

ELK RAPIDS TOWNSHIP  
ANTRIM COUNTY, MICHIGAN  
PLANNING COMMISSION

BYLAWS AND RULES OF PROCEDURE

Adopted January 21, 2014

1. Authority.

These Bylaws and Rules of Procedure, dated January 21, 2014 are adopted by the Planning Commission of Elk Rapids Township, County of Antrim (hereinafter referred to as the "Commission"), pursuant to Public Act 33 of 2008, as amended, being the Michigan Planning Enabling Act, MCL 125.3801, *et seq.* (referred to herein as the "Planning Enabling Act"); and the Public Act 267 of 1976, as amended, the Open Meeting Act

2. Membership and Officers.

2.1 Membership. The membership of the Planning Commission shall be established pursuant to the Planning Enabling Act.

2.2 Selection of Officers. At its first regular meeting in the fall of each year, the Commission shall elect a chairperson, vice-chairperson and secretary from its members. Officers shall be eligible for re-election. The Township Board member of the Commission is not eligible to serve as chairperson.

2.3 Duties of Officers and Staff. The chairperson shall preside at all meetings and shall conduct all meetings in accordance with the rules provided herein. The vice- chairperson shall act in the capacity of the chairperson in the absence of the chairperson. The secretary, with the assistance of Township staff, shall be responsible for the preparation of minutes, keeping of pertinent public records, delivering communications, petitions, reports, and related items of business at the Commission, issuing notices of public hearings and performing related administrative duties to assure efficient and informed Commission operations. As necessary, staff may sign public hearing notices and perform related administrative duties on behalf of the Planning Commission.

2.4 Tenure of Officers. The officers shall take office immediately following their election. They shall hold their offices for a term of one year, or until their successors are elected and assume office.

2.5 Officer Vacancies. In the event of a vacancy in any office, the Commission shall hold an election to fill such vacancy for the remainder of the term as soon as possible. If the election results in a vacancy of another office, that office shall be filled at the same election.

### 3. Meetings.

3.1 Meetings and Notice. The business which the Planning Commission may perform shall be conducted at meetings of the Planning Commission held in compliance with Public Act 267 of 1967, as amended, being the Open Meetings Act, MCL 15.261, *et seq.* (referred to herein as the "Open Meetings Act"). The Planning Commission shall hold not less than four regular meetings each year. At its first meeting of each calendar year, the Planning Commission shall adopt and provide public notice of a schedule of its regular meetings for the ensuing year in accordance with the Open Meetings Act; provided, however, that a meeting need not be held if pending matters do not warrant a meeting. The schedule of meetings may be amended by resolution of the majority of the members of the Commission, and notice of an amended schedule shall be given to the public by written notice posted in accordance with the Open Meetings Act and any other applicable laws. A special meeting may be called by the chairperson or by two members of the Planning Commission upon written request to the secretary or Township staff assigned to assist the Commission. The secretary shall send written notice of a special meeting to Planning Commission members not less than 48 hours before the meeting. Public notice of the time, date, and place of regular and special meetings shall be given in the manner required by the Open Meetings Act. Notice of public hearings shall be provided in the manner required by, as applicable, the Open Meetings Act, Zoning Ordinance, and Public Act 110 of 2006, as amended, being the Michigan Zoning Enabling Act, MCL 125.3101, *et seq.* (referred to herein as the "Zoning Enabling Act").

3.2 Quorum. In order for the Commission to conduct business or take any official actions, a quorum consisting of at least four of the seven voting members of the Commission shall be present. When a quorum is not present, no official action, except for rescheduling, recessing and adjournment of the meeting, may take place. The members of the Commission may discuss matters of interest, but they can take no action until the next regular or special meeting when a quorum is present. All public hearings without a quorum shall be recessed or rescheduled for a future regular or special meeting, and, except for applicable noticing requirements of the Open Meetings Act, no additional public notice is required provided the date, time and place of the rescheduled meeting are announced at the meeting.

3.3 Public Hearings. Public hearings conducted by the Commission shall be run in an orderly and timely fashion. This shall be accomplished by the following procedure:

1. The chairperson of the Commission shall summarize the public hearing announcement as published in the newspaper and also give a brief description of the hearing subject and any history, if necessary.
2. The applicant and its consultants, Township staff, Township Attorney, Township Planner and other Township consultants will be provided an opportunity to make a brief presentation on the hearing subject prior to public input. If the chairperson desires to answer questions of such individuals from the Commission members, or to direct someone to answer such a question, this may be done at the discretion of the chairperson.
3. The chairperson shall make the public aware of the following hearing rules:
  - a. This is a public hearing intended to receive comments on the above subject. Only comments regarding this subject will be accepted, and speakers may indicate agreement with prior statements and comments made by other speakers at the hearing, but are asked to avoid repeating statements and comments.
  - b. All persons wishing to comment shall be given an opportunity.
  - c. Any person wishing to speak shall first be recognized by the chairperson.
  - d. This person shall state his or her name and address and make comments directly and only to the chairperson.
  - e. Each person speaking shall limit his or her comments to three (3) minutes.
  - f. Everyone shall have an opportunity to speak before anyone is allowed to speak a second time. Persons shall only be allowed to speak a second time at the discretion of the chairperson.
4. The chairperson shall officially open the hearing and the Commission shall receive public input regarding the subject of the

hearing. During the hearing, the chairperson shall identify and read or summarize any correspondence submitted from the public on the subject of the hearing. This may be worked in between public comments or at the end of the hearing, at the chairperson's discretion.

