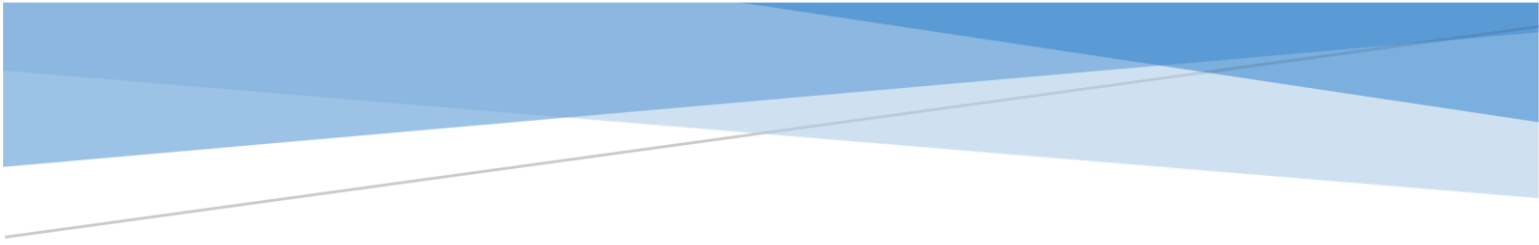


Planning Commission Orientation Packet (Binder):

- 1. Oath of Office**
- 2. Meeting Schedule – changes yearly**
- 3. City of Imlay City Board and Commission Handbook**
- 4. Planning Commission Ordinance**
- 5. Planning Commission Handbook**
- 6. Planning Commission By-Laws**
- 7. Michigan Planning Enabling Act**
- 8. Robert's Rules of Order**



CITY OF IMLAY CITY BOARD AND COMMISSION HANDBOOK

A guide for participating on a board or committee for the
City of Imlay City, MI.

City of Imlay City
150 North Main Street
Imlay City, MI 48444
810-724-2135

INTRODUCTION

The City of Imlay City encourages residents to get involved in your local government by joining a board or committee.

The function and responsibility of each board and committee varies but all work to improve City services, beautify the City, and maintain the City's history as a benefit to all residents and for generations to come.

Members meet regularly to support the City through the efforts of the City Commission and City administration.

Your volunteerism as a member of one of our boards and committees will afford you with the opportunity to become involved with the operation of municipal government. As a member of a board and committee you will be responsible for assisting the City in the decision-making process by reviewing and evaluating information and rendering recommendations within the context of your board or committee. Your influence over policy, direction, and approvals makes your role very important.

Remember that as a member of a board or committee you are representing the City as a whole. It is important to avoid supporting single issues or pursuing a personal or private agenda.

Applications are available at the City Office and on the City's website, www.imlaycity.org, and can be submitted to: City Clerk, 150 North Main Street, Imlay City, MI 48444.

TABLE OF CONTENTS

Appointment Process	4
Operating Procedures	
By-Laws	5
Attendance	5
Posting for Regular and Special Meetings	5
Regular Meetings	5
Special Meetings	6
Quorum	6
Rescheduled or Adjourned Meetings	6
Meetings to be Public	6
Closed Meetings	7
Explanation of Minutes of Closed Meeting	7
Meeting Preparation	7
Conduct of Meeting	8
Agenda Preparation	8
Agenda Format	8
Minutes	9
Review of Minutes by City Commission	9
Freedom of Information Act	9
Rules of Procedure	9
General Information	
Public Participation	10
Meeting Courtesy	10
Managing Difficult Meetings	10
Before the Meeting	11
During the Meeting	11

Making Tough Decisions	11
Working with Other Board or Committee Members	12
General Parliamentary Rules	13
Principals of Ethical Conduct	14
Conflict of Interest	14
Conclusion	15
Additional Information For Development-Related Boards and Committees	16
Listing of City Boards and Commissions	17
Signature Page	19

APPOINTMENT PROCESS

Most appointments to boards and committees will be made by the Mayor and/or City Commission and may be subject to the approval of the City Commission. Sixty days prior to any expiration of a board or committee term of office, the current member will be notified and asked if they would like to be reappointed. If the member accepts re-appointment their name will be submitted to the Mayor and City Commission for approval. If the member declines, the position will be posted on the City's website, www.imlaycity.org.

Individuals interested in an opening on a board or committee will be directed to complete an Application for Appointment which can be downloaded from the City's website or obtained from the City office.

All applications must be submitted to the office of the City of Imlay City by the deadline date specified on each posting. Those submitted after the deadline will not be considered for the current position openings.

All applications received will be given to the Mayor and City Commission for consideration.

In the event a term is vacated due to resignation, the same process will be followed once notification of said resignation has been received.

OPERATING PROCEDURES

By-Laws

Each board and committee shall have established by-laws. For those boards and committees that do not have established by-laws as of the date of this Handbook, by-laws shall be established and sent to the City Clerk's office.

Attendance

Appointment to a board or committee is a privilege freely sought by the applicant. It carries with it the responsibility to participate in board or committee activities and represent the residents of the City. Good attendance ensures a steady flow of communication and keeps everyone abreast of current topics under discussion. Therefore each member should make every effort to attend all meetings.

When a member is unable to attend a meeting, the board or committee contact person should be notified as soon as possible. A member may be removed for absenteeism. Please refer to your board or commission's bylaws for specific information and rules.

If a meeting is rescheduled from its normal meeting date and time and a member cannot attend the rescheduled meeting, it should not be held against them.

Posting for Regular and Special Meetings

Each board and committee will provide a public notice stating the dates, times, and places of the regular meetings which must be posted at the City offices and all other places as may be determined. Notices of Special Meetings shall be posted at least 18 hours in advance of said meeting. All postings will be coordinated through the board or committee liaison or the City Manager's office.

Regular Meetings

All meetings of boards and committees shall be properly posted and held in compliance with state statutes, including the [Open Meetings Act, 1976, PA 267](#), as amended. All meetings shall be open to the public.

<http://www.legislature.mi.gov/documents/mcl/pdf/mcl-act-267-of-1976.pdf>

If it is known in advance that a quorum (more than half the members of the board or committee) cannot be achieved, consideration will be taken to notify all members and persons interested in the business before the body. A notice will be posted indicating that due to a lack of quorum, the meeting is cancelled or rescheduled.

Special Meetings

Boards and/or committees may call for a special meeting as circumstances dictate. Special meetings of the Commission shall be called by the Clerk on the written request of the Mayor or of any two (2) members of the Commission, on at least twenty-four (24) hours' written notice to each member of the Commission, designating the time, place, and purpose of any meeting.

Special Meetings of boards and other commissions may be called by the City Manager and posted by the City Clerk or as the Charter dictates. A notice stating the time and place of any special meeting and the purpose for which called shall be given to each member of the board or committee at least 18 hours prior to the meeting.

No official action shall be transacted at any special meeting of a board or committee unless the item has been stated in the notice of such meeting as otherwise provided for in the Open Meetings Act.

Quorum

A majority of the members of any board or committee shall constitute a quorum for the transaction of business at all meetings, but in the absence of a quorum, a lesser number may adjourn any meeting to a later date.

It is recommended that each board or committee wait 10 minutes after the start of each meeting before the adjournment when a quorum is not present.

Rescheduled or Adjourned Meetings

For a rescheduled or adjourned regular or special meeting of any board or committee, a public notice stating the time and place of the meeting shall be posted at least 18 hours prior to the meeting in the City Hall and all other places as may be determined.

Meetings to be Public

All meetings shall be open to the public and shall be held in a place available to the general public. All persons shall be permitted to attend any meeting except as otherwise provided by
Last updated January 2021

state law, and all persons shall have a reasonable opportunity to be heard. All decisions of any board or committee shall be made at a meeting open to the public. All deliberations of any board or committee constituting a quorum of its members shall take place at an open meeting to the public except as otherwise provided for in the Open Meetings Act.

Closed Meetings

The law provides for closed meetings in a few specified circumstances. In order for a public body to hold a closed meeting, two-thirds of its members must vote affirmatively in a roll call. Also, the purpose for which the closed meeting is being called must be stated in the meeting when the roll call is taken.

Closed meetings may be called without a two-thirds vote for specific reasons. Please see the [Michigan Open Meetings Handbook](#) for more information.

https://www.michigan.gov/documents/ag/OMA_handbook_287134_7.pdf

Explanation of Minutes of Closed Meeting

Minutes of closed meetings must also be taken although they are not available for public inspection and would only be disclosed if required by a civil action. Please see the [Michigan Open Meetings Handbook](#) for more information.

Meeting Preparation

There are various approaches to preparing for meetings. The following are some suggestions.

Step 1: Prepare by budgeting enough time to thoroughly review the entire agenda packet.

Step 2: When the packet is delivered, examine the agenda to get an idea of:

- a. The number of items
- b. Controversial issues
- c. Difficult procedural items
- d. Issues you know little about

Step 3: Begin your study of the individual agenda items. While some people prefer to review the agenda in the listed order, another approach is to study the most important items first.

Step 4: Visit any sites or facilities that will help you deal with the issues. Research topic as necessary for a complete understanding of the issues/topics.

Step 5: If you have questions after completing your review of the agenda, feel free to call the City Manager (or DDA Director for DDA agenda questions) to go over the various items.

Just a note: Being caught unprepared, unaware, or by surprise can be embarrassing during a public meeting. Also, never spring surprises on anyone at a public meeting.

Conduct of Meeting

The Chairperson will preside at all meetings of the board or committee. In the absence of the above, the Vice-chair will preside. All comments must be directed to the presiding officer.

Members of the public will speak only when recognized by the presiding officer.

Agenda Preparation

Agendas for all meetings shall be prepared by the City Manager (or the DDA Director in the case of DDA meetings). Any agenda item so requested to be placed on an agenda must generally be submitted no later than 5 business days prior to the regular meeting, subject to the discretion of the City Manager (or DDA director).

The agenda and supporting materials will be sent a least 3 days before the meeting date. Each board or committee shall have the option of deleting or adding any item to or from the agenda or postponing an item on the agenda to a subsequent meeting. Should an item be postponed, it shall appear on the next regular meeting agenda of the board or committee.

Agenda Format

The following agenda format is recommended for all boards and committees:

- Call meeting to Order
- Pledge of Allegiance
- Roll Call of Members
- Approval of Minutes and/or Consent Agenda Items
- Citizen Participation
- Public Hearings
- Agenda Items
 - Unfinished Business
 - New Business
- Report of Members, Chair, Director and/or City Manager
- Citizen Participation
- Other
- Adjournment

Minutes

Written minutes, upon the approval of the board or committee constitute the official action record of its activities. The minutes are not verbatim; they record the essence of the decisions made and actions taken.

Review of Minutes by City Commission

It is a requirement of all boards and committees to keep a record of their actions by minutes. The minutes of meetings are to be prepared and submitted to the City Commission with a copy to be kept on file with the City Clerk. The purpose of this is to keep the City Commission informed about board and committee activities.

Freedom of Information Act (FOIA)

Please note that any documents relating to any board or committee (i.e. minutes, personal notes, emails, public notices, etc.) are considered public records and copies can be requested under the [Freedom of Information Act](#).

<https://www.foia.gov/>

Rules of Procedure

All boards and committees may follow Robert's Rules of Order, the latest edition. Each board or committee shall outline its rules and procedures in their by-laws.

More information regarding [Robert's Rules](#) can be found at:

<http://www.rulesonline.com/>

GENERAL INFORMATION

The following general information is designed to provide you with tools and techniques for you to follow as a guide in your role as a board or committee member.

Public Participation

People presenting an issue or even speaking at a meeting may have never appeared before a public body. The experience can be intimidating. This is not uncommon and you can help these individuals by:

- a. Calming and reassuring them.
- b. Explaining meeting procedures.
- c. Paying attention.
- d. Actively listening to what they are saying.
- e. Avoiding the use of third-degree questioning techniques.
- f. Resisting, baiting, or lecturing.

Meeting Courtesy

- An agenda shall always be available for members of the audience;
- Comments from audience members should be directed to the Chairperson;
- Commissioners and Board members shall treat the members of the public with dignity and respect;
- Commissioners and board members shall refrain from displaying negative gestures or sounds when they disagree with a member of the public or another commissioner/board member;
- Side conversations shall be avoided;
- The chairperson shall inform the audience of the time limits for speakers and should adhere to those limits;
- The chairperson shall explain the purpose of the meeting and the appropriate time to ask questions;
- The chairperson shall explain technical terms or jargon that might otherwise make it difficult for the audience to follow deliberations;
- The chairperson shall thank participants for their attendance.

Managing Difficult Meetings

From time to time you may face a controversial issue that will manifest itself in a very difficult meeting environment. This type of meeting will most likely involve representatives from one or more sides of an issue who will try and convince you that their position is the correct and right

one. Aggressiveness and hostility may characterize the group's demeanor. Keep the following in mind as you prepare for and participate in this meeting environment.

Before the Meeting

If possible, the Chairperson may ask that participants designate one or more spokespersons to represent viewpoints. This may help reduce redundancy while making sure that all sides of the issue will be heard.

The staff representative or recorder should make sure to have agendas and any backup information available for attendees.

Make certain that adequate seating is available. Consider moving the meeting to a larger room if necessary.

Establish and announce the rules before the meeting.

During the Meeting

The Chairperson should explain the issues, the possible actions, and the procedures that will be followed at the meeting.

Consider moving an item up on the agenda if there are many people in the audience to hear a specific topic.

Have speakers address the Chairperson and not the audience.

Stop any clapping or shouting early. If not already covered at the beginning of the meeting, explain the reasons why such actions are disruptive and counterproductive.

Citizen pressure on boards and committees can be tough. It is important to remember to address an issue with an open mind and weigh all the facts. Your credibility will be greatly diminished if there is a perception that an issue is a "Done Deal".

Making Tough Decisions

When considering decision making on tough issues, here are questions that might help you think through a pending decision. Not all of these apply in all situations.

- Do I have a conflict of interest in this matter and have I disclosed it?
- Do others who are involved have a conflict of interest?
- Are ethical issues involved?
- Is it permitted by law?
- Do I have enough information to make a decision?

- Can I live with the proposed decision?
- Is the fight for or against the issue really worth it?
- Who will be hurt by the proposed action? Who will benefit?
- Is the decision in the best interest of the majority of residents?
- How will the community view the decision?
- How will it look in the newspaper?
- Is the proposed action consistent with my board's or committee's mission?
- What past practices relate to this issue?
- Will it really matter five years from now?
- If the decision is made, and it turns out wrong, can it be reversed?
- If I am hesitating - why?

Working with Other Board or Committee Members

It is important to remember that your fellow members have opinions and thoughts that may not coincide with yours. Divergent opinions are not a bad thing and the democratic process works best when all points of view are able to be expressed freely and openly. Your colleagues deserve your respect and the freedom to express their viewpoints. In order to be an effective commissioner or board member, each individual must:

- Work within a team framework for compromise and exchange;
- Separate people from the issues when conflict arises;
- Focus on mutual interests and shared goals;
- Look for compromises and work to understand diverse perspectives;
- Examine one's own approach to dealing with conflict and be open about concerns where there is room for compromise;
- Strive to problem-solve based on collaboration rather than simply making a decision.

Most issues will be resolved and decisions made through the voting and deliberation processes. It is important to recognize that as a commissioner or board member, you have done your job by thoroughly examining the pros and cons of each situation. Once an issue is decided, it is equally important to accept the wishes of the majority and move on to the next issue.

GENERAL PARLIAMENTARY RULES

Rules of Parliamentary Procedure. The rules of parliamentary practice as contained in Robert's Rules of Order, most recent edition, may govern the board or committee in all cases to which they are applicable, provided they are not in conflict with these Rules, City Ordinances, Charter, or other applicable laws.

Discussion. A board or committee member may speak when no motion is pending upon recognition by the Presiding Officer as provided in these Rules.

Withdrawal of a Motion or Support. A member may withdraw his or her motion or support at any time before it is put to a vote.

PRINCIPLES OF ETHICAL CONDUCT

The following principles of ethical conduct apply to all officers, employees, board members, or agents of the City of Imlay City and form the basis for specific standards:

- Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws, and ethical principles above private gain.
- Officers, employees, board members, or agents shall not hold financial interests that conflict with the conscientious performance of duty.
- Officers, employees, board members, or agents shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest referred to in the regulations.
- Officers, employees, board members, or agents shall put forth honest effort in the performance of their duties.
- Officers, employees, board members, or agents shall make no unauthorized commitments or promises of any purporting to bind the City of Imlay City.
- Officers, employees, board members, or agents shall not use public office for private gain.
- Officers, employees, board members, or agents shall act impartially and not give preferential treatment to any private organization or individual.
- Officers, employees, board members, or agents shall adhere to all laws and regulations that provide equal opportunity for all regardless of race, color, religion, sex, ethnicity, age, disability, gender identity, or sexual orientation.
- Officers, employees, board members, or agents shall endeavor to avoid any actions creating the appearance that they are violating the law or these Standards of Ethical Conduct.

Conflict of Interest

As a board or commission member of the City of Imlay City, you have a responsibility to uphold the highest of ethical standards- both for yourself and for the benefit of our community. As a member of a board or commission your service may at times result in situations involving real or apparent conflicts of interest. Believing that service should not be rendered impossible solely by reason of these conflicts, the matter shall be handled through full disclosure of such interest and noninvolvement in any decision in which conflict is in question.

