

**CITY OF MOUNT CLEMENS  
PLANNING COMMISSION BYLAWS  
Effective June 1, 2021**

**1. Name and Purpose**

- a. The name shall be the City of Mount Clemens Planning Commission, hereinafter known as the “Commission.”
- b. These Bylaws are intended to facilitate the performance of its duties as outlined by the Michigan Planning Enabling Act (M.C.L. 125.3801 *et seq.*), hereinafter known as the “Planning Act.”
- c. These Bylaws are also adopted by the Commission to facilitate its duties for the administration of zoning ordinances as outlined in the Michigan Zoning Enabling Act (M.C.L. 125.3101 *et seq.*), hereinafter known as the “Zoning Act.”

**2. Membership**

*a. Members*

- i. Members of the Commission are appointed by the Mayor with the approval of the majority of the City Commission, pursuant to the City of Mount Clemens Planning Commission Ordinance of 2017.
- ii. The Commission shall consist of seven members appointed for three-year terms.
  1. First priority: each member shall represent and advocate for what is best for the City of Mount Clemens as a whole, putting aside personal interests.
  2. Second priority: membership shall reflect important segments of the community in accordance with major interests as they exist in the City, as well as be representative of the entire geography of the City, to the extent practicable.

*b. Liaisons*

- i. The purpose of a liaison is limited. Liaisons may provide certain City officials and quasi-officials the ability to participate in discussions with the Commission, in addition to speaking in public participation, but may do nothing more. Liaisons cannot vote, introduce motions or initiate any other parliamentary action, be counted for a quorum, or be expected to comply with attendance requirements pursuant to these Bylaws. Liaisons, if not already appointed Commission members, are:
  1. Community Development Department staff, and their agents and consultants;
  2. The Commission’s consultants;
  3. The City Attorney;
  4. The City Manager;
  5. City water, sewer, public services, or other similar department heads.
- c. *Attendance.* If any member of the Commission is absent unexcused from three consecutive regularly scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the City Commission to remove a

member from the Commission for nonperformance of duty or misconduct after holding a hearing on the matter. The Commission secretary, or acting secretary in the absence of the elected secretary, shall keep attendance records and shall notify the City Commission whenever any member of the Commission is absent from three consecutive regularly scheduled meetings so that the City Commission may consider punitive action or excuse any/all of the absences.

- d. *Training.* Each member shall have attended at training sessions in matters pertaining to planning and/or zoning during the member's current term of office. Training may take place outside of Commission meetings or occur during regularly-scheduled meetings with staff.
- e. *Conflict of Interest and Incompatibility of Office*
  - i. Each member of the Commission shall avoid conflicts of interest and/or incompatibility of office. A conflict of interest shall at a minimum include, but not be limited to, the following:
    - 1. Issuing, deliberating on, voting on, or reviewing a case concerning the member;
    - 2. Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by or on an adjacent parcel to land owned by the member;
    - 3. Issuing, deliberating on, voting on, or reviewing a case involving a corporation, company, partnership, or any other entity in which the member is a full or part owner, or any other relationship in which the member may stand to have a financial gain or loss;
    - 4. Issuing, deliberating on, voting on, or reviewing a case which results in an action that may produce a pecuniary benefit to the member;
    - 5. Issuing, deliberating on, voting on, or reviewing a case in which someone from the member's immediate family is:
      - a. An applicant or agent for an applicant; or
      - b. Has a direct interest in the outcome;
    - 6. Issuing, deliberating on, voting on, or reviewing a case in which a member's employee or employer is:
      - a. An applicant or agent for an applicant; or
      - b. Has a direct interest in the outcome
  - ii. If there is a question of whether a conflict of interest exists, the question shall be put before the Commission. The existence of a conflict of interest shall be determined by a majority vote of the remaining members of the Commission.
  - iii. When a conflict of interest exists, the affected member shall do the following immediately upon first knowledge of the case and determining the existence of the conflict:
    - 1. Declare a conflict of interest exists at the next Commission meeting;
    - 2. Cease to participate at Commission meetings or hearings in any manner, or represent one's self before the Commission; and

3. Leave the physical or virtual meeting room during any discussion or deliberation of the agenda item presenting the conflict until the agenda item is concluded.
- iv. If a member is appointed to another office which is incompatible with the member's status on the Commission, then an automatic resignation from the Commission shall take place on the effective date of the appointment to the other office. Likewise, if a representative of another office is appointed to the Commission and the duties of the other office are incompatible with Commission membership, then an automatic resignation from the other office shall take place on the effective date of the appointment to the Commission.

### 3. Member Duties

#### a. *Ex Parte Contact*

- i. Members shall avoid *ex parte*, or conversations outside of a Commission meeting, contact with an applicant, developer, project representatives, or interested neighbors regarding cases where an administrative decision is before the Commission.
- ii. In instances where *ex parte* contact cannot be avoided, such as necessary contact during fact-finding site visits, the member(s) engaged in contact with the applicant, developer, project representatives, or other interested individuals should take detailed notes on what was discussed so that every member and other interested parties are made aware of the nature of the contact.

#### b. *Site Visits*

- i. Site visits shall only be conducted for the specific purpose of gathering physical facts and/or data not provided in application materials before the Commission.
- ii. Individual members shall view and visit sites only if they can do so without any unnecessary contact with the applicant, developer, project representatives, or interested neighbors.
- iii. If more than one member wishes to view and visit a site at the same time, the site visit must be posted as a public meeting under the Michigan Open Meeting Act.

#### c. *Accepting Gifts*

- i. Gifts shall not be accepted by a member or liaison from anyone connected to an agenda item before the Commission. As used here, "gifts" shall mean cash, any tangible item or service, or food.
- ii. This section does not apply to the Commission accepting gifts for the exercise of its functions pursuant to M.C.L. 125.3823(3), Section 23(3) of the Planning Act.

#### d. *Statements Outside of Commission Meetings*

- i. Free and open debate or discussion on issues before the Commission should take place only at Commission meetings.
- ii. Once a vote is taken and a decision is made on an issue before the Commission, the duty of each and every member is to represent the position reflected in the outcome of the vote. Discussions on minority

reports and requests for reconsideration may only take place during an open Commission meeting.

- iii. The Commission may designate a spokesperson to discuss decisions made on issues before the Commission outside of open Commission meetings. A spokesperson may be designated for a period of time or for a specific issue.

#### 4. Officers

##### a. *Selection*

- i. At the regular meeting in January of each year, the Commission shall select a Chair and Vice-Chair. City staff serves as the Secretary.
- ii. All officers are eligible for re-election.

##### b. *Succession*

- i. In the event the elected Chair is unable to complete his or her term, the Vice-Chair shall succeed to the office of Chair for the remainder of the unexpired term and the Commission shall select a new Vice-Chair for the unexpired term.

- c. *Tenure.* Officers shall take office immediately following their selection. Officers shall maintain their positions for a term of one year or until their successors are selected and assume office, whichever occurs earlier.

##### d. *Duties*

##### i. Chair

1. Presides at all meetings with all powers under parliamentary procedure.
2. Retains the ability to make motions, discuss, and vote on issues before the Commission.
3. Rules out of order irrelevant remarks; personal attacks; remarks about another's sex, race, religion, physical condition, ethnic background, or similar topics; or profanity.
4. Restate all motions.
5. Retains the ability to call special meetings.
6. Represents the Commission before the City Commission.

##### ii. Vice-Chair

1. Acts in the capacity of Chair, with all the powers and duties listed under Section 4(d)i of these bylaws, in the Chair's absence.
2. Performs other such duties as may be ordered by the Commission.

##### iii. Secretary

1. Executes documents in the name of the Commission.
2. Records the minutes of each meeting; reviews drafts of each meeting's minutes and submits them for approval to the Commission.
3. Maintains attendance records pursuant to Section 2(c) of these bylaws.
4. Performs other such duties as may be ordered by the Commission.

#### 5. Meetings

- a. Regular meetings of the commission shall be held the first Tuesday of every month at 7 p.m. in the 2<sup>nd</sup> Floor Commission Chambers at the Mount Clemens

Municipal Building (One Crocker Boulevard, Mount Clemens, MI 48043) or via teleconference pursuant to P.A. 228 of 2020. When the regular meeting day falls on a legal holiday, the Commission shall select a suitable alternative date in the same month. Notice of regularly-scheduled Commission meetings shall comply with the Michigan Open Meeting Act.

- b.** Special meetings may be called by the Chair or by two members of the Commission. Notice of special meetings shall be given to members of the Commission by the Secretary at least 48 hours prior to such a meeting, stating the date, time, location, and purpose of the meeting. Special meeting notices shall comply with the Michigan Open Meeting Act.
- c.** *Recess.* If the meeting has been in session for two hours, the Chair shall temporarily suspend the meeting to evaluate the remaining items on the agenda. The commission shall then decide to either finish that meeting's agenda or act to continue the meeting on another day. If the decision is to continue the meeting's business on another date, the action shall include the date, time, and location upon which the Commission will reconvene. If more than 18 hours will elapse before the Commission reconvenes, public notice shall be given to comply with the Michigan Open Meeting Act. Upon reconvening, attendance shall be taken as the first item of business before proceeding with the same meeting agenda, proceeding at the same point where they left off. No additional business may be discussed at the reconvened meeting.
- d.** *Quorum.* A quorum for the transaction of business and taking official actions for all matters before the Commission shall consist of four members. If a quorum is not present at a regular or special meeting, members present shall adjourn the meeting to another day.
- e.** *Motions*
  - i.** Motions shall be restated by the Chair before a vote is taken.
  - ii.** All actions taken in an administrative capacity shall include:
    - 1.** A finding of fact, listing what the Commission determines to be relevant facts of the case;
    - 2.** Conclusions to list reasons based on the facts for the Commission's action;
    - 3.** The Commission's action, such as a recommendation or position, approval, approval with conditions, or disapproval.
- f.** *Voting.* Voting shall be taken by voice and recorded as either passing or failing. Roll call votes will be recorded upon request by a member of the Commission. Members must be present to cast a vote; voting by proxy is prohibited. The affirmative vote of those present shall be necessary for the adoption of motions. The affirmative vote of two-thirds of the total number of seats for the Commission, regardless if vacancies or absences exist or not, is required for the adoption or recommendation of adoption of any plan or amendment to a plan.
- g.** *Commission Action.* Action by the Commission on any matter on which a hearing is held shall not be taken until the hearing is concluded.
- h.** *Parliamentary Procedure.* Parliamentary procedure in Commission meetings shall be informal.
- i.** *Public Participation*

- i. All regular and special meetings, hearings, records, and accounts shall be open to the public.
  - ii. Public comment on agenda items should be presented at the beginning of the meeting, as provided on the printed agenda, so the Commission can hear questions and concerns before acting on a given issue.
  - iii. The Chair may limit the amount of time allowed for each person wishing to make a public comment at a Commission meeting. The Chair may also ask audience members to caucus with others sharing a similar position so a single spokesperson can be selected. If a single spokesperson is chosen to represent shared positions, the spokesperson shall be permitted to speak with an extended time limit as determined by the Chair.
- j. *Placement of Items on the Agenda*
- i. The Community Development Department shall be the office of record for the Commission.
  - ii. The Community Development Department may receive items on behalf of the Commission.
  - iii. The deadline for adding items to the Commission's meeting agenda shall be set annually by the Community Development Department.

## 6. Record

- a. *Minutes.* The Commission Secretary shall keep or file a record of Commission meetings, which shall include an indication of the following, at a minimum:
  - i. A copy of the meeting posting pursuant to the Michigan Open Meetings Act;
  - ii. A copy of the minutes and all its attachments, including a meeting summary in chronological sequence of occurrence;
- b. *Retention.* Commission records shall be preserved and kept on file.

## 7. Hearings

- a. *Plan Hearings.* Before the adoption of any part of a plan or any amendment to a plan, as defined by the Planning Act, or recommending approval of an amendment to the City Commission, the Commission shall hold a public hearing on the matter. Public notice of the date, time, and location of the hearing shall be given at least 15 days prior.
- b. *Special Hearings.* Notice of special hearings for the purposes of presenting preliminary master plans or discussion of a particular problem with interested parties and members of the public will be given as required by the Planning Act, Zoning Act, and the City of Mount Clemens zoning ordinance.
- c. A written notice containing the Commission's decision(s) will be sent to petitioners and/or originators of a request for the Commission to study a special problem.