

**PLANNING COMMISSION BYLAWS AND
RULES OF PROCEDURE
FRANKENLUST TOWNSHIP (BAY CO.), MICHIGAN**

As adopted September 20, 2023

**SECTION 1
STATE LAW AND LOCAL ORDINANCE REFERENCES**

These Bylaws and rules of procedure are adopted by the Frankenlust Township Planning Commission pursuant to the Planning Commission Ordinance, which is codified as Article 15.0 of the Frankenlust Township Zoning Ordinance No. 79; and to the Michigan Planning Enabling Act (P.A. 33 of 2008, as amended); Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended); Open Meetings Act (P.A. 267 of 1976, as amended); and Freedom of Information Act (P.A. 442 of 1976, as amended).

**SECTION 2
PURPOSES, AUTHORITY, AND RESPONSIBILITIES**

The purposes and authority of the Planning Commission shall be as defined in the Planning Commission Ordinance, which is codified as Article 15.0 of the Frankenlust Township Zoning Ordinance No. 79. The Planning Commission's responsibilities shall include:

- A. Master Plan.** The Planning Commission shall be responsible for formulation of the Township Master Plan, review of amendments to the plan, holding hearings on a proposed Master Plan or amendments, and adoption of the Master Plan or amendments. The Planning Commission shall also be responsible for preparing special studies and other sub-area plans as deemed necessary by the Planning Commission or Township Board.
- B. Zoning Ordinance and Subdivision Regulations.** The Planning Commission shall be responsible for formulation of the Zoning Ordinance, review of amendments to the Zoning Ordinance, holding hearings on a proposed Zoning Ordinance or amendments, and reporting findings and recommendations concerning the Zoning Ordinance or amendments to the Township Board. The Planning Commission shall also review and make recommendations to the Township Board on amendments or revisions to the Township's Subdivision Ordinance.
- C. Development Reviews.** The Planning Commission shall be responsible for review and action, or recommendation of an action to the Township Board, on applications for development, subdivision, and land use approvals in accordance with the applicable provisions of the Township Zoning Ordinance No. 79, the Township's Subdivision Ordinance, and other applicable state laws and Township ordinances.
- D. Public Improvements and Capital Improvements Program.** The Planning Commission shall advise the Township Board on the consistency of the Township's capital improvements program and any Township plans for construction of parks, playgrounds, public ways or other public buildings or improvements with the adopted Master Plan's goals, objectives, and policies.
- E. Annual Report.** The Planning Commission shall prepare an annual report to the Township Board. The Commission shall determine the elements, format, and content of the annual report, after consideration of any direction from the Board on its preparation.
- F. Training and Education.** Commissioners shall be jointly and severally responsible for attending training workshops, planning conferences or educational programs as needed to properly fulfill Planning Commission duties, and for which appropriations of funds have been approved by the Township Board.

SECTION 3
MEMBERSHIP AND ORGANIZATION

The membership of the Planning Commission shall be as defined in the Planning Commission Ordinance, which is codified as Article 15.0 of the Frankenlust Township Zoning Ordinance No. 79. The Planning Commission shall be organized as follows:

- A. Election of Officers.** The Planning Commission shall elect its Chair and Vice-Chair from amongst the appointed members of the Commission. The Commission shall also elect a Secretary from amongst its members, and may create and fill such other offices as needed.
- B. Terms of Office and Vacancies.** The terms of the Chair, Vice-Chair, and Secretary shall be for one (1) year, or until a successor is elected. Officers shall be eligible for re-election to consecutive terms for the same office. If a vacancy should occur in any office, the Planning Commission shall elect another person to fill such vacancy for the remainder of the term.
- C. Duties of the Chair.** The Chair retains their ability to discuss, make motions and vote on issues before the Commission. The Chair shall:
- (1) Prepare Commission meeting agendas and preside over all Commission meetings;
 - (2) Execute documents and official Commission correspondence in the name of and as directed by the Commission;
 - (3) Prepare an annual work program and budget recommendation, and present it to the Township Board;
 - (4) Appoint committees in accordance with Section 6 (Committees);
 - (5) 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;
 - (6) Limit speech, rule out of order, or take other action as necessary to facilitate expected conduct and orderly transaction of business as described in these Bylaws;
 - (7) Appoint an Acting-Secretary in the event the Secretary is absent from a Commission meeting;
 - (8) Appoint an Acting-Chair in the event one is needed and when the Vice-Chair is absent or for the duration of deliberation and action on a business item in which the Vice-Chair cannot participate;
 - (9) Rule on whether someone qualifies to sit as a Liaison to the Commission as described in section 3-H of these Bylaws when that person is not listed as a Liaison example.
- D. Duties of the Vice-Chair.** The Vice-Chair shall perform the duties of the Chair in the absence or disability of the Chair.
- E. Duties of the Secretary.** The Secretary shall perform the following duties:
- (1) Receive and distribute written correspondence to the Planning Commission.
 - (2) Prepare and maintain a permanent written record of the minutes for each meeting, or supervise the work of a recording secretary appointed by the Township Board for this purpose. The minutes shall include a brief synopsis of public hearing comments and meeting business, a record of attendance and votes, and a complete restatement of the Commission's findings, conclusions, motions, and actions.
 - (3) Notify the applicant(s) and Zoning Administrator regarding Commission decision(s) on each application, including any conditions on an approval.

- (4) Prepare periodic reports of the commissioners' meeting attendance for the Chair and Township Clerk in accordance with a schedule determined by the Clerk.

F. Duties of the Township Board Representative. The Township Board Representative shall present Planning Commission recommendations to the Board, shall provide a regular summary of Commission activities to the Board, and shall update the Commission on actions by the Board that relate to the duties of the Commission.

G. Duties of the Zoning Board of Appeals Representative. The Planning Commission representative to the Zoning Board of Appeals shall report the actions of the Board of Appeals to the Commission, and shall update the Board of Appeals on actions by the Commission that relate to the duties of the Board of Appeals.

H. Liaisons. The purpose of liaisons is to provide certain township officials and quasi-officials who are not Commission members the ability to participate in discussions with the Commission, in addition to speaking in public participation, and nothing else. Liaisons cannot vote, introduce motions, initiate any other parliamentary action, be counted for a quorum, or be expected to comply with attendance requirements pursuant to Section 3-1-2 of these Bylaws. Examples of Liaisons are:

- (1) Planning Consultant or their appointed representative.
- (2) Township Attorney.
- (3) Township Supervisor.
- (4) Township Zoning Administrator.

I. Rules for All Planning Commissioners. The following rules shall apply to all members of the Planning Commission.

- (1) **Conduct.** Although parliamentary procedure in Commission meetings is informal, the basic principles of parliamentary order still apply, which include:
 - (a) Being at all times respectful to all members and to anyone else in attendance.
 - (b) Insuring that all members have equal rights, privileges, and obligations.
 - (c) Only one topic or question at a time should be considered.
 - (d) "One person at a time." No member can voice their thoughts or opinions until recognized by the Chair. A speaker *may* recognize another member if a member has a brief question for that speaker, but the speaker always retains the right to be heard and to conclude their remarks uninterrupted.
 - (e) Every member has an equal right to speak on any topic before the Commission, except when a conflict of interest has been determined. No vote can be taken as long as any member still wishes to have an opportunity to speak on that topic.
 - (f) Each member has the right to take whatever time is necessary to voice their thoughts and opinions on the topic at hand as long as they stick to the topic and don't become repetitive or otherwise unnecessarily time consuming as determined by the Chair.
- (2) **Conflicts of Interest.** A conflict of interest can create an appearance of impropriety that may undermine confidence in the Commission's work. As active and involved community members, commissioners will probably face conflict of interest issues at some point. The following rules shall apply in such cases:
 - (a) "Conflict of interest" shall be defined as a situation in which the commissioner has competing professional or personal interests that can make it difficult to fulfill his or her duties impartially. A conflict of interest exists even if no unethical or improper act would result from it. A commissioner may have a conflict of interest if:

- The commissioner is the applicant or close relative of the applicant;

- The commissioner is a business associate, lender or tenant of the applicant;
 - The applicant is a party with whom the commissioner has a close tie;
 - The proposal could allow the commissioner, or a relative or business associate of the commissioner, to receive a direct financial gain or benefit from approval or denial of the proposal.
- (b) Simply being an employee of a large corporation or other large entity with business before the Commission shall not be considered a conflict of interest.
 - (c) If a commissioner believes he or she has a conflict of interest regarding a business item on an upcoming agenda, the commissioner shall refrain from discussing the item, either formally or informally, with other commissioners before or during the meeting.
 - (d) Commissioners who intend to be applicants with business before the Commission are strongly encouraged to ask someone else to represent them during the Commission meeting.
 - (e) Before casting a vote on a matter on which a commissioner may reasonably be considered to have a conflict of interest, the commissioner shall disclose the potential conflict to the Planning Commission. The remaining commissioners shall then discuss the potential conflict, and shall make a determination by roll call vote as to whether an actual conflict exists.
 - (f) If the Commission determines that a conflict exists, the commissioner shall immediately abstain from voting and shall not participate further in deliberations, either as a member of the Commission or as a private citizen. The commissioner shall step down from the Commission table for the duration of deliberation and action on the business item.
 - (g) Failure of a member to disclose a potential conflict of interest or to abstain from deliberation or voting on business items where a conflict is determined to exist shall constitute malfeasance in office.
- (3) **Absences and Tardiness.** Each commissioner has a responsibility to attend, to arrive on time, and to fully participate in all scheduled Planning Commission meetings through to adjournment. Frequent absences or tardiness by commissioners is disruptive to the efficient execution of Commission business, and is disrespectful to applicants and members of the public in attendance.
- (a) Tardiness shall be defined as arriving in the room where the Commission meeting is being held after roll call has been completed unless prior notice of the expected late arrival has been given to and accepted by the Chair.
 - (b) To be excused in the event of an absence or late arrival, a commissioner shall notify the Chair at least two (2) hours before the meeting. If the Chair is not available, the commissioner shall notify the Vice-Chair, Secretary or Township Supervisor (in that order). If notification is given to anyone other than the Chair, that person shall notify the Chair at the earliest possible convenience.
 - (c) Failure to make such notification may, at the discretion of the Chair, result in an unexcused absence, even if the member arrives at some point during the meeting after roll call.

- (d) Any member who exhibits chronic tardiness, as determined by the Chair, or who has two (2) or more consecutive, unexcused absences from regular Commission meetings recorded in the meeting minutes during a calendar year, may be deemed negligent of duty by the Chair.
- (4) **Resignation.** A commissioner may resign from office by sending a written letter of resignation via U.S. Mail or hand delivery to the Township Supervisor, with a copy to the Planning Commission Chair. An email message or other digital form of communication alone is insufficient for this purpose.
- (5) **Removal.** A commissioner may be removed by the Township Supervisor for neglect of duty, malfeasance or misfeasance in office, after a public hearing and approval by the Township Board. The Chair shall be responsible for informing the Supervisor of suspected neglect of duty, malfeasance or misfeasance by a commissioner.

SECTION 4 MEETINGS

All business that the Planning Commission may perform shall be conducted at a public meeting held in compliance with state laws, Township ordinances, and these **Bylaws** and rules of procedure.

