

**COVERT TOWNSHIP PLANNING COMMISSION
BYLAWS AND RULES OF PROCEDURE**

Sec. I. AUTHORITY

These Bylaws and Rules of Procedure are adopted by the Covert Township Planning Commission to facilitate the performance of its duties as outlined in Public Act 33 of 2008, as amended, being the Michigan Planning Enabling Act (MPEA).

These Bylaws and Rules of Procedure are also adopted to facilitate its duties for administration of a zoning ordinance as outlined in Public Act 110 of 2010, as amended, being the Michigan Zoning Enabling Act (MZEA).

Sec. II. DUTIES

- A. Prepare, review and update a master plan as a guide for development within the Township's planning jurisdiction.
- B. Take such action on petitions/applications, staff proposals and Township Board requests for amendments to the master plan and/or zoning ordinance as required.
- C. Take such actions as authorized or required by the Planning Act and/or Zoning Act.
- D. Review subdivision proposals and recommend appropriate actions to the Township Board.
- E. Perform other duties and responsibilities or respond as required by the Township Board.

Sec. III. OFFICERS

The Planning Commission shall elect from its membership a Chairperson, Vice-Chairperson, and Secretary at the first regular Planning Commission meeting of the year. The representative from the Township Board shall not be eligible to serve as Chairperson.

The officers shall take office immediately following their selection and serve for a 12-month period, or until their successors are selected and assume office. All officers are eligible for re-election for consecutive terms for the same office.

Sec. IV. DUTIES OF OFFICERS

- A. The Chairperson shall preside at all Commission meetings; act as general supervisor over the affairs of the Commission; appoint special committees; call meetings; and, perform all other duties as may be ordered by the Commission.

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- B. The Vice-Chairperson shall act in the capacity of the Chairperson in his/her absence. In the event the office of Chairperson becomes vacant, the Vice-Chairperson shall succeed to the office of Chairperson for the unexpired term, and the Commission shall select a successor to the office of Vice-Chairperson for the unexpired term.
- C. The Secretary may execute documents in the name of the Commission and shall perform such other duties as the Commission may determine.

Sec. V. **COMMITTEES**

Any committee that may be deemed necessary and advisable for the proper conduct of Planning Commission business may be established for purposes and terms that the Commission approves. Members of a committee shall be designated by the Chairperson. Committee members may include members who are not members of the Planning Commission.

Sec VI. **ABSENCES, REMOVALS, RESIGNATIONS AND VACANCIES**

- A. 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 Township Board to remove a member from the Commission for nonperformance of duty, or misconduct, after holding a public hearing on the matter. The Commission Chairperson shall notify the Township Board whenever any member of the Commission is absent from three consecutive regularly scheduled meetings so the Township Board can consider further action allowed under law or excuse the absences.
- B. Members may be removed by the Township Board for misfeasance, malfeasance or nonfeasance in office upon written charges and after a public hearing.
- C. A member may resign from the Commission by sending a letter of resignation to the Township Board.
- D. Vacancies shall be filled by the Township Supervisor, with the approval of the Township Board. The successor shall serve out the unexpired term of the member being replaced.

Sec VII. **REPRESENTATION OF APPLICANTS**

No member of the Commission shall represent any applicants on matters on which the Commission is to make determinations.

Sec VIII. **CONFLICT OF INTEREST**

Planning Commission members shall declare a conflict of interest and abstain from participating in any hearing, deliberations, discussion, or vote on a request when:

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- A. An immediate family member or member of his/her household is involved in any request for which the Planning Commission is asked to make a decision;
- B. The Planning Commission member is an applicant or has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency, or association;
- C. The Planning Commission member owns or has a financial interest in neighboring property. For the purposes of this section, a neighboring property shall include all property falling within the notification radius for the proposed development, as required by the Zoning Ordinance or other applicable ordinance or state statute;
- D. The Planning Commission member will receive a pecuniary benefit from reviewing, deliberating on, or voting on the request;
- E. There is a reasonable appearance of a conflict of interest, as determined by the Planning Commission member declaring such conflict.
- F. The majority of the members of the Planning Commission present vote in the affirmative that they believe a member has a conflict of interest in the matter before them.

For subsection E. above, the Planning Commission member declaring a conflict of interest shall state the nature of the conflict and whether he/she believes he/she could impartially consider the request before the Commission. He/she shall individually decide to abstain from any discussion or votes relative to the matter that is the subject of the conflict. The member declaring a conflict may ask the other Planning Commission members to decide if he/she should abstain. The member declaring a conflict may remove himself/herself from the table or the room in which the discussion takes place. The member declaring a conflict shall not make any presentations to the Planning Commission as a representative of the proposal.

Sec. IX. **MEETINGS.**

- A. The Planning Commission shall hold at least four (4) regular meetings each year, as required by the Michigan Planning Enabling Act.
- B. The schedule of the regular meetings, including time and place, shall be determined by resolution and an annual notice of the regularly scheduled Commission meetings shall comply with Public Act 267 of 1976, as amended, being the Open Meetings Act.
- C. When the regular meeting day falls on or near a legal holiday, the Commission shall select a suitable alternate date in the same month.

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Sec. X. **SPECIAL MEETINGS.**

A special meeting may be called by three (3) members of the Planning Commission upon written request to the Secretary or by the Chairperson.

Public notice of the time, date, location and purpose of the special meeting shall be given at least 18 hours prior to such meeting and in a manner as required by the Open Meetings Act. Notice of the special meeting shall be given to Commission members not less than 48 hours in advance of the meeting.

Sec. XI. **NOTICE.**

Notice required for specific planning, zoning or other land use actions will be given in accordance with the Planning Act, the Zoning Act, the Land Division Act, or other applicable statute.

Sec. XII. **QUORUM.**

Four (4) members of the Commission shall constitute a quorum for transacting business and taking official action for all matters. No official action of the Commission may be taken without a quorum present. All public hearings without a quorum shall be scheduled for the next regular meeting or a special meeting and no additional public notice shall be required provided the date, time, and location of the public hearing is announced at the meeting.

Sec. XIII. **PUBLIC HEARINGS.**

- A. Public hearings shall be scheduled and due notice given in accordance with the provisions of the acts and ordinance cited in Section I.
- B. Public Hearings conducted by the Planning Commission shall be conducted in an orderly and timely fashion, according to the following procedure:
 - 1) Official opening announcement, indicating basic nature of request
 - 2) Announcement of order of hearing
 - 3) Explanation of request as received by the Township
 - 4) Review and recommendation by planner/professionals
 - 5) Comments by applicant
 - 6) Questions by Commission
 - 7) Responses by professional and/or applicant
 - 8) Open hearing to public comments
 - 9) Close hearing to public comments
 - 10) Commission deliberations
 - 11) Motion/vote on motion

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Motions for any approval or denial should include reasons for such actions. Motions for tabling or 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 readvertise.

- C. This procedure may be modified as necessary and warranted by the Chairperson based on the nature of the application and the material under review to ensure an efficient and effective hearing.

Sec. XIV. **VOTING.**

- A. An affirmative vote of the majority of the members of the Planning Commission is required to approve any part of the Master Plan or amendments to the Plan or to amend these Bylaws.
- B. Unless otherwise required by statute, other actions or motions placed before the Commission may be adopted by a majority vote of the members present and voting, as long as a quorum is present.
- C. Voting shall ordinarily be by voice vote; a roll call vote shall be required if requested by any Commission member. Members must be present to cast a vote.

Sec. XV. **RULES OF ORDER.**

Parliamentary procedure in Commission meetings shall be informal. To ensure everyone has the opportunity to speak, the Chairperson may elect to limit the time permitted for each person to speak, except that the applicant may be permitted additional time as the Chairperson allows. The Chairperson may also elect to allow persons to speak only once, until all persons have had the opportunity to speak, at which time the Chairperson, in his/her discretion, may permit additional comments. All comments by the public, staff and the Planning Commission shall be directed to the Chairperson.

Sec. XVI. **ANNUAL REPORT**

The Planning Commission shall prepare an annual written report for the Township Board, which lists the attendance of each member, the activities performed by the Planning Commission during the year, recommendations regarding master plan and zoning activities for the coming year, and recommended budget allocations for the upcoming year to support these activities. This report shall be for activity through December 31st of each year and submitted to the Township Board prior to adoption of the next fiscal year's budget.

Sec. XVII. **PUBLIC RECORDS**

Commission minutes shall be prepared by appointed Township staff/consultant or Commission Secretary. The minutes shall contain a brief synopsis of the meeting, including a

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summary of public participation; a complete restatement of all motions and recording of votes; a complete statement of reasons for the action taken; the conditions and/or recommendations made on any action; and, a record of attendance. The official minutes shall be deposited with the Township Clerk.

All minutes, records, documents, correspondence and other materials of the Commission shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.

Sec. XVIII. **AMENDMENTS**

These Bylaws may be amended by a majority vote of the Commission, except where such amendment would be contrary to requirements or limitations set by state law or the Township Ordinance. An amendment may be proposed and acted on at any regular meeting of the Commission.

THESE BYLAWS ARE ADOPTED THIS 21st DAY OF JUNE, 2023

COVERT TOWNSHIP PLANNING COMMISSION