

# HOUGHTON COUNTY PLANNING COMMISSION BYLAWS

18 December 2012

Adopted, effective immediately, 1/20/2009 4:30 PM  
Sections 10 and 11, Amended 12/18/2012

## **1. Name Purpose**

- A. The name shall be the Houghton County Planning Commission, hereafter known as the "Commission".
- B. 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."

## **2. Membership**

- A. Members. Members of the Commission are appointed by the Houghton County Board of Commissioners pursuant to the Houghton County Planning Commission Ordinance of 2008.
  - 1. First priority, each member shall represent and advocate what is best for Houghton County as a whole, putting aside personal or special interests.
  - 2. Second priority, each member shall represent a separate community interest group, as appointed by the Houghton County Board of Commissioners.
- B. Liaisons. The purpose of liaisons is to provide certain officials and quasi-officials the ability to participate in discussions with the Commission, in addition to speaking in public participation, and nothing else. Liaisons cannot vote, introduce motions, initiate any other parliamentary action, be counted for a quorum or be expected to comply with attendance requirements pursuant to Section 2.C of these bylaws. Liaisons, if not already Houghton County appointed Commission members, are:
  - 1. Houghton County Attorney.
  - 2. Houghton County Drain Commissioner.
  - 3. Houghton County Controller.
  - 4. Houghton County Building Inspector
  - 5. County Road Commission Engineer.
  - 6. Emergency Management Coordinator.
- C. Attendance. If any member of the Commission is absent from three consecutive regularly scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the Houghton County Board of Commissioners to remove a member from the Commission for nonperformance of duty, or misconduct, 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 Houghton County Board of Commissioners whenever any member of the Commission is absent from three consecutive regularly scheduled meetings, so the Houghton County Board of Commissioners can consider further action allowed under law or excuse the absences.
- D. Training. Each member is encouraged to attend training in planning and zoning during the member's current term of office. Training shall be provided by one or more of the following organizations: Michigan Association of Planning, Michigan State University Extension, Michigan Townships Association, Michigan Municipal League, continuing education programs of Michigan State University, University of Michigan, Northern Michigan University, Central Michigan University, or Wayne State University.
- E. Conflict of Interest
  - 1. Each member of the Commission shall avoid conflicts of interest or the perception thereof and/or incompatibility of office. 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 derive 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:
    - (1) an applicant or agent for an applicant, or
    - (2) has a direct interest in the outcome.
2. 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.
  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 and
    - b. 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, which is an incompatible office with his or her membership on the Commission, then on the effective date of the appointment to the other office, that shall result in an automatic resignation from the Commission. If a member of another office is appointed to the Commission, which is an incompatible office with his or her membership in the other office, then on the effective date of the appointment to the Commission, that shall result in an automatic resignation from the other office.

### **3. Duties of all members**

- A. *Ex Parte* contact
  1. Members shall avoid *Ex Parte* contact about cases where an administrative decision is before the commission whenever possible.
  2. 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.
- B. Accepting gifts.
  1. Gifts shall not be accepted by a member of the Commission or liaisons from anyone connected with an agenda item before the Commission.

2. As used here, gifts, shall mean cash, any tangible item, or service, regardless of value; and food valued over \$10.
  3. This section does not apply to the Commission accepting gifts for the exercise of its functions pursuant to M.C.L. 125.3823(3), §23(3) of the Planning Act.
- C. 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.

#### 4. **Officers**

- A. Selection. At the regular meeting in December of each year, the Commission shall select from its membership a Chair, Vice-Chair, and 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 January 1 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. Restate all motions as pursuant to Section 5.E of these Bylaws;
  4. Empower committees and select committee members;
  5. Appoint officers of committees or choose to let the committees select their own officers;
  6. May call special meetings pursuant to Section 5.B of these Bylaws;
  7. Act as an Ex-Officio member of all committees of the Commission;
  8. Appoint an Acting-Secretary in the event the Secretary is absent from a Commission meeting;
  9. Prepare the Agenda;
  10. Act as the Commission's chief spokesman or ask a representative to represent the Commission at local, regional, and state government levels;
  11. Represent the Commission, along with the Houghton County Board of Commissioners Commission member, before the Houghton County Board of Commissioners; and
  12. 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. 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, sign them, and submit them for approval to the Commission and shall have them spread in suitable volumes. 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, delivered or mailed to the Secretary in care of the Houghton County Controllers Office;
5. Keep attendance records pursuant to Section 2.C 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. Prepare an agenda for Commission meetings pursuant to Section 5.K of these Bylaws (the Secretary may delegate this duty to Commission staff).