To avoid any conflict of interest or the appearance of a conflict of interest that could tarnish the reputation of the City of Imlay City as well as undermine the public's trust in the City, please:

- Avoid any activity or outside interest that conflicts or appears to conflict with the best interest of the City of Imlay City including involvement with a current or potential City vendor unless disclosed to and not deemed to be inappropriate by the City.
- Decline any gift, gratuity, or favor in the performance of City duties except for promotional items of nominal value.
- Refrain from influencing the selection of staff, consultants, or vendors who are relatives or personal friends or who are affiliated with, employ, or who are employed by a person with whom they have a relationship that may adversely affect the appearance of impartiality.
- Disclose all known conflicts or potential conflicts of interest in any matter before the board or commission for which you serve and abstain from voting in connection with such matter.
- Do not knowingly take any action, or make any statement, intended to influence the conduct of the City, commission, or board in such a way as to confer any financial benefit on yourself, your immediate family members, or any organization in which you or your immediate family members have a significant interest as stakeholders, directors or officers.

Conflict of interest is handled responsibly when:

- The City, board, or commission is given notification of any anticipated potential conflict of interest situations that may arise in the City's normal course of business.
- If there is a conflict, or perceived conflict, disclose your situation to the other members of the decision-making body, prior to deliberation by the body of the issue in question.
- If there is a conflict, or perceived conflict, abstain from deliberation and voting on the issue in question. The abstention should be noted in the minutes of the meeting in which it takes place.

CONCLUSION

This handbook has been presented to you as a guide for your participation on a board or committee. It does not cover all aspects of the board or committee that you may be requesting or to which you have been appointed. There may be training opportunities that will be afforded to you during your term of office. You will be notified by the staff liaison of any training opportunities available. You are encouraged to take advantage of them as they arise. Also, please do not hesitate to ask any questions of staff that will assist you in the performance of your duties and responsibilities.

ADDITIONAL INFORMATION FOR DEVELOPMENT RELATED BOARDS AND COMMITTEES

Please utilize the following links to access important City of Imlay City development-related plans and documents. These documents can also be located via the City website at www.imlaycity.org. Hard copies are available at the City office upon request.

[City of Imlay City Charter](#)

[Zoning Ordinance](#)

[General Regulations](#)

[Master Plan 2014](#)

[Public Participation Plan](#)

[Development Guide](#)

[Downtown Development Authority Plan, 2014](#)

[Parks and Recreation](#)

Capital Improvements Plan

Other helpful resources can be found at:

[Michigan Open Meetings Handbook](#)

[Citizens Guide to State Government](#)

[Freedom of Information Act](#)

Board and Committee members are strongly encouraged to attend training opportunities, depending upon actual costs. Although not a complete list, important training opportunities can typically be found at the following:

[Michigan Municipal League](#)

[Michigan Association of Planning](#)

[Southeast Michigan Council of Governments](#)

If you are interested in a training opportunity, please contact Craig Hortn, City Manager, at citymanager@imlaycity.org or 810-724-2135.

LISTING OF CITY BOARDS AND COMMISSIONS

Please see the City Charter and/or the Bylaws of the specific Commission or Board for more details.

Board of Review

Membership:	Three (3). Members must be taxpayers and have been residents of the City for not less than three (3) years.
Term:	3 year
Meetings:	March and July, specific dates set by City Assessor
Appointment/ Election:	Appointed by the City Commission
Responsibilities:	Review and correct assessment rolls in accordance with the provisions of State Law.

Downtown Development Authority

Membership:	Nine (9) members and the Mayor. Not less than a majority of the members must be persons having an interest in property located in the DDA district.
Term:	4 years
Meetings:	2 nd Tuesday of the Month, 5:35 p.m., City offices
Appointment/Election:	Appointed by the Mayor and confirmed by the City Commission
Responsibilities:	Propose, finance, and implement public improvements in the downtown development authority district.

Housing Board of Appeals

Membership:	Five (5)
Term:	3 years
Meetings:	1 st Monday, 7:00 p.m., City offices
Appointment/Election:	Appointed by the Mayor and confirmed by the City Commission
Responsibilities:	To protect the health, safety, and welfare of the people of the city by performing duties and exercising its powers to meet the objectives of the Rental Dwelling Code found in the Imlay City Charter.

Lamb Steele Board

Membership:	Six (6) members and the Mayor.
Term:	3 years
Meetings:	March and September as determined by the Board
Appointment/Election:	4 members are appointed by the City Commission or City manager and approved by the City Commission and 2 members are recommended by the tenants of the building and approved by the City Commission.
Responsibilities:	Plan the use of the Lamb-Steele Building, supervise the functions enumerated in existing leases relating to the Lamb-Steele Building, establish a financial plan and respond to financial problems arising out of the use of the Building, to

arrange permits arising out of aforesaid uses, to plan the intended use of the Lamb-Steele property over the useful life of the building and to furnish, equip, improve, operate and/or maintain a building or buildings, and parking lots, and the necessary site or sites therefore for the use of the City.

Parks and Recreation

Membership: Seven (7)
Term: 2 years
Meetings: 2nd Tuesday, 6:00 p.m., City offices
Appointment/Election: Appointed by the City Commission
Responsibilities: Plan, conduct, supervise, and maintain public play fields, athletic fields, recreation centers, and other recreation facilities and activities with the consent of the owners and authorities thereof.

Planning Commission

Membership: Seven (7) members who are qualified electors of the City.
Term: 3 years
Meetings: 4th Tuesday, 7:00 p.m., City offices
Appointment/Election: Appointed by the Mayor with approval from the City Commission.
Responsibilities: Preparation of city Master Plan and city zoning ordinances and necessary amendments for recommendation to the City Commission, consider and recommend to City Commission requested rezoning, hear and decide special land use and site plan approvals.

Zoning Board of Appeals

Membership: Seven (7) members who are residents of the City.
Term: 3 years
Meetings: 4th Thursday, 7:30 p.m., City offices
Appointment/Election: Appointed by the City Commission
Responsibilities: To hear and decide appeals from and review any order, requirements, permit, decision or determination made by the Building Official and Zoning Administrator, Planning Commission or any other administrative official in enforcing the provisions of the City of Imlay City Ordinances.

**CITY OF IMLAY CITY
BOARDS AND COMMISSIONS POLICY HANDBOOK
SIGNATURE PAGE**

My signature below confirms that I have received a copy of the City of Imlay City Boards and Commissions Policy. I agree to adhere to and abide by the policy and the Code of Ethics as written.

Signature: _____

Printed Name: _____

Date: _____

Name of Board: _____

PLANNING COMMISSION

§ 151.35 PLANNING COMMISSION AUTHORIZATION.

In accordance with the Michigan Planning Enabling Act (Public Act 33 of 2008), the Imlay City Planning Commission previously established is hereby continued, with the powers and duties set forth in this subchapter.

(Ord. 15.1, passed 3-17-09)

§ 151.36 MEMBERSHIP AND APPOINTMENT.

The Planning Commission shall consist of seven (7) members who are qualified electors of the city. Members shall be appointed by the Mayor with the approval of the City Commission. One of the Planning Commission members shall be an ex-officio member who shall be a member of the City Commission and one of the Planning Commission members shall be an ex-officio member who shall be the Mayor. All members, including ex-officio members, shall have full voting rights. Vacancies occurring for any reason shall be filled for the remainder of the unexpired term by appointment of the Mayor with the approval of the City Commission. The membership of the Planning Commission shall be representative of important segments of the community, such as industry, natural resources, recreation, education, public health, government, transportation and commerce. No employee of the city shall be a member of the Planning Commission.

(Ord. 15.1, passed 3-17-09)

§ 151.37 TERMS OF OFFICE.

Each appointed member, except ex-officio members, shall serve for a three (3) year term. Terms shall be staggered so that no more than two (2) of the members' terms (not counting ex-officio members' term) shall expire in any one (1) year. Members may be eligible for reappointment at the discretion of the City Commission. The terms of office of the Mayor and the City Commission member who serve on the Planning Commission shall correspond to their terms of office on the City Commission.

(Ord. 15.1, passed 3-17-09)

§ 151.38 PLANNING COMMISSION OFFICERS.

The Planning Commission members shall elect a Chairperson, Vice-Chairperson, and a Secretary for terms of one (1) year. The Mayor or the City Commission member may not serve as the Chairperson or the Vice-Chairperson of the Planning Commission.

(Ord. 15.1, passed 3-17-09)

§ 151.39 COMPENSATION AND EXPENSES.

Members of the Planning Commission shall be compensated for their services and reimbursed for expenses as provided by the City Commission.

(Ord. 15.1, passed 3-17-09)

§ 151.40 REMOVAL FOR CAUSE.

A member of the Planning Commission may be removed by the City Commission, after written charges and a public hearing, for nonfeasance, misfeasance, or malfeasance in office. Failure to disclose a potential conflict of interest as defined in the Bylaws of the Planning Commission shall be considered malfeasance. Failure to repeatedly attend Planning Commission meetings shall be considered nonfeasance.

(Ord. 15.1, passed 3-17-09)

§ 151.41 PLANNING COMMISSION MEETINGS.

The Planning Commission shall meet each month, if there is business to be conducted. In no event shall the Planning Commission hold less than four (4) regular meetings during each calendar year. The majority of the Commission shall constitute a quorum for the transaction of ordinary business. All questions which shall arise at Planning Commission meetings shall be determined by a vote of the majority of the members present, except for approval of a proposed Master Plan or Master Plan amendment which shall be by affirmative vote of a majority of all Planning Commission members.

(Ord. 15.1, passed 3-17-09)

§ 151.42 ANNUAL REPORT AND BUDGET.

The Planning Commission shall submit an annual report to the City Commission which shall include a proposed Planning Commission budget. The City Commission shall annually appropriate the funds necessary, in its judgment, for the operation of the Planning Commission during the fiscal year.

(Ord. 15.1, passed 3-17-09)

§ 151.43 STATUTORY AND ORDINANCE AUTHORITY.

The Planning Commission shall have all powers and duties set forth in the Michigan Planning Enabling Act (Public Act 33 of 2008, as amended) and the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended), which shall include the following:

- (A) Preparation of a city Master Plan and any necessary amendments for recommendation to the City Commission;
- (B) Preparation of a city zoning ordinance and any necessary text amendments for recommendation to the City Commission;
- (C) Consideration of requested rezonings of property and recommendation to the City Commission;
- (D) Hear and decide any requests for special land use approvals;
- (E) Review and decide any requests for site plan approval;
- (F) Prepare and adopt bylaws for the Planning Commission; and
- (G) Perform any other duties as may be assigned to it by the City Commission or pursuant to city ordinances or state statutes.

(Ord. 15.1, passed 3-17-09)

§ 151.44 BYLAWS AND RECORDS.

The Planning Commission shall adopt bylaws for transaction of business. The Commission shall also keep a record of its resolutions, findings, and determinations, all of which shall be public records.

(Ord. 15.1, passed 3-17-09)



American Planning Association
Michigan Chapter

Creating Great Communities for All

What is My Role?

Planning Commission

The Planning Commission provides community leadership on local planning and development policy. The Planning Commission is an appointed body that advises the legislative body on planning matters. The Planning Commission has the responsibility to prepare a master plan, which influences the regulations and standards in the zoning ordinance and any future changes to it.

The Planning Commission is also the primary body responsible for approval of Site Plans. Commissioners are responsible to ensure that new development fits the community's vision for a given site, with help from professional staff or consultants. Planning Commissions also have responsibility for Special Use approvals. In some communities, they have the sole power to approve or deny Special Use applications, while in others they recommend approval or denial to the elected officials.

Finally, the Planning Commission is the main forum for discussion of changes to the Zoning Ordinance text and map. Changes can be proposed by property owners, the general public, or the Planning Commission itself, but regardless, the Planning Commission must hold a public hearing before recommending any zoning changes to the community's elected body.

Professionals

Professional planning staff and consultants provide technical expertise on planning and zoning matters to local Planning Commissions and elected officials. A professional planner can help write a master plan or zoning ordinance, provide technical review of proposals coming before the Planning Commission, and administer the zoning ordinance. Professionals are educated and trained in planning principles and practices, and conduct planning activities all day every day, so they are an important resource for the "citizen planners" on a community's boards and commissions.

Planning Commissioners Handbook

Published by the Michigan Municipal League

Written by Steve Langworthy
LSL Planning
Community Planning Consultants

Reprinted September 2006
Reprinted May, 2000
First Edition. Printed January, 1997
US ISSN 0076-8006
Stock Number: BL-016

About the Author:

Steve Langworthy is a partner in the firm of LSL Planning. His more than 25 years of planning experience includes six years as the Planning Director and Zoning Administrator for the City of Kentwood and extensive experience in a variety of communities as a consulting planner. Steve has authored numerous master plans, zoning ordinances and special studies for communities of all sizes and levels of government.

Steve has extensive experience as a lecturer. He has conducted hundreds of zoning seminars and training programs for local government clients, the Michigan Municipal League, the Michigan Townships Association, and the Michigan Society of Planning Officials. He authored the Planning Commissioners Handbook for the Michigan Municipal League and was a principal author of the ***Township Guide to Planning and Zoning***, published by the Michigan Townships Association.

Foreword

Along with the other appointed and elected municipal officials in your community, members of a planning commission accept responsibility to protect the personality and vitality of your community. To carry out their duties, these volunteers must digest a mountain of information and negotiate a maze of delicate situations.

This handbook was written to help new planning commissioners become effective commissioners. The topics covered include tools for planning commissioners, preparing for meetings, meeting the public, how knowledge of the zoning ordinance and applying ordinance standards will help you make decisions that will stick and what the future holds for planning commissioners.

As the state association of cities and villages, the Michigan Municipal League is committed to providing a variety of educational resources for both elected and appointed municipal officials to assist them in doing their jobs. The League is a non-partisan, nonprofit association working through cooperative effort to strengthen the quality of municipal government and administration.

This handbook is the latest step in our continuing effort to help municipalities meet the daily challenges of governing. Our thanks go to community planning consultant Steve Langworthy of LSL Planning for developing this text. His knowledge, creativity, insight and responsiveness are most appreciated. Contributing to the legal accuracy of this book was League Associate General Counsel Sue Jeffers. The Information and Publications staff of the Michigan Municipal League added a measure of common sense and smooth flavor.

Our aim is to produce publications that will help make your job easier. We welcome suggestions for additions to this publication and your comments in regard to all our publications. Let us know how we are doing and how we can be of further assistance!

Daniel P. Gilmartin
Executive Director

Table of Contents

Introduction

**Chapter 1:
What Was I Thinking?**

**Chapter 2:
The Planning Commissioner's Toolbox**

**Chapter 3:
Preparing for Meetings**

**Chapter 4:
Meeting the Public**

**Chapter 5:
Making Tough Decisions**

**Chapter 6:
Making Your Decisions Stick**

**Chapter 7:
The Future for Planning Commissions**

Glossary

Index

Introduction

Congratulations!

§1 As a new planning commissioner, you may find yourself a little bewildered and overwhelmed. Since experience is not one of the conditions of appointment to the planning commission, you may wonder just what it is you are supposed to be doing.

This handbook has been written to provide you with some hints about how to be an effective planning commissioner. Rather than trying to teach you about the laws and regulations governing planning and zoning, we will concentrate on what you might expect to encounter as a commissioner and some of the methods you may use to prepare, make and enforce your decisions.

During your term as a planning commissioner you will encounter a wide variety of situations, people and problems. You will need patience, tact and diplomacy. Knowing how to act in stressful circumstances is one of the most important parts of the job, and one that is best learned through experience.

This Planning Commissioners Handbook is your head start on learning how to deal with these difficult situations.

You are encouraged to seek other sources for learning about the intricacies and technical details of zoning, planning and other related topics. These, too, will be a significant part of your job as a planning commissioner. The Michigan Municipal League can suggest a number of publications and training opportunities that can help you on your way. For more information, contact them at 800-653-2483 or visit their excellent web site at www.mml.org.

Good luck! You have volunteered to provide a valuable service to your community and your time and efforts are much appreciated.

Chapter 1

What Was I Thinking?

§2 As you sit through your first planning commission meeting, this thought will probably go through your mind at least once. You've been thrown together with a group of others, some of whom know as little as you think you do. You have been asked to do an almost impossible job, using confusing documents, about which you know next to nothing. On top of which, the job offers little or no compensation!

For this privilege you get to listen to individuals and groups complain, plead, bargain, shout, criticize and lecture.

Yet, many commissioners wouldn't trade the job for anything.

Few voluntary non-elected appointments have the kind of authority granted a planning commissioner. Fewer still have the ability to affect the future of a community to such a great extent.

It Begins With a Philosophy

§3 The planning commissioner wears many hats from mediator, interpreter, visionary, researcher or teacher, to community builder.

Becoming an effective commissioner begins with a clear philosophy of your approach to the task.

Perhaps you had a desire to give something back to the community. Or, maybe something happened in your neighborhood that disturbed you. Most likely you did not get into the job for the money. After all, you did volunteer.

Ultimately, you will have to decide what kind of commissioner you will be.

What is a Planning Commission?

§4 Early in the history of zoning, it was recognized that when reviewing zoning and land use matters, elected officials needed input from a group of individuals who were not affected by political concerns. Having a group of interested volunteers judge land use decisions for the community was intended to allow a wide range of views to be fairly represented.

Elected officials are representatives **for** the people in the community. As such, they are accountable to the voters. As a planning commissioner, on the other hand, you are a representative **of** the people. This means that the members of the commission represent the various interests found in the community, such as professionals, business owners and homemakers.

In theory, this allows a planning commissioner to act without the political considerations that influence elected officials.

You will also find that having a variety of personalities on the commission serves a purpose.

Some of your fellow commissioners may consider themselves to be compromisers; always looking for the win-win solution. Others may believe that they are simply there to express the will of the people and suppress their own opinions.

Regardless of whether you agree with them or not, keep in mind that the reason the commission has more than one member is to allow for this variety of opinions.

Even though every commissioner has the best interests of the community at heart, their

The Land Use Challenge

§5 New development often brings out concerns over land use. Residents become concerned about losing the character of their community. Those who propose changes are acting to protect their own investment, whether personal or professional. Decision makers must, within the constraints of the law, allow for development which is consistent with the existing or planned character of the community and reject that which is not.

