**City of Iron River**

**Planning Commission**

**Bylaws**

1. **Name Purpose**

A. The name shall be the City of Iron River Planning Commission, hereafter known as the “Commission".

B. The following Bylaws are hereby adopted by the Commission to facilitate the performance of its duties as outlined in P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, (M.C.L. 125.3801 *et seq.*), hereinafter “the Planning Act.”

C. These Bylaws are also adopted to facilitate the duties of the Commission for administration of a zoning ordinance as outlined in P.A. 110 of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 *et seq.*), hereinafter “the Zoning Act.”

2. **Membership**

* 1. Members. The membership of the Commission shall be the number (currently seven) appointed according to the protocols as established in Chapter 151 of the City of Iron River Code of Ordinances and Section 601 of P.A. 110 of 2006, as amended, (M.C.L. 125.3601).
	2. Attendance. If any member of the Commission is absent from three consecutive properly noticed meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the Commission to recommend to the City Council to remove a member from the Commission for nonperformance of duty. The Recording Secretary shall keep attendance records and shall notify the Commission whenever any member is absent from three consecutive properly noticed scheduled meetings, so the Commission may refer the matter to City Council for action allowed under policy or excuse the absences.
	3. Training. Each member shall attend at least four hours of training per year in planning and zoning during the member’s term of office. Failure to meet the training requirements could result in the member not being reappointed to the Commission. Training may be provided by an external body or in-house by a member or staff that has received training. In-house training shall be recorded in the minutes as to duration and content.
	4. Liaisons. The purpose of liaisons is to assist the Commission with deliberations. They are provided authorization to participate in discussion with the Commission during their meetings in addition to speaking in public comment. Liaisons cannot vote, introduce motions, initiate any other parliamentary action, or be counted for a quorum. Known liaisons are, but not limited to, the following:
		1. The Commission’s retained consultants.
		2. The City of Iron River’s Attorney.
		3. The City of Iron River City Manager.
		4. The City of Iron River Mayor.
		5. The City of Iron River DPW Superintendent.
		6. The County Road Commission Managing Director.
		7. The County Mining Inspector.
		8. The Iron County Department Heads.
		9. The MSU County Extension Director.
		10. The County Soil Conservation Director.

3. **Conflict of Interest and Incompatibility of Office.**

Conflicts are governed by the Iron River City Charter and Chapter 33 of the City of Iron River Code of Ordinances.

4. **Duties of all members.**

* 1. *Ex Parte* contact.
		1. Members shall avoid *Ex Parte* contact about cases where an administrative decision is before the Commission whenever possible.
		2. 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 observations and comments made and report them to the Commission at a public meeting or hearing, so every member and other interested parties are informed of what was said.
	2. Site Inspections
		1. Site inspections shall be done by the zoning administrator or other staff. A written report of the site inspection shall be orally presented to the Commission at a public meeting or hearing about the site.
		2. If requested, no more than one member of the Commission may accompany the zoning administrator or staff on a site inspection.

 5. **Officers**

A. Selection. At the regular meeting in January of each year, the Commission shall select from its membership a Chair and Vice-Chair. Both officers are eligible for re-election. The Commission may designate a person who is not a member of the Commission to be the Recording Secretary. In the event the office of the Chair becomes vacant, the Vice-Chair shall succeed to this office for the unexpired term and the Commission shall select a successor to the office of Vice-Chair for the unexpired term.

B. Chair's Duties. The Chair retains his or her ability to discuss, make motions and vote on issues before the Commission. The Chair shall:

1. Preside at all meetings with all powers under parliamentary procedure.

2. Shall rule out of order any irrelevant remarks; remarks which are personal; remarks about another's race, religion, sex, physical condition, ethnic background, beliefs, or similar topics; profanity; or other remarks which are not about the topic before the Commission.

* + 1. Restate all motions.
		2. Appoint committees of the Commission.
		3. Act as an Ex-Officio member of all committees of the Commission.
		4. May call special meetings pursuant to Section 6. B.
		5. Execute documents in the name of the Commission.
		6. Will assure that the agenda is prepared, meeting notices are distributed, meeting minutes are taken and distributed, and attendance is recorded
		7. Receive all communications, petitions and reports addressed to the Commission.
		8. Review with staff, prior to a Commission meeting, the items to be on the agenda if he or she so chooses.
		9. Represent the Commission before the Iron River City Council.
		10. Perform such other duties as may be requested by the Commission.

C. Vice-Chair’s Duties. The Vice-Chair shall:

* + 1. Act as Chair, in the Chair's absence, with all the powers and duties found in Section 5. B.
		2. Perform such other duties as may be requested by the Commission.

