

City of Hamtramck

Planning Commission Bylaws

Meeting Date: *September 7, 2022*

1. Commission Officers
 - a. In addition to the Commission Chair and Secretary, the Commission may elect a Vice-Chair
2. Duties of the Chair
 - a. Presides over all meetings of the Commission
 - b. Reviews and finalizes all agendas of the Commission with Code Official
 - c. Shall have a right to vote as a Commission member on all matters before the Commission
 - d. Shall have the right to introduce a motion as any other Commission member
 - e. Shall perform all the additional duties and responsibilities which are a normal part of office and as directed by the Commission
3. Duties of the Vice-Chair
 - a. Assumes the duties and responsibilities of the Chair in the event of the absence of the Chair
 - b. Shall have a right to vote as a Commission member on all matters before the Commission
 - c. Shall have the right to introduce a motion as any other Commission member
 - d. Shall perform all the additional duties and responsibilities which are a normal part of office and as directed by the Commission
4. Duties of the Secretary
 - a. Reviews meeting minutes prepared by Code Official prior to their statutory publishing
5. Duties of City Staff Designee
 - a. Assigned by the City Manager prior to each meeting
 - b. May be assumed at alternate times by various City staff members or consultants to the city
 - c. Appoints the Secretary from among the Commission members or City staff
 - d. Does not have the right introduce motions or to vote on matters before the Commission, nor influence Commission decisions after presenting statements of material fact
 - e. Ensures the proper parliamentary procedure is followed in meetings
 - f. Reviews all applications for completeness and appropriateness to be heard by the Commission
 - g. Prepares meeting agendas in consultation with Chair
 - h. Issues statutory notice for all public hearings
 - i. Prepares Commission meeting packets to be distributed ahead of the meetings to the Commission members (packets to include all application materials, staff reports, and any outside correspondence received regarding the appeal)
 - j. Provide official notice of all Commission actions to applicants and other city staff as needed for implementation
 - k. Records meeting minutes and makes draft available to public within eight days of meeting, and presents them for approval at subsequent meeting
6. Duties of the City Attorney

- a. The attorney assigned to the Commission shall attend meetings of the Commission as needed or as requested by the Chair, Mayor, or City Manager to advise on any matters or questions of law that may arise as part of the Commission's function, however such request is subject to the approval of the City Manager

7. Ethics and Conflict of Interest

- a. A member of the Commission shall abstain from discussion or voting on any matter where that member is involved in a real or apparent conflict of interest. Decisions regarding conflicts of interest shall be evaluated on a case-by-case basis with reasonable application of the principles in this Section. A conflict of interest shall at a minimum include, but is not necessarily limited to:
 - i. Discussing, voting on, or otherwise acting on a matter in which a member or any member of his/her immediate family, his/her partner, or an entity with whom the member has family or business ties has a direct or indirect financial or beneficial interest. Immediate family shall include the member's spouse, parent, grandparent, child, grandchild, brother or sister or the spouse of any of them.
 - ii. Discussing, voting on, or otherwise acting on a matter involving work on property which is owned by that member or which is adjacent to property owned by that member.
 - iii. Discussing, voting on, or otherwise acting on a matter where the member's employee or employer is an applicant or agent for an applicant, or has a direct financial or beneficial interest in the outcome.
 - iv. Discussing, voting on, or otherwise acting on a matter where the member's residence falls within notification radius for the public hearing, if the member feels there is the possibility of pecuniary benefit, the influence of personal relationships, or any other such factor that would render his/her decision less than completely impartial.
- b. When a conflict of interest exists with regard to a particular matter, the member of the Commission who is subject to the conflict, shall do all of the following immediately, upon first knowledge or realization that a conflict exists:
 - i. Declare that a conflict exists and that the member will recuse him or herself from the matter.
 - ii. Disclose, except where it violates a confidence, the general nature of the conflict, and the minutes shall so record the conflict and recusal.
 - iii. Cease to participate in any matter when the matter is discussed, voted on, or otherwise acted on at a meeting, or any other forum.
 - iv. During deliberation of the matter before the Commission or a committee, leave the meeting or the area where members of the Commission sit, until action on the matter is concluded.
- c. Before discussion on an item or voting, a member shall disclose all pertinent facts regarding the potential conflict of interest, except where it violates a confidence, and those facts shall be included in the minutes.
- d. Where a question has arisen as to whether a member is ineligible to participate in discussion or vote on a matter because of a conflict of interest, the Commission may determine that the member is ineligible due to a conflict of interest by a vote of a majority

of the other members. Upon such a determination, the ineligible member shall not participate in discussion or vote on the matter.

