the Vice-chairperson resigns his/her office, is no longer a member of the Commission, or succeeds to the office of Chairperson, the Secretary shall succeed him/her in office for the remainder of the term. If the Secretary resigns his/her office, is no longer a member of the Commission or succeeds to the office of Vice-Chairperson, a special election shall be held at the next regular meeting to elect a Secretary to complete the remainder of the term.

3.3 Duties of Officers

A. Chairperson

The Chairperson shall preside at all meetings and hearings of the Commission. If the Chairperson is absent or unable to preside, the Vice-Chairperson shall preside. If both are absent or unable to preside, the Secretary shall preside. If all officers are absent, the members present shall, by a majority vote, choose a member present to preside.

In accordance with these and other applicable rules, the presiding officer shall decide all points of procedure and order. The Chairperson shall maintain order and decorum, and to that end may order removal of persons who have actually committed a breach of the peace at a meeting.

The Chairperson may appoint up to three (3) members to serve on subcommittees to address specific issues such as:

- Annual Planning Commission Education Budget
- Annual Zoning Board of Appeals Case Review
- Site Plan Approval
- Annual Review of Rules of Procedure
- Master Plan
- Zoning Ordinance Update
- PUD Reviews
- Others for purposes and terms set by the Commission

B. Vice Chairperson

The Vice-Chairperson shall perform all duties delegated by the Chairperson as necessary to insure Commission functions are performed

in a timely manner. The Vice-Chairperson shall perform all duties so delegated, and in the case of absence or incapacity of the Chairperson, on approval by majority of the Commission, shall perform any or all duties of the Chairperson, whether or not delegated.

C. Secretary

The secretary monitors the maintenance of the records of the Commission with the assistance from staff or consultants, including correspondences, notices, records and minutes of meetings, resolutions, transactions, findings, determinations, committees, and general clerical work of the commission. The secretary should maintain a book for the Planning Commission Rules of Procedure which shall be kept current. All amendments shall refer to the date and page of the minutes where recorded.

ARTICLE IV: CONDUCT OF COMMISSION IN MEMBERS AND STAFF

4.1 Conflicts of Interest

The Commission recognized that in the performance of its duties, matters will be presented and considered upon which one (1) or more members may have or perceive that they have a conflict of interest due to economic, personal or other reasons; the existence of which will or may be perceived by other members of the commission or general public as having the potential for interfering with or influencing the member's unbiased consideration and vote. It is the policy of the commission to require and encourage a full and accurate disclosure of such conflicts or potential conflicts at the earliest possible time, so that the Commission may determine whether a member may or should abstain from participation and voting.

Consistent with this policy, each member has a duty to disclose any conflicts or potential conflicts and the relevant facts to the extent it does not violate a confidence, to the Commission at the first meeting at which the matter creating the potential conflict is considered. The member's disclosure shall include an indication of whether the potential conflict disclosed will interfere or influence their consideration and vote and whether the member wishes to abstain from voting.

After a disclosure of potential conflict is made by a member, and discussed by the Commission, whether the member may or shall abstain from discussion and voting shall be decided by motion and majority vote of the members in attendance at the meeting, excluding the member of discussion.

Any questions or claims that a member has failed to disclose a potential conflict of interest shall be presented at the first meeting after the matter alleged to create the conflict was considered by the commission. If such questions or claims are made, and after the member with the alleged conflict has had the opportunity to respond, which shall include a statement on whether they wish to vote or abstain,

the Commission shall resolve the claim and the member's voting rights by motion to permit or require the member to abstain from consideration and voting. If the member has indicated a desire to participate and vote on the matter, a concurring vote of the majority of the Commission is required to permit said participation and voting.

ARTICLE V: APPLICATIONS

All requests requiring Commission consideration or approval shall be filed in accordance with procedures and requirements set forth in the applicable ordinances.

Completed applications shall be considered at the next available meeting date and may be decided at the same meeting, at another regular meeting of the Commission or at a special meeting.

Items shall be placed on the agenda generally according to the date and time the completed application has been received. However, when preparing the proposed agenda the order may be changed for the purpose of efficiency, expediency or convenience to the public.

The Commission may require such surveys, plans or other information it considers necessary for proper evaluation or consideration of a matter. Where information is lacking or inadequate, the commission may postpone the matter until such time as the required information has been furnished.

When a public hearing is required, notice of the public hearing will be issued in the time and manner specified by law.

ARTICLE VI: MEETINGS

6.1 Regular Meetings

Regular meetings of the Commission are generally held at the Paul D. Bueche Municipal Building, 8083 Civic Drive, Swartz Creek Michigan on the first Tuesday of the month, with exceptions required by City holidays, facility scheduling or as noticed in the annual meeting calendar adopted by the Commission. In the event a regular meeting falls upon an official City holiday, such meetings shall be scheduled on the next Tuesday.

6.2 Special Meetings

Special meetings for any purpose may be scheduled by the secretary and City staff and held at the call of the Chairperson, or upon request of two (2) or more members of the commission for a date and time when a quorum is likely that allows at least eighteen (18) hours prior notification.

6.3 Recess or Adjournment

Any regular or special meeting may be adjourned to another specific date, time and place, or to the date, time and place of any previously announced regular or special meeting. Alternatively, the meeting may be adjourned without date. Any such adjournment will terminate the meeting at the point of the motion, and a new meeting will commence at the specified date, time or place, if so stated, or at the next regularly scheduled meeting. Any regular or special meeting may also recess for a brief specific time period. Following the recess, the meeting shall continue from the point when the motion to recess was made.

6.4 Cancellation

If no business is scheduled or if it is determined that there will be insufficient members to achieve a quorum, a meeting may be cancelled or rescheduled by the Chairperson or designate by giving notice to all members and by posting notice for the public at least eighteen (18) hours before the time set for such meeting (or such other time as required by law). Any regular meeting rescheduled under this section must be rescheduled and held on a day in the same month. If a meeting is called to order and it is determined that there is no quorum, the commission may adjourn to the next regularly scheduled meeting without rescheduling another meeting within the same month.

6.5 Quorum

Five (5) members of the commission shall constitute a quorum. Unless otherwise required by law, five (5) affirmative votes shall be required to pass any motion.

6.6 Regular Meeting Agenda and Order of Business

Call to order
Pledge of Allegiance
Roll Call and determination of quorum
Agenda review and approval
Action on minutes of previous meeting(s)
Communications
Meeting Opened to the Public
Old Business and postponed items
New business
Meeting Opened to the Public
Commissioners' comments
Adjournment

6.7 New Business and Public Hearing Procedures

- A. Recitation of the Following Rules for a Public Hearing
1. Each person who wishes to address the Commission will be first recognized by the Chairperson and requested to state his/her name and address.
 2. Individuals shall be allowed five (5) minutes to address the Commission, unless special permission is otherwise requested and granted by the Chairperson.

3. There shall be no questioning of speakers by the audience; however, the Commission may question the speaker upon recognition of the Chairperson.
4. No one shall be allowed to address the Commission more than once unless special permission is requested, and granted by the Chairperson.
5. One spokesperson for a group attending together will be allowed five (5) minutes to address the Commission unless special permission has been requested, and granted by the Chairperson.
6. Those addressing the Commission shall refrain from being repetitive of information already presented to the Commission.
7. All comments and/or questions shall be directed to and through the Chairperson.

B. The Order of Business Shall Be As Follows:

1. Applicant's presentation.
2. Staff/Staff Consultant presentation.
 - a. Correspondence received relative to the request
 - b. Special studies or other reports
 - c. Recommendations
3. Chairperson opens public hearing (if applicable), or otherwise seeks comments from the public.
4. Chairperson closes public hearing and/or public comment section.
5. Applicant response.
6. Planning Commission deliberation.
7. Motion.
8. Discussion on motion.
9. Vote.