5. Once all members of the public desiring to speak have been given an opportunity to do so, the chairperson shall request a motion to close the public hearing. Any member of the Commission may initiate an action to close the public hearing. Questions raised by the public may be noted during the public hearing and responded to at the end of the hearing to avoid repetitive responses. A decision on the subject will not occur at the public hearing unless the Commission determines that postponing the decision until the next meeting serves no public purpose.
- 3.4 Motions. If requested by a member of the Commission, or in the discretion of the chairperson, motions shall be restated by the chairperson before a vote is taken. The name of the maker and supporter(s) of motions shall be recorded.
  - 3.5 Voting and Conflicts of Interest. Except for the approval of the Master Plan which requires an affirmative vote of not less than 2/3 of the members of the Planning Commission, and unless otherwise required by statute, actions and motions placed before the Planning Commission may be adopted by a majority vote of the members present and voting, as long as a quorum is present. Voting shall ordinarily be by voice vote; provided, however, that a roll call vote shall be required if requested by any Commission member or directed by the chairperson, and in such event the chairperson shall vote last. All members of the Commission including the chairperson shall vote on all matters; provided, however, that before commencing an item of business on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Commission and said member shall be disqualified from voting on the matter if so provided by a majority vote of the remaining members of the Commission. Any member disqualified from a vote shall leave the Commission room and not participate in the discussion of that item, and the minutes of the meeting shall reflect that such Commission member left the room and abstained from the vote, and refrain from discussing the item with Planning Commissioners.

- 3.6 Order of Business. A written agenda for all regular meetings shall be prepared and followed. The order of business shall generally be as follows:

- Call to Order
- Roll Call
- Approval of Agenda
- Approval of Minutes
- Public Comments and Communications concerning items not on the agenda
- Public Hearings and Planning Commission Business
- Commissioner Comments
- Adjournment

A written agenda for special meetings shall be prepared and followed; however, the form as enumerated above shall not be necessary.

- 3.7 Rules of Order. Parliamentary procedure at Commission meetings shall be governed by the most current edition of *Robert's Rules of Order* as of the date of the meeting, subject to any laws and Township ordinances that establish a different procedure for specific matters.
- 3.8 Development/Rezoning Request Agenda Items. For an applicant's item to be considered at a regular Commission meeting, all required application or submission materials must be submitted to the member of the Township staff assigned to assist the Commission prior to the next scheduled Commission meeting according to the submission schedule established by policy of the Township.
- 3.9 Meeting Time Limit. If an agenda item has not been addressed by the Commission by 10:00 PM, the Commission may elect at its discretion to address the item or move it to the next meeting. Any agenda item under discussion at 10:00 PM will be completed that evening.
- 3.10 Non-Public Hearing Public Participation. Public comments relevant to items on the agenda shall be permitted at a point in time determined in the chairperson's discretion during each agenda item prior to a motion by the Planning Commission on such item, and public comments and communications shall be permitted regarding items that are not on the agenda during the part of the meeting designated on the agenda for same. Such public comments shall be subject to the following rules:
- a. Any person wishing to speak shall first be recognized by the chairperson.
  - b. This person shall state his or her name and address and make

comments directly and only to the chairperson.

- c. Each person speaking shall limit his or her comments to three (3) minutes.
- d. Everyone shall have an opportunity to speak before anyone is allowed to speak a second time. Persons shall only be allowed to speak a second time at the discretion of the chairperson.
- e. For public comments during agenda items, only comments regarding the agenda item will be accepted, and speakers may indicate agreement with prior statements and comments made by other speakers and should avoid repeating statements and comments.

3.11 Keeping Order. If at any time during the meeting the chairperson determines that one or more members of the public in attendance at the meeting are violating the rules of procedure set forth in these Bylaws and Rules of Procedure or are otherwise out of order, the chairperson may verbally declare that such person or persons are out of order and require them to cease, desist and sit down. In the event any such individual continues to be out of order, or in the event an individual is declared by the chairperson to be out of order on multiple occasions during a meeting, the chairperson may declare same and may order the person to leave the meeting room for the remainder of the meeting. In the event such person refuses to leave the meeting room, the chairperson may direct a law enforcement official to remove such individual from the room. The chairperson shall inform speakers of repetitive or irrelevant comments which are nonproductive to the purpose at hand or that the speaker has exceeded the time limit, and request that they comply with these rules, prior to declaring such speaker to be out of order.

#### 4. Minutes.

Preparation. Commission minutes shall be prepared by the secretary, with the assistance of the Township staff. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and recording of votes; a complete statement of the conditions or recommendations made on any action; and recording of attendance.

#### 5. Open Meetings and Freedom of Information Provisions.

- 5.1 Subject to the Open Meetings Act, all meetings of the Commission shall be open to the public and held in a place available to the general public.
- 5.2 Subject to the Open Meetings Act, all deliberations and decisions of the Commission shall be made at a meeting open to the public.

5.3 A person shall be permitted to address the Commission during a public hearing under the rules established in subsection 3.3 and to address the Commission concerning non-public hearing matters under the rules established in Section 3.10, to the extent that they are applicable.

5.4 Subject to the Freedom of Information Act, all public records relating to the business of the Commission are available to the public for reading, copying and other purposes.

6. Annual Report.

The Planning Commission shall make an annual written report to the Township Board of Trustees concerning its operations and the status of its planning activities, including recommendations regarding actions by the Township Board related to planning and development.

7. Amendments.

These Bylaws and Rules of Procedure may be amended by the Commission by a vote of a majority of the membership of the Commission during any regular meeting, provided that all members have received an advanced copy of the proposed amendments at least three (3) days prior to the meeting at which such amendments are to be considered.

These Bylaws and Rules of Procedure are hereby certified to have been adopted by the Commission on January 21, 2014.

\_\_\_\_\_, Chairperson  
Planning Commission of Elk Rapids Township

\_\_\_\_\_, Secretary  
Planning Commission of Elk Rapids Township