

# HILLSDALE COUNTY PLANNING COMMISSION

## Rules of Procedure and By-Laws

January 23, 2023

### 1. AUTHORITY

These rules of procedures are adopted by the Hillsdale County Planning Commission (hereinafter referred to as the Commission) pursuant to Ordinance 2021-01 being the Hillsdale County Planning Commission Ordinance of 2021, Public Act 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L. 125.3801 et seq. and, Public Act 267 of 1976, as amended, being the Open Meetings Act, M.C.L. 15.261 et seq.

### 2. OFFICERS

**2.1 Selection:** The first meeting of the year, 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 re-election. The ex officio member from the County Board of Commissioners is ineligible to be the chairperson.

**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 be responsible for the preparation of minutes, keeping of pertinent public records, delivering communications, petitions, reports, and related items of business of the Commission, issuing notices of public hearings, and performing related administrative duties to assure efficient and informed Commission operations. In the event the Secretary is absent, the Chairperson or acting chairperson shall appoint a temporary secretary for such meeting. An appointed County staff person may assist the elected secretary in performing such duties.

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

### 3. MEETINGS

**3.1 Meeting Notices:** All meetings shall be posted at the Hillsdale County Courthouse and posted on the Commission's page of the Hillsdale County Website. Notice shall include the date, time and place of the meeting.

- 3.2 Regular Meeting:** Regular meetings of the Commission shall be held quarterly (at least four times per year) at the Hillsdale County Office Building or at a location to be determined by the Commission and accessible to the public. The dates and times shall be posted at the County Courthouse and a notice shall be published in accordance with the Open Meetings Act. Any changes in the date or time of the regular meetings shall be posted and noticed in the same manner as originally established. When a regular meeting date falls on or near a legal holiday, the Commission shall select suitable alternate dates in the same month, in accordance with the Open meetings Act.
- 3.3 Special Meetings:** A special meeting may be called by two members of the Commission upon written request to the Secretary or by the Chairperson. The business, which the Commission may perform, shall be conducted at a public meeting of the Commission held in compliance with the Open Meetings Act. Public Notice of the time, date, and place of the special meeting shall be given in a manner as required by the Open meetings Act, and 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 5 of the voting members of the Commission 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 Attendance:** Commission members are expected to attend all regular and special meetings. Official attendance shall be taken at each meeting by the Commissions' Secretary or appointed County staff. Any Commission member missing three (3) consecutive regular meetings or any four (4) regular meetings in any twelve (12) month period may be expelled from the Commission and a registered letter sent to the expelled Commission member stating the reason for expulsion.
- 3.6 Hearings:** Hearings shall be scheduled and due notice given in accordance with the provisions of the acts and ordinance cited in Section 1. Public hearings conducted by the Commission shall be run in an orderly and timely fashion. This shall be accomplished by the following procedure:

**OPENING OF HEARING (Chairperson)**

- A. Official opening announcement, indicating basic nature of request, citing public notice in official newspaper and notification of neighboring properties (if applicable).

B. Announce order of hearing which is as follows:

- (1) Explanation of request as received by community.
- (2) Review and recommendation by planner/professionals.
- (3) Comments and explanations by applicant.
- (4) Questions by Commission/Board.
- (5) Responses by professionals and/or applicant.
- (6) Opening of hearing for public comments.
- (7) Close hearing to public comments.
- (8) Consideration of action by Commission/Board.

C. Announce that all comments will be addressed to the Chair. Each person will be given an opportunity to be heard; second comments will not be permitted until every person has had the chance to speak for the first time. In the interest of fairness to the public, ask that statements from the floor be as concise as possible. The Chair reserves the right to terminate a presentation or ask for a summation if comments become excessively repetitive or stray from the issues at hand. (For large hearings, a time limit should be established.)

D. Indicate that at all times during the hearings the Chair expects courtesy of all participants. (It is imperative that all decisions be based upon "findings of fact". Controversial hearing which allow catcalls, booing or votes of the public can be seriously challenged by an aggrieved party as being an emotional decision rather than one based upon proper facts and accepted principles of planning.)

## **PRESENTATION OF PROPOSAL**

The following procedures assume that an application has been received which provides all necessary information and documentation. Such applications must be received within 14 (fourteen) days prior to the meeting to provide sufficient lead-time for proper review by all necessary staff and board members involved prior to the hearing.

A. Presentation by municipal advisors (Staff/Consultant):

- (1) Compliance with local ordinances and requirements
- (2) Conformance with desirable and established principles of development
- (3) Conflicts and discrepancies
- (4) Recommendations
- (5) Questions from Commission/Board for reasons of clarification

B. Presentation by applicant (applicant):

- (1) Brief review of project proposal.

