



American Planning Association
Michigan Chapter

Making Great Communities Happen

BY-LAWS AND RULES OF PROCEDURES

- ✓ How long can I be a chairperson?
- ✓ When does my term expire?
- ✓ How often do we meet?
- ✓ What are the duties of the chairperson, vice-chairperson, or secretary?
- ✓ How many members constitute a quorum?
- ✓ Is there a format for a public hearing?
- ✓ What constitutes a majority vote?
- ✓ What type of records must be kept?
- ✓ Must we follow the Open Meetings Act?

Have any of these questions been asked at a planning commission meeting? If so, then your planning commission should adopt a set of by-laws to guide actions of the commission.

Generally, by-laws are a set of rules and instructions based on planning law that regulates specific actions of the planning commission. By-laws are intended to answer the questions above and should, at a minimum, address the following:

- Identify the duties of the planning commission, the number of members, and length of their terms.
- Set the procedure for election of officers (chairperson, vice-chairperson, secretary).
- Establish the meeting schedule and process for amendments thereto.
- Decide the order of business to be conducted within a given meeting.



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- Outline the procedures for public hearings.
- Identify the process for members to declare conflicts of interest.

The composition and authority for a planning commission is set forth in Public Act 33 of 2008. The following sample by-laws are available in digital format through MAP. It must be noted that *each community must adjust the by-laws to fit its specific situation* and include the appropriate legal citations for city, village, township or county.

SAMPLE BY-LAWS

ARTICLE 1: AUTHORITY

These rules of procedure are adopted by the *(name of governmental unit)* and County, Planning Commission (hereinafter referred to as the commission) pursuant to Public Act 33 of 2008 and the Open Meetings Act.

ARTICLE 2: PURPOSE

The general purpose of the *(name of governmental unit)* Commission shall be to guide and promote the efficient, coordinated development of the *(type of municipality)* in a manner which will best promote the health, safety, and general welfare of its people; preserve and protect the *(type of municipality)* and its natural resources; and to address the goals and recommendations of the Master Plan.

ARTICLE 3: DUTIES OF THE COMMISSION

The Commission shall perform the following duties:

(1) Draft, conduct hearings, and recommend a Zoning Ordinance, and subsequent

amendments thereto, to the *(governing body)*.

- (2) Adopt a Master Plan *(or assist the governing body)*, review the Plan regularly, and make necessary updates as required.
- (3) Prepare an Annual Report to the *(governing body)*.
- (4) Review and take action or recommend appropriate actions to *(governing body)* on site plan, special land use, and planned unit development requests.
- (5) Review Subdivisions proposals and recommend appropriate actions to the *(governing body)*.
- (6) Prepare special studies and plans, as deemed necessary by the Commission or *(governing body)* and for which appropriations of funds have been approved by the *(governing body)*, as needed.
- (7) Attend training sessions, conferences, or meetings as needed to properly fulfill the duties of commissioner, and for which appropriations of funds have been approved by the *(governing body)*, as needed.
- (8) Perform other duties and responsibilities as may be requested by the *(governing body)*.
- (9) Members of the commission may conduct such site visits as deemed necessary to evaluate the application and supporting material. Site visits shall be conducted individually unless otherwise scheduled by the commission, obeying all requirements of the Open Meetings Act.

ARTICLE 4: MEMBERSHIP

Section 4.1 Membership Requirements. Membership of the commission shall consist of *(insert number of members)* members appointed by *(governing body)*. Members of the commission shall be residents of the *(name of governmental unit)*.

Terms:

Many communities allow members to continue serving on the commission until a replacement is found - others operate with fewer members. However, because legislation specifies the required number of members, it is recommended that no seat remain vacant (unoccupied) for more than a few consecutive months.

Section 4.2 Terms. Each member shall be appointed to hold office for a three (3) year term. Vacancies shall be filled by the (*governing body*) for the unexpired term.

ARTICLE 5: OFFICERS

Section 5.1 Officers. The officers of the commission are appointed members of the commission and shall consist of a chairperson, vice-chairperson, and secretary.

Section 5.2 Duties of the Chairperson. The chair shall preside at all meetings, appoint committees; and perform such duties as may be delegated by the commission or (*governing body*). The commission chairperson shall have the right to appoint new committee members at any time to fill a vacancy.

Section 5.3 Duties of the Vice-Chairperson. The vice-chairperson shall act in the capacity of the chairperson in his/her absence.

