

Fife Lake Area Planning Commission Bylaws
Adopted March 19, 2019 and Amended May 10, 2022

ARTICLE I: NAME AND PURPOSE

The name of this Organization shall be the Fife Lake Area Planning Commission, hereinafter known as the "Commission".

ARTICLE II: AUTHORIZATION

- A. **Michigan Planning Enabling Act:** 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. **Michigan Zoning Enabling Act:** 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".
- C. **Michigan Joint Municipal Planning Act:** These Bylaws are also adopted by the Commission to facilitate the performance of its duties as outlined in the P.A. 226 of 2003, as amended, being the Michigan Joint Municipal Planning Act (M.C.L. 125.131 et seq.), hereinafter "the Joint Planning Act."
- ~~B-D~~ **Open Meetings Act:** These Bylaws are also adopted by the Commission to facilitate the performance of its duties as outlined in the P.A. 267 of 1997, as amended, being the Open Meetings Act (M.C.L. 15.261 et seq.), hereinafter "the Open Meetings Act."

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ARTICLE III: MEMBERSHIP

- A. **Membership:** Shall consist of seven (7) persons appointed by the legislative bodies of the participating municipalities per Public Act 33 of 2008, as amended, and per the Fife Lake Area Planning Commission Ordinance and Agreement. The term of office shall be for three (3) years or until a successor is appointed. The term of office for Ex Officio members shall coincide with the terms of their elected office. Every member must be sworn in by the Clerk of the legislative bodies of the participating municipalities, or designated agent.
- B. **Community Interest:** Each member shall represent and advocate what is best for the participating municipalities as a whole, putting aside personal or special interests. Each member shall represent an important segment of the community, as appointed by the legislative bodies of the participating municipalities, such as:
 - ~~C-I~~ 1. Education, Natural Resources, Recreation, Business, Public Health, Government, Transportation, Industry, and/or Agriculture.
- ~~D-C~~ **Vote:** Each member shall be entitled to one (1) vote. A majority of the members present and constituting a quorum at a given meeting shall be required to take any formal action.
- ~~E-D~~ **Attendance:** If any member of the Commission is absent from four regularly scheduled meetings annually or three consecutive regularly scheduled meetings, then that member ~~shall~~ may be considered delinquent. Delinquency ~~shall~~ may be grounds for the legislative bodies of the participating municipalities to remove a member from the Commission for nonperformance of duty, or misconduct, after holding a public hearing on the matter. The

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Commission secretary, or acting secretary in the absence of the elected secretary, shall keep attendance records and shall notify the legislative bodies of the participating municipalities whenever any member of the Commission is absent from four regularly scheduled meetings annually or three consecutive regularly scheduled meetings, so the legislative bodies of the participating municipalities can consider further action allowed under law or excuse the absences.

E. Rights and Duties of all Commission Members:

1. Conduct of Meetings: Commission members shall not speak on a motion unless recognized by the Chairperson. All Commission members who wish to speak on a motion subject to debate shall be permitted to speak once before any Commission members shall be allowed to speak a second time. When a Commission member is speaking on any question before the Commission, the Commission member shall not be interrupted except to be called to order. When a Commission member is called to order, the Commission member shall immediately cease speaking. The Commission, if appealed to, shall decide the case. If there is no appeal, the ruling of the Chairperson shall be final. Commission members shall not engage in dialogue with members of the public who address the Commission, however, questions are permitted at the discretion of the Chairperson. The Chairperson shall vote on all questions except on an appeal from his or her own decision.

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F.2. Avoiding Ex Parte Contact: Ex parte contact happens when a member of a planning commission or zoning board of appeals are contacted by someone outside of the meeting concerning a pending issue, such as approval of a special use permit, planned unit development, site plan, or appeal. Members shall avoid Ex Parte contact about cases where an administrative decision is before the commission whenever possible.

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1.i. 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.

