

**CITY OF HASTINGS
PLANNING COMMISSION BY- LAWS
AND RULES OF PROCEDURE**

ADOPTED JANUARY 6, 2020

1. AUTHORITY OF COMMISSION AND MEMBERSHIP

1.1 These rules of procedures are adopted by the City of Hastings Planning Commission (hereinafter referred to as the Commission) pursuant to Public Act 33 of 2008 the Michigan Planning Enabling Act, as amended, and Public Act 267 of 1976, as amended, the Open Meetings Act.

1.2 Membership.

A. The Planning Commission shall consist of nine members as appointed by the Mayor subject to the approval of the City Council. No more than two of the members can be members of the City Council. The membership shall be generally representative of important segments of the community such as industry, retail, finance, education, recreation, healthcare, government and public service.

B. The membership shall also be representative of the entire geography of the City of Hastings to the extent practicable.

C. Members of the Planning Commission shall be qualified electors of the City of Hastings except that one member may not be a qualified elector but may be an individual who operates a business in the City, whose place of employment is in the City, who owns property in the City or is representative of an important segment in the City as noted in Section 1.2 A above.

2. OFFICERS

2.1 Selection. At the January meeting, the Commission shall select from its membership a Chairperson, Vice-chairperson and Secretary who shall serve for a twelve-month period and who shall be eligible for re-election. A member of the planning commission who is also a member of the City Council shall not serve as the Chairperson of the Planning Commission

2.2 Tenure. The officers shall take office immediately following their election. They shall hold their office for a term of one year, or until their successors are elected and assume office.

2.3 Duties.

A. The Chairperson

1. The Chairperson shall be the chief executive of the Commission and shall preside at all meetings of the Commission.
2. The Chairperson shall appoint all committees or advisory committees established and provided by the Commission.
3. The Chairperson shall sign all contracts or legal documents authorized by the Commission.

B. The Vice-Chairperson

1. In the event of the absence of the Chairperson or his or her inability to discharge the duties of his or her office, such duties shall, for the time being, be performed by the Vice-Chairperson.
2. In the event that the office of Chairperson becomes vacant, the Vice-Chairperson shall serve as Chairperson until a new Chairperson is elected.

C. The Secretary

1. The Secretary shall keep minutes of all meetings of the Commission and sign the adopted version of the minutes.
2. The Secretary shall be responsible for all correspondence and notices pertaining to meetings and official acts of the Commission.

3. MEETINGS

3.1 Meeting Notices. All meetings shall be posted at Hastings City Hall according to the Open Meetings Act. The notice shall include the date and time of the meeting.

3.2 Regular Meetings. Regular meetings of the Commission shall be held monthly in the Hastings City Hall on the first Monday of each month at 7:00 p.m. The dates and times shall be posted at the Hastings City Hall in accordance with the Open Meetings Act. Any changes in the date or time of the regular meetings shall be posted and noticed in the same manner as originally established. When a regular meeting date falls on or near a legal holiday, the Commission shall select suitable alternate dates in the same month, in accordance with the Open Meetings Act.

3.3 Special Meetings. A special meeting may be called by two members of the Commission upon written request to the Secretary or a special meeting may be called by the Chairperson. The business which the Commission may perform shall be

conducted at a public meeting of the Commission held in compliance with the Open Meetings Act. Public Notice of the time, date, and place of the special meeting shall be given in a manner as required by the Open Meetings Act, and the Municipal Planning Act if applicable and the Secretary shall send written notice of a special meeting to Commission members not less than 48 hours in advance of the meeting.

3.4 Quorum. Five members of the Commission shall constitute a quorum. In order for the Commission to conduct business or take any official action, a quorum shall be present. When a quorum is not present, no official action, except for closing of the meeting may take place. The members of the Commission may discuss matters of interest but can take no action until the next regular or special meeting. All public hearings without a quorum shall be scheduled for the next regular or special meeting and no additional public notice is required provided the date, time, and place is announced at the meeting.

3.5 Hearings. Hearings shall be scheduled, and due notice given in accordance with the provisions of the acts and ordinance cited in Section 1.

Public hearings and the dates thereof shall be set by a vote of the Commission, except that in case of an emergency (as determined by the Chairperson) the Chairperson may schedule a public hearing for the next available regularly scheduled Commission meeting, or for a special meeting subject to due notice procedures.

Public hearings conducted by the Commission shall be run in an orderly and timely fashion. This shall be accomplished by the following procedure:

A. The Chairperson shall open the hearing indicating the basic nature of the request, citing public notice in official newspaper, and notification of neighboring properties (if applicable).

B. The Chairperson shall announce the order of hearing which is as follows:

- (1) Explanation of request by the applicant.
- (2) Review by planner/professionals.
- (3) Comments and explanations by applicant.
- (4) Questions by Commission.
- (5) Responses by professionals and/or applicant.
- (6) Opening of hearing for public comments.
- (7) Close hearing to public comments.
- (8) Response by professional and/or applicant
- (9) Consideration of action by Commission.

3.6 Motions. Motions shall be restated by the Chairperson before a vote is taken. The name of the maker and supporters of the motions shall be recorded.

3.7 Voting. An affirmative vote of the majority of the total membership (which is five members) of the Commission shall be required for the approval of any requested action or motion placed before the Commission. Voting shall ordinarily be voice vote; provided however that a roll call vote shall be required if requested by any Commission member or directed by the Chairperson.

All members of the Commission including the Chairperson, shall vote on all matters, but the Chairperson shall vote last. Any member may be excused from voting but only if that person has a bonafide conflict of interest as set forth in Section 8 herein.

3.8 Order of Business. A written agenda for all regular meetings shall be prepared as follows. The order of business shall be:

- (1) Call to order/Roll Call
- (2) Pledge of Allegiance
- (3) Approval of Agenda
- (4) Approval of Minutes
- (5) Information Items
- (6) Public Hearings (Public Comment Limited to Three Minutes)
- (7) Old Business
- (8) New Business
- (9) Public Comments and Communications Concerning Items not on the Agenda (Limited to Three Minutes)
- (10) Commissioner Comments
- (11) Adjournment

3.9 Rules of Order. All meetings of the Commission and its Sub-Committees shall be conducted in accordance with generally accepted parliamentary procedure, as governed by "Robert's Rules of Orders".

3.10 Notice of Decision. A written notice containing the decision of the Commission will be sent to petitioners and originators of a request.

4. MINUTES

4.1 Commission minutes shall be prepared under the supervision of the Secretary of the Commission. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and recording of votes; complete statement of the conditions or recommendations made on any action; and recording of attendance. All communications, actions, and resolutions shall be attached to the minutes. The official records shall be deposited with and kept by the City Clerk.

5. OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS

5.1 All meetings of the Commission shall be opened to the public and held in a place available to the general public.

5.2 All deliberations and decisions of the Commission shall be made at a meeting open to the public.

5.3 A person shall be permitted to address a hearing of the Commission under the rules established in Subsection 3.5, and to address the Commission concerning non-hearing matters under the rules established in Section 3.8 to the extent that they are applicable.

5.4 A person shall not be excluded from a meeting of the Commission except for breach of the peace, committed at the meeting.

5.5 All records, files, publications, correspondence, and other materials are available to the public for reading, copying, and other purposes are governed by the Freedom of Information Act.

6. ANNUAL REPORT, WORK PROGRAM and CAPITAL IMPROVEMENTS PROGRAM

6.1 **Annual Report.** The Commission shall, before the 31st of January of each year, submit to the City Council, a written report of its activities covering the previous year, indicating the status of planning activities including recommendations regarding actions by the City Council related to planning and zoning.

6.2 **Annual Work Program.** The Planning Commission will prepare and update monthly a Program of Work detailing the tasks to be undertaken by the Commission as time and resources permit.

6.3 **Annual Capital Improvements Program.** The Planning Commission, assisted by City Staff, shall prepare an annual Capital Improvements Program (CIP) as part of the City budget process. The CIP shall show those public structures and improvements in their general order of priority that in the judgment of the Commission will be needed or desirable and can be undertaken within the ensuing six-year period. The CIP shall be forwarded as a recommendation to the City Council.

7. AMENDMENTS

These rules may be amended by the Commission by a concurring vote pursuant to Subsection 3.7, during any regular meeting, provided that all members have received an advance copy of the proposed amendments at least three days prior to the meeting at which such amendments are to be considered.

8. CONFLICT OF INTEREST

A Planning Commissioner shall vote on all matters unless there is a legitimate conflict of interest. Commissioners shall be guided by the following in determining if a legitimate conflict of interest exists:

- A. Planning Commission members may declare a conflict of interest and *should* abstain from participating in a hearing or deliberations of a request when:
 - 1. A relative or other family member has a business or financial interest in any request for which the planning commission is asked to make a decision;
 - 2. The planning commission member has business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency, or association, or is an employer, employee, or business partner of the applicant or;
 - 3. There is a reasonable appearance of a conflict of interest, as determined by the planning commission member declaring such conflict.
 - 4. The planning commission member "represents" the applicant or other party favoring or opposing the request.
- B. The planning commission member declaring a conflict of interest should state the nature of the conflict and whether they believe they can impartially consider the request before the commission. They should individually decide to abstain from any discussion or votes relative to the matter that is the subject of the conflict.

The member declaring a conflict however may ask the other planning commission members to decide if they should abstain, although this is not required. If this is requested, the remaining planning commission members shall vote on the abstention, and the results of the vote shall determine the participation of the member declaring a conflict.
- C. The member declaring a conflict should excuse him or herself from the commission table during deliberations and voting. He or she may, but need not, leave the room in which the meeting is taking place.

THESE BY-LAWS AND RULES OF PROCEDURES ARE ADOPTED THIS SIXTH DAY OF JANUARY 2020.

CITY OF HASTINGS PLANNING COMMISSION