6.8 Miscellaneous Requirements

Except as otherwise specified by these Rules, parliamentary procedures of the Commission during meetings shall generally be in accord with most recent Robert's Rules of Order, as necessary for the orderly, efficient and understandable transaction of business.

All meetings of the Commission are subject to the Open Meetings Act.

6.9 Applicant Presentations

At meetings and/or hearings, any applicant or person may appear or be represented by authorized agents. Such agents shall, upon request, present sufficient written evidence of their authorization. If the applicant or authorized agent is not present at a meeting, the Commission may refuse to hear or take action on the case unless required by law. This section shall not prohibit the commission from conducting a hearing or receiving testimony if public notice of a hearing has been given. This section shall not prevent the commission from taking action on a case if the applicant or authorized agent is not present.

6.10 Conduct at Meetings

The Chairperson shall control the conduct of the meeting. Commission members or staff may, through the Chairperson, direct questions to the applicant or any person from the audience to bring out pertinent facts. The Chairperson or Commission members may call for pertinent facts from the staff, or make appropriate comments pertinent to the case. All questions or comments shall be directed to or through the Chairperson, unless otherwise permitted by the Chairperson. Commission members should not debate or argue with persons in the audience.

Commission members shall never conduct private conversations at any time during the meeting. Full attention shall be given to the individual holding the floor.

If an important question arises or clarification is needed during the applicant's presentation, the presentation may be politely interrupted through the Chairperson. If the speaker yields, then the question or point of clarification may be asked. However, the comments must pertain directly to the subject matter and must be for clarification purposes only. Comments, opinions and other discussion should be deferred to the times allotted for the Commission members.

During Commission deliberations, the Chairperson will individually recognize each member in order to make sure all members have been considered. Comments should be kept as brief and concise as possible.

Before a motion is made, adequate time for broad discussion should be allowed. After the motion is made and seconded, discussion should be limited to the motion only. While not required, it is preferred that motions be stated in the positive relative to the request. This assures that a yes vote means approval and a no vote means disapproval. Commission members may vote against his/her own motion, if necessary.

ARTICLE VII: COMMISSION DECISIONS

Decisions of the Commission are recorded in the Commission minutes, including the findings made by the Commission. The minutes are subject to the Commission's approval.

All decisions, resolutions, findings, determinations and actions by the Commission shall be by motion. All votes on motions shall be by roll call or other method that allows the vote of each member to be recorded.

ARTICLE VIII: WITHDRAWAL OF APPLICATIONS/TABLING AND POSTPONMENT CONSIDERATIONS

On written request from the applicant or authorized agent, an application may be withdrawn at any time before the Commission makes its decision on the case. A verbal request may be made at the scheduled public meeting.

On its own motion, or upon receipt of a request by an applicant or the applicant's authorized agent, the Commission may table consideration of cases indefinitely or postpone to a certain date.

ARTICLE IX: AMENDING OR WAIVING RULES

These rules may be amended by a majority vote of the members of the Commission, except where such amendment would be contrary to requirements or limitations set by law. An amendment may be proposed at any regular meeting of the Commission, and shall not be acted upon until the following regular meeting.

Unless prohibited by law, a Rule of Procedure may be suspended or waived at any meeting by unanimous vote Commission members present.

ARTICLE X: SEVERABILITY

These Rules of Procedure and each of the various parts, sections, sub-sections, provisions, sentences and clauses are severable. If any part, section, sub-section, provision, sentence or clause is found to be invalid or unenforceable for any reason by a court of competent jurisdiction, such finding shall not affect the validity of the remainder of these Rules of Procedure, which shall remain in full force and effect.

ARTICLE XI: ADOPTION AND REPEAL

These Rules of Procedure shall become effective immediately upon adoption by the Planning Commission of the City of Swartz Creek, and all previous Rules of Procedure shall be repealed.

These Rules were adopted by the City of Swartz Creek Planning Commission on the 6th day of January, 2009; and shall take effect immediately.

Chairperson

Secretary

Effective Date:_____

