

MASON PLANNING COMMISSION

BY-LAWS

These by-laws are adopted by the Mason Planning Commission (herein after referred to as the Commission) in accordance with Section 19(1), Michigan Planning Enabling Act 33, Michigan Public Act of 2008, as amended.

Note: Please refer to Chapter 50 of the Mason Code for additional information on the following Commission issues:

- Creation of a Planning Commission
- Terms and Organization
- Meetings and Records
- Expenditures
- Functions, Duties, Master Plan

ARTICLE I – OFFICERS

Section 1.0 Officers. The officers of the Commission shall consist of a Chair, Vice-Chair, and Secretary (which may also be held by the Chair or Vice-Chair) elected by the Commission from its members at its Annual Meeting. Officers shall serve for a period of one year and may be re-elected.

Section 1.1 Duties. The duties and powers of the officers of the Commission shall be as follows:

CHAIR

1. To preside at all meetings of the Commission.
2. To call Special Meetings of the Commission in accordance with these By-Laws.
3. To see that all actions of the Commission are properly taken.
4. To appoint Sub-Committees of the Commission which in the Chair's opinion, are required to assist the Commission in carrying out its responsibilities.
5. To sign all official documents and letters on behalf of the Commission.

VICE-CHAIR

1. During the absence, disability, or disqualification of the Chair, the Vice-Chair shall exercise or perform all the duties and be subject to all the responsibilities of the Chair.

SECRETARY

The Secretary shall serve as the liaison between the Commission and the zoning administrator or other designated City staff. The Secretary shall be responsible for the execution of documents in the name of the Commission, keep a public record of its resolutions, transactions, findings, and determinations of the Commission, and perform such other duties as required by state statute or as the Commission may determine.

CITY COUNCIL LIAISON – The City Council liaison representative to the Commission shall report the actions of the Council to the Commission and update the Commission on actions by the Council that relate to the functions and duties of the Commission.

Section 1.2 Vacancies. Should any vacancy occur among the members of the Commission by reason of death, resignation, disability or otherwise, immediate notice thereof shall be given to the City Clerk, who shall forward it to the Mayor and City Council. Should any vacancy occur among the officers of the Commission, the vacant office shall be filled in accordance with the provisions of these By-Laws, such officer to serve the unexpired term of the office in which the vacancy occurred.

ARTICLE II – MEETINGS

Section 2.0 Annual Meeting. The Annual Meeting of the Commission shall be the first regular meeting in the month of January, each year. Such meetings shall be devoted to the election of officers for the ensuing year and such other business as may be scheduled by the Commission.

Section 2.1 Regular Meetings. Regular Meeting of the Commission shall be held in the City Hall at 6:30 p.m., on the Tuesday following the second Monday of each month. At such meetings the Commission shall consider all matters properly brought before it. A Regular Meeting may be cancelled or rescheduled by the Commission at a prior meeting or by a majority of the Commission with at least five days public notice, the necessary proper notice to be determined by the Commission.

The Commission shall, by resolution, set the dates, by December 31st, for all regular meetings to be held during the following year.

Section 2.2 Special Meetings. Special Meetings of the Commission shall be held at a time and place designated by the Chair or Vice-Chair or two members of the Commission upon written request to the Secretary. Notice thereof shall be given to all members of the Commission not less than forty-eight (48) hours in advance of said Special Meetings.

Section 2.3 Quorum. At any meeting of the Commission, a quorum shall consist of five

members of the Commission. No action shall be taken in the absence of a quorum except to adjourn the meeting to a subsequent date. If a quorum is unattainable within a reasonable amount of time by the advertised meeting date and time, the meeting shall be adjourned until the next regular meeting.

- Section 2.4 Voting. At all meetings of the Commission, each member attending shall be entitled to one vote. Voting shall be by voice, except where a majority of the Commissioners present vote for a roll call vote. All votes shall be recorded by "yes" and "no".
- Section 2.5 Conflict of Interest. In the event that any member of the Commission shall have a conflict of interest, as defined in Section 2-104(d) of the Mason Code, in a matter then before the Commission, he or she shall disclose his or her interest to the Commission. The Commission shall determine whether such personal interest constitutes a conflict of interest and may disqualify the affected Commissioner from voting on the matter in question. The Minutes shall reflect that no vote was cast by the member by virtue of his or her personal interest in the matter.
- Section 2.6 Incompatibility of Office. If a member of the Commission is appointed to another office, which is an incompatible office with his or her membership on the Commission, then on the effective date of the appointment to the other office that shall result in an automatic resignation from the Commission. If a member of another office is appointed to the Commission, which is incompatible with his or her membership in the other office, then on the effective date of the appointment to the Commission, the member shall resign from the other office. Failure to resign from the other office will result in ineligibility for Commission membership.
- Section 2.7 Commission Action. The affirmative vote of a majority of the members of the Commission shall be required for the adoption of any resolution or other voting matter, including the adoption of a subplan, EXCEPT that the affirmative vote of two-thirds of the Commission shall be required to adopt the Master Plan or any amendment thereto.
- Prior to action, motions shall be restated by the Chair. The name of the maker and the supporter of the motion shall be recorded in the Minutes.
- The reasons for the action by the Commission shall be specified in the Minutes.
- Section 2.8 Site Visits. Site visits shall be done by the zoning administrator or other designated City staff. A written report of the site visit shall be orally presented to the Commission at a public meeting. No more than one member of the Commission may accompany the zoning administrator or staff on a site visit. Members of the Commission may perform unaccompanied site visits.

