



## City of Hancock Planning Commission Rules of Procedure

### ESTABLISHMENT

There is hereby created, pursuant to Act 285 of the Public Acts of 1931, as amended, a Planning Commission of the city, with the powers and duties as set forth in said act. (Ord. 45, passed 3-1-44)

### MEMBERSHIP

1. The Planning Commission shall consist of the Mayor of the City, one of the administrative officials of the City selected by the Mayor, one member of the City Council to be selected by it, as members ex officio and six persons who shall be appointed by the Mayor subject to the approval by a majority vote of the members elect of the Council.
2. All members of the Commission shall serve as such without compensation, and shall hold no other city office, except the ex officio members.
3. The terms of the ex-officio members shall correspond to their respective official tenures, except that the term of the administrative official selected by the Mayor shall terminate with the term of the Mayor selecting him. The term of each appointed member shall be three years or until his successor takes office except that the respective terms of two of the members first appointed shall be for one year and two for two years.  
(Ord. 45, passed 3-1-44)
4. The members of the Commission shall be appointed by the City Council.
5. The term of appointment of each member shall be three years.
6. The term of three members shall expire each year on February 15

### REGULAR MEETINGS

1. All meetings of the Planning Commission shall be open to the public.
2. Regular meetings of the Commission shall be held in the City Council Chambers at 6:00 p.m. on the Fourth Monday of each month.
3. When a regular meeting date falls on a holiday or a city election day, the meeting shall be held at the regular time on the subsequent Monday.
4. The Commission shall meet at least once every month and a majority of the Commission shall constitute a quorum for the transaction of the ordinary business.

### SPECIAL MEETINGS

1. Special meetings may be called for a specified time and place by the Secretary of the Commission or City Manager upon written request of not less than four Commission members or by resolution of the Commission at the request of the City Council.
2. No agenda item other than those specified in the call for the Special meeting will be considered.

### MEETING AGENDAS

1. All items to be placed on the agenda must be submitted to the Secretary or City Manager not less than ten days prior to the meeting.
2. Items for Commission consideration may be submitted at a formal meeting during the time reserved for citizens wishing to address the Commission on non-agenda matters (see F. 2, g below). The Commission may take action on such items only upon permission of the majority of the members present.

### ORDER OF BUSINESS

The order of business for Planning Commission meetings shall be as follows:

1. Call to order.
2. Roll call and verification of quorum.
3. Review and approval of agenda.
4. Review and Approval of the previous minutes (as applicable).
5. Public comment.
6. Reports of authorities, commissions, and committees (as applicable).
7. Administrative report (as applicable).
8. Old business to be considered by the Planning Commission (as applicable).
9. New business to be considered by the Planning Commission (as applicable).
10. Members' announcements and comments.
11. Adjournment.

### MEETING ATTENDANCE

1. A majority of the full potential membership of the Planning Commission constitutes a quorum. Once established, a quorum is defeated if less than a majority of Commissioners remain to conduct business.
2. Regular attendance by Commission Members is expected. It is requested as a courtesy that Members provide advance notification minimally to the City Manager if they intend to be absent from a meeting. Absences may be excused by the Commission for reasonable cause to be stated in the meeting minutes.
3. Member(s) shall not be absent for more than three consecutive regular meetings unless excused by the Chairperson. The Chairperson of the Planning Commission shall notify the City Council of any non-compliance of the above

attendance criteria of a Planning Commission member by letter, recommending removal of said member from the Planning Commission.

4. Under extenuating circumstances such as a serious or chronic health condition, or family illness, the Planning Commission may, by motion and simple majority vote, defer the action specified above. Said member is exempt from voting privileges in the action.

#### REMOVAL OF A MEMBER

Pursuant to notice and an opportunity to be heard, a Member of the Planning Commission may be removed for cause by the City Council.

#### CONDUCT OF MEETINGS INCLUDING VOTING

1. The officers of the Commission shall be a Chairperson and a Vice-Chairperson, and a Secretary.
2. The officers of the Commission shall be elected at the first March meeting of each year. Special elections may be held to fill vacancies.
3. The terms of office of the Commission's Officers shall be one year. Officers may be re-elected.
4. Ordinary business which shall arise at their meetings shall be determined by a majority vote of the Planning Commission members. The affirmative vote of a simple majority of the total number of seats for the Commission, regardless of vacancies or absences, shall be necessary for the adoption, or recommendation for adoption, of any plan/ordinance or amendment to a plan/ordinance.
5. The Planning Commission has adopted the current edition of Robert's Rules of Order for conducting meetings. However, Robert's Rules are typically only consulted when questions regarding parliamentary procedure arise and they do not supersede the Planning Commission's Rules of Procedure.
6. Voice votes shall be deemed to have passed unanimously if no Member states opposition to the motion.
7. The presiding officer may call for a roll call vote as opposed to a voice vote at any time.
8. The presiding officer shall declare the result of every vote taken.
9. Commission Members must be physically present at a meeting to vote and to contribute to a quorum.
10. Motions are passed by the affirmative vote of the majority of the Commissioners present unless dictated otherwise by the City Charter, City Code of Ordinances, State Law, or other recognized authority.
11. Commissioners may elect to abstain from any vote. Abstentions are never counted as votes cast, but nevertheless may affect the result of a vote. Abstentions also do not count toward a quorum.

#### CONFLICT OF INTEREST

A conflict of interest is any interest competing with or adverse to a member's primary duty of loyalty to the public interest. Pursuant to Act 196 of 1973, commonly referred to as the "State Ethics Act," Members shall not:

- divulge confidential information.
- represent their opinion as that of the Council.
- use City personnel, property, or funds for personal gain or benefit.
- solicit or accept gifts/loans/goods/services, etc. which tend to influence their performance of official duties.
- engage in a business transaction in which they may profit from confidential information.
- engage in or accept employment/render services for a public or private interest which is incompatible/in conflict with the discharge of official duties or which may tend to impair their independence of judgment.
- participate in the negotiation or execution of contracts/making loans/granting subsidies/fixing rates/issuing permits, certificates, or other regulation/supervision relating to a business entity in which the Councilor has a financial or personal interest.

Please see MCL 15.342 and the full State Ethics Act for greater detail. Also see Act 317 of 1968 regarding prohibitions on Councilors from pursuing certain public contracts and Act 566 of 1978 regarding incompatible public offices.

1. Commissioners are obligated to disclose any real, potential, or perceived conflict of interest pertaining to themselves and/or other Members as soon as it is known to them. Such real, potential, or perceived conflicts of interest may involve a Member, a member of their immediate family or household, their employer or employee, or any entity in which the Member or other person identified above has a personal financial interest. Ideally this is done in advance of any meeting for which an agenda item may represent a conflict of interest for one or more Members. Some example scenarios are given below:
  - a. A Commissioner contacts the City Manager or Chairperson prior to a meeting and states their intention to abstain from voting on a particular agenda item, effectively recusing themselves due to a real, potential, or perceived conflict of interest.
  - b. A Commissioner contacts another Member prior to a meeting and inquires if the second Member may have a conflict of interest regarding a particular agenda item.
  - c. A Commissioner contacts the City Manager or Chairperson prior to a meeting and inquires if another Member may have a conflict of interest regarding a particular agenda item. The City Manager or the Planning Commission Chairperson then follows up with the Member who may have a conflict of interest.
2. If the issue of a real, potential, or perceived conflict of interest is raised and the Commissioner who may have a conflict of interest (aka the Member in question) does not recuse themselves from voting, any other Commissioner may motion for the Member in question to be excused (prohibited) from voting on the particular agenda item in question. If such a motion is seconded and 2/3 of the Members present, not including the Member in question, vote affirmatively to excuse the Commissioner in question from voting, then the Commissioner in question will be recorded as abstaining on the particular agenda item in question.

3. A Commission Member who has expressed their intention to abstain from voting or has been excused from voting by the remainder of the Commission due to a real, potential, or perceived conflict of interest may not participate in the discussion pertaining to the particular agenda item in question.
4. An interest that a Commission Member shares in common with the general public interest does not constitute a conflict of interest.
5. No Commission Member may vote on a matter which they have a proprietary or financial interest in or which they may gain a financial benefit from. (Charter Section 4.6d; see also Charter Section 14.)

### PUBLIC PARTICIPATION

1. Members of the public are invited and encouraged to attend all meetings of the Planning Commission.
2. Members of the public shall have the opportunity to address the Planning Commission at every meeting during the designated public comment period(s). Persons addressing the Planning Commission shall state their name, residential address, and affiliation with the City (if applicable). The duration allotted to individual speakers may be limited, with typical limits ranging from three (3) to five (5) minutes.
3. During public hearings, public comment shall be limited to the subject of the public hearing

### KEEPING OF RECORDS

1. A writing prepared, including meeting minutes, owned, used, in the possession of, or retained by a Planning Commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246, as amended.
2. The business that the Planning Commission may perform shall be conducted at a public meeting of the Planning Commission held in compliance with the Open Meetings Act, 1976 PA 267, MCL 15.261 to 15.275, as amended. Public notice of the time, date, and place of a regular or special meeting shall be given in the manner required by that act.

### DUTIES OF THE PLANNING COMMISSION

This Section shall not be construed to diminish the Planning Commission's authority and duties imposed by the Michigan Planning Enabling Act, Public Act 33 of 2008 by other laws or regulations. The Planning Commission shall perform the following duties:

- a) Adopt bylaws for the transaction of business including the election of officers and rules of procedure consistent with the Michigan Planning Enabling Act, Public Act 33 of 2008.
- b) Elect a chairperson from its members and create and fill other offices as it considers advisable. The term of office of each officer shall be one year with the opportunity for reelection as specified in the Bylaws.
- c) Keep a public record of its resolutions, transactions, findings, and determinations.
- d) Prepare forms, rules, procedures, and guidelines for the proper administration and enforcement of the Ordinance which are to be forwarded to the City Council for action prior to implementation.

- e) Conduct public hearings on matters requiring a public hearing, or which in the Planning Commission's discretion warrant a public hearing, prior to action
- f) Shall make and approve a master plan as a guide for development within the City, or areas outside the City boundaries that in the Planning Commission's judgment are related to the planning of the City as provided for in the Michigan Planning Enabling Act, Public Act 33 of 2008.
- g) Make a comprehensive review and recommend changes to the Master Plan and/or Zoning Ordinance as deemed necessary.
- h) Review and take appropriate action on all applications for zoning text change, rezoning, and special conditional use permits, and the review of site plans.
- i) Review and advise the City Council on all applications for amendments to the Ordinance and on any amendments proposed by the Planning Commission.
- j) Advise and make recommendations to the City Council concerning future amendments, changes, additions, or departures from the Ordinance.
- k) If the commission has adopted a master plan, the Planning Commission shall review and make recommendations on plats before action by the City Council under section 112 of the Land Division Act, 1967 PS 288, MCL 560.105, as amended.

TRAINING

An annual training of related education of 2.0 Hours is recommended for Redevelopment Ready Community Certification status for all Planning Commission Members. A list of Training Programs is available to all Council and Commission Members. Contact the City Manager to register for a program.

CONTROLLING AUTHORITY

1. The Planning Commission Rules of Procedure shall be followed unless superseded by the City Charter, City Code of Ordinances, State Law or other recognized authority.

Motion: Member LaBine

Second: Member Walton

Aye: 7 (LaBine, Wenc, Lahti, Rickard, Walton, Burack, Harris)

No: None

Motion Carried

Date: February 28, 2022