

**VILLAGE OF BALDWIN  
PLANNING COMMISSION**

**BYLAWS**

The following rules of procedure are hereby adopted by the Village of Baldwin Planning Commission to facilitate the performance of its duties as outlined in MICHIGAN PLANNING ENABLING ACT, Act 33 of 2008, as amended.

**1. NAME AND PURPOSE**

The name shall be the Village of Baldwin Planning Commission, hereafter known as the "Commission".

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, (MCL. 125.3801 et seq.), hereinafter "the Planning Act."

These Bylaws are also adopted to facilitate the duties of the Commission for administration of a zoning ordinance as outlined in P.A. 110 of 2006, as amended, being the Michigan Zoning Enabling Act, (MCL. 125.3101 et seq.), hereinafter "the Zoning Act."

**2. MEMBERSHIP**

A. In a Village, the Village President shall appoint members of the planning commission, subject to approval by a majority vote of the Village Council. A village planning commission shall consist of 5, 7, or 9 members. Members of a commission other than ex officio members shall be appointed for 3-year terms. If a vacancy occurs, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment. A member shall hold office until his or her successor is appointed. Each member shall represent and advocate what is best for the Village of Baldwin as a whole, putting aside personal or special interests. Each member should represent a separate important segment of the community, as appointed by the Village Council:

One member shall be a member of the Village Council and be familiar with the desires and needs of the Village Council and its committees; adjacent legislative bodies and their planning commissions, and regional multi-county planning agency. Members shall be qualified electors of the Village, except that two (2) members may be individuals who are not qualified electors of the Village but are qualified electors of another local unit of government.

Other members may be representative of the following:

1. An at-large member.
2. A member representing environmental interests familiar with the desires and needs of the environmental organizations in the Village.
3. A member representing agriculture, forestry, and land use interests and be familiar with the desires and needs of the Farm Bureau, Soil Conservation District, Michigan Department of Natural Resources Forestry Division, United States Forest Service, Resource Conservation and Development Council, municipal planning and/or zoning

boards.

4. A member representing governmental municipal interests familiar with the desires and needs of the ~~county chapter of the Michigan Townships Association, cities and villages,~~ law enforcement and ~~county~~ government.
  5. A member representing education interests and be familiar with the desires and needs of the local school districts, intermediate school district, College, University, MSU Extension, and other educational institutions.
  6. A member representing recreation and tourism interests and be familiar with the desires and needs of the tourist division of the Chamber of Commerce, visitor/convention bureau, hotel/motel tourist business owners; recreation associations; civic and social organizations; the arts; snowmobile and other recreation clubs; Michigan Department of Natural Resources Parks Division, Recreation Division, and Waterways Division.
  7. A member representing industrial and economic interests familiar with the desires and needs of industrial associations, the Chamber of Commerce, economic development corporations, organized labor, and trade associations.
  8. A member representing transportation and communication interests familiar with the desires and needs of the County Road Commission, village and city road agencies, telephone companies, Internet providers, postal and other parcel delivery services, news media, mass/bus transportation systems, airports, and harbors.
  9. A member representing sanitation, environmental health, housing, and human services interests familiar with the desires and needs of public utility providers, water and sewer providers, the County Health Department, councils on aging, and human services collaborative bodies.
- A. **Training** – Members are encouraged to attend training in planning and zoning during the member’s term of office.
- B. **Site Inspections** - Site inspections shall be done by the zoning administrator or other staff. A written report of the site inspection shall be orally presented to the Commission at a public meeting or hearing on the site. If desired, no more than one member of the Commission may accompany the zoning administrator or staff on a site inspection.
- C. **Accepting gifts** - Gifts shall not be accepted by a member of the Commission or liaisons from anyone connected with an agenda item before the Commission. As used here, gifts, shall mean cash, any tangible item, or service, regardless of value; and food valued over \$10. This section does not apply to the Commission accepting gifts for the exercise of its functions pursuant to the Planning Act.
- D. **Spokesperson for the Commission** - Free and open debate should take place on issues before the Commission. Such debate shall only occur at meetings of the Commission. 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. 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.

- E. **Ex Parte contact** - Members shall avoid Ex Parte contact about cases where an administrative decision is before the commission whenever possible. 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.

### 3. OFFICERS

- A. **Election** - At the regular meeting in the month of April each year, the Commission shall elect from among the appointed members a chairperson, vice chairperson, and secretary. All officers are eligible for re-election.
- B. **Term of Office** - The chairperson, vice chairperson, and secretary shall take office immediately following their selection and shall hold office for a term of 1 year or until their successors are selected and assume office.
- C. **Duties of Chairperson** - The chairperson shall preside at all meetings, appoint committees, and perform such other duties as may be ordered by the Commission.
- D. **Duties of Vice Chairperson** - The vice chairperson shall act in the capacity of chairperson in the absence of the chairperson. In the event the office of the chairperson becomes vacant, the vice chairperson shall succeed to this office for the unexpired term, and the Commission shall select a successor to the office of vice chairperson for the unexpired term.
- E. **Duties of Secretary** - The secretary shall execute documents in the name of the Commission, perform the duties hereinafter listed, and shall perform such other duties as the Commission may determine.
  - 1. **Minutes** - The secretary, or their designated representative, shall be responsible for the minutes of each meeting and shall have them archived in the office of the Village Clerk.
  - 2. **Communications** - The secretary, or their designated representative, shall deliver all communications, petitions, and reports addressed to the Commission and delivered or mailed to the Village Clerk.
- F. **Offices** – Up to two offices may be held by the same person.

