

BY-LAWS AND RULES OF PROCEDURE
OF THE
CITY PLANNING COMMISSION
OF THE
CITY OF INKSTER

Establishment

The following are rules of procedures adopted by the City Planning Commission to perform its duties and powers as outlined by Chapter I of the Charter of the City of Inkster.

1.0 **POWERS AND DUTIES**

- a. The Planning Commission shall have powers and duties as are specifically enumerated by the Act No. 285 of the Public Acts of 1931, as amended, and Inkster Ordinance 33, Section 1 through Section 6, or Title 2, Chapter 1, Article 1, Section 2-101 through 2-106 of the Inkster Code of Ordinances as the same may be amended or changed from time to time.
- b. P.A. 285 provides for City, village and municipal planning; the creation, organization, powers and duties of planning commissions, the regulation and subdivision of land; and to provide penalties for violation of the provisions of this act.
- c. Section 9-89, Article 19 of the Inkster Code of Ordinances designates the City Planning Commission as zoning commission as specified in Section 4, of Act 207 of the Public Acts of 1921.

1.1 **Matters Reserved for Commission Action**

- a. Upon referral, the following matters shall be presented for consideration at a meeting of the Commission:
 - Review and amend the Comprehensive Development Plan for the City of Inkster.
 - Review and amend the Inkster Five Year Capital Agenda and Capital Budget.
 - Review of community development or redevelopment projects, which affect public real property and or public interest in maintaining the City's social, economic and physical development.
 - Review of tentative and final plats of land, P.A. 1943, No. 222.

Planning Commission By-Laws

- Recommend vacation of subdivision plats.
- Review of location, character and extent of public improvements and acquisitions of land to be acquired for parks, boulevards, and other public facilities.
- Review studies and proposals for physical, economic and community development affecting the City of Inkster.

2.0 MEMBERSHIP (1/23/12)

- a. "The planning commission shall consist of nine (9) members. Members of the planning other than ex-officio members shall be appointed for three-year terms. However, of the members of the planning, other than ex-officio members, first appointed, a number shall be appointed to 1-year or 2-year terms such that, as nearly as possible, the terms of 1/3 of all the planning commission members shall expire each year.
- b. The membership of the planning commission shall be representative of important segments of the community, such as the economic, governmental, education, 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 geography of the local unit of government to the extent practicable.
- c. Members of the planning commission shall be qualified electors of the local unit of government, except that one (1) of planning commission member may be an individual who is not a qualified elector of the local unit of government. The chief administrative official or a person designated by the chief administrative official, the chief elected official and one (1) member of the legislative body may be appointed to the planning commission as ex-officio. The term of the chief elected official shall correspond with the elected term of office, the term of the member of the legislative body shall correspond with the elected term of office, and the term of the chief administrative official or the designee of the chief administrative official shall expire with the term of office of the chief elected official who appointed the chief administrative official."

3.0 FISCAL YEAR

- a. The fiscal year of the Planning Commission of the City of Inkster shall begin on July 1 of each year and end on June 30 of the following year. (1/23/12)

4.0 OFFICERS OF THE COMMISSION

- 4.1 Nomination and Election of Officers (1/23/12)

Planning Commission By-Laws

- a. New officers shall be elected for a term of one year at the annual meeting. The Commission shall nominate and elect from within its appointed membership a Chairperson, Vice Chairperson, and Secretary.
- b. The Chairperson and Vice Chairperson shall take office immediately following their election and shall hold the office for a term of one year, or until their successors are elected and assume office. The term of Chairperson shall be for one (1) year, with eligibility for one (1) re-election. The terms of all other offices shall also be one (1) year, with eligibility for re-election.
- c. In the event that a vacancy shall occur in the office of Vice Chairperson or Secretary, then the Planning Commission shall elect a new officer from among its appointed members to fill such vacancy for the unexpired term of the departing officer.
- d. In case of the temporary absence or disability of any officer, the Planning Commission may appoint some person to temporarily act in his or her stead, except that in the case of the temporary absence or disability of the Chairperson, the Vice Chairperson shall so act.

