

CITY OF IONIA
Zoning Board of Appeals
By-Laws and Rules of Procedure

As adopted by the City of Ionia Zoning Board of Appeals – September 13, 2021

1. AUTHORITY

These Rules of Procedure are adopted by the City of Ionia Zoning Board of Appeals (the “Board”) pursuant to Public Act 110 of 2006 Michigan Zoning Enabling Act, and Public Act 267 of 1976, as amended, the Open Meetings Act.

2. MEMBERSHIP

- 2.1 Members. Members of the Commission shall be as set for by Section 1244.01 entitled Creation; Composition and Membership; Term of Office; Officers; Removal; Compensation; Vacancies; Quorum; of the City of Ionia City Code.
- 2.2 Terms. The terms of office for members shall be for three years, except for the members serving because of their membership on the Planning Commission or the City Council, whose terms shall be limited to the time they are members on those bodies.
- 2.3 Attendance. If any member of the Board is absent from three (3) consecutive meetings then that member shall be considered delinquent. Delinquency shall be grounds for the City Council to remove a member from the Board for nonperformance of duty, or misconduct, after holding a public hearing on the matter. The Board Secretary shall keep attendance records and shall notify the Mayor whenever a member of the Board is absent from three consecutive meetings, so the City Council can further action allowed under law or excuse the absences.
- 2.4 Conflict of Interest. A member of the Board shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

A Board member who represents the City Council or the Planning Commission on the Board shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission or the City Council. However, the Board member may consider and vote on other unrelated matters involving the same property.

2.5 Selection. At the first Board meeting of each calendar, the Board shall select from its membership a Chairperson, Vice-Chairperson and Secretary who shall serve until the first meeting of the following year and who shall be eligible for re-election. Alternate Board members and the Board member who is also a member of the City Council shall not be permitted to serve as Chairperson.

2.6 Duties.

A. Chairperson

1. The Chairperson shall be the chief executive of the Board and shall preside at all meetings of the Board.
2. The Chairperson shall appoint all committees or advisory committees established and provided by the Board.
3. The Chairperson shall sign all contracts or legal documents authorized by the Board.
4. The Chairperson shall call special meetings pursuant to these By-laws and Rules of Procedure.
5. The Chairperson shall represent the Board along with the City Council selected Board member before the City Council.
6. The Chairperson shall perform such other duties as may be ordered by the Board.

B. Vice-Chairperson

1. In the event of the absence of the Chairperson or his or her inability to discharge the duties of the office of Chairperson, such duties shall, for the time being, be performed by the Vice-Chairperson.
2. In the event that the office of the Chairperson becomes vacant, the Vice-Chairperson shall serve as Chairperson until a new Chairperson is elected.
3. The Vice-Chairperson shall perform such other duties as may be ordered by the Board.

C. Secretary

1. The Secretary shall be responsible for overseeing the activities of the Recording Secretary.
2. The Secretary shall execute documents in the name of the Board.
3. The Secretary shall perform such other duties as may be ordered by the Board.

D. Recording Secretary

1. The Recording Secretary of the Board shall be the City Manager or his or her designee.

2. The Recording Secretary shall prepare an agenda for Board meetings pursuant to these By-Laws and Rules of Procedure.
3. The Recording Secretary shall keep minutes of all meetings of the Board and sign the adopted version of the minutes. In keeping the minutes, the Recording Secretary shall include each finding of the Board, including findings on the applicable standards or analysis of review.
4. The Recording Secretary shall be responsible for all correspondence and notices pertaining to meetings and official acts of the Board.

3. MEETINGS

- 3.1 Meeting Notices. Notice of all meetings shall be posted at City Hall according to the Open Meetings Act. The notice shall include the date and time of the meeting.
- 3.2 Meetings. Meetings of the Board shall be held at 6:30 PM at City Hall on an as needed basis when a request for an appeal or variance is received or when such other business shall be replaced before the Board. The dates and times shall be posted at City Hall in accordance with the Open Meetings Act.
- 3.3 Quorum. The Board shall not conduct business unless a majority of the members of the Board are present. Three members shall constitute a quorum for the conduct of business. In order for the Board to conduct business or take any official action, a quorum shall be present. When a quorum is not present, no official action, except for closing the meeting may take place. The members of the Board may discuss matters of interest, but can take no action until the next regular or special meeting.
- 3.4 Hearings. Hearings shall be scheduled and due notice given in accordance with the provisions of the acts cited in Section 1.

Public hearings conducted by the Board shall be run in an orderly and timely fashion. This shall be accomplished by the following procedure:

- A. The Chairperson shall open the hearing indicating the basic nature of the request, citing public notice in official newspaper, and notification of neighboring properties (if applicable).
- B. The Chairperson shall announce the order of the hearing which is as follows:
 1. Applicant explaining the request.
 2. Review by City staff/professionals.
 3. Comments and explanations by applicant.

4. Questions from the Board.
5. Responses by City staff/professionals and/or applicant.
6. Opening of hearing for public comments.
7. Close hearing to public comments.
8. Responses by City staff/professionals and/or applicant.

3.5 Public Participation. All meetings, hearings, records and accounts shall be open to the public.

A. All public comment on all agenda items should be presented at the beginning of the meeting where provided in the printed agenda. After that point during the meeting, public comment is normally not allowed; however, sometimes the Board may direct questions to members of the public. Public comment is at the beginning of the meeting so the Board can hear concerns and questions before acting on an issue. Those making public comment are expected to be familiar with the issue and have prepared comments ahead of time. To help the public in preparing for the meeting any written material shall be made available without cost for members of the public asking for a copy prior to the meeting.

B. The Chairperson may limit the amount of time allowed for each person wishing to make public comment at a Board meeting. The Chairperson may ask members of the audience to caucus with others sharing similar positions so they may select a single spokesperson. If a single spokesperson is selected, that individual shall be able to make public comment at the Board meeting without time limit or with an extended time limit.

3.6 Motions. Motions shall be restated by the Chairperson before a vote is taken. The name of the maker and supporter of the motions shall be recorded.

3.7 Voting. An affirmative vote of the majority of the members of the Board present at a meeting shall be required for the approval of any requested action or motion placed before the Board, unless statute requires an affirmative vote of the majority of the total membership, which is three members. An affirmative vote of four members of the Board shall be necessary to decide in favor of the applicant any use variance. Voting shall ordinarily be voice vote; provided however that a roll call vote shall be required if requested by any Board member or directed by the Chairperson.

All members of the Board including the Chairperson shall vote on all matters, but the Chairperson shall vote last. Any member may be excused from voting but only if that person has a bonafide conflict of interest as set forth in Section 8 herein.

3.9 Findings. The Board shall agree, by majority, to the findings on each factor required for analysis or review, and the same shall be placed in the minutes for public knowledge and review of said findings.

3.9 Order of Business. A written agenda for all regular meetings shall be prepared as follows. The order of business shall be:

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes
5. Public Comments (if a public hearing is being held as part of the meeting, the public hearing on the specific matter is conducted prior to general public comments).
6. Old Business
7. New Business
8. Board Member Comments
9. Adjournment

3.10 Rules of Order. All meetings of the Board and any committees shall be conducted in accordance with generally accepted parliamentary procedure, as governed by "Robert's Rules of Order".

3.11 Notice of Decision. A written notice containing the decision of the Board will be sent to the applicant of the request.

4. MINUTES

4.1 Board minutes shall be prepared under the supervision of the Secretary of the Board. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and recording of votes; complete statement of the conditions or recommendations made on any action; a recording of attendance. All communications, actions, and resolutions shall be attached to the minutes. The official records shall be deposited with and kept by the City Clerk.

5. OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS

5.1 All meetings of the Board shall be open to the public and held in a place available to the general public.

5.2 All deliberations and decisions of the Board shall be made at a meeting open to the public.

- 5.3 A person shall be permitted to address a hearing of the Board under the rules established in Subsection 3.5.
- 5.4 All records, files, publications, correspondence, and other materials are available to the public for reading, copying and other purposes are governed by the Michigan Freedom of Information Act.

6. AMENDMENTS

The Board may amend these rules by a concurring vote pursuant to Subsection 3.7, during any regular meeting, provided that all members have received an advance copy of the proposed amendments at least three days prior to the meeting at which such amendments are to be considered.

8. CONFLICT OF INTEREST

A Board member shall vote on all matters unless there is a legitimate conflict of interest. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:

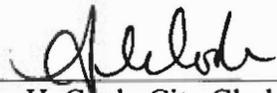
- 8.1 Issuing, deliberating on, voting on, or reviewing a case concerning him or her.
- 8.2 Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by him or her or which is adjacent to land owned by him or her.
- 8.3 Issuing, deliberating on, voting on or reviewing a case involving a corporation, company, partnership, or any other entity in which he or she is a part owner, or any other relationship where he or she may stand to have a financial gain or loss.
- 8.4 Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a pecuniary benefit to him or her.
- 8.5 Issuing, deliberating on, voting on, or reviewing a case concerning his or her spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parents in-law, grandparents in-law, or members of his or her household.
- 8.6 Issuing, deliberating on, voting on, or reviewing a case where his or her employee or employer is:
 - A. an applicant or agent for an applicant; or,
 - B. has a direct interest in the outcome.

9. ADOPTION

These Zoning Board of Appeals Bylaws and Rules of Procedure were adopted at a regular meeting of the Board held on September 13, 2021.

10. FILING

Filed with the City Clerk on September 14, 2021.



Ally H. Cook, City Clerk