

Speaker Township Planning Commission Bylaws

The following rules of procedure are hereby adopted by the Speaker Township Planning Commission to facilitate the performance of its duties as outlined in the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended, MCL 125.3801, *et seq.* and PA 267 OF 1976, as amended, the Open Meetings Act, and the Zoning Enabling Act, Public Act 110 of 2006.

SECTION 1: Officers

- A. Selection and Tenure - At the first regular meeting of each calendar year, the planning commission shall select from its membership a chairperson, vice chairperson and secretary. All officers shall serve a term of one year, or until their successors are selected and assume office. All officers shall be eligible for re-election for consecutive terms for the same office.
- B. Chairperson - The chairperson shall preside at all meetings, appoint committees and perform such other duties as may be ordered by the planning commission.
- C. Vice-Chairperson - The vice chairperson shall act in the capacity of the chairperson in his/her absence.
- D. Secretary - The secretary shall execute documents in the name of the planning commission, perform the duties hereinafter listed below, and shall perform such other duties as the planning commission may determine.
 - 1. Minutes - The secretary shall be responsible for maintaining a permanent record of the minutes of each meeting and shall have them recorded in suitable permanent records maintained by the township clerk. The minutes shall contain a brief, yet accurate synopsis of the meeting, including a complete restatement of all motions and record of votes, conditions or recommendations made on any action and record of attendance. Copies of Preliminary Minutes shall be available for public inspection within eight (8) business days of the Planning Commission Meeting. Copies of approved Minutes shall be made available within five (5) business days after the Planning Commission's acceptance of the meeting minutes as written.
 - 2. Correspondence - The secretary shall be responsible for issuing formal written correspondence with other groups or persons, as directed by the planning commission. All communications, petitions, reports or other written materials received by the secretary shall be brought to the attention of the planning commission,
 - 3. Attendance - The secretary shall be responsible for maintaining an attendance record for each planning commission member and report those records annually to the planning commission for inclusion in the annual report to the township board,
 - 4. Notices - The secretary shall issue such notices as may be required by the planning commission, in compliance with the requirements of the Michigan Open Meetings Act, Zoning Enabling Act and/or Planning Enabling Act.
- E. Township Board Representative - The township board representative shall present the recommendations of the planning commission as required by the zoning ordinance, subdivision ordinance or other ordinance, to the township board prior to their consideration of such request.

SECTION 2: Meetings

- A. Regular Meetings - The planning commission shall hold not less than four regular meetings each year and by resolution shall determine the time and place of such meetings. Other meetings may be held as necessary. When a regular meeting falls on a legal holiday or upon a day resulting in a conflict, the planning commission shall, if possible, select a suitable alternate meeting date in the same month as the originally scheduled meeting. Notice of regular or scheduled planning commission meetings shall be posted at the principal township office and on the township's website within 10 days after the planning commission's first meeting in each fiscal year in accordance with the Open Meetings Act. At the request of the chairperson, upon

consultation with and agreement by not less than two (2) other members of the commission, a scheduled meeting may be cancelled due to extraordinary circumstances such as weather. Such meetings shall be rescheduled at the discretion of the chairperson and posted in accordance with the Open Meetings Act covering Special Meetings.

B. Special Meetings - Special meetings may be called by the chairperson or upon written request to the secretary by at least two (2) members of the planning commission. The business the planning commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act. All costs of special meetings held to consider requests of applicants for approvals under the zoning ordinance (or for such other purposes as may be necessary) shall be paid by the applicant for such requests. Notice of special meetings shall be given to the members of the planning commission, the Township Clerk and the public at least forty-eight hours prior to the meeting. Such notice shall state the purpose, time and location of the special meeting and shall be posted in accordance with the Open Meetings Act.

C. Public Records - All meetings, minutes, records, documents, correspondence and other materials of the planning commission shall be open to public inspection in accordance with the Freedom of Information Act and Open Meetings Act, except as may otherwise be provided by law.

D. Quorum - Four (4) members of the planning commission shall constitute a quorum for transacting business and taking official action for all matters. Whenever a quorum is not present, those present may adjourn the meeting to another time and day, in accordance with the provisions of the Open Meetings Act, or hold the meeting to consider the matters on the agenda. No action taken at a meeting without a quorum shall be final or official unless and until ratified and confirmed at a subsequent meeting at which a quorum is present by approving the minutes of that meeting.

E. Voting - An affirmative vote of four-sevenths (4/7) of the planning commission membership is required to adopt any part of the master plan, or amendments to the plan. Unless required by statute, other actions or motions placed before the planning commission may be adopted by a majority vote of the membership in attendance, as long as a quorum is present. Voting shall be by voice vote; a roll call vote shall be required if requested by any commission member or directed by the chairperson. Absent a conflict of interest as defined in Section 6 herein, all planning commission members, 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.

F. Agenda - The Secretary or designee shall be responsible for preparing an agenda for planning commission meetings. The order of business for meetings shall be as follows, except as otherwise approved by a majority of those eligible to vote:

1. Call to Order and Pledge of Allegiance
2. Roll Call and Recognition of Visitors Page
3. Approval of Minutes
4. Consideration (Additions or Deletions) and Approval of Agenda
5. Conflicts of Interest
6. Scheduled Public Hearings (when applicable)
7. Correspondence Received
8. Comments from Planning Commissioners
9. General Comments from Audience
10. Old Business
11. New Business
 - a.) New Business Setting Public Hearing Dates
 - b.) Other New Business
12. General Comments from Audience
13. Adjournment

G. Communications to the Commission- An individual who wishes to address the planning commission, but is unable to attend a commission meeting, may do so in writing. The communication may be

1. sent by US Mail, address as follows: Speaker Township Planning Commission, 7630 North

- Brockway Rd, Melvin, MI 48454;
2. delivered in person to the Speaker Township Clerk; or
 3. sent by email if the Township Clerk is able to receive e-mail, under the heading of "Clerk". The communication must be received by 5:00 PM, seven (7) calendar days before the commission meeting (for example Monday by 5:00 PM for the following Monday meeting). Materials received after the due day may be accommodated, whenever practical, at the discretion of the Commission. If the materials being submitted have attachments or exhibits that are other than on standard plain paper either 8.5" x 11" or 8.5" x 14" in size, then twelve (12) copies of the attachments or exhibits must be provided (such as blueprints, photos, recordings, etc.) Any delay in the receipt of communications by the Township Clerk is the full responsibility of the individual even though the delay is beyond the control of the individual.

H. Public Hearings- All public hearings held by the planning commission must be held as part of a regular or special meeting of the planning commission. All notices of public hearings shall comply with the requirements of the Zoning Ordinance, the Planning Enabling Act, Zoning Enabling Act, Open Meeting Act, or other applicable statute.

1. Master Plan and Zoning Hearings - Before the adoption of any part of the Master Plan, or any amendment to the Master Plan, or recommending approval of an amendment to the zoning ordinance to the township board, the commission shall hold a public hearing on the matter. The secretary shall follow the notice requirements in accordance with the Open Meetings Act, Planning Enabling Act and/or Zoning Enabling Act.

2. Special Hearings - Notice of special hearings for the purpose of presenting preliminary master plans, obtaining public opinion on a problem, or discussion of a particular problem with interested parties shall follow the notice requirements in accordance with the Open Meetings Act, Planning Enabling Act and/or Zoning Enabling Act.

3. Notice of Decision - A written notice containing the decision of the planning commission will be sent to petitioners and originators of the request. Any approved plans should be filed with the township board and the county planning commission.

4. Rules of procedure -The following rules of procedure shall apply to public hearings held by the Planning Commission, except as otherwise approved by a majority of those eligible to vote:

a. Chairperson opens the public hearing and announces the subject.

b. Chairperson summarizes the procedures/rules to be followed during the hearing.

c. Applicant presents the main points of the application.

d. Persons speaking in support of the application are recognized. Comments are limited to three (3) minutes per person unless an extension of time is granted by a majority vote of the Commission.

e. Persons speaking in opposition to the application are recognized. Comments are limited to three (3) minutes per person unless an extension of time is granted by a majority vote of the Commission.

Each person may speak only once, until all persons have had the opportunity to speak, at which time the chairperson, in his/her discretion, may permit additional comments. All comments by the public, staff and the planning commission shall be directed to the Commission. All comments shall be related to the land use request; unrelated comments shall be ruled out of order.

f. Township planner/engineer/other consultants present their report and recommendation.

g. Chairperson closes the public hearing and returns to the regular/special meeting.

h. Planning Commission begins deliberation and arrives at a decision.

i. Adoption of Decision:

- i. Motion to grant approval; OR
- ii. Motion to grant approval with conditions; OR
- iii. Motion to table for further information and discussion; OR
- iv. Motion to Deny

I. Chairperson Pro-Tem- When both the Chairperson and Co-Chairperson are both absent from any meeting, the commissioners present shall select a Chairperson Pro-Tem by simple majority vote.

