

**CITY OF BRIDGMAN**  
**RULES OF PROCEDURE AND BYLAWS OF THE PLANNING COMMISSION**  
**REVISION PAGE**  
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## **ARTICLE I – NAME**

The name of the Commission shall be the City of Bridgman Planning Commission, hereinafter referred to as “Commission.”

## **ARTICLE II – PURPOSE AND OBJECTIVES**

These Bylaws are adopted by the Commission to facilitate the performance of its duties as outlined in P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, (M.C.L. 125.3801 et seq.), hereinafter “the Planning Act.” These bylaws are also adopted to facilitate the duties of the Commission for administration of a zoning ordinance as outlined in P.A. 110 of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 et seq.), hereinafter “the Zoning Act.” Additionally, these Bylaws set forth the administration of the Bridgman Planning Commission Ordinance.

### **Duties of the Commission**

1. The Commission shall review and act on all proposed zoning ordinances and zoning amendments pursuant to the Zoning Act. At least one hearing shall be held on each proposed zoning ordinance, and amendments with notices given as specified in the zoning ordinance and the Zoning Act. After the hearing, action shall be in the form of a recommendation to the City Council.
2. The Commission shall review and act on all special land use permit and applications pursuant to the Zoning Act and Bridgman Zoning Ordinance. At least one hearing shall be held on each special use permit.
3. The Commission shall review and act on all those site plans for which the zoning ordinance requires Commission action.
4. The Commission shall not act, or otherwise hear issues on zoning ordinance interpretation, zoning map interpretation, non-use variances, or use variances. Such matters shall be exclusively the jurisdiction of the Zoning Board of Appeals.
5. The Commission shall review and advise upon all plans of adjacent or contiguous government units, including Bridgman, and Berrien County. This review should focus on coordination of planning between governments, including consistencies or inconsistencies between plans and consideration of matters of broader interest than the City of Bridgman.
6. The Commission shall review and advise upon plans for capital improvements, such as construction, expansion, removal, or vacating of public lands, buildings, or right-of-ways. This review should focus on consistency with adopted plans of the City and other governmental units. This may be done by an annual review of the City’s Capital Improvement Plan prior to adoption by City Council, rather than of each project individually.

## **ARTICLE III – MEMBERSHIP**

### **Members**

1. The Commission shall consist of seven (7) members.
2. One member of the Commission shall also serve on the Zoning Board of Appeals. This member shall not vote twice on the same issue, such as voting at the ZBA on an appeal of a Planning Commission decision on which that member voted.
3. Members of the Commission are appointed by the Bridgman City Council pursuant to the Bridgman Planning Commission Ordinance.
4. The first priority of each member of the Commission shall be to represent and advocate what is best for the City of Bridgman as a whole, putting aside personal or special interests.

### **Attendance**

1. If any member of the Commission is absent from three consecutive regularly scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the Bridgman 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 recording secretary shall keep attendance records and shall notify the Bridgman City Council whenever any member of the Commission is absent from three consecutive regularly scheduled meetings, so the Council can consider further action allowed under law or excuse the absences.

### **Incompatibility of Office**

1. Each member of the Commission shall avoid conflicts of interest and/or incompatibility of office. As used here, 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 concerning work on land owned by him or her or which 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 which is an action which results in a monetary benefit to him or her.
  - e. Issuing, deliberating on, voting on, or reviewing a case concerning his or her spouse, children, stepchildren, grandchildren, parents, brothers, sisters, grandparents,

parents in-law, grandparents in-law, or members of his or her household.

- f. Issuing, deliberating on, voting on, or reviewing a case where his or her employee or employer is:
  - (1) an applicant or agent for an applicant,
  - or
  - (2) has a direct interest in the outcome.
2. 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.
3. When a conflict of interest exists, the member of the Commission, or committee, shall do all of the following immediately, upon first knowledge of the case and determining that a conflict exists:
  - a. declare a conflict exists at the beginning of the meeting which involves the issue in question, and
  - b. cease to participate at the Commission or committee meetings, or in any other manner, or represent one's self before the Commission, its staff, or others, and
  - c. during deliberation of the agenda item before the Commission or committee, leave the meeting for the public hearing, deliberation and vote, until the agenda item is concluded.

