

**CITY OF AUBURN HILLS
PLANNING COMMISSION BY-LAWS
OAKLAND COUNTY, MICHIGAN**
(Amended as of October 12, 2010)

ARTICLE 1

The name of this Commission shall be the City of Auburn Hills Planning Commission.

ARTICLE 2

SECTION 1. PURPOSE

The general purpose of the Commission shall be to guide and promote the efficient, coordinated development of this City in a manner which will best promote the health, safety, and general welfare of its people. The objectives of the Commission are those set forth in Act 33 of 2008, as amended, and those powers and duties delegated to the Commission by the City Council.

SECTION 2. MEMBERSHIP

The Commission shall consist of nine (9) members, representing, insofar as it is possible, important segments of the community such as economic, governmental, educational and social development. To the extent possible, membership shall be representative of the entire geography of the City. One member of the City Council shall serve as an ex officio member of the Commission, with all voting rights, whose term shall expire with his/her term on the City Council. The remaining eight (8) members shall be appointed by the Mayor, subject to the approval of a majority of the City Council. All members of the Commission shall be qualified electors the City. A City employee is not eligible to serve on the Commission.

SECTION 3. TERM OF OFFICE

The term of each member, other than the ex officio member, shall be three (3) years. Insofar as possible, terms shall be staggered so that the terms of 1/3 of all Commission members will expire each year. Members, other than the ex officio member, shall be appointed by the Mayor, subject to the approval by a majority vote of the City Council. Should a Commissioner be unable to complete a full three (3) year term, the Mayor, with the approval of the City Council, shall appoint a new member to fill the remainder of the term. A member shall, to the extent possible, serve until a successor has been appointed and qualified.

SECTION 4. COMPENSATION

Members of the Commission shall be compensated for their services as determined by the City Council.

SECTION 5. REMOVAL OF COMMISSIONERS

The City Council may remove a member of the Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. The Chairperson shall be responsible for informing the Mayor of instances of suspected misfeasance, malfeasance, or nonfeasance by a Commission member.

Unexcused absences are strongly discouraged. To be excused from a Commission meeting, a member shall notify the Community Development Department via phone and/or writing in advance of a meeting from which he/she intends to be absent.

ARTICLE 3

SECTION 1. OFFICERS

The Commission shall have a Chairperson, Vice-Chairperson, and a Secretary.

SECTION 2. CHAIRPERSON

The Chairperson shall preside at all meetings, appoint such committees from time to time as deemed necessary, and perform such duties as may be delegated by the Commission. The Chairperson shall have a vote on all motions and resolutions of the Commission. An ex officio member of the Commission shall not serve as Chairperson.

SECTION 3. VICE-CHAIRPERSON

The Vice-Chairperson shall preside in the absence of the Chairperson.

SECTION 4. SECRETARY

The Secretary shall read all correspondence into the record at public meetings. The Chairperson may delegate this authority to another Commission member if the Secretary is absent. The duties of record keeping (i.e., minutes of all meetings, a record of all transcripts, records, plans, etc., brought before the Commission) shall be performed by the Community Development Department.

ARTICLE 4.

SECTION 1. MEETINGS

All meetings shall be conducted in accordance with the Open Meetings Act. No informal meetings or discussions will be conducted. Regular meetings will be held on the Tuesday preceding the 1st City Council meeting of the month at 7:00 p.m., at the City Council Chamber at 1827 N. Squirrel Road, Auburn Hills, MI 48326 unless otherwise stipulated. The Chairperson may authorize via the Community Development Department, as determined by necessity, a date and time change of the regular meeting in accordance with the requirements of the Michigan Open Meetings Act.

A. REGULAR MEETINGS

The general purpose of the regular meetings will be to make decisions on pending business matters, to review and study various planning matters, and to approve minutes of previous meetings.

B. SPECIAL MEETINGS

The general purpose of special meetings will be to review business or planning matters that cannot wait for the regular meeting date or too lengthy to be discussed at regular meeting. The special meetings may be called by the Chairperson or the Vice-Chairperson of the Commission at such time and place deemed necessary, in coordination with the Community Development Department. Prior notice of forty-eight (48) hours is required to each Commissioner stating the time, place, and nature of business.

C. COMMITTEE MEETINGS

There shall be no standing committees of the Commission. The Chairperson may appoint special or ad-hoc advisory committees, as the Commission shall deem necessary to carry on the work of the Commission. Advisory committee members may or may not be members of the Commission. The Chairperson shall be an ex-officio member of all committees of the Commission. Committees shall be advisory bodies only and may make recommendations to the Commission.

