

# RILEY TOWNSHIP PLANNING COMMISSION

## Bylaws & Conflict of Interest

The following rules of procedure are hereby adopted by the Riley Township Planning Commission to facilitate the performance of its duties as outlined in the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, et seq.

### SECTION 1: Officers

- A. **Selection and Tenure:** At the first regular meeting each calendar year (January), the Planning Commission shall select from its membership a chairperson, a vice-chairperson, and a secretary. All officers shall serve a term of one year, or until their successors are selected and assume office, except as noted in C, below. All officers shall be eligible for re-election for consecutive terms.
- B. **Chairperson:** The chairperson shall preside at all meetings, appoint committees and perform such other duties as may be ordered by the Planning Commission.
- C. **Vice Chairperson:** The vice chairperson shall act in the capacity of chairperson in his/her absence. In the event the office of chairperson becomes vacant, the vice chairperson shall succeed to this office for the unexpired term, and the planning commission shall select a successor to the office of vice chairperson for the unexpired term.
- D. **Secretary:** The secretary shall execute documents in the name of the planning commission and shall perform such other duties as the planning commission may determine.
  - 1. **Minutes:** The secretary shall be responsible for maintaining a permanent record of the minutes of each meeting and shall have them recorded in suitable permanent records maintained by the township clerk. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and records of votes, conditions or recommendations made by any action and record attendance.
  - 2. **Correspondence:** The secretary shall be responsible for issuing formal written correspondence with other groups or persons, as directed by the planning commission. All communications, petitions, reports or other written materials received by the secretary shall be brought to the attention of the planning commission.
  - 3. **Attendance:** The secretary shall be responsible for maintaining an attendance record for each planning commission member and report those annually to the planning commission for inclusion in the annual report to the township board.
  - 4. **Notices:** The township clerk shall oversee the issuance of such notices as may be required by the planning commission, including Open Meetings Act notices, as well as notice required for specific planning or zoning actions under the Michigan Planning Enabling Act or the Michigan Zoning Enabling Act.

### Section 2: Meetings

The business the planning commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act. The Planning commission may establish reasonable rules and regulations in order to minimize the possibility of disrupting the meeting:

- A. **Regular Meetings:** The planning commission shall hold not less than four (4) regular meetings each year and by resolution shall determine the time and place of such meetings. Other meetings may be held as necessary. When a regular meeting falls on a legal holiday or upon a day resulting in conflict, the planning commission shall, if possible, select a suitable alternate meeting date in the same month as the originally scheduled meeting. Notice of regular planning commission meetings shall be posted at the principal

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township office within ten (10) days after the planning commission's first meeting in each calendar year in accordance with the Open Meetings Act.

- B. Special Meetings:** Special meetings may be called by the chairperson or upon written request to the secretary by at least two (2) members of the planning commission, with township board approval. Notice of the special meetings shall be given to the members of the planning commission at least forty-eight (48) hours prior to the meeting. Such notice shall state the purpose, time and location of the special meeting and shall be posted in accordance with the Open Meetings Act.
- C. Notice:** Notice required for specific planning, zoning or other land use actions will be given in accordance with the Michigan Planning Enabling Act, the Michigan Zoning Enabling Act, or other applicable statute.
- D. Public Hearings:** All public hearings held by the planning commission must be held as part of a regular or special meeting of the planning commission.
- E. Agenda:** The chairperson shall be responsible for preparing a tentative agenda for planning commission meetings. The agenda may be modified by action of the commission.
- F. Quorum:** Four (4) members of a seven (7) member planning commission shall constitute a quorum for transacting business and taking official action for all matters. No official action of the commission may be taken without a quorum present.
- G. Voting:** An affirmative vote of the majority of the members of the planning commission is required to approve any part of the master plan or amendments to the plan or to amend these bylaws. Unless otherwise required by statute, other actions or motions placed before the planning commission may be adopted by a majority vote of the members present and voting, as long as a quorum is present. Voting shall be by voice vote; a roll call vote shall be required if requested by any commission member or directed by the chairperson. Except in the case of conflict of interest, all planning commission members, including the chairperson and ex officio member, shall vote on all matters.
- H. Public Records:** All meetings, minutes, records, documents, correspondence and other materials of the planning commission shall be open to the public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.

### Section 3: Duties of the Planning Commission

The planning commission shall perform the following duties:

- A.** Prepare, review and update a master plan as a guide for development within the township's planning jurisdiction.
- B.** Take such action on petitions, staff proposals and township board requests for amendments to the zoning ordinance as required.
- C.** Take such action on petitions, staff proposals and township board requests for amendments to the master land use plan as required.
- D.** Prepare an annual written report to the township board of the planning commission's operations and the status of planning activities, including recommendations regarding actions by the township board related to planning and development.
- E.** Take such actions as authorized or required by the Michigan Planning Enabling Act.
- F.** Take such actions as authorized or required by the Michigan Zoning Enabling Act.
- G.** Review subdivision proposals and recommend appropriate actions to the township board.
- H.** Prepare a capital improvements program.
- I.** Perform any other duties and responsibilities or respond as requested by any township board or commission.

