

# CONWAY TOWNSHIP PLANNING COMMISSION BYLAWS OF

Adopted, effective immediately, September 8, 2008

(Revised August 8, 2014)

(Revised October 8, 2018)

## 1. Name Purpose

- A. The name shall be the Conway Township Planning Commission, hereafter known as the “Commission”.
- B. These Bylaws are 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

- A. Members. Members of the Commission are appointed by the Conway Township Board of Trustees pursuant to the Conway Township Planning Commission Ordinance No. 21, as amended. There shall be seven members, which shall include one ex officio member.
  - 1. First priority, each member shall represent and advocate what is best for the Township of Conway as a whole, putting aside personal or special interests.
  - 2. Second priority, the membership of a planning commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the local unit of government, in accordance with the major interests as they exist in the local unit of government, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce, The membership shall also be representative of the entire territory of Conway Township to the extent practicable, as appointed by the Conway Township Board of Trustees.
- B. Ex Officio. As defined by statute, is a planning commission member with full voting rights unless otherwise provided, who serves on the planning commission by virtue of holding another office, for the term of that other office.
- C. Omitted.
- D. Attendance. If any member of the Commission is absent from three consecutive regularly scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the Conway Township Board of Trustees to remove a member from the Commission for nonperformance of duty, or misconduct, after holding a public hearing on the matter. The Commission Secretary, or acting Secretary in the absence of the elected Secretary, shall keep attendance records and shall notify the Conway Township Board of Trustees whenever any member of the Commission is absent from three consecutive regularly scheduled meetings; this is not to include the Township Board of Trustee meetings; so the Conway Township Board of Trustees can consider further action allowed under law or excuse the absences.
- E. Conflict of Interest and Incompatibility of Office.
  - 1. Each member of the Commission shall avoid conflicts of interest and/or incompatibility of office. Each member shall disclose to the Planning Commission any

matter in which the member may reasonably be considered to have a conflict of interest or an appointment which creates an incompatibility of office.

2. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:
    - a. Deliberating on, voting on, or reviewing a case concerning him or her.
    - b. Deliberating on, voting on, or reviewing a case concerning land owned by him or her.
    - c. Deliberating on, voting on, or reviewing a case concerning a neighboring property to property owned by a member or to property a member has a financial interest in. For purposes of this subsection, a neighboring property shall include any property falling within the notification radius for the particular application or request, as required by the Zoning Ordinance or other applicable statute; or, in the event no notification provision applies, 300 feet.
    - d. Deliberating on, voting on, or reviewing a case involving a corporation, company, partnership, or any other entity in which he or she is a part owner, or any other relationship where he or she may stand to have a financial gain or loss.
    - e. Deliberating on, voting on, or reviewing a case which is an action which results in a pecuniary benefit to him or her.
    - f. Deliberating on, voting on, or reviewing a case concerning his or her spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parents in-law grandparents in-law, or members of his or her household.
    - g. Deliberating on, voting on, or reviewing a case where his or her employee or employer is:
      - (1) an applicant or agent of an applicant, or
      - (2) Has a direct interest in the outcome.
    - h. There is a reasonable appearance of a conflict of interest, as determined by a majority vote of the remaining members of the Commission.
  3. When a conflict of interest exists, the member of the Commission, shall do all of the following immediately, upon first knowledge of the case and determining that a conflict exists:
    - a. declare a conflict exists at the next meeting of the Commission:
    - b. cease to participate at the Commission, or in any other manner, or represent one's self before the Commission, or others; and
    - c. during deliberation of the agenda item before the Commission, remove one's self from the front table where members of the Commission sit, until that agenda item is concluded.
  4. If a member of the Commission is appointed to another office, which is an incompatible office with his or her membership on the Commission, then on the effective date of the appointment to the other office, that shall result in an automatic resignation from the Commission. If a member of another office is appointed to the Commission, which is an incompatible office with his or her membership in the other office, then on the effective date of the appointment to the Commission, that shall result in an automatic resignation from the other office.
- F. Duties of all members.
1. Ex Parte contact.

- a. Members shall avoid ex parte contact about cases where an administrative decision is before the Commission whenever possible.
  - b. 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 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.
2. Site inspections.
  - a. Site inspections shall be done by the Zoning Administrator. An oral report of the site inspection shall be presented to the Commission at a public meeting. Written presentation may be requested by the Commission.
  - b. If desired, no more than one member of the Commission may accompany the Zoning Administrator on a site inspection.
3. Omitted.
4. Accepting gifts.
  - a. Gifts shall not be accepted by a member of the Commission from anyone connected with an agenda item before the Commission.
  - b. As used here, gifts, shall mean cash, any tangible item, or Service, regardless of value; and food valued over \$10.00 ten dollars.
  - c. This section does not apply to the Commission accepting gifts For the exercise of its functions pursuant to M.C.L. 125.3823(3), Section 23(3) of the Planning Act.
  - d. In Township gifts shall only be accepted by the Township Board on behalf of the planning Commission
5. Spokesperson for the Commission.
  - a. Free and open debate should take place on issues before the Commission. Such debate shall only occur at meetings of the Commission.
  - b. Once a vote is taken and an issue is decided by vote, the duty of each member of the 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 Commission.
  - c. From time-to-time or on a specific issue the Commission may appoint a spokesperson for the Commission for all matters which occur outside of the meetings of the Commission.
6. Code of Conduct. Each member, upon appointment, shall sign a code of conduct. The current Code of Conduct for the Planning Commission is attached to these Bylaws.
7. Officers
  - a. Selection. At the regular meeting in January of each year, the Commission shall select from its membership a Chair, Vice-Chair, and Secretary. All officers are eligible for reelection. 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. In the event the office of the Secretary becomes vacant, the Commission shall select a successor to the office of Secretary for the unexpired term. The Commission or Secretary may also designate another person who is not a member of the Commission to be the recording Secretary.

- b. Tenure. All officers shall take office at the meeting following their selection and shall hold office for a term of three years or until their successors are selected and assume office.
- c. 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.
  - (3) Restate all motions as pursuant to these Bylaws.
  - (4) Appoint committees.
  - (5) Appoint officers of committees or choose to let the committees select their own officers.
  - (6) May call special meetings pursuant to these Bylaws.
  - (7) Act as an Ex-Officio member of all committees of the Commission.
  - (8) Appoint an Acting-Secretary in the event the Secretary is absent from a Commission meeting.
  - (9) Review with the Secretary, prior to a Commission meeting, the items to be on the agenda if he or she so chooses.
  - (10) Periodically meet with the Planner hired by the Board of Trustees, the County Planner to review Planning procedures, and to monitor progress on various projects.
  - (11) Act as the Commissions chief spokesman and lobbyist to represent the Commission at local, regional, and state government levels.
  - (12) Represent the Commission before the Conway Township Board of Trustees.
  - (13) Perform such other duties as may be ordered by the Commission.
- d. Vice-Chair's Duties. The Vice Chair shall:
  - (1) Act in the capacity of the Chair, with all the powers and duties of the Chair.
  - (2) Perform such other duties as may be ordered by the Commission.
- e. Secretary's Duties. The secretary shall:
  - (1) Execute documents in the name of the Commission;
  - (2) Be responsible for the minutes of each meeting.
  - (3) Review the draft of the minutes, sign them, and submit them for approval to the Commission and shall have them spread in suitable volumes. Copies of minutes shall be distributed to each member of the Commission prior to the next meeting of the Commission.
  - (4) Keep attendance records pursuant to these Bylaws.
  - (5) Provide notice to the public and members of the Commission for all regular and special meetings, pursuant to the Open Meetings Act, P.A. 267 of 1976, as amended, M.C.L. 15.261 et seq.
  - (6) Prepare an agenda for the Commission meetings pursuant to these Bylaws.
  - (7) Perform such other duties as may be ordered by the Commission.

