

**CITY OF IONIA  
Planning Commission**

**By-Laws and Rules of Procedure**

As originally adopted by the City of Ionia Planning Commission – February 23, 2006  
As revised by the City of Ionia Planning Commission – September 10, 2008  
As revised by the City of Ionia Planning Commission – April 14, 2021

**1. AUTHORITY**

These Rules of Procedure are adopted by the City of Ionia Planning Commission (the “Commission”) pursuant to the Michigan Planning Enabling Act (Public Act 33 of 2008, as amended), and the Open Meetings Act (Public Act 267 of 1976, as amended).

**2. MEMBERSHIP**

- 2.1 Members. Members of the Commission shall be as set forth by Section 1202.02 Membership; Compensation; Vacancies of the City of Ionia City Code.
- 2.2 Attendance. If any member of the Commission is absent from three (3) consecutive regularly scheduled meetings then that member shall be considered delinquent. Delinquency shall be grounds for the City Council to remove a member from the Commission for nonperformance of duty, or misconduct, after holding a public hearing on the matter. The Commission Secretary shall keep attendance records and shall notify the Mayor whenever a member of the Commission is absent from three consecutive regularly scheduled meetings, so the City Council can take action as allowed under law or excuse the absences.
- 2.3 Conflicts of Interest, Conflicts of Duty and Incompatibility of Public Office. Each member of the Commission shall avoid conflicts of interest, conflicts of duty, and/or incompatibility of office. As used herein, a conflict of interest shall, at a minimum, include, but not necessarily be limited to, the following:
- A. Issuing, deliberating on, voting on, or reviewing a case concerning him or her.
  - B. Issuing, deliberating on, voting on, or reviewing a case on land owned by him or her or that is adjacent to land owned by him or her.
  - C. 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.

- D. Issuing, deliberating on, voting on, or reviewing a case that might result in a pecuniary benefit to him or her, to those related to him or her within the 3<sup>rd</sup> degree of consanguinity or affinity, or to members of his or her household.
- E. Issuing, deliberating on, voting on, or reviewing a case in which those related to him or her within the 3<sup>rd</sup> degree of consanguinity or affinity of his or her, or members of his or her household, or his or her employee or employer such that the member:
  - 1 Is an applicant or agent for an applicant; or
  - 2. Has a direct interest in the outcome apart from the general public interest.

If there is a question whether a conflict of interest exists or not, the question shall be put before the Commission. Whether a conflict of interest exists or not shall be determined by a majority vote of the remaining members of the Commission.

When a conflict of interest exists, the member of the Commission shall do all of the following immediately, upon first knowledge of the case and determining that a conflict exists:

- A. Declare a conflict exists immediately upon determining that a conflict exists;
- B. Cease and desist from any action that might influence, or might be perceived by a reasonable person of influencing, the outcome of deliberations by the Commission or actions of its staff and others regarding the matter; and
- C. During any meeting in which the matter is before the Commission, leave the meeting or remove one's self from the front table where members of the Commission sit, until deliberation and voting on, the matter is concluded for that meeting.
- D. Abstain from voting on the matter giving rise to the conflict of interest.

A conflict of duty shall be said to exist in which a member of the Commission, by virtue of his or her affiliation with an organization with business before the Commission, feels that he or she is unable to render an unbiased decision in the matter, or that his or her participation in deliberation on the matter might reflect unfavorably on him or her, the Commission or the other organization, but that affiliation does not constitute a conflict of interest as defined herein. In such an instance, the member should consider declaring the conflict of duty and may request to abstain from voting on the matter. If a member requests to abstain from voting, such a request shall be considered by the Commission at the earliest opportunity and shall be approved only upon the unanimous affirmative vote of all remaining Commission members present when the vote is taken.

If a member of the Commission is appointed to another public office, which is an incompatible with his or her membership on the Commission, then the effective date of the appointment to the other office shall be deemed an automatic resignation from the Commission. If an individual who holds another public office that is incompatible with membership on the Commission is appointed to the Commission, the individual shall be prohibited from performing the duties of member of the Commission until he or she has resigned from the other office.

- 2.4 Removal of members. A member of the Commission may be removed by the City Council, pursuant to MCL 125.3815, for misfeasance, malfeasance, or nonfeasance, including for failure to disclose a potential conflict of interest as provided herein.
- 2.5 Election of Officers. At its January meeting in each year, or as soon thereafter as may be practical, the Commission shall elect from its membership a Chairperson, Vice-Chairperson and Secretary. Members who are then serving as officers shall be eligible for election to the same or another office. Ex-Officio members of the Commission shall not be eligible to serve as Chairperson or Vice-Chairperson.

If an office becomes vacant for any reason, the Commission shall conduct an election to fill the vacancy at the first regular meeting of the Commission after the vacancy occurs, or as soon thereafter as may be practical

- 2.6 Terms of Office. Officers shall take office immediately upon their election. They shall hold their office for a term of one year, or until their successors are elected and assume office.
- 2.7 Duties.
- A. Chairperson
1. The Chairperson shall be the chief executive of Commission and shall preside at all meetings of the Commission.
  2. The Chairperson shall appoint all standing, ad hoc or advisory committees established and provided for by the Commission.
  3. The Chairperson shall sign all contracts or legal documents authorized by the Commission.
  4. The Chairperson may call special meetings pursuant to these By-laws and Rules of Procedure.
  5. The Chairperson shall represent the Commission, along with the ex-officio member, before the City Council.
  6. The Chairperson shall perform such other duties as may be directed or authorized by the Commission.

