

SECTION ONE - AUTHORITY

The City of Berkley Planning Commission (hereinafter referred to as the Commission) adopts these rules of procedure pursuant to Public Act 33 of 2008 as amended, and the Open Meetings Act.

SECTION TWO – MEMBERSHIP

- (1) **Membership.** Members shall be appointed according to the procedure as established by Berkley ordinances. The Commission shall consist of seven members to be appointed by City Council.
 - a. **New Appointee Training.** New members appointed to serve on the Commission shall complete a training program within six (6) months after appointment date. The training program shall be approved by the Community Development Director or City Manager to ensure the program provides information and training on roles, responsibilities and planning and zoning best practices.
 - b. **Continued Education.** Each commissioner shall commit to 5-6 hours of continued education within each fiscal year. New appointees to the Commission shall not be required to complete the hours of continued education within the first fiscal year of appointment.
 - c. **Reference Materials.** Upon taking office, each member shall be sent via email a package of materials to assist them in their role, including but not limited to:
 - Planning Commission Rules of Procedure
 - Berkley Master Plan and sub-area plans
 - Berkley Zoning Map
 - The Michigan Planning Enabling Act
 - The Michigan Zoning Enabling Act
 - The Planning Commissioner's Handbook, published by the Michigan Municipal League
 - Other materials deemed necessary to familiarize a new member with the roles and responsibilities of the Commission.
- (2) **Duties.**
 - a. **Attendance.** Each member has a duty to attend all meetings.
 - b. **Absences.** Members who are unable to attend a regularly scheduled meeting must contact the Community Development Director prior to the meeting to alert to the cause of absence. The Commission shall determine if the absence is to be excused and approve the excused absence to be recorded in the meeting minutes. The Commission may postpone to excuse the absence of a member until the next scheduled meeting.
 - i. A vacancy shall occur when a member has missed four (4) consecutive regular meetings or twenty-five percent (25%) of regular meetings held during the fiscal year, unless such absences have been excused by the Commission.
 - c. **Preparation.** Members shall arrive prepared for the business at hand, having reviewed written materials and completed site visits, as necessary, to be educated on the agenda items.
 - d. **Ex Parte Contact.** Members shall avoid *Ex Parte* contact concerning questions or matters

pending before the Commission.

- i. *Ex Parte* contact shall include discussions among members, applicants, or the public outside of a Commission meeting, including emails, about matters pending before the Commission. Questions or concerns shall be directed to the Community Development Director.

SECTION THREE - OFFICERS

- (1) **Selection.** At the July meeting, the commission shall select by a majority vote from its membership a chair, vice-chair, and secretary who shall serve for a twelve-month period and who shall be eligible for re-election. At the July meeting, if the selection of officers would be impracticable due to number of commissioners present or the length of the agenda, then the officers shall be elected no later than a September meeting.
- (2) **Duties.** A chair shall preside at all meetings and shall conduct all meetings in accordance with the rules provided herein. If the chair is not able to chair a meeting or portion of a meeting, the vice chair shall act in place of the chair for that meeting or portion of meeting. The vice-chair shall act in the capacity of the chair and shall succeed to the office of chair in the event of a vacancy in that office. If there is a vacancy in the office of vice-chair for whatever reason, the commission shall select a successor to the office of vice-chair at the earliest practicable time.

The Community Development Director or designee shall be responsible for the preparation of summary minutes, keeping of pertinent public records, delivering communications, petitions, reports, and related items of business of the commission, issuing notices of public hearings, and performing related administrative duties to assure efficient and informed commission operations.

- (3) **Tenure.** The officers shall take office at the next meeting after their election. They shall hold their office until their successors are elected and assume office.

SECTION FOUR - MEETINGS

- (1) **Notices.** All meetings shall be posted in accordance with the Open Meetings Act..
- (2) **Regular meetings.** Regular meetings of the commission shall be held monthly in the City Hall on the fourth Tuesday of every month at 7:00 p.m. The dates and times of the meeting, or the cancellation, shall be posted at the City Hall. When a regular meeting date falls on or near a legal holiday, the Commission shall select suitable dates in the same month, in accordance with the Open Meetings Act.
- (3) **Work session meetings.** Work session meetings of the commission shall be held at the City Hall or other designated location when the Commission determines that a work session is necessary.

- (4) **Other meetings.** A special meeting can be called by the Community Development Director, the chair of the Commission, or in the chair's absence, the vice-chair.
- (5) **Quorum.** In order for the Commission to conduct business or take any official action, a quorum consisting of four voting members of the Commission shall be present. When a quorum is not present, no official action, except for closing of the meeting may take place. All items scheduled to be heard, shall be scheduled for the next regular meeting. No additional public notice shall be required provided the date, time, and place are announced at the meeting.
- (6) **Hearings.** Hearings shall be scheduled and due notice given in accordance with the provisions of the acts and ordinance cited in Section One.

