

**CITY OF BLOOMFIELD HILLS
PLANNING COMMISSION BY-LAWS
OAKLAND COUNTY, MICHIGAN
ADOPTED MARCH 10, 2009**

ARTICLE 1

The name of this Commission shall be the City of Bloomfield Hills Planning Commission.

ARTICLE 2

The general purpose of the City of Bloomfield Hills Planning Commission shall be to guide and promote the efficient, coordinated development of this city in a manner which will best promote the health, safety and general welfare of its people.

ARTICLE 3

SECTION 1. CREATION

The Planning Commission was created pursuant to ordinance adopted by the City of Bloomfield Hills City Commission as authorized by Act 285, Michigan Public Act of 1931, as amended, and as confirmed by Act 33 of 2008, as amended.

SECTION 2. MEMBERSHIP

The Commission shall consist of nine (9) members, representing, insofar as it is possible, important segments of the community such as economic, governmental, educational and social development. To the extent possible, membership shall be representative of the entire geography of the City. The Mayor, an administrative official of the City selected by the Mayor, and one member of the City Commission appointed by a majority vote of the City Commission, shall serve as ex officio members of the Commission with full voting rights. The remaining six members shall be appointed by the Mayor, subject to the approval of a majority of the City Commission. The remaining six members shall not be employed by the City.

SECTION 3. TERM OF OFFICE

The term of each member, other than the ex officio members, shall be three (3) years. Insofar as possible, terms shall be staggered so that the terms of 1/3 of all non-ex officio Commission members will expire each year. Should a Commissioner be unable to complete a full three-year term, the Mayor, with the approval of the City Commission, shall appoint a new member to fill the remainder of the term. A member shall, to the extent possible, serve until a successor has been appointed and qualified.

The terms of the ex officio members shall correspond to their respective official tenures, except that the term of the administrative official selected by the Mayor shall terminate with the term of the Mayor selecting him or her.

ARTICLE 4

SECTION 1. OFFICERS

The Commission shall have a Chairperson, Vice-Chairperson, and a Secretary.

SECTION 2. CHAIRPERSON

The Chairperson shall preside at all meetings, appoint such committees as shall from time to time be deemed necessary, and perform such duties as may be delegated by the Commission. The Chairperson shall have a vote on all resolutions of the Commission. Along with City staff, the Chairperson shall have the responsibility for preparation of the agenda for approval by the Commission. An ex officio member of the Commission shall not serve as Chairperson.

SECTION 3. VICE-CHAIRPERSON

The Vice-Chairperson shall preside in the absence of the Chairperson.

SECTION 4. SECRETARY

The Secretary shall keep a record of the minutes of all meetings, a record of all transcripts, records, plans, etc., brought before the Commission. Such duties may be performed by an employed Recording Secretary when delegated by the Commission, or the City Clerk. The Secretary may also have the authority for signing necessary documents on behalf of the Commission.

ARTICLE 5.

SECTION 1. MEETINGS

All meetings shall be conducted in accordance with the Open Meetings Act. Regular meetings shall be held on the second Tuesday of each month beginning at 4:00 p.m., unless another date and time becomes necessary, or unless no meeting is necessary due to lack of agenda items.

A. REGULAR MEETINGS

The purpose of the regular meetings shall be to make decisions on pending business matters, to accept new business matters for processing, and to approve minutes of previous meetings.

B. SPECIAL MEETINGS

The purpose of special meetings shall be to review business matters that cannot wait for the regular meeting date. The special meetings may be called by the Chairperson or the Vice-Chairperson of the Commission at such time and place

deemed necessary. Prior notice of 48 hours is required to each Commissioner stating the time, place, and nature of business. A public notice shall be posted at least eighteen (18) hours prior to the meeting.

C. COMMITTEE MEETINGS

The purpose of committee meetings shall be to prepare items for presentation to the full membership of the Planning Commission. The committees shall be advisory bodies only and shall in no instance take action on any item. Items being considered for action shall be placed on the "Unfinished Business" portion of the agenda of a regular or special meeting. The committees may give progress reports and ask for direction from the full Planning Commission under the "Committee Reports" section of the Planning Commission agenda, but no action may be taken on any item during the agenda.

1. Committees whose appointed membership constitutes a quorum of the full Planning Commission shall hold their meetings only during the "Unfinished Business" portion of a regular meeting or special meeting. The committee meetings shall be included as an item on the agenda and shall be published as prescribed by law.
2. Committees whose appointed membership does not constitute a quorum of the full Planning Commission may schedule meetings outside of the regular or special meetings. The committee meetings shall be open to the public and shall be published as prescribed by law.
3. Members of the Planning Commission who are not appointed members of a committee may attend the committee meetings provided that they notify the Chairman in time to comply with the requirements of the Open Meetings Act.
4. Should the attendance of Commission members who are not appointed to the committee cause a quorum of the full Planning Commission to be present, the committee meetings shall not be considered a special meeting. In no instance shall action be taken on any item.

SECTION 2. AGENDA

The agenda shall consist of business matters to be acted upon by the Planning Commission. In the event an item lacks sufficient information to take action, the Commission shall table the matter until such time the required information has been submitted. Such time shall not exceed

sixty (60) days from the original request. At the expiration of this time limit, if such information has not been submitted, the matter shall be removed from the agenda.

