

SEVILLE TOWNSHIP PLANNING COMMISSION

BYLAWS

Adopted on September 12, 2023

ARTICLE 1: AUTHORITY AND SCOPE

These bylaws are adopted by the Seville Township Planning Commission ("Planning Commission") pursuant to the Michigan Planning Enabling Act, 2008 Public Act 33 (MCL 125.3801 et seq.), as amended. In cases where these bylaws are in conflict with the Seville Township Zoning Ordinance, the Zoning Ordinance shall prevail.

ARTICLE 2: CREATION AND MEMBERSHIP

- 2.1 Creation.** Pursuant to the Michigan Planning Enabling Act (Act 33 of the Public Acts of 2008, as amended) and the Michigan Zoning Enabling Act (Act 110 of the Public Acts of 2006, as amended), the Seville Township Board confirmed the establishment of the Seville Township Planning Commission by resolution and ordinance with the powers and duties set forth in the Michigan Zoning Enabling Act.
- 2.2 Members.** The Planning Commission shall consist of seven (7) members representing major interests present in the Township. Members shall be appointed by the Township Supervisor of Seville Township with the approval of the Township Board.
 - a. All members must be residents and qualified electors of the Township.
 - b. One (1) member of the Township Board must be appointed to the Planning Commission.
 - c. One member of the Planning Commission must be appointed to the Township Zoning Board of Appeals. However, the person who is the Planning Commission Member-Zoning Board of Appeals member may not vote on the same matter voted on as a Planning Commission member.
- 2.3 Chairperson, Vice Chairperson, and Secretary.** At the first meeting in January, the Planning Commission must select a chairperson, vice chairperson, and secretary from among its members, and must create and fill other offices and committees as it considers advisable by a majority of the quorum present at the meeting. The term of each office is 1 year, with eligibility for re-election for no more than 2 consecutive terms. The Township Board member is not eligible to be selected as an officer.
 - a. Chairperson. The Chairperson presides at the public meetings of the Planning Commission, appoints committees, subject to Planning Commission approval, and performs other duties as may be ordered by the Planning Commission.

- b. Vice Chairperson. The vice chairperson is authorized to serve as chairperson if the chairperson is absent. If there is a vacancy in the office of chairperson, the vice chairperson shall fill the vacancy for the unexpired term and the Planning Commission shall fill the vacancy in the office of the vice chairperson for the remainder of the unexpired term.
- c. Secretary. The secretary (or authorized designate) must execute all documents in the name of the Planning Commission. The secretary shall serve as the recording secretary and is responsible for the minutes of each meeting and must provide for permanent keeping of all documents of the Planning Commission at the Township Hall. All communications, petitions, and reports addressed to the Planning Commission must be delivered or mailed to the secretary (or the secretary's authorized designate).

2.4 Compensation. Members of the Planning Commission shall be compensated for their services as provided by the Township Board.

ARTICLE 3: TERMS OF OFFICE; VACANCIES

- 3.1 Terms of Office.** Except for members of the Planning Commission first appointed under MCL 125.3815, Planning Commission members shall be appointed to three-year terms and shall hold office until his or her successor is appointed (except for the member representing the Township Board, whose term shall expire with his or her term on the Township Board).
- 3.2 Vacancies.** If a vacancy occurs on the Planning Commission during a term for reasons including, but not limited to death, disability, resignation or removal, or the Planning Commissioner is no longer a resident and registered elector, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment.
- 3.3 Removal from Office.** The Township Board may remove members from the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. To initiate this action, the Planning Commission may make a recommendation for removal to the Township Board and shall specify the reasons for removal.

ARTICLE 4: RESPONSIBILITIES AND AUTHORITY

- 4.1 Responsibilities.** The Planning Commission must perform all of the actions required by law, the Township Zoning Ordinance, and other applicable rules and regulations.
- 4.2 Requirements for Action.** A majority of the Planning Commission shall constitute a quorum for the transaction of ordinary business and all questions which shall arise at their meetings shall be determined by a vote of the majority of the members of the Planning Commission attending any meeting where a quorum is present, unless Michigan law provides otherwise. If a decision of approval is not obtained or in the event that the vote results in a tie, then the matter being considered shall be deemed to have been denied.

4.3 Voting Procedure.

- a. Motions before the Planning Commission may be restated by the chairperson before a vote is taken. The name of the person making the motion and its supporter shall be recorded.
- b. Voting shall be by voice vote. All motions or resolutions resulting in Township expenditures shall be by a roll call vote. All members present are required to vote unless excused for reasons of a conflict of interest, as noted in the Zoning Ordinance and these Bylaws.
- c. Action by the Planning Commission on any matter for which a public hearing is required shall not be taken until the public has had the reasonable opportunity to address the Planning Commission.
- d. A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at the meeting. A motion to allow a member to be excused from voting or excused from the remainder of the meeting is in order only if made by or at the initiative of the member directly affected.

4.4 Conflict of Interest. All members of the Planning Commission shall avoid situations which are conflicts of interest. As used here, conflicts of interest include, but are not limited to, the following: election for no more than 2 consecutive terms. The Township Board member is not eligible to be selected as an officer.

- a. Issuing, deliberating on, voting on, or reviewing a case concerning the Planning Commission member.
- b. Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by the Planning Commission member or which is adjacent to land owned by the Planning Commission member.
- c. Issuing, deliberating on, voting on, or reviewing a case concerning a corporation, company, partnership, or any other entity in which the Planning Commission member is a part owner, or any other relationship where they may stand to have a financial gain or loss.
- d. Issuing, deliberating on, voting on, or reviewing a case which is an action which results in pecuniary benefit to the Planning Commission member.
- e. Issuing, deliberating on, voting on, or reviewing a case concerning the Planning Commission members' partner, spouse, children, stepchildren, grandchildren, parents, siblings, grandparents, parents-in-law, grandparents-in-law, or members of the Planning Commission member's household.

- f. Issuing, deliberating on, voting on, or reviewing a case where the Planning Commission member's employee or employer is an applicant or has a direct interest in the outcome.

ARTICLE 5: MEETINGS

5.1 Meeting Schedule.

- a. Regular Meetings. Regular meetings of the Planning Commission shall be held on the _____ of each month at a time and place as determined by the Secretary unless cancelled or rescheduled by the Planning Commission. When the regular meeting day falls on a legal holiday, the Planning Commission may select a suitable alternate day in accordance with the Michigan Open Meetings Act. At the Planning Commission's first meeting in December, the Secretary shall submit to the Planning Commission a proposed meeting schedule for the upcoming year. At this meeting, the schedule shall be approved as submitted or amended to reflect the changes directed by the Planning Commission.
- b. Special Meetings. A special meeting of the Planning Commission may be requested by any Planning Commissioner or the Secretary. The Secretary shall send written notice personally, by mail (if time is sufficient), or any other electronic means, including facsimile, text or email, of a special meeting to Planning Commission members not less than 18 hours before the meeting.

5.2 Meetings. Planning Commission meetings, subcommittee meetings, and hearings will be held in compliance with the Open Meetings Act.

5.3 Notice of Meetings. Notice of all public meetings must be posted pursuant to the Open Meetings Act.

5.4 Agenda. A written agenda outlining the order of business for all regular or special meetings may be developed by the Secretary then amended and approved by the Planning Commission Chairperson. The agenda may be supplemented or re-ordered by the Planning Commission during a meeting, provided the same does not violate any applicable law.

5.5 Public Participation. A member of the public may speak at public meetings or the public hearing part of a meeting of the Planning Commission in accordance with procedures adopted by the Planning Commission. The following procedures apply:

- a. Time for public comment must be provided at each Planning Commission meeting. Additional time for public comment may be scheduled at the end of any meeting, if necessary, in the discretion of the Planning Commission.
- b. Individuals wishing to speak are requested to provide the person's name and address.

- c. Persons must be recognized by the Chairperson before speaking and may be limited by the rules of the Planning Commission.
- d. No person may speak more than once during public comment (excluding any comments made at a public hearing).
- e. Persons addressing the topic of a scheduled public hearing are encouraged to present their remarks during the public hearing portion of the meeting.
- f. Public comments shall be directed to the Chairperson.
- g. The Planning Commission reserves the right in its sole discretion to make inquiries, correct factual errors, respond to questions in a timely manner, or provide any other information it deems appropriate.

ARTICLE 6: ATTENDANCE AND QUORUM

- 6.1 Quorum.** A majority of the members of the Planning Commission appointed and serving constitute a quorum for purposes of transacting business of the Planning Commission and the Open Meetings Act. Each member of the Planning Commission has one vote.
- 6.2 Attendance.** Members of the Planning Commission who are absent from more than three consecutive, regularly scheduled Planning Commission meetings or more than 50% percent of the regularly scheduled Planning Commission meetings in a calendar year are subject to review and possible recommendation for removal to the Township Board. Exceptions may be made if absences are due to the conduct of other business as authorized by the Planning Commission or are excused by the Planning Commission. The following procedures must apply:
 - a. A member of the Planning Commission must notify the Planning Commission Chairperson of an anticipated absence as far in advance of the meeting as possible, stating the reason for such absence.
 - b. The Chairperson may postpone or reschedule a meeting in the event a quorum will not be present.

ARTICLE 7: RECORDS

- 7.1 Meeting Records.** Minutes must be maintained for all Planning Commission proceedings, including evidence, information, and data relevant to each case under consideration, resolutions, transactions, findings, voting by members, determinations, and final disposition of each case.
- 7.2 Maintenance of Records.** Minutes of each Planning Commission meeting must be filed with the Township Clerk and must be available to the public. Minutes of closed sessions must be maintained separately and not disclosed to the public, except upon court order. A writing prepared, owned, used, in the possession of, or retained by the Planning

Commission in the performance of an official function must be made available to the public except as exempted by law.

ARTICLE 8: COMMITTEES

- 8.1 Formation of Committees.** The Planning Commission may establish committees to meet the needs and objectives of the Planning Commission and must specify the number of members, terms of appointment, functions, goals, and projected time periods for such committees. The Planning Commission may appoint advisory committees outside of its membership.
- 8.2 Public Notice.** Notice of the formation of committees, their purpose, membership, and meeting schedule must be posted at the Seville Township Hall. All meetings and meeting records must be open to the public as required by the Open Meetings Act or the Freedom of Information Act.
- 8.3 Accountability and Records.** Committees must be accountable to the Planning Commission. Records must be maintained for all meetings. Reports and recommendations must be submitted to the Planning Commission in writing.
- 8.4 Discharge of a Committee.** A committee may be discharged from its responsibilities by a majority vote of the Planning Commission.

ARTICLE 9: PERSONNEL

The Township Board, in consultation with the Planning Commission, may employ a zoning administrator, planning director or other personnel or consultants, contract for services of planning and other experts and technicians, provide support staff, and pay or authorize payment of expenses within the funds budgeted for planning or zoning purposes by the Township Board.

ARTICLE 10: EX PARTE COMMUNICATION

Planning Commission Members shall not have conversations or receive correspondence regarding a quasi-judicial matter that is pending before the Planning Commission or which may come before the Planning Commission except during noticed meeting or hearing on the matter. Such outside contacts are known as “ex parte communication.” Ex parte communication may not be considered in decision-making unless it is disclosed and made part of the official record in the matter. The commission as a whole can then determine the admissibility of the information and individual members can determine its credibility and weight in deciding their vote on the issue.

ARTICLE 11: REVIEW AND AMENDMENT OF BYLAWS

Rules and procedures adopted by the Planning Commission may be reviewed and amended from time to time. Amendments will require an affirmative vote of a majority of the Planning Commission appointed and serving.