**5. Meetings**

- A. Regular meetings. Meetings of the Commission will be held the third Tuesday of every month at 4 p.m. at the Houghton County Courthouse in the commissioners meeting room or the employee's lunchroom as deemed appropriate. When the regular meeting day falls on a legal holiday or a room conflict exists, the Commission shall select a suitable alternate day or time 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. By the Chair at the request of any non member of the commission.
  4. 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. In addition meeting 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. Quorum. More than half the total number of seats for members of the Commission, regardless if vacancies exist or not, shall constitute a quorum for the transaction of business and the taking of official action for all matters before the Commission. Whenever a quorum is not present at a regular or special meeting, those present shall adjourn the meeting to another day.
- D. Motions.
  1. Motions shall be restated by the Chair or the motioning party before a vote is taken.
  2. Findings of Fact. All actions taken in an administrative capacity (including but not limited to, 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.

- E. 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. The affirmative vote of a majority of those present or a majority of a quorum, whichever is greater, shall be necessary for the adoption of motions. The affirmative vote of a 2/3 majority of the total number of seats for members of the Commission, regardless if vacancies or absences exist or not, shall be necessary for the adoption, or recommendation for adoption, of any plan or amendment to a plan.
- F. 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 and public comment taken.
- G. 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*, (10<sup>th</sup> 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.
- H. 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.
- I. Order of Business. Agenda. The chair shall prepare an Agenda for each meeting and the order of business shall be as follows:
  - 1. *Call to order, roll call, and time begun.*
  - 2. *Matters pertaining to citizens present at the meeting, in the following order:*
    - a. *Advertised Public Hearings. The Chair will declare such a public hearing open and state its purpose. The petitioner, or proponent of the action advertised will be heard first.*
    - b. *Persons requested by the Commission to attend the meeting.*
    - c. *Other public participation/comments for items on this agenda.*
  - 3. *Housekeeping business.*
    - a. *Agenda additions or changes.*
    - b. *Approval of Previous Meeting Minutes.*
    - c. *Correspondance.*
    - d. *Other.*
  - 4. *Unfinished business and reports (items considered here are taken up in the same order as established by the Commission to fix a priority for consideration).*
  - 5. *New business (other business and communications).*
  - 6. *Public participation for items not on this agenda.*

7. *Adjournment.*
- J. Delivery of Agenda. The agenda shall be mailed to Commission members by regular mail or email so it is reasonably expected to be received prior to the weekend prior to the regular meeting date.
- K. Placement of Items on the Agenda.
  1. The Houghton County Controller's Office shall be the office of record for the Commission.
  2. The Houghton County Controller's Office 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 Houghton County Controller's Office 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, analysis, or recommendation shall be tabled until the subsequent regular or special Commission meeting.

**6. Record.**

- A. Minutes and Record. The Commission Secretary shall keep, or cause to be kept, a record of Commission meetings, which, shall at a minimum include an indication of the following:
  1. Copy of the meeting posting pursuant to P.A. 267 of 1976, as amended, (being the Michigan Open Meetings Act, M.C.L. 15.261 *et seq.*).
  2. Copy of the minutes, and all its attachments which shall include a summary of the meeting, in chronological sequence of occurrence:
    - a. Time and place the meeting was called to order.
    - b. Attendance.
    - c. Indication of others present (listing names if others choose to sign in and/or a count of those present).
    - d. Summary or text of points of all reports given at the meeting, and who gave the report and in what capacity. An alternative is to attach a copy of the report if offered in writing.
    - e. Summary of all points made in public participation or at a hearing by the applicant, officials, and guests and an indication of who made the comments. An alternative is to attach a copy of the public's statement, petition, or letter if it is provided in written form.
    - f. Full text of all motions introduced, whether seconded or not, who made the motion and who seconded the motion. For each motion, the following should be included:
      - (1) Who testified and a summary of what was said.
      - (2) A statement of what is being approved.
      - (3) What exhibits were submitted (list each one, describe each, number or letter each and refer to the letter or number in the minutes).
      - (4) What evidence was considered (summary of discussion by members at the meeting).
      - (5) Reasons for the decision made.
    - g. The decision (e.g. approve, deny, approve with modification).
    - h. The type of vote and its outcome. If a roll call vote, indicate who voted yes, no, abstained or a statement the vote was unanimous. If not a roll call vote, then simply a statement: "the motion passed/failed after a voice vote."

