



CHARLEVOIX COUNTY PLANNING COMMISSION

301 State Street
Charlevoix, Michigan 49720
(231) 547-7234
planning@charlevoixcounty.org

CHARLEVOIX COUNTY PLANNING COMMISSION Approved Bylaws

1. **PURPOSE.** These Bylaws are adopted to provide for the efficient and uniform administration of the Charlevoix County Planning Commission.
2. **MEMBERSHIP.** The Planning Commission shall be composed of seven (7) members as provided in Charlevoix County Ordinance No. 10 of 2013.
3. **OFFICERS.**
 - 3.1 **Officers.** The officers of the Planning Commission shall be a Chairperson, Vice Chairperson, and Secretary/Recording Secretary.
 - 3.2 **Election of Officers.** The officers of the Planning Commission shall be chosen from its members by the Planning Commission at its annual meeting held in January of each year. The term of office for each officer shall be one (1) year, or until his or her successor is chosen and assumes office.
 - 3.3 **Chairperson.** The Chairperson shall preside over all meetings of the Planning Commission.
 - 3.4 **Vice Chairperson.** The Vice Chairperson shall perform the duties of the Chairperson during the absence or disability of the Chairperson.
 - 3.5 **Secretary/Recording Secretary.** The Secretary/Recording Secretary shall assure that the minutes of all meetings of the Planning Commission are properly recorded and that notices for all meetings are duly given. He or she shall also perform such other duties as may be assigned by the Chairperson or the Planning Commission.
 - 3.6 **Vacancies.** If a vacancy occurs in the office of Chairperson, the Vice Chairperson shall assume the office of Chairperson for the remainder of the term. All other vacancies in offices shall be filled by the Planning Commission from its members for the unexpired term of the office.

4. **MEETINGS.**

- 4.1 Regular Schedule.** The regular meetings of the Planning Commission shall be scheduled at the annual meeting in January each year and posted as required by the Open Meetings Act, as amended. If any regularly scheduled meeting falls on a legal holiday, the Planning Commission shall select an alternate date in the same month for the regular meeting. Notice of this alternate date shall be given as provided in Section 5.3.
- 4.2 Special Meetings.** Special meetings of the Planning Commission shall be held at the call of the Chairperson or upon written request of two (2) of the members of the Planning Commission filed with the Secretary/Recording Secretary. No less than eighteen (18) hours before the scheduled special meeting, the Secretary/Recording Secretary or his/her designee shall provide each member of the Planning Commission with a written notice of the special meeting, specifying the date, time, place, and purpose of the special meeting. This written notice shall be mailed to each member of the Planning Commission, given personally to each member, left at the member's usual place of residence, or sent to the member by facsimile transmission or email.
- 4.3 Place of Meeting.** Meetings of the Planning Commission shall be held at the County Building, unless otherwise posted. Whenever the Chairperson determines that the place of the meeting will likely have inadequate space for members of the public, the location of the meeting may be changed to a larger meeting facility. A notice of the change in meeting location shall be prominently posted at the County Building so that it is visible from outside and shall be published in a newspaper of general circulation within the county, if such publication can be accomplished prior to the meeting.
- 4.4 Time of Meetings.** Meetings of the Planning Commission shall begin at 7:00 p.m., unless the Planning Commission, by a vote of a majority of its members, specifies a different starting time. The Planning Commission shall not begin considering any matter on the agenda after 10:30 p.m., except by unanimous consent of the members present. Matters on the agenda which have not been considered may be heard at an adjourned meeting/hearing, provided a motion specifies the time, date, and place of the adjourned meeting/hearing, or shall be placed on the agenda of the next regular meeting, or on the agenda of a special meeting, if one is called.
- 4.5 Change in Schedule.** Changes in the schedule of regular meetings shall not be made except by a vote of a majority of the entire Planning Commission. If a quorum is not present at a regular meeting, the meeting shall be rescheduled, and a notice of the rescheduled regular meeting shall be posted as required in Section 5.3.
- 4.6 Meeting Attendance.** Each member of the Planning Commission shall attend all regular and special meetings of the Planning Commission, unless excused by the Chairperson for good cause. A member of the Planning Commission with three (3) consecutive unexcused absences may be removed from office by the Board

of Commissioners, following written notice and a hearing before the Board of Commissioners.

5. PUBLIC NOTICE OF MEETINGS.

5.1 Public Notice of Meetings. The Secretary/Recording Secretary or his/her designee shall be responsible for providing the proper notice of all meetings of the Planning Commission. Notices shall comply with the Open Meetings Act, as amended.

5.2 Regular Meetings. The Secretary/Recording Secretary or his/her designee shall post at the County Building so that it is visible from outside a notice within ten (10) days after the first meeting of the Planning Commission in each calendar year indicating the dates, times, and places of regular meetings.

5.3 Schedule Change. Whenever the Planning Commission changes its schedule of regular meetings, the Secretary/Recording Secretary or his/her designee shall, within three (3) days after the regular meeting at which the change was made, post at the County Building so that it is visible from outside a public notice stating the dates, times, and places of the new schedule of regular meetings.

5.4 Special Meetings. No less than eighteen (18) hours before any scheduled special meeting, the Secretary/Recording Secretary or his/her designee shall post at the County Building so that it is visible from outside a notice of the special meeting, including the purpose for which the special meeting is called.

6. QUORUM AND VOTING.

6.1 Quorum. A majority of the members of the Planning Commission shall constitute a quorum for the transaction of business at all meetings of the Planning Commission.

6.2 Voting. An affirmative vote of a majority of the entire Planning Commission shall be necessary to approve the county master plan and any amendment to the master plan. Unless otherwise provided in these bylaws, an affirmative vote of a majority of the Planning Commission members present shall be necessary to make all other decisions.

6.3 Conflict of Interest. A member of the Planning Commission shall declare a conflict of interest in connection with a matter pending before the Planning Commission and shall disqualify himself or herself from deliberating and voting on the matter when any of the following circumstances exist:

- a. The matter before the Planning Commission involves a member of the Planning Commission or the member's spouse, or involves the child, grandchild, great-grandchild, parent, grandparent, great-grandparent, brother, sister, nephew, niece, aunt, or uncle of the Planning Commission member.

- b. The Planning Commission member or the member's spouse, parent, child, or any relative residing in the member's household has a pecuniary interest in the outcome of the matter.
- c. While being a member of the planning commission the member has made statements or taken any action outside the formal decision-making process that would suggest that he or she has prejudged the matter before the Planning Commission or would in any way preclude him or her from deciding the matter in a fair and impartial manner.
- d. If the Planning Commission member has expressed an opinion concerning a matter before the Planning Commission prior to becoming a member of the Planning Commission and cannot in good faith set aside that prior opinion and decide the matter based on the information provided during the decision-making process.
- e. The Planning Commission member concludes in good faith that because of prior business or personal relationships with the individual involved with the matter before the Planning Commission, or with other participants in the decision-making process, or for other reasons, he or she cannot decide the matter in a fair and impartial manner.

7. REGULAR MEETING AGENDA.

7.1 Regular Meeting Agenda. The agenda for a regular meeting of the Planning Commission shall be as follows:

- I. Call to Order
- II. Approval of Agenda
- III. Public Comments Unrelated to Agenda Items
- IV. County Business Items
 - Approval of Minutes of _____ Meeting
 - Correspondence and Communications
 - County Commissioner Comments
 - Planning Commission Comments
 - Staff Comments
 - Other Items
- V. Townships, Cities, MDEQ & Corps of Engineers Items
- VI. Any Unfinished County Business
- VII. Adjournment

The Planning Commission reserves the right to alter the agenda by a majority vote of the members present at the meeting.

7.2 Special Meeting Agenda. Whenever the Planning Commission meets in a special meeting, the matters to be considered shall be stated in the notice of the special meeting. No other matters shall be considered, except when all members of the Planning Commission are present and concur.

7.3 Requirements to be Placed on Agenda. Any member of the Planning Commission or a member of the public desiring to place a matter on the agenda shall notify the planning department of such item no less than ten (10) days before the meeting and shall provide to the planning department all written materials associated with the agenda item at that time. The chairperson shall have the authority to exclude a member of the public from the agenda if he or she determines that the purpose of the appearance or the information to be presented has already been provided to the Planning Commission. No member of the public shall be included on the agenda as a scheduled appearance unless the requirements of this sub-rule are met. The maximum time allowed for a member of the public under this sub-rule shall be 15 minutes.

8. CONDUCT OF MEETINGS.

8.1 Members of the Public. Members of the public wishing to address the Planning Commission during the meeting shall first be recognized by the Chairperson, and each person who speaks shall state his or her name and shall address the entire Planning Commission.

8.2 Time for Public Comments. The public comment portion of the meeting shall be limited to 15 minutes, unless extended by a majority vote of the Planning Commission members present.

