

**CITY OF RICHMOND PLANNING COMMISSION  
BY-LAWS AND RULES OF PROCEDURE**

**ARTICLE I: NAME**

Sec. 1 The name of the organization shall be the “CITY OF RICHMOND PLANNING COMMISSION”.

**ARTICLE II: AUTHORITY**

Sec. 1 These by-laws and rules of procedure are adopted by the City of Richmond Planning Commission pursuant to the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended; the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended; the Michigan Condominium Act, Public Act of 1978, as amended; the Michigan Subdivision Control Act, Public Act 288 of 1967, as amended; the Michigan Open Meetings Act, Public Act 267 of 1976, as amended; the Michigan Freedom of Information Act, Public Act 442 of 1976, as amended; Section 7.12 of the Richmond City Charter; and Chapter 62 of the City of Richmond Code.

**ARTICLE III: MEMBERS**

Sec. 1 MEMBERSHIP COMPOSITION. The City of Richmond Planning Commission membership shall consist of the Mayor of the City, by virtue of his or her office; and the City Manager, by virtue of his or her office, who shall serve as members ex officio. The City of Richmond Planning Commission membership shall also consist of seven (7) other persons who shall be appointed by the Mayor subject to the approval of the City Council.

Sec. 2 COMPENSATION. All appointed members of the commission may be compensated at a rate to be determined by the appointing or legislative body of the City.

Sec. 3 RESTRICTIONS. An appointed member shall not hold another municipal office except that one (1) of the appointed members may be a member of the zoning board of adjustment or appeals.

Sec. 4 TERMS OF OFFICE. The terms of ex officio members shall correspond to their respective official tenures. The term of each appointed member, if seven (7) members are appointed, shall be three (3) years or until his or her successor takes office except that the respective terms of two (2) of the members first appointed shall be for one (1) year and two (2) for two (2) years. Terms shall expire on June 30 of the third year after appointment.

Sec. 5 REMOVAL. After public hearing, a member other than the City Manager may be removed by the Mayor for inefficiency, neglect of duty, or malfeasance in office. Any member missing three (3) consecutive regular meetings of the Planning Commission or at least twenty-five percent (25%) of the regular meetings during any given calendar year shall be automