

NORWOOD TOWNSHIP
PLANNING COMMISSION BYLAWS
Adopted June 18, 2010
Amended April 9, 2012, PC Meeting
Amended August 10, 2015 PC Meeting

Section 1. Name and Purpose. The name shall be the Norwood Township Planning Commission, hereafter known as the "Commission."

A. These Bylaws are adopted by the Commission to facilitate the performance of its duties as outlined in P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, (M.C.L. 125.3801 et seq.), hereinafter "the Planning Act."

B. These Bylaws are also adopted to facilitate the duties of the Commission for administration of a zoning ordinance as outlined in P.A. 110 of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 et seq.), hereinafter "the Zoning Act."

Section 2. Membership

A. **Members.** Members of the Commission are appointed by the Norwood Township Board pursuant to the Norwood Township Planning Commission Ordinance of April 29, 2009 as amended. First priority, each member shall represent and advocate what is best for Norwood Township as a whole, putting aside personal or special interests.

B. **Attendance.** of any member of the Commission is absent unexcused from three consecutive regularly scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the Norwood Township Board to remove a member from the Commission for nonperformance of duty, or misconduct, after providing the member written charges and after holding a public hearing on the matter. The Commission secretary, or acting secretary in the absence of the elected secretary, shall keep attendance records and shall notify the Norwood Township Board whenever any member of the Commission is absent from three consecutive regularly scheduled meetings, so the Norwood Township Board can consider further action allowed under law or excuse the absences. If a member cannot attend a meeting, he should contact the Secretary in advance of that meeting in order that attendance may be anticipated. A person shall be considered excused when, with prior notification, any of the following reasons is provided:

- 1) illness
- 2) business
- 3) prearranged vacation

C. Incompatibility of Office.

1. Conflict of Interests. A member of the Planning Commission shall declare a conflict of interest in connection with a matter pending before the Planning Commission and shall disqualify himself or herself from deliberating and voting on the matter when any of the following circumstances exist:

- a. The applicant is the child, grandchild, great-grandchild, parent, grandparent, great-grandparent, brother, sister, nephew, niece, aunt or uncle of the Planning Commission member or the member's spouse.

- b. The Planning Commission member or the member's spouse, parent, child, or any relative residing in the member's household has a pecuniary interest in the outcome of the matter.
 - c. The Planning Commission member or the member's spouse resides on or has an ownership interest in land within 300 feet of the parcel regarding which the decision is to be made.
 - d. While being a member of the Planning Commission the member has made statements or taken any action outside the formal decision-making process that would suggest that he or she has prejudged the matter before the planning commission or would in any way preclude him or her from affording the applicant and the public a fair hearing.
 - e. If the Planning Commission member has expressed an opinion concerning a matter before the Planning Commission prior to becoming a member of the Planning Commission and cannot in good faith set aside that prior opinion and decide the matter based on the information provided at the public hearing and the zoning ordinance requirements.
 - f. The Planning Commission member concludes in good faith that because of prior business or personal relationships with the applicant or with other participants in the public hearing process, or for other reasons, he or she cannot afford the applicant and the public a fair hearing.
2. If a question exists whether the circumstances actually present a conflict of interest, the Planning Commission may, by majority vote of the members present, adjourn the case to a specific time, date, and place in order to obtain a written opinion from the Township Attorney. Once the conflict of interest is declared or confirmed, the Planning Commission member with the conflict of interest shall abstain from participating and voting in the case.
3. When a conflict of interest exists, the member of the Commission, or committee, shall do all of the following immediately, upon first knowledge of the case and determining that a conflict exists:
- a. declare a conflict exists at the next meeting of the Commission or committee:
 - b. cease to participate at the Commission or committee meetings, or in any other manner, or represent one's self before the Commission, its staff, or others, and
 - c. during deliberation of the agenda item before the Commission or committee, leave the meeting or remove one's self from the front table where members of the Commission sit, until that agenda item is concluded.
4. If a member of the Commission is appointed to another office or an individual holding another office is appointed to the Commission, which other office is an incompatible office with his or her membership on the Commission, then the individual shall resign from one of the offices, so as to eliminate the incompatibility.

Section 3. Duties of all members: *Ex Parte* contact

- A. Members shall avoid *Ex Parte* contact about cases where an administrative decision is before the commission whenever possible.
- B. Despite one's best efforts it is sometimes not possible to avoid *Ex Parte* contact. When that happens, the member should take detailed notes on what was said and report to the Commission at a public meeting or hearing what was said, so that every member and other interested parties are made aware of what was said.
- C. Site Inspections – The Planning Commission encourages site visits by its members and staff. An application before the Planning Commission acquiesces permission to view property.
- D. Spokesperson for the Commission.
 - 1. Free and open debate should take place on issues before the Commission. Such debate shall only occur at meetings of the Commission.
 - 2. Once a vote is taken and 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. Minority reports and requests for reconsideration may take place only at an open meeting of the Commission.
 - 3. From time-to-time, or on a specific issue the Commission may appoint a spokesperson for the Commission for all matters which occur outside of the meetings of the Commission.