SECTION 2. ORDER

The parliamentary rules contained in the current edition of *Robert's Rules of Order* shall govern the Commission as applicable and consistent with these By-Laws.

SECTION 3. PUBLIC HEARING ORDER

The Chairperson shall outline the following order of procedure for all public hearings at the scheduled time on the agenda:

- A. The Chairperson opens the public hearing, announces the subject of the request, and summarizes the rules of conduct for public comments.
 - 1) All individual public comments shall be addressed to the Chairperson
 - 2) Each person will be given an opportunity to be heard. Persons may speak only once, unless additional input is authorized by the Chairperson.
 - 3) All comments shall be pertinent to the issue at hand and not excessively repetitive.
 - 4) For large hearings, the Chairperson may impose a time limit per person on all comments.
 - 5) The Chairperson expects courtesy from all participants during the public hearing; applause, booing, shouting, or other public outbursts will not be tolerated.

City of Auburn Hills Planning Commission By-Laws

- B. The Secretary, or other designee assigned by the Chairperson in the Secretary absence, shall read any communications into the record related to the item.
- C. The Community Development Department may provide a presentation about the agenda item.
- D. The Petitioner may make a presentation about the agenda item.
- E. Commission members may ask questions of the Community Development Department and Petitioner.
- F. The Chairperson asks for comments from the audience.
- G. After comments from the audience are provided, the Chairperson closes the public hearing.
- H. The Chairperson asks for a Motion
- I. The Chairperson asks for a Second to the Motion
- J. There may be further discussion on the motion, except if a motion to table the item is made by a Commission member.
- K. The Chairperson asks for a Roll Call Vote

SECTION 4. CONFLICT OF INTEREST

Failure of a Commission member to disclose a potential conflict of interest may constitute malfeasance in office.

A member declaring a conflict of interest should state the nature of the conflict and whether he/she believes he/she could impartially consider the request before the Commission. Once a member discloses a potential conflict of interest regarding a particular matter, he/she may be disqualified from voting on the matter upon a majority Roll Call vote of the remaining members of the Commission.

A member shall declare of conflict of interest when:

- A. A relative or other family member is involved in any request for which the member is asked to make a decision;
- B. The member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency, or association;
- C. The member owns or has a financial interest in neighboring property. For purposes of this provision, this shall include ownership of any property directly abutting a property subject to a proposed development application; or
- D. There is a reasonable appearance of a conflict of interest, as determined by the member declaring such conflict.

The member declaring a conflict of interest should abstain from any discussion or votes relative to the matter that is the subject of the conflict. The member should absent him/herself from the room in which the discussion takes place, unless doing so would violate the member's constitutionally protected rights to participate. The member should not make any presentations to the Commission as a representative of the proposal.

SECTION 5. EX-PARTE COMMUNICATION

Failure of a Commission member to disclose ex-parte communications may constitute malfeasance in office.

The Commission desires to conduct all proceedings fairly, to create a record that includes all of the evidence upon which recommendations and decisions were made, and to prevent the appearance of undue influence on its recommendations and decisions. To this end, members whose experience ex-parte communication shall disclose the details of the communication at the Commission meeting after the introduction of the item of which the ex-parte communication pertained.

For clarification, Commission member communication with the Community Development Department regarding an agenda item or other relevant issue (e.g., questions, clarifications, requests for information, etc.) shall not constitute ex-parte communication.

Members may attend meetings held by applicants with adjacent property owners, however only in the capacity of an observer. If a member chooses to take part in discussions at said meeting, he/she shall disclose the nature of their participation to the Commission prior to participating in a hearing or deliberations on a request. Once a member discloses their ex-parte communication regarding a particular matter, he/she may be disqualified from voting on the matter upon a majority Roll Call vote of the remaining members of the Commission.

ARTICLE 5

SECTION 1. ELECTION OF OFFICERS

Election of Officers of the Commission shall be held annually at the January regular meeting and shall be the last order of business at that meeting.

- A. The term of office shall be one (1) year commencing immediately upon election. The immediate past Chairperson shall continue to preside at the meeting until the election of the new Chairperson is complete.
- B. Should an Officer be unable to complete his term of office, a special election shall be held to fill the remainder of the term. The election shall be held at the first regular meeting after the vacancy has been confirmed.

