

**BY-LAWS AND RULES OF PROCEDURE  
CHARTER TOWNSHIP OF UNION  
PLANNING COMMISSION**

**I. AUTHORITY**

These rules of procedures are adopted by the Planning Commission of the Charter Township of Union, Isabella County, State of Michigan (hereinafter referred to as the Commission) in order to facilitate the performance of its duties as outlined in the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, *et seq*, and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, *et seq*.

**II. MEMBERSHIP**

- A. Terms** – There shall be 9 members of the Planning Commission. One of the members shall be a representative from the Board of Trustees. The term of the Trustee serving on the Planning Commission shall coincide with their term of office on the Board of Trustees. The remaining 8 members shall serve 3 year terms. These terms will be staggered in a 3-3-2 format. When the term of the a member who is not the Trustee Representative has expired they shall hold office until re-appointed or a successor is appointed.
- B. Training** – Each member is expected to attend and complete at least one (1) professional training during each term served on the Planning Commission. Trainings must be sponsored by the Michigan Township Association, Michigan Association of Planning or other related professional planning and zoning organizations.

**III. OFFICERS**

- A. Selection and Tenure** – At the first regular meeting each March, the Commission shall select from its membership a Chairperson, Vice chairperson, Secretary, Vice secretary, All officers shall serve a term of one year, or until their successors are selected and assume office, except as noted in C, below. All officers shall be eligible for re-election for consecutive terms for the same office. The officers shall take office immediately following their election.
- B. Chairperson** – The chairperson shall preside at all meetings, appoint committees and perform such other duties as may be ordered by the planning commission.
- C. Vice Chairperson** – the vice chairperson shall act in the capacity of the chairperson in his/her absence. In the event the office of the chairperson becomes vacant, the vice chairperson shall succeed to this office for the unexpired term, and the planning commission shall select a successor to the office of vice chairperson for the unexpired term.

- D. Secretary** – the secretary shall execute documents in the name of the Commission and shall perform such other duties as the Commission may determine.
- E. Vice Secretary** – the vice secretary shall execute documents in the name of the Commission and shall perform such other duties as the Commission may determine in the absence of the Secretary.

#### **IV. MEETINGS**

The business that the Commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act. The Commission may establish reasonable rules and regulations in order to minimize the possibility of disrupting the meeting.

- A. Regular Meetings** – the Commission shall hold not less than four regular meetings each year and by resolution shall determine the time and place of such meetings. Other meetings may be held as necessary. When a regular meeting falls on a legal holiday or upon a day resulting in a conflict, the Commission shall, if possible, select a suitable alternate meeting date in the same month as the originally scheduled meeting.

Notice of regular Commission meetings shall be posted at the principal township office within 10 days after the Commission's first meeting in each calendar year 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.

- B. Special Meetings** – Special meetings may be called by the chairperson, Township Planner, or upon written request to the secretary by at least two members of the Commission. Notice of special meetings shall be given to the members of the Commission at least 48 hours prior to the meeting. Such notice shall state the purpose, time, and location of the special meeting and shall be posted in accordance with the Open Meetings Act.
- C. Notice** – Notice required for specific planning, zoning, or other land use actions will be given in accordance with the Michigan Planning Enabling Act, the Michigan Zoning Enabling Act, Land Division Act, or other applicable statute.
- D. Public Hearings** – All public hearings held by the Commission must be held as part of a regular or special meeting of the Commission. Public hearings conducted by the Commission shall be run in an orderly and timely fashion.

- E. Agenda** – The Township Planner shall be responsible for preparing a tentative agenda for Commission meetings. The agenda may be modified by action of the Commission. The order of business shall be:
1. Call to Order
  2. Pledge of Allegiance
  3. Roll Call
  4. Approval of Minutes
  5. Correspondence
  6. Approval of Agenda
  7. Public Comments and Communications Concerning Items Not on the Agenda
  8. New Business
  9. Other Business
  10. Extended Public Comment
  12. Final Board Comment
  13. Adjournment
- F. Quorum** – Five members of a nine-member Commission shall constitute a quorum for transacting business and taking official action for all matters. No official action of the commission may be taken without a quorum present.
- G. Voting** – An affirmative vote of the majority of the Commission members present shall be required for the approval of any requested action or motion placed before the Commission. A vote ending in a tie shall be treated as a failed motion. Voting shall be by voice vote; a roll call vote shall be required if requested by any Commission member or directed by the chairperson. Except in the case of conflict of interest, all Commission members, including the chairperson, shall vote on all matters. Any members who have recused themselves from a vote shall not participate in the discussion of that item. An affirmative vote of the majority of the members of the Commission is required to approve any part of the master plan or amendments to the plan or to amend these bylaws.
- H. Motions** – Motions shall be restated by the chairperson before a vote is taken. The name of the maker and supporters of the motions shall be recorded.
- I. Public Records** – 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.
- J. Rules of Order** – All meetings of the Commission shall be conducted, to the extent practicable, in accordance with generally accepted parliamentary procedure, as governed by “Robert’s Rules of Orders.” However, application of “Robert’s Rules”

shall not be utilized in order to stifle discussion or debate and may be implemented only to the extent required to maintain the orderliness of the meeting.