4.2 Duties (1/23/12)

- a. The Chairperson shall:
 - Preside at all meetings.
 - Call special meetings of the Commission in accord with by-laws.
 - Sign documents of the Commission.
 - Assure that all actions of the Commissioners are properly taken.
- b. The Vice Chairperson shall:
 - Act, exercise, or perform all the duties of the Chairperson in the event of the absence, disability or disqualification of the Chairperson.
 - In the event the office of the Chairperson becomes vacant, the Vice Chairperson shall succeed to the office for the unexpired term and the Commission shall elect a successor to the office of the Vice Chairperson for the unexpired term.
- c. The Secretary shall:
 - Serve as the certifying officer of the Planning Commission.

5.0 COMMITTEES (1/23/12)

- a. The planning commission may create subcommittees and advisory committees

whose members are not members of the planning commission. Planning commission members may sit on subcommittees and/or advisory committees. (1/23/12)

6.0 MEETINGS

6.1 Regular Meetings

- a. The Planning Commission shall hold regular meetings at such time as they shall hereafter resolve, being the second and fourth Mondays of each month. (7/6/09)

6.2 Special Meetings

- a. Special meetings of the Planning Commission shall be held when called by the Chairperson or by any two (2) members of the Planning Commission. Telephone notice of the time, place and subject matter of such Special Meeting shall be sufficient if such notice is given to the Planning Commission members personally, at least twenty-four (24) hours before the meeting. In lieu thereof, a Planning Commission member shall be deemed to have been sufficiently notified of such Special Meeting if a written notice is deposited in a United States Post Office or mailbox within the County of Wayne, at least seventy-two (72) hours prior to the time of such meeting, and closed in a sealed envelop properly addressed to such Planning Commission member at his or her home or office address, with postage fully prepaid thereon, and the time, place and purpose of the meeting shall be stated in the notice.

6.3 Annual Meeting

- a. The annual meeting of the Planning Commission shall be held on the 4th Monday of January of each year, except in the case where a holiday shall also fall on that day; and in such case, the meeting shall be held on the 4th Monday of the following month. (4/7/08)

6.4 Public Attendance at Meetings

- a. All regular and special meetings and hearings, shall be open to the public and posted as required by the Open Meetings Act No. 267, of the Public Acts of 1976.

7.0 CLOSED MEETINGS

7.1 Purpose

- a. Under Michigan's Open Meetings Act (MCLA 15.268), the Planning Commission may go into closed session only for certain specified exceptions.
- b. Upon written request, the advise or request of the Director or of any Planning

Commission member that an agenda item falls under one of the exceptions to the Open Meetings Act (MCLA 15.268 (a) through (h), the Chairperson shall ask the Secretary to call for a roll call vote to go into closed session.

- c. Upon a 2/3 affirmative roll call of Planning Commission members elected or appointed and serving, the portion of the meeting subject to the exception enumerated in the Open Meetings Act shall be closed to the public and/or staff.
- d. Prior to such vote, the Chairperson shall announce the section of the Act under which the meeting is being called, and provide opportunity for objections from the floor. If an objection is made and a representative from the City Attorney is not available to resolve the objection, the objection shall be recorded and forwarded to the City Attorney the following day. Any action taken in error in a closed meeting shall be re-affirmed at the next regular meeting.
- e. The minutes of all closed meetings shall be kept in the City Clerk's office for a year and a day pursuant to MCLA 15.27.

7.2 Attendance by Planning Commission Members

- a. Planning Commission members shall notify the Planning & Economic Development Department staff by twelve o'clock noon on the day of the meeting if they are unable to attend the meeting.

7.3 Excessive Absences of Commission Members

- a. Absence from three consecutive scheduled meetings without notifying the Chairperson or the Director prior to the beginning of the scheduled meetings and requesting an excused absence shall be cause for removal. After the third consecutive unexcused absence of the Planning Commission member, the Director shall submit a letter of warning to the Planning Commission member. With authorization of the Chairperson, the Director shall send a letter to City Council requesting removal with a recommendation that a replacement be appointed.
- b. Five (5) out of nine (9) members of the Planning Commission shall constitute a quorum.

8.0 VACANCY ON THE PLANNING COMMISSION

- a. In the event that any vacancy shall occur on the Planning Commission, otherwise than through the expiration of the term of any of its members such vacancy shall be filled for the unexpired term by the Mayor in the case of members selected or appointed by him or her, and by the City Council in the case of the members

Planning Commission By-Laws

appointed by the City Council, to fill such vacancy for the unexpired term of the departed member. (1/23/12)

9.0 HEARINGS

9.1 Procedures for Public Hearings

- a. Shall be established by the Director and will be explained briefly by the Chairperson preceding each public hearing.

