

CHARTER TOWNSHIP OF OXFORD, MICHIGAN

PLANNING COMMISSION

BY-LAWS AND RULES OF PROCEDURE

SECTION 1. AUTHORITY, CREATION AND DUTIES

- 1.1 These by-laws and rules of procedure are adopted by the Charter Township of Oxford (Oakland County) Planning Commission (hereinafter called the Commission) pursuant to Public Act 33 of 2008, as amended.
- 1.2 The Commission shall consist of seven (7) members representing insofar as it is possible, different professions or occupants who shall be appointed by the supervisor subject to the approval by a majority vote of the Township Board. All members of the Commission shall hold no other Township Office except that one and only one such member shall be a member of the Township Board, in conformance with the terms of Public Act 33 of 2008, as amended.
- 1.3 The term of each member shall be three years, except that two (2) members of the first Commission to be so appointed shall serve for the term of one year, two (2) for a term of two years and three (3) for a term of three years, and except the member appointed from the Township Board shall serve for the term of his office on such Board.

SECTION 2. OFFICERS

2.1 Selection

- a) The officers of the Planning Commission shall consist of Chairperson, Vice Chairperson, and Secretary selected from the general membership of the Commission. The term of each officer shall be one (1) year.
- b) The election of all officers shall occur at the Commission's first regular meeting in January or the first meeting held in the calendar year.
- c) Any member nominated for an office on the Commission shall have served on the Commission for at least one year.
- d) Nominations of members for an office shall be by a current member of the Commission during the meeting when elections are held.
- e) All nominations shall be seconded by another member of the Commission to be considered a valid nomination.
- f) All elections shall be conducted by a roll call vote. If there is only 1 nominee for an office, that nominee shall be assumed to be unanimously elected.

- g) To be elected to an office, a nominee must receive a majority of the votes of the full Planning Commission.
- h) All terms of office shall begin immediately upon election.
- i) No Township Board Member shall serve as the chairperson of the Commission.

2.2 Resignation of Officers

- a) An officer may resign his/her office by submitting a letter to the Township Supervisor and Township Board, and send a copy of this letter to the Chairman or Vice Chairman of the Planning Commission, as appropriate.
- b) The resignation from office will not become effective until acted upon and accepted by the Commission at its next regularly scheduled meeting.

2.3 Duties of the Officers

a) The Chairperson shall:

- 1) Preside at all meetings and shall conduct all meetings in accordance with the Open Meetings Act, (Public Act 267 of 1976 as amended), and the rules provided herein.
- 2) Clearly state the issues before the Commission.
- 3) Appoint members to committees.
- 4) As appropriate, act as a liaison between the Commission and the planning staff, consultants, and all other pertinent agencies or agents of the Township and, in so doing shall utilize proper administrative/management channels of authority.
- 5) Reserve his/her opinions on an issue until the other members of the Commission who so wish have spoken on the issue.
- 6) Attend all Township Board meetings which include a planning issue or send another member of the Commission as his representative. The Township Board Member appointed to the Planning Commission shall normally serve in this capacity, on behalf of the Chairperson.

b) The Vice Chairperson shall:

- 1) Act for the Chairperson when needed at Commission, Township Board, or other meetings.
- 2) Assist the Chairperson in recognizing members who may wish to speak.

- 3) Shall succeed to the office of Chairperson in the event of a vacancy in that office, in which case the Commission shall select a successor to the office of Vice Chairperson at the earliest practical time.

c) The Secretary shall:

- 1) Act for the Chairperson in the absence of the Chairperson and Vice Chairperson at Commission, Township Board, and other meetings.
- 2) Direct the Commission's recording secretary to summarize pertinent correspondence received by the Commission which deals with an issue before the Commission.
- 3) Be responsible for the accuracy of the Commission's approved minutes by placing his/her signature on a copy of the minutes, as approved.
- 4) Be responsible for taking roll call at all Commission meetings.

