

VILLAGE OF LEXINGTON
PLANNING COMMISSION BY-LAWS
Adopted, effective immediately, September 27, 2021

ARTICLE 1: NAME, AUTHORITY, AND PURPOSE

Name: The name shall be the Village of Lexington Planning Commission, hereafter known as "Commission".

Authority: These rules of procedure are adopted by the Village of Lexington Planning Commission (heretofore referred to as the commission) pursuant to Public Act 33 of 2008 and the Open Meetings Act.

Purpose: The general purpose of the Lexington Planning Commission shall be to guide and promote the efficient, coordinated development of the Village of Lexington in a manner which will best promote the health, safety, and general welfare of its people; preserve and protect the Village and its natural resources; and to address the goals and recommendations of the Master Plan.

ARTICLE 2: MEMBERSHIP

- A. Members of the Commission shall be as set forth by Section 50-32* of the Village Code of Ordinances and as is consistent with state law. The Planning Commission shall consist of the village president and one member of the village council to be selected as ex officio members, plus seven (7) persons who shall be appointed by the village president and confirmed by the village council. Members of the Commission shall be qualified electors of the Village, except that two (2) Commission members may be individuals who are not qualified electors of the Village. Except as provided in this subsection, an elected officer or employee of the village is not eligible to be a member of the planning commission.
1. Each member shall represent and advocate what is best for the Village of Lexington as a whole, putting aside personal or special interests.
 2. The membership shall represent important segments of the community, as appointed by the Village Council. The Village Council is to keep a record of who they are appointing to the Commission along with an indication of which set of interests each person is representing such as the economic, governmental, educational, and social development of the Village, in accordance with the major interests as they exist in the Village, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce.
 3. The membership shall also be representative of the entire geography of the Village to the extent practicable.
 4. The term of office will be three (3) years.
- B. Liaisons. The purpose of liaisons is to provide certain Village of Lexington officials and quasi-officials the ability to participate in discussions with the Commission, in addition to speaking in public participation, and nothing else. Liaisons cannot vote, introduce motions, initiate any other parliamentary action, be counted for a quorum, or be expected to comply with attendance requirements pursuant to Section 2.C of these bylaws. Liaisons, if not already appointed Commission members, are:
1. The Commission's consultants, including planning consultant(s).
 2. Village of Lexington attorney.
 3. Village of Lexington water, sewer, DPW, or similar department heads, and related consultants.

4. Lexington Village Manager.
 5. Such other parties recognized by the Commission as representing an important interest in the Village.
- C. Attendance. If any member of the Commission (other than ex-officio members) is absent from three consecutive regularly scheduled meetings without prior notice or being excused, then that member shall be considered delinquent. Delinquency shall be grounds for the Village Council to remove a member from the Commission for nonperformance of duty, or misconduct, after holding a public hearing on the matter. The recording secretary, or acting secretary in the absence of the recording secretary, shall keep attendance records and shall notify the Village Council whenever any member of the Commission is absent from three consecutive regularly scheduled meetings, so the Village Council can consider further action allowed under law or excuse the absences.
- D. Training.
1. Each member shall have attended at least four (4) hours of training in planning and zoning **each year** during the member's current term of office. Other than ex-officio members, failure to meet the training requirements shall result in the member not being reappointed to the Commission. Training shall be provided by one or more of the following organizations: Michigan Association of Planning, Michigan State University Extension, Michigan Townships Association, Michigan Municipal League, continuing education programs of Michigan State University, University of Michigan, Northern Michigan University, Central Michigan University, or Wayne State University, MEDC, a County Planning Commission or similar organization.
 2. The Chairperson shall appoint a Training Officer at the first regularly scheduled meeting of the Planning Commission each calendar year and assign a budget for this purpose. The Training officer shall serve a one-year term to:
 - a. Develop and administer programs, activities, and materials that expand the knowledge base of current commission members on planning and zoning.
 - b. Inform potential new commission candidates of skill sets and backgrounds that are especially compatible and helpful to planning and zoning service.
 - c. Provide relevant community documents to new members and assign a current commissioner as a mentor for successful orientation.
 - d. Document commissioner training and inform the secretary for inclusion in the annual report to Council.
 - e. Attend the annual conference of the Michigan Association of Planners to learn about ideas, practices, and issues relevant to Lexington land use and share the information with the Commission. A maximum of one-half of the assigned annual training budget is available to pay for registration, travel, lodging, and meals associated with attendance.
- E. Conflict of Interest:
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 an issue concerning him or her.

- b. Issuing, deliberating on, voting on, or reviewing an issue concerning work on land owned by him or her or which shares a border with land owned by him or her (The border may also be with land across the street using the middle of the road as a border).
 - 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 pecuniary benefit to him or her.
 - e. Issuing, deliberating on, voting on, or reviewing a case concerning his or her spouse, children, step-children, 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:
 - 1) Is an applicant or agent for an applicant, or
 - 2) Has a direct interest in the outcome.
2. If there is a question of 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 next meeting of the Commission or committee:
 - 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 or remove oneself from the front table where members of the Commission sit until that agenda item is concluded.
 4. 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 an incompatible office with his or her membership in the other office, then on the effective date of the appointment to the Commission, that shall result in an automatic resignation from the other office.

ARTICLE 3: DUTIES OF ALL MEMBERS

A. *Ex Parte* contact:

1. Members shall avoid *Ex Parte* contact about cases where an administrative decision is before the commission whenever possible.
2. 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.

B. Site inspections:

1. 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.
2. If desired, one member of the Commission (or other previously agreed number of Commissioners) may accompany the zoning administrator or staff on a site inspection. The idea is that a private meeting of or private decision-making by the Commission or its members must be avoided.]

C. Accepting gifts:

1. Gifts shall not be accepted by a member of the Commission or liaisons from anyone connected with an agenda item before the Commission.
2. As used here, gifts shall mean cash, any tangible item, or service, regardless of value; and food valued over \$10.
3. 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.

D. Spokesperson for the Commission

1. Free and open debate should take place on issues before the Commission. Such debate shall only occur at meetings of the Commission.
2. Once a vote is taken and an issue is decided by vote, the duty of each member of the Commission is to represent the position reflected by the outcome of the vote. Minority reports and requests for reconsideration may take place only at an open meeting of the Commission.
3. From time to time, or on a specific issue the Commission may appoint a spokesperson for the Commission for all matters which occur outside of the meetings of the Commission.

ARTICLE 4: OFFICERS

- A. 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. In the event the office of the Secretary becomes vacant, the Commission shall select a successor for the unexpired term. The Commission or Secretary may also designate another person who is not a member of the Commission to be the recording secretary.
- B. Tenure: The Chair, Vice-Chair, and Secretary shall take office in January following their selection and shall hold office for a term of one year or until their successors are selected and assume office.
- C. DUTIES OF THE CHAIRPERSON: The Chair retains his or her ability to discuss, make motions, and vote on issues before the Commission. The Chair shall:
1. Preside at all meetings with all powers under parliamentary procedure;
 2. 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;

3. May appoint committees;
4. May call special meetings pursuant to Section 5.B of these Bylaws;
5. Act as member;
6. Act as an Ex-Officio member of all committees of the Commission;
7. Appoint an Acting Secretary in the event the Secretary is absent from a Commission meeting.
8. Review with the Secretary or Village staff, prior to a Commission meeting, the items to be on the agenda if he or she so chooses;
9. Periodically meet with the planning consultant, zoning administrator, or other Village staff to review planning operations, procedures, and to monitor progress on various projects.
10. Act as the Commission's chief spokesman and lobbyist to represent the Commission at local, regional, and state government levels.
11. Represent the Commission, along with the Village Council Commission member, before the Village Council;
12. Ensure that members excused absence(s) are for good cause, and
13. Perform such other duties as may be ordered by the Commission.

D. DUTIES OF THE VICE-CHAIRPERSON: The Vice-Chair shall:

1. Act in the capacity of Chair, with all the powers and duties found in Article 4.C of these Rules, in the Chair's absence;
2. Act as member; and
3. Perform such other duties as may be ordered by the Commission

E. DUTIES OF THE SECRETARY: The Secretary shall:

1. Execute documents in the name of the Commission;
2. Be responsible for the minutes of each meeting, pursuant to section 6.A of these Bylaws if there is not a recording secretary.
3. Review the draft of the minutes, and submit them for approval to the Commission and shall have them spread in suitable volumes. Copies of minutes shall be distributed to each member of the Commission prior to the next meeting of the Commission (the Secretary may delegate this duty to Village assigned staff);
4. Receive all communications, petitions, and reports to be addressed by the Commission, delivered or mailed to the Secretary in care of the Planning Commission;
5. Provide notice to the public and members of the Commission for all regular and special meetings, pursuant to the Open Meetings Act, P.A. 267 of 1976, as amended, M.C.L. 15.261 et seq. (the Secretary may delegate this duty to Village assigned staff);
6. Prepare an agenda for Commission meetings pursuant to Section 5. L of these Bylaws (the Secretary may delegate this duty to Village assigned staff);
7. Act as member;
8. May (with Village Council concurrence) hire on behalf of the Commission for the Village of Lexington a Commission recording secretary (who shall not be a member of the Commission); and
9. Perform such other duties as may be ordered by the Commission.

- F. **DUTIES OF THE RECORDING SECRETARY:** The Recording Secretary shall not be a member of the commission or any of its committees, and shall:
1. At each meeting take notes for minutes and prepare a first draft of minutes pursuant to section 6.A of these Bylaws for review and signature by the Secretary; and
 2. Perform such other duties as may be ordered by the Commission or secretary.
 3. Keep attendance records pursuant to Section 2.C of these Bylaws.

ARTICLE 5: MEETINGS

- A. **Regular meetings:** Meetings of the Commission will be held the 1st Monday of every month at 7 p.m. at the Village Hall, 7227 Huron Avenue, Lexington, Michigan. When the regular meeting day falls on a legal holiday, the Commission shall select a suitable alternate day in the same month. An annual notice or regularly scheduled Commission meetings shall comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meeting Act M.C.L. 15.261 et seq.)
- B. **Special Meetings:** Special meetings shall be called in the following manner:
1. By the Chair.
 2. By any two members of the Commission.
 3. By the Chair at the request of any non-member of the Commission, upon payment of a non-refundable fee of \$200.
 4. Notice of special meetings shall be given by the Secretary to members of the Commission at least forty-eight (48) hours prior to such meeting and shall state the purpose, time, day, month, date, year and location of the meeting (the Secretary may delegate this function to Village assigned staff). In addition, notices shall comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meetings Act M.C.L. 15.261 et seq.).
- C. **Recess:** The Chair, or the Commission, after the meeting has been in session for two hours (not including site inspections), shall suspend the Commission's business and evaluate the remaining items on its agenda. The Commission shall then either; decide to finish that meeting's agenda, may act to continue the meeting on another day (fix the time at which to adjourn), or complete some agenda items and continue the meeting on another day to complete other agenda items or postpone certain agenda items to the next meeting. If applicable such action shall include the time, day, month, date, year, and location the Commission will reconvene. If more than 18 hours will pass before the reconvened Commission, public notice shall be given to comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meeting Act M.C.L. 15.261 et seq.). Upon reconvening, a roll call of attendance shall be the first item of business before proceeding with the same agenda. The Commission shall resume with the same meeting agenda, proceeding at the same point where they left off, without the addition of additional business.
- D. **Quorum:** More than half the total number of seats for members of the Commission, regardless if vacancies exist or not, shall constitute a quorum for the transaction of business and the taking of official action for all matters before the Commission. Whenever a quorum is not present at a regular or special meeting, those present shall adjourn the meeting to another day.
- E. **Motions:**
1. Motions shall be restated by the Chair or another Commission member or Recording Secretary as decided by the Commission before a vote is taken.

