

RULES OF PROCEDURE

SAUGATUCK TOWNSHIP PLANNING COMMISSION

The following rules of procedure are enacted by the Saugatuck Township Planning Commission to facilitate the performance of its duties as outlined in the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended and to facilitate the duties for the administration of the Township Zoning Ordinance as outlined in the Michigan Zoning Enabling Act, PA 110 of 2006, as amended. These rules and procedures shall be applicable to the Saugatuck Township Planning Commission and its members; further, the conflict of interest provisions in Chapter V shall also apply to any committees created from the Planning Commission's membership.

CHAPTER I

OFFICERS AND ADVISORY COMMITTEES

1.1 Officers and Advisory Committee Members. The Planning Commission shall elect a Chairperson, Vice Chairperson and Secretary from its members and create and fill such other offices or committees as it may deem advisable. Such officers shall be elected annually at the first regular meeting of the Planning Commission in each fiscal year. Such officers shall be elected by and from among the membership of the Planning Commission. The Planning Commission may appoint persons outside of its membership to serve on such advisory committees as it may establish. The terms of all officers shall be for one (1) year.

1.2 Chairperson. The Chairperson shall preside at all meetings of the Planning Commission. The Chairperson shall make nominations to the Planning Commission for the membership of all advisory committees, such committees to then be appointed by the Planning Commission. The Chairperson shall be an ex-officio member of all committees. The Chairperson shall vote on all actions of the Planning Commission in the same manner as other Planning Commission members.

1.3 Vice Chairperson. If the office of Chairperson becomes vacant by death, resignation or otherwise, the Vice Chairperson shall serve as Chairperson until a new Chairperson is elected. In the event of the absence or disability of the Chairperson, such duties shall, for the duration of such absence or disability, be discharged by the Vice Chairperson.

1.4 Secretary. The Secretary shall perform the usual duties of the office of Secretary, and such other duties as the Planning Commission may direct, specifically including the following:

- (a) The Secretary shall be responsible for the safekeeping of all official minute books and records of the resolutions, transactions, findings, and determinations of the Planning Commission; and
- (b) The Secretary shall be responsible for all correspondence and notices pertaining to meetings and official acts of the Planning Commission.

CHAPTER II

PLANNING COMMISSION MEETINGS

2.1 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 the meetings. A special meeting may be called by two (2) members upon written request to the Secretary (the Secretary may be one (1) of the two (2) requesting members) or by the Chairperson. The business which the Planning Commission may perform shall be conducted at a public meeting of the Planning Commission held in compliance with Michigan Act 267 of the Public Acts of 1976, as amended. Public notice of the time, date and place of a regular or special meeting shall be given in the manner required by Michigan Act 267 of the Public Acts of 1976, as amended. Notice to the members of the Planning Commission of the place, day and hour of any special meeting of the Planning Commission shall be served on each member at least eighteen (18) hours in advance of the time of the meeting. Service of notice may be made personally, by telephone, or by mailing such notice, postage prepaid, plainly addressed to the member at his/her current mailing address. However, notice by mail of a special meeting of the Board may only be given if the mailing occurs at least forty-eight (48) hours in advance of the meeting.

2.2 Quorum and Membership. A majority of the members of the Planning Commission shall constitute a quorum for the transaction of Planning Commission business.

The Planning Commission shall consist of seven (7) members. They shall be representative of major interests which exist in the Township. All but one (1) member shall be qualified electors of the Township. One (1) member of the Township Board shall be a member of the Planning Commission.

Members of the Planning Commission shall continue to hold office until their successors are appointed.

2.3 Rules. For meetings of the Planning Commission and advisory committees, the rules of parliamentary practice as set forth in "Robert's Rules of Parliamentary Procedure" shall govern in all cases in which they are not inconsistent with these Rules or the laws of the State of Michigan. The Chairperson of any Planning Commission meeting has the right and duty to regulate the proceedings of the meeting, including deciding questions of order, making public declaration of votes cast, granting authority to persons to

speaking at the meeting, silencing those who may be out of order or disrupting the meeting, and ordering any disorderly person out of the meeting.

2.4 Order of Business. The recommended order of business for a regular Planning Commission meeting is the following:

- Call to order
- Reading of previous meeting minutes
- Non-Commission member inquiries and questions
- Public hearings
- Continuation of old business
- New business
- Announcements
- Adjournment

Although the above order of business is recommended, the Chairperson may, at the Chairperson's discretion, change the order of business to suit the requirements of the meeting.

2.5 Agenda. The agenda for Planning Commission hearings shall be as follows:

(a) The Chairperson shall introduce the matter by announcing substantially as follows.