9.2 Regular Hearings

- a. Regular hearings shall be held at a location selected by the Commission and shall be published in the broadest possible manner.

9.3 Zoning Hearings

- a. Zoning hearings shall be advertised and conducted in accord with State Enabling Act requirements.

9.4 Discussions

- a. The Planning Commission may schedule discussions on any topic or item it deems appropriate which relates to the performance of the Planning Commission or an item on which formal action may be required.

10.0 ORDER OF BUSINESS

10.1 Agenda Preparation and Delivery

- a. The agenda for each regular meeting shall be prepared by the Director and mailed to the Planning Commission members seven days prior to the meeting.

10.2 Amendments to the Agenda

- a. No amendments to the agenda shall be made unless there will be an adverse impact on the Petitioner or the City as determined by the Planning & Economic Development Director. The Planning Commission will vote on whether to amend the agenda to add such item.

10.3 Parliamentary Procedure

- a. Parliamentary procedure at Planning Commission meetings shall be governed by Roberts Rules of Order, Revised except where contrary to Michigan statutes, Inkster ordinances, or to these by-laws.

10.4 Journal of Proceedings

- a. The Planning Commission shall keep a journal of its proceedings, which shall be signed by the Chairperson or Vice Chairperson and the Secretary or Recording Secretary. Such journal shall contain a record of all resolutions, transactions findings, and determinations by the Planning Commission, and shall be kept as public record. Minutes of all meetings of the Planning Commission shall be filed with the City Clerk as required by the City of Inkster Charter.

11.0 **ACTIONS OF THE PLANNING COMMISSION**

- a. At the regular meeting following a hearing or discussion of a topic or item requiring formal action by the Planning Commission, the Director will present its findings and recommendations to the Planning Commission. The Planning Commission will consider the physical, economic, community development and social consequence of the matter, as well as its degree of compliance with the overall goals of the City's Comprehensive Department Plan.

11.1 Voting Procedures

- a. All votes shall be by yeas or nays. The journal shall record how each Planning Commission member voted. Each Planning Commission member shall be required to vote upon all motions, resolutions, and ordinances unless he or she shall be disqualified from voting thereon.

12.0 **CONFLICT OF INTEREST**

- a. No member of the Planning Commission shall vote upon a motion or resolution in which he or she may have any personal financial interest. No member of the Planning Commission shall have a personal financial interest in any contract with the Planning Commission. Any member who shall feel that he has a conflict of interest in any matter that is on the Planning Commission agenda shall voluntarily excuse himself, vacate his seat, and refrain from discussing and voting on said items as a Planning Commission member.
- b. "The legislative body may remove a member of the planning commission 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. Failure of a member to disclose a potential conflict of interest constitutes malfeasance in office." (1/23/12)
- c. A planning commission member shall take no action on matters dealing with their employer, family member, or elected official who appointed them. (1/23/12)

Planning Commission By-Laws

- d. A planning commission member shall take no action on matters that they publicly stated opposition or support for a particular project or use. (1/23/12)
- e. A planning commission member shall objectively consider all matters at hand and render an impartial opinion that is based on the facts and standards particular to that situation. (1/23/12)

12.1 Annual Report

- a. The Planning Commission shall make an annual report of its activities to the City Council and shall make such other reports as the City Council may, from time to time require, pursuant to Inkster Code of Ordinances, Title 2, Chapter 1, Article 1, Section 2-106.

13.0 EXPENDITURES

- a. The expenditures of the Planning Commission, exclusive of gifts, shall always be within the amounts appropriated for the purpose by the City Council, and it shall be subject to the further limitations upon its powers as are specifically enumerated by Act No. 285, of Public Acts of 1931, as the same may be amended or changed from time to time.

14.0 MISCELLANEOUS

14.1 Suspension of Rules

- a. The Planning Commission may suspend any of these rules by a unanimous vote of the members present.

14.2 Amendments

- a. These rules may be amended, with prior notice of such amendment, by a two-thirds vote of the Planning Commissions members present at any regular or special meeting.

15.0 DEFINITIONS (1/23/12)

- a. As used in these by-laws:

- 15.1 **Conflict of Interest:** A real or seeming incompatibility between one's private interests and one's public or fiduciary duties. A planning commission member shall have no interest in any potential or real financial, construction, planning, or administrative matters with the following entities needing resolve by the planning commission:

