

# Memorandum

**To:** City of Midland Planning Commission  
**From:** Keith Baker, AICP, CFM, Director of Planning *KB*  
**CC:** Cindy Winland, AICP, Contract Planner  
**Date:** 7/22/2010  
**Re:** Draft Commission Rules of Procedure

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The lull in the Planning Commission docket has allowed staff to finally bring forward a draft set of "Rules of Procedure" that have been prepared for your review and consideration. With the passage of the Michigan Planning Enabling Act in 2008, additional requirements were instituted as it pertained to the content and adoption of rules of procedure for planning commissions in the State of Michigan.

Please find enclosed a copy of the draft rules of procedure for your review. The document was prepared with the assistance of Contract Planner Cindy Winland. In addition, with the recent turnover in commission membership, I believe it is an opportune time to review these fundamental aspects of participation on the commission.

While much of this may be "old hat" for many of you, it is important to occasionally review our procedures and periodically update them as may be deemed necessary. A review of the draft document is on the agenda for our next meeting on July 27<sup>th</sup>. Staff is recommending adoption of the document.

If you have any questions, please do not hesitate to contact me.

Thank you.

/kb.

# MIDLAND MUNICIPAL PLANNING COMMISSION RULES OF PROCEDURE

## **Section 1.0 – Purpose**

These rules establish procedures ensuring that the City of Midland Municipal Planning Commission performs its responsibilities in an efficient, effective and fair manner.

The Municipal Planning Commission, herein after called the “Commission” is governed by the Michigan Planning Enabling Act, P.A. 33 of 2008 and the City of Midland Zoning Ordinance, #1585, as amended.

## **Section 2.0 – Membership**

### **2.1 Attendance**

The position of a member of the Commission shall be considered vacant if such member shall miss four (4) consecutive regular meetings of the Commission or twenty-five percent (25%) of such meetings in the City’s fiscal year, unless such absences shall be excused by the Commission and the reason therefore entered in the proceedings of the Commission.

If a member cannot attend a meeting, the member is to contact the Planning Director in advance of that meeting in order that a quorum may be anticipated. A person shall be considered excused when, with prior notification, any one of the following reasons is provided: (1) illness; (2) business; (3) vacation.

### **2.2 Conflict of Interest**

Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Commission. The member is disqualified from voting on the matter if so provided by a majority vote of the remaining members of the Commission. Failure of a member to disclose a potential conflict of interest constitutes malfeasance in office.

### **2.3 Removal from the Commission**

The legislative body may remove a member of the Commission for misfeasance, malfeasance or nonfeasance in office upon written charges and after a public hearing.

## **Section 3.0 - Officers**

### **3.1 Selection**

At the first meeting of the City’s fiscal year, the Commission shall elect from its membership a Chairman and a Secretary, who shall also serve as Vice Chairman.

### **3.2 Tenure**

The Chairman and Secretary shall take office immediately following their selection and shall hold office for a term of one (1) year or until their successors are selected and assume office. Officers shall be eligible for re-election, except that no officer shall serve in any office for more than three (3) consecutive terms.

### **3.3 Duties**

The duties and powers of the officers of the Commission shall be as follows:

#### **A. Chairman**

1. To preside at all meetings of the Commission.
2. To call special meetings of the Commission in accordance with these rules.
3. To see that all actions of the Commission are properly taken.
4. To appoint committees necessary to enable the Commission to act efficiently.
5. To perform such other duties as may be ordered by the Commission.

#### **B. Secretary/Vice Chair**

1. During the absence, disability, or disqualification of the Chairman, the Secretary, acting as the Vice Chairman, shall exercise or perform all the duties and be subject to all the responsibilities of the Chairman.
2. In the event that the office of Chairman becomes vacant, the Secretary shall succeed to this office for the unexpired term and the Commission shall select a successor to the office of Secretary for the unexpired term.
3. To keep all minutes of all meetings of the Commission.
4. To give or serve all notice required by laws or these rules.
5. To prepare the agenda for all meetings of the Commission.
6. To be custodian of the Commission's records.
7. To inform the Commission of correspondence relating to business of the Commission and to attend to such correspondence.
8. To execute documents in the name of the Commission.
9. To handle funds allocated to the Commission in accordance with its directives, the law, and City regulations.

## **C. Vacancies**

1. In the event that the office of both the Chairman and the Secretary becomes vacant, the Commission shall elect an alternative Chairman to serve until the next regularly scheduled election of officers.
2. In the event that both the Chairman and Secretary are absent from a meeting of the Commission, the members present shall designate a member of the Commission as acting Chairman for that meeting.

## **Section 4.0 – Meetings**

### **4.1 Regular Meetings**

Meetings of the Commission will be held the second and fourth Tuesday of each month at 7:00 p.m. Commission meetings will be held in the City Council Chambers of the City Hall unless otherwise provided and publicized in advance. When the regular meeting day falls on a legal holiday, the meeting may either be held the following evening or may be canceled, whichever the Commission chooses.