(1) This is a meeting of the Saugatuck Township Planning Commission. The duties of the Planning Commission are to consider matters of long range planning as well as questions of zoning. Thus, the Planning Commission functions as a planning commission as well as a zoning board. In its capacity as a zoning board, it makes recommendations to the Saugatuck Township Board. The final responsibility for any zoning amendment to the Zoning Chapter of the Saugatuck Township Code of Ordinances (the "Zoning Chapter") is solely in the hands of the Saugatuck Township Board.

(2) This is the date, time and place for a (regular or special) meeting of the Planning Commission held pursuant to notice, for the purpose of hearing, considering and acting upon certain proposed amendment(s) to the Zoning Chapter and/or acting upon another Zoning Chapter application.

(3) Notice of this public hearing has been given as required by law.

(b) The Secretary shall read the notice of public hearing.

(c) The Chairperson shall announce as follows.

- (1) The public hearing in this matter is declared open.
- (2) The procedures and rules to be followed by all persons during this hearing are as follows.
 - A. No person shall address the Planning Commission or otherwise question or comment upon any matter without first being recognized by the Chairperson.
 - B. Once recognized by the Chairperson, each person shall give the person's name and address before addressing the Planning Commission or otherwise questioning or commenting upon any matter.
 - C. The persons requesting the zone change or other Zoning Chapter approval (the "petitioners"), or their representatives, shall make their full presentation in support of their petition first, without interruption.
 - D. Following the presentation on behalf of the petitioners, Planning Commission members may direct any comments or questions they may have to the petitioners.
 - E. Any persons or groups, or other representatives, in opposition to the petition may make their presentation next, without interruption.
 - F. Following any presentation on behalf of opponents, Planning Commission members may direct any comments or questions they may have to such persons.
 - G. Next, any comments or questions the petitioners may have in response to any presentation by an opponent may then be made.
 - H. Next, any other comments or questions any opponents may have of the petitioners may be made.
 - I. Finally, any other persons, whether in support of the Petition, in opposition to the Petition, or otherwise, may make their comments and ask their questions.
 - J. The hearing is expected and intended to proceed in an orderly manner. Cooperation of all in attendance is anticipated and will be appreciated. People in attendance are

invited to be heard on any petition that they may be interested in regardless of where they may live. All presentations, questions, comments and replies are to be directed to the chair.

- (d) The Chairperson shall then call upon the petitioners, or their representatives, to make their presentation in support of their petition.
- (e) The Chairperson shall then call for any comments or questions Planning Commission members may have of petitioners.
- (f) The Chairperson shall then call upon any persons or groups in opposition to petition to make their presentation.
- (g) The Chairperson shall then call for any comments or questions Planning Commission members may have of opponents.
- (h) The Chairperson shall then call for any further response, comments or questions by petitioners.
- (i) The Chairperson shall then call for any further response, comments or questions by opponents.
- (j) The Chairperson shall then call for any other comments or questions, whether in support of Petition, in opposition to the Petition or otherwise.
- (k) When all presentations, comments and questions have been made, and when there is no one else desiring to be heard, and when there are no further inquiries from Planning Commission members, the Planning Commission Chairperson should state as follows:

"There being no further comment nor anyone else desiring to be heard, I will entertain a motion from the Commission that the public hearing portion of this meeting be closed."

- (l) After motion to close the hearing carries, one of the following motions should be made and acted upon:
 - (1) Motion to take the matter under advisement for recommendation at a later date; or
 - (2) Motion to recommend approval, disapproval, or to recommend approval in part and disapproval in part, etc.; or
 - (3) Any other motion as may be proper or appropriate.

- (m) Although the basic agenda set forth above for Planning Commission hearings on proposed zoning amendments and other Zoning Chapter applications is a recommended agenda, the Chairperson may, at the Chairperson's discretion, change the agenda to suit the requirements of the hearing. In particular, the Chairperson may, with approval of the Planning Commission, require that a particular hearing be adjourned and continued to a time, place and date certain, after due and proper notice, because of the length or complexity of any such hearing, the need for additional information to be furnished, or for any other proper reason.

CHAPTER III

FISCAL YEAR AND ANNUAL REPORT

3.1 Fiscal Year. The fiscal year of the Planning Commission shall be the same as the fiscal year of the Township.

3.2 Annual Report. The Planning Commission shall submit to the Township Board a written annual report or summary concerning its operations and the status of planning activities, including, if any, recommendations regarding actions to be taken by the Township Board related to planning and development.

CHAPTER IV

PLANNING COMMISSION DUTIES

4.1 Required Duties. The duties of the Planning Commission shall at a minimum include the following.

- (a) The Planning Commission is responsible to make, adopt and maintain the Township's Master Land Use Plan, including maps, and the necessary descriptive materials.
- (b) The Planning Commission shall make reasonable restrictions on land that conforms with the Master Plan and provide for the best interests of the health, safety and general welfare of the Township's residents.
- (c) The Planning Commission shall make recommendations to the Township Board with regard to amendments to the Zoning Chapter.
- (d) The Planning Commission shall review and take action on all site plans, special approval uses, planned unit developments and other development proposals as required by the Zoning Chapter.

- (e) If the Township Board has not expressly exempted it from this responsibility, the Planning Commission shall annually prepare a capital improvements program of public structures and improvements. If the Planning Commission has been exempted from this responsibility, this task shall be optional, as indicated below.
- (f) Planning Commission members shall attend planning and zoning education and training sessions, conferences or meetings as needed to properly carry out the duties of Planning Commissioner and for which appropriations of funds have been approved by the Township Board. Education and training sessions considered appropriate include but are not limited to basic and advanced planning and zoning training programs such as the MSU Co-operative Extension Citizen Planner program; educational seminars sponsored by or sanctioned by the Michigan Townships Association, Michigan Municipal League, or Michigan Association of Planners; and specialized planning and zoning educational programs sponsored directly by the Township, Allegan County or nearby units of government when conducted by planning and legal professionals.
- (g) Other legally permitted duties assigned to the Planning Commission by the Township Board from time to time shall be completed.

4.2 Optional Duties. On its own initiative the Planning Commission may perform the following additional duties:

- (a) The Planning Commission may as part of its annual report prepare a detailed budget for submission to the Township Board for approval, revision or rejection.
- (b) If exempted by the Township Board from the mandatory task of completing a capital improvements program, the Planning Commission may recommend to the appropriate public officials, programs for public structures and improvements and for their financing.

CHAPTER V

CONFLICT OF INTEREST

5.1 Conflicts and Incompatibility. All members of the Planning Commission shall avoid situations which include a conflict of interest or an incompatibility of offices. A conflict of interest shall at a minimum include, but not necessarily be limited to, the following:

- (a) Issuing, deliberating on, voting on, or reviewing a case concerning the Planning Commission member;

- (b) Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by, or which is adjacent to, or whose statutory notice area under the Michigan Zoning Enabling Act includes, land owned by the Planning Commission member;
- (c) Issuing, deliberating on, voting on, or reviewing a case involving a corporation, company, partnership, or any other entity in which the Planning Commissioner is a part owner, or has any other relationship where the Planning Commissioner may stand to have a financial gain or loss;
- (d) Issuing, deliberating on, voting on, or reviewing a case which results in a pecuniary benefit to the Planning Commission member;
- (e) Issuing, deliberating on, voting on, or reviewing a case concerning the Planning Commission member's spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parents in-law, grandparents in-law, or members of the Planning Commissioner's household;
- (f) Issuing, deliberating on, voting on, or reviewing a case where the Planning Commission member's employee or employer is:
 - (1) an applicant or agent for an applicant, or
 - (2) has a direct interest in the outcome.

5.2 Determination of Conflict of Interest. If there is a question whether a conflict of interest exists or not, or if there is an appearance of a conflict of interest, the question or issue shall be put before the Planning Commission. Whether a conflict of interest exists or not and the question of whether a member should be disqualified from voting shall be determined by a majority vote of the remaining members of the Planning Commission. All absent members of the Planning Commission shall not be counted as finding that a conflict exists, and in the absence of a majority vote of the full membership (absent the member with the alleged conflict) the member is not disqualified and shall be required to participate in the vote.

5.3 Remedies. When a conflict of interest exists the affected Planning Commission member shall do all of the following immediately, upon first review of the case and determining a conflict exists:

- (a) declare a conflict exists; and
- (b) cease to participate on the case as a member of the Planning Commission, during meetings or in any other manner, or to represent one's self before the Planning Commission, its staff, or others, unless otherwise allowed by Michigan law; and

- (c) during deliberation of the agenda item before the Planning Commission, remove one's self from the table where members of the Planning Commission sit or leave the meeting until that agenda item is concluded. (Note this shall not be construed as requiring a member to disregard his or her personal interests or forego his or her constitutional rights when the floor is open to general public comment).

5.4 Other Prohibitions. Planning Commission members shall not provide private consultation services, or similar services, for the development of sites within the Township for clients who are or may be applicants before the Planning Commission. This is not intended to prevent a Planning Commission member from assisting residents, municipalities, or others seeking help from the Planning Commission, which is normally part of a Planning Commission member's duties.

- (a) *Ex Parte Contact.* Planning Commission members shall avoid whenever possible Ex Parte contact about cases where a recommendation of the Planning Commission is required or an administrative decision is before the Planning Commission. Despite one's best efforts it is sometimes not possible to avoid Ex Parte contact. When that happens, the member should take detailed notes on what was said and report to the Planning Commission at a public meeting or hearing what was said, so that every member and other interested parties are made aware of what was said.
- (b) *Not Voting On the Same Issue Twice.* Members of the Planning Commission shall avoid situations where they are sitting in judgment and voting on a decision which they had a part in making previously. As used here, sitting in judgment and voting on a decision which they had a part in making, at a minimum shall include, but not necessarily be limited to, the following, except that a vote cast by the ex-officio member in the formulation of a recommendation to the Township Board is not included:
 - (1) When the appeal is of a decision by Planning Commission and the member of the Planning Commission sits both on the Planning Commission and Zoning Board of Appeals; and
 - (2) When the case is a final administrative decision which is decided by the Planning Commission and is appealed to the Township Board for relief or reversal, and the member of the Planning Commission sits both on the Planning Commission and on the Township Board.
- (c) Acceptance of gifts.

- (1) Gifts shall not be accepted by a member of the Planning Commission or any liaison of the member from anyone connected with a pending agenda item before the Planning Commission.
 - (2) As used here, gifts shall mean cash or any other tangible item or service, regardless of value; and food valued over \$10.
- (d) Spokesperson for the Planning Commission.
- (1) Free and open debate shall take place on issues before the Planning Commission. Such debate shall only occur at meetings of the Planning Commission while a matter is pending before the Planning Commission.
 - (2) Once a vote is taken and an issue is decided by vote, the duty of each member of the Planning Commission is to represent the position reflected by the outcome of the vote. Minority reports and requests for reconsideration may take place only at an open meeting of the Planning Commission.
 - (3) From time-to-time or on a specific issue the Planning Commission may appoint a spokesperson for the Planning Commission for matters which occur outside of the meetings of the Planning Commission.

CHAPTER VI

DUTIES OF THE ZONING ADMINISTRATOR AND PLANNING CONSULTANT

6.1 Planning Commission Assistance. The Planning Commission may be assisted by the zoning administrator or a planning consultant or both in performing the Planning Commission's duties.

- (a) If authorized by the Township Board and when directed by the Planning Commission, the zoning administrator shall perform the following functions (this is not an exhaustive list):
 - (1) Advise applicants of relevant Township ordinances;
 - (2) Accept applications for matters to be reviewed by the Planning Commission and ensure that such applications are complete;
 - (3) Forward application materials to the Planning Commission at least one week prior to the meeting at which the matters will be considered;

- (4) Inform the Planning Commission of administrative and enforcement actions taken on behalf of the Township related to zoning or other appropriate ordinances;
 - (5) Attend Planning Commission meetings as directed;
 - (6) Perform other duties as directed.
- (b) If authorized by the Township Board and when directed by the Planning Commission, the planning consultant shall perform the following functions (this is not an exhaustive list):
- (1) Attend Planning Commission meetings;
 - (2) Consult with the Planning Commission, zoning administrator and other Township officials concerning interpretation, procedural questions and other matters arising from the Zoning Ordinance;
 - (3) Prepare amendments to the Zoning Ordinance as directed by the Planning Commission;
 - (4) Prepare and forward to the zoning administrator and Planning Commission written reviews and recommendations, if appropriate, for all requests and development proposals to be considered by the Planning Commission;
 - (5) Meet with applicants, their representatives and Township officials as needed to properly perform project reviews;
 - (6) Perform other duties as directed.
- (c) The Planning Commission may be assisted by other professional or Township staff as needed, including the building inspector, Township attorney, Township engineer or other persons or agencies as authorized by the Township Board.

CHAPTER VII

MISCELLANEOUS

7.1 Amendment. These Rules of Procedure, in whole or in part, may be amended, added to or repealed upon the affirmative vote of a majority of the members of the Planning Commission at any regular or special meeting. Notice of the proposed alteration, amendment, addition or repeal must be sent by first-class mail or delivered in

person to all members of the Planning Commission at least fifteen (15) days before the regular or special meeting of the Planning Commission at which it is to be considered.

7.2 Inconsistent Provisions. Insofar as any provisions of these Rules of Procedure conflict with any Michigan law, the provisions of such Michigan law shall govern and control.

7.3 Records. All records of the Planning Commission shall be filed in the office of the Township Clerk and shall be public records.

7.4 Tape Recordings. If a meeting of the Planning Commission is tape recorded, the tapes shall be retained for at least thirty (30) days after the meeting or until the day after the next meeting of the Planning Commission, whichever is the last to occur.

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