

CITY OF CLAWSON
PLANNING COMMISSION

BYLAWS AND RULES OF PROCEDURE

The main function or purpose of the following Bylaws is to establish the rules of operation for the Planning Commission. In addition to establishing procedure, the Bylaws also describe the organizational framework of the Planning Commission, and, in general terms, define the duties and responsibilities of the Planning Commission.

City of Clawson
Planning Commission

425 N. Main Street
Clawson, MI 48017

Prepared: February 7, 2009

CITY OF CLAWSON
PLANNING COMMISSION
Bylaws and Rules of Procedure

ARTICLE I: AUTHORITY

Section 1

The rules and procedures of the City of Clawson Planning Commission (hereinafter referred to as “the Commission”) are subordinate and subject to the following statutes:

- a. Michigan Public Act 285 of 1931, as amended.
- b. Michigan Public Act 267 of 1976, as amended.
- c. Planning Enabling Act, Public Act 33 of 2008.
- d. Michigan Zoning Enabling Act P.A. 110 of 2006 further amended as Public Act 12 of 2008.
- e. The City of Clawson Land Development Regulations.
- f. The City of Clawson Code of Ordinances.
- g. The rules of the Commission, as set forth herein.
- h. Charter of the City of Clawson.

ARTICLE II: TITLE

The title of the Commission shall be “The City of Clawson Planning Commission.”

ARTICLE III: MEMBERS

Section 1

The Planning Commission shall consist of the Chairperson, Vice Chairperson and seven (7) other persons, representing insofar as possible different professions or occupations, appointed by the Mayor subject to approval by the members elected of the City Council. The Clawson City Clerk or her designee shall be the Secretary.

Section 2

All members of the Planning Commission shall serve as such with compensation, if any, as determined by the City Council. Appointed members of the Planning Commission shall not hold another City office except that one (1) appointed member, selected by the Mayor and approved by the City Council, may be a member of the Zoning Board of Appeals. The term of each appointed member of the Planning Commission shall be three (3) years or until his or her successor takes office, with all appointments to be dated from May 1 and staggered such that as near as possible to one third (1/3) of the appointed members terms expire on December

31 of each year. Vacancies on the Planning Commission for unexpired terms shall be filled using the same process that applied to the vacant position.

Section 3

When members propose to resign, a notice of their intent in writing shall be provided to the Chairperson and the Secretary with a date of the resignation, effective in such a manner as to allow time for appointment of replacements. When a member resigns or passes away, the Secretary shall promptly indicate to the City Council that a vacancy exists.

Section 4

Members of the Planning Commission may, after a public hearing, be removed from office in accordance with the provisions of the statute under which these Bylaws are adopted. The Planning Commission may remove a member for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the planning commission. The member is disqualified from voting on the matter if so provided by the bylaws or by a majority vote of the remaining members of the planning commission. Failure of a member to disclose a potential conflict of interest as required by this subsection constitutes malfeasance in office.

ARTICLE IV: OFFICERS

Section 1

The officers of the Planning Commission shall be:

A Chairperson, who shall preside at all meetings and shall have such other duties as further prescribed in the Bylaws, and shall have authority to preside at all Adjourned Meetings and call and preside at all Special Meetings.

A Vice-Chairperson, who shall, in the absence of the Chairperson or his/her inability to act, preside at all Regular, Adjourned, or Special Meetings, public hearings, or committee meetings of the Planning Commission, and shall have the power to function in the same capacity as the Chairperson.

A Secretary, who shall have authority to execute documents in the name of the Planning Commission and shall perform such other duties as the Planning Commission may, from time to time determine.

Section 2

The officers of the Planning Commission shall be elected each year for a one-year term by the Planning Commission at their first regular meeting held in each calendar year, and shall hold office until their successors are elected and assume office.

ARTICLE V: MEETINGS

Section 1

The Regular Meeting of the Planning Commission shall be held on the second and fourth Tuesday of each month at 7:30 P.M, at the City Hall. Such meetings may be held at other convenient place if directed by the chairperson in advance of the meeting or upon a finding that such other public location would serve public convenience or necessity with proper public notice as required by law. Any Regular Meeting may be adjourned to a definite date, by a majority vote of a quorum of the members. Adjourned or Special Meetings may be held at any time or place established by the Planning Commission. Special Meetings may be held as necessary, subject to the call of the Chairperson or Acting Chairperson or upon the request of a majority of the Planning Commission.

The Commission shall hold at least one (1) Regular Meeting each month unless there is no business on the Agenda; in such case there shall be no meeting.

Section 2

All Meetings of the Commission shall be held in accordance with the provisions of PA 230 of 1976, the Open Meetings Act. Parliamentary procedure at Planning Commission meetings shall be governed by Robert's Rules of Order. The City Attorney shall be the Parliamentarian.

Section 3

Each member shall be notified of the place and date of each meeting by the City Clerk, by a written notice, mailed to the address of the members not less than three (3) days prior to the date set for the meeting. Said notice may be waived by a unanimous vote of the Planning Commission.

Section 4

Five (5) members of the commission shall constitute a quorum for the conduct of business. An affirmative vote of at least five (5) members of the Planning Commission shall be necessary in order to make a decision. Absence of a member from three (3) consecutively scheduled meetings shall be grounds for removal of the member by the Planning Commission. An appeal may be taken by such member to the City Council which shall hear and determine the merits of such a decision within thirty (30) days of the date of action removing such member from the Planning Commission.

Section 5

No new matters will be discussed after 10:00 P.M. unless the Planning Commission votes to continue the meeting. The Commissioners have the right to determine which, if any, of the items remaining on the agenda will be discussed or deferred to the next regularly scheduled commission meeting.

ARTICLE VI: THE ORDER OF BUSINESS

Section 1

Notwithstanding Roberts Rules of Order, the order of business for a Regular Meeting shall be:

1. Call to order by Chairperson or Vice-Chairperson.
2. Pledge of Allegiance.
3. Roll call.
4. Determination of a quorum.
5. Approval of Minutes of last preceding meeting.
6. Hearings and/or New Business.
7. Public Comments – items not on the agenda.
8. Other business.
9. Adjournment.

Section 2

The Chairperson shall at his/her discretion (unless specifically required by law) open an agenda item to public comment after receiving the recommendation of the City Planner, and after giving the petitioner an opportunity to be heard. After the public has had a reasonable opportunity to be heard, the Chairperson shall close the hearing on each petition. If a member of the Planning Commission desires further information, he/she may, with the approval of the Chairperson ask additional questions of members of the public, City Planner, or the petitioner. All comments shall be addressed through the chair. There shall be no questioning or argument between individuals in the audience.

ARTICLE VII: PUBLIC HEARINGS

Section 1

To take action on a request for special land use approval or any amendments to the Land Development Code, including requests to rezone land, the Planning Commission shall hold at least one public hearing thereon, notice of the time and place of which shall be given not less than fifteen (15) days prior to such hearing by one publication in a newspaper of general circulation in the City of Clawson and in the official gazette, if any, of the municipality, and by Registered United States Mail to all property owners/residents (as required by law) within 300 feet of the boundaries of the said property under consideration for approval or recommendation for approval to City Council.

Section 2

To adopt any recommendation pertaining to the Master Plan, or any part thereof, or any amendment, extension, or addition thereto, the Planning Commission shall hold at least one public hearing thereon, notice of the time and place of which shall be given not less than fifteen (15) days prior to such hearing by one publication in a

newspaper of general circulation in the City of Clawson and in the official gazette, if any, of the municipality, and by Registered United States Mail to each public utility company and to each railroad company owning or operating any public utility or railroad within the geographical sections or divisions of the City of Clawson. The adoption of the plan or of any such part or amendment or extension or addition shall be by resolution of the Planning Commission, carried by the affirmative votes of not less than five (5) members of the Planning Commission. The resolution shall refer expressly to the maps and descriptive and other matter intended by the Planning Commission to form the whole or part of the plan, and the action taken by the Planning Commission shall be recorded on the map and plan and descriptive matter by the identifying signature of the Secretary of the Planning Commission. An attested copy of the plan or part thereof shall be certified to the council and to the county register of deeds.

ARTICLE VIII: CONFLICT OF INTEREST

No member of the commission shall participate in any case in which he/she has a financial or personal interest in the property or the action concerned, or will be directly affected by the decision, or has or believes he has any other conflict of interest as defined by applicable law. No member of the staff, commission or any agency serving the commission shall prepare or present any arguments or reports, or attempts to influence decisions of the commission, in any case in which he/she has a similar interest. Any question about the lack of impartiality on a matter of business by the commission shall be disclosed prior to public discussion of the matter.

ARTICLE VIII: MINUTES

Section 1

The Planning Commission shall keep a set of Minutes of all Regular and Adjourned Meetings and at Special Meetings where official business was transacted. These Minutes shall become a public record and shall be filed with the City Clerk. Said Minutes shall contain the number of members of the public in attendance.

Section 2

The Secretary or the Chairperson shall sign all Minutes, after approval by the Planning Commission members, at the following meeting.

ARTICLE IX: COMMITTEES

There may be such special committees as the Planning Commission may, from time to time, deem necessary.

ARTICLE X: AMENDMENT OF BYLAWS

These Bylaws may be changed or added to by the affirmative vote of five (5) out of nine (9) members. No change shall be made unless written notice to amend shall be filed with the Secretary at the Regular Meeting preceding the meeting at which the motion to change is to be made. This requirement may be waived by the Planning Commission by a unanimous vote of all members of the Planning Commission.

Approved by the City of Clawson Planning Commission on this 10TH day of March 2009.

Robert S. Blanchette
Planning Commission Chairperson

G. Marcus Kerkuk
Planning Commission Secretary