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2.3. Site Inspections: Site inspections shall be done by the zoning administrator. A report of the site inspection shall be presented to the Commission at a public meeting or hearing on the site. If desired by the Commission, ~~no more than one member of~~ the Commission may accompany the zoning administrator on a site inspection. If a quorum may be present at the site inspection, proper public notice shall be provided. When the site being inspected cannot accommodate the inspection being open to the public, the Commission shall attempt to avoid having a quorum present by scheduling more than one site visit.

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G.F. Mileage and Per Diem: Mileage and per diem for attending Commission meetings, and other authorized meetings and trips to represent the legislative bodies of the participating municipalities, shall be paid to members of the Commission at rates established by the ~~approved budget of the Commission~~ legislative bodies of the participating municipalities. No mileage or per diem is paid to any members of a citizen committee, unless authorized and budgeted by the legislative bodies of the participating municipalities with

recommendation by the Commission.

ARTICLE IV: CONFLICT OF INTEREST

Each member of the Commission shall avoid conflicts of interest and/or incompatibility of office. If there is a question whether a conflict of interest exists or not, the question shall be put before the Commission. Whether a conflict of interest exists or not shall be determined by a majority vote of the remaining members of the Commission. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:

- A. Issuing, deliberating on, voting on, or reviewing a case concerning him or her.
- B. Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by him or her or which is adjacent to land owned by him or her.
- C. Issuing, deliberating on, voting on, or reviewing a case involving a corporation, company, partnership, or any other entity in which he or she is a part owner, or any other relationship where he or she may stand to have a financial gain or loss.
- D. Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a pecuniary benefit to him or her.
- E. Issuing, deliberating on, voting on, or reviewing a case concerning his or her spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parents in-law, grandparents in-law, or members of his or her household.
- F. Issuing, deliberating on, voting on, or reviewing a case where his or her employee or employer is an applicant or agent for an applicant, or, has a direct interest in the outcome.

ARTICLE V: OFFICERS

- A. **Officers:** Shall consist of a Chairperson, Vice-chairperson, and Secretary. The terms of all officers shall be one (1) year with eligibility for re-election.
- B. **Chairperson:** Shall preside at all meetings and hearings of the Commission and shall have the duties normally conferred by parliamentary usage on such officers. The Chairperson shall not be a member of either of the legislative bodies of the participating municipalities, elected and serving. Additional Duties of the Chairperson:
 1. 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;
 2. Restate all motions prior to a vote by the Commission;
 3. Appoint committees and officers of committees or choose to let the committees select their own officers. Note: all committees so appointed shall be subservient to the Commission;
 4. May call special meetings pursuant to Article VI, Section E of these Bylaws;
 5. May act as an Ex-Officio member of all committees of the Commission;
 6. Appoint an Acting Secretary in the event the Secretary is absent from a Commission meeting;
 7. Review with the Secretary and/or Zoning Administrator, prior to a Commission meeting, the items to be on the agenda if he or she so chooses;
 8. Act as the Commission's chief spokesman to represent the Commission at local, regional, and state government level;

9. Represent the Commission before the legislative bodies of the participating municipalities; and
 10. Perform such other duties as may be requested by the Commission.
- C. **Vice-Chairperson:** Shall act for the Chairperson in his or her absence and perform such other duties as may be requested by the Commission.
- D. **Secretary:** Shall record the minutes of the proceedings of all Commission meetings, and maintain paperwork during hearings or special use proceedings. The Commission Secretary shall also record requests made by the Commission, such as letters to be written and any other requests of the Commission. The Commission Secretary will carry out or designate someone to carry out the following additional duties:
1. Keep attendance records pursuant to Article III of these by-laws.
 2. Execute documents in the name of the Commission.
 3. Be responsible for the minutes of each meeting if there is not a recording secretary. Review the draft of the minutes, and submit them for approval to the Commission and will endeavor to distribute the minutes to all appropriate entities of the participating municipalities.
 4. Ensure proper public notice is given for meetings or hearings of the Commission in accordance with the Open Meetings Act, as amended, including:
 - i for regular meetings of the Commission, there shall be posted within 10 days after the first meeting in each calendar year, a public notice stating the dates, times, and places of its regular meetings.
 - ii if there is a change in the schedule of regular meetings of the Commission, there shall be posted within 3 days after the meeting at which the change is made, a public notice stating the new dates, times, and places of its regular meetings.
 - iii for a rescheduled regular or a special meeting of the Commission, a public notice stating the date, time, and place of the meeting shall be posted at least 18 hours before the meeting.
 - iv public notice shall include the date, time, and place of the meeting and shall be posted at least 18 hours before the meeting in a prominent and conspicuous place at the Village of Fife Lake office and the Fife Lake Township office, and, if the Commission directly or indirectly maintains an official internet presence that includes monthly or more frequent updates of public meeting agendas or minutes, on a portion of the website that is fully accessible to the public.
 - 3-5. Distribute, or designate an Officer to distribute, the meeting agenda and any applicable documentation related to matters on the agenda that have been received by the Secretary by email to all Commission members. Whenever possible and with limited exception, Commissioners shall be entitled to receive such materials not later than the close of business on the Friday preceding the next Regular Meeting, and as soon as possible or within twenty-four (24) hours of a Special Meeting. Commission members may request printed copies of materials by email to an Officer of the Commission.
- E. **Recording Secretary:** Shall not be a member of the Commission or any of its committees

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and shall:

1. At each meeting take notes for minutes and prepare a first draft of minutes for review and signature by the Secretary.
2. Perform such other duties as may be requested by the Commission.

F. **Spokesperson:** 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.

~~3-G.~~ **FOIA Coordinator:** The FOIA Coordinator for the Commission shall be the Fifelake Village Clerk or their designee.

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~~G-H.~~ **Election of Officers:**

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1. Election of officers shall be held at the first calendar meeting of the Commission each year.
2. Nominations shall be made from the floor at the annual organizational meeting and election of officers, specified in this Article V, Section A shall follow immediately thereafter.
3. A candidate receiving a majority vote of the entire membership of the Commission shall be declared elected and shall serve for one (1) year or until his/her successor shall take office.
4. Vacancies in office shall be filled immediately by election procedures as set forth in this Article V.

ARTICLE VI: MEETINGS

- A. **Schedule:** Regular meetings will be held on the second Tuesday of every month in accordance with the annual meeting schedule, and if necessary, additional meetings shall be set by a majority vote of the Commission.
- B. **Quorum:** A quorum shall consist of four (4) members. A majority of the members present and constituting a quorum at a given meeting shall be required to take any formal action.
- C. **Voting:** Voting shall be by voice except when voting on Special Uses, Amendments, a money matter, or when any member requests a roll call vote. All members present shall vote on every question, unless they disqualify themselves or are excused from voting by a majority of the members present.
- D. **Conflict of Interest:** No member of the Commission shall participate in the hearing or decision of such Commission upon any zoning matter, other than the preparation and enactment of an overall or Comprehensive Plan in which he or she has an interest, directly or indirectly. In the event of such disqualification, such fact shall be entered on the records of the Commission.
- E. **Special Meetings:** Special meetings may be called by the Chairperson. It shall be the duty

of the Chairperson to call a special meeting when requested to do so by a majority of members of the Commission. The Commission Secretary shall notify all members of the Commission in writing not less than ~~twenty-four~~twenty-four (24) hours in advance of such special meeting, unless said meeting is to continue deliberation regarding an issue raised at a meeting within the last ~~forty-eight~~forty-eight (48) hours.