### **Duties of all Members**

1. *Ex Parte* contact
  - a. Members shall avoid Ex Parte contact about cases where an administrative decision is before the commission whenever possible.
  - b. Despite one's best efforts it is sometimes not possible to avoid Ex Parte contact. When that happens, the member should take detailed notes on what was said and report to the Commission at a public meeting or hearing what was said, so that every member and other interested parties are made aware of what was said.
2. Site Inspections
  - a. Site inspections shall be done by the zoning administrator or other staff. A written report of the site inspection shall be orally presented to the Commission at a public meeting or hearing on the site.
  - b. If desired, no more than one member of the Commission may accompany the zoning administrator or staff on a site inspection.

3. Not Voting On the Same Issue Twice.

Any member of the Commission shall avoid situations where they are sitting in judgement and voting on a decision which they had a part in making. As used here, sitting in judgement and voting on a decision which they had a part in making, at a minimum shall include, but not necessarily be limited to, the following:

- a. When the appeal is of an administrative or other decision by Commission and the member of the Commission sits both on the Commission and Zoning Board of Appeals.
- b. When the appeal is of an administrative or other decision by any committee of the Commission, City Council, or other committee and the member of the Commission sits both on that committee and Zoning Board of Appeals or both on the Commission and Zoning Board of Appeals.
- c. When the case is an administrative decision which was decided by the Commission and sent to the City Council for further action, and the member of the Commission sits both on the Commission and City Council.

4. Accepting gifts.

- a. Gifts shall not be accepted by a member of the Commission or liaisons from anyone connected with an agenda item before the Commission.
- b. As used here, gifts, shall mean cash, any tangible item, or service, regardless of value; and food valued over \$10.
- c. This section does not apply to the Commission accepting gifts for the exercise of its functions pursuant to M.C.L. 125.3823(3), §23(3) of the Planning Act.

**ARTICLE IV – OFFICERS**

1. Selection. At the regular meeting in January of each year, the Commission shall select from its membership a Chair, Vice-Chair and Secretary. All officers are eligible for reelection. In the event the office of the Chair becomes vacant, the Vice-Chair shall succeed to this office for the unexpired term and the Commission shall select a successor to the office of Vice-Chair for the unexpired term. The Commission may also designate another person who is not a member of the Commission to be the recording secretary.
2. Tenure. The Chair, Vice-Chair and Secretary shall take office immediately following their selection and shall hold office for a term of one year or until their successors are selected and assume office.
3. Chair's Duties. The Chair retains his or her ability to discuss, make motions and vote on issues before the Commission. The Chair shall:

- a. Preside at all meetings with all powers under parliamentary procedure;
  - b. Shall rule out of order any irrelevant remarks; remarks which are personal; remarks about another's race, religion, sex, physical condition, ethnic background, beliefs, or similar topics; profanity; or other remarks which are not about the topic before the Commission;
  - c. Restate all motions;
  - d. Appoint committees;
  - e. Appoint officers of committees or choose to let the committees select their own officers.
  - f. May call special meetings pursuant to Section 5.3 of these Bylaws;
  - g. Act as an Ex-Officio member of all committees of the Commission;
  - h. Review with the staff, prior to a Commission meeting, the items to be on the agenda if he or she so chooses;
  - i. Periodically meet with the City Manager to review operations, procedures, and to monitor progress on various projects.
  - j. Act as the Commission's chief spokesman and lobbyist to represent the Commission at local, regional, and state government levels.
  - k. Represent the Commission before the City Council.
4. Vice-Chair's Duties. The Vice-Chair shall:
- a. Act in the capacity of the Chair, with all the powers and duties found in Article IV(3) of these Rules, in the Chair's absence.
5. Secretary's Duties. The Secretary shall:
- a. Be responsible for the minutes of each meeting if there is no recording secretary.
  - b. Review the draft of the minutes prepared by the recording secretary prior to the distribution of the minutes to the Commission for approval at a subsequent meeting.
  - c. Sign the minutes upon approval by the Commission.
  - d. Act in the capacity of the Chair, with all the powers and duties found in Article IV(3) of these Rules, in the absence of both the Chair and Vice-Chair.

## **ARTICLE V – MEETINGS**

1. All regular and special meetings, hearings, and records shall be open to the public. Meetings shall be conducted under the Open Meetings Act of the State of Michigan.
2. The Commission shall meet at least every other month.