Section 2.9 Ex-Parte Communication. The Commission desires to conduct all proceedings fairly, to create a record that includes all of the evidence upon which recommendations and decisions were made, and to prevent the appearance of undue influence on its recommendations and decisions. To this end, Commission members whom experience ex-parte communication should disclose the details of the communication at the Commission meeting after the introduction of the item of which the ex-parte communication pertained.

Commission members may attend meetings held by applicants with adjacent property owners, however only in the capacity of an observer. If a Commission member does decide to take part in discussions at said meeting, he/she shall disclose the nature of their participation to the Commission prior to participating in a hearing or deliberations on a request. The Commission shall make a determination as to whether or not he/she can impartially consider the request.

Section 2.10 Conduct of Meetings. All meetings of the Commission shall be opened to the public in accordance with the Open Meetings Act, Public Act 267 of 1976. The order of business at meetings shall be as described in the By-Laws as established by City Council.

Section 2.11 Public Hearings. Hearings shall be scheduled and due notice given in accordance with the provisions of the Open Meetings Act and applicable State law and local ordinance. Public hearings shall be conducted in the following manner:

1. Announce Subject. The Chair announces each agenda item and describes the subject to be considered. The Chair then declares the public hearing open and announces the time.
2. Present Proposal. The Chair begins by inviting the applicant to present their proposal and then invites the staff liaison to present their review/analysis of the proposal. The Commission may ask questions of the applicant or staff during this time.
3. Hearing Procedures. The Chair may summarize the public comment rules at this time as outlined in Section 4 of the Rules of Order established by City Council.
4. Open the Hearing to the Floor. The Chair shall call on the public, one speaker at a time, and may call upon the applicant or staff to clarify information about the proposal.
5. Close the Public Hearing. Upon seeing no additional public to give comments, the Chair shall give notice to the public of

"last call" for comments. If there are no additional public to provide comments upon last call, the Chair shall declare the public hearing closed and announce the time.

Section 2.12 Adjourned Meetings. The Commission may adjourn a Regular or Special Meeting if all business cannot be disposed of on the day set, and no further public notice shall be required for the meeting if the time and place of its resumption is stated at the time of adjournment and is not changed after such adjournment.

Section 2.13 Parliamentary Procedure. All meetings of the Commission shall be conducted in accordance with Robert's Rules of Order insofar as they do not conflict with these By-Laws or the Rules of Order as established by City Council.

ARTICLE III – ABSENCES, REMOVALS AND RESIGNATIONS

Section 3.1 Absences. In order to be excused from a meeting, members of the Commission shall notify the Commission Chair, staff liaison or another member of the Commission when they intend to be absent from a regular meeting. Failure to make this notification at least twenty-four hours prior to the meeting shall result in an unexcused absence. More than four consecutive, unexcused absences or absences at twenty-five percent (25%) of regular meetings in one calendar year may be considered nonfeasance of duty and cause of removal from the Commission.

Section 3.2 Removal. Members of the Commission may be removed by the City Council for nonfeasance, malfeasance, or misfeasance upon written charges and after a public hearing.

Section 3.3 Resignation. A member may resign from the Commission by sending a letter of resignation to the City Clerk, who shall forward it to the Mayor and City Council.

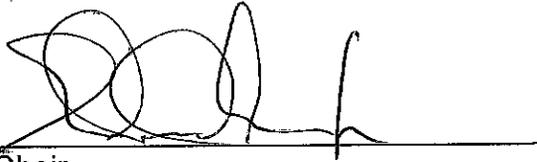
ARTICLE IV – AMENDMENTS/CONFORMITY WITH STATE LAW AND CITY ORDINANCES

Section 4.0 Amending By-Laws. These By-Laws may be amended at any meeting of the Commission provided that said amendment is distributed to each Commission member at least five days prior to said meeting.

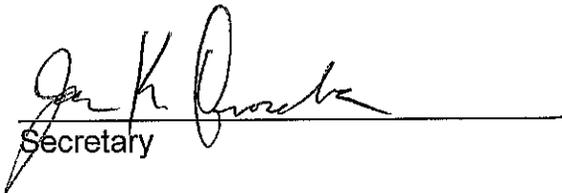
Section 4.1 The Commission shall conduct itself in conformity with the requirements of the Michigan Planning Enabling Act and all other pertinent State laws and City ordinances. To the extent there is a conflict with these By-laws, the state law or ordinance shall control. The remaining provisions of the

By-laws not in conflict, shall remain in full force and effect.

Adopted by the Commission: August 11, 2009

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Chair

A handwritten signature in black ink, appearing to start with 'J.K.' followed by a cursive name, positioned above a solid horizontal line.

Secretary

Revised: September 15, 2009