- F. **Annual Report:** No later than the last day of November of each year, the ~~Joint~~ Commission shall submit an annual written report concerning its operations and the status of planning activities to the legislative body of each of the participating municipalities. Said report shall include a report of activities for the current year, a work program, and a budget request for the coming year.
- G. **Open Meetings Act:** All meetings or portions of meetings shall be open to the general public. All meetings will be conducted in accordance with Public Act 267 of 1976, known as the “Open Meetings Act”.
- H. **Robert’s Rules of Order:** Unless otherwise specified, Robert’s Rules of Order with modifications shall govern the proceedings at the meetings of this Commission.
- I. **Annual Joint Meeting:** It is highly recommended that there be at least one (1) joint meeting held each year between the Commission, Zoning Boards of Appeals, and other entities of the participating municipalities, for the purpose of exchanging information.
- J. **Legal Notice:** Notice of all Public Hearings will be placed in a newspaper of general circulation within the Commission territory.
- K. **Annual Organizational Meeting:** The first meeting in each calendar year shall be the Annual Organizational Meeting at which the Commission shall, at a minimum, elect Officers pursuant to Article V, review the Commission bylaws, review the Commission budget, and set the Annual Meeting Calendar.
- L. **Rights of the Public:**

- 1. **Right of the Public to be Present:** All persons shall be permitted to attend any meeting unless a closed meeting may be held in accordance with the provisions of the Open Meetings Act. No conditions on attendance may be placed on the public such as requiring that an attending person provide his name or other information. A person shall not be excluded from a public meeting except for a breach of the peace actually committed at the meeting.
- 2. **Right of the Public to Address the Meeting:** Any person shall be permitted to address a meeting of the Commission which is required to be open to the public under the provisions of the Michigan Open Meetings Act, as amended, MCLA 15.261, et. seq. Public comment shall be carried out in accordance with the following procedure:
 - 3.i. Any person wishing to address the Commission may state his or her name and address.
 - 4.ii. Persons may address the Commission on matters or issues which are relevant and germane to the Commission as determined by the Chairperson.
 - 5.iii. No person shall be allowed to speak more than once on the same matter, excluding time needed to answer Commissioners’ questions. The Chairperson shall control the amount of time each person shall be allowed to speak, which shall not exceed three (3) minutes. The Chairperson may, at his or her discretion, allow an additional opportunity or time to speak if

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determined germane and necessary to discussion.

iv. **Form of Address:** Each person who speaks shall direct his/her comments to the Chairperson. In order to avoid unscheduled debates and to promote the freedom of each public person to speak, the Commission shall not comment or respond to a person who is addressing the board, either by verbal or non-verbal communication. Silence or non-response from the Commission should not be interpreted as disinterest or disagreement by the Commission. Commission members wishing to address a member of the public comment shall first obtain the approval of the Chairperson. Should an item need to be corrected to avoid public misperception, it shall be addressed at the end of public comment by the Chairperson or by a Commission member who shall first seek permission of the Chairperson.

M. Disorderly Conduct: The Chairperson shall call to order any person who is behaving in a disorderly manner by speaking or otherwise disrupting the proceedings, by failing to be germane, by speaking longer than the allotted time, or by speaking vulgarities. If a person is ruled out of order, he or she shall not be permitted to speak further at the same meeting except upon special leave of the Commission. If the person shall continue to be disorderly and to disrupt the meeting, the Chairperson may order the removal of the person from the meeting. No person shall be removed from a public meeting except for actual disorderly conduct committed at the meeting.

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ARTICLE VII: ORDER OF BUSINESS

A. The order of business at regular meetings shall, at a minimum, be:

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Agenda Modifications/Approval
5. First Public Comment – see Public Comment Rules printed on the agenda
6. Consent Calendar – Approve/Receive and File
 - i. Bills/Expenses
 - ii. Correspondence
7. Approval of Minutes
8. Declaration of Conflict of Interest (for items on the agenda)
9. Public Hearings, if any
10. Unfinished Business
11. New Business
12. Reports of Officers, Boards, and Committees
13. Chairperson’s Comments
14. Commissioner Comments
15. Second Public Comment – see Public Comment Rules printed on the agenda
16. Adjournment

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1. **B.** The Chairperson, on his or her own initiative or at the request of two Planning Commission members, may open up for limited public comment agenda items under ~~wither~~ “New Business” or “~~Old-Unfinished~~ Business”.

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C. **Consent Calendar:** The purpose of the Consent Calendar is to expedite business by grouping non-controversial items together to be voted on by one Commission motion. The Consent Calendar shall consist of those matters that the Commission has determined to be “routine” and usually matters about which the Commission commonly concurs. Among such matters may be the acceptance/filing of reports provided to the commission, bills to be paid, and other matters that the Commission is required to approve.

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B.1. **Removal of items from the Consent Calendar:** Any member of the Commission, public, or staff may request that an item or items be removed from the consent calendar and such request shall be automatically granted. Following any requests to remove items from the consent calendar, the Chairperson shall then remove such matters and place them in their usual place on the meeting’s agenda. A vote shall not be required to remove a matter from the consent calendar.

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ARTICLE VIII: EMPLOYEES AND CONTRACTS

A. Within the limits imposed by the funds appropriated to it by the legislative bodies of the participating municipalities and available for its use, the Commission may employ such staff personnel and/or consultants as it sees fit to aid in its work. In such instances, the Commission fiduciary is responsible for payment and related employment matters of Commission employees.

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A-B. Only the Commission Chairperson or the Commission’s designee are authorized to contact the Commission’s Designated Attorney and all communication to and from the attorney shall be in writing and provided to the full commission unless the attorney is present at a commission meeting.

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ARTICLE IX: PUBLIC HEARINGS

- A. In addition to those required by law, the Commission may hold public hearings when it decides that such hearings will be in the public interest.
- B. Subject to the provisions of any applicable State Act and/or County Ordinance and/or Ordinance of the legislative bodies of the participating municipalities, public hearings shall be held on: the adoption or amendment of a Comprehensive Plan; the adoption, amendment or consideration of a Special Use Permit as authorized by a Zoning Ordinance; or the preliminary approval of a plat of a subdivision.
- C. A petitioner who seeks to amend the Zoning Ordinance or other Comprehensive Plan element shall file a petition with the Planning Commission.
- D. The Commission may take a minimum of ~~twenty-eight~~twenty-eight (28) days to investigate and evaluate zoning change requests.
- E. At a public hearing before the Commission, the petitioner shall first present the facts and arguments in support of the case, followed by those who support the petitioner, and then those who oppose the petitioner shall follow.
- F. The petitioner shall be given time for rebuttal. There shall be no rebuttal of the rebuttal. To maintain orderly procedure, each side shall proceed without interruption by the other.
- G. In the presentation of a case the burden shall be upon the petitioner to supply all information including charts, diagrams, and other exhibits necessary for a clear understanding of the issue.
- H. Every person appearing before the Commission shall abide by the order and directions of

the Chairperson. Discourtesy, disorderly or contemptuous conduct shall be regarded as a breach of the privileges of the Commission and shall be dealt with as the Commission directs. Every person shall state his/her name, address and interest in the case at the start of the presentation.

- I. The Commission may continue or postpone the hearing of any case on an affirmative vote of a majority of the members present. The date, time, and place for the continuance of the hearing shall be stated to those present, included in the meeting minutes, and the petitioner or his representative duly informed when not present.
- J. The Commission will not reconsider any request on which a negative decision has been rendered within one (1) year for the date of the Commission's recommendation on the request unless it can be shown by the petitioner that substantial new information affecting the request which was not presented to the Commission at the previous hearing(s) rendered. Said substantial new information shall be described in writing by the applicant at the time of application. Before re-hearing the request, the Commission shall decide whether there is substantial new information allowing this new hearing.

ARTICLE X: AMENDMENTS TO BYLAWS

- A. Amendments to these Bylaws may be made by the Commission at any regular or special meeting upon the affirmative vote of a majority of the entire membership of the Commission. Amendments shall become effective immediately.
- B. These Bylaws shall be reviewed annually.

AMENDED THIS DATE: ~~xxx~~ May 10, 2022

At a Regular Meeting of the Fife Lake Area Planning Commission on May 10, 2022, a motion by Scott to approve the Bylaws as amended was supported by McGough and passed unanimously.

SIGNATURES:

SECRETARY

CHAIRPERSON