3. A special meeting of the Commission may be called by the Chairperson, or the Vice-Chair in the event the Chairperson is unavailable, or any three (3) members of the Commission. Each member of the Commission must receive at least two days notice as to the time, place and purpose of the meeting.
4. All inquiries, applications, or matters requiring official action by the Commission shall be submitted in writing; be properly drafted on official forms necessary, and contain all relevant information regarding the matter upon which the Commission is requested to act. Further, any petitioners may withdraw a petition at any time by filing a written notice of withdrawal.
5. The normal order of business at meetings shall be as follows:
  - 1) Call to order
  - 2) Pledge of Allegiance
  - 3) Roll call
  - 4) Additions to and approval of the agenda
  - 5) Approval of minutes
  - 6) Hearing of citizens
  - 7) Any business item requiring a public hearing
  - 8) Old business
  - 9) New business
  - 10) City Manager's report (may also be referred to as staff report)
  - 11) Adjournment
6. A quorum shall consist of no less than four (4) members.
7. Parliamentary procedure in Commission meetings may be informal. At the discretion of the chairperson, if required to keep order, Commission meetings may then be governed by Roberts Rules of Order Newly Revised.
8. All proceedings, decisions and resolutions of the Commission shall be initiated by motion. Motions made in an administrative capacity, such as rezonings, site plan reviews, and special use permits, shall include findings of facts and reasons for the Commission's action.
9. An affirmative vote of a majority of those present shall be necessary to pass any motion involving the adoption or amending of plans, policy statements or recommendations to the Council.
10. Voting shall be by voice vote and shall not be recorded as individual ayes or nays unless requested by a member of the Commission, in which case the Chairperson shall order the vote to be so recorded except that any member may abstain by so declaring prior to vote.

An abstention may only be made in the case of a conflict of interest; it is otherwise the duty of all Commissioners present to participate in the vote.

11. The City Manager, City Attorney, and other officials of the City may participate in the Commission's discussion, but shall not vote, introduce motions, be counted towards quorum, or initiate any other parliamentary action.

#### **ARTICLE VI – PROCEDURES**

1. Applications shall be made by the owner or by parties who have substantial interest and rights in the premises affected, provided that the owner consents to the request. The applicant may appear in his/her own behalf or may be represented by his/her attorney or agent at the hearing.

Applications and all required supporting documentation are to be submitted to the Zoning Administrator by the filing deadline. Applicants are to be provided with instructions which include the filing deadline. Failure to submit a complete application and/or any required component of the application will result in the case being withdrawn from consideration.

City staff shall provide applications and associated staff reports to the Commission at least one week in advance of the meeting that includes the agenda item(s).

2. The usual order of procedure of a public hearing shall be:
  - 1) The Chairperson shall move to open the public hearing and explains the procedure.
  - 2) Applicant presents his/her petition.
  - 3) The public in favor and/or opposed to the proposed change are heard.
  - 4) Closing of public hearing – motion to close shall require majority concurrence for each petition.
  - 5) Discussion by Commissioners and opportunity to ask the petitioner questions.
  - 6) Motion and decision by Commissioners.

#### **ARTICLE VII – DISPOSITION AND RECORD**

The applicant shall be advised of the decision in writing within five (5) days of the final hearing and decision.

The Commission shall keep, or cause to be kept, a permanent record of Commission meetings

and decisions, which shall, at a minimum, include:

- a. A copy of the meeting posting pursuant to P.A. 267 of 1976, as amended, (being the Michigan Open Meetings Act, M.C.L. 15.261 et seq.)
- b. A copy of the minutes, and all its attachments which shall include a summary of the meeting, in chronological sequence of occurrence.
- c. Records of any action, support documents, maps, site plans, photographs, and correspondence received, attached as an appendix to the minutes

### **ARTICLE VIII – COMMITTEES**

Ad Hoc Committees. The Commission or Chair may establish and appoint ad hoc committees for special purposes or issues, as deemed necessary. Less than a quorum may serve on an ad hoc committee at any given time.

Citizen Committees. The Commission, Chair, or City Manager may establish and appoint citizen committees with the consent of the Commission. Membership can be any number, so long as less than a quorum of the Commission serves on a citizen committee at any given time. The purpose of the citizen committee is to be able to use individuals who are knowledgeable or expert in a particular issue before the Commission or to better represent various interest groups in the City of Bridgman.

All committees are subservient to the Commission and report their recommendations to the Commission for review and action. The Commission can overrule any action of any committee.

The same principals of these Bylaws for the Commission also apply to all committees of the Commission, including, but not limited to, making all meetings open to the public and keeping a record of all proceedings.

### **ARTICLE IX – ADOPTION AND AMENDMENTS**

Upon adoption of these Bylaws of April 20, 2017 they shall become effective and all previous Bylaws, shall be repealed. These Bylaws may be amended at any regular or special meeting by a two-thirds (2/3) vote of the members present.