

**VILLAGE OF MIDDLEVILLE
PLANNING COMMISSION
BY-LAWS AND RULES OF PROCEDURE**

1. AUTHORITY. These bylaws and rules of procedures (the “Bylaws”) are adopted by the Village of Middleville Planning Commission (hereinafter referred to as the “Commission”) pursuant to the Michigan Planning Enabling Act, Public Act 33 of 2008 of Michigan Public Acts, as amended, the Open Meetings Act, Public Act 267 of 1976, as amended (the “Open Meetings Act”), and the Village of Middleville’s Code of Ordinances including, but not limited to, the provisions of the Village’s Zoning Ordinance.

2. OFFICERS & MEMBERS

2.1 **Selection.** At the January Planning Commission Meeting each year, 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.

2.2 **Duties of officers.** A 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 and shall succeed to the office of chairperson in the event of a vacancy in that office, in which case the Commission shall select a successor to the office of vice-chairperson at the earliest practicable time. The secretary shall be responsible for the preparation of minutes, keeping of pertinent public records, delivering communications, petitions, reports and related items of business of the Commission, issuing notices of public hearings, and performing related administrative duties to assure efficient and informed Commission operations. The Commission shall appoint a recording secretary to perform the duties of the secretary. In the event the recording secretary is absent; the chairperson or acting chairperson shall appoint a temporary secretary for such meeting.

2.3 **Tenure.** The officers shall take office immediately following their election. They shall hold their office for a term of one year, or until a successor is appointed and qualified, except that any Village Council member appointed as a member of the Planning Commission shall have a term corresponding with that person’s term as a member of the Village Council.

2.4 **Meeting Attendance.** If a Commission member is absent three meetings within a one-year period without excuse, the Commission may ask Village Council to replace the absent member. A Commission member is considered absent if they do not attend a meeting. A member may be excused if they notify the chairperson or staff prior to the meeting.

2.5 **Education.** In each calendar year, members of the Commission shall attend not less than one (1) educational workshop providing training for municipal

planning commission members. The registration will be paid by the Village from the Commission's annual budget.

- 2.6 **Committee Appointments.** The Planning Commission contains the following committees: site plan review, ordinance, and joint planning. Each member shall serve on at least one, but not more than two committees, either as a regular member or an alternate.
- 2.7 **Participation.** Members shall give their best efforts toward participation at Commission meetings. Members are expected to review any written materials submitted to the members prior to a meeting and to be prepared for each meeting.

3. MEETINGS

- 3.1 **Meeting Notices.** All meetings shall be posted at the Village of Middleville Hall according to the Open Meetings Act. The notice shall include the date and time of the meeting. The business which the Planning Commission may perform shall be conducted at a public meeting of the Planning Commission held in compliance with the Open Meetings Act.
- 3.2 **Regular Meeting.** Regular meetings of the Commission shall be held monthly in the Village of Middleville Hall on the first Tuesday of each month. The dates and times shall be posted at the Village of Middleville and a notice should be published in accordance with the Open Meetings Act. Any changes in the date or time of the regular meeting shall be posted and noticed in the same manner as originally established. When a regular meeting date falls on or near a legal holiday, or an election date, the Commission shall select suitable alternate dates in the same month, in accordance with the Open Meetings Act.
- 3.3 **Special Meetings.** A special meeting may be called by two members of the Planning Commission upon written request to the secretary or by the chairperson. 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.
- 3.4 **Quorum.** In order for the Commission to conduct business or take any official action, a quorum consisting of the majority of the members of the Commission shall be present (4 of 7). When a quorum is not present, no official action, except for closing of the meeting may take place. 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.
- 3.5 **Hearings.** Hearings shall be scheduled and due notice given in accordance with the provisions of the acts and ordinance cited in Section 1. Public hearings

conducted by the Planning Commission shall be run in an orderly and timely fashion. This shall be accomplished by the following procedure:

Public Hearing Procedure:

- a. Open Public Hearing
- b. Applicant presentation
- c. Staff Comments
- d. Public comments (3 - minute time limit)
- e. Close Hearing
- f. Commission deliberation

