

**CITY OF EAST TAWAS
PLANNING COMMISSION BYLAWS
IOSCO COUNTY, MICHIGAN**

ARTICLE 1

The name of this Commission shall be the City of East Tawas Planning Commission.

ARTICLE 2

The general purpose of the City of East Tawas Planning Commission shall be to guide and promote the efficient, coordinated development of the City in a manner which will best promote the health, safety and general welfare of its people.

ARTICLE 3

Section 1. Creation

The Planning Commission was created pursuant to resolution of the East Tawas City Council as authorized by PA 168 of 1959, as amended, and as confirmed by PA 33 of 2008, as amended.

Section 2. Membership

The Commission shall consist of seven (7) members, representing, insofar as it is possible, important segments of the community such as economic, governmental, educational and social development. To the extent possible, membership shall be representative of the entire geography of the City. One member of the City Council shall serve as Council representative, with no voting rights.

Section 3. Term of Office

The term of each member shall be three (3) years. Insofar as possible, terms shall be staggered so that the terms of 1/3 of all Commission members will expire each year. Members shall be appointed by the Mayor, subject to the approval by a majority vote of the City Council. Should a Commissioner be unable to complete a full three-year term, the Mayor, with the approval of the City Council, shall appoint a new member to fill the remainder of the term. A member shall, to the extent possible, serve until a successor has been appointed and qualified.

ARTICLE 4

Section 1. Officers

The Commission shall elect members to serve as a Chairperson, Vice-Chairperson, and a Secretary.

Section 2. Chairperson

The Chairperson shall preside at all meetings at which he/she is present, appoint such committees as shall from time to time be deemed necessary, and perform such duties as may be delegated by the Commission. The Chairperson shall have a vote on all motions or resolutions of the Commission.

Section 3. Vice-Chairperson

The Vice-Chairperson shall preside and perform the duties of the Chairperson in his/her absence.

Section 4. Secretary

The Secretary shall keep a record of the minutes of all meetings, a record of all transcripts, records, plans, etc., brought before the Commission. Such duties may be performed by an employed recording secretary when delegated by the Commission.

Section 5. ZBA Representative

The Planning Commission shall recommend one of its members to the City Council to serve as a member of the Zoning Board of Appeals.

ARTICLE 5

Section 1. Meetings

All meetings shall be conducted in accordance with the Open Meetings Act. No informal meetings or discussions shall be conducted. Regular meetings will be held on the second Monday of each month at 7:00 p.m. and ending by 10:30 p.m., unless another date and time becomes necessary, or unless no meeting is necessary due to lack of agenda items. The Planning Commission shall not begin discussion or take action on a new agenda item after 10:30 p.m. except by a majority vote of the Planning Commissioners present. Meetings shall not extend beyond 11:00 p.m. except to complete whatever item of the agenda is under discussion at that time. However, the Planning Commission, by unanimous vote, may extend the meeting further to complete other agenda items. Agenda items not acted upon at the time of adjournment shall be placed on the next available agenda of the regular meeting of the Planning Commission.

Members may be compensated for attendance at regular and/or special meetings as determined by the City Council.

A. Regular Meetings

The purpose of the regular meetings will be to make decisions on pending business matters, to accept new business matters for processing, and to approve minutes of previous meetings.

B. Special Meetings

The purpose of special meetings will be to review business matters that

cannot wait for the next regular meeting date. The special meetings may be called by the Chairperson, Vice-Chairperson of the Commission, City Manager, City Clerk or Zoning Administrator at such time and place deemed necessary. Forty-eight hours of notice is required to each Commissioner stating the time, place, and nature of business. A public notice shall be posted at least eighteen (18) hours prior to the meeting stating the specific purpose for the meeting.

C. Committee Meetings

The purpose of the committee meetings shall be to prepare items for presentation to the full membership of the Planning Commission. The committees shall be advisory bodies only and shall in no instance take action on any item. Items being considered for action shall be placed on the "Unfinished Business" portion of the agenda of a regular or special meeting. The committees may give progress reports and ask for direction from the full Planning Commission under the "Committee Reports" section of the agenda, but no action may be taken on any item during the agenda.

1. Committees whose appointed membership constitutes a quorum of the full Planning Commission shall hold their meetings only during the "Unfinished Business" portion of a regular meeting or special meeting. The committee meetings shall be included as an item on the agenda and shall be published as prescribed by law.
2. Committees whose appointed membership does not constitute a quorum of the full Planning Commission may schedule meetings outside of the regular or special meetings. The committee meetings shall be open to the public and shall be published as prescribed by law. The Chairperson or his/her designee shall prepare notes from the meeting and submit them to the office of the City Clerk within eight days.
3. Should the attendance of Commission members who are not appointed to the committee cause a quorum of the full Planning Commission to be present, the committee meetings shall not be considered a special meeting. In no instance shall action be taken on any item.
4. Members shall not be entitled to any compensation for attendance at committee meetings.