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

- Introduction of case by staff.
 - The chair confirms that the applicant is present and receives an opportunity to describe case.
 - The chair opens discussion. *The commission may ask the applicant or staff questions.*
 - The chair opens the public hearing. *Each person must state his/her name and city of residence for the record and may address the Commission regarding the case not to exceed three minutes, to be modified at the discretion of the chair. If the case is very controversial, the chairperson may invite people to speak row by row to eliminate lines at the microphone.*
 - The chair closes the public hearing.
 - Discussion. *The Commission may ask staff or the applicant questions*
 - The chair shall call for a motion.
 - After a motion has been made and supported, there may be additional discussion.
 - The chair will call for a roll call vote.
- (7) **Motions.** The chair shall restate motions before a vote is taken. The name of the maker and supporters shall be recorded. The motion shall state whether the item is approved, approved with conditions, or denied.
- (8) **Voting.** An affirmative vote of a simple majority of the appointed Commission shall be required for approval or to recommend approval. All members of the Commission, including the chair shall vote on all matters. In the case of roll call votes, the order of the voting members shall be varied. No member shall abstain from voting on any matter except in the case of a conflict of interest as provided below in Section 3.11 of these rules.
- (9) **Conditions.** The Commission may modify a request or impose conditions in order to maintain the public health, safety and welfare, in accordance with the standards set forth in the zoning ordinance.

- (10) **Withdrawals.** In the event that an applicant withdraws an application after the notices have been sent and the meeting posted, the Commission shall introduce the case and motion to accept the withdrawal. In the event that an applicant withdraws an application before the notices have been sent and the meeting posted, the Commission shall receive a copy of the withdrawal, but no motion to accept the withdrawal shall be necessary.
- (11) **Conflict of Interest.** After the introduction of a case, a possible conflict of interest shall be declared by a Commissioner or a fellow Commissioner. The Commission shall discuss and determine if such a conflict exists. Fellow Commissioners shall make and support a motion to excuse the Commissioner from deliberating. Voting shall be in accordance with subsection 3.8 above. Upon approval, the excused Commissioner shall leave the meeting room during deliberation of the case. The Commissioner shall be called back prior to the introduction of the next case. A Commissioner may want to consider declaring a conflict of interest if he or she is the applicant; if the applicant is a close friend or relative; if the applicant is a business partner; or if there may be an appearance of impropriety.
- (12) **Order of Business.** A written agenda for all regular meetings shall be prepared as follows. The order of business shall be:
- Open the Meeting—*Call meeting to order*
 - Pledge of Allegiance
 - Roll Call
 - Approval of Agenda
 - Approval of Minutes—*Each set of minutes shall be approved individually*
 - Communications
 - Citizen Comments—*Comments regarding items not on the agenda*
 - Old Business—*Items that have been postponed or referred to staff*
 - New Business
 - Liaison Reports—*Reports from Commissioners attending the Zoning Board of Appeals, Chamber of Commerce, Environmental Committee, Downtown Development Authority and City Council meetings*
 - Commissioner/Staff Comments
 - Adjourn
- (13) **Rules of Order.** All meetings of the Commission shall be conducted in accordance with generally accepted parliamentary procedure, as governed by “Robert’s Rules of Orders.”
- (14) **Notice of Decision.** A written notice containing the decision of the commission shall be sent to petitioners of a request.

SECTION FIVE - MEETING MINUTES AND REPORTS

The Community Development Director or designee shall prepare Commission summary minutes. The minutes shall contain a brief synopsis of the meeting including a complete restatement of all motions and recording of votes; a complete statement of the conditions or recommendations made

on any action; and recording attendance. All communications, actions, and resolutions shall be attached to the minutes. The official records shall be deposited with the City Clerk.

In July, the Planning Commission shall submit an annual report to the City Council. The report shall contain a summary of the applications the Commission has heard and the actions taken.

SECTION SIX - OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS

All meetings of the Commission shall be opened to the public and held in a place available to the general public.

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

A person shall be permitted to address a hearing of the Commission under the rules established in subsection 3.6 and to address the Commission concerning non-hearing matters under the rules established under subsection 3.12 to the extent that they are applicable.

A person shall not be excluded from a meeting of the Commission except for breach of the peace, committed at the meeting.

All records, files, publications, correspondence, and other materials are available to the public for reading, copying, and other purposes as governed by the Freedom of Information Act.

SECTION SEVEN - 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 advanced copy of the proposed amendments at least three days prior to the meeting at which such amendments are to be considered.

SECTION EIGHT – ANNUAL REVIEW

These rules of procedures shall be reviewed annually, at the January meeting, or if there is no January meeting, no later than the February meeting.

Care shall be taken to ensure that these rules shall not conflict with any federal or state law or City of Berkley ordinance; however, if any such conflict exists, then the federal or state law or city ordinance shall override these rules, but only to the extent of such conflict.