- 3.6 **Motions.** Motions shall be restated by the chairperson before a vote is taken. The name of the maker and supporters of the motions shall be recorded
- 3.7 **Voting.** An affirmative vote of the majority of the Commission shall be required for the approval of any requested action or motion placed before the Commission. Voting shall be by voice vote; provided, however, that a roll call vote shall be required if requested by any Commission member, directed by the chairperson, or required by law. All members of the Commission, including the chairperson shall vote on all matters, except in the case of Commission member's conflict of interest or otherwise required by law. The chairperson shall vote last. Any member may be excused from voting only if that person has a bona fide conflict of interest as recognized by the majority of the remaining members of the Commission. Any member abstaining from a vote shall not participate in the discussion of that item.
- 3.8 **Conflict of Interest.**
- a. A member of the Planning Commission shall disqualify himself or herself from participating in or voting upon a matter in which the member has a conflict of interest.
 - b. Among other circumstances in which there may be a conflict of interest, the following situations are declared to be conflicts of interest requiring disqualification of a member from participation or vote:
 - i. If a family member is involved in an application or request before the Commission.
 - ii. If the Commission member has a business or financial interest in the property involved in an application or request, or in the outcome of the matter at issue; or if the Commission member has a business or financial interest in the applicant's company, association or other entity.
 - iii. If there are other circumstances in which the Commission member has a conflict of interest, such that he or she cannot be impartial or act in the best interests of the Village as a whole.
 - c. In the case of an apparent conflict of interest, the Planning Commission may, by majority vote of those present and voting, declare a conflict of

interest on the part of a Commission member. The member who has the apparent conflict shall not vote on the question of whether to declare a conflict of interest. If the vote of the voting Commission members results in a declaration of a conflict of interest, the member having the conflict shall not participate in or vote upon the matter at issue.

- d. If a Commission member believes that there may be an appearance of a conflict of interest, the member shall state the nature of the possible conflict to the other members of the Commission, and shall also state whether he or she believes that he or she can nevertheless impartially consider and vote upon the application or request before the Commission. The other members of the Commission may then determine, by affirmative majority vote of those present and voting, whether a conflict of interest exists. If the Commission members thus determine that there is a conflict, the member shall not participate in or vote upon the matter at issue.
- e. If a Commission member has disclosed a conflict of interest pursuant to subsection 3.8(b) of these Bylaws, or if the Commission has determined by majority vote that a member has a conflict of interest pursuant to subsections 3.8(c) or (d) of these Bylaws, the Commission member shall depart from the table and shall not participate in any way in the matter.

3.9 **Order of Business.** A written agenda for all regular meetings shall be prepared as followed. The order of business shall be:

- Call to Order
- Roll Call
- Pledge of Allegiance
- Approval of Agenda
- Approval of Minutes
- Public Comment (on any matter; 3 minutes maximum)
- Public Hearings
- Unfinished Business
- New Business
- Committee Reports
- Administrator's Report
- Code Enforcement Report
- Public Comment (on any matter; 3 minutes maximum)
- Commissioner Comments
- Adjournment

A written agenda for special meetings shall be prepared and followed; however, the form as enumerated above shall be necessary.

3.10 **Rules of Order.** All meetings of the Commission shall be conducted in accordance with these Bylaws and generally accepted parliamentary procedure. "Robert's Rules of Order" may be consulted as a guide for the Commission.

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

4. **MINUTES.** Commission minutes shall be prepared by the Secretary of the Commission in accordance with the Open Meetings Act. The Commission may appoint a recording secretary to prepare the minutes. The minutes shall contain a synopsis of the meeting, including a complete restatement of all motions and recording of votes; complete statement of the conditions or recommendations made on any action; and record of attendance. All communications, actions, and resolutions shall be attached to the minutes. The official records shall be annually deposited with the Village Clerk.

5. OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS

5.1 All meetings of the Commission shall be held in accordance with the Open Meetings Act.

5.2 A person shall be permitted to address a hearing of the Commission pursuant to subsection 3.5 of these Bylaws, and to address the Commission concerning non-hearing matters under subsection 3.9 of these Bylaws.

5.3 All records, files, publications, correspondence, and other materials are available to the public for inspection, copying, and other purposes pursuant to Michigan's Freedom of Information Act, Public Act 442 of 1976, as amended.

6. **AMENDMENTS.** These Bylaws 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.

THESE BYLAWS ARE ADOPTED BY THE VILLAGE OF MIDDLEVILLE VILLAGE COUNCIL ON JANUARY 3, 2023

Date

Micheal Cramer, Village President