### 4. REMOVAL FROM OFFICE

The Village Council may remove a member of the Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges. 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 Village Council to remove a member from the Commission for nonperformance of duty, or misconduct. The Commission secretary, or acting secretary in the absence of the elected secretary, shall keep attendance records and shall notify the Village Council whenever any member of the Commission is absent from three consecutive regularly scheduled meetings, so the Village Council can consider further action allowed under law or excuse the absences.

## 5. CONFLICT OF INTEREST

A conflict of interest shall arise when a Planning Commissioner has a duty to more than one person or organization and cannot do justice to the actual or potentially adverse interests of both parties. This includes when a Commissioner's personal interests or concerns are contrary or inconsistent with his/her loyalty to public business. A Commissioner must avoid even the appearance of conflict. He/she may not participate in the business of the Commission without making full disclosure of his/her potential conflicts.

Each member of the Commission shall avoid conflicts of interest 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 have 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, stepchildren, grandchildren, parents, brothers, sisters, grandparents, parents- in-law, grandparents in-law, or members of his or her household.

If there is a question whether a conflict of interest exists or not, the question shall be put before the Commission, and shall be determined by a majority vote of the remaining members of the Commission. 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.

When a conflict of interest has been declared, the member must excuse himself/herself from participation and may: (1) leave the meeting room until the subject of the conflict has concluded, or (2) take a seat in the audience if they wish to exercise their first amendment rights and participate in the discussion.

Failure of a member to disclose a potential conflict of interest as required by this subsection constitutes malfeasance in office.

## 6. MEETINGS

- A. **Public Meetings** - All regular and special meetings, hearings, records, and accounts shall be open to the public, except as may be allowed by the Open Meetings Act. Any person, who wishes to record during a meeting using video or tape equipment, shall be recognized by the

chairperson before doing so. Such recognition shall be recorded in the official minutes of the meeting.

- B. **Regular Meetings** - Regular meetings will be held each month at a date, time, and place, to be determined by the Commission. When the regular meeting day falls on a legal holiday, the Commission shall select a suitable alternate date in the same month.
- C. **Special Meetings** - Special meetings shall be called at the request of the chairperson, or at the written request (to the secretary or their designated representative) of any two members of the Commission. Notice of special meetings shall be given by the secretary to the members of the Commission at least 18 hours prior to such meeting and shall state the purpose and the time of the meeting. The chairperson may designate special meetings for the exclusive purpose of discussing long-range portions of the Master Plan. Notice of special hearings or meetings for the purpose of presenting preliminary Master Plans, obtaining public opinion on a problem, or discussion of a problem with interested parties will be given in the most practical manner and to persons or group representatives most interested.
- D. **Workshops** - The Commission may, at its option, schedule workshop meetings to discuss, formulate, and deliberate upon planning and zoning policy issues. The intent of workshops is to promote informal, open discussion on policy issues, and to seek consensus and resolution on policy matters. Formal rules of procedure shall be waived, and the Chair shall serve as moderator to redirect or halt discussion. The Commission may override any action of the moderator by majority vote. No formal action on any matter shall be undertaken at a workshop. Such matters shall be placed on a regular Commission meeting agenda for final disposition.
- E. **Closed Sessions** - The Commission may meet in a closed session only for one or more of the permitted purposes specified in section 8 of the Open Meetings Act (OMA) 1976 PA 267, MCL 15.261 through 15.275. The limited purposes for which closed sessions are permitted include, among others: To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body, or to consider material exempt from discussion or disclosure by state or federal statute. However, it is not permissible to go into closed session to discuss an attorney's oral opinion, as opposed to a written legal memorandum.
- F. **Quorum** - A majority of the total membership as established by the Village Council, shall constitute a quorum for the transaction of business and the taking of official action for all matters except the adoption of a Master Plan or any part of a Master Plan. The affirmative vote of two-thirds of all members shall be necessary for the adoption of a Master Plan or any part of a Master Plan.

Whenever a quorum is not present at a regular or special meeting, those present must adjourn the meeting to another day. No action shall be final or official unless and until ratified and confirmed at a subsequent meeting at which a quorum is present by approval of the minutes of the meeting at which a quorum was not present.