**K. Special Rules:**

1. Every member desiring to speak shall address the chair and, upon recognition of the presiding officer, shall confine himself/herself to the question under debate, avoiding all personalities and indecorous language.
2. A motion to reconsider any action taken by the commission may be made only on the day such action was taken. It may be either made immediately during the same session or at a recessed or adjourned session thereof. Such motion shall be made by one of the prevailing side, but may be seconded by any member, and may be made at any time and have precedence over all other motions or while a member has the floor. The question may then be debated.
3. A commissioner may request, through the presiding officer, the privilege of having an abstract of his/her statement on any subject under consideration by the commission entered into the minutes. If the commission consents thereto, such statement shall be entered into the minutes.
4. After a motion has been made by the commission, no person shall address the commission without first securing the permission of the commission to do so.
5. No person other than the commission and the person having the floor, shall be permitted to enter into any discussion, either directly or through a commissioner, without the permission of the presiding officer. No question shall be asked a commissioner except through the presiding officer.
6. While the Commission is in session the members shall preserve order and decorum, and a member shall neither by conversation or otherwise delay or interrupt the proceedings or the peace of the Commission nor disturb any member while speaking or refuse to obey the orders of the Commission or its presiding officer, except as otherwise herein provided.

**V. DUTIES OF THE PLANNING COMMISSION**

The Commission shall perform the following duties:

- A.** Prepare, review, and update a master plan as a guide for development within the Township's planning jurisdiction. The master plan must be reviewed every 5 years.
- B.** Take such action on petitions, staff proposals and township board requests for amendments to the zoning ordinance as required.

- C. Take such action on petitions, staff proposals and township board requests for amendments to the master land use plan as required.
- D. Prepare an annual written report to the township board of the Commission's operations and the status of planning activities, including recommendations regarding actions by the township board related to planning and development. The annual written report must be completed and submitted by December 1<sup>st</sup> of each year.
- E. Take such actions as authorized or required by the Michigan Planning Enabling Act.
- F. Take such actions as authorized or required by the Michigan Zoning Enabling Act.
- G. Review subdivision proposals and recommend appropriate actions to the township board.
- H. Review capital improvements program.
- I. Perform other duties and responsibilities or respond as requested in writing by any township board or commission.

**VI. ABSENCES, REMOVALS, RESIGNATIONS, AND VACANCIES**

- A. Members of the Commission who are absent for four (4) or more regularly scheduled Commission meetings in a twelve (12) month period shall be subject to review and possible removal by the Township Board of Trustees.
- B. Members of the Commission shall notify the Township Planner or Chairperson when they intend to be absent from a meeting.
- C. Members may be removed by the township board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.
- D. A member may resign from the Commission by sending a letter of resignation to the township board.
- E. Vacancies shall be filled by the township supervisor, with the approval of the township board. Successors shall serve out the unexpired term of the member being replaced.

**VII. CONFLICT OF INTEREST**

Before casting a vote on a matter on which a planning commission member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Commission. Failure of a member to disclose a potential conflict of interest as required by these bylaws constitutes a malfeasance in office. Before a member may be excused from casting a vote, a majority of the Commission must find by an affirmative vote that a conflict of interests exists.

Conflict of interest is defined as, and a Commission member shall declare a conflict of interest and abstain from participating in Commission deliberations and voting on a request, when:

1. An immediate family member is involved in any request for which the Commission is asked to make a decision. "Immediate family member" is defined as; the planning commission member's spouse, the member and member's spouses children (including adopted) and their spouses, step-children and their spouses, grandchildren, and their spouses parents, and step-parents, brothers and sisters and their spouses, grandparents, parents in-law, grandparents in-law, or any person residing in the planning commission member's household.
2. The Commission member 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 Commission member owns or has a financial interest in neighboring property being within 300 feet of the subject property.
4. There is a reasonable appearance of a conflict of interest, as determined by a majority vote of the remaining members of the Commission.

#### **VIII. AMENDMENTS**

These bylaws may be amended at any meeting by a vote of the majority of the membership of the Commission.

#### **IV. TOWNSHIP OF EXCELLENCE**

The Commission is dedicated to pursuing the Michigan Townships Association recognition for being a "Township of Excellence."

Adopted by the Union Township Planning Commission at a regular meeting on February 21, 2017.