

Vevay Township
Planning Commission By-Laws
Adopted February 3, 2016

ARTICLE 1: AUTHORITY

These rules of procedure are adopted by the Vevay Township Planning Commission (“Commission”) pursuant to the Michigan Zoning Enabling Act (MCL 125.3101 - 125.3702), the Michigan Planning Enabling Act (MCL 125.3801 - 125.3885), the Open Meetings Act (MCL 15.261 - 15.2), all other pertinent state law, and Vevay Township Ordinance No. 69.

ARTICLE 2: PURPOSE

The general purpose of the Commission shall be to guide and promote the efficient, coordinated development of the Township in a manner which will best promote the health, safety, and general welfare of its people; preserve and protect the Township and its natural resources; and to address the goals and recommendations of the Master Plan.

ARTICLE 3: DUTIES OF THE COMMISSION

The Commission shall perform the following duties:

- 1) Draft, conduct hearings on, and recommend a Zoning Ordinance and subsequent amendments thereto, to the Board.
- 2) Take such action on petitions, staff proposals and Board requests for amendments to the Zoning Ordinance as required.
- 3) Take such action on petitions, staff proposals, and Board requests for amendments to the Master Plan as required.
- 4) Adopt a Master Plan, assist the Board, review the Plan regularly, and make necessary updates as required.
- 5) Prepare an Annual Report to the Board, which incorporates a brief summary of the actions and decisions of the Commission.
- 6) Review and take action or recommend appropriate actions to the Board on site plan, special land use, and planned unit development requests.
- 7) Review Subdivisions proposals, Site Condominiums, and recommend appropriate actions to the Board.
- 8) Prepare special studies and plans, as deemed necessary by the Commission or Board and for which appropriations of funds have been approved as needed.
- 9) Attend training sessions, conferences, or meetings as needed to properly fulfill the duties of commissioner, and for which appropriations of funds have been approved by the Board.
- 10) Perform other duties and responsibilities as may be requested by the Board.
- 11) Members of the commission may conduct such site visits as deemed necessary to evaluate the application and supporting material. Site visits shall be conducted individually and singly unless otherwise scheduled by the commission, obeying all requirements of the Open Meetings Act.

ARTICLE 4: MEMBERSHIP

Section 4.1 Membership Requirements. Membership of the Commission shall consist of seven (7) members appointed by the Township Supervisor. Members of the Commission shall be residents of the Township.

Section 4.2 Terms. Each member shall be appointed to hold office for a three (3) year term, and if not re-appointed, shall with the approval of the Supervisor hold office until his or her successor is appointed. The Board of Trustees member shall serve as an ex-officio member, and shall hold office for four (4) years or for the remainder of the four year term of office of Board Trustee. Vacancies shall be filled by the Supervisor for any unexpired term.

ARTICLE 5: OFFICERS

Section 5.1 Officers. The officers of the commission shall consist of a Chair, Vice-Chair, and Secretary.

Section 5.2 Duties of the Chair. The Chair shall preside at all meetings, appoint Committees, and perform such duties as may be delegated by the Commission or Board. The Chair shall have the right to appoint new committee members at any time to fill a vacancy.

Section 5.3 Duties of the Vice-Chair. The Vice-Chair shall act in the capacity of the Chair in his/her absence.

Section 5.4 Duties of the Secretary. The Secretary shall serve as the liaison between the Commission and the designated Township staff that are responsible for the execution of documents in the name of the Commission, performing the duties listed below, and performing such other duties as the Commission may determine.

- (1) Minutes. The designated Township staff shall be responsible for a permanent record of the minutes of each meeting and shall have them recorded in suitable permanent records.
- (2) Correspondence. The designated Township staff shall be responsible for the issuance of formal written correspondence with other groups or persons, as directed by the Commission. All pertinent communications, petitions, reports, or other written materials received by the designated Township staff shall be brought to the attention of the Commission.
- (3) Attendance. The designated Township staff shall be responsible for maintaining an attendance record for each Commission member.
- (4) Notices/Agendas. The designated Township staff shall issue such notices and prepare the agendas for all meetings, as may be required by the Commission.

