

# Village of Mayville

## Planning Commission Bylaws

(Adopted February 9, 2017)

The following rules of procedure are hereby adopted by the Village of Mayville Planning Commission to facilitate the performance of its duties as outlined in the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, *et seq.*, and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, *et seq.*

### SECTION 1: Terms of Office

Each appointed member, except ex-officio members, shall serve for a three (3) year term. Terms shall be staggered so that no more than two (2) of the members' terms (not counting ex-officio members' terms) shall expire in any one (1) year. Members may be eligible for reappointment at the discretion of the Village Council. Current members shall serve until their current terms expire, unless they are removed in accordance with Section 5 or they resign. The terms of office of the ex-officio members shall correspond to their terms of office on the Village Council or in their administrative office.

### SECTION 2: Officers

**A. Selection and Tenure** - At the first regular meeting each January, the planning commission shall select from its membership a chairperson and secretary, and vice-chairperson. All officers shall serve a term of one year, or until their successors are selected and assume office, except as noted in C, below. All officers shall be eligible for re-election for successive 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. In the event the office of chairperson becomes vacant, the vice chairperson shall succeed to this office for the unexpired term, and the planning commission shall select a successor to the office of vice chairperson for the unexpired term.

**D. Secretary** - The secretary shall execute documents in the name of the planning commission 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 Village clerk. The minutes shall contain a brief 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.
- 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 Village Council.
- 4. Posting and Notices** - The Village of Mayville Clerk shall oversee the issuance of such notices as may be required by the planning commission, including Open Meetings Act notices, as well as notice required for specific planning or zoning actions under the Michigan Planning Enabling Act or the Michigan Zoning Enabling Act.

### **SECTION 3: Meetings**

The business the planning commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act. The planning commission may establish reasonable rules and regulations in order to minimize the possibility of disrupting the meeting.

- 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 planning commission meetings shall be posted at the principal Village office within 10 days after the planning commission's first meeting in each calendar year in accordance with the Open Meetings Act.
- B. Special Meetings** - Special meetings may be called by the chairperson or upon written request to the secretary by at least two members of the planning commission  
Notice of special meetings shall be given to the members of the planning commission at least 24 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. Notice** - Notice required for specific planning, zoning or other land use actions will be given in accordance with the Michigan Planning Enabling Act, the Michigan Zoning Enabling Act, Land Division Act, or other applicable statute.
- D. 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.
- E. Agenda** - The chairperson shall be responsible for preparing a tentative agenda for planning commission meetings. The agenda may be modified by action of the commission. Except where modified, the order of business for Commission meetings shall be as follows:

  - 1. Call to Order
  - 2. Roll Call and Determination of a Quorum
  - 3. Pledge of Allegiance
  - 4. Approval of Agenda
  - 5. Approval of Minutes
  - 6. Public Hearings
  - 7. Old Business
  - 8. New Business
  - 9. Public Comments (non-agenda items)
  - 10. Correspondence (non-agenda items)
  - 11. Reports to the Commission
  - 12. Commissioner Comments
  - 13. Adjournment
- F. Quorum** - Three members of a five-member planning commission shall constitute a quorum for transacting business and taking official action for all matters. No official action of the commission may be taken without a quorum present.
- G. Voting** - An affirmative vote of the majority of the members of the planning commission is required to approve any part of the master plan or amendments to the plan or to amend these bylaws. Unless otherwise required by statute, other actions or motions placed before the planning commission may be adopted by a majority vote of the members present and voting, 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. Except in the case of conflict of interest, all planning commission

members, including the chairperson and ex officio member, shall vote on all matters.

- H. 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, except as may otherwise be provided by law.

#### **SECTION 4: Duties of the Planning Commission**

The planning commission shall perform the following duties:

- A.** Prepare, review and update a master plan as a guide for development within the Village's planning jurisdiction.
- B.** Take such action on petitions, staff proposals and Village Council requests for amendments to the zoning ordinance as required.
- C.** Take such action on petitions, staff proposals and Village Council requests for amendments to the master land use plan as required.
- D.** Prepare an annual written report to the Village Council of the planning commission's operations and the status of planning activities, including recommendations regarding actions by the Village Council related to planning and development. The Secretary shall present written report at the beginning of each calendar year.
- E.** Take such actions as authorized or required by the Michigan Planning Enabling Act.
- F.** Take such actions as authorized or required by the Michigan Zoning Enabling Act.
- G.** Review subdivision proposals and recommend appropriate actions to the Village Council.
- H.** Perform other duties and responsibilities or respond as requested by any Village Council or commission.

#### **SECTION 5: Absences, Removals, Resignations and Vacancies**

- A.** To be excused, members of the planning commission shall notify the planning commission chairperson or other planning commission member when they intend to be absent from a meeting. Failure to make this notification prior to the meeting shall result in an unexcused absence.
- B.** Members may be removed by the Village Council 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 (via postal service or electronic mail) to the Village Council.
- D.** Vacancies shall be filled by the Village President, with the approval of the Village Council. Successors shall serve out the unexpired term of the member being replaced.

#### **SECTION 6: Conflict of Interest**

Before casting a vote on a matter on which a planning commission member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the planning commission. Upon disclosure of a conflict of interest the member may recuse themselves from voting on the issue or participating in the making of a decision. Failure of a member to disclose a potential conflict of interest as required by these bylaws constitutes malfeasance in office

- A. Appearance of Conflict** - An appearance of a conflict exists when a reasonable person would believe that because of certain facts a Planning Commissioner's participation in a proceeding would create an appearance of impropriety, partiality, bias or lack of fairness.
- B. Contractual Conflicts of Interest** - The conduct of City officials and employees in relation to conflicts of interest involving contracts shall be as established by State law.
- C. Financial Conflict of Interest** - An official or employee who has a financial interest, direct or indirect, in any matter to be decided by the Planning Commission, other than with respect to a contract, shall make

that interest known and shall refrain from voting upon or otherwise participating in the making of the decision. Violation of this subsection with the knowledge, express or implied, of the person or corporation dealing with the Planning Commission shall render the decision void.

**SECTION 7: Amendments**

These bylaws may be amended at any meeting by a vote of the majority of the membership of the planning commission.

Adopted by the Village of Mayville Planning Commission at a special meeting on February 9, 2017.