- e. The count for quorum shall include the member(s) recused by the conflict of interest.
 - f. A member of the Commission shall neither solicit nor accept gratuities, favors, or anything of monetary value from entities in a position to benefit from a decision of the Commission.
 - g. A member of the Commission shall not obtain, for himself or herself or for any person with whom he/she has business or family ties, any financial or beneficial interest in a matter which may be affected by a decision of the Commission. This restriction shall apply during the member's tenure on the Commission and for one year thereafter.
 - h. A member shall not appear before the Commission as a representative of a petitioner, or as a party interested in a petition during the member's term of office. If a member of the Commission has a petition or appeal before the Commission, the member must follow the rules regarding conflicts of interest in Section 7 of the by-laws. In addition, the member may not be present in the same room as the Commission while it hears and discusses the petition or appeal, and the member must designate a representative to present the petition or appeal to the Commission. The representative may not be a member of the Commission, may not be an immediate family member or partner of anyone on the Commission that is ruling on the petition or appeal, and may not be connected or affiliated in any way with an entity that has family or business ties that have a direct or indirect financial or beneficial interest with any member of the Commission ruling on the petition or appeal.
 - i. Violations of any of the foregoing rules in Section 7 shall subject the member to the disciplinary process outlined in Section 11.c.
 - j. Members shall strive to avoid *Ex Parte* contact about cases where an administrative decision is before the Commission whenever possible. If *Ex Parte* contact occurs, the member shall take detailed notes on what was said and report it to the Commission at the relevant meeting.
8. Meetings of the Commission
- a. Regular meetings of the Commission shall be scheduled, noticed to the public and held at least once per month at a time and place designated by the Commission and in accordance with the MZEA & Open Meetings Act (OMA, Public Act 267 of 1976), unless the Commission cancels the meeting for lack of a quorum or lack of business to be conducted
 - b. All regular meeting dates shall be set forth in December for the following calendar year by the City Staff Designee and Chair
 - c. Special meetings may be called by the Mayor, Administrative Official, Chair or by any three Commission members
9. Conduct and Format of Meetings of the Commission
- a. General agenda for a Commission meeting:
 - i. Call the meeting to order
 - ii. Pledge of Allegiance
 - iii. Call the roll (determine if there is a quorum to proceed with the business on the agenda)
 - iv. Review and approval of the minutes of the prior meeting
 - v. General public comment (3 minutes)
 - vi. Old Business

- 1. Public Comment on Old Business (if applicable)
- vii. New Business (including public hearings)
 - 1. Public Comment on New Business (if applicable)
- viii. Commission Announcements
- ix. Staff Announcements
- x. General public comment (3 minutes)
- xi. Meeting adjournment

10. Public Participation

- a. Any person attending a meeting may speak on an item during the public comment period for such case. Otherwise, a person attending a meeting may speak only during the general public comment periods.
- b. To assure that all those in attendance will have an opportunity to be heard, the Chair may announce and impose reasonable restrictions with respect to the conduct of the meeting, which restrictions may include imposition of a three (3) minute time limit on public participation by each speaker and a limit on the number of persons to be heard. Typically, the limitation on the number of speakers or the imposition of a three (3) minute time limit may be imposed by asking for a spokesperson if there are a large number of persons who wish to comment during the public participation portions of the meeting or to ensure they all have a chance to be heard.
- c. The Chair may limit comments to appeals being heard or matters relating to functions of the Commission.

11. Attendance and Participation

- a. Necessary absences shall be communicated to the City Staff Designee and Chair as soon as they are known by the member, for quorum and meeting planning purposes
- b. Each member of the Commission is required to attend a minimum of two-thirds of the regularly scheduled Plan Commission meetings in a calendar year. If a member has not fulfilled this requirement during a twelve (12) month period, the Commission may declare that member's position to be in poor standing due to attendance by a majority vote of the Commission. The City Staff Designee shall notify the Mayor of the Commission's decision. The Mayor may remove a Commission Member with approval by the City Council. The Commission may grant a waiver of the attendance, given sufficient explanation of extenuating circumstances.
- c. A member of the Commission may be removed for misfeasance, malfeasance, or nonfeasance following written charges being brought forward. The legislative body may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

12. Training

- a. Each member of the Commission shall attend a basic training class offered by the Michigan Municipal League, Michigan Association of Planning or Michigan State University – Extension Citizen Planner within **one (1) year** of appointment. Each member may attend additional training in planning and zoning during the current member's term of office, which shall be provided by one or more of the following organizations: Michigan Association of Planning, Michigan State University Extension, Michigan Townships Association, Michigan Municipal League, continuing education programs of Michigan State University, University of Michigan,

Northern Michigan University, Central Michigan University, or Wayne State University. Any expense for this training shall be covered by the City of Hamtramck if pre-approved by the Code Official.