

CITY OF PORTAGE PLANNING COMMISSION

RULES OF PROCEDURE

ARTICLE I – COMMISSION AUTHORITY, PURPOSE AND OBJECTIVES

Section 1. The Commission shall exercise such powers and perform such duties as are authorized and required by P.A. 33 of 2008, Michigan Planning Enabling Act (M.C.L. 125.3801 *et seq.*), as amended, P.A. 110 of 2006, Michigan Zoning Enabling Act (M.C.L. 125.3101 *et seq.*), as amended, and City of Portage City Charter and Code of Ordinances.

Section 2. The Commission shall make and approve a master plan as a guide for development within the City of Portage. The Commission shall review and act upon all proposed zoning ordinances, zoning amendments, special land use permits, site plans, preliminary plats, amendments to land use plans, capital improvement programs, plans from adjacent and contiguous governmental units, and other related duties, pursuant to statutory and ordinance requirements.

Section 3. The Commission shall adopt these Rules of Procedures for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations.

Section 4. The Commission shall make an annual written report to the legislative body concerning its operations and the status of planning activities, including recommendations regarding actions by the legislative body related to planning and development.

ARTICLE II – MEMBERSHIP AND OFFICERS OF COMMISSION

Section 1. Membership of the Commission shall consist of nine members. Members of the Commission shall be appointed by the Mayor subject to approval of a majority of City Council elected and serving in accordance with the Michigan Planning Enabling Act and per City Charter.

Section 2. The officers of the Commission shall consist of a Chairperson, Vice-Chairperson and a Secretary and other officers as may be considered advisable, per the Michigan Planning Enabling Act.

Section 3. Said officers shall be elected by a vote of the Commission at the annual meeting in June and shall serve for a period of one year, or until their successors are elected. Nomination of officers shall be made from the floor of the meeting and the election shall be immediately thereafter. Vacancies in office shall be filled by regular election procedure.

Section 4. The Chairperson shall preside at all meetings of the Commission. The Chairperson shall have a vote upon all actions as a Commissioner. The Chairperson shall sign all documents authorized by the Commission. The Chairperson may appoint members to committees and advisory committees, subject to Commission approval.

Section 5. In the event the office of the Chairperson shall become vacant by death, resignation or otherwise, the Vice-Chairperson shall become Chairperson for the unexpired term of this office.

Section 6. In the event of the absence of the Chairperson or the inability of the Chairperson to discharge the duties of this office, such duties shall for the time being devolve upon the Vice-Chairperson. In the event the Vice-Chairperson is for like reason, unable to act, such duties shall for the time being devolve upon the Secretary.

Section 7.

(a) Each member of the Commission shall avoid conflicts of interest and not deliberate on, vote on, or review a matter where a conflict of interest exists. Conflicts of interest include, but are not limited to the following: where the concern involves the member, the immediate family or household of the member; where the subject property is owned by or is within 300 feet to property owned by the member; or where there is a corporation, partnership or other entity in which the member has an ownership, employment, or other financial interest. Conflicts of interest of a member may also arise where the member may derive a personal profit or gain, directly or indirectly, from his or her official position or authority or benefit financially from confidential information which the member has obtained or may obtain by reason of that position or authority or where the member has a substantial direct or indirect financial, personal or ownership interest other than an interest similar to that of other citizens affected.

(b) Potential conflicts of interest shall be raised by a member as soon as known by the member and if a conflict of interest exists, the member shall not receive materials concerning the conflict of interest, participate in discussions regarding the matter, attend a closed session in which the matter is discussed and shall exit the meeting room during deliberation of the matter.

(c) Other Commissioners may vote on whether there is a reasonable conflict that disqualifies a Commissioner from voting and may also vote to disqualify a member from participating, reviewing or voting on a matter if the interested member neglects or fails to disqualify him or herself.

(d) Failure of a member to disclose a potential conflict of interest as required by these Rules of Procedure constitutes malfeasance in office.

Section 8. If a member of the Commission has *ex parte* contact with an applicant who has a request before the Commission, the member shall disclose such contact to the Commission at the public hearing or deliberation of the matter.

ARTICLE III – MEETINGS

Section 1. Regular meetings of the Commission shall be held the 1st and 3rd Thursday of each month at Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan 49002 for the transaction of such business as may be brought before the Commission. When a regular meeting falls on or near a holiday, the meeting schedule may be adjusted as determined by the Commission. Special meetings to accommodate applicant requests and additional business may also be scheduled periodically by the Commission. All meetings of the Commission shall be open to the public and shall comply with the Open Meetings Act.

Section 2. The second regular meeting held in the month of June shall constitute the annual meeting of the Commission.

Section 3. Members of the Commission shall be notified in writing of the time and place of all meetings not less than 48 hours before the meeting. Notices of meetings of the Commission shall specify the business to be transacted and no other business shall be officially considered at said meeting, unless added by the affirmative vote of at least five members of the Commission.

Section 4. A written agenda shall be prepared for all meetings before the Commission. The normal order of business shall be as follows:

- (a) Call to Order
- (b) Pledge of Allegiance
- (c) Approval of Minutes
- (d) Site/Final Plans
- (e) Public Hearings
- (f) Plats/Residential Condominiums
- (g) Old Business
- (h) New Business
- (i) Statement of Citizens
- (j) Adjournment

Section 5. During meetings where a large number of citizens may be anticipated to be present who may wish to speak regarding an agenda item, the Chairperson may establish a time limit for public comment and request that citizens not repeat previously voiced comments. Further, the Commission may adjourn the public hearing to a larger venue if circumstances require.

Section 6. The City Manager, or designate, on behalf of the Commission, shall prepare all public notices for agenda items pending before the Commission consistent with the Michigan Planning Enabling Act, Michigan Zoning Enabling Act, Open Meetings Act and other applicable statutes.

Section 7. The City Manager, or a member of the City Administration as designated by the City Manager, shall attend all Commission meetings.

Section 8. The City Attorney, or designate, shall provide professional legal advice and attend all Commission meetings.

Section 9. Following every meeting, the City Manager, or designate, shall prepare summary meeting minutes for review and approval by the Commission at the next scheduled meeting.

ARTICLE IV – QUORUM AND VOTING

Section 1. Five members of the Commission shall constitute a quorum for the transaction of business.

Section 2. At least five concurring votes shall be necessary for all decisions made by the Commission, except when a motion involves an amendment to the Master Plan, which shall require an affirmative vote of at least 2/3 (six concurring votes) of the membership of the Commission and unless otherwise provided by law or these Rules of Procedure

Section 3. Each Commissioner present shall be entitled to one vote in meetings of the Commission.

Section 4. The City Manager, or designate, City Attorney and other officials of the City may participate in Commission discussions, but shall not vote, introduce motions or initiate any other parliamentary action.

ARTICLE V – COMMITTEES

Section 1. The Commission may approve committees of Commission members with such duties and functions as it deems available. The Chairperson with approval of the Commission may approve appointment of advisory committees whose members are not members of the planning commission, per the Michigan Planning Enabling Act.

Section 2. The Commission may also authorize advisory committees whose membership may consist of individuals whose experience, training or interest may qualify them to lend valuable assistance to the Commission by acting in an advisory capacity in consulting with the Commission on the technical and special phases of its programs.

ARTICLE VI – AMENDMENTS

Section 1. These Rules of Procedure may be altered or suspended, amended or repealed by the Commission at any regular or special meeting,

ARTICLE VII – RULES OF ORDER

Section 1. In all cases not covered by these rules, Roberts Rules of Order will govern.