Section 5.4 Duties of the Secretary. The secretary shall serve as the liaison between the commission and the designated (*name of governmental unit*) staff who is responsible for the execution of documents in the name of the commission, performing the duties hereinafter listed below, and performing such other duties as the commission may determine.

(1) Minutes. The designated (*name of governmental unit*) staff shall be responsible for a permanent record of the minutes of each meeting and shall have them recorded in

suitable permanent records.

- (2) Correspondence. The designated (*name of governmental unit*) staff shall be responsible for the issuance of formal written correspondence with other groups or persons, as directed by the Commission. All communications, petitions, reports, or other written materials received by the designated (*name of governmental unit*) staff shall be brought to the attention of the Commission.
- (3) Attendance. The designated (*name of governmental unit*) staff shall be responsible for maintaining an attendance record for each Commission member and report those records annually to the Commission for inclusion in the Annual Report to the (*governing body*).

Notices/Agendas. The designated (*name of governmental unit*) staff shall issue such notices and prepare the agendas for all meetings, as may be required by the Commission.

Section 5.5 Duties of the (*governing body*) Representative. The (*governing body*) representative to the commission shall report the actions of the (*governing body*) to the commission and update the commission on actions by the (*governing body*) that relate to the functions and duties of the commission

Section 5.6 Duties of the Zoning Board of Appeals Representative. If applicable, the Zoning Board of Appeals (ZBA) representative to the commission shall report the actions of the ZBA to the commission and update the commission on actions by the ZBA that relate to the functions and duties of the commission.

Section 5.7 Elections.

- (1) At the _____ (*month*) meeting, the commission shall select from its membership a chairperson, vice-chairperson, and secretary who shall serve for a twelve month period and who shall be eligible for re-election.

(2) A candidate receiving a majority vote of the membership present shall be declared elected.

(3) Newly elected officers will assume their office immediately after the election.

Section 5.8 Terms. All officers shall serve a term of one (1) year, or until their successors are selected and assume office. Officers may be re-elected, with no officer serving for more than *(insert designated number of terms)* consecutive terms in any office.

Section 5.9 Vacancies. Vacancies in offices shall be filled immediately by regular election procedure with the term expiring in accordance with (3) above.

ARTICLE 6: MEETINGS

Section 6.1 Regular Meetings. Regular meetings of the commission shall be held monthly in the *(Governmental Unit)* hall on a date established by the commission *(specific date could also be established, i.e. the second Tuesday of each month)*. The dates and times shall be posted at the *(Governmental Unit)* hall and a notice should be published 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. When a regular meeting date falls on or near a legal holiday, the commission shall select suitable alternate dates in the same month, in accordance with the Open Meetings Act.

Section 6.2 Meeting Notices. All meetings shall be posted at the *(Governmental Unit)* hall according to the Open Meetings Act. The notice shall include the date, time and place of the meeting.

Section 6.3 Special Meetings. A special meeting may be called by two members of the commission upon written request to the secretary or by the chairperson. The business which the commission may perform shall be conducted at a public meeting of the commission held

in compliance with the Open Meetings Act. Public Notice of the time, date, and place of the special meeting shall be given in a manner as required by the Open Meetings Act, and the secretary shall send written notice of a special meeting to commission members not less than 48 hours in advance of the meeting.

Section 6.4. Open Meetings. All meetings of the commission shall be opened to the public and held in a place available to the general public. All deliberations and decisions of the commission shall be made at a meeting open to the public. A person shall be permitted to address a hearing of the commission under the rules established in Section 6.11, and to address the commission concerning non-hearing matters under the public comment portion of the agenda, as established in Section 6.9 to the extent that they are applicable. A person shall not be excluded from a meeting of the commission except for breach of the peace, committed at the meeting.

Section 6.5 Public Record. 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.

Section 6.6 Minutes. Commission minutes shall be prepared by the secretary of the commission. The minutes shall contain a brief synopsis of the meeting, complete statement of the conditions or recommendations made on any action; and recording of attendance. All communications, actions, and resolutions shall be attached to the minutes. The official records shall be annually deposited with the township; municipal, or county Clerk.

Section 6.7 Quorum. In order for the commission to conduct business or take any official action, a quorum consisting of the majority of the voting members of the commission shall be present. When a quorum is not present, no official action, except for closing of the meeting. The members of the commission may discuss matters of interest, but can take no action until the next regular or special meeting. All public hearings without a quorum shall be scheduled for the next regular or special meeting and no additional public notice is required

provided the date, time, and place is announced at the meeting.