8.3 Opportunity for Public Comment. Each member of the public desiring to address the Planning Commission shall be given an opportunity to speak equal to the time allotted for public comments divided by the number of speakers desiring to address the Planning Commission during the public comment period, or five (5) minutes, whichever is less.

8.4 Written Statements Submitted by the Public. All written statements should be given to the Secretary/Recording Secretary or his/her designee prior to the commencement of the meeting. All written statements and documents presented to the Planning Commission by an individual are considered public documents and shall be retained in the public record of the meeting.

8.5 Disorderly Conduct at Meetings. Individuals addressing the Planning Commission should take into consideration the rules of common courtesy. The comments by members of the public cannot be used to make personal attacks against members of the Planning Commission or county staff. The Chairperson may call out of order any person who is being disorderly by speaking or otherwise disrupting the meeting, failing to be germane, speaking longer than the allotted time, yelling, shouting or speaking vulgarities. Such person shall thereupon be seated until the Chairperson determines whether the person is in order. If a person is called out of order, he or she shall not be permitted to continue to speak at the same meeting or public hearing, except by a majority vote of the Planning Commission members present. If the person continues to be disorderly to the extent that the Planning Commission cannot continue to conduct business, the Chairperson shall consider the person to be in breach of the peace and may request the assistance of a law enforcement officer to

remove the person from the meeting. The Planning Commission shall have the right to adjourn the meeting if it is interrupted due to the disorderly conduct of any person. No person shall be removed from a public meeting, except for an actual breach of the peace committed at the meeting.

8.6 Robert's Rules of Order. Except as modified by these Bylaws and state or federal law, the Planning Commission shall follow Robert's Rules of Order, as Revised, for all procedural questions.

9. RECORD OF MEETINGS.

9.1 Recording Responsibility. The Secretary/Recording Secretary or his/her designee shall be responsible for maintaining the official records and minutes of each meeting of the Planning Commission. The minutes shall include all the actions of the Planning Commission with respect to motions. The minutes shall include the names of Planning Commission members who present motions and Planning Commission members who second motions as well as the vote of the Planning Commission on such motions. If a roll call vote is taken, the record shall show the "yes" and "no" votes. However, if all members vote "yes" or "no", the minutes may then reflect motion carried or defeated by unanimous vote.

9.2 Voting. Whenever a question is put by the Chairperson, every Planning Commission member present shall vote on the question. If a member has a conflict of interest, such conflict of interest shall be fully stated on the record. If a question exists whether the circumstances actually present a conflict of interest, the Planning Commission may, by majority vote of the members present, adjourn the pending matter to a specific time, date, and place in order to obtain a written opinion from the county's civil counsel. Once the conflict of interest is declared or confirmed, the Planning Commission member with the conflict of interest shall abstain from participating and voting in the case.

9.3 Requests for Remarks to be Included. Any Planning Commission member may request to have his or her comments printed as part of the minutes. If there are no objections by any Planning Commission member present, the comments may be included. If there is an objection to including the requested comments in the minutes, the Planning Commission shall decide the matter by a majority vote of the Planning Commission members present.

9.4 Public Access to Meeting Records. The Secretary/Recording Secretary or his/her designee shall make available to the public the minutes of official meetings in accordance with the Freedom of Information Act. Minutes prepared by the Secretary/Recording Secretary or his/her designee but not approved by the Planning Commission shall be available for public inspection not more than eight (8) business days following the meeting. Minutes approved by the Planning Commission shall be available within five (5) business days after the meeting at which they were approved. The Secretary/Recording Secretary or his/her designee shall promptly mail or email (when email is requested by the person seeking the minutes) copies of minutes to persons who have subscribed and paid the required fee as determined by the Board of Commissioners.

10. **AMENDMENTS.** These Bylaws may be added to, amended or repealed in whole or in part. Proposed changes to these Bylaws must be submitted in writing to the members of the Planning Commission at least thirty (30) days in advance of the meeting at which the proposed changes will be considered. A majority vote of the entire Planning Commission membership shall be required to amend these Bylaws.
11. **SEVERABILITY.** If any section, provision or clause of these Bylaws or the application thereof to any person or circumstance shall be invalid, such invalidity shall not affect any remaining portion or application of these Bylaws which can be given effect without the invalid portion or application.

These Bylaws were adopted by the Charlevoix County Planning Commission on September 5, 2013.

CHARLEVOIX COUNTY PLANNING
COMMISSION

By: _____

Its: Chairperson

By: _____

Its: Secretary