Section 2. Agenda

The agenda shall consist of business matters to be acted upon by the Planning Commission. In the event an item lacks sufficient information to take action, the Commission shall postpone the matter until the required information has been submitted.

Section 3. Public Participation

As provided by statute, all meetings, including special meetings and committee meetings shall be open to the public.

During debate on motions, which deal with new or unfinished business, the Planning Commission members shall first have the opportunity to discuss the motion, then to hear and question petitioners and/or other interested parties who request recognition to speak on the specified motion.

The time allotted for the public to be heard on any separate item of the scheduled agenda shall be limited to five (5) minutes per individual, unless this time is extended or reduced by the Chairperson. No member of the public shall speak twice on any single subject matter unless authorized by the Chairperson. Should any person be unable to appear, he/she may submit written comments to the Commission at the City Offices.

The Commission shall keep a public record of its resolutions, transactions, findings and determinations in the Office of the City Clerk.

Section 4. Removal of Commissioners - Conflict of Interest

The City Council may remove a member of the Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member absent from three (3) consecutive meetings without a valid excuse shall be reported to the City Council for nonfeasance.

A member shall disclose any possible conflict of interest before casting a vote on a matter. Failure to disclose a conflict of interest may constitute malfeasance in office. Once a member discloses a potential conflict of interest regarding a particular matter, he or she may be disqualified from voting on the matter upon a majority vote of the remaining members of the Commission.

A conflict of interest exists if any member has a personal or financial interest in the matter or has an interest such that the member cannot be unbiased in the decision-making process. A planning commissioner shall declare a conflict of interest when:

1. A relative or other family member is involved in any request for which the Planning Commission is asked to make a decision;
2. The Planning 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 Planning Commission member owns or has a financial interest in neighboring property. For purposes of this section, this shall include any property falling within the notification radius for the proposed development, as required by the Zoning Ordinance or other applicable ordinance; or law; or
4. There is a reasonable appearance of a conflict of interest, as determined by the Planning Commission member declaring such conflict.

Section 5. Parliamentary Authority

Meeting procedures and conduct shall comply with the current edition of Robert's Rules of Order Newly Revised, unless superseded by the Open Meetings Act MCL.15.261 or these bylaws.

ARTICLE 6

Section 1. Election of Officers

Election of Officers of the Commission shall be held annually at the first regular meeting following the appointment or re-appointment of Planning Commission members by the City Council.

- A. The term of office shall be one (1) year commencing immediately upon election and expiring concurrently with the appointment or re-appointment of Planning Commission members by the City Council of the subsequent year. The immediate past Chairperson shall continue to preside at the meeting until the election of the new Chairperson is complete.
- B. Should an Officer be unable to complete his term of office, a special election shall be held to fill the remainder of the term. The election shall be held at the first regular meeting after the vacancy has been confirmed by action of the City Council.

ARTICLE 7

Section 1. Appointment to Committees

The Chairperson may create or dissolve a committee at any time. Appointments and re-appointments to the committees shall be made by the Chairperson at the time the committees are created and the terms shall expire concurrently with the appointment or re-appointment of Planning Commission members by the City Council.

Section 2. Advisors

The Chairperson may appoint persons who are not members of the Planning Commission as advisors to the committees. Terms of the advisors will normally be for one year and shall expire and be re-appointed in the same manner as the members appointed from the Planning Commission.

ARTICLE 8

Section 1. Rules

Four (4) members shall constitute a quorum for conducting business.

Section 2. Voting

A minimum of four (4) votes in favor is necessary to pass any motion. In the event the absence of one or more members of the Planning Commission result in the inability of the Commission to achieve four (4) votes in favor of a motion, no action shall be deemed taken, and the item shall be placed on the agenda of the next regular or special meeting.

Section 3. Report to City Council

A report shall be prepared annually and approved by a majority vote of the Planning Commission. The report shall be prepared by the Secretary or employed recording secretary as delegated by the Commission and submitted to the Planning Commission no later than the second regular meeting in February of each year. After review by the Planning Commission, the report shall be submitted to the City Council for their review.

Section 4. Order of Business

Conduct of a regular meeting shall require the following order to business:

1. Open meeting and state if it is a regular or special meeting. (If special, dispense with Items 3, 4, 5, 6, 7 and 10.)
2. Roll Call
3. Minutes
4. Agenda Review and Approval
5. Brief Public Comment – Non-Agenda Items Only
6. Public Hearings
7. Staff Reports or Comments
8. Unfinished Business
9. New Business
10. Public Comments
11. Communications/Committee Reports
12. Chairperson's Comments
13. Commissioners' Comments
14. Adjournment

Section 5. Amendment to Bylaws

The bylaws may be amended at any regular meeting by a majority vote of the members of the Planning Commission, providing the proposed changes have been read at a preceding meeting.

CERTIFICATION

The foregoing bylaws were duly adopted by the City of East Tawas Planning Commission on the 13th day of July, 2009.

CITY OF EAST TAWAS

BY:

Annge Klinger, Deputy Clerk/Treasurer