This can create land use conflicts and divide communities along philosophical lines. The master plan and zoning ordinances should prioritize these sometime conflicting or competing interests as a matter of policy. In each decision the commissioners must apply the policy to the specific facts at hand. The planning commission, often caught in the middle, may look back and say, “How did we get into this mess?”

In truth, advocates for development and preservation have common goals. Most of the time, both seek better use of the land from their own perspectives: the developer to protect his or her financial interest, and the neighbors to maintain their quality of life. Planning commissioners must weigh each of these interests.

approaches may differ from yours since each is based on their own philosophy. Over time

you will come to understand some of the motivations of the other commissioners and may find yourself appreciating their views.

Developing your own philosophy and style is an important step in becoming an effective planning commissioner.

The Job

§6 As a planning commissioner you will be dealing with one of the most enduring elements of society – land. At the same time, you will be dealing with people. You will find that this can create some difficult situations.

Your decisions can have a serious effect on the use and value of land in your community. Decisions based on the land can have lasting implications. Consequently, your decisions must be based on the long term interests of the community.

These decisions are not always easy. In some instances, you will know the land owners, neighbors or applicants personally.

As you develop and refine your philosophy and style, keep in mind that the planning commissioner’s job is to help create and carry out policies regarding the physical development of their community.

That’s the easy part. If being a planning commissioner was simply a matter of following policies and obeying the dictates of a law, then only one member would be needed. Instead, planning commissions must constantly ensure that they treat each person and property in a fair and consistent manner.

This book discusses several practical aspects of being a new commissioner, including dealing with those who jealously guard their view of the community and those who may seem as though they are intent on destroying it.

Sounds like a tough job. No wonder so many people want it. Welcome aboard!

Chapter 2

The Planning Commissioner's Toolbox

§7 In the first chapter, we noted that being an effective commissioner begins with a clear understanding of your job and your approach to it. In much the same way, a community must also have a clear picture of why it exists and how it intends to grow.

Every community needs to plan locations for development where natural features and the environment are protected, where community character will not be diminished and where expenses for new roads and services will be at a minimum. This may include rehabilitating existing structures and reclaiming unused or abandoned properties as well as developing new areas.

The planning commission was originally given the responsibility of writing and adopting the master plan for the community. In 2002, this requirement was changed to require more involvement by the legislative body in the planning and adoption process. The planning commission remains the authors of the first draft of the zoning ordinance. This ensures a direct connection between the master plan and zoning ordinance.

While the 2002 change allowed the city or village council to be the adopting authority of the master plan, it is *required* to adopt the zoning ordinance because it is the law.

The Jigsaw Puzzle

§8 Building a community is a little like constructing a jigsaw puzzle, with each new development project providing a piece of the puzzle. The master plan might be considered the top of the jigsaw puzzle box. It shows us

the final form of the puzzle – our vision for the future.

Corner Pieces

§9 Policies concerning growth may be thought of as corner pieces of the puzzle. They anchor the rest of the community and allow for orderly development.

These policies may range from:

1. actively encouraging growth.
2. allowing growth to take its own course with as little government interference as possible.
3. allowing development provided that adequate utilities, roads, schools, fire, police and other public services are available.
4. trying to slow down the rate of growth.

Typically a master plan describes the community, outlines goals and objectives and maps areas of different land uses ranging from agricultural to industrial.

Plans for new development are then reviewed to ensure consistency with what was planned.

The Zoning Ordinance

§10 Communities continually wrestle with complex issues brought on by new development. The need to provide design flexibility, coupled with the desire to maintain some degree of control, has created the need to find innovative regulations.

Local control of the use of land (with some exceptions, such as state and federal land uses) is an accepted legal principle. Land use

is controlled by separating land into various use areas, called zoning districts.

The rules governing these districts are listed in a zoning ordinance that contains provisions controlling the type and intensity of development allowed.

The zoning ordinance should be based generally on the master plan. The future land use classifications of the plan are reflected in the ordinance's zoning districts. The density and intensity planned for the land use districts are translated to the uses permitted, lot sizes and other regulations.

Future Land Use and Zoning are NOT the Same

§11 The primary difference between future land use and zoning is a matter of timing. The future land use map shows the intended use of land at the end of the planning period, which could be many years in the future. The zoning map shows land as it is intended to be used today. Accordingly, the two maps will not be identical in every respect.

For example, one area of the community may have a future land use designation for industrial use. However, the goals and objectives of the master plan may indicate that industrial uses should not be established without public water and sewer services.

In order to ensure that a conflict in land uses is not established, the zoning map may designate the area for low intensity development. The master plan may then include a statement that the area is intended as a future location for industrial uses, pending provisions for public utilities. One justification for this action, which should be noted in the master plan, may be that the area has poor soils that will not accommodate private septic and water systems on the scale necessary for residential or high density development without public utilities.

Now What?

§12 Once the master plan and zoning ordinance are in place, it is important that they be kept current. A master plan that is not kept up-to-date and actively followed and implemented may lead to problems for the community in the future. The 2002 amendment to the Municipal Planning Act requires a community to review its plan at least every five years.

As noted earlier, changes to the Municipal Planning Act now require the legislative body to "approve the plan for distribution," or if it elects to do so, become the adopting authority for the plan. After preparing a proposed plan, the planning commission must submit the proposed plan to the legislative body for review and comment. Before the adoption process can proceed, the legislative body must approve the distribution of the proposed plan. If it does not, it must return the plan to the Commission with its objections. The Commission must then revise the plan until it is accepted by the legislative body.

The long-term effect of this change to the adoption process will have to be determined. But even if the Planning Commission maintains the responsibility of completing and adopting the master plan, the legislative body should be involved in all of the critical steps of the process in order for the plan to be assured of adoption and effectively implemented.

Failure to consistently follow the plan may discredit its use as a defense for actions that may be challenged by property owners or developers.

Likewise, consistent and vigorous use of the plan will lend credibility to the community's attempts to implement controversial decisions on rezonings or other zoning actions.

While the courts of the State of Michigan do not recognize the absolute authority of the master plan, they do lend much more credibility to actions supported by careful planning than those that appear to be taken arbitrarily against an individual property owner.

Conclusion

§13 As a new commissioner, the plans and ordinances for your community probably appear somewhat bewildering. In fact, we have only covered two of the documents that you will likely see. Others, such as the land division ordinance, capital improvement plan and recreation plan, are also valuable resources.

By far the greatest responsibility of the commission is to provide guidance for land use and development in the community. A properly developed, well thought-out master plan and an effective zoning ordinance can be of great value to a community. They provide an improved quality of life, more efficient use of financial and other resources, a cleaner environment and an economically healthy community.

Both the master plan and the zoning ordinance should be consistently and accurately followed to make sure they are applied fairly and consistently to those they affect. Together they are valuable tools in building the kind of community you want.

Keeping them current and relevant to today's conditions is hard work, but the rewards make the effort worthwhile.

Chapter 3 Preparing for Meetings

§14 Being a planning commissioner can mean either just showing up for the meeting, or putting in the time needed to make informed decisions. It is difficult to ask a volunteer to put forth an extra effort to be ready for a meeting, but those who occupy a seat as a commissioner have taken on the responsibility to do the best possible job for their community.

Planning commissioners cannot reach a fair and impartial decision without a firm base of knowledge about the matters placed before them. Gaining this knowledge will take the efforts of the community's staff, the applicant

and each commissioner.

As a planning commissioner, there are some positive "fact finding" steps you can take to make sure you are ready to make the best possible decision – based not on perception, but on facts.

Information

§16 In order to prepare for the meeting, you must make sure that you have all of the relevant information needed to make a decision. At a minimum, you will need to have copies of applications, site plans and other supporting material in sufficient time to allow you to study and prepare. You should expect to have at least a week to review the materials.

Site Visits

§17 Visiting the site is often a critical step in the decision making process. Even if you have lived in the community all of your life, individual sites take on a new personality when a specific project is to be built.

Some precautions should be used. **Site visits should always be made individually rather than as a group.** Meeting on site (even with less than a quorum) raises several concerns.

- ➔ A site visit by a majority of the membership of a decision making body must be advertised under the Michigan Open Meetings Act and steps must be taken to insure that the requirements of the Americans With Disabilities Act (ADA) are met.
- ➔ Practically, it is hard for the visiting members to avoid talking among themselves about the proposal. These

Before Attending the Meeting

§15 Make sure you have everything. Follow this checklist:

1. Do you have your zoning ordinance or other applicable ordinances?
2. Have you examined the agenda and related materials?
3. Do you have your questions written down?
4. Have you completed the site visit? (If not, at least drive by the sites on the way to the meeting.)
5. Have you reviewed the standards that will be used for each decision?
6. Remind yourself that the purpose of preparing for the meeting is not to **make** a decision, it is only to gather the information needed to **prepare** you for the decision that is to come.

side discussions, however, can violate the spirit as well as the letter of the Open Meetings Act.

There are two cautions to keep in mind when visiting a site.

1. Do not go onto the site unless specific written permission has been granted by the property owner or the site is otherwise available to the public (such as an existing shopping center). This can help avoid misunderstandings and problems with trespassing.

Resist the temptation to design the site. Your job is to review the applicant's plans and to identify your concerns. It is the applicant's job to design the site to meet those concerns.

If permission has not been granted and you feel as though your decision cannot be made without viewing the site, look for other ways to get the same information. This might include aerial photos or surveys. Or, you may request that the applicant submit photographs, slides or video tape, particularly for larger, inaccessible sites.

Do not allow your decision to be influenced by the applicant's reluctance to allow you on the site. Many people are concerned about liability or they simply are determined to protect their privacy. There are other ways to gather the information and you should not make a decision until the information is obtained.

2. Do not discuss the proposal with the property owner, neighbors or applicant outside of the meeting. The intent of information gathering is to insure that everyone has the same information on which to base a decision. This is not

TIP: Consider adding a line to your application form that allows the applicant the option to grant permission for the planning commission members to conduct a site visit.

possible if individual commissioners contact or are contacted by interested parties outside of the meeting.

If you are contacted by the applicant or others, be prepared to tell them that you are required to conduct all of your discussions only when the other commissioners are present.

Encourage them to come to the meeting (tell them when and where) or ask them to submit their comments in writing (tell them to whom and by what date).

If a contact cannot be avoided, it should be reported to the rest of the members during the meeting, along with the general content of the conversation.

You may feel free to request information from the community's staff. But whatever information you receive should also be made available to each of the other members.

Remember – you are only one person on the planning commission. The only time you should take action as a commissioner is in the presence of the other members at a scheduled meeting.

During Your Site Visit

§18 Look closely at traffic conditions, natural features, surrounding land uses and general neighborhood characteristics. Visits

§19 The Michigan Open Meetings Act (1976 PA 276, MCL 15.2621 et seq.) was intended to make sure that the decision making process followed by government bodies always takes place under the watchful eye of the public. Even though you can simply meet the letter of the Act, it is just as important that the spirit of open meetings be observed. Don't look for ways around the Act. Look for ways you can make it work better for you.

at different times and on different days of the week would also be useful. For example, visiting a site during a peaceful Sunday afternoon may not be representative of traffic conditions during rush hours.

Describe your site visit findings to the rest of the planning commission so that they may have the benefit of your observations.

Using the Site Plan

§20 For many proposals you will be asked to review a site plan. A site plan is merely a depiction of the property showing proposed buildings, parking areas, streets and other details. Your objective when looking at a site plan is to ensure that at least the minimum dimensional standards of the zoning ordinance are met with respect to yards, signs, parking, etc., and that the proposed use is designed in harmony with its existing and future surroundings.

To do this you need to be familiar with some basic site planning principles as they relate to the standards of the zoning ordinance. Some common standards, in abbreviated form, are described below to show their general intent.

1. Preservation of natural features or landscape.

§21 Site plans should show significant natural features in enough detail to see how they are affected by the project. The two

general approaches to natural features are preservation and integration.

Preservation measures should be used when features are so sensitive or so valued that any change to them would have a negative effect on the community in terms of aesthetics, environmental quality or safety. In these areas, development should be either prohibited or restricted to projects which have little negative effect. Regulated wetlands and identified flood prone areas are examples of lands requiring preservation techniques.

“I didn't realize it would look like this. . . ”
Veteran commissioners will tell you that when a project is built, everything is bigger and closer than it looked on the site plan.

Natural features may also be integrated into a site allowing them to remain as natural as possible. This could include the use of small wetlands as aesthetic features or maintaining vegetated areas as screening or visual interest. In this way, natural features often help market projects.

These techniques can be implemented through conditions placed on project approvals, using this standard as support.

The potential of environmental contamination, particularly where underground storage tanks are or have been present, should also be considered. Many lending institutions now require an environmental audit to determine the likelihood of contamination prior to funding projects.

2. Compatibility with surrounding uses.

§22 This standard can be used to require landscaping, fences or walls to make sure that proposed uses will be adequately screened or separated from surrounding

property. It can also relate to locating buildings and parking areas to make sure one site does not unduly affect another.

3. Safety of vehicular and pedestrian circulation.

§23 The purpose of reviewing circulation is to ensure proper driveway spacing, adequate setbacks for clear visibility and proper placement of parking areas. Requiring parking lot setbacks, particularly along the roadway, can foster driveway safety, control glare and headlight spray and improve aesthetics.

Special consideration should be given to uses with large parking areas to ensure that circulation is safe and does not conflict with pedestrians, other vehicles and adjacent uses. Shared driveways may also be required to reduce the number of access points.

Service drives (front and/or rear) may be needed to allow access between properties so that vehicles do not have to enter the public street.

Site plans should not be reviewed as part of a rezoning.

§24 Inexperienced commissioners can easily be sidetracked by discussions of landscaping, setbacks and other issues. Site plans are essentially meaningless during a rezoning (except as part of a planned unit development (PUD)) since the approval cannot be conditioned on compliance with the plan.

Once zoned, the property can be used for any use permitted in the new district, regardless of any promises made or plans shown by the applicant.

A common misconception is that local communities have no input on driveway locations. Although local regulations cannot conflict with the road authority, it can control driveway locations through the site plan review process.

4. Ensuring adequate emergency access.

§25 Involve the fire and police authorities in the site plan review process and have them submit a recommendation to you. Your community may have regulations that address fire lane standards and building access.

5. Control of exterior lighting.

§26 Lighting should be adequate to illuminate the area, yet not shine on adjacent properties, particularly in residential areas. Requiring “cut-off” fixtures or reducing the height of light poles can be effective ways to meet this standard.

6. Proper drainage and removal/storage of surface waters.

§27 Most commissioners are not trained engineers. Normally, local engineering staff, drain commissioners or other sources need to be consulted to ensure that a site is properly engineered to avoid excessive stormwater runoff. The same is true of the adequacy of public and private sanitary sewer and water services.

7. Architectural controls.

§28 Generally, site plans will not deal with the actual design of a building. Rigid architectural controls tend to stifle creativity and can encourage monotony.

However, they may be appropriate in designated areas rich with historical buildings and character. There will usually be an architectural review board or historic commission with the authority to review

exterior finishes and improvements to ensure that the historical or unique character of the district is not jeopardized.

Site plans that meet all of the standards of the zoning ordinance must be approved.

Chapter 4 Meeting the Public

§29 Land use issues, as you will no doubt discover, can bring out strong emotions. Faced with a room full of angry and concerned people, you may find it difficult to maintain the decorum and professionalism needed. Although many planning commissions attempt to follow Robert's Rules of Order in their meetings, there are other more subtle aspects that are important to consider.

Being Fair

§30 The foremost concern of any planning commission should be to ensure fairness for all concerned. To ensure fairness, keep some simple things in mind:

1. **Everyone must have the opportunity to speak and present evidence at public hearings.** While some limitations may be placed on this right, as described later, no action should be taken that would unreasonably deprive a person of their right to be heard.
2. **Recognize emotional responses and treat them with concern and understanding.** Strong responses, within limits, should be expected and understood. Controlling your own emotions is essential, even if the comments get personal.
3. **One of mankind's greatest fears is not death – it's public speaking.** Make an effort to look beyond the mannerisms and nervousness to find the speaker's message.
4. **Regardless of how many people show up** to oppose or support a project, you must represent the long-term interests of entire community, not just those at the public hearing.

§31 Dealing with Emotional Responses

1. **Repeat the concerns you hear.** "What I hear you saying is..."
 2. **State your concern.** Restate the concern by noting your understanding and agreement.
 3. **Narrow the issue to the items that are at the root of the concern.** Do this by a series of questions that will not embarrass the speaker, but will force them to confront the true issues.
 4. **Find out what you can do** about the issues that surface, but be careful not to promise more than can be delivered.
 5. **Do not try to answer all questions** when no answer will be acceptable.
5. **Listen.** Public meetings are your chance to take the pulse of the community and to learn more about the neighborhood in which a project is planned. Take advantage of the effort those attending the meeting have made and learn as much as you can.

Follow the Rules

§32 Playing fair means playing by the rules. Having an effective set of meeting rules helps provide a sense of professionalism as well as ensuring that meetings are orderly.

Rules do not need to be rigid. They occasionally need to be altered to take certain events into account.

Nor should they be too confining. Keeping a subtle balance between the degree of formality required, and the informality that is sometimes needed is a learned art.

Hearing rules should be made a part of the bylaws of the commission and printed on the back of the meeting agenda so that everyone is aware of them.

Rules for Speakers

§33 You will soon learn that people do not often come to a meeting in support of a particular project. Most people have concerns that they wish to address, while others are simply opposed to what is being proposed.

Having written meeting rules and procedures is especially valuable when there are many people who wish to speak. Without a few basic rules it would be easy for one or two people to dominate the meeting, thus depriving others of the chance to speak their mind.