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**Section 4: Absences, Removals, Resignations and Vacancies**

- A. To be excused, members of the planning commission shall notify the planning commission chairperson or other planning commission member when they intend to be absent from a meeting. Failure to make this notification prior to the meeting shall result in an unexcused absence.
- B. Members may be removed by the township board for misfeasance, malfeasance or nonfeasance in office upon written charges and after a public hearing.
- C. A member may resign from the planning commission by sending a letter of resignation to the township board.
- D. Vacancies shall be filled by the township supervisor, with the approval of the township board. Successors shall serve out the unexpired term of the member being replaced.

**Section 5: Conflict of Interest**

Before casting a vote on a matter on which the planning commission member may reasonably be considered to have a conflict of interest, the member shall disclose a potential conflict of interest to the planning commission. Failure of a member to disclose a potential conflict of interest as required by these bylaws constitutes malfeasance in office.

Conflict of interest is defined as, and a planning commission member shall declare a conflict of interest and abstain from participating in planning commission deliberations and voting on a request, when:

- A. An immediate family member is involved in any request for which the planning commission is asked to make a decision. "Immediate family member" is defined as: MCL 211.28: A spouse, mother, father, sister, brother, son, or daughter, including an adopted child; and MCL 168.2: An individual's father, mother, son, daughter, brother, sister, and spouse and a relative of any degree residing in the same household as that individual.
- B. The planning commission member has a 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.
- C. The planning commission member owns or has a financial interest in the neighboring property. "For purposes of this section, a neighboring property shall include any property falling within the notification radius for the application or proposed development, as required by the zoning ordinance or other applicable ordinance."
- D. There is a reasonable appearance of a conflict of interest as determined by a majority vote of the Planning Commission.

**Section 6: Amendments**

- A. Upon adoption of these Bylaws on \_\_\_\_\_, 20\_\_\_\_, they shall become effective and all previous Bylaws, shall be repealed.
- B. These Bylaws may be amended at any meeting by a vote of the majority of the membership of the Planning Commission.

Adopted by the Riley Township Planning Commission at a regular meeting held on \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Larry Moquin, Chairperson

\_\_\_\_\_  
Dawn Behem, Recording Secretary

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3. The planning commission member owns or has a financial interest in the neighboring property. "For purposes of this section, a neighboring property shall include any property falling within the notification radius for the application or proposed development, as required by the zoning ordinance or other applicable ordinance."
4. There is a reasonable appearance of a conflict of interest as determined by a majority vote of the Planning Commission.

#### Section 6: Amendments

1. Upon adoption of these Bylaws of January 11, 2010, they shall become effective and all previous Bylaws, shall be repealed.

2. These Bylaws may be amended at any meeting by a vote of the majority of the membership of the Planning Commission.

Adopted by the Riley Township Planning Commission at a regular meeting held on January 11, 2010.

Joe Goubert  
Joe Goubert, Chairperson

Duane Hagle  
Duane Hagle, Secretary

BY-LAWS  
of the  
RILEY TOWNSHIP PLANNING COMMISSION

As Amended April 18, 1988

ARTICLE I

Name

The name of this commission shall be the Riley Township Planning Commission.

ARTICLE II

Purpose

The basic function of the planning commission is to make and adopt a master plan for the guidance of the development of the Township in a manner which will best promote the health, safety, and general welfare of its people, and to carry out such other duties as are prescribed in the Riley Township Zoning Ordinance other Township Ordinances, and/or State Law.

ARTICLE III

Creation and Members

The Riley Township Planning Commission was created pursuant to resolution dated May 1, 1967 by the Riley Township Board as authorized by Act 168, Michigan Public Act of 1959, as amended.

The Planning Commission shall consist of seven (7) members who must be qualified electors and property owners of the Township. One member of the Township Board shall be a member of the Planning Commission.

Planning Commission members are appointed by the supervisor with the approval of the Township Board and may be removed by the supervisor after a hearing with the approval of the Township Board.

#### ARTICLE IV

##### Terms of Office and Compensation

Basic terms of office are three (3) years, except of the first Planning Commission appointed, 1/3 shall be of one year, 1/3 for two years, and 1/3 for three years, effecting staggered terms. The Township Board representative shall be appointed for the same period as his or her elected term of office.

Members may be compensated for their services as provided by the Township Board. The commission shall prepare a budget and submit the same to the Township Board for approval or disapproval. The Township Board has charge of the amount of money to be spent by the Planning Committee.

#### ARTICLE V

##### Elections-Committees

The Planning Commission shall elect a chairperson, vice-chairperson and secretary from among its members and create and fill such other offices or committees as it may deem desirable.

Election of officers shall be held at the Commission's first regular meeting in January of each year. The term of office shall be one (1) year and renewable.