Section 4. Officers

- A. **Selection.** At the regular meeting in May of each year, the Commission shall select from its membership a Chair, Vice-Chair, Secretary. All officers are eligible for reelection. In the event the office of the Chair becomes vacant, the Vice-Chair shall succeed to this office for the unexpired term and the Commission shall select a successor to the office of Vice-Chair for the unexpired term. In the event the office of the Secretary becomes vacant, the Commission shall select a successor to the office of Secretary for the unexpired term. The Commission or Secretary may also designate another person who is not a member of the Commission to be the recording secretary.
- B. **Tenure.** The Chair, Vice-Chair and Secretary shall take office immediately following their selection and shall hold office for a term of one year or until their successors are selected and assume office.
- C. **Chair's Duties.** The Chair retains his or her ability to discuss, make motions and vote on issues before the Commission. The Chair shall:
 - 1. Preside at all meetings with all powers under parliamentary procedure;
 - 2. Shall 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;
 - 3. Prepare an agenda for Commission meetings.;
 - 4. Restate all motions as pursuant to Section 5.E of these Bylaws;
 - 5. Appoint committees; the appointments be proposed by the Chair, subject to the Commission members approval;
 - 6. Appoint officers of committees or choose to let the committees select their own officers;

7. May call special meetings pursuant to Section 5.B of these Bylaws;
8. Act as member and Chair of the Executive Committee pursuant to Section 6.A of these Bylaws;
9. Act as an Ex-Officio member of all committees of the Commission;
10. Appoint an Acting-Secretary in the event the Secretary is absent from a Commission meeting;
11. Review with the Secretary or staff, prior to a Commission meeting, the items to be on the agenda if he or she so chooses;
12. Periodically meet with the Zoning Administrator to review operations, procedures, and to monitor progress on various projects.
13. Act as the Commission's chief spokesman and lobbyist to represent the Commission at local, regional, and state government levels.
14. Represent the Commission, along with the Norwood Township Board Commission member, before the Norwood Township; and
15. Perform such other duties as may be ordered by the Commission.

D. Vice-Chair's Duties. The Vice-Chair shall:

1. Act in the capacity of Chair, with all the powers and duties found in Section 4.C of these Rules, in the Chair's absence;
2. Act as member and Vice Chair of the Executive Committee pursuant to Section 6A of these Rules; and
3. Perform such other duties as may be ordered by the Commission.

E. Secretary's Duties. The Secretary shall:

1. Execute documents in the name of the Commission;
2. Be responsible for the minutes of each meeting, pursuant to section 6.A of these Bylaws if there is not a recording secretary;
3. Review the draft of the minutes. Copies of minutes shall be distributed to each member of the Commission prior to the next meeting of the Commission (the Secretary may delegate this duty to Commission staff);
4. Receive all communications, petitions, and reports to be addressed by the Commission;
5. Keep attendance records pursuant to Section 2.B of these Bylaws;
6. Provide notice to the public and members of the Commission for all regular and special meetings, pursuant to the Open Meetings Act, P.A. 267 of 1976, as amended, M.C.L. 15.261 et seq. (the Secretary may delegate this duty to Commission staff);
7. Act as member and Secretary of the Executive Committee pursuant to Section 7A of these Bylaws;
8. May hire on behalf of the Commission for Norwood Township a recording secretary (who shall not be a member of the Commission);
9. Act in the capacity of Chair, with all the powers and duties found in Section 4 C of these rules in the absence of the Chair and Vice Chair; and
10. Perform such other duties as may be ordered by the Commission.

F. Recording Secretary's Duties. The Recording Secretary shall not be a member of the commission or any of its committees, and shall:

1. At each meeting take notes for minutes and prepare a first draft of minutes for review and signature by the Secretary; and

2. Perform such other duties as may be requested by the Commission or secretary.

Section 5. Meetings

A. **Regular Meetings.** Planning Commission shall set a regular meeting schedule. Meetings of the Commission will be held the 2nd Monday every month at 7 p.m. at Norwood Township Hall. When the regular meeting day falls on a legal holiday, the Commission shall select a suitable alternate day in the same month. An annual notice or regularly scheduled Commission meetings shall comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meeting Act M.C.L. 15.261 et seq.)

B. **Special Meetings.** Special meetings shall be called in the following manner:

1. By the Chair.
2. By any two members of the Commission.
3. Notice of special meetings shall be given by the Secretary to members of the Commission at least forty eight (48) hours prior to such meeting and shall state the purpose, time, day, month, date, year and location of the meeting (the Secretary may delegate this function to staff). In addition notices shall comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meetings Act M.C.L. 15.261 *et seq.*).

C. **Recess.** The Chair, or the Commission, after the meeting has been in session for three hours (not including site inspections), shall suspend the Commission's business and evaluate the remaining items on its agenda. The commission shall then decide to finish that meetings agenda, may act to continue the meeting on another day (fix the time at which to adjourn), or complete some agenda items and continue the meeting on another day to complete other agenda items or postpone certain agenda items to the next meeting. If applicable such action shall include the time, day, month, date, year, and location the Commission will reconvene. If more than 18 hours will pass before the reconvened Commission, public notice shall be given to comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meeting Act M.C.L. 15.261 *et seq.*). Upon reconvening, a roll call of attendance shall be the first item of business before proceeding with the same agenda. The commission shall resume with the same meeting agenda, proceeding at the same point where they left off, without the addition of additional business.

D. **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. Provided, however, that an affirmative vote of a majority of the appointed members of the Commission shall be necessary for the adoption or amendment of the master plan, decisions regarding Special Use Permit Applications and recommendations regarding Zoning Ordinance Amendments. When a quorum is not present, no official action, except for closing of the meeting may take place.

E. **Motions.**

1. Motions shall be restated by the Chair before a vote is taken.
2. Findings of Fact. All actions taken in an administrative capacity (including but not limited to, special use permits, subdivisions, zoning, site plan review, planned unit developments, review and submission on another municipality's proposed plan, review and submission on a capital improvement, review of township zoning) shall include each of the following parts:

- a. A finding of fact, listing what the Commission determines to be relevant facts in the case in order to eliminate misleading statements, hearsay, irrelevant, and untrue statements.
- b. Conclusions to list reasons based on the facts for the Commission's action, often directly related, or not, to a finding of compliance, or noncompliance, to standards.
- c. The Commission's action; recommendation or position, approval, approval with conditions, or disapproval.

F. Voting. Voting shall be by voice and shall be recorded as passing or failing. Roll call votes will be recorded only upon request by a member of the Commission and shall be recorded by "yes" or "no". Members must be present to cast a vote. Voting by proxy shall not occur. 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. Provided, however, that an affirmative vote of a majority of the appointed members of the Commission shall be necessary for the adoption or amendment of the master plan and decisions regarding Special Use Permit Applications and recommendations regarding Zoning Ordinance Amendments. All members of the Commission including the Chairperson shall vote on all matters, but the Chairperson shall vote last. Any member may be excused from voting only if that person has a conflict of interest. Any member abstaining from a vote shall not participate in the discussion of that item.

G. Commission Action. Action by the Commission on any matter on which a hearing is held shall not be taken until the hearing has been concluded.

H. Parliamentary Procedure. Parliamentary procedure in Commission meetings shall be informal. However, if required to keep order, Commission meetings shall then be governed by *Roberts Rules of Order Newly Revised*, (10th Edition, Perseus Publishing, New York, 2000 (ISBN 0-7382-037-6)) 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.

I. Public Participation. All regular and special meetings, hearings, records, and accounts shall be open to the public.

1. All public comment on all agenda items should be presented at the beginning of the meeting where provided in the printed agenda. After that point during the meeting, public comment is normally not allowed; however, sometimes the Commission may direct questions to members of the public. Public comment is at the beginning of the meeting so the Commission can hear concerns and questions before acting on an issue. Those making public comment are expected to be familiar with the issue and have prepared comments ahead of time. To help the public in preparing for the meeting, any written material shall be made available without cost for members of the public asking for a copy prior to the meeting.

2. The Chair may limit the amount of time allowed for each person wishing to make public comment at a Commission meeting. The Chair may ask members of the audience to caucus with others sharing similar positions so they may select a single spokesperson. If a single spokesperson is selected, that individual shall be able to make public comment at the Commission meeting without time limit or an extended time limit.

J. Order of Business. A written agenda for all regular meetings shall be prepared as follows. The order of business shall be:

- 1) Call to Order
- 2) Pledge of Allegiance
- 3) Approval of Agenda
- 4) Approval of minutes of the previous meeting
- 5) Public Comments on Agenda Items
- 6) Public Hearing (if applicable)
- 7) Zoning Administrator's report
- 8) Commissioners Report – or reports of Committees they chair
- 9) Unfinished Business
- 10) New Business
- 11) Announcements/Correspondence
- 12) Public Comment
- 13) Adjournment

Agenda will note where the backup material may be found for each item, thereby allowing the Commission to verify they have all pertinent material for the upcoming meeting. A written agenda for special meetings shall be prepared and followed, however the form as enumerated above shall not be necessary.