- i. That a person making a motion withdrew it from consideration.
  - j. All the Chair's rulings.
  - k. All challenges, discussion and vote/outcome on a Chair's ruling.
  - l. All parliamentary inquiries or point of order.
  - m. When a voting member enters or leaves the meeting.
  - n. When a voting member or staff member has a conflict of interest and when the voting member ceases and resumes participation in discussion, voting and deliberations at a meeting.
  - o. All calls for an attendance count, the attendance, and ruling if a quorum exists or not.
  - p. The start and end of each recess.
  - q. All Chair's rulings of discussion being out of order.
  - r. Full text of any resolutions offered.
  - s. Summary of announcements.
  - t. Summary of informal actions, or agreement on consensus.
  - u. Time of adjournment.
3. Records of any action, support documents, maps, site plans, photographs, correspondence received, attached as an appendix to the minutes.
- B. Document Retention: Commission records shall be preserved and kept on file according to the following schedule:
- 1. Minutes, bonds, oaths of officials, zoning ordinances, master or compressive plans, other records of decisions, Commission or department publications: Permanent.
  - 2. General ledger: 20 years.
  - 3. Account journals: 10 years.
  - 4. Bills and/or invoices, receipts, purchase orders, vouchers: 7 years.
  - 5. Correspondence: Permanent.

**7. Committees.**

- A. Ad Hoc Committees. The Commission or Chair 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.
- B. Citizen Committees. The Commission Chair, 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 Houghton County.

**8. Rules of Procedure for All Committees**

- A. Subservient to the Commission. All committees are subservient to the Commission and report their recommendations to the Commission for review and action. The Commission can overrule any action of any committee.
- B. Same Principles. The same principles of these Bylaws for the Commission also apply to all committees of the Commission including, but not limited to:
  - 1. Officers. Officers of committees are appointed by the Chair of the Commission at the time the committee is created, or are elected by the committee's membership at their first meeting. Officers, at a minimum, include a Chair and Secretary-Vice-Chair.
  - 2. Quorum. A committee's quorum shall be at least half the total appointed membership of the committee.

3. Voting. Only those appointed members of a committee, who are present at the time of a vote shall be eligible to cast a vote.
4. Attendance. If any member of a committee is absent from three consecutively scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the Commission to remove any member from the committee. The committee Secretary-Vice-Chair or acting committee Secretary in the absence of the elected committee Secretary-Vice-Chair shall keep attendance records and notify the Commission of any committee member who is absent from three consecutively scheduled meetings so the Commission may consider removal of the individual from the committee or excuse the absence(s).
5. Minutes. The Secretary-Vice-Chair of the committee shall keep minutes of the committee meetings in the same format used by the Commission and filed in the same office as the Commission's minutes.
6. Public. All committee meetings are open meetings available for public attendance and participation and minutes of the meetings are to be available for public inspection under the same principles found in P.A. 267 of 1976, as amended, (being Michigan Open Meetings Act, M.C.L. 15.261 *et seq.*).
7. Subcommittees. Citizen committees may form subcommittees from their own membership and/or with additional citizens when deemed necessary. Subcommittees are subservient to the parent committee. Subcommittees are informal, not requiring quorums, attendance requirements, minutes, or public participation. Subcommittee membership shall consist of less than half the parent committee's membership.

**9. Intergovernmental Coordination.**

The Commission shall be responsible for intergovernmental coordination of all related planned activities among the state, federal, village and township municipal governments concerned. The Commission may use committees (pursuant to section 7.B of these rules), [Planning Department/Zoning Administrator] staff, citizen committees (pursuant to section 7.C of these rules).