## G. Meetings

1. Regular meetings. Meetings of the Commission will be held the 2<sup>nd</sup> Monday of every month at 7:00 p.m. at the Conway Township Hall. When the regular meeting day falls on a legal holiday, the Commission shall select a suitable alternate day in the same month. As annual notice or regularly scheduled Commission meeting shall comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meeting Act M.C.L. 15.261 et seq.)
2. Special Meetings. Special meetings shall be called in the following manner:
  - a. By the Chair.
  - b. By any two members of the Commission.
  - c. By the Chair at the request of any non-member of the Commission, upon payment of a non-refundable fee to cover costs of the special meeting. The fee shall be set by the Conway Township Board of Trustees.
  - d. Notice of special meetings shall be given by the Secretary to members of the Commission at least forty eight (48) hours prior to such meeting and shall state the purpose, time, day, month, date, year and location of the meeting. In addition notices shall comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meetings Act M.C.L. 15.261 et seq.).
3. Recess. The Chair, or the Commission, after the meeting has been in session for two hours (not including site inspections), may suspend the Commission's business and evaluate the remaining items on its agenda. The Commission shall then decide to finish that meeting's agenda, may act to continue the meeting on another day (fix the time at which to adjourn), or complete some agenda items and continue the meeting on another day to complete other agenda items or postpone certain agenda items to the next meeting. If applicable such action shall include the time, day, month, date, year, and location the Commission will reconvene. If more than 18 hours will pass before the reconvened Commission, public notice shall be given to comply with P.A. 267 of 1976 as amended, (being the Michigan Open Meeting Act M.C.L. 15.261 et seq.). Upon reconvening, a roll call of attendance shall be the first item of business before proceeding with the same agenda. The Commission shall resume with the same meeting agenda, proceeding at the same point where they left off, without the addition of additional business.
4. Quorum. More than half the total number of seats for members of the Commission, regardless if vacancies exist or not, shall constitute a quorum for the transaction of business and the taking of 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.
5. Motions.
  - a. Motions shall be restated by the Chair before a vote is taken.
  - b. Findings of Fact. All actions taken in an administrative capacity (including but not limited to, special use permits, subdivisions, zoning, site plan review, planned unit developments, review and submission on another municipality's proposed plan, review and submission on a capital improvement, review of township zoning) shall include each of the following parts.
    - (1) A finding of fact, listing what the Commission determines to be relevant facts in the case in order to eliminate misleading statements, hearsay, irrelevant, and untrue statements;

- (2) Conclusions to list reasons based on the facts for the Commission's action, often directly related, or not, to a finding of compliance, or noncompliance, to standard;
  - (3) The Commission's action; and
  - (4) As applicable, recommendation or decision on approval, approval with conditions, or disapproval.
6. Voting. Voting shall be by voice and shall be recorded as passing or Failing. Roll call votes will be recorded only upon request by a member of the Commission and shall be recorded by "yes" or "no". Members must be present to cast a vote. Voting by proxy shall not occur. The affirmative vote of a majority of those present or a majority of a quorum, whichever is greater, shall be necessary for the adoption of motions. The affirmative vote of a majority of the total number of seats for members of the Commission, regardless if vacancies or absences exist or not, shall be necessary for the adoption, or recommendation for adoption, of any plan or amendment to a plan.
7. Commission Action. Action by the Commission on any matter on which a hearing is held shall not be taken until the hearing has been concluded.
8. Parliamentary Procedure. Parliamentary procedure in Commission meetings shall be informal. However, if required to keep order, Commission meetings shall then be governed by Roberts Rules of Order, as amended and revised, for issues not specifically covered by these Bylaws. Where these Bylaws conflict, or are different than Robert's Rules of Order, then these Bylaws control.
9. Public Participation. All regular and special meetings, hearings, records, and accounts shall be open to the public. All public comment on all agenda items should be presented at the beginning of the meeting where provided in the printed agenda. After that point during the meeting, public comment is normally not allowed; however, sometimes the Commission may direct questions to members of the public. Public comment is at the beginning of the meeting so the Commission can hear concerns and questions before acting on an issue. Those making public comment are expected to be familiar with the issue and have prepared comments ahead of time. To help the public in preparing for the meeting, any written material shall be made available without cost for members of the public asking for a copy prior to the meeting. The Chair may limit the amount of time allowed 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 with an extended time limit set by the Chair.
10. Consensus Business. Certain items of business before the Commission are routine matters where no discussion normally occurs or is expected to occur and a consensus for adoption normally occurs or is expected to occur. The individual preparing the agenda may mark such items on the agenda as a Consent Item, if that individual feels it qualifies as consensus business. The agenda or material presented on the issue should indicate the proposed action (approve, disapprove, no comment, approve with modification).
  - a. Any Consent Item can be removed by request of a member. It is automatically removed if discussed during Public Participation.