- (2) Response to questions raised by municipal advisors.
- (3) Questions by Commission/Board.
- (4) Statement for record of any changes to proposal which will be made to correct problems noted.

## **OPENING OF HEARING TO FLOOR**

At this point the public will have a more definitive explanation of the proposal together with any potential amendments/alternatives.

- A. (Chairperson) Announce opening of hearing for public comments with reminder that all comments and questions will be addressed to the Chairperson, any time limits and the order imposed, and that secondary comments will be received after every person has had the opportunity to be heard for the first time.
- B. Indicate that once a person has been recognized by the Chair they shall stand, give their name and address and a concise statement of their questions and/or concerns.

(In well-attended hearings, groups in attendance should be encouraged to be represented by a spokesperson(s). When individual time limits have been imposed, the Chairperson reserves the right to limit the amount of time allocated to each speaker.

- C. The Chairperson may elect during the course of public comments to obtain brief answers from its municipal advisors, or the applicant, if such comments may expedite the hearing.
- D. Receive for the official record any letters and/or petitions received by the municipality regarding the matter. Read and/or summarize these materials.
- E. Close the hearing to public comment following completion of public participation.

## **CONSIDERATION OF MATTER BY COMMISSION/BOARD**

- A. Commission/Board members, when recognized, may continue discussion and seek additional information from others in attendance (through the Chairperson).
- B. Typically four courses of action are open to the Commission/Board:
  - (1) Approval.
  - (2) Approval with conditions.
  - (3) Denial.
  - (4) Tabling/Adjournment to future meeting.

Motions for any approvals or denials should include reasons for such actions. Motions for tabling to adjournment should also include reasons and the date, time and place the matter will be further considered. Adjournment is normally used for continuation of a hearing without having to re-advertise.

**3.7 Motions:** Motions shall be restated by the Chairperson before a vote is taken. The name of the maker and supporters of the motions shall be recorded.

**3.8 Voting:** An affirmative vote of the majority of the Commission members present shall be required for the approval of any requested action or motion placed before the Commission. Voting shall ordinarily be 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. Any member may be excused from voting only if that person has a bona-fide 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 that item.

**3.9 Order of Business:** A written agenda for all regular meetings shall be prepared as follows. The order of business shall be:

- Call to Order
- Roll Call
- Public Comments
- Correspondences
- Approval of Minutes
- Approval of Agenda
- Public Hearings
- Unfinished Business
- New Business
- Any other Business/on-going business
- Public Comment
- Adjournment

A written agenda for special meetings shall be prepared and followed; however the form as enumerated above shall not be necessary.

**3.10 Rules of Order:** All meetings of the Commission shall be conducted in accordance with generally accepted parliamentary procedure.

**3.11 Notice of Decision:** A written notice containing the decision of the Planning Commission will be sent to petitioners and originators of a request.

#### **4. MINUTES**

**4.1** Commission minutes shall be prepared by the Secretary of the Commission or County appointed staff and forwarded to the County Clerk. The minutes shall contain a brief synopsis of the meeting, 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. All communications, actions, and resolutions shall be attached to the minutes. The official records shall be annually deposited with the County Clerk.

#### **5. OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS**

**5.1** All meetings of the Commission shall be open to the public and held in a place available to the general public.

**5.2** All deliberations and decisions of the Commission shall be made at a meeting open to the public.

**5.3** A person shall be permitted to address a hearing of the Commission under the rules established in subsection 3.6, and to address the Commission concerning non-hearing matters under the rules established in subsection 3.9 to the extent that they are applicable.

**5.4** A person shall not be excluded from a meeting of the Commission except for breach of the peace, committed at the meeting.

**5.5** All records, files, publications, correspondence, and other materials are available to the public for reading, copying, and other purposes are governed by the Freedom of Information Act.

#### **6. AMENDMENTS**

**6.1** The Commission may amend these rules by a concurring vote pursuant to Subsection 3.7, during any regular meeting, provided that all members have received an advance copy of the proposed amendments at least 3 days prior to the meeting at which such amendments are to be considered.

**THESE RULES OF PROCEDURES AND BY-LAWS ARE ADOPTED THIS 23rd DAY OF JANUARY, 2023 BY THE HILLSDALE COUNTY PLANNING COMMISSION AND REPLACE ANY PREVIOUS VERSIONS OF SAID RULES OF PROCEDURES AND BY-LAWS.**