ARTICLE 6

SECTION 1. RULES

A quorum consists of five (5) members.

SECTION 2. VOTING

A minimum of a majority of those present and voting is necessary to pass any motion, with the exception of approval of a Master Plan which will require a two-thirds (2/3) majority vote of the whole Commission. Voting shall be by Roll Call for significant items. A Roll Call vote shall not be required for routine items unless requested by a Commissioner or a split vote occurs. A record of the vote shall be kept as a part of the minutes.

SECTION 3. AGENDA OF REGULAR MEETING

Conduct of a regular meeting shall generally require the following order to business:

- A. Meeting Called to Order
- B. Roll Call
- C. Persons Wishing to Be Heard (regarding items not on the agenda)
- D. Minutes
- E. Petitioners
- F. Old Business
- G. New Business
- H. Communications
- I. Next Scheduled Meeting
- J. Adjournment

ARTICLE 7

The general role of the Planning Commission is as follows:

SECTION 1. MASTER PLAN AND OTHER PLANNING ACTIVITIES

The Commission shall make and approve a City-wide Master Plan, subarea plans, or other documents as the guides for development within the City in accordance with Act 33 of 2008, subject to final review and acceptance by the City Council.

SECTION 2. ZONING ORDINANCE AND MAP

The Commission shall be responsible for formulation of any amendments or updates of the Zoning Ordinance and Zoning Map subject to final review and approval by the City Council.

SECTION 3. DEVELOPMENT REVIEWS

The Commission shall be responsible for review and action, or recommendation of an action to the City Council, on applications for development, subdivision, and land use approvals in accordance with the applicable provisions of the City Zoning Ordinance, the State Land Division Act, and other applicable State laws and City Ordinances. The Commission strives to encourage public participation in the development review process via the use of a Citizen Participation Ordinance, 1,000 foot public notice distribution radius, and utilization of development notification signs.

SECTION 4. REVIEW OF CAPITAL IMPROVEMENTS

No street, square, park, playground, public way, ground, or other open space; or public building or other structure shall be constructed or authorized for construction in an area covered by a municipal Master Plan unless the location, character, and extent of same has been submitted to the Commission for approval in the manner provided for in sections 61 and 63 of Act 33 of 2008, as amended.

SECTION 5. CAPITAL IMPROVEMENTS PROGRAM

The Commission shall be exempted from preparing a capital improvements plan. To further the desirable future development of the City under the Master Plan, the City Council shall prepare or cause to be prepared by the City Manager or by a designated official, a capital improvements program of public structures and improvements to the City, including the City water supply system and sewage disposal system, showing those structures and improvements in general order of their priority, for the six (6) year period.

SECTION 6. BUDGET

On behalf of the Commission, the Community Development Department shall prepare a budget to support the Commission's training and activities and submit to the City Council for approval or disapproval.

SECTION 7. TRAINING

Members of the Commission shall strive to attend educational programs designed for training of Michigan Planning Commissioners if the adopted City budget provides funds to reimburse members for or pre-pay the cost of tuition, registration, and travel expenses for the training. The Community Development Department shall coordinate training opportunities and funding.

SECTION 8. EDUCATION AND CONSULTATION

To promote public interest in and understanding of the Master Plan, the Commission may publish and distribute copies of the Master Plan or of any report, and employ other means of publicity and education. The Commission shall consult with and advise public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens concerning the promotion or implementation of the Master Plan.

SECTION 9. ANNUAL REPORT TO CITY COUNCIL

A report shall be prepared annually, presented and accepted by a majority vote of the Commission. The report shall be prepared by the Community Development Department and submitted to the Commission at the time of City Council budget review (i.e., typically mid-year). After review and acceptance by the Commission, the report shall be submitted to the City Council for their review and placement on file.

SECTION 10. OTHER DUTIES AND RESPONSIBILITIES

The Commission shall perform such other duties and responsibilities as defined by the City Council or required by State Law or City Ordinance, and shall respond as requested to any other matters referred by the City Council.

SECTION 11. AMENDMENT TO BY-LAWS

The By-Laws may be amended at any regular meeting by a two-thirds (2/3) majority vote of the whole Commission.

Amended as of October 4, 1990
Amended as of January 16, 2003
Amended as of July 17, 2008, Effective January 1, 2009
Amended as of August 20, 2008, Effective January 1, 2009
Amended as of April 14, 2009
Amended as of October 12, 2010, Effective January 1, 2011