- b. A motion to adopt the Consent Items can be made, in effect adopting all agenda items still included as Consent Items. The approval of minutes could be proposed on the agenda as a Consent Item.
  - c. Consensus business can be proposed for any item on the agenda, but shall never include any of the following.
    - (1) Review of plans and zoning ordinances, or any part or amendment thereto.
    - (2) Action on special use permits, planned unit developments, site plans, and similar administrative actions. Election of officers.
    - (3) Any item not printed on the agenda which is delivered, along with adequate supporting information, to Commissioners prior to the meeting.
  - d. The motion to adopt Consent Items in the minutes shall clearly list each item and indicate its action/disposition.
11. Order of Business/Agenda. The Secretary, or designee, shall prepare an Agenda for each meeting and the order of business shall be as follows:
- a. Call to order, Pledge of Allegiance.
  - b. Matters pertaining to citizens present at the meeting, as 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
  - c. Housekeeping business such as, consent business, approval of minutes, communication, other.
  - d. Unfinished business and reports to include but not limited to, a report from the Conway Township Board of Trustees about the action taken by the Board on the items sent to them by the Commission for their action.
  - e. New business.
  - f. Public participation for items not on this agenda.
  - g. Adjournment.
12. Delivery of Agenda. The agenda and accompanying materials shall be mailed or delivered to Commission members so it is reasonably expected to be received prior to the weekend prior to the regular meeting date, generally accepted to be, but not always, mailed by first class mail on the Thursday of the week prior to the Commission meeting or by email.
13. Placement of Items on the Agenda.
- a. The Conway Township Clerk shall be the office of record for the Commission.
  - b. The Zoning Administrator may receive items on behalf of the Commission between the time of the adjournment of the previous Commission meeting and eight business days prior to the next regularly scheduled Commission meeting.
  - c. Items received by the Zoning Administrator between seven business days prior to the next regularly scheduled Commission meeting and the next regularly scheduled Commission meeting shall be set aside to be received by the Commission at its next regularly scheduled Commission meeting. The Commission may act on those items of a minor nature or table action to the subsequent regular or special Commission meeting. Those items of a major nature, or items normally receiving review, analysis, or recommendation shall be tabled until the subsequent regular or special Commission meeting.

- d. The deadline to add items to the Commission's meeting agenda shall be seven business days prior to the next regularly scheduled Commission meeting.

#### 14. Record

- a. Minutes and Record. The Commission Secretary shall keep, or caused to be kept, a record of Commission meetings, which shall at a minimum include an indication of the following:
  - (1) Copy of the meeting posting pursuant to P.A. 267 of 1976, as amended, (being the Michigan Open Meetings Act, M.C.L. 15.261 et seq.).
  - (2) Copy of the minutes, and all its attachments which shall include a summary of the meeting, in chronological sequence of occurrence.
  - (3) Time and place the meeting was called to order.
  - (4) Attendance.
  - (5) Indication of others present.
  - (6) Summary or text of points of all reports including reports of what was seen and discussed at a site inspection given at eh meeting, and who gave the report and in what capacity.
  - (7) Summary of all points made in public participation or at a hearing by the applicant, officials, and guests and an indication of who made the comments. An alternative is to attach a copy of the public's statement, petition, or letter if it is provided in written form.
  - (8) Full text of all motions introduced, whether seconded or not, who made the motion and who seconded the motion. For each motion, the following should be included: who testified and a summary of what was said, a statement of what is being approved, the location of the property involved including tax parcel number ID, what exhibits were submitted, what evidence was considered, the administrative body's findings of fact, reasons for the decision made and if denied then each reason should refer to a section of an ordinance which would be violated or with which not complied, the decision if denied, approved , or approved with modification, a list of all required improvements, a list of all changes to the map/drawing/site plan that was submitted, who called the question, what type of vote and its outcome, that a person making a motion withdrew it from consideration, all the Chair's rulings, all challenges, discussion and vote/outcome on a Chair's ruling, all parliamentary inquiries or points of order, when a voting member enters or leaves the meeting, when a voting member has a conflict of interest and when the voting member ceases and resumes participation in discussion, voting and deliberations at a meeting, all calls for an attendance count, the attendance, and ruling if a quorum exists or not, the start and end of each recess, all Chair's rulings of discussion being out of order, full text of any resolutions offered, summary of announcements, summary of informal actions, or agreement on consensus, time of adjournment.
- b. Records of any action, support documents, maps, site plans, photographs, correspondence received, attached as an appendix to the minutes.
- c. Retention. Commission records shall be preserved and kept on



file according to the Township's record retention schedule.