Section 5.5 Duties of the Ex-Officio Representative. If applicable, the Board representative serving on the Commission shall report on the actions of the Board and update the Commission on actions by the Board that relate to the functions and duties of the Commission.

Section 5.6 Duties of the Zoning Board of Appeals Representative. If applicable, the Zoning Board of Appeals (ZBA) representative serving on the Commission shall report on the actions of the ZBA and update the Commission on actions by the ZBA that relate to the functions and duties of the Commission.

Section 5.7 Elections.

- (1) At the regular November meeting, the Commission shall select from its membership a Chair, Vice-Chair, and Secretary who shall serve for the next calendar year, and who shall be eligible for re-election.
- (2) A candidate receiving a majority vote of the membership present shall be declared elected.
- (3) Newly elected officers will assume their office at the start of the New Year.

Section 5.8 Terms of Officers. All officers shall serve a term of one (1) year, or until their successors are elected and assume office. Officers may be re-elected.

Section 5.9 Vacancies. Vacancies in offices shall be filled immediately by the regular election procedure.

ARTICLE 6: MEETINGS

Section 6.1 Regular Meetings. Regular meetings of the Commission shall be held monthly in the Township hall on dates established by the Commission. Meetings shall primarily be held on Wednesdays at 7:00 pm unless decided otherwise, and shall be scheduled at the regular November meeting for the following calendar year. The dates and times shall be posted at the Township 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.

Section 6.2 Meeting Notices. All meetings shall be posted at the Township hall according to the Open Meetings Act. The notice shall include the date, time and place of the meeting.

Section 6.3 Special Meetings. A special meeting may be called by the Chair or by at least four (4) Commissioners upon written request to the Chair. 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. 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.

Section 6.4. Open Meetings. All meetings of the Commission shall be open to the public and held in a place available to the public. All deliberations and decisions of the Commission shall be made at a meeting open to the public. A person shall be permitted 3 minutes to address the Commission during a scheduled Public Hearing pursuant to Sec. 6.11, and concerning non-agenda matters under the “Public Comment” portion of the agenda, as established in Section 6.10 and as applicable. A person shall not be excluded from a meeting of the Commission except for breach of the peace, committed at the meeting.

Section 6.5 Closed Meetings. Any closed meeting and the resulting separate set of minutes shall be conducted and recorded in accordance with the Open Meetings Act.

Section 6.6 Public Record. All meetings, minutes, records, documents, correspondence, and other materials of the Commission shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.

Section 6.7 Minutes. Commission minutes shall be prepared by the Secretary. The minutes shall contain a brief synopsis of the meeting, a complete statement of the conditions or recommendations made on any action; and a recording of attendance. All minutes and pertinent documents shall be forwarded to the designated Township staff.

Section 6.8 Quorum. In order for the Commission to conduct business or take any official action, a quorum consisting of four (4) or more Commissioners shall be present. When a quorum is not present, no official action may be taken except for adjournment of the meeting. Those members of the Commission present may discuss matters of interest, but can take no action until the next regular or special meeting.

Section 6.9 Voting. An affirmative vote of at least four (4) Commissioners 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 as directed by the Chair. All Commission members shall vote on every motion unless there is a conflict of interest, as established in ARTICLE 7. Any Commissioner abstaining from a vote shall not participate in the discussion of that item.

Section 6.10 Agenda. A written agenda for all regular meetings shall be prepared as followed. The agenda for all regular meetings shall be:

- 1) Call to Order
- 2) Pledge of Allegiance
- 3) Set/Amend Agenda
- 4) Approval of Minutes
- 5) Public Comment
- 6) Scheduled Public Hearings
- 7) Reports
- 8) Pending Business
- 9) Any Other Business
- 10) Additional Public Comments
- 11) Adjournment

Agendas for special meetings shall be prepared as appropriate for the items of business to be considered.

Section 6.11 Public Hearings. Hearings shall be scheduled and due notice given in accordance with the provisions of the public acts and Township Ordinance cited in ARTICLE 1. Public hearings conducted by the Commission shall be run in an orderly and timely fashion as follows:

- The Chair opens the public hearing, announces the subject, and summarizes the procedures/rules the public are asked to follow during the hearing.
- The Chair explains if questions will be answered individually, or if the Commission just intends to listen to comments and react later.
- The Chair/staff presents the main points of the issue being considered, and/or the applicant may present the issue and any additional detail.
- Correspondence and phone calls received by the Township prior to the meeting will be noted for the record, and any persons speaking in support or opposition are recognized and their comments recorded for consideration by the Commission. The Chair, Commissioners, and/or the applicant may also answer any questions raised.
- When public comment is finished, the Chair closes the public hearing, explains the next steps and clarifies that the Commission may or may not make a decision that night.

Section 6.12 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 Order."

Section 6.13 Notice of Decision. A written notice containing the decision of the Commission will be sent by the Township to petitioners and originators of a request.

ARTICLE 7: CONFLICT OF INTEREST

Section 7.1 Declaration of Conflict. Commissioners shall declare a conflict of interest when any one (1) or more of the following occur:

- (1) A relative or other family member is involved in any request for which the Commission is asked to make a decision.
- (2) The Commissioner has a business or financial interest in the property involved in the request, or has a business or financial interest in the applicant's company, agency, or association.
- (3) The Commissioner has a financial interest in neighboring property. For purposes of this section, a neighboring property shall include any property falling within the notification radius for the proposed development, as required by the Zoning Ordinance, or other applicable state or local law.
- (4) There is a reasonable appearance of a conflict of interest, as determined by the Commissioner declaring such conflict.

Willful failure of a Commissioner to disclose a potential or actual conflict of interest as required by these by-laws may constitute malfeasance in office.

Section 7.2 Requirements. When declaring a conflict, the Commissioner shall do all of the following:

- (1) Announce a conflict of interest and state its general nature.
- (2) Abstain from any discussion or votes relative to the matter which is the subject of the conflict.
- (3) Absent himself/herself from the room in which the discussion takes place.

ARTICLE 8: ABSENCES, REMOVALS, AND RESIGNATIONS

Section 8.1 Absences. In order to be excused from a meeting, Commissioners shall notify the Chair when they intend to be absent from the meeting. Failure to make notification in a reasonable time prior to the meeting shall result in an unexcused absence. More than four (4) consecutive, unexcused absences or absences at twenty-five (25%) percent of all meetings in any one (1) calendar year shall be considered nonperformance of duty and may lead to recommendation of removal from the Commission.

Section 8.2 Removal. Members of the Commission may be removed by a majority vote of the Board for non-performance of duty, misconduct in office, or upon failure to declare a potential or actual conflict of interest. Before any such vote, written charges shall be prepared and a hearing conducted by the Board.

Section 8.3 Resignation. A Commissioner may resign by sending a letter of resignation to the Township Supervisor or the Commission Chair.

ARTICLE 9: AMENDMENTS

These by-laws may be amended by at least four (4) concurring Commissioners during any regular meeting, provided that all Commissioners have received an advanced copy of the proposed amendments at least 2 weeks prior to the meeting at which such amendments are to be considered.

ARTICLE 10: SEVERABILITY

If any court of competent jurisdiction shall declare any part of these by-laws to be invalid, that ruling shall not affect any other provisions of these by-laws not specifically included in the ruling. Further, if any court of competent jurisdiction shall declare invalid the application of any provision of these by-laws to a particular meeting, action, or decision, that ruling shall not affect the application of that provision to any meeting, action, or decision not specifically included in the ruling.