- A. Plan Hearings. Before the adoption of any part of a plan, as defined in the Planning Act, or any amendment to a plan, or recommending approval of an amendment to the Houghton County Board of Commissioners, the Commission shall hold a public hearing on the matter. Notice of the time and place of the hearing shall be given, not less than 15 days prior to such hearing, by at least one publication in each newspaper of general circulation.
- B. Special Hearings. Notice of special hearings for the purposes of presenting preliminary master plans, obtaining public opinion on a problem, or discussion of a particular problem with interested parties will be given in the most practical manner and to persons, or group representatives most interested, and as required by the Planning Act, Zoning Act, and relevant local zoning ordinance.
- C. Notice of Decision. A written notice containing the decision of the Commission will be sent to petitioners and originators of a request for the Commission to study a special problem.

**10. Plan Reviews.**

- A. The Commission shall review all proposed plans and amendments to plans for adjacent, or contiguous, local government (township, village, and city), adjacent counties, local governments (township, village, and city) within the boundaries serviced by the Commission, and the county plans in which the Commission's service area is located.
- B. Action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action, and the Commission's advisory recommendation, pursuant to section 5.D.2 of these Bylaws.



- C. The review should focus on:
  - 1. First and foremost, the process is intended to increase coordination of planning between governments.
  - 2. Consistencies or inconsistencies with your government's plan(s) for matters such as:
  - 3. Border issues
  - 4. Issues of greater than local concern
    - a. Comparison with local plan contents
    - b. Comparison with county/regional plan contents
    - c. Comparison to other relevant adopted plans (such as an historic preservation plan, local wetland protection plan, Tax Increment Finance or brownfield redevelopment plan, etc.).
  - 5. Comparison to various implementation strategies.
    - a. If the county planning commission considered the proposed plan inconsistent with the plan of any city, village, township, or region that received a copy of the draft plan (or amendment).
    - b. If the county planning commission considers the draft plan (or amendment) to be inconsistent with a county plan(s), if any. Action by the Commission shall be based on, in part, a review of possible boundary conflicts between the plans of two municipalities.
- D. The review and recommendation shall be completed and delivered to the municipality or township within 30 days of receipt by the County Planning Commission of the proposed plans and revisions to plans.
- E. The review shall be in the form of a letter and shall take into account:
  - 1. Respect for the idea that the submission and review stages are near the end of a plan adoption process. A community may be ready to adopt and others may be waiting for the task to be done. Do not extend the adoption more than necessary.
  - 2. Focus only on significant issues, in a clear and well documented way. Suggest solutions rather than only pointing out what is wrong.
  - 3. Be clear and document statements to improve the quality of planning for the entire area. This process is to improve coordinated planning, not to undermine relationships or exacerbate tensions between governments.
  - 4. Include mutual respect of others, so the comments are factual, objective, and based on sound planning principles.

**11. Township Zoning Reviews.**

- A. The Commission shall review all proposed zoning ordinances and zoning amendments for townships within the county.
- B. Action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action, and the Commission's advisory recommendation, pursuant to section 5.D.2 of these Bylaws.
- C. Township zoning, which shall be submitted with the following information:
  - 1. The text of the proposed ordinance,
  - 2. The map for the proposed ordinance,
  - 3. A letter from the township's attorney of their choice indicating:
    - a. proper procedure for adoption and
    - b. the ordinance has been reviewed against all other applicable statutes and law, and
    - c. the ordinance is appropriately drafted for use as a legal/ordinance document.
  - 4. Action by the Commission shall be based, in part, on a review of possible boundary conflicts between the zoning of two municipalities.

- D. The review and recommendation shall be completed and delivered to the township within 30 days of receipt by the County Planning Commission of the proposed zoning ordinances and zoning amendments.
- E. The review shall be in the form of a letter and shall take into account:
  - 1. Respect for the idea that the submission and review stages are near the end of a plan adoption process. A community may be ready to adopt, and others may be waiting for the task to be done. Do not extend the adoption more than necessary.
  - 2. Focus only on significant issues in a clear and well documented way. Suggest solutions rather than only pointing out what is wrong.
  - 3. Be clear and document statements to improve the quality of planning for the entire area. This process is to improve coordinated planning, not to undermine relationships or exacerbate tensions between governments.
  - 4. Include mutual respect of others, so the comments are factual, objective, and based on sound planning principles.

**12. Adoption, Repeal, Amendments**

- A. Upon adoption of these Bylaws of January 20, 2009, they shall become effective and all previous Bylaws, shall be repealed.
- B. These Bylaws may be amended at any regular or special meeting by a two-thirds ( $\frac{2}{3}$ ) vote of the total membership.