The meeting schedule for the following calendar year shall be adopted at the second regular meeting in October and the Secretary shall cause the publication and posting of the dates, times, and places of Commission meetings within ten (10) days of the first meeting of the calendar year.

If there is a change in the schedule of regular meetings of the Commission, there shall be posted within three (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.

### **4.2 Special Meetings**

Special meetings of the Commission shall be held at a time and place designated by the officer calling the same and shall be called by the Chairman or Vice Chairman. Written notice thereof shall be given to all members by the Secretary not less than twenty-four (24) hours in advance thereof and shall state the purpose and time of the meeting.

For a rescheduled regular or special meeting of the Commission, a public notice stating the date, time, and place of the meeting shall be posted at least eighteen (18) hours before the meeting. The requirement of eighteen-hour notice shall not apply to special meetings of subcommittees.

### **4.3 Recessed Meetings**

A meeting which is recessed for more than thirty-six (36) hours shall be reconvened only after public notice, equivalent to Section 4.2, has been posted.

### **4.4 Public Meetings**

All regular and special meetings, hearings, records and accounts shall be open to the public. The following procedures shall apply for public comment during all regular and special meetings.

- A. During all public hearings, appropriate public input shall be sought, with no restrictions on the length and number of presentations.
- B. Public comments may be made on non-agenda items during the Public Comments section of the meeting. A time limitation per person may be implemented by the Commission for such comments if established at the beginning of said meeting.
- C. Comments on agenda items which have had a previous public hearing may be made at the appropriate time during the meeting. Such comments are for the purpose of presenting new information and may be limited to no longer than three (3) minutes per person upon determination by the Commission. By consensus of the Commission, additional speaking time may be allotted to a member of the public to present additional information.
- D. Public comments may be received on other agenda items and new business at the appropriate time during the meeting.

Where determinations of appropriateness of comments are necessary, the decision will be made by the Chairman.

#### **4.5 Quorum**

At all meetings of the Commission, a quorum shall consist of five (5) members of the Commission. At meetings relating to the adoption of the Master Plan or any part of the Master Plan or a revision of the Master Plan, an affirmative vote of six (6) members of the Commission will be necessary.

#### **4.6 Voting**

At all meetings of the Commission, each member attending shall vote on all questions decided by the Commission unless excused by consent of the other members present. An affirmative vote of the majority of the members present shall be necessary for the person to abstain from voting on the matter and the Secretary shall so record in the minutes that such member abstained from voting on the matter. Voting shall be by voice vote, except for matters for which a public hearing has been held before the Commission, a roll call vote shall be required. In the event that any members shall have a conflict of interest in a matter then before the Commission, that person shall disclose such interest. The affirmative vote of a majority of the members present shall be necessary for the adoption of any resolution or other voting matter, except as prescribed in Sections 4.5 and 6.0 of these rules.

#### **4.7 Motions**

Motions shall be restated by the Chairman or Secretary before a vote is taken. The name of the maker of the motion and its second shall be recorded in the minutes of the meeting.

#### **4.8 Parliamentary Procedure**

Parliamentary procedure in Commission meetings shall be guided by "Robert's Rules of Order Newly Revised, 10th edition (2000) or as amended."

#### **4.9 Proceedings**

At any regular meeting of the Commission, the following shall be the regular order of business:

- A. Roll call.
- B. Minutes of the preceding meeting.
- C. Public Hearings.
- D. Public Comments before the Commission.
- D. Old and New Business.
- E. Communications.
- F. Report of the Chairman.
- G. Report of the Planning Director.
- H. Adjournment.

### **Section 5.0 – Hearings**

#### **5.1 Required Hearing**

Public hearings shall be held by the Commission on the following items:

- A. The Master Plan or any amendment thereto.
- B. The Zoning Ordinance or any amendment thereto.
- C. Special Use Permits.
- D. The Subdivision Regulations or any amendment thereto.
- E. Preliminary plats prior to action by the Commission.
- F. Other matters which it deems necessary in performing its functions.

#### **5.2 Notice**

Notice of the time and place of the hearing shall be given as required by applicable laws and ordinances.

### **5.3 Special Hearings**

Notice of special hearings for the purpose of presenting preliminary 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 groups most interested.

### **5.4 Decision on Hearing Matters**

Upon the completion of a public hearing, the Commission shall take appropriate action and develop a recommendation to City Council at the next regularly scheduled meeting of the Commission.

### **5.5 Notice of Decision**

A written notice containing the decision of the Commission will be sent by the Secretary to petitioners and originators of a request.

## **Section 6.0 – Amendments**

### **6.1 Suspension of Rules**

These rules may be suspended at any regular or special meeting of the Commission by a two-thirds vote of the Commission, provided that such suspension does not extend beyond the duration of that meeting at which they were suspended.

### **6.2 Amendment of Rules**

These rules or any part of thereof may be amended at any regular or special meeting of the Commission by a two-thirds vote of the entire Commission.

ADOPTION DATE: 8-27-2002  
AMENDED DATE: 4-8-2008  
DISCUSSION DATE FOR PROPOSED REVISIONS 7.27.10

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