

CITY OF RIVER ROUGE PLANNING COMMISSION

Bylaws

ARTICLE I: PURPOSE

The objectives, purpose, composition, and powers of the River Rouge Planning Commission ("Commission") are set forth in the Michigan Planning Enabling Act (MCL 125.3801, et seq.) ("the Planning Act"), the Michigan Zoning Enabling Act (MCL 125.3101, et seq.) ("the Zoning Act"), and Title II of the River Rouge Code of Ordinances, not in conflict with state law.

ARTICLE II: MEMBERS

Section 1. Composition.

The membership of the Planning Commission shall consist of seven (7) members appointed by the City Council for three (3) year terms according to the procedure as established in the River Rouge City Code. Commissioners shall be appointed for a term of three (3) years to be staggered such that every year 1/3rd of the members are re-appointed. The term shall begin on the first day of the month following the appointment. If a vacancy occurs before the expiration of a commissioner's term, it shall be filled by appointment of someone suitable to fill the place for the unexpired term. Any member of the Planning Commission may be removed by the City Council after a public hearing.

Section 2. Attendance.

A Commissioner shall notify the Planning and Zoning Administrator and the Chairperson in advance if they are going to be absent from the meeting. Absences of a Commissioner from three (3) meetings in a 12-month period (from the date of the first absence) shall constitute delinquency. Delinquency shall be grounds for the River Rouge City Council to remove a member from the Planning Commission for nonperformance of duty or misconduct after written charges have been filed with the City Clerk and a public hearing has been held by City Council on the matter. The Commission secretary shall keep attendance records and shall notify the City Council whenever any Commission member is absent from three (3) consecutive regularly scheduled meetings, so the City Council can consider further action allowed under law or excuse the absences.

Section 3. Ex-officio Members.

Ex-officio members may be appointed to the Commission and may not vote, count towards the establishment of quorum, or be subject to the attendance standards set forth in Section 2. Ex-officio members can include other persons that are able to provide subject matter expertise, such as staff of the Building Department and their agents and consultants, the City Attorney, and the City Planning and Zoning Administrator, among others.

Section 4: Employees.

The Commission may employ such staff and/or experts as it sees fit to aid the Commission, subject to City Council approval.

Section 5. Conflicts of Interest.

Each member of the Commission shall avoid conflicts of interest and/or incompatibility of office. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:

1. Issuing, deliberating on, voting on, or reviewing an application concerning the member.
2. Issuing, deliberating on, voting on, or reviewing an application concerning work on land owned by the member or which is adjacent to land owned by the member.
3. Issuing, deliberating on, voting on, or reviewing an application involving a corporation, company, partnership, or any other entity in which the member is a part owner, or any other relationship where they may stand to have a financial gain or loss.
4. Issuing, deliberating on, voting on, or reviewing an application which is an action which results in a pecuniary benefit to the member.
5. Issuing, deliberating on, voting on, or reviewing an application where the member's employee or employer is an applicant or agent for an applicant, or has a direct interest in the outcome.

If there is a question whether a conflict of interest exists or not, the question shall be put before the Commission. Whether a conflict of interest exists or not shall be determined by a majority vote of the remaining Commission members. When a conflict of interest exists, the Commission member shall do all the following immediately, upon first knowledge of the case and determining that a conflict exists:

1. Declare a conflict exists at the meeting;
2. Cease to participate at the Commission meeting, or in any other manner, or represent oneself before the Commission, its staff, or others; and
3. During deliberation of the agenda item before the Commission, leave the meeting or remove oneself from the front table where members of the Commission sit, until that agenda item is concluded.

If a member of the Commission is appointed to another office, which is an incompatible office with their 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.

Section 6. Ex Parte Contact.

Members shall avoid ex parte contact about cases where an administrative decision is before the Commission whenever possible. If ex parte contact is unavoidable, Commissioners should take detailed notes on what was said and report what was said to the Planning Commission at a public meeting or hearing.

Section 7. Acceptance of Gifts.

Gifts shall not be accepted by a member of the Planning Commission or ex-officio members from anyone connected with an agenda item before the Commission. As used here, gifts shall mean cash, any tangible item, or service regardless of value; or food valued over \$10.

ARTICLE III: OFFICERS

Section 1. Nomination.

At the first regular meeting of each year, the Planning Commission shall select from its membership a Chairperson, Vice-Chairperson, and a Secretary. A member of the City Council shall not serve as Chairperson. Commissioners may nominate themselves or others from within the Commission. A candidate receiving a majority vote of the entire membership of the Commission shall be declared elected. A member may accept a nomination in-absentia if they have advised the Commission in writing (e-mail is acceptable) prior to the meeting.

All officers are eligible for reelection. In the event the office of the Chairperson becomes vacant, the Vice-Chairperson shall succeed to this office for the unexpired term and the Commission shall select a successor to the office of the Vice-Chairperson for the unexpired term. In the event the office of the Secretary becomes vacant, the Commission may designate another person who is not a member of the Commission to be the recording secretary, pursuant to Article II Section 4.

Section 2. Tenure.

The Chairperson, Vice-Chairperson, and Secretary shall take office the following month after their selection and shall hold office for a term of one-year or until their successors are selected and assume office.

Section 3. Duties.

The Chairperson shall:

1. Preside at all meeting and hearings of the Commission, and have the duties normally conferred by parliamentary usage on such officers;
2. Sign all decisions of the Commission, such as final site plans, as required;
3. 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;
4. Appoint committees, and appoint officers of those committee or choose to let the committee select their own officers;
5. Call special meetings;
6. Represent the Planning Commission, along with the City Council member, before City Council; and
7. Perform such other duties as may be ordered by the Commission.

The Vice-Chairperson shall act as the Chairperson in their absence and perform such other duties as may be ordered by the Commission.

The Secretary shall:

1. Execute documents in the name of the Commission;
2. Be responsible for keeping the minutes of each meeting, if there is not a recording secretary;
 - a. Record the votes and abstentions of each member upon each question;

- b. Record all motions and findings of fact;
 - c. Keep attendance records;
3. Review the draft of the minutes, sign them, submit them for approval by the Commission, and file them with the City Clerk. Copies of minutes shall be distributed to each Commissioner prior to the next meeting (the Secretary may delegate this duty to City staff);
 4. Receive all communications, petitions and reports to be addressed by the Commission, delivered or mailed to the Secretary in care of the City office;
 5. Provide notice to the public and members of the Commission for all regular and special meetings, pursuant to the Open Meetings Act, PA 267 of 1976, as amended, MCL 15.261 et seq. (the Secretary may delegate this duty to City staff); and
 6. Prepare an agenda for Commission meetings (the Secretary may delegate this duty to City staff).

ARTICLE IV: MEETINGS

Section 1. Regular Meetings.

Regular meetings shall be held on the fourth Tuesday of the month at 4:00pm, as required, in Council Chambers at the River Rouge City Hall, River Rouge, Michigan or where otherwise designated by City Council. No less than four (4) meetings shall be held each calendar year. When the regular meeting falls on a holiday, the meeting shall be held on such other day as determined by the Commission. When there is no business scheduled, the Chairperson may cancel the meeting. Any postponement, rescheduling, or cancellation of a meeting shall be duly noticed per the requirements for open public meetings.

Section 2. Quorum.

A simple majority of the membership of the Commission (4) shall constitute a quorum and the number of votes necessary to transact business shall be a majority of the entire membership of the Commission, present and voting, except when a motion involves amending of the Master Plan, which shall require an affirmative vote of a least 2/3 of the membership.

Section 3. Motions.

Motions shall be restated by the Chairperson before a vote is taken.

All actions taken in an administrative capacity (including but not limited to site plans, special land use applications, and rezonings) shall include each of the following parts:

1. The findings of fact, listing what the Commission determines to be relevant facts (including parcel owner, parcel legal description, what is applied for) in the case in order to eliminate misleading statements, hearsay, irrelevant, and untrue statements.
2. Conclusions, listing reasons based on the facts for the Commission's action.
3. The Commission's action, recommendation or position, approval, approval with conditions, or disapproval.

Any other motion shall be stated in prose or in the form of a resolution.

Section 4. Voting.

Voting shall be by roll call vote and shall be recorded by "yes" or "no" as part of the minutes. If a

member abstains from the vote, it shall be recorded by the Secretary as such in the minutes.

Section 5. Special Meetings.

Special meetings may be called by the Chairperson or two members of the Commission. It shall be the duty of the Chairperson to call such a meeting when requested to do so in writing by a majority of the members of the Commission. The notice of such a meeting shall specify the purposes of such a meeting and no other business may be considered except by unanimous consent of the Commission. The secretary shall notify all members of the Commission in writing not less than five (5) days in advance of such special meeting.

Section 6. Recesses.

The Chairperson, or the Planning Commission, after the meeting has been in session for three (3) hours, shall suspend the business and evaluate the remaining items on its agenda. The Commission shall then decide to finish that meeting's agenda 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.

ARTICLE V: ORDER OF BUSINESS

Section 1. Order.

The order of business at regular meetings shall be:

- Roll Call
- Approval of the Agenda
- Approval of Minutes
- Public Comment on Non-Agenda Items
- Public Hearing(s) (for a specific agenda item)
- New Business
- Unfinished Business
- Staff Communications
- Commissioner Comments
- Adjournment

The Chairperson shall have the discretion to change the order of business whenever he or she deems it advisable to do so before the adoption of the agenda for the subject meeting.

Section 2. Parliamentary Procedure.

Parliamentary procedure shall be governed by Robert's Rules of Order.

Section 3. Public Participation.

All meetings, hearings, records, and accounts shall be open to the public, and posted in compliance with PA 267 of 1976, as amended, (being the Michigan Open Meetings Act). All regular and special meetings, hearings, records, and accounts shall be open to the public.

All public comment on all non-agenda items must be presented at the beginning of the meeting where provided in the printed agenda. All public comments on a matter subject to a public hearing shall occur during the designated public hearing where provided in the printed agenda. After that point during the meeting, public comment is normally not allowed; however, sometimes the Planning Commission may direct questions to members of the public.

Members of the public shall be allowed a maximum of three (3) minutes for each person wishing to make public comment at a Planning Commission meeting. The Chairperson 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 meeting without time limit or with an extended time limit.

ARTICLE VI. AGENDA AND MINUTES

Section 1. Delivery of Agenda.

The agenda and accompanying materials shall be hand delivered or emailed to Commission members, so it is reasonably expected to be received at least five (5) days prior to the regular meeting date.

Section 2. Keeping.

The Secretary shall keep, or cause to be kept, a record of Planning Commission meetings, including meeting notices; a copy of the minutes and all attachments and summaries; and any action, supporting documents, or correspondence. All minutes shall be filed with the City Clerk.

Section 3. Approval.

The Secretary or the Chairperson shall sign all Minutes, after approval by the Board of Directors members, at the following meeting.

Section 4. Retention.

Planning Commission records shall be preserved and kept on file according to the State of Michigan General Retention Schedule and all other applicable state and local laws.

ARTICLE VII: APPEALS AND HEARINGS

Section 1. Filing for an Appeal.

The filing for an appeal of a decision made by the Planning Commission, under the jurisdiction of the Planning Commission as specified in the River Rouge Zoning Code and Michigan Planning Enabling Act (Act 33 of 2008), shall be submitted in writing on a form provided by the City Administration, and upon payment of a fee as may be established by the City Council. The request shall be filed with the City not more than 30 days from the date of the decision being appealed.

Section 2. Public Hearings.

All public hearings shall be noticed and conducted in the manner set forth in the Michigan Zoning Enabling Act (P.A. 110 of 2006), Michigan Planning Enabling Act (Act 33 of 2008), and the River Rouge Zoning Ordinance, as amended. Notice of the time and place of the hearing shall be given, not less than fifteen (15) days prior to such hearing, by at least one publication in a newspaper of general circulation.

Section 3. Other Hearings.

In addition to the hearings required by law, the Commission may at its discretion hold public hearings when it decides that such hearings will be in the public interest.

ARTICLE VIII: ANNUAL REPORT

The Commission shall make a written report to the City Council on the decisions and meetings of the Planning Commission during the preceding calendar year.

ARTICLE IX: COMMITTEES

The Commission may establish special committees, from time to time, deems necessary. Less than a quorum may serve on an ad hoc committee at any given time. All committees are subservient to the Commission and must report their recommendations to the Commission for review and action. The Commission can overrule any action of any committee. The same principals of these Bylaws for the Commission also apply to all committees of the Commission.

ARTICLE X: AMENDMENTS

These Bylaws may be amended by at least 2/3 vote of the entire membership of the Commission, provided notice of the proposed change is given at a previous meeting.

ARTICLE XI: CERTIFICATION

The undersigned, being the duly appointed and acting Chairperson of the Planning Commission of the City of The River Rouge, do hereby certify that the foregoing Bylaws were approved at a regular meeting of Planning Commission of the City of River Rouge and adopted by the Planning Commission for the City of River Rouge at the meeting of the Commission on October 9, 2023.



Keith Sabuda