- A. Schedule of Regular Meetings.** The Planning Commission shall adopt a schedule of regular meeting dates for the next calendar year at its final regular meeting of the current calendar year. The Commission shall schedule and hold a minimum of four (4) and a maximum of twelve (12) regular meetings each calendar year. Regular meetings shall be held at 7:00 p.m. on the third Wednesday of the month, unless an alternative schedule has been approved by the Commission.
- B. Special Meetings.** Additional special meetings may be called by the Chair as deemed necessary to properly perform the Commission's duties and complete its work, or by any two (2) members of the Planning Commission upon written request to the Secretary. The purpose of the meeting shall be stated in the call. Public notice of the time, date, and place of the special meeting shall be given in the manner required by the Open Meetings Act, and the Chair or Secretary shall send written notice of a special meeting to Commission members not less than two (2) days in advance of the meeting. Digital transmittal of the notices are acceptable, provided that a record of the transmittal is kept by the Secretary.
- C. Annual Meeting.** The regular meeting of the Planning Commission in May of each year shall be known as the Annual Meeting, and shall be for the purpose of electing officers, receiving annual reports of officers and committees, and for any other business.
- D. Workshop Meetings.** The Planning Commission may, at its option, schedule workshop meetings to promote informal, open discussion on policy issues. Formal rules of procedure shall be waived, and the Chair shall serve as moderator to redirect or halt discussion. The Commission may override any action of the moderator by majority vote. No formal action on any matter shall be undertaken at a workshop meeting.
- E. Quorum.** Four (4) members of the seven (7) member Planning Commission, regardless of whether vacancies exist or not, shall constitute a quorum for the conducting of business. No official action of the Commission may take place without a quorum, except for informal discussion on matters of interest and the opening and closing of the meeting. All public hearings without a quorum present shall be rescheduled for the next regular or special meeting.

F. Order of Business. Except where modified by the Chair and approved by the Commission, the order of business for all regular and special Commission meetings shall be as follows:

1. Call to Order
2. Roll Call and Determination of a Quorum
3. Approval of Agenda
4. Approval of Minutes of Previous Meeting(s)
5. Public Comments (non-agenda items)
6. Old Business
7. New Business
8. Correspondence (non-agenda items)
9. Reports-
 - Building Inspector
 - Zoning Administrator
 - Planning Consultant
 - Township Board Representative
 - Zoning Board of Appeals Representative
10. Planning Commission Member Issues/Comments
11. Next Meeting
12. Adjournment

G. Rules of Conduct for Public Comments. The following rules of conduct shall apply to public comments during Planning Commission meetings:

- (1) All comments must be addressed to the Chair.
- (2) Each person will be given an opportunity to be heard. The Chair may elect to allow persons to speak only once, or may permit additional public comments.
- (3) The Chair may terminate a presentation if comments become excessively repetitive or stray from the issues at hand.
- (4) For large hearings, the Chair may impose a time limit of five (5) minutes per person on all individual public comments.
- (5) The Chair expects courtesy from all participants. Disrespectful comments, applause, booing, shouting or other public outbursts will not be tolerated.

H. Public Hearings. Hearings shall be scheduled and due notice given in accordance with state law and Township ordinances. The following rules of procedure shall apply to public hearings conducted by the Planning Commission:

- (1) The Chair opens the public hearing by motion and roll call vote, announces the subject of the request, and summarizes the Commission's rules of conduct for public comments.
- (2) The Chair invites the applicant and the Planning Consultant or Zoning Administrator to make presentations about the request to the Commission.
- (3) The Chair invites public comment on the request.
- (4) When all public comments have been received, the Chair closes the public hearing by motion and roll call vote.
- (5) The Secretary reads or summarizes all written correspondence received by the Commission on the request, which shall be made part of the public hearing record.

- (6) Review of the Planning Consultant's report and any other reports or correspondence from Township staff, officials, and other consultants, agencies, persons or groups.