- 1. Direct all comments to the chairman.**
This rule can help avoid debates between members of the audience, between the presenter and the audience, and between the commission and the audience or presenter. Since zoning hearings can become emotional, following this policy is important to ensure that the chair controls the meeting.
- 2. Limit speaking time, when necessary.**
If there are many people who wish to speak, it is appropriate to limit the time of each speaker to 3-5 minutes, with the exception of the applicant. The applicant should be given as much time as needed, within reason, to present his or her case.
- 3. Limit the number of times one person may speak.** Generally, each person needs to be given only a single opportunity to speak. At the discretion of the chairman, people may be allowed to speak a second time to respond to earlier

comments. However, the chairman should emphasize that comments should not be repeated. Your rules may also require a sign-up sheet for those people wishing to speak, with the chairman recognizing only those who have signed up.

- 4. The chairman may also ask if there is a spokesperson for the audience,** and ask that the spokesperson speak for the others present who agree with his/her point of view. The chairman should allow those for whom the spokesperson is speaking to be recognized, either through a show of hands or by standing. The spokesperson may be given additional time in recognition of his/her role.
- 5. After the public hearing is closed, it should remain closed.** Further comments should not be accepted unless specifically requested by a commissioner.

Rules for Commissioners

§34 As commissioners you should also agree to follow your own set of rules for how you present yourselves to the public.

- 1. All comments should be directed to the chairman.** Just as the audience must be recognized by the chairman, so too should the commissioners. Not only does this show respect for the role of the chairman, it sets an example for the audience to follow.
- 2. All deliberations should be in the open.** This goes beyond strict legal requirements. It is important that the audience view the commission as an open, fair and deliberative body.

Remember, people are generally suspicious of government. Don't add substance to that perception.

- ⊖ Do not hold private conferences prior to the meeting.

- Don't meet in a group in a small room or other place outside the chamber in which your meeting is held.
 - When arriving at the meeting, stay in the chamber.
 - While socializing is acceptable, make sure that the audience doesn't get the wrong impression.
 - Make all of your comments aloud during the deliberations. If you have a question, ask the applicant or the chairman, rather than your neighbor. Don't allow yourself to be caught up in a private discussion with another commissioner. Make all of your comments loud enough so that everyone can hear.
3. **Express your opinions.** Don't just vote without letting everyone know why you are voting, whether for or against the issue. Your comments may help others to decide (or change their vote). It also lets the applicant and the audience know the strengths or weaknesses of the proposal.
4. **Do not attempt to always answer every question.** Some comments cannot be answered and may be asked just to express frustration.

When a question such as, "What will I do when the cars start running off the road and into my house?" is asked, calmly try to narrow the question down to specifics. Once you get a handle on the real problem, you may be able to suggest a solution.

5. **If things get out of hand, take a recess.** Long evenings and emotional topics can make for short tempers. A breather may be helpful.

6. **Do not feel compelled to make a hasty decision** on the night of the hearing. Everyone should feel comfortable with their vote – if not, obtain whatever additional information is needed before proceeding with the decision.

Keeper of the Gavel

§35 The chairman of the commission is entrusted with enforcing meeting rules. Having a strong chairman is important both to the operation of the commission and to public perception.

The role of the chairman is to maintain order throughout the meeting. The chairman should announce each agenda item and note the rules that apply to the hearing. During the meeting, the chairman should ensure that courtesy is maintained and that speakers are not interrupted.

Keeping Faith with the Public

§36 People tend to be naturally suspicious of governmental proceedings that may affect them. How many of your neighbors know a planning commission even exists? Be patient and understanding when addressing this suspicion. You will not always be able to satisfy their wishes. But, you can make sure that the public knows they have been heard and that you are acting responsibly.

Following rules of fairness, preparing for meetings, and making effective decisions can affirm the confidence placed in you by those who appointed you and those you serve.

Chapter 5

Making Tough Decisions

§37 In these days of increasing litigation and public participation, it is not enough to deny an application because of a vague notion that the use is not a good idea, or that it will hurt the neighborhood. Even applications that are approved need to be well supported.

Following an effective decision making process is one of the most important ways to avoid challenges to decisions. Careful consideration and support of decisions through the use of the standards of the zoning ordinance is important. These standards must be written into the ordinance (except rezonings) and if all standards are met, the application must be approved.

If the decision is challenged, the importance of using the ordinance's standards becomes self-evident. A well supported decision provides the background needed to build a solid legal foundation for the decision. The use of standards will help avoid the "arbitrary and capricious" label often given to zoning decisions that are not well supported.

Proper decision making starts with the basics:

1. Knowledge of the zoning ordinance;
2. Knowledge of relevant case facts; and
3. Using ordinance standards to reach a decision.

1. Knowledge of the zoning ordinance

§38 Too often, members are not well versed in the language, meaning and application of their zoning ordinance. Each planning commissioner must be familiar with the relevant parts of the ordinance when reviewing an application for a zoning decision. Not only should the commissioner

know the meaning of the regulation, but it is particularly important that he or she understand its purpose.

2. Knowledge of relevant case facts

§39 Facts are critical to good decision making. Sources of facts include:

- a. the application and supporting materials;
- b. the master plan or other relevant plans;
- c. staff and agency reports regarding impacts on public services, natural resources, character of the area, traffic, parking and other criteria;
- d. a visit to the site to see the physical characteristics of the property and adjacent parcels (see Chapter 3) and;
- e. public hearing comments.

3. Use of ordinance standards

§40 Following an effective decision making process is one of the most important ways to support your decisions. Proper and consistent use of the standards of the zoning ordinance or other ordinances is essential.

Making Everyone Happy

§41 In most cases, it is impossible to please everyone, and you probably shouldn't try. One of the most difficult aspects of planning and zoning is the need to balance the various, often competing, interests of property owners and residents.

Property right laws tell us that zoning has a public interest that will allow residents to have the right to peace and quiet of their neighborhood and to have the value of their property protected.

“My home is my castle” is not an idle remark. Those who follow the NIMBY and BANANA principles sometimes represent this view. The NIMBYs believe that the project is well designed, and needed, but located in the wrong place. “Not In My Back Yard” is their battle cry.

Others believe that the project should not be built anywhere in their community, or perhaps anywhere at all. Their motto is “Build Absolutely Nothing Anywhere Near Anything” – BANANA.

On the other hand, the law holds that owners of property have a right to a reasonable return on their investment and that zoning cannot unreasonably deprive the owner of that return.

In the midst of these many competing interests and views are the local authorities for zoning – the zoning administrator, the planning commission, the board of appeals and the legislative body, the city/village council.

Satisfying these competing interests is simply not always possible. The intent of zoning is to help commissions avoid the necessity of trying to judge between them. Instead, zoning decisions should treat each person, property and point of view in a fair and consistent manner.

The following guidelines may help you deal with these competing interests and concerns.

☉ **The master plan and zoning ordinance are current and accurately reflect the community.**

Keeping your master plan and zoning ordinance up-to-date, continually reflecting the needs and desires of the community, can help focus the discussion on individual projects to judge their consistency with the character of the community.

The master plan should be reviewed each year to make sure it stays relevant to current conditions. A comprehensive review should be considered about every five years.

Remember, you are a part of a **planning** commission. Set aside time to do some planning each year.

The zoning ordinance must be constantly reviewed to ensure that binding court rulings are included, new legislation recognized and master plan changes noted (e.g., new land use classifications).

☉ **There are written rules of procedure (bylaws, notices, hearing procedures, etc.) and they are consistently followed.**

The entire zoning process, starting from the time that a person first approaches the community, to the issuance of the occupancy permit, should be clearly understood by all parties involved.

- ✎ If applications are incomplete (inadequate site plan, fee unpaid, etc.), do not accept them.
- ✎ If you learn that notices were not sent or published properly, stop the process and start over.
- ✎ Do not take action unless the applicant or a representative is present (unless legal time limits dictate otherwise).

☉ **All zoning decisions should be based upon the standards set forth in the zoning ordinance.**

Following an effective and consistent process is one of the most important methods of making supportable decisions.

The consistent and proper use of standards will help avoid the “arbitrary and capricious” labels often given to zoning decisions that are not well supported. As you debate each application, you may find

it easier to focus your comments if you discuss each of the applicable standards in turn.

The standards that you use should be written into the ordinance (except rezonings) and if all standards are met, the application must be approved.

If you are unclear about whether a standard is met and are not ready to make a decision – don't. Zoning decisions are permanent. Take care that the decision you make is well supported. On the other hand, don't drag out the review unnecessarily.

☛ **Decisions are always based on the standards of the ordinance and facts, not on emotion or opinion of the applicant.**

A roomful of people who show up to oppose a project should not be the only reason for denial.

Nor should the past actions (or lack of action) of the applicant be used as a basis for a decision.

The Role of the Public

§42 If there are doubts about an applicant's performance, make proper use of conditional approvals (except for rezonings), performance bonds and proper documentation for possible enforcement later.

Approvals and denials must be thoroughly supported, clearly stating how the ordinance standards were or were not met.

Zoning cannot be a popularity contest decided by a show of hands by the audience or names on a petition. If it were, only one commissioner would be needed to count the votes or read the applause meter.

Many zoning approvals require public input, usually in the form of a hearing. The dilemma for most decision makers is trying to

determine what weight to give the comments (and complaints) of the public.

As noted earlier, it will quickly become obvious to you that most people do not generally come to a meeting in support of a particular project. Most have concerns they wish to have addressed or they may simply oppose any development.

Similarly, petitions, letters and other written expressions of concern are useful, but only to the point where they provide new information.

While public input is a valuable part of decision making, you cannot simply mirror the wishes of those who send letters or come to the meeting. Your job is to follow the standards and requirements of the zoning ordinance. You are obligated to protect the interests of the applicant, the neighbors and the entire community.

Neighbors can provide a unique perspective on the neighborhood which may create the need for further study or information to be provided by the applicant or gathered by the community.

Ultimately, the role of the public is to provide information to the decision makers, not dictate their actions.

The Experts Say

§43 You may also wonder how much influence staff reports and opinions should have on your decision. In most cases, your municipal staff members are trained in their various fields and are providing you with their professional opinion. Their recommendations should be supported by the facts and application of the ordinance standards just as your decisions are expected to be.

Their view of how the facts relate to the standards may differ from yours. Ultimately, it is the decision of the commission that will stand.

Conclusion

§44 Zoning decisions are rarely easy. And they are not usually a matter of right and wrong. Balancing the needs of the community and the private property owner has been entrusted to you, and it is essential that you honor that trust.

Chapter 6

Making Your Decisions Stick

§45 It won't matter how well you have followed the principles in the previous chapters if you fail to properly document what you did. As a new commissioner you may have a tendency to rely on the members who have the most experience to remember past actions. There is no doubt that their memories are valuable, but their recall may not be complete. The only reliable methods of documenting actions are the written word and exhibits.

Meeting Minutes

§46 In smaller communities, keeping minutes may be one of the least glamorous parts of building a written record. As a new commissioner, the task may be dumped on you, much to the relief of the previous victim. Regardless of who has the job, it should be taken seriously. There are no firm rules or formats for minutes, but there is a basic principle.

Minutes should contain enough detail so that a person not present can understand:

- What matters were discussed (nature of the request, applicant, location);
- Who spoke at the meeting and the general content of their comments (including name and address);
- What action was taken by the commission (including the vote and any conditions attached);
- Why that action was taken and on what standards of the ordinance it was based.

Motions

§47 A motion must have: a maker and second; a description of the nature of the request; the action taken (approval, approval with conditions, denial, tabling); any conditions attached to affirmative decisions (except rezonings, to which conditions cannot be attached); and the reasons for the action taken (applicability of standards).

Some commissions have found it useful to have a blank motion format to help them form a proper motion. This can be an effective practice, as long as the motions are not completed prior to the meeting.

Because having staff or legal counsel prepare a motion or several motions in advance can create the perception that decisions have already been made, this practice is discouraged.

Some hints for making motions:

- Although the chairman can make sure everyone understands the motion by restating it, it may be preferable to have the person who is recording the motion do the restatement. Do not ask the person writing the minutes to "clean it up later," or say, "you know what we want to say." Take the time when the motion is made to get the wording right. To ensure accurate recording of the minutes, it is often useful to have the commissioner making the motion submit a written copy of the motion to the member taking minutes.
- Reference relevant sections of the ordinance and staff reports. If discussion on the issue is thoroughly documented in the minutes, the minutes may be adequate to represent information related

to compliance with the standards of the ordinance. Otherwise, a summary of the discussion is appropriate.

- ➡ Conditions may be imposed on any zoning decision, except rezonings (unless part of a planned unit development (PUD) rezoning).

Conditions attached to a decision have one purpose: to make sure that the standards used to make the decision are met. In other words, if the condition was not in place, the project would fail to meet the standards of the ordinance and must be denied.

Accordingly, a condition placed on an approval must have a reasonably direct relationship to one or more of the standards used to reach the decision.

- ➡ If the motion includes the need for further action, it should state who will be responsible to see that action completed. For example, “a revised site plan shall be submitted for the zoning administrator to certify that all conditions have been met.”

Finding of Fact

§48 One of the most effective means of documenting decisions is through a “finding of fact.”

A finding of fact is a concise statement of the action taken by the commission members. Normally it includes the same information contained in the motion, as noted above, but in greater detail.

The finding may be drafted during the meeting and completed as part of the approval of the minutes at the following meeting. Or it may be drafted prior to the following meeting. However, if drafted after the meeting, the author is not permitted to add points that should have been made during the meeting but were not. The purpose of the finding is not to create additional

support, but to more thoroughly document the support which was provided by the members during the meeting.

Neither the findings nor the minutes are official until reviewed and adopted by the commission.

Post-Decision Documentation

§49 Once the decision is made, there are some administrative steps that should be taken to help complete the record.

The applicant and secretary of the approving body should each sign and date two or three copies of the approved site plan. The applicant should keep one copy and the community should keep at least one other. This provides a record of what site plan was approved and when.

A copy of the minutes should be sent to the applicant following review by the approving body along with a letter specifically noting the action taken by the approving body, including any conditions placed on the approval.

This letter may include further instructions regarding the proposal. For example, if the approval granted was for a preliminary site plan, the letter may state that final site plan approval is necessary prior to issuance of a building permit. If other approvals are necessary, such as a variance, this should be noted as well.

Record Keeping

§50 The records of all applications should be complete, from the first contact to the final approval.

Try this test of your record keeping: can you pick up the office file of any application that has been approved and constructed and follow each step – from the first contact of the applicant to the last permit?

Generally, all records regarding zoning applications are considered permanent and are kept in perpetuity.

Project files should include, at a minimum:

- Relevant pages of minutes at which the proposal was discussed;
- Staff notes, meeting notes, correspondence, telephone conversation notes, etc.;
- A copy of the application and supporting material;
- An approved/signed copy of the site plan; and
- Follow-up correspondence (as noted above).

If You Build It, We Will Come . . .

§51. . . . to make sure it complies with the site plan that was approved. Someone should be given direct responsibility to make sure that any conditions or changes required by the commission are fully completed. Sending the building official a copy of the approved site plan could help this process.

TIP: If you are sued, check with your municipal attorney and make sure that he or she is experienced in land use litigation. Not all municipal attorneys are skilled in land use law and they will not mind if you ask them about their qualifications. If they are not as experienced as you would like, you should find another attorney to represent your city or village in the suit.

How to Avoid Litigation

§52 The short answer to avoiding litigation is simple – you can't! Governments are always open to lawsuits, regardless of the quality of their decisions. Far too often, disappointed applicants or neighbors look to the courts to solve their problems. As a result, you should not be overly influenced or concerned about whether or not your decision will result in a lawsuit – provided you have followed the ordinance and acted within your authority.

However, there are some actions you may take to strengthen your legal position should your decision be challenged.

Following an effective decision making process, as we have outlined here, is a start. As you have seen, the zoning process involves a wide variety of technical, administrative and judgmental factors.

Technical factors may include complying with the numerical requirements of the zoning ordinance such as setbacks, height and parking.

The administrative requirements include ensuring that notices are mailed and published, meeting procedures followed and other similar actions.

Finally, and probably most important, make sure that you properly use the judgmental factors to make effective zoning decisions. The standards provided in the zoning ordinance are the clearest guide you have to reaching a decision. All decisions must be based on these standards and the facts that are used to apply them.

Chapter 7

The Future for Planning Commissions

The New Age of Access

§53 We live in a time when the world is shrinking and our horizons are expanding. Communication technology is changing almost daily. Planning commissions will be faced with new challenges and opportunities that come with these changes.

Internet

§54 The Internet created exciting new opportunities for planning commissions to communicate with the public.

Contrary to popular belief, most commissioners want the public to be involved in their decisions, whether it concerns a new master plan, zoning change or a simple site plan review.

Many communities now have web sites that have details about tourist stops, census data, meeting agendas, schedules, boards and commissions and a wealth of other information.

Planning commissions may take advantage of this resource to summarize their past actions, provide information about future applications and hearings and to educate the public about planning issues.

The Web can also be a resource for information for the commission. The University of Michigan (<http://www.umich.edu>), Michigan State University (<http://www.msu.edu>) and the Michigan Department of Management and Budget (<http://mic/dmb.state.mi.us/dmbhome>) each maintain an extensive collection of data and maps at the state, county and local levels.

Another resource available through the Internet is electronic mail, or e-mail. This may allow the public to simply e-mail their comments regarding a particular application if they cannot be present at a meeting.

In the future the Internet will be able to provide “real time” (or live) communication between participants through their computers or home television sets.

In other words, the possibilities are nearly endless. If properly used, they can make the zoning and planning process more open to input from a better informed public.

Visual Tools

§55 The variety of visual tools available today, from digital cameras to video recording, provides an opportunity for commissioners and the public to participate together in the planning and zoning process.

Recording images of a proposed site, with a picture of future buildings and parking areas superimposed on it provides an accurate depiction of the design, circulation and environmental issues that might arise.

Another useful tool that is becoming available is geographic information systems, or GIS. A GIS ties a graphical map to information available about that map. For example, a map may depict property lines, but a GIS would provide additional information about the zoning, land value, ownership or any other data available about that property.

Other opportunities include:

- **Videoconferencing** for educational seminars, joint community meetings or

other purposes are also being made more available and affordable.

- ➔ **Computer CDs** with thousands of pages of information on a wide variety of topics are easily obtainable.

Future Implications

§56 Changes in technology are rapidly improving the availability of information. As people become more aware of their environment and the level of concern about how their community develops increases, it is likely that at least some of those who come to meetings or participate from their homes will be more knowledgeable and their views more sophisticated.

The implications for planning commissions in the future are widespread.

- ➔ As a planning commissioner, you will have to become more knowledgeable about projects and their potential effects on the community.
- ➔ You will be expected to absorb increasingly more technical information about the environment and technology. As a result, you will probably become more dependent on experts to guide your decisions.
- ➔ As your decisions become more technical, zoning ordinances will likely become more complicated and sophisticated. Ensuring compliance with ordinance standards will become even more important.
- ➔ The information you receive is likely to be more accurate and presented in ways that are more easily understood. The use of surveys, focus groups and informational meetings will become much more valuable as methods of securing opinions improve.

Training

§57 Planning commissioners should actively seek out training opportunities that are available through several statewide organizations, including the Michigan Municipal League, the Michigan Society of Planning Officials, the Michigan Townships Association and others. Some communities have adopted policies that require attendance at training sessions as a condition of appointment or reappointment to the planning commission.

The New, Improved Commissioner

§58 In short, planning commissioners of the future will need to be better trained to deal with the public, understand technical issues and be aware of development alternatives that may be available.

To accomplish this, commissioners will need a clear vision of the future of their community, more sophisticated regulations and a degree of sensitivity in dealing with the public.

You Can Do It!

§59 As you go through your term as a planning commissioner, you will learn much about building a better community. You should also have a sense of accomplishment and satisfaction in knowing that you are helping the community through its many changes.

Glossary

Accessory Building, Structure or Use – A building, structure or land use that is supplemental to the main structure or use.

Americans With Disabilities Act (ADA) – A comprehensive federal civil rights statute, Public Law 101-336, enacted in 1990, that provides disabled individuals with legal protection from discrimination in a broad range of public and private sector activities and services.

Americans With Disabilities Act Accessibility Guidelines (ADAAG) – Issued in conjunction with Titles II and III of the Americans With Disabilities Act on July 26, 1991, the guidelines contain general design standards for building and site elements, such as accessible entrances, routes, ramps, parking spaces, stairs, elevators, restrooms, signage, etc.

Barrier Free – Accessible to and usable by all citizens, including persons with permanent or temporary conditions which reduce coordination or mobility or make walking difficult or insecure, and persons with visual or hearing impairments, elderly persons and wheelchair users.

Barrier Free Environment – Containing no obstacles to accessibility and usability by people with disabilities.

Blight – Social and/or physical decay of the community. It is usually seen as decay of the central business district and a certain segment of the housing stock.

BOCA – Building Officials and Code Administrators International.

Brick or Stone Sand-Set Paver – Brick or stone set in sand and placed around a tree to allow water infiltration and give protection from pedestrians.

Builders Risk Insurance – Coverage which protects against physical damage to a building or structure during the course of construction. The coverage extends to equipment to be installed or incorporated in the structure. Coverage can be on either a named peril form or an all-risk form. Occupancy of the building or structure generally terminates coverage under the policy.

Building – Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind. This definition usually includes tents, awnings or vehicles situated on private property and used for purposes of a building.

Building Code – A set of regulations governing the construction of buildings.

Building Inspector – A state registered individual, usually employed by a municipality, responsible for the inspection of a structure for which a building permit has been issued by the municipality.

Building Official – A state registered individual responsible for the administration and adoption of construction codes. May include inspection responsibilities.

Building Permit – An official document issued by a city, village, township or county which grants permission to a contractor or private individual to erect a building or make improvement to an existing structure.

Clear Floor Space – The minimum unobstructed floor or ground space required to accommodate a single, stationary wheelchair and occupant.

Cluster Development – A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space and preservation of environmentally sensitive areas.

Community Development – A plan or program for improving or revitalizing a designated area or areas of a community, often including historical preservation.

Community Development Block Grant Program – The principal federal program providing grants to states, cities, towns and counties to devise innovative and constructive neighborhood approaches to improve the physical, economic and social conditions in their communities. The program has two components: Entitlement and Small Cities. The Entitlement portion of the program provides funds on a formula basis to cities and urban counties of over 50,000 population. The Small Cities portion of the program is available to small cities, townships and villages of less than 50,000 population and non-urban counties on a competitive basis. The program began as part of the Housing and Federal Community Development Act of 1974, amended, Public Law 93-383.

Composting – Decomposition of leaves, grass clippings and other biodegradable wastes.

Comprehensive Plan – See master plan.

Conditional Use – A use permitted in a particular zoning district only upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of such use as specified in a zoning ordinance. Special land uses have characteristics that make them potentially incompatible with adjacent uses of land unless special care is taken during the review process.

Condominium Act – 1978 PA 59, as amended. An act relative to condominiums and condominium projects. Major purposes of the act are to provide consumer protection and improve administrative procedures.

Condominium Project – A plan or project consisting of not less than two condominium units established in accordance with the Condominium Act, 1978 PA 59.

Condominium Structure – A building or structure constructed within a condominium project and intended for uses permitted in the zoning district in which it is located.

Condominium Subdivision Plan – The drawings and information prepared in accordance with Section 66 of the Condominium Act, 1978 PA 59.

Condominium Unit – The portion of a condominium project designed and intended for separate ownership use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational use as a time-share unit or any other type of use.

Cul-de-sac – A street, one end of which is closed and consists of a circular turn around.

Dedication of Land – A means of extending to developers the cost of certain public services needed to serve new development. For example, in lieu of requiring a cash payment for such improvements, governments may use their regulatory powers to require that developers dedicate land to parks needed for a new subdivision.

Density – The number of dwelling units or useable area per acre allowed on a parcel of land.

Discretionary Standards – General standards in an ordinance which are used to review site plans, special land uses, etc., to determine if a land use proposal is compatible with adjacent uses of land, natural resources and public services as regulated and defined in the zoning ordinance.

Easement – A right to use property owned by someone else, usually for a specific purpose. Most easements are used by utility companies.

Egress – Traffic outlets from private property to public roadways or exits from buildings or other facilities.

Eminent Domain – One of three major powers of local government (police power, taxation and eminent domain) which allows it to take private property for public use “with just compensation.”

Environmental Assessment – A multiphase analysis of a parcel of property to determine the likelihood of discovering hazardous contamination on the parcel. Environmental assessments commonly include visual inspections of property, document searches to determine proper use of a parcel and detailed soil and groundwater sampling to ascertain the presence of hazardous or toxic constituents.

Excepted Parcel – Land excluded from a development project that may border it on up to three sides.

Façade – The exterior of a wall of a building or all walls of adjacent buildings facing in one direction.

Fair Market Value – The cash value of a property sold by a willing seller to a willing buyer.

Fence – A structure erected upon a property line or front yard setback line for the purpose of separating properties, or for

screening, enclosing and/or protecting the property within its perimeter.

Fence, Decorative – A permanent barrier not used for enclosure. Any such fence may be a part of the overall landscape plan and may be composed of natural materials.

Finding of Fact – In an administrative proceeding setting, a concise statement of the action taken by the members of a planning commission which has the responsibility of determining the facts relevant to decide the issue or controversy being considered.

Floodplain – Nearly level, lowland areas that are subject to overflow flooding from bodies of surface water.

Geographic Information System (GIS) – A system that combines computer aided drafting and design and relational database managers to enable the collection and analysis of data with location and element attributes.

GIS – See Geographic Information System.

Grandfathering/Grandfather Clause – Legally, the exemption from regulatory or legislative enactments due to an entity's existence or operation prior to activation of a rule, act or law.

Greenway – A linear open space that stretches into or around municipalities, usually containing trees, shrubs and grassy areas.

Home Occupation – An occupation that is a secondary use, which is clearly subservient or incidental to the use of a one-family dwelling unit for residential purposes, usually subject to special conditions.

Hydrography – When used in the context of mapping, hydrography refers to the display of the locations of streams, lakes

and other bodies of water. In the context of a geographic information system, hydrographic refers to a layer of the graphic database containing this information.

Hypsography – Topographic relief or the mapping of varying elevations on the earth's surface. Commonly seen displayed as contour lines on various map products.

Infrastructure – The network of services and facilities which are necessary for the development, operation and growth of a city or village, including streets, water supply, sewerage, storm drains, etc.

Impact Fee – A charge to developers for the cost of off-site improvements needed to serve a new development. Impact fees provide up-front financing for the expansion of public facilities, such as the expansion of water and sewer treatment facilities or arterial roads, needed to serve a new development.

Industrial Park – A coordinated environment for a variety of industrial and related activities. The project is developed or controlled by one proprietary interest. It has an enforceable master plan and/or covenants, conditions and restrictions. The development may be on one parcel, may be subsidized, may have condominium ownerships or a combination of these types.

Infrastructure – Those services and facilities which are necessary for the development, operation and growth of an organization, municipality or nation. Such services and facilities would include transportation, communication, utilities, productive enterprises, retail centers, residential developments, recreation sites, etc.

Land Development Transfer Act – A potential alternative to annexation. 1984 PA 425 allows the conditional transfer of land from one local unit of government to

another, based on local consent, for a period of not more than 50 years for the purpose of economic development. An intergovernmental contract stipulates conditions. For example, the manner and extent to which taxes and revenues are shared.

Land Use – Refers to the determinations made as to how various areas of land may be used.

Lien – A claim on assets, especially property, for the payment of taxes or utility service charges.

Lot – A piece of land divided from a larger parcel.

Lot Lines – The boundaries of a land parcel.

Manufactured Housing – A factory-built, single-family structure manufactured under the authority of 42 U.S.C. Sec. 5401, the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site and which does not have wheels or axles permanently attached to its body or frame.

Master Plan – An officially adopted municipal government document which serves as a policy guide to decisions about the physical, social, economic and environmental development of the community.

Non-Conforming Use – A use which lawfully occupied a building or land at the effective date of an ordinance, or amendments thereto and that does not conform to the use regulations of the district in which it is located.

Nondiscretionary Standards – Measurable criteria such as a setback, height or bulk regulation that must be met or complied with in order to get a zoning approval.

Older/Urbanized Communities – Those communities in a region that are more than 100 years old and/or were largely developed by the mid-twentieth century. Because the population total is, and will remain, fairly static, most “growth” in this metropolitan area will mean a shifting of population, rather than new in-migration population. The older/urbanized communities are generally the ones drained by inter-regional shifting.

Open Space – That ground area and the space above such ground area, which is unimpeded from the ground to the sky by any structure, except that the area may be used for environmental, landscaping or recreational purposes. Parking lots, storage areas for vehicles and material and roads shall not be considered as open space.

Ordinance – A law or an order enacted by a municipal government, usually pertaining to a specific subject, as in an Animal Control Ordinance.

Ordinance Code – A systematic integration of all municipal ordinances into a single book, organized by subject matter, tied together by a common numbering system and thoroughly indexed.

Other Permitted Use – A land use permitted in a zoning district only under special conditions. The term does not include principal uses permitted in the ordinance.

Performance Bond – A financial security collected by a community from an applicant to insure that required improvements are actually constructed.

Performance Standard – A regulation that admits or denies a particular use in a

zoning district on the basis of the proposed use’s capability to meet noise air pollution vibration, heat, visual impact or other standards.

Planned Unit Development (PUD) – A zoning development management approach to physical growth which combines housing, commercial, light manufacturing and open space uses all in the same zone, while maintaining an overall density comparable to conventional development.

Plat – The map of a subdivision, showing the number and dimensions of lots, public rights-of-way and easements.

Principal Use – The primary, major, main, leading, outstanding or chief use which land serves or is intended to serve.

Reasonable Accommodation – The principle by which employment and public accommodations are made accessible to people with disabilities. Under the Americans with Disabilities Act , employers are required to make certain adjustments to the known physical and mental limitations of otherwise qualified disabled applicants and employees, unless it can be demonstrated that a particular adjustment would be unreasonable or impose an undue hardship on the employer.

Required Parking – The minimum number of square feet or spaces required by the zoning ordinance to be reserved for parking automobiles.

Rezoning – The process for changing a zoning from one classification to another.

Riparian Corridor – The green area along a waterway such as a river, stream or lake.

Riparian Right – The legal right to use or distribute both above and below ground water sources of riparian land.

Setback – The required minimum horizontal distance between the building line and the related front, side or rear property line.

Sidewalk Pit – The small patches of soil found amid the sidewalks of the most urbanized sections of a city. The pits are designed as “street planters” for trees and other greenery.

Sign – The use of any words, numerals, figures, devices, designs or trademarks that are used to show an individual firm, profession or business and are visible by the general public.

Site Condominium – A condominium project in which each co-owner owns exclusive rights to a parcel of land known as a condominium unit. According to the master deed, the owner has a right to construct a residence or other authorized building within the condominium unit.

Site Plan – A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses and principal site development features proposed for a specific parcel of land.

Special Land Uses – Those uses of land which may be appropriate and compatible with existing or permitted land uses in a particular zoning district if individualized care is taken to assure that the characteristics of the use under consideration are compatible with adjacent land uses, the natural aspects of the site and the general character of the area, including availability of public services and facilities.

Subdivision – The legal separation of a parcel of land into lots for future sale and/or development.

Topology – A display of information that produces one uniform data set that is

derived from two or more data sets. For example, when we query the geographic information system (GIS) for all of the vacant parcels that are five acres or greater and are within two miles of an expressway node, the resulting display of the data that meet the conditions would be topology.

Unnecessary Hardship – A standard an applicant must prove has been met in order to gain approval for a variance.

Urban – A geographic area having the characteristics of a city, especially in terms of population. Opposed to rural, which usually describes an area of small population and agricultural activity.

Urban Sprawl – A generic term to describe what is really a two-part process – sprawling low density growth at the suburban fringe and the concurrent disinvestment and abandonment of older urbanized communities.

Use – The purpose to which a land parcel is being or is proposed to be put.

Variance – The decision to alter the provisions of a land use ordinance, usually on a single piece of land.

Zoning – Designating certain geographical areas of a community for specific purposes, as residential zone, commercial zone or agricultural zone.

Zoning Board of Appeals – The body that considers appeals from administrative zoning decisions.

Zoning Classification – The name given to types of zones such as single family residential, rural residential, agricultural, regional shopping, neighborhood shopping, office, industrial, etc.

A

- Access, to information, **§53**
- Accessory Building, Structure or Use, defined in the Glossary
- Americans With Disabilities Act Accessibility Guidelines (ADAAG), defined in the Glossary
- Approvals, **§42**
- Architectural Controls, **§28**
- Architectural Review Board, **§28**

B

- BANANA, **§41**
- Barrier Free Environment, defined in the Glossary
- Barrier Free, defined in the Glossary
- Blight, defined in the Glossary
- BOCA, defined in the Glossary
- BOCM, defined in the Glossary
- Brick or Stone Sand-Set Paver, defined in the Glossary
- Builders Risk Insurance, defined in the Glossary
- Building Code, defined in the Glossary
- Building Inspector, defined in the Glossary
- Building Official, defined in the Glossary
- Building Permit, defined in the Glossary
- Building, defined in the Glossary

C

- Capital Improvement Plan, **§13**
- Case Facts, sources of, **§39**
- CD Roms, **§55**
- Chairman at Meetings, rules for, **§35**
- Circulation, of vehicles and pedestrians, **§23**
- Clear Floor Space, defined in the Glossary
- Cluster Development, defined in the Glossary
- Commissioner, roles and responsibilities, **§2, §3**
- Commissioners at Meetings, rules for, **§34**
- Community Development Block Grant Program, defined in the Glossary
- Community Development, defined in the Glossary
- Compatibility, with surrounding uses, **§22**
- Composting, defined in the Glossary
- Comprehensive Plan, see Master Plan
- Computer CDs, **§55**
- Conditional Use, defined in the Glossary
- Condominium Act, defined in the Glossary
- Condominium Project, defined in the Glossary
- Condominium Structure, defined in the Glossary
- Condominium Subdivision Plan, defined in the Glossary
- Condominium Unit, defined in the Glossary
- Cul-de-sac, defined in the Glossary

- D**
- Decision, related to planning commission, **§4**
 - Decision-making, **§37**
 - Decisions of Planning Commission, effect of, **§7**
 - Decisions, making them stick, **§45-52**
 - Denials, **§42**
 - Density, defined in the Glossary
 - Development Policies, **§9**
 - Documentation, post-decision, **§49**
 - Drainage, proper, **§27**
- E**
- Easement, defined in the Glossary
 - Egress, defined in the Glossary
 - Emergency Access, **§25**
 - Eminent Domain, defined in the Glossary
 - Emotional Responses, **§31**
 - Environmental Assessment, defined in the Glossary
 - Excepted Parcel, defined in the Glossary
 - Exterior Lighting, **§26**
- F**
- Façade, defined in the Glossary
 - Fair Market Value, defined in the Glossary
 - Fairness, rules of, **§30, §32**
- Fence, Decorative, defined in the Glossary
 - Fence, defined in the Glossary
 - Finding of Fact, defined in the Glossary
 - Finding of Fact, defined, **§48**
 - Floodplain, defined in the Glossary
 - Future Land Use, **§11**
 - Future, of planning commissions, **§53-59**
- G**
- Geographic Information System (GIS) , defined in the Glossary
 - Geographic Information Systems (GIS), **§55**
 - GIS – See Geographic Information System.
 - Grandfathering/Grandfather Clause, defined in the Glossary
 - Greenway, defined in the Glossary
 - Growth Policies, **§9**
- H**
- Historic Commission, **§28**
 - Home Occupation, defined in the Glossary
 - Hydrography, defined in the Glossary
 - Hypsography, defined in the Glossary
- I**
- Impact Fee, defined in the Glossary
 - Industrial Park, defined in the Glossary

Information, for more, **§53-54**
Infrastructure, defined in the Glossary
Infrastructure, defined in the Glossary
Internet, as source of more information, **§54**

L

Land Development Transfer Act, defined in the Glossary
Land Division Ordinance, **§13**
Land Use, **§5**
Land Use, defined in the Glossary
Land Use, future, **§11**
Land Use, local control of, **§10**
Land Use, related to zoning, **§11**
Landscape, preservation of, **§21**
Lien, defined in the Glossary
Lighting, exterior, **§26**
Litigation, avoiding, **§52**
Litigation, tip, **§52**
Lot Lines, defined in the Glossary
Lot, defined in the Glossary

M

Map, zoning, **§11**
Master Plan, **§7**
Master Plan, **§9**
Master Plan, defined in the Glossary

Master Plan, kept current, **§41**
Master Plan, recognition by courts, **§12**
Master Plan, up-to-date, **§12**
Meeting Minutes, **§46**
Meeting the Public, **§29-36**
Meetings, checklist before attending, **§15**
Meetings, preparing for, **§14-28**
Meetings, relevant information, **§16**
Meetings, rules for planning commissioners, **§34**
Meetings, rules for speakers, **§33**
Meetings, rules for the commission chairman, **§35**
Meetings, site visits, **§17**
Michigan Open Meetings Act, defined, **§18**
Michigan Open Meetings Act, intent, **§18**
Minutes, for meetings, **§46**
Motions, explained, **§47**
Motions, hints for making, **§47**

N

Natural Features, preservation of, **§21**
NIMBY, **§41**
Non-Conforming Use, defined in the Glossary
Nondiscretionary Standards, defined in the Glossary

- O**
- Older/Urbanized Communities, defined in the Glossary
 - Open Meetings Act, defined, **§18**
 - Open Meetings Act, intent, **§18**
 - Open Space, defined in the Glossary
 - Ordinance, defined in the Glossary
 - Other Permitted Use, defined in the Glossary
- P**
- Pedestrians, circulation of, **§23**
 - Performance Bond, defined in the Glossary
 - Performance Standard, defined in the Glossary
 - Planned Unit Development (PUD) , defined in the Glossary
 - Planning Commission Meetings, rules for commissioners, **§34**
 - Planning Commission Meetings, rules for speakers, **§33**
 - Planning Commission Meetings, rules for the chairman, **§35**
 - Planning Commission, authority, **§4**
 - Planning Commission, decisions, **§4**
 - Planning Commission, defined, **§4**
 - Planning Commission, greatest responsibility, **§13**
 - Planning Commissioners at Meetings, rules for, **§34**
 - Planning Commissioners, roles and responsibilities, **§2, §3**
 - Plat, defined in the Glossary
 - Policies, development, **§9**
 - Policies, growth, **§9**
 - Preservation, of landscape, **§21**
 - Preservation, of natural features, **§21**
 - Principal Use, defined in the Glossary
 - Property Right Laws, **§41**
 - Public Hearings, **§30**
 - Public Input, **§42**
 - Public, role of, **§42**
- R**
- Reasonable Accommodation, defined in the Glossary
 - Record Keeping, **§50**
 - Recreation Plan, **§13**
 - Required Parking, defined in the Glossary
 - Responding to the Public, emotions, **§31**
 - Rezoning, defined in the Glossary
 - Riparian Corridor, defined in the Glossary
 - Riparian Right, defined in the Glossary
 - Rules of Procedure, for planning commissions, importance of, **§41**

S

Safety, of vehicular and pedestrian circulation, **§23**

Setback, defined in the Glossary

Sidewalk Pit, defined in the Glossary

Sign, defined in the Glossary

Site Condominium, defined in the Glossary

Site Plan, defined in the Glossary

Site Plan, defined, **§20**

Site Planning Principles, **§20**

Site Plans, as part of a rezoning, **§24**

Site Visit, what to look for, **§19**

Site Visits, **§17, §19-28**

Site Visits, alternatives, **§17**

Site Visits, precautions, **§17**

Speakers at meetings, rules for, **§33**

Special Land Uses, defined in the Glossary

Staff, municipal, role of, **§43**

Standards, of the zoning ordinance, **§37**

Subdivision, defined in the Glossary

Surrounding Uses, compatibility with, **§22**

T

Technology, future implications of, **§56**

Topology, defined in the Glossary

Training, **§57**

U

Unnecessary Hardship, defined in the Glossary

Urban Sprawl, defined in the Glossary

Urban, defined in the Glossary

Use, defined in the Glossary

V

Variance, defined in the Glossary

Vehicles, circulation of, **§23**

Videoconferencing, **§55**

Visual Tools, **§55**

W

Water, surface, removal/storage of, **§27**

Z

Zoning Board of Appeals, defined in the Glossary

Zoning Classification, defined in the Glossary

Zoning Map, **§11**

Zoning Ordinance Standards, **§37**

Zoning Ordinance, **§10**

Zoning Ordinance, kept current, **§41**

Zoning Ordinance, updating, **§12**

Zoning, defined in the Glossary

Zoning, related to future land use, **§11**

**City of Imlay City
PLANNING COMMISSION
By-Laws**

**Article 1
Purpose and Duties**

Section 1.1 Purpose

The purpose of the Planning Commission is to provide for the orderly development of the City of Imlay City while protecting the public health, safety, and general welfare of the City of Imlay City as required by the Michigan Planning Enabling Act of 2008 and the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended).

Section 1.2 Duties

The duties of the Planning Commission shall include the following:

- a) to create a Master plan for the city's physical development,
- b) the Master Plan is a policy document that the Planning Commission will review at minimum every five years. With adoption by the City Commission.
- c) to create a Zoning Ordinance for the City, based on the Master Plan, and to recommend changes to the City's Ordinances, as needed. The Ordinance establishes zoning districts and regulates the use of land within each district. With adoption by the City Commission.
- d) to review site plan proposals for approval, disapproval, or approval with conditions, based on consistency with the Master Plan and the Zoning Ordinance.
- e) to review special land use proposals for approval disapproval or approval with conditions, based on consistency with the Master Plan and the Zoning Ordinance.
- f) to review the requested rezoning of properties and recommend to the City Commission their findings.
- g) to annually review all public improvement projects within the city limits under the Capital Improvement Plan, to ensure compliance with the Master Plan and the Zoning Ordinance. The Commission shall prioritize all projects for completion and provide the proposed improvements to the City Commission for final approval.
- h) The Planning Commission shall submit an annual report to the City Commission which shall include a proposed Planning Commission budget. The City Commission shall annually appropriate the funds necessary, in its judgment, for the operation of the Planning Commission during the fiscal year.

City of Imlay City
PLANNING COMMISSION
By-Laws

Article 2
Membership

Section 2.1 Membership

The Commission shall consist of seven (7) members, who must be qualified electors of the City of Imlay City. The members of the Planning Commission shall be representatives of important segments of the community, such as industry, natural resources, recreation, education, public health, government, transportation, and commerce. No employee of the city shall be a member of the Planning Commission. Members shall be appointed by the Mayor with the approval of the City Commission. One of the Planning Commission members shall be an ex-officio member who shall be a member of the City Commission and one of the Planning Commission members shall be an ex-officio member who shall be the Mayor. All members, including ex-officio members, shall have full voting rights. Vacancies occurring for any reason shall be filled for the remainder of the unexpired term by appointment of the Mayor with the approval of the City Commission.

Section 2.2 Terms

Each appointed member, except ex-officio members, shall serve for a three (3) year term. Terms shall be staggered so that no more than two (2) of the members' terms (not including ex-officio members' terms) shall expire in any one (1) year. Members may be eligible for reappointment at the discretion of the City Commission. The terms of office of the ex-officio members who serve on the Planning Commission shall correspond to their elected terms of office on the City Commission.

Section 2.3 Compensation

Members shall be compensated for their services and reimbursed for expenses as provided by the City Commission. The 2024 rate for services is set at \$10 for all meetings. Reimbursement is on a case-by-case basis.

Section 2.4 Training

Education and training are critical to the planning and development of the City of Imlay City. At a minimum, one training course a year is required for the Planning Commission.

Section 2.5 Attendance

It is expected that Planning Commission members attend regular and special meetings as declared. Upon a Planning Commission member being unable to attend a meeting, prior notice shall be provided to Imlay City staff. Providing notice of an absence shall be considered an excused absence. Not providing notice prior to the Planning Commission meeting shall be considered an unexcused absence.

Section 2.6 Conflict of Interest

Members shall avoid conflicts of interest and exercise fair, honest, and independent judgment in all deliberations and decisions. A conflict of interest may be considered any of the following situations:

- a) A direct relative or other family member is involved in any request for which the Planning Commission is asked to make a decision;
- b) Issuing, 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

**City of Imlay City
PLANNING COMMISSION
By-Laws**

- other relationship where he or she may stand to have a financial gain or loss.
- c) Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by him or her or which is adjacent to land owned by him or her.
 - d) There is a reasonable appearance of a conflict of interest, as determined by the Planning Commission member declaring such conflict.

If a member is concerned about a conflict of interest that member shall declare a potential conflict of interest before any discussion of the item on the agenda. Upon the member identifying a potential conflict of interest, a vote upon members of the Planning Commission shall be done to review if the member has a conflict of interest. The majority will determine if the Planning Commission member may proceed. The member with the potential conflict of interest shall abstain from the vote.

Upon finding there is a conflict of interest the Planning Commission member shall abstain from all conversation regarding the agenda item. The member may choose to leave the table.

Upon finding there is no conflict of interest the Planning Commission member shall participate in the discussion and voting of the agenda item as they see fit.

Section 2.7 Member in Bad Standings

The behavior and commitment of each Planning Commission shall display a certain level of decorum. Below is a list of factors that can result in being considered a member in bad standings:

- a) Three (3) or more unexcused absences by member.
- b) Exercising bad judgment regarding potential or real conflict of interest.
- c) Two (2) unexcused consecutive absences for annual trainings.
- d) Malfeasance is acting in a wrongful, dishonest, or illegal way in his/her capacity as a Planning Commission member.
- e) Misfeasance is acting in a legal but harmful way as a Planning Commission member.
- f) Nonfeasance is abstaining from voting where no conflict of interest exists.

The Planning Commission at any meeting may take a vote if a member of bad standing shall be declared. The Planning Commission will take a majority vote to see if they recommend removal of that member from the Planning Commission. The City Commission may then consider remove of a member of the Planning Commission.

Article 3

Officers

Section 3.1 Positions

The officers of the Planning Commission are the Chair, Vice-Chair, and Secretary. Officers are to be elected annually at the July meeting. Ex-officio members of the Commission are not eligible to serve as Chair or Vice Chair.

City of Imlay City
PLANNING COMMISSION
By-Laws

Section 3.2 Chair

Duties of the Chair are:

- preside at all meetings, following parliamentary procedure, as stated in Roberts Rules of Order.
- represent the Planning Commission at local governmental levels.

Section 3.3 Vice Chair

Duties of the Vice-Chair are:

- act as Chair, with all powers and duties of that office, in the Chair's absence.

Section 3.4 Secretary

Duties of the Secretary are:

- provide, or cause to be provided, notice to the public and members of the Commission of all regular and special meetings, according to the Open Meetings Act.
- keep, or cause to be kept, minutes of each meeting.
- act as Chair when the Chair and Vice Chair are absent.

Section 3.5 Recording Secretary

The Planning Commission may allow other persons to act as Secretary. This may include the City Clerk, Deputy Clerk, or any other City employee whom the City Clerk appoints. This person will carry out all the duties listed for the Secretary.

Article 4

Meetings

Section 4.1 Meeting Periods

Regular meetings of the Planning Commission shall be held on the fourth Tuesday of every month at 6:00 PM in City Hall unless otherwise noted and are open to the public. In no event shall the Planning Commission hold less than four (4) regular meetings during each calendar year. As stated in the Code of Ordinances Chapter 151.

Notice of meetings shall be given according to the provisions of the Michigan Open Meetings Act. Public hearings and meeting notices shall be available on the City of Imlay City website, and the front window of City Hall, and/or published in the local circulating newspaper.

Section 4.2 Special Meetings

Special meetings may be called by the Chair or by any two (2) members of the Planning Commission. All procedural rules of regular meetings apply to special meetings.

Section 4.3 Quorum

A majority of the members of the Planning Commission shall constitute a quorum for the transaction of business. A minimum of four (4) members are required to constitute a quorum to make decisions at a meeting.

**City of Imlay City
PLANNING COMMISSION
By-Laws**

Section 4.4 Procedure

Rules of procedure for meetings shall be according to Roberts Rules of Order.

Section 4.5 Public Comment

A time for public comment shall be provided at each meeting. The chair may limit the time to three (3) minutes for each person to comment, to provide for an orderly and timely meeting.

Section 4.6 Voting

Voting shall be by voice and shall be recorded as passing or failing. A roll call vote may be requested by any member of the Planning Commission and shall be recorded as Ayes, Nays, or abstain.

Any member of the Commission shall avoid situations where they are sitting in judgement and voting on a decision which they had a part in making. As used here, sitting in judgement and voting on a decision which they had a part in making, at a minimum shall include, but not necessarily be limited to, the following:

- a) When the appeal is of an administrative or other decision by Commission and the member of the Commission sits both on the Commission and Zoning Board of Appeals.
- b) When the appeal is of an administrative or other decision by any committee of the Commission, City Commission, or other committee and the member of the Commission sits both on that committee and Zoning Board of Appeals or both on the Commission and Zoning Board of Appeals.
- c) When the case is an administrative decision which was decided by the Commission and sent to the City Commission for further action, and the member of the Commission sits both on the Commission and City Commission.

Section 4.7 Passing Motions

The affirmative vote of a majority of those present shall be necessary for the adoption of a motion. Voting by proxy shall not occur unless as permitted by Michigan Open Meeting Act MCL 15.261 et seq.

Section 4.8 Committees

The Planning Commission may establish and appoint ad hoc committees for special purposes or issues, as deemed necessary. Less than a quorum may serve on an ad hoc committee at any given time. Membership may include members of the Planning Commission or citizens. These committees shall provide recommendations back to the Planning Commission. These committee meetings must meet all the requirements of the Michigan Open Meeting Act MCL 15.261 et seq.

Section 4.9 Documentation

All meeting minutes are posted on the City of Imlay City's website under the Planning Commission tab or are available at City Hall for viewing. Planning Commission agendas are located on the calendar.

**City of Imlay City
PLANNING COMMISSION
By-Laws**

Section 4.10 Open Meetings Act

All meetings and records of the Authority shall be open to the public. The Planning Commission shall make proposed minutes available for public inspection within eight (8) business days after the meeting to which the minutes refer. The Planning Commission shall make approved minutes available for public inspection within five (5) business days after the meeting at which the minutes are approved by the public body.

Section 4.11 Agenda

The normal order of business.

- a) CALL TO ORDER
- b) PLEDGE OF ALLEGIANCE
- c) ROLL CALL
- d) APPROVAL OF AGENDA
- e) APPROVAL OF MINUTES
- f) APPROVAL OF FINANCIALS
- g) CITIZENS FROM THE FLOOR
- h) PUBLIC HEARING (as needed.)
- i) UNFINISHED BUSINESS
- j) NEW BUSINESS
- k) CITIZENS FROM THE FLOOR
- l) OTHER
- m) ADJOURNMENT

The Planning Commission reserves the right to modify the standard agenda based on the needs of the community.

Section 4.12 Recess

The Chair may suspend the Planning Commission's business and evaluate the remaining items on its agenda due to length of the meeting. The Chair may establish a break for a certain amount of time. The Planning Commission can 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 Planning Commission will reconvene. If more than eighteen (18) hours will pass before the reconvened Planning Commission, public notice shall be given to comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meeting Act MCL 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 Planning Commission shall resume with the same meeting agenda, proceeding at the same point where they left off, without the addition of additional business.

City of Imlay City
PLANNING COMMISSION
By-Laws

Article 5
Amendments

Section 5.1 Initiating

Amendments to these bylaws may be proposed at any meeting of the Planning Commission.

Section 5.2 Annual Review and Approval Process

These bylaws shall be reviewed at a minimum annually at the first regular meeting of the Planning Commission of the calendar year by an affirmative vote of two-thirds (2/3) of the members present and presented to the City Commission for approval.

Adoption

The undersigned Planning Commission Chair of the Planning Commission of the City of Imlay City hereby certifies that these bylaws, as presented, were duly adopted by the Planning Commission at a meeting held on the 28th day of May, 2024.



Walt Bargaen, Planning Commission Chair

The undersigned City Clerk of the City of Imlay City hereby certifies that these bylaws, as Amended and Restated, were approved by the City Commission of the City of Imlay City at a regular meeting held on the fourth day of June, 2024.



Dawn Sawicki-Franz, City Clerk

ROBERT'S RULES

of ORDER *QuickStudy*



Introduction

- Published in 1876, *Robert's Rules of Order* was originally written by U.S. Army Brigadier General Henry Robert
- Robert wanted to write a manual for parliamentary procedure after presiding over a church meeting for which he felt he was woefully unprepared
- In his work, Robert discovered that people from different regions of the country have different ideas of parliamentary procedure, resulting in organizations focused more on the procedure and less on the substance of their work
- As a result of his *Rules of Order*, people could belong to many organizations without needing to learn new procedural rules at every new organization

• *Robert's Rules of Order* are based on those used in the U.S. House of Representatives (*Jefferson's Manual*), but adapted for smaller organizations and societies

NOTE: "Parliamentary law" is not actual law in the sense that it is not codified or used in a court proceeding; instead, "parliamentary law" and *Robert's Rules of Order* should be seen less as binding on an assembly and more as a set of strong guidelines an assembly can mold to its own needs

Robert intended his *Rules of Order* to be adopted by organizations, assemblies, and clubs to use as their parliamentary, or procedural, authority; following the procedures for adopting bylaws then, these *Rules of Order* become binding upon the organization to establish its procedural rules of order

Preliminaries

Kinds of Assemblies

Deliberative assemblies convene meetings; they are groups of people who come together with a common agenda: **the meeting**; the different types of deliberative assemblies are:

- **Mass meetings:** Open and unorganized meetings with a purpose defined by the meetings' sponsors (e.g., political or social rallies)
- **Conventions:** Meetings of delegates chosen to enact or debate decisions affecting a large group of people (e.g., the meetings by political parties to choose their nomination for the U.S. presidency)
 - **Legislative bodies:** Lawmaking bodies chosen by a group of people for a fixed period of time (e.g., Congress)
- **Boards:** Administrative or managerial bodies with an assigned, specific function (e.g., a Board of Trustees of a university)
- **Committees:** Bodies that are usually very small and subordinate to an assembly or board (e.g., a congressional committee)

Mass Meetings

A special kind of meeting that is publicized and open to the public is a **mass meeting**; it usually takes on a "town hall meeting" format; to prepare for a mass meeting, the sponsors must:

- Choose who they prefer as a chairperson
- Choose who calls the meeting to order and nominates the chairperson
- Choose who should be nominated for secretary and by whom
- Decide the rules that will be proposed for the meeting
- Choose who makes the initial speech opening the meeting and explaining its purpose

To conduct business, the assembly at the meeting should adopt **resolutions**; these resolutions may be drafted before the meeting, or the assembly can appoint a committee to draft the resolutions at the meeting



Conventions

A **convention** is an assembly of **delegates**, or representatives of the assembly or constituency, sitting as a single body and acting in the name of the larger group; an assembly may call a convention any time the bylaws authorize the assembly to call one; the bylaws that govern a convention should outline:

- The authorization for a periodic convention
- The powers and duties for the convention and the delegates
- The quorum for the convention
- The voting members
- Qualifications for the delegates and alternates and their election
- Anything the convention needs for its organization and operation

A **caucus** is a meeting the delegates hold before the actual convention where they decide how they will deal with certain procedural matters of the convention. Planning a convention requires a lot of preparation that usually starts months in advance; the established society should create committees for the convention to help organize the convention; usually the organization needs:

- A **credentials committee**, which performs the following duties:
 - Distributes information for attending the convention
 - Distributes information for being a delegate
 - Examines all applications to verify the eligibility of the members who wish to be delegates
 - Compiles the list of eligible members
 - Arranges for registration to take place at the convention, usually starting one or two days before the convention starts
 - Handles registration
 - Prepares the committee's first report
 - Continues until the convention ends
- A **committee on standing rules**, which drafts rules for the convention, including:
 - Parliamentary rules
 - Rules for conducting business at the convention
 - Any other non-parliamentary rules that the committee feels should be added
- A **program committee**, which plans the schedule of meetings, proceedings, and convention events
- A **convention arrangements committee**, which makes the arrangements for the site of the convention and any hotel arrangements for the members
- A **resolutions committee**, which screens all the main motions that are about to come in front of the convention

Legislative Bodies

A **legislative body** is a constitutionally established public body of representatives chosen by an electorate for a fixed term of office, charged with making laws; each legislative body is specific to its own laws, procedural rules, and decorum; therefore, *Robert's Rules of Order* does not delve into the parliamentary procedure of legislative bodies

Boards & Officers

A **board** is the administrative and judicial body of the assembly with the power to act on behalf of the organization; usually the members of the board are elected or appointed

Officers are leaders of an assembly and are usually elected; there are three main officers that are essential to an organized group, especially a large group:

- **President or chairperson**, although if the president is acting as the chairperson for the meeting, he/she is referred to as the chairperson
- **Vice president**, who serves as the president or chairperson, if needed
- **Secretary**, who keeps the minutes (or notes) of each meeting and is the records keeper for the assembly

The president or chairperson has many important duties in running the meetings and the assembly; they include:

- Opening a meeting on time and calling it to order
- Announcing the order of business and keeping to the stated order
- Recognizing members to speak on the floor
- Keeping tabs on voting procedures and announcing the legitimate results of each vote
- Refusing to honor frivolous motions and ensuring that all members act with decorum
- Handling business in the most efficient way possible
- Deciding questions of order and responding to members' questions about parliamentary procedure
- Authenticating his/her signature
- Properly adjourning the meeting

Committees

Committees, or bodies of one or more elected or appointed people who consider, investigate, or take action on specific matters, can take many forms:

- **Ordinary committee:** A small number of people to whom the assembly gives a specific task, such as the Senate Judiciary Committee, which is charged with vetting Supreme Court candidates
 - **Committee of the whole:** A whole assembly charged with acting as an ordinary committee; this is usually used only in larger legislative assemblies, when a motion to commit passes
 - **Standing committee:** Committees that continue to exist, such as a committee created by the bylaws
 - **Special committees:** Committees that stop existing when they finish the task they were assigned; an example is the Watergate committee, which investigated President Nixon
- Committees are created through the bylaws or through a main motion; there are various methods of appointing or electing members to the committee:
- **Election by ballot**, where the assembly nominates the committee members and votes according to a ballot

- **Nominations from the floor**, where the assembly nominates the committee members without the secrecy of ballot voting
 - **Nominations by the chair**, if the chairperson has special knowledge and judgment about the committee's tasks
 - **Appoint by adoption of a motion naming members to a committee**, where the assembly adopts a motion to create the committee that includes the committee members' names
- Committee meetings follow the same parliamentary procedure as do the larger assembly meetings, including the rules outlined in the bylaws

Committee of the Whole

A *committee of the whole* and its alternate forms are procedural devices that allow the full assembly to consider a matter deeply as a committee would

- A **committee of the whole** is usually used in larger assemblies; any voting results are used as recommendations to the assembly and not as a final decision of the assembly

- A **quasi-committee of the whole** is usually used in medium-sized assemblies; the voting operates the same as in a committee of the whole, except that the chairperson of the assembly remains as the chairperson of the committee
 - **Informal consideration** is best suited for a small assembly; it lifts the formal speaking and debating requirements
- Even though a committee of the whole (or quasi-committee of the whole) acts like the general assembly, important exceptions include:
- Committees of the whole cannot create subcommittees or comment on another committee's work
 - Appeals from the decision of the chair must be directly voted on
 - Debate can be closed or limited by the assembly only before going into committee of the whole
 - Committees of the whole cannot order roll call or ballot votes
 - Committees of the whole cannot impose disciplinary measures; they may only report the facts to the assembly
 - Committees of the whole cannot adjourn or recess

NOTE: Permanent Society = Club = Organization = Assembly; *Robert's Rules of Order* uses these terms interchangeably

Starting a Permanent Society

Organizing a *permanent society* starts much the same way as a mass meeting, but the invitations are limited to interested people; anyone may organize a permanent society, and the organizer should choose the interested people to begin the organization; at the first organizational meeting, the proposed members should accomplish these tasks:

- Elect temporary officers
- Adopt a resolution to form an organization or society
- Provide background information for the organization or society
- Give opinions as to the direction the organization should take
- Introduce and adopt a motion to form a committee to draft bylaws
- Introduce and adopt a motion to fix the meeting dates and times for the report of the bylaws committee
- Introduce and adopt a motion authorizing the bylaws committee to reproduce copies of the complete draft for everyone

At the second organizational meeting, the members should:

- Read and approve the minutes from the first meeting
- Receive the report from the bylaws committee
- Read each article and section from the bylaws
- Vote to adopt the bylaws
- Decide the date and time for the next meeting

Combining or Ending Organizations

- When two existing organizations wish to combine, they may *merge*, where one organization loses its independent identity, or *consolidate*, where each organization keeps its independent identity, and they form a new organization to absorb the two organizations' assets and liabilities
- When an organization ends, it *dissolves*; an incorporated organization must dissolve according to the laws of the state in which it is incorporated, through a resolution

Procedural Rules & Bylaws for All Types of Organizations

Assemblies and organizations need *procedural rules* to guide parliamentary procedure; the different kinds of rules assemblies and organizations can adopt are:

- **Corporate charters:** Legal instruments needed for incorporating an assembly or organization under the laws of a particular state
 - **Constitution/bylaws:** A society's own basic rules for itself as an organization, such as its name, purpose, and committees
 - **Rules of order:** Rules of parliamentary procedure for running ordinary business while in meetings
 - **Standing rules:** Rules for the administration of the organization instead of parliamentary procedure
- Bylaws* are the rules that the organization uses for its own administration; usually an organization appoints a committee to draft the bylaws before implementation; the basic way to structure bylaws is:
- **Article 1 – Name:** Describes the name of the organization if not already done in a corporate charter or constitution
 - **Article 2 – Object:** Describes the society's objective and the reason behind its creation
 - **Article 3 – Members:** Describes the different types of members, qualifications for membership, and any dues or fees that must be paid
 - **Article 4 – Officers:** Describes the offices, their duties, and how the officers will take their office
 - **Article 5 – Meetings:** Describes the dates and times for regular meetings or how the assembly will schedule meetings
 - **Article 6 – Executive Board:** States which offices are included in the executive board, delineates the powers of the board, and describes any rules for the board to conduct its business
 - **Article 7 – Committees:** Establishes standing committees as well as their functions and procedures
 - **Article 8 – Parliamentary Authority:** Describes the process through which the organization adopts its rules of order
 - **Article 9 – Amendment of Bylaws:** Describes the procedure for amending the bylaws

Organizations may always add additional articles if needed to describe the duties of officers, financial obligations, etc.

Amending Bylaws

Bylaws are amended through the main motion *amend something previously adopted*; the procedure for raising the motion is the same as any other motion except:

- The bylaws may specify any special rules for the motion's adoption, although the bylaws must include notice and a two-thirds vote for adoption of the amendment
- The notice of the motion for amendment must limit the permissible primary and secondary amendments
- The organization cannot reconsider affirmative votes on the motion to amend the bylaws
- Even though the motion is a main motion, other main motions may be pending at the same time for changes to the bylaws

Depending on the length of the bylaws, the organization amends them through:

- **Isolated changes**, made by motion, could include multiple changes in one motion
- **General revisions**, made by substituting a whole new revised set of bylaws if the revisions are extensive enough

The procedure for considering many amendments at one time is the same as amending a motion by seriatim, or by paragraph:

1. The assembly is given notice of each individual amendment, even if two or more are competing
2. The chairperson organizes each amendment as though the assembly were to fill in the blanks of the bylaws
3. The chairperson reads the first submission, and it is explained by its proponent
4. The chairperson then asks if there is any debate on the amendment
5. Once debate has ended, the assembly votes on the amendment
6. Once all amendments have been voted upon, the chairperson opens the entire document for amendments, and the process starts over if needed
7. Once all amendments are made and included, the chairperson presents the amended rule and asks for a vote for the entire document
8. The assembly votes on the entire document

Amendments to bylaws take effect immediately upon adoption; the bylaws should specify the margin by which an amendment must win

Procedures for Conducting a Meeting

Major vocabulary terms for meetings:

- A **meeting** is an assembly of members in a single room to conduct business
- A **session** is a series of connected meetings for a single order of business or agenda
- A **recess**, taken in the middle of a meeting, is a short break having no effect on the business of the meeting, after which the meeting is resumed where it left off
- An **adjournment** ends a meeting
- An **adjournment sine die** ends a session or a series of meetings

The assembly and its bylaws decide how many meetings and sessions to hold and their frequency; when a meeting ends, the assembly should decide when and where to hold the next meeting

Assemblies must finish any pending business before adjourning a session; the assembly in the following session is not tied to any business that was not discussed in the previous session

There are different types of meetings an assembly can hold:

- A **regular meeting** is a meeting held on the date and time specified in the bylaws to discuss any business that arises within the scope of the assembly
- A **special meeting** is a meeting that is not held at the regular time and date to deal with urgent business that cannot wait until the following regular meeting
- An **adjourned meeting** is one that continues the previous session or special meeting, taking up the business that was interrupted at the adjournment of the last meeting
- An **annual meeting** is a meeting held once each year, usually to give the various reports of officers and committees
 - An **executive session** is a secret meeting for executive business
 - A **public session** is the opposite of an executive session and must be open to the public, even if the public is not a member of the assembly

Starting a Meeting

To start a meeting, the chairperson of the meeting must **call the meeting to order** by taking his/her position (usually at the front of the room) and saying, "The meeting will come to order"; once the chairperson calls the meeting to order, the meeting can begin on the **order of business**; this order is usually:

1. Reading and approval of minutes
2. Reports of officers, boards, and committees
3. Reports of special committees, or committees appointed to exist for a specific task
4. Special orders, or business that has a special priority, such as committee reports left over from the previous meeting
5. Unfinished business and general orders, or business left over from the previous meeting
6. New business

Meeting business is usually handled with **motions**; to bring a motion before the assembly, the steps are:

1. The member must be recognized by the chairperson, usually by standing and waiting to be called upon
2. He/she then makes the motion by saying, "I move to..."
3. Another member seconds the motion, saying, "Seconded"
4. The chair repeats the motion; at this time, the motion is **pending**, or open to discussion

Motions usually made at the beginning of meetings are:

- **Call for the orders of the day**, in which the assembly adopts its agenda or order of business
- **Fix the time to which to adjourn**, where the assembly decides when the meeting will end and sets a time for the next meeting

Minutes

The **minutes** are the record of the meeting's procedures and what was accomplished at the meeting; minutes generally include:

- The name of the assembly and the kind of meeting
- The date and time of the meeting
- Who was present at the meeting and who operated as the chairperson
- The approval of the previous meeting's minutes, if needed
- All main motions, their topics, and who proffered them
- Whether the main motions were approved or denied and the number of votes for each side
- All secondary motions when needed for clarity or completeness
- All notices of motions
- All points of order and appeals and their dispositions
- When the meeting adjourned

Reports

Reports of officers are reports of an officer's administrative duties; examples of these reports include:

- **Reports of executive officers**, which usually contain information or recommendations for actions
- **Treasurer's reports**, which report on the financial state of the organization
- **Reports of other officers**, which are usually made annually and for informational purposes only

Reports of boards and committees are official statements formally adopted by the body as information for the assembly (e.g., a report of the committee for drafting the bylaws would include drafts of the bylaws); the reports must contain only information that has been legally agreed to in the board or committee meeting

Quorum

To hold a meeting and conduct business, there must be a **quorum**, or a certain number of members present, at the meeting; the number is usually a percentage of the total members and can be fixed by the assembly or by rules

If a quorum does not exist at a meeting, the meeting must immediately adjourn, as all business completed without a quorum would be illegal

Decorum in Debate

Once there is a quorum and the chair calls the meeting to order, members can be recognized for motions:

1. To obtain the floor, the member must stand and address the chairperson by saying, "Mr./Madam Chairperson"
2. The chairperson recognizes the member by saying the member's name
3. The member may then introduce a motion for **debate**; the general rules of debate are:
 - The speaker must be recognized by the chairperson before speaking
 - The speaker cannot usually speak for more than ten minutes unless the members decide otherwise



- Members should not speak more than twice on a motion
- The chairperson cannot close debate before every member who wishes to speak is able, within a reasonable period of time
- Everyone must adhere to **decorum**, carrying on the debate in an orderly manner without personal attacks on other members

Members can adhere to decorum by:

- Confining their statements and remarks to the merits of the pending question and not outside the scope of the question
- Not attacking a member's motives for speaking for or against or presenting a motion
- Addressing all statements and remarks through the chairperson
- Addressing the speaker or the chairperson correctly (never use "you," but always refer to the speaker or the chairperson in the third person)
- Avoiding the use of members' names
- Not speaking adversely on a prior action that isn't pending and has already been finalized
- Refraining from speaking against his/her own motion
- Reading from reports or quotations only without objection or with permission; a member may read from reports or quotations with the chairperson's permission as long as no other member objects
- Continuing to stand when the chairperson addresses him/her directly during an interruption
- Refraining from disturbing the assembly during debate

The chairperson has guidelines for decorum as well:

- The chairperson always refers to him/herself in the third person
- When reporting in his/her presidential capacity, the chairperson may speak of him/herself as "Your President"
- The chairperson does not refer to a member's name, only referring to him/her in the third person (e.g., "Will the speaker...")
- The chairperson may refer to a member by name when assigning the floor, however
- The chairperson must not participate in the debate except through the vice president

Recognition Preference

The preference rules for recognizing a member when there is a debatable question pending on the floor are:

1. A member can stand to give previous notice of a different motion
2. The member who presents the motion and who has not yet spoken on the motion, including:
 - The reporting member's motion to implement a recommendation from a committee report
 - The member who moved to un-table a motion that was previously laid on the table
 - The member who made a motion to reconsider
3. Members who have not yet spoken on the question; if everyone who wishes to speak on the question has, members may speak again

4. The chairperson should recognize alternating opinions on the question or motion

The preference rules for recognizing a member when there is no debatable question pending on the floor are:

1. A member assigned to offer a motion or an important prearranged main motion
2. When a set of motions is presented in a series, the member presenting the motions has preference to present each motion in turn
3. A member who offers a similar motion to one that the assembly voted down at the member's suggestion
4. A member may be recognized over a member offering a main motion when a member rises:
 - To move to reconsider and enter on the minutes
 - To move to reconsider a vote
 - To call up a motion to reconsider
 - To give previous notice
 - To move to un-table an issue

Members cannot interrupt each other, except in some urgent situations:

- A call for the orders of the day when they are not followed
- Raising a question of privilege
- Raising a point of order, brought by a member who believes the chair has breached the parliamentary rules
- The chair calling to a member's attention that he/she is not observing the speaking rules
- Calling for a separate vote on a set of resolutions on different subjects that were included in one motion
- A request that requires an immediate response
- An appeal
- An objection to the consideration of a question
- A division of the assembly

At the end of the interruption, the member who had the floor regains it when the chairperson asks him/her to stand to regain his/her position on the floor

Assemblies may set their own rules for debate in their bylaws; some general guidelines that assemblies should use when creating their debating rules are:

- Speeches should be no longer than ten minutes each
- The member speaking should immediately conclude his/her speech when the chairperson rises
- If the member needs only a minute more for his/her speech, the chairperson need not dismiss the member immediately
- No member should speak more than twice per question per day
- Members are not allowed to yield their unelapsed time to another member to allow one member a particularly long speech
- Merely asking a question or making a brief suggestion is not speaking in debate and should not be counted against a member for his/her daily speech limit

Motions

Main Motions

Original main motions are motions that bring a substantive question to the assembly for debate and action; these are different from *incidental main motions*, which are motions dealing with the procedure of the assembly, like the *call for the orders of the day* motion

Characteristics of main motions:

- Every other motion takes precedence over the main motion
 - Main motions cannot be applied to any other motions
 - They must be seconded
 - There can be only one main motion on the floor at a time
 - They are debatable, amendable, and can be reconsidered
 - They mostly require a majority vote
- After a member brings a motion to the assembly, the assembly must either consider the motion or dispose of the motion; to fully consider a motion:
- The assembly debates the motion, unless no one in the assembly wants to debate the motion
 - The chairperson puts the motion to a vote
 - The chairperson announces the results of the vote

10 Easy Steps for Making Motions

1. The member asks permission from the chairperson for the floor
2. The chairperson grants permission
3. The member makes the motion, stating, "I move to..."
4. The chairperson asks for any seconds
5. Members may stand and call out "Second," or they may simply call out "Second"; if there is no second, the motion fails immediately
6. If there is a second, the chairperson states the question of the motion; this opens debate
7. The assembly debates the motion; during this time, the motion may be amended or tabled for further debate at a later time
8. When debate is finished, the chairperson puts the motion to a vote
9. The chairperson counts the votes
10. The chairperson announces the votes and enacts or defeats the motion

Subsidiary Motions

There are different types of motions; *subsidiary motions* deal with the original main motion, such as:

- **Postpone indefinitely**, which kills the original main motion without a direct vote on it
- **Amend**, which modifies something in the main motion before the assembly acts on the motion (NOTE: The assembly must agree to amend the motion and then agree on the amendment before the amendment can be thought of as the main motion)
- **Commit or refer**, which assigns the motion to a committee for investigation or a report
- **Postpone definitely**, which puts off the question until an expressed time
- **Limit or extend debate**, which either shortens or lengthens the time for debate on a motion if the assembly needs it
- **Previous question**, which closes debate and amendments, bringing the assembly to a vote on the motion
- **Lay on the table**, which interrupts the current business to introduce urgent business immediately

Subsidiary motions have four characteristics that make them subsidiary:



- These motions always apply to motions and do something to them, or change their status
- They may be applied to any main motion
- They fit an order of preference (as listed previously)
- They may be applied at any time from the point when the chairperson states a question upon which they may be applied to the time when the question is voted upon

Privileged Motions

Privileged motions do not relate to any business, but they take precedence over everything else in the assembly; these motions include:

- **Call for the orders of the day**, which need not be seconded
- **Raising a question of privilege**, which permits an emergency motion or question dealing with the rights and privileges of the members
- **Recess**, which gives the assembly a short break
- **Adjourn**, which closes the meeting
- **Fix the time to which to adjourn**, which sets the time for the meeting to end

Privileged motions are privileged because they take precedence over debate to deal with urgent procedural matters; they take the order of preference as listed previously

Incidental Motions

Incidental motions do not necessarily relate to business but answer questions of procedure with regard to motions; they are in order only when they are legitimately incidental to another pending motion or to other business at hand, at which point they take precedence over any other pending motions; they must be decided before business can continue; these motions include:

- **Point of order**, which asks the chairperson for a ruling and enforcement of the rules when a member thinks the rules were broken, which need not be seconded
- **Appeal**, which takes away a decision from the chairperson and gives it to the assembly if a member thinks the chairperson's decision was wrong
- **Suspend the rules**, which suspends the rules when the assembly wants to do something it cannot do without breaking the rules
- **Objection to the consideration of a question**, which avoids a main motion if the assembly thinks the motion should have never come before it
- **Division of a question**, which separates different parts of a question or motion that can stand on their own
- **Consideration by paragraph or seriatim**, which permits debate on different parts of a long motion or question without putting the different parts into question
- **Division of the assembly**, which requires the chairperson to take a vote by each member rising to give his/her vote

Pro

Maj
• A
cor
• A
• An
• An
me
The
and
ends
the
Asse
adjo
is n
prev
The
hold
• A
spe
wit
• A
tim
un
• An
ses
int
• An
usu
con

Sta

To s
the
to o
the
is us
1.
2.
3.
4.
5.
6.
Mee
a m
1.
2.
3.
Mot
• Ca
ad
• Fi
de
ne

- **Motions relating to nominations**, which must be raised if the bylaws do not outline mechanics for nominations and an election
 - **Request to be excused from duty**, which relieves the member from an obligation he/she holds
- While the incidental motions look like subsidiary motions, none of the incidental motions has all four characteristics of the subsidiary motions; it should be noted that each incidental motion is applicable only in the specific period of time in which it is raised; generally, incidental motions deal with procedural questions arising out of:
- Another pending motion
 - Another motion or business item that:
 - The motion attempts to introduce
 - Has been made but not yet repeated by the chairperson
 - Was just pending

Requests and inquiries are special types of incidental motions that connect to the business at hand; they include:

- **Parliamentary inquiry**, which directs a question on parliamentary procedure or the organization's rules to the chairperson, which need not be seconded
- **Point of information**, which requests information from the chairperson about the matter at hand, which need not be seconded
- **Request for permission to withdraw or modify a motion**, which asks the chairperson for permission to withdraw or modify a motion already stated by the chairperson
- **Request to read papers**, which asks the chairperson for permission to read excerpts from his/her papers, which is not usually allowed in debate

Motions That Bring a Question Again Before an Assembly

Motions that bring a question again before an assembly are special motions that do not fit anywhere else; they include:

- **Take from the table**, or **un-table**, which takes up a motion or an order of business that was earlier laid on the table
 - **Rescind**, which takes back a main motion, amendment, bylaw, section, or paragraph that was presented and adopted
 - **Amend something previously adopted**, which modifies a motion, amendment, bylaw, section, or paragraph that was presented and adopted if rescinding is too much
 - **Discharge a committee**, which takes a matter out of a committee's hands before they have made a report on their findings so the assembly may act on it or the matter may be dropped
 - **Reconsider**, which prompts the assembly to reconsider a motion that was adopted earlier that day, but new information or a changed situation makes it clear that the true will of the assembly would not be followed with the previous course
- The reason why these motions are separate is because they relate to the following principles of parliamentary procedure:
- During a session or meeting when the assembly decides a question, it cannot be brought up again except through special circumstances
 - When an assembly disposes of a question without finally acting on it, no similar or conflicting motion that would restrict the assembly in acting on the first motion may be introduced
 - Changing something the assembly already adopted requires more than what was necessary to adopt it in the first place

Enacting Motions

For an assembly to enact or approve the motion, the assembly needs to *vote* on it; usually a majority of votes is needed to enact or approve the motion; however, certain motions require a two-thirds majority of voters to approve the motion; these include motions that:

- Suspend or modify a rule of order
- Prevent the introduction of a question for consideration
- Close, limit, or extend the limits of debate
- Close nominations, polls, or otherwise limit voting
- Take away membership or an office

Special Note on Amendments

Amending a motion (or the bylaws) modifies the wording of the motion; the motion to amend:

- Must always be germane to the motion, meaning the assembly cannot amend a motion that is not pending
- Does not modify the motion if the amendment fails
- Can be applied to any main motion, but it cannot be applied to itself
- Must always be seconded
- Is out of order when another motion has the floor
- Is debatable when the motion that is being amended is debatable; if the motion is not debatable, then the motion to amend is not debatable
- May be amended, but secondary amendments are not allowed
- Requires a majority vote
- Can be reconsidered
- When applied to a main motion, takes precedence over the main motion and the motion to postpone indefinitely but gives way to all other motions
- When applied to a non-main motion, takes precedence over the motion that it seeks to amend but gives way to any other motion that would take precedence over the motion

Improper amendments include amendments that:

- Are not germane to the motion
- Have the effect of rejecting the main question
- Have the effect of repeating a question the assembly has already decided
- Change one parliamentary procedure into another
- Change the form of another amendment
- Strike out enacting words, such as "resolved"
- Are frivolous, or do not otherwise follow the rules of decorum
- Make the motion or question incomprehensible or incoherent
- Would convert the motion to an improper form
- Change the preamble of a resolution without finally amending the subsequent paragraphs or clauses

An amendment can take one of five forms:

- Inserts or adds words or paragraphs according to the following rules:
 - The motion for amendment must specify exactly where the words or paragraphs are to go by naming the words or paragraphs before and after the insertion
 - After words have been inserted or added, they cannot be removed unless there is a reconsideration or a new motion:
 - > to strike out the entire paragraph where the words were inserted or added
 - > to strike out a portion of the paragraph where the words were inserted or added
 - > to substitute an entire paragraph for the one in which the words were inserted
 - > to strike out a portion of the paragraph and enter in new words or a new paragraph that presents a different question

- If a motion to insert words is voted down, it may still be revived through a motion:
 - > to insert part of the words
 - > to insert part of the words in a different place
 - > to insert the same words in place of others
 - > to insert the same words in a different place where the effect will be different
- Strikes out words or paragraphs according to the following rules:
 - The motion must specify the location of the words
 - Only consecutive words may be struck out
 - If a motion to strike words fails, it may still be revived through a motion:
 - > to strike out only part of the words
 - > to strike out the words with some others
 - > to strike out all or a part of the same words and substitute them for others
 - > to strike out all or some of the same words together with some others and substitute them for others

- A motion to strike a paragraph may be open to a secondary amendment in any form that is available to striking words
- A struck-out paragraph cannot be inserted again unless the wording is changed to present a different question
- Strikes out and inserts according to the rules above
- Substitutes, also according to the rules above
- Fills in blanks, using one of three ways:
 - To fill a blank with a name, the chairperson takes nominations for the name and the assembly votes on them until one receives a majority
 - To fill a blank with an amount of money, the chairperson takes nominations for the amount and arranges the amounts so that the least acceptable amount is voted upon first
 - To fill a blank with a place, date, or number, use one of the above methods depending on the circumstances

When an amendment needs to be amended, or an amendment is applied to itself, a **secondary amendment**, or an amendment to the amendment, results

Voting

Putting the question is when a chairperson calls for a vote on a motion after clarifying to the assembly upon what they are voting; an assembly votes using the following methods:

- **Voice**, which is the usual method
 - **Rising**, which is used to determine the winner of an inconclusive voice vote
 - **Show of hands**, which is used instead of rising, usually in smaller groups
- The chairperson then counts and announces the vote:
- Usually a motion needs a simple majority to pass, but some need a two-thirds (66%) majority to pass, as explained previously



- The assembly can decide if there are restrictions on who may vote, such as limiting votes to only those present at the meeting, or using another ratio of winning votes to pass a motion
- All members have a right to **abstain**, or decline from voting, if they have a personal interest in the outcome of the vote
- If the motion passes, it passes immediately
- A chairperson may vote when his/her vote will affect the result, such as to break a tie, but a chairperson may not vote twice

Nominations & Elections

A **nomination** is a motion to elect a person to a position; the methods of nomination are:

- **The chair**, where the chairperson nominates the candidate
- **From the floor**, where a member nominates the candidate
- **Ballot**, where members may nominate other members for an office on a ballot (note that this is not the same as a petition election, as described below)
- **Mail**, where members are too far away to meet together in one place; this acts much like a ballot nomination, but nominations are simply collected through the mail instead of in person
- **Petition**, where a group of members may nominate someone by a petition

Assemblies and organizations may have their own rules outlining how to run elections; some methods are:

- **Ballot election**, in which the assembly votes for the candidate on a ballot
 - **Viva-voce election**, in which the assembly votes for the candidate by a voice vote
 - **Roll-call election**, in which each member stands and states for which candidate he/she is voting
- Elected officers win their seats when they win the most votes; an elected officer takes his/her office immediately upon winning an election, unless the assembly's rules state otherwise

Disciplinary Procedures

Disciplinary procedures should be outlined in the bylaws so that every member has notice as to the procedures; a fair disciplinary procedure includes:

- A confidential investigation by a committee to determine if further disciplinary action is warranted (**NOTE:** This committee does not have power, if not delineated in the bylaws, to compel a member to appear in front of it)
- The committee prepares and presents a report on the investigation, either exonerating the member or recommending the charges for the guilty member
- The accused is formally notified, and his/her rights are suspended for the duration of the trial
- A trial, or formal hearing, on the charges at which the accused may appear to defend him/herself
- The assembly reviews the committee's findings if the trial was not held in front of the assembly

The procedure for running the trial should include:

1. The chair directs the secretary to read the charges aloud to the committee or the assembly
2. The chair asks the accused how he/she would plead (guilty or not guilty)
3. If the accused pleads guilty, the trial ends
4. If the accused pleads not guilty, the trial proceeds in this order:
 - Opening statements by both sides
 - Witness testimony
 - Testimony of defense witnesses
 - Rebuttal witnesses for the organization or society
 - Closing arguments by both sides
5. The accused leaves the room when both sides finish their closing arguments
6. The committee or the assembly deliberate as to the guilt or innocence of the accused member
7. When deliberations are complete, the chair states, "The question before the assembly is: Is the member guilty of the specifications against him/her?"
8. The assembly or the committee members vote
9. Any punishment must be decided by a ballot vote, by a two-thirds margin
10. When voting is done, the accused is called back into the hall and the result is delivered

Ending a Meeting

A chairperson ends a meeting by **adjourning**, or closing the meeting, after all debate and business are finished; if there is unfinished business, the assembly may take it up at the next meeting; before a meeting ends, the assembly should decide the date and time of the next meeting if it is not already decided in the bylaws

Before adjourning, the chairperson must:

- Inform the assembly of any unfinished business to give the assembly the opportunity to finish it before adjourning
- Make any important announcements
- Make any motions to reconsider a previous vote if needed
- Make a motion to reconsider and enter on the minutes
- Give notice of a motion that will be presented at the next meeting if the motion is one that requires notice
- Move to set a time for an adjourned meeting if there isn't one already scheduled
- Formally state that the meeting "is adjourned"

The motion to adjourn must, like all motions, be seconded and voted upon so that the chairperson cannot end a meeting without the assembly's consent. If all business is finished and the preselected hour to adjourn has arrived, the assembly need not move to adjourn; the chairperson may ask, "Is there any further business?"; if there is none, the chairperson may then say, "Then I hereby adjourn this meeting"; the meeting is then adjourned

Form of Popular Motions

When you want to make a motion to...	You say...
Postpone indefinitely	I move to postpone the motion indefinitely
Amend	I move to amend the motion by...
Commit or refer	I move to commit/refer the matter to...
Postpone definitely	I move to postpone the motion to...
Limit or extend debate	I move to limit/extend the time for debate
Previous question	I move for previous question
Table	I move to table...
Un-table	I move to un-table...
Orders of the day	I move for the orders of the day
Question of privilege	I rise for a question of privilege
Recess	I move for a recess
Adjourn	I move to adjourn
Fix the time to adjourn	I move to fix the time to adjourn
Point of order	Point of order, Chairperson, (question)
Point of information	Point of information, Chairperson, (question)
Rescind	I move to rescind my motion
Reconsider	I move for a reconsideration of...
Vote	I move to vote on...
Nominate	I move to nominate...
Suspend the rules	I move to suspend the rules and...
Divide the question	I move to divide the question
Divide the assembly	I move for a rising vote

How to Use the Book

- Go to the table of contents and search for the action for which you need help (the table of contents does not list page numbers; it lists section numbers)
- Go to the section to which the table of contents directs you; *Robert's Rules of Order* is written in prose, so you will have to read the whole section to get a comprehensive idea of what it contains
- Each individual section is part of a larger section, so it is beneficial to read other sections in the subheading if you need more direction; this is especially helpful if you do not know when the topic you are researching arises during a meeting
- If you find yourself in a part of the rules that provides little guidance, do not worry—the rules assume that your assembly will write its own bylaws to fit its own purposes
- **NOTE:** *Robert's Rules of Order* can be superseded by your assembly's bylaws; so, if *Robert's Rules of Order* does not fit your assembly's processes, there is no need to change your assembly's rules to fit those outlined in *Robert's Rules of Order*

Content Provided By: Shakespeare Squared

U.S. \$6.95

ISBN-13: 978-142321667-4
ISBN-10: 142321667-9



Disclaimer: This guide is intended for *informational purposes only*. Due to its condensed format, it cannot possibly cover every aspect of the subject, *nor should it be used as a substitute for professional or legal advice*. **BarCharts, Inc., its writers, editors, and design staff are not responsible or liable for the use or misuse of the information contained in this guide. All rights reserved.** No part of this publication may be reproduced or transmitted in any form, or by any means, electronic or mechanical, including photocopy, recording, or any information storage and retrieval system, without written permission from the publisher. Made in the USA. © 2011 BarCharts, Inc. 1214

free downloads & hundreds of titles at **quickstudy.com**



Customer Hotline # 1.800.230.9522