15. Mileage and Per Diem. Mileage and per diem shall be paid to members of the Commission at the will of and at the rate established by the Conway Township Board of Trustees. No mileage or per diem is paid to any member to attend the Board of Trustee meetings.
16. Hearings. Before the adoption of any part of a plan, as defined in the Planning Act, or any amendment to a plan, or recommending approval of an amendment to the Conway Township Board of Trustees, the Commission shall hold a public hearing on the matter. Notice of the time and place of the hearing shall be given, not less than 15 days prior to such hearing, by at least one publication in each newspaper of general circulation. Notice of special hearings for the purposes of presenting preliminary master plans, obtaining public opinion on a problem, or discussion of a particular problem with interested parties will be given in the most practical manner and to persons, or group representatives most interested and as required by the Planning Act, Zoning Act, and relevant local zoning ordinance. A written notice containing the decision of the Commission will be sent to petitioners and originators of a request for the Commission to study a special problem.
17. Zoning Responsibilities. All the powers of zoning are transferred to this Commission, pursuant to M.C.L. 125.3301 of the Zoning Act. The Commission shall review and act on all proposed zoning ordinances, or zoning amendments pursuant to the Zoning Act. At least one hearing shall be held on each proposed zoning ordinance or amendment, with notices given as specified in the zoning ordinance and the Zoning Act. After the hearing, action shall be in the form of a recommendation to the Conway Township Board of Trustees. At a minimum the recommendation shall include the text of a zoning ordinance or amendment with the necessary maps and zoning regulations to be adopted for a zoning district or the zoning jurisdiction as a whole; and the manner of administering and enforcing the zoning ordinance. The Commission shall review and act on all special use permits pursuant to the Zoning Act and the zoning ordinance. At least one hearing shall be held on each proposed zoning ordinance or amendment, with notices given as specified in the zoning ordinance and the Zoning Act. After the hearing, action shall be in the form of a motion which contains a finding of fact, conclusions as to a list of reasons for action, the Commission's action pursuant to these Bylaws and a recommendation to the Conway Township Board of Trustees. The Commission shall review and act on all those site plans which the zoning ordinance requires Commission action. Action shall be in the form of a motion which contains a finding of fact, conclusions as to a list of reasons for the action, and the Commission's action, pursuant to these Bylaws. The Commission shall not act, or otherwise hear issues on zoning ordinance interpretations, zoning map interpretation, or variances. Such matters shall be exclusively the jurisdiction of the Zoning Board of Appeals.
18. Other Matters to be Considered by the Commission
  - a. The following matters shall be presented for consideration at a meeting of the Commission:
    - (1) Preparation of an annual report of the Commission.
    - (2) Selection of Consultants and a recommendation to the Conway Township Board of Trustees for same.
19. Adoption, Repeal, Amendments

- a. Upon adoption of these Bylaws of 9/8/2008, they shall become effective and all previous Bylaws, shall be repealed.
- b. The Commission may suspend any one of these Bylaws, for a duration of not more than one agenda item or meeting.
- c. These Bylaws may be amended at any regular or special meeting by a two-third (2/3) vote of the members present.

Amended by the Conway Township Planning Commission at a regular meeting held on October 8, 2018.

/s/ Londa Horton

Londa Horton, Secretary

**CODE OF CONDUCT AND OATH OF OFFICE**

The Appointed Member of the Conway Township Planning Commission agrees to abide by this Code of Conduct.

As a member I will:

1. Accept responsibility to represent the Conway Township Planning Commission which I am appointed to with dignity and pride by being a positive role model.
2. Conduct myself in a businesslike manner, respecting the rights and opinions of other members and of the public. Abusive, insulting, profane or excessively argumentative language or conduct should not be tolerated.
3. Abstain from, and not tolerate, physical or verbal abuse.
4. Accept the responsibility to promote and support development of effective planning and zoning programs.
5. Attend the meetings of the Planning Commission on a regular basis and provide prior notification of any necessary absences.
6. Read the Master Plan, Zoning Ordinance, other ordinance, rules of procedure, bylaws, and other pertinent documents which pertain to the business of the Planning Commission and continue to gain knowledge and understanding through self-study, inquires and attending appropriate training when possible.
7. Respect, adhere to, and help enforce the rules, policies, and guidelines established by the Planning Commission and Township Board of Trustees.
8. Read meeting packet materials ahead of time and otherwise be prepared for the meetings.
9. Refrain from deciding cases before the meeting discussion.
10. Participate in the Planning Commission deliberation at the meetings when appropriate.
11. Do not engage in criminal activities, and other activities including but not limited to situations of conflict of interest, ex parte contact, or accepting gifts as a form of influencing your vote.
12. In public forums, after a vote by the Planning Commission has been taken, I will represent the adopted majority position of the Planning Commission when speaking on behalf of the Planning Commission.
13. I will follow, and will help my community follow the community planning principles established by the Michigan Association of Planning, the Michigan Chapter of the American Planning Association.

**OATH OF OFFICE**

I, \_\_\_\_\_ solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Michigan, and that I will discharge the duties of the office of a member of the Planning Commission in and for Conway Township to the best of my ability.

Signed: \_\_\_\_\_ Date \_\_\_\_\_