

**CITY OF READING
PLANNING COMMISSION BY- LAWS
& RULES OF PROCEDURE
Adopted January 24, 2011
Amended January 8, 2018**

1. AUTHORITY OF COMMISSION AND MEMBERSHIP

1.1 These rules of procedures are adopted by the City of Reading 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 7 members as appointed by the Mayor subject to the approval of the City Council. The membership shall be representative of the important segments of the community, such as the economic, governmental, educational, and social development of the City of Reading, in accordance with the major interests as they exist in the City as follows: Natural Resources; Recreation; Education; Public health; Government; Transportation; Industry and retail; & Commerce.

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

C. Members of the Planning Commission shall be qualified electors of the City of Reading 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 and Vice-chairperson and Secretary who shall serve for a twelve month period and who shall be eligible for re-election. The 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.

3. MEETINGS

3.1 Meeting Notices. All meetings shall be posted at Reading 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 Bi-monthly as necessary in the Reading City Hall on the fourth Monday of each month at 7:00 p.m. A minimum of four meetings shall be held each year. The dates and times shall be posted at the Reading 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. majority of 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 Public Hearings. Public hearings shall be scheduled and due notice given in accordance with the provisions of the acts and ordinance cited in Section 1.

Public hearings shall be set by the Chairperson who 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 Commissioners present provided there is a quorum 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.

An affirmative vote of the majority of the Planning Commission membership is required to adopt any part of the master plan or amendments to the plan (MCL 125. 3843 *et. seq.*).

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 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. Roll Call
2. Approval of Minutes
3. Agenda Addition/Deletions
4. Public Comments and Communications Concerning Items Not on the Agenda
5. Public Hearings
6. New Business
7. Old Business
8. Reports
9. Comments from Commissioners
10. 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.

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 28th 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.* At its' first official meeting of the year, the Planning Commission shall prepare and approve a program outlining the tasks to be undertaken

by the Commission for the upcoming calendar year. This work program shall be in written form and a copy forwarded to the City Council.

6.3 Annual Capital Improvements Program. The Planning Commission, assisted by City Staff, may prepare an annual Capital Improvements Program (CIP) if so directed by the City Council as part of the City budget process. The CIP shall show those public structures and improvements in their general order of priority that 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 if prepared by the Planning Commission.

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.
- 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 may, but need, not leave the room in which the discussion takes place but should excuse himself or herself from the commission table until the matter is decided by the commission.
- D. A planning commissioner shall have the right to address any matter before the commission as a private citizen and may represent a project or oppose a project before the commission. In doing so the commissioner must excuse him or herself from the commission table and address the commission from the floor.

However, this may be seen as placing undue pressure on fellow commissioners in their consideration of the project. Such action on the part of a commissioner should be carefully considered in order to avoid the appearance of a conflict of interest.

THESE BY-LAWS AND RULES OF PROCEDURES ARE ADOPTED THIS 24th DAY OF JANUARY 2011 BY THE CITY OF READING PLANNING COMMISSION. Amended March 28, 2011 Last Amended January 8, 2018.