I. Motions. Decisions of the Planning Commission shall be based upon sound planning and zoning principles, applicable ordinance standards, and findings of fact relevant to the request. Commission motions shall be clear and unambiguous as to what a "yes" and a "no" vote would mean, and shall include as many of the following elements as determined by the Commission to be applicable to the subject application or agenda item:

- (1) Summary of the request, the proposed action (approval, denial, approval with conditions or recommendation for Township Board action), and any conditions.
- (2) Statement of findings of fact and conclusions that support the proposed action and conditions. Commissioners may choose to make a separate motion identifying relevant findings of fact before making a motion to take action on the request.
- (3) Citing of relevant sections of consultant reports, ordinances, state laws or other references relevant to the decision.
- (4) If the decision involves a site plan, plat or other drawings or exhibits, the motion shall include references to the title of the drawing or exhibit, number of sheets, and its creation or revision date.
- (5) Identification of who will be responsible for verifying that all conditions have been satisfied (i.e. Zoning Administrator, Planning Consultant or other person).

The Chair shall make certain that everyone is clear on the motion, and shall request that the motion be restated if necessary before a vote is taken. The name of the commissioners who made and seconded each motion shall be recorded.

J. Voting. Affirmative votes from a majority of the quorum of Planning Commission members present at the meeting shall be required to approve any requested action or motion placed before the Commission, unless a larger number is required by law. A roll call vote shall be required under each of the following circumstances:

- (1) to open or close a public hearing;
- (2) to approve or deny any Planning Commission resolution;
- (3) to make any recommendation to the Township Board;
- (4) to approve or deny any application before the Commission;
- (5) to decide whether a conflict of interest exists.

All other Commission actions, including voting for officers, shall ordinarily be by voice vote, unless a roll call vote is requested by a commissioner or directed by the Chair.

When voting on the election of officers, any member nominated for any office has the right to decline their nomination or selection. In all other matters, once 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, regardless of how or whether that member voted. This in no way limits the right of an Ex Officio member while participating in Township Board business from voting on the same matter in whatever way they choose.

**SECTION 5
OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS**

Commission meetings shall be open to the public and held in a place accessible to the public. A person shall be permitted to address the Commission under the rules established by these Bylaws, and shall not be excluded from a Commission meeting except for breach of the peace committed at the meeting. All records, files, publications, and correspondence shall be available to the public for reading; copying, and other purposes as governed by the Freedom of Information Act.

**SECTION 6
COMMITTEES**

There shall be no standing committees of the Planning Commission. The Chair may appoint subcommittees of the Commission as deemed necessary to carry on the Commission's work. The Chair may also appoint, with the concurrence of the Planning Commission and Township Board approval, advisory committees whose members may consist of governmental officials, residents, business owners or other individuals with experience, training or interest in the Commission's work that qualifies them to lend valuable assistance with regards to specific topics or work projects.

**SECTION 7
CONTRACTS AND EXPENDITURES**

The Commission may contract with a Planning Consultant, engineers, architects, environmental experts, and other consultants for such services as it may require, subject to Township Board approval. All expenditures of the Commission, exclusive of the expenditure of gifts, shall be within the amount appropriated for Commission purposes by the Township Board. The Township Board shall provide necessary funds, equipment, and accommodations for the Commission's work.

**SECTION 8
PARLIAMENTARY AUTHORITY**

Parliamentary procedure in Commission meetings shall be informal. However, if required to keep order, Commission meetings shall then be governed by Robert's Rules of Order (current edition) 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.

**SECTION 9
ADOPTION AND AMENDMENT OF BYLAWS**

These Bylaws were approved and adopted by the Planning Commission during a regular meeting held on September 20, 2023 and were approved by the Township Board of Trustees during a regular meeting held on October 10, 2023. These Bylaws replace all previous Bylaws and any amendments thereof. These Bylaws may be amended at any regular meeting of the Planning Commission by a majority vote of the full Planning Commission membership, provided that the amendment has been submitted in writing at the previous regular meeting.

Therese Scheuerlein, Chairman
Frankenlust Township Planning Commission