SECTION 3. PUBLIC PARTICIPATION

As provided by statute, all meetings, including special meetings and committee meetings shall be open to the public. Members of the public shall have the opportunity to speak on agenda items; however, the Chair shall control the procedure of the meeting.

During debate on motions, which deal with new or unfinished business, the Planning Commission members shall first have the opportunity to discuss the motion, then to hear and question petitioners and/or other interested parties who have requested statements from persons who request recognition to speak on the specified motion.

Members of the public shall speak only after the item is opened for public discussion by the Chair. The time allotted for the public to be heard on any separate item of the scheduled agenda shall be limited to a time of five (5) minutes, unless this time is extended or reduced by the Chair. No member of the public shall speak twice on any single subject matter unless authorized by the Chair. Should any person be unable to appear, they may submit their comments to the Commission in writing, addressed to the Planning Commission Chairman, at the City Offices.

The Commission shall keep a public record of its resolutions, transactions, findings and determinations in the Office of the City Clerk.

SECTION 4. CANCELLATION OF MEETING DUE TO HOLIDAY

In the event a scheduled meeting falls upon a holiday, such meeting may be canceled and items of that agenda carried forward to the next appropriate meeting date.

SECTION 5. REMOVAL OF COMMISSIONERS – CONFLICT OF INTEREST

The City Commission may remove a member of the Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member absent from three (3) consecutive meetings without a valid excuse shall be reported to the City Commission for nonfeasance, at the discretion of the Commission.

A member shall disclose any possible conflict of interest before casting a vote on a matter. Failure to disclose a conflict of interest shall constitute malfeasance in office. Once a member discloses a potential conflict of interest regarding a particular matter, he or she may be disqualified from voting on the matter upon a majority vote of the remaining members of the Commission.

A conflict of interest exists if any member has a personal or financial interest in the matter or has an interest such that the member cannot be unbiased in the decision-making process. A planning commissioner shall declare a conflict of interest when:

- (1) A relative or other family member is involved in any request for which the planning commission is asked to make a decision;
- (2) The planning commission member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency or association;
- (3) The planning commission member owns or has a financial interest in neighboring property. For purposes of this section, neighboring property shall include any property falling within the notification radius for the proposed development, as required by the Zoning Ordinance or other applicable ordinance; or
- (4) There is a reasonable appearance of a conflict of interest, as determined by the planning commission member declaring such conflict.

SECTION 6. ORDER

Robert's Rules of Order shall govern all Commission meetings, except as noted herein.

ARTICLE 6

SECTION 1. ELECTION OF OFFICERS

Election of Officers of the Commission shall be held annually at the first regular meeting following the appointment or re-appointment of Planning Commission members by the City Commission.

- A. The term of office shall be one (1) year commencing immediately upon election and expiring concurrently with the appointment or re-appointment of Planning Commission members by the City Commission of the subsequent year. The immediate past Chair shall continue to preside at the meeting until the election of the new Chairperson is complete.
- B. Should an Officer be unable to complete his term of office, a special election shall be held to fill the remainder of the term. The election shall be held at the first regular meeting after the vacancy has been confirmed by action from the City Commission.

ARTICLE 7

SECTION 1. APPOINTMENT TO COMMITTEES

The Chair may create or dissolve the committee at any time. Appointments and re-appointments to the committees shall be made by the Chair at the time the committees are created and the terms shall expire concurrently with the appointment or re-appointment of Planning Commission members by the City Commission.

SECTION 2. ADVISORS

The Chair may appoint persons who are not members of the Planning Commission as advisors to the committees. Terms of the advisors shall be for one year and shall expire and be re-appointed in the same manner as the members appointed from the Planning Commission.

ARTICLE 8

SECTION 1. RULES

A quorum consists of five (5) members.

SECTION 2. VOTING

A minimum of a majority of those present and voting is necessary to pass any motion.

SECTION 3. REPORT TO CITY COMMISSION

A report shall be prepared annually and approved by a majority vote of the Planning Commission. The report shall be prepared by the Recording Secretary and submitted to the Planning Commission at the regular meeting in February of each year. After review by the Planning Commission, the report shall be submitted to the City Commission for their review.

Following preparation of the annual report, the Planning Commission may prepare a detailed budget to submit to the City Commission for final approval, disapproval or approval with adjustments.

SECTION 4.

Conduct of a regular meeting shall require the following order to business:

1. Open meeting and state if it is a regular or special meeting. (If special, dispense with Items 3, 4, 5, and 6.)
2. Roll Call
3. Minutes
4. New Business
5. Unfinished Business
6. Public Hearings
7. Chairman's Comments
8. Commissioners' Comments
9. Adjournment

SECTION 5. AMENDMENT TO BY-LAWS

The by-laws may be amended at any regular meeting by a two-thirds vote of the members of the Commission, providing the proposed changes have been read at a preceding meeting.

STATE OF MICHIGAN)

) ss.

COUNTY OF OAKLAND)

I, Amy Burton, the duly qualified Clerk of the City of Bloomfield Hills, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of the Planning Commission By-Laws adopted by the Planning Commission of the City of Bloomfield Hills on the 10th day of March, 2009, the original of which is in my office.

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AMY BURTON, CITY CLERK