SECTION 3: Duties of the Planning Commission

The planning commission shall perform the following duties:

- A. Take such action on petitions, staff proposals and township board requests for amendments to the zoning ordinance as required.
- B. Take such action on petitions, staff proposals and township board requests for amendments to the master land use plan as required.
- C. Shall prepare an annual report to the township board concerning its operations and the status of its planning activities, including any pertinent recommendations.
- D. Prepare an annual work program and budget, to be included in the annual report.
- E. Take such actions as are required by the Speaker Township Zoning Ordinance, Planning Enabling Act and/or Michigan Zoning Enabling Act, as amended.
- F. Review subdivision and condominium proposals and recommend appropriate actions to the township board.
- G. Prepare special studies and plans, as deemed necessary by the planning commission or township board and for which appropriations of funds have been approved by the township board, as needed.
- H. Attend training sessions, conferences or meetings as needed to properly fulfill the duties of planning commissioner and for which appropriations of funds have been approved by the township board, as needed.
- I. Perform other duties and responsibilities or respond as requested by any township board or commission.

SECTION 4: Absences, Removals, Resignations and Vacancies

A. To be excused, members of the planning commission shall notify the planning commission chairperson or planning commission secretary when they intend to be absent from a meeting. Failure to make this notification prior to the meeting shall result in an unexcused absence.

Repeated absences shall constitute nonfeasance of office. Any member who accumulates three (3) or more consecutive absence may be asked to resign from the Planning Commission.

B. Members may be removed by the township board for misfeasance, malfeasance or nonfeasance in office upon written charges and after a public hearing.

C. A member may resign from the planning commission by sending a letter of resignation to the township supervisor, township board or planning commission chairperson.

SECTION 5: Conflict of Interest

A. Before participating in a decision, hearing or casting a vote on a matter of which a Member may reasonably have a conflict of interest as identified and defined in this Section, the member shall disclose the potential conflict of interest to the Planning Commission.

The Member who has disclosed a conflict of interest shall disqualify himself or herself at the outset of the hearing or discussion and shall not participate in the deliberations or decision. The Member shall not attempt to exert his or her influence with respect to the matter either at or outside the meeting. The presence of the Member at the meeting shall not count in determining quorum for the purposes of the vote on the matter purposes of the vote on the matter presenting the conflict of interest. The Member's ineligibility to vote shall be reflected in the minutes of the meeting.

If a Member is an applicant submitting an application, contract, transaction or any other matter for the Planning Commission, the Member may be present in the meeting room during discussion to make a presentation and answer questions.

If a Member plans not to attend a meeting at which he or she has reason to believe that the Planning Commission will act on a matter in which the Member has a conflict of interest, he or she shall disclose to the chair of the meeting, in writing, all the facts material to the conflict of interest. The chair shall report the disclosure at the meeting and the written disclosure shall be made part of and reflected in the minutes of the meeting.

B. A conflict of interest shall include, but is not limited to, a matter pending before the Planning Commission in which:

1. A Member has direct pecuniary interest in the matter or in the outcome of the matter. Such an interest results in an incompatibility between the Member's private interests and the Member's fiduciary duties to the public and shall not be permitted. "Pecuniary interest" for the purposes of this Ordinance means that a Member has a reasonable likelihood or expectation of direct appreciable and immediate financial gain or loss. A Member does not have a direct pecuniary interest in the matter or in the outcome of the matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision of a Member; or

2. A Member owns or has a financial interest in nearby property. For purposes of this section, nearby property shall include any property falling within three hundred (300) feet of the property which is the subject of the application.

3. A person in the Member's immediate family has a direct interest in the matter or in the outcome of the matter. Such an interest results in an incompatibility between the Member's private interests and the Member's fiduciary duties to the public and shall not be permitted. "Immediate family" means a Member's spouse, children and their spouses, stepchildren and their spouses, grandchildren and their spouses, parents and step-parents, brothers and sisters and their spouses, fathers and mothers-in-law, or any individual living in the Member's household.

C. In the case of an apparent conflict of interest wherein the Member does not disqualify him or herself from participating in or voting on the matter at issue, the Planning Commission may by majority vote of those present and voting, declare a conflict of interest on the part of a 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 or vote in the matter at issue.

D. Failure to disclose a conflict of interest constitutes malfeasance in office which may result in disciplinary action including censure, reprimand, removal, dismissal, or discharge.

SECTION 6: Amendments

These bylaws may be amended at any meeting by a two-thirds (2/3) vote of the members present.

Adopted/Revised August 16, 2023