2.4 The General Membership shall:

- a) Not speak until recognized by the Chairperson.
- b) Serve on special committees as appointed by the Chairperson.
- c) Notify the Chairperson or Township Office if unable to attend a scheduled meeting.
- d) If resigning from the Planning Commission, each member shall submit a letter of resignation to the Township Supervisor and Township Board, and send a copy of this letter to the Chairman or Vice Chairman of the Planning Commission, as appropriate. Resignation from the Commission shall be effective at the next regularly scheduled meeting of the Commission.

2.5 Committees

- a) No member shall serve on more than three standing committees.
- b) No member shall serve as chairperson on more than one standing committee.
- c) The Chairperson of a standing committee shall be elected by the members of that standing committee.

SECTION 3. MEETINGS

3.1 Meeting Notices.

- a) All meetings of the Commission shall be posted at the Township Office according to the provisions of the Open Meetings Act, MCL 15.261; MSA 4.1800(11) et seq., the applicable provisions of the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended), and the applicable provisions of any Township Ordinances.

- b) The notice shall include the date, time and place of the meeting.
- c) Notice of any change in the date or time of a meeting must be posted in the manner required by the Open Meetings Act, the Michigan Zoning Enabling Act (P.A. 110 of 2006), if applicable, and any applicable Township Ordinances.

3.2 Regular Meetings and Regularly Scheduled Special Meetings.

- a) Regular meetings of the Commission shall be scheduled monthly on the second and fourth Thursdays of the month. A regular meeting shall be scheduled in each quarter of the calendar year.
- b) Special meetings may be called by two Commission members upon written request to the Secretary, or by the Chairperson.
- c) When a regular meeting date or a special meeting date falls on or near a legal holiday, the Commission shall select a suitable alternate meeting date in the same month in accordance with the Open Meetings Act.

3.3 Quorum

- a) The presence of four (4) members of the Commission shall constitute a quorum of the Commission.
- b) If a quorum is not present, the only action that can be taken is to adjourn. No other action may be taken in the absence of a quorum.
- c) All public hearings without a quorum shall be continued to and scheduled for the next regular or special meeting, notice of which shall be posted at least 18 hours in advance in the manner required by the Open Meetings Act, and in conformance with the requirements of the Michigan Zoning Enabling Act (P.A. 110 of 2006) and any applicable Township Ordinances.

3.4 Procedure for Unfinished and New Business Items

The order of presentation shall be as follows:

- 1) Presentation by Petitioner
- 2) Comments from Township Consultants and Staff
- 3) Review of Correspondence
- 4) Public Comment
- 5) Commission Member Discussion
- 6) Motion
- 7)

8) Discussion on Motion

9) Vote

3.5 Public Hearings

a) Public hearings shall be scheduled and due notice given in accordance with the provisions of Public Act 110 of 2006, as amended.

b) The order of presentation shall be as follows:

1) Presentation by Petitioner

2) Open Public Hearing

3) Public Testimony

4) Close Public Hearing

5) Comments from Township Consultants and Staff

6) Review of Correspondence

7) Commission Discussion

8) Motion

9) Discussion on Motion

10) Vote

c) The petitioner shall limit his/her remarks or presentation to 10 minutes, unless extended by permission of the Chairperson.

1) The Chairperson shall instruct the petitioner to summarize his/her remarks when the Chairperson or Commission members feel that he/she has strayed from the pertinent facts, has become repetitive or is being disrespectful to the Commission.

2) If the petitioner has a spokesperson, that spokesperson may make the main presentation and the petitioner may also speak, but both speakers shall not exceed the time limit of this rule without permission of the Chairperson.

d) Any members of the public wishing to address the Commission during a public hearing shall give their name, address, and position on the issue under discussion.

1) The general public shall limit their remarks to 3 minutes each.

2) All speakers shall address their remarks to the Chairperson only.

- 3) No person shall be permitted to speak twice on the same issue until everyone wishing to be heard has had a chance to speak. Persons will only be recognized a second time if they have something new to add that has not already been brought to the Commission's attention.
- 4) No person, other than a Commission member, Township consultant or Township staff, shall be allowed to address an issue for public hearing following the closing of that public hearing by the Chairperson.

3.6 Motions

- 1) A motion shall be restated by the Chairperson or the recording secretary before a vote is taken.
- 2) The name of the maker and supporter of the motion shall be recorded.

3.7 Voting

- 1) An affirmative vote of the majority of votes cast shall be required for the approval of any requested action or motion placed before the Commission.
- 2) Adoption of amendments to the Master Plan in the Township, Zoning Ordinance amendments, special land uses, rezonings, and amendments to the By-Laws requires the affirmative vote of a majority of members of the Commission (4 affirmative votes).
- 3) Voting shall ordinarily be by voice vote; provided however, that a roll call vote shall be required if: 1. requested by any Commission members, or directed by the Chairperson; or 2. regarding amendments to the Master Plan of the Township, Zoning Ordinance amendments, special land uses, rezonings, amendments to the By-Laws, and expenditure of funds.
- 4) Roll call votes shall be recorded.
- 5) Any member of the Commission shall be excused from discussing or voting on any issue in which that member has a financial interest other than the common public interest, or some other stated conflict of interest which would create a conflict of interest in violation of the Standards of Conduct for Public Officers and Employees Act, MCL 15.321; MSA 4.1700(5) et seq., or otherwise create a conflict of interest recognized under Michigan law.
- 6) On all other issues, each member who is present is required to vote unless excused by the unanimous consent of the remaining members present.

3.8 Order of Business

- 1) A written agenda for all meetings shall be prepared and followed. The order of business shall be as follows:

- 1) CALL TO ORDER
 - 2) RESPECTS TO THE FLAG
 - 3) ROLL CALL
 - 4) APPROVAL OF AGENDA
 - 5) APPROVAL OF MINUTES
 - 6) PUBLIC COMMENTS FOR ITEMS NOT SCHEDULED FOR PUBLIC HEARING OR ON THE AGENDA
 - 7) COMMISSIONERS' COMMENTS, COMMENTS FROM BUILDING OFFICIAL AND/OR ZONING ADMINISTRATOR, COMMENTS & INFORMATION FROM RECORDING SECRETARY
 - 8) PUBLIC HEARING(S)
 - 9) UNFINISHED BUSINESS
 - 10) NEW BUSINESS
 - 11) COMMUNICATIONS AND/OR COMMITTEE REPORTS
 - 12) PLANNER/ENGINEER REPORTS
 - 13) BILLS
 - 14) ADJOURNMENT
- b) A written agenda for special meetings and Sub-Committee meetings shall be prepared and followed; however, the form as enumerated above shall not be necessary.

3.9 Public Comment on Items Not Scheduled for Public Hearing or on the Agenda

- 1) During this portion of the agenda, a member of the audience may address the Commission on any issue which is not scheduled on that agenda.
- 2) A member of the audience speaking during this portion of the agenda shall limit his/her remarks to 3 minutes.

3.10 Correspondence/Communications

- 1) No matters for consideration shall be accepted after the agenda packets have been delivered unless the Commission finds that it is of an emergency nature and must be acted on that night.

3.11 Rules of Order

All meetings of the Commission shall be conducted in accordance with generally accepted parliamentary procedure, outlined as follows:

- a) A motion is made, then seconded by another member of the Commission.
- b) After the motion is seconded, the Planning Commission may then engage in discussion of the motion before the Commission; such discussion shall be limited to the Commission members only.
- c) A motion may be withdrawn prior to the vote of the Commission by those members who initiated and seconded the motion.
- d) A motion may be amended by the member who initiated the motion upon seconding of the amendment by another member.
- e) The Chairperson may permit limited comment from audience members regarding motions before the Commission.
- f) Following discussion of the motion and amendment(s) to the motion, if any, the Commission shall vote upon the motion before it.
- g) When the motion is passed upon as required by these By-Laws, that motion shall then become a resolution of the Planning Commission.

3.12 Beginning and Ending Times

- a) All Commission meetings shall begin promptly at 7:00 p.m.
- b) All Commission meetings shall adjourn no later than 10:00 p.m. unless
 - 1) There are petitioners remaining on the agenda;
 - 2) Planning staff needs direction on a matter that cannot wait until the next meeting, or
 - 3) The Commission votes to continue the meeting.
- c) Motions to continue a meeting must include a specific ending time.