- G. **Order of Business** - The Chairperson, or their designated representative, shall prepare an agenda for each meeting, and the order of business therein shall be as follows:

- 1. Call to Order:

- A. Roll call
  - A. Approval of agenda
  - B. Approval of minutes
2. Public Comment: Matters pertaining to the general public present at the meeting will be heard in the following order:
- A. Advertised Public Hearings - The chairperson will declare such a public hearing open and state its purpose. The petitioner, or proponent of the action advertised, will be heard first.
  - B. Citizens requested by the Commission to attend the meeting for discussion of a local problem, or presentation of further information on an issue previously considered, may then speak.
  - C. Communications - The writers or their representatives who are present in the audience may give additional information or explanation to the written statements.
  - D. Citizens seeking information or desiring to present matters for the next meeting's agenda will be heard.
3. Business Sessions - When the Commission makes formal decisions:
- A. Unfinished business
  - B. Consideration of matters heard under other communications
  - C. Reports
  - D. New business
  - E. Call to the public; time for citizens to be heard
  - F. Adjournment
- B. **Motions** - The chairperson shall restate motions before a vote is taken. The name of the maker and supporter of a motion shall be recorded.
- C. **Voting** - Voting shall be by voice and shall be recorded by yeas and nays. The secretary or their designated representative will record roll call votes only upon request. The agreeable vote of the majority of those in attendance shall constitute approval.
- D. **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.
- E. **Tabled Items** - A date must be established for the continuation of tabled items at the time the motion is made to table. An agenda item may be tabled only twice, at which time action must be taken.
- F. **Parliamentary Procedure** - Parliamentary procedure in Commission meetings shall be governed by Robert's Rules of Order for Small Groups, or similar rules of operating procedure.

## 7. HEARINGS

- A. **Required Public Hearings** - The Commission shall hold a public hearing on all matters requiring such action as specified by the ZONING ACT.
- B. **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 issue.

## 8. DUTIES OF THE PLANNING COMMISSION

- A. The following matters shall be presented for consideration at a meeting of the Commission:
  - 1. Petitions and staff proposals for changes in the zoning ordinance.
  - 2. All plans and reports for developments within the Village including the general location, character, and extent of streets, viaducts, bridges, parks, and open spaces; the general location of public utilities and terminals.
  - 3. Removal, relocation, widening, narrowing, excavating, abandonment, change of use, or extension of any public way, grounds, open spaces, buildings, or properties.
  - 4. The general character, extent, and layout of the re-planning and redevelopment of blighted districts and slum areas.
  - 5. Land subdivision plats.
  - 6. All planning reports and plans before publication.
  - 7. Capital improvement program for the municipality.
  - 8. Commission's budget requirements for the fiscal year, and request for appropriation.
  - 9. Such other matters as the Commission shall find advisable or essential.
- B. **Annual Report** - The Commission shall make an annual written report to the Village Council concerning its operations and the status of planning activities, including recommendations regarding actions by the Village related to planning and development, or other matters referred to the Commission by the Village Council.

## 9. PLANNING COMMISSION STAFF

- A. **Authorization** - The Commission may contract with a Village Planner as the Village Council authorizes.
- B. **General Responsibility** - The Village Planner is charged with the duty of preparation and administration of such plans as are appropriate for the municipality and its environs. The Village Planner may provide information or make recommendation in the name of the Commission in accordance with such plans, policies, and procedures as are approved or established by the Commission from time to time. Where there is a serious conflict of interest,

public controversy, or uncertainty, or doubt as to the plans, policies, or procedures approved or established by the Commission, presentation of the matter shall be made at a Commission meeting. These responsibilities shall include the review of plans requiring submission to the Commission in accordance with provisions of the zoning ordinance.

C. **Village Planner's Duties** - The Village Planner shall be responsible for the professional and administrative work in directing and coordinating the program of the Commission. The Village Planner's work shall be carried on with the widest degree of professional responsibility, subject to the policy determinations of the Commission and administrative policies of the municipality.

D. **Effectuation of Plans** - The Village Planner shall recommend to the Commission whatever action is necessary for effectuating plans with respect to both public and private endeavors through such techniques as:

1. Zoning and subdivision control.
2. Programs for capital expenditures.
3. Long-range plans for the guidance of the municipality's growth.

E. **Public Relations** - The Village Planner shall:

1. Upon request, present the Commission's recommendations to the Village Council.
2. Officially represent the Commission and the Village at planning conferences, interdepartmental meetings of the Village Council, and serve as a liaison between the Commission and the public as required.
3. Encourage private development or investment in accord with the adopted Master Plan.
4. Cooperate with public and private agencies and with individuals for the development, acceptance, and effectuation of plans.
5. Supply information for and encourage interested public agencies and citizen organizations in programs to promote public understanding and approval of planning.
6. Accept other responsibilities as may be directed by the Commission or Village Council.

## **10. AMENDMENTS**

These rules may be amended at any regular or special meeting by a two-thirds vote of the membership as established by the Village Council.

Adopted:

October 21, 2019

\_\_\_\_\_, Secretary  
Kelsey Bennett

Village of Baldwin Planning Commission