Section 6.8 Voting. An affirmative vote of the majority of the commission (*if desired, insert "members present"*) shall be required for the approval of any requested action or motion placed before the commission. Voting shall ordinarily be voice vote; provided however that a roll call vote shall be required if requested by any commission member or directed by the chairperson. All commission members shall vote on every motion placed on the floor unless there is a conflict of interest, as established in ARTICLE 7. Any member abstaining from a vote shall not participate in the discussion of that item.

Voting:

Planning legislation is mute on the validity of voting when all members are not present at a meeting. Common practice only requires a majority vote of those present to take official action, while others require a majority vote of the total membership, which may result in unfinished business, even if a quorum is present. Every commission should discuss these rules with their attorney and include them in their by-laws.

Section 6.9 Agenda. A written agenda for all regular meetings shall be prepared as followed. The agenda for all regular meetings shall be:

- (1) Call to Order
- (2) Roll Call
- (3) Approval of Minutes
- (4) Approval of Agenda
- (5) Public Comments and Communications Concerning Items Not on the Agenda
- (6) Scheduled Public Hearings
- (7) Unfinished Business
- (8) New Business
- (9) Other Matters to be Reviewed by the Commission
- (10) Administrative Items
- (11) Adjournment

Any commissioner may request that an item be placed on the regular meeting agenda for discussion provided such request is made not less than two (2) weeks prior to the next regular meeting and provided that such request is approved by the chairperson.

Section 6.10 Rules of Order. All meetings of the commission shall be conducted in accordance with generally accepted parliamentary procedure, as governed by “Robert’s Rules of Order.”

Rules of Order:

While not mandated by law, many communities prescribe to “Robert’s Rules of Order,” commonly referred to as Robert’s Rules.

Section 6.11 Public Hearings. Hearings shall be scheduled and due notice given in accordance with the provisions of the acts and ordinance cited in ARTICLE1. Public hearings conducted by the commission shall be run in an orderly and timely fashion. This shall be accomplished by the establishing hearing procedures.

(Insert specific format for your community here-public hearing guidelines are provided on page 1)

Section 6.12 Notice of Decision. A written notice containing the decision of the Commission will be sent to petitioners and originators of a request.

ARTICLE 7: CONFLICT OF INTEREST

Section 7.1 Declaration of Conflict. Commission members shall declare a conflict of interest when any one (1) or more of the following occur:

(1) A relative or other family member is involved in any request for which the commission

is asked to make a decision.

- (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. For purposes of this Section, a neighboring property shall include any property falling within the notification radius for the proposed development, as required by the Zoning Ordinance, or other applicable Ordinance. The commission shall make a determination regarding the presence of a conflict of interest.
- (4) There is a reasonable appearance of a conflict of interest, as determined by the commission member declaring such conflict.

Section 7.2 Requirements. When declaring a conflict, the commission member shall do all of the following:

- (1) Announce a conflict of interest and state its general nature.
- (2) Abstain from any discussion or votes relative to the matter which is the subject of the conflict.
- (3) Absent himself/herself from the room in which the discussion takes place.

ARTICLE 8: ABSENCES, REMOVALS, AND RESIGNATIONS

Section 8.1 Absences. In order to be excused from a meeting, members of the commission shall notify the commission chairperson when they intend to be absent from the meeting. Failure to make this notification at least twenty-four (24) hours prior to the meeting shall result in an unexcused absence. More than four (4) consecutive, unexcused absences or absences at twenty-five (25%) percent of all meetings in any one (1) fiscal year shall be considered nonperformance of duty and cause of removal from the commission.

Section 8.2 Removal. Members of the commission may be removed by the (*governing*

body) for nonperformance of duty, misconduct in office, or upon failure to declare a conflict of interest upon vote by the majority, after written charges have been prepared and a hearing conducted.

Section 8.3 Resignation. A member may resign from the commission by sending a letter of resignation to the (*governing body*) or commission chairperson.

ARTICLE 9: AMENDMENTS

These rules may be amended by the commission by a concurring vote pursuant to subsection 3.7, during any regular meeting, provided that all members have received an advanced copy of the proposed amendments at least 3 days prior to the meeting at which such amendments are to be considered.

Amendments:

There are no laws that govern how by-laws are adopted or amended. Many communities opt to reference the previous sections that address voting rules, while others require a two-thirds vote of the membership. Sample language is shown above...

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