 E. Recording Secretary’s Duties. The Recording Secretary shall not be a member of the Commission or any of its committees, and shall:

 1. For each meeting, take notes for minutes and prepare a draft of minutes.

2. Assure that meeting notices are posted, that meeting attendance is recorded, and assure that agendas with minutes are distributed.

3. Perform such other duties as may be requested by the Commission.

6. **Meetings.**

A.Regular meetings. Meetings of the Commission shall be set at the first meeting of the year for the year and held at the Iron River City Hall, 106 W. Genesee Street. The Commission must meet a minimum of four times a year. The regularly scheduled Commission Meetings shall comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meeting Act M.C.L. 15.261 *et seq.*)

 B. Special Meetings. Special meetings shall be called in the following manner:

 1. By the Chair.

 2. By any two members of the Commission.

3. By the Chair at the request of any non member of the commission, upon payment of a nonrefundable fee to cover costs of the special meeting. The fee is established from time to time by the Iron River City Council.

4. Notice of special meetings shall be given to members of the Commission and the public and shall state the purpose, time, day, date, and location of the meeting. All notices shall comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meetings Act M.C.L. 15.261 *et seq.*).

 C. Quorum. More than half the total number of the Commission, regardless if vacancies exist or not, shall constitute a quorum for the transaction of business and taking official action for all matters before the Commission. Whenever a quorum is not present at a regular or special meeting, those present shall adjourn the meeting to another day.

 D. Motions.

* + 1. Motions shall be restated by the Chair before a vote is taken.
		2. A quorum of the Commission shall be the minimum number of votes required for any affirmative action of the Commission.
		3. Findings of Fact. All actions taken in an administrative capacity (including but not limited to special (conditional) use permits, subdivisions requests, zoning issues, site plan review, planned unit developments, and determination of compliance of an adopted plan shall include each of the following parts:
			1. A finding of fact listing what the Commission determines to be relevant (including parcel owner, parcel legal description or property I.D. number, what is applied for) in the case to eliminate misleading statements, hearsay, irrelevant, and untrue statements.
			2. A conclusion listing reasons, based on the facts, for the Commission action.
			3. The Commission’s action, recommendation of position, approval, approval with conditions, or disapproval.
			4. Action by the Commission on any matter, on which a hearing is held, shall not be taken until the hearing has been concluded.
			5. The above details shall be recorded in the minutes of the Commission.

E. Voting. Voting shall be by roll call vote, and shall be recorded by “yes” or “no”. Members must be present to cast a vote. A motion is only adopted if over half the total membership of the Commission (regardless of the number actually present at the meeting) casts their votes in favor of the motion.

7. **Parliamentary Procedure.** Parliamentary procedure in Commission meetings shall be informal. However, if required to keep order, Commission meetings shall then be governed by Simplified Roberts Rules of Order for issues not specifically covered by these Bylaws. Where the Bylaws conflict, or are different than Simplified Roberts Rules of Order, then the Bylaws control.

8. **Public Participation.** All regular and special meetings shall be open to the public.

A. Public comment is provided at the beginning and end of each meeting. Comments on agenda items should be presented at the first public comment period so the Commission can hear concerns and questions before acting on an issue. During the meeting, public comment is normally not allowed however, the Commission may direct questions to members of the public. Those making public comment are expected to be familiar with the issue and have prepared comments ahead of time.

 B. The Chair may limit the amount of time to three minutes for each person wishing to make public comment at a Commission Meeting. The Chair may ask members of the audience to caucus with others sharing similar positions, so they may select a single spokesperson. If a single spokesperson is selected, that individual shall be able to make public comment at the Commission Meeting for an extended time limit.

 9. **Order of Business.** The Zoning Administrator, or designee, shall prepare an Agenda for each meeting and the order of business shall be as follows:

 A. Call to Order

 B. Pledge of Allegiance

 C. Roll Call.

 D. Public Comment. (3 minute limit)

 Citizens shall be called in the following order:

 (1) Advertised Public Hearings. The Chair will declare such a public hearing open and state its purpose. The petitioner, or proponent of the action advertised will be heard first.

 (2) Persons requested by the Commission to attend the meeting.

 (3) Other persons requesting to be heard.

 E. Approval of the Agenda.

F. Approval of Minutes.

 G. Reports.

 H. Unfinished Business.

 I. New Business.

 J. Public Comment. (3 minute limit)

 K. Commission Member Comments.

 L. Adjournment.

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