K. Delivery of Agenda. The agenda and accompanying materials shall be transmitted to Commission members so it is reasonably expected to be received at least 1 week prior to the regular meeting date.

L. Placement of Items on the Agenda.

1. The Zoning Administrator shall be the office of record for the Commission.
2. The Zoning Administrator may receive items on behalf of the Commission between the time of the adjournment of the previous Commission meeting and eight business days prior to the next regularly scheduled Commission meeting.
3. Items received by the Zoning Administrator between seven business days prior to the next regularly scheduled Commission meeting and the next regularly scheduled Commission meeting shall be set aside to be received by the Commission at its next regularly scheduled Commission meeting. The Commission may act on those items of a minor nature or table action to the subsequent regular or special Commission meeting. Those items of a major nature, or items normally receiving staff review, analysis, or recommendation shall be tabled until the subsequent regular or special Commission meeting.
4. The deadline to add items to the Commission's meeting agenda shall be seven business days prior to the next regularly scheduled Commission meeting.

M. Retention. Commission records shall be preserved and kept on file according to the following schedule:

1. Minutes, zoning ordinances, master or compressive plans, other records of decisions, Commission or department publications: Permanent.
2. Correspondence: Permanent.

Section 6. Committees

A. The Executive Committee shall be a standing committee of the Commission. Its membership shall be the Chair, Vice-Chair, and Secretary of the Commission and

they shall hold the same offices on the committee. The Executive Committee may deal with recommendations to the Commission on matters of the Commission budget; office and personnel policy; and anything else directed to the Executive Committee by the Commission.

B. The Executive Committee has limited power to act only on housekeeping matters, budget, office policy, and overseeing contracts and personnel when time constraints require action prior to the next regularly scheduled Commission meeting. Such actions shall be reported at the next regularly scheduled Commission meeting and are subject to the Commission's review and/or veto.

C. Ad Hoc Committees. The Chairman, with Commission approval may establish and appoint ad hoc committees for special purposes or issues, as deemed necessary. Less than a quorum may serve on an ad hoc committee at any given time.

D. Citizen Committees. The Commission, Chair, or [Planning Department/Zoning Administrator] may establish and appoint citizen committees with the consent of the Commission. Membership can be any number, so long as less than a quorum of the Commission serve on a citizen committee at any given time. The purpose of the citizen committee is to have more citizen and municipal government involvement, to be able to use individuals who are knowledgeable or expert in the particular issue before the Commission and to better represent various interest groups in the [local unit of government].

E. Hearings. Hearings shall be scheduled and due notice given in accordance with the provisions of the acts and ordinance cited in Section 5. Public hearings conducted by the Planning Commission shall be run in an orderly and timely fashion. This shall be accomplished by the following procedure:

1. The chairperson opens the hearing on time, and announces the subject of the hearing.
2. The procedures are summarized for all present. Usually they are also posted on a wall or given to people on a one page handout. Be sure each person who speaks identifies himself.
3. The staff presents the essence of the application and any staff reports or other pertinent information.
4. Individuals speaking in support are next invited to speak, beginning with the applicant and his/her representative.
5. Individuals speaking in opposition usually go next. If several people (from the same subdivision for example) who have the same view are present, it is not unreasonable to ask a single representative to speak for the group. However, do not prevent anyone from having an opportunity to speak. Irrelevant and off-the-wall comments should be ruled "out-of-order" by the chairperson.
6. The Chairperson can allow "cross-examination" or rebuttal, but should insure that all comments are directed through the chair and not to a particular individual. The hearing body should refrain from debating or arguing with the persons. The purpose of the hearing is to gather facts, not to carry on an adversary relationship.
7. The Chairperson should announce the close of the public comment portion of the hearing or announce the continuation of the public hearing to another specified time and date if the hour is late or additional pertinent information must be obtained.

8. The hearing body then deliberates on the matter.

Section 7. Other Matters to be considered by the Commission Commission Action. The following matters shall be presented for consideration at a meeting of the Commission:

- A. At least annually, the adoption of priorities for the Commission's plan of work.
- B. Annually, preparation of an annual report of the Commission.

Section 8. Adoption, Repeal, Amendments

- A. Upon adoption of these Bylaws of June 18, 2010, they shall become effective and all previous Bylaws, shall be repealed.
- B. The Commission may suspend any one of these Bylaws, for a duration of not more than one agenda item or meeting.
- C. These Bylaws may be added to, amended or repealed in whole or in part. Proposed changes to these Bylaws must be submitted in writing to the members of the Planning Commission at least one (1) month in advance of the meeting at which the proposed changes will be considered. A majority vote of the entire Planning Commission members shall be required to amend these Bylaws.