

MARSHALL TOWNSHIP PLANNING COMMISSION  
BY-LAWS AND RULES OF PROCEDURE

1. AUTHORITY

These rules of procedures are adopted by the Marshall Township Planning Commission pursuant to Public Act 33 of 2008, the Michigan Planning Enabling Act, as may be amended, and Public Act 267 of 1976, as amended, the Open Meetings Act.

2. OFFICERS

2.1 Selection. At the organizational meeting in January, the Commission shall select from its membership a chairperson, vice-chairperson and secretary who shall serve for a twelve month period and who shall be eligible for reelection. Nominations shall be made from the floor, and the election shall be held immediately thereafter. A candidate receiving a majority vote of the members present shall be declared elected.

2.2 Duties. A chairperson shall preside at all meetings and shall conduct all meetings in accordance with the rules provided herein. The vice-chairperson shall act in the capacity of the chairperson in the absence of the chairperson and shall succeed to the office of chairperson in the event of a vacancy in that office, in which case the Commission shall select a successor to the office of vice-chairperson at the earliest practicable time. The Secretary shall perform such duties as the Commission may determine and shall coordinate these responsibilities with Township staff members, such as Clerk and Zoning Administrator.

2.3 Tenure. The officers shall take office immediately following their election. They shall hold their office for a term on one year, or until their successors are elected and assume office.

3. MEETINGS

3.1 Meeting Notices. All meetings shall be posted at the Township 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 monthly if there is business to conduct. Meetings shall be in the Township Hall on the first Tuesday unless scheduled for another date. The dates and times of all meetings shall be posted at the Township Hall.

3.3 Special Meetings. A special meeting may be called by the Chairperson or two members of the Planning Commission upon written request to the Secretary. 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. In order for the Commission to conduct business or take any official action, a quorum consisting of five members 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 Hearings. Hearings shall be scheduled and due notice given in accordance with the provisions of the State Acts and Ordinances of the Township. All comments shall be addressed to the Chairperson and the Commission. Second comments are not permitted until all have had an opportunity to speak for the first time. The Chairperson may terminate a presentation or ask for summation if comments are repetitive. A time limit for speakers may be imposed by the Chairperson. Once the public hearing is closed, further public comment shall be at the discretion of the Chairperson based upon additional information that may be submitted by the applicant, the staff or based upon comment by the Planning Commission.

3.6 Order of Business. The order of business at regular meetings shall be as follows:

1. Roll Call
2. Attendance
3. Pledge of Allegiance
4. Approval of minutes of previous meetings
5. Audience comments regarding items not on the Agenda
6. Noticed Public Hearings – public comment for each item followed by Commission discussion and action
7. Old Business – public comment for each item followed by Commission discussion and action.
7. New Business – public comment for each item followed by Commission discussion and action.
7. Commission Proposed Business
8. Planning Commissioner Comments
9. Final Citizen Comment
10. Adjournment

This order of business may be suspended by vote of a majority of the members present.

3.7 Voting. An affirmative vote of a majority of the members present shall be required for the approval of any requested action or motion placed before the Commission. Voting shall ordinarily be by voice vote, provided however that a roll call vote shall be required if requested by any Commission member or directed by the Chairperson. All members of the Commission including the Chairperson shall vote on all matters, but the Chairperson shall vote last. Members may be excused from voting only if the person has a bonafide conflict of interest as recognized by the majority of the remaining members of the Commission. Any member abstaining from a vote shall not participate in the discussion of the item.

3.8 Rules of Order. All meetings of the Commission shall be conducted in accordance with generally accepted parliamentary procedure, as governed by "Robert's Rules of Order".

3.9 Notice of Decision. A written notice, or copy of the draft or approved meeting minutes, containing any final decision of the Planning Commission shall be provided to the applicant upon request.

#### 4. MINUTES

Commission minutes shall be prepared by the Secretary of the Commission, Township clerk or designated person. The minutes shall contain a brief synopsis of public and Commission discussion of an item, 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.

#### 5. AMENDMENTS

These rules may be amended by the Commission by a concurring vote of five members at any regular meeting, provided that all members have received an advanced notice of the proposed amendments at least three days prior to the meeting at which such amendments are to be considered.

#### 6. CONFLICT OF INTEREST

Planning Commission members shall declare a potential conflict of interest and abstain from participating in Planning Commission deliberations and voting on a request when:

- A. The request for which the Planning Commission is asked to make a decision involves his/her spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parents-in-law, grandparents-in-law or members of his/her household;
- 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 adjoining property. For purposes of this section, property separated only by an abutting public or private road, street or highway shall be deemed an adjoining property; or
- D. There is a reasonable appearance of a conflict of interest, as determined by a Majority vote of the remaining members of the Planning Commission present.

Failure of a member to disclose a potential conflict of interest as required by These by-laws constitute malfeasance in office.

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