- B. Vice-Chairperson
  - 1. If the Chairperson is absent or otherwise unable to discharge the duties of his or her office such duties shall be performed by the Vice-Chairperson.
  - 2. If the office of 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 directed or authorized by the Commission.
  
- 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 Commission.
  - 3. The Secretary shall perform such other duties as may be directed or authorized by the Commission.
  
- D. Recording Secretary
  - 1. The Recording Secretary of the Commission shall be the City Manager or his or her designee.
  - 2. The Recording Secretary shall prepare an agenda for Commission meetings pursuant to these By-Laws and Rules of Procedure.
  - 3. The Recording Secretary shall keep minutes of all meetings of the Commission and sign the adopted version of the minutes.
  - 4. The Recording Secretary shall be responsible for all correspondence and notices pertaining to meetings and official acts of the Commission.

**3. MEETINGS**

- 3.1 Meeting Notices. Notice of all meetings shall be posted at City Hall and on the City of Ionia website in accordance with the Open Meetings Act. The notice shall include the date and time of the meeting.
  
- 3.2 Regular Meetings. Regular meetings of the Commission shall be held at City Hall on the second Wednesday of each month at 4:30 PM, unless scheduled otherwise by the Commission. A schedule of the dates and times of meetings for each calendar year shall be posted at City Hall in accordance with the Open Meetings Act. Any changes in the date or time of the regular meetings shall be posted and noticed in the same manner as originally established. When a regular meeting date falls on or near a legal holiday, the Commission shall select suitable alternate dates in the same month, in accordance with the Open Meetings Act.

- 3.3 **Special Meetings.** A special meeting may be called by the Chairperson or by two members of the Commission upon written request to the Recording Secretary, which request shall state the purpose for calling the special meeting. Public notice of the time, date, place, and purpose of the special meeting shall be given in accordance with the Open Meetings Act, and the Planning Enabling Act if applicable, and the Secretary shall deliver written notice of a special meeting to Commission members not less than 48 hours in advance of the meeting.
- 3.4 **Quorum.** Four members of the Commission shall constitute a quorum. In order for the Commission 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 Commission may discuss matters of interest, but can take no action until the next regular or special meeting. A member who abstains from voting due to conflict of interest or conflict of duty shall be included in the number of members present at the meeting for the purpose of determining a quorum.
- 3.5 **Hearings.** Hearings shall be scheduled and due notice given in accordance with the provisions of the statutes cited in Section 1.

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

- A. The Chairperson shall open the hearing by 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 Commission.
  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.
- 3.6 **Public Participation.** All regular and special 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 agenda. After that point during the meeting, public comment is normally not allowed; however, sometimes the Commission may direct questions to members of the public. Public comment is at the beginning of the meeting so the Commission 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 Commission 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 Commission meeting without time limit or with an extended time limit.

3.7 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.

3.8 Voting. An affirmative vote of the majority of the members not disqualified by Section 2.3 of the Commission present at a meeting shall be required for the approval of any requested action or motion placed before the Commission, unless statute requires a larger majority (i.e., two-thirds). Voting shall ordinarily be voice vote; provided, however, that a roll call vote shall be required if requested by any Commission member or directed by the Chairperson.

All members of the Commission, 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 conflict of interest as set forth in Subsection 2.3 herein or has been authorized by the Commission to abstain from voting due to a conflict of duty.

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. Public Hearings with corresponding Commission action
7. Old Business
8. New Business
9. Commissioner Comments
10. Adjournment

3.10 Rules of Order. All meetings of the Commission 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 Commission will be sent to the applicant of the request.

#### **4. MINUTES**

4.1 Commission minutes shall be prepared under the supervision of the Secretary of the Commission. 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 Commission shall be opened to the public and held in a place available to the general public.

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

5.3 A person shall be permitted to address a hearing of the Commission under the rules established in Subsection 3.5, and to address the Commission concerning non-hearing matters under the rules established in Subsection 3.6 to the extent that they are applicable.

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. ANNUAL REPORT**

The Commission shall, before the 31<sup>st</sup> day of March of each year, submit to the City Council, a written report of its activities covering the previous year, indicating the status of planning activities including recommendations regarding actions by the City Council related to planning and zoning.

#### **7. AMENDMENTS**

The Commission may amend these rules by a concurring vote pursuant to Subsection 3.8, 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. ADOPTION**

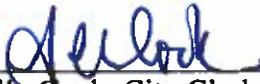
These Planning Commission Bylaws and Rules of Procedure were adopted at a regular meeting of the Commission held on April 14, 2021.

**9. APPROVAL BY CITY COUNCIL.**

In accordance with Section 1202.04 of the Ionia City Code, these bylaws and rules of procedure were approved at a meeting of the City Council held on May 4, 2021.

**10. FILING**

Filed with the City Clerk on May 5, 2021.

  
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Ally Cook, City Clerk