#### ARTICLE VI

##### Commission Officers - Duties and Responsibilities

Chairperson: The chairperson shall preside at all meetings, appoint such committees as shall, from time to time, be deemed necessary, and perform such duties as may be delegated by the Commission.

Vice-Chairperson: The vice-chairperson shall preside in the absence of the chairperson.

Secretary: The secretary shall keep a record of the minutes of all meetings, an accurate record of all receipts and disbursements, a record of all transcripts, records, communications, plans, etc. brought before the Commission, and deposit all gifts in the name of the Commission in such depositories as may be designated by the Commission. The Township Board may provide the Commission with a recording secretary to assist in taking the minutes of all meetings.

## ARTICLE VII

### Meetings-Public Hearings

Section 1. The regular meeting of the Riley Township Planning Commission shall be held on the last Monday of each month at 7:30 p.m. at the Riley Township Hall. In the event a regular meeting falls upon a holiday, such meeting may be cancelled or rescheduled, at the discretion of the Chairman.

Section 2. Commission members absent from three (3) consecutive regular meetings without excuse shall be reported by the Commission to the Township supervisor for replacement.

Section 3. Special meetings may be called by the Committee chairperson or by two (2) or more members at such time and place as deemed necessary by written requests to the Commission secretary, provided at least 18 hours notice is given to the public by a notice posted on the Township's official board for such notices.

Section 4. Public hearings must be held before adopting any portion of a master plan, zoning ordinance and/or changes, preceded by a published newspaper notice, as provided by the appropriate State Law. Approved plans are then transmitted to the Township Board and to the County Planning Commission.

## ARTICLE VIII

### Quorum

A quorum constitutes a simple majority of the total membership of the Commission. At any time insufficient Commission members are present to constitute a quorum, the members present have the right to adjourn the meeting until another date.

An affirmative majority vote of the members present shall be necessary to pass any motion.

## ARTICLE IX

### Meeting Notice Requirements

Section 1. Regular meeting schedules of the Commission must be posted once for each fiscal or calendar year within ten (10) days after the time of the first scheduled regular meeting for such year. The Riley Township Planning Commission shall post its annual schedule at the Riley Township Hall.

Section 2. All meetings shall be opened to the public unless an Executive Meeting is called, as defined in Act 267 of 1976, the Open Meetings Act.

Section 3. Members shall be notified by the Commission Secretary of all special or rescheduled regular meetings. Notices must be posted at least eighteen (18) hours prior to the time of the meeting for the general public. Notices must be prominently placed at the Riley Township Hall and must contain the time, place, and date of the meeting.

The Commission shall supply, upon request, copies of such notice to any newspaper, radio or T.V. station requesting the same.

Section 4. The regular Commission meeting schedule shall be published at least annually in the Township's official newspaper(s), stating the name, time, place, and dates of such meetings.

#### ARTICLE X

##### Rules-Reports-Amendments

Section 1. The Riley Township Planning Commission shall adopt its own rules for the transaction of business and keep a public record of its resolutions, transactions, findings, and determinations.

Section 2. The Planning Commission shall make an annual report in December to the Township Board concerning its operations and status of its planning activities, including any pertinent annual recommendations.

Section 3. Conduct of a regular meeting shall require the following order of business:

- |                        |  |
|------------------------|--|
| 1. Roll Call           | 6. New Business                            |
| 2. Hearings            | 7. Public Comment                          |
| 3. Approval of Minutes | 8. Communications and/or Committee reports |
| 4. Approval of Agenda  | 9. Township Planner's Report               |
| 5. Unfinished Business | 10. Adjournment                            |

Section 4. These By-Laws may be amended at any regular meeting by a majority vote of the members of the Commission, providing the proposed changes have been read at a preceding regular meeting.



Section 5. All inquiries, applications or matters requiring official action by the Commission shall be submitted to the Commission at a regular meeting. Such request for scheduling must be submitted at least 14 calendar days prior to the next regularly scheduled Planning Commission meeting. All requests received which require the Township Planner's review will be submitted to the Planner no later than 14 days prior to the next regular meeting. At the discretion of the Commission the 14 days deadline may be waived for such things as special approval uses or rezoning requests where the only official action to be taken is the setting of a date for public hearing.

All proceedings, decisions, and resolutions of the Commission shall be initiated by motion. The vote upon motions and resolution shall be recorded.

The Planning Commission shall require such information necessary to accurately describe such matters as are brought before it for its consideration, such as surveys, plans, property description, as well as legal information.

In the event that sufficient data has not been furnished, the Commission shall table the matter until such a time as the required information has been submitted. Such time shall not exceed sixty (60) days from the original request. At the expiration of this time limit, if such information has not been submitted, the matter shall be removed from the agenda.

Section 6. Robert's "Rules of Order" shall govern all Commission meetings, except as noted herein.

ADOPTION

The above amended By-Laws were adopted by the Riley Township Planning Commission at a regular meeting held on April 18, 1988.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Member

\_\_\_\_\_  
Vice Chairman

\_\_\_\_\_  
Member

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member