2. Findings of Fact: All actions taken in an administrative capacity (including but not limited to, special use permits, subdivisions, zoning, site plan review, planned unit developments, review and submission on another municipality's proposed plan, review and submission on a capital improvement, review of Village zoning) shall include each of the following parts.
 - a. A finding of fact, listing what the Commission determines to be relevant facts in the case.
 - b. Conclusions to list reasons based on the facts for the Commission's action, often directly related, or not, to a finding of compliance, or noncompliance, to standards.
 - c. The Commission's action; recommendation or position, approval, approval with conditions, or disapproval.
- F. Voting: Voting shall be by voice and shall be recorded as passing or failing. Roll call votes will be recorded only upon request by a member of the Commission and shall be recorded by "yes" or "no". Members must be present to cast a vote. Voting by proxy shall not occur. The affirmative vote of a majority of those present or a majority of a quorum, whichever is greater, shall be necessary for the adoption of motions. The affirmative vote of a majority of the total number of seats for members of the Commission, regardless if vacancies or absences exist or not, shall be necessary for the adoption, or recommendation for adoption, of any plan or amendment to a plan.
- G. Commission Action: Action by the Commission on any matter on which a hearing may be required and which hearing is held shall not be taken until the hearing has been concluded.
- H. Parliamentary Procedure: Parliamentary procedure in Commission meetings shall be informal. However, if required to keep order, Commission meetings shall then be governed by Roberts Rules of Order Newly Revised, (11th Edition, DeCapo Publishing, 2011) for issues not specifically covered by these Bylaws. Where these Bylaws conflict, or are different than *Robert's Rules of Order*, then these Bylaws control.
- I. Public Participation: All regular and special meetings, hearings, records, and accounts shall be open to the public.
- J. Public comment on agenda items should be presented at the beginning of the meeting where provided in the printed agenda. After that point during the meeting, public comment is normally not allowed; however, sometimes the Commission may direct questions to members of the public. Public comment is at the beginning of the meeting so the Commission can hear concerns and questions before acting on an issue. Those making public comment are expected to be familiar with the issue and have prepared comments ahead of time and keep their comments limited to three (3) minutes. To help the public in preparing for the meeting, any written material shall be made available at cost for members of the public asking for a copy prior to the meeting.
- K. The Chair may limit the amount of time allowed for each person wishing to make public comment at a Commission meeting. The Chair may ask members of the audience to caucus with others sharing similar positions so they may select a single spokesperson. If a single spokesperson is selected, that individual shall be able to make public comment at the Commission meeting without time limit or an extended time limit.
- L. Order of Business: Agenda The Secretary, or designee, shall prepare an Agenda for each meeting and the order of business.

- M. Delivery of Agenda: The agenda and accompanying materials shall be e-mailed, mailed to, or hand-delivered to Commission members so it is reasonably expected to be received prior to the weekend prior to the regular meeting date, generally accepted to be, but not always, on the Thursday of the week prior to the Commission meeting, pursuant to section 5.A.
- N. Placement of Items on the Agenda
 - 1. An agenda for each regular Commission meeting shall be prepared by the Commission Secretary/Village Manager with the Chairperson approving it for distribution.
 - 2. Items to be reviewed by the Commission must be submitted to the Commission chairperson, Commission secretary, or Village clerk by 4 PM on the Tuesday before the scheduled Commission meeting. The item to be reviewed must be accompanied by adequate information to enable the Commission to give it appropriate study. The item and accompanying material will then be reviewed and approved or rejected by the Commission Chairperson based on the information provided.
 - 3. Any Commission member has the right to add items to the Commission agenda before it is distributed.
 - 4. No item may be added to the Commission agenda after its distribution without a majority vote approval by Commission members present.

ARTICLE 6: ADOPTION, REPEAL, AMENDMENTS

- A. Upon adoption of these Bylaws of September 27, 2021 they shall become effective and all previous Bylaws shall be repealed.
- B. The Commission may suspend any one of these Bylaws, for duration of not more than one agenda item or meeting.
- C. These Bylaws may be amended at any regular or special meeting by a two-thirds (2/3) vote of the members present provided notice of the proposed change was made at a previous meeting.
- D. Once approved by the Planning Commission, final approval of the bylaws will be by the Village Council.