3.13 Site Plans

- a) No site plan shall be considered by the Commission unless it includes all of the information required by the Oxford Charter Township Zoning Ordinance.
- b) The Commission reserves the right to limit its agenda so that meetings can end at the established adjournment time. In this regard, a petitioner for site plan review has no right to be heard or to be placed on the agenda of the first possible Planning Commission meeting.

3.14 Unnecessary Omission

No matter for consideration which otherwise meets the requirements of these By-Laws and Rules of Procedure may be omitted by the Planning Commission from the agenda for more than one (1) meeting (excluding special meetings established for planning purposes only). That is, except through the fault of the petitioner, any item properly submitted for Planning Commission review must be noticed for, and considered at the second meeting for which it is eligible.

3.15 Special Planning Meetings

- 1) The Commission may hold special meetings for planning purposes only.
- 2) Special meetings may be on a date which is not a regular meeting date.
- 3) Notification of such special meetings shall be in accordance with Section 3 and 5 of these By-Laws and Rules of Procedure.
- 4) Special meetings may be conducted with another agency of the Township, or with another agency of a neighboring community or communities.

3.16 Zoning Ordinance Amendments

All requests for zoning ordinance review and/or revision shall be addressed in writing to the Planning Commission for determination and recommendation to the Township Board.

SECTION 4. MINUTES

- 4.1 The Commission minutes shall be prepared by the Planning Staff person so designated by the Planning Commission or its delegate.
- 4.2 The minutes shall meet the requirements of the Open Meetings Act by including the date, time, and place of all meetings, and purpose of any closed sessions, as well as the following information:
 - a) A synopsis of the meeting;
 - b) A complete restatement of all motions and resolutions, and a complete record of all transactions, findings, and determinations;
 - c) A record of the outcome of Commission voice votes and a recording of roll call votes;
 - d) A complete statement of the conditions or recommendations made on any action, and
 - e) A record of attendance.
- 4.3 The minutes of the Commission, including all attached communications, actions, and resolutions, shall be deposited with the Township Clerk. Proposed minutes shall be available for public inspection by eight (8) business days after the meeting to which the minutes refer, and approved minutes shall be available by five business days after the

meeting at which the minutes are approved. Corrections in the minutes shall be made not later than the next meeting after the meeting to which they refer and shall be made available no later than the next meeting after correction.

SECTION 5. OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS

- 5.1 All meetings of the Commission shall be open 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 3.9 to the extent that they are applicable.
- 5.4 A person shall not be excluded from a meeting of the Commission except for breach of the peace committed at the meeting.
- 5.5 All records, files, publications, correspondences, and other materials are available to the public for reading, copying, and other purposes as governed by the Freedom of Information Act (FOIA).

SECTION 6. AMENDMENTS

- 6.1 These By-Laws and Rules of Procedure may be amended by the Commission by a concurring vote pursuant to subsection 3.7 during any regular meeting, provided that all members have received in advance a copy of the proposed amendments at least 4 days prior to the meeting at which such amendments are to be considered.
- 6.2 Any amendment(s) shall be effective immediately upon approval, subsequent to Section 3.7 of these By-Laws and Rules of Procedure.

SECTION 7. VIOLATION OF BY-LAWS AND RULES OF PROCEDURE

- 7.1 In the event that any action of or procedure followed by the Planning Commission violates these By-Laws and Rules of Procedure, that violation will not invalidate the action taken by the Planning Commission if the Commission's action otherwise complied with the law.

THESE BY-LAWS AND RULES OF PROCEDURE ARE ADOPTED
ON THE 15th DAY OF AUGUST, 1991

CHARTER TOWNSHIP OF OXFORD

AMENDMENTS ADOPTED ON THE 23RD DAY OF MAY 2013

Todd Bell, Chairperson

Tom Lepping, Secretary

AMENDMENTS:

April 16, 1992

July 11, 2002

September 28, 2006

June 14, 2007

January 8, 2009

April 13, 2009

July 23, 2009

September 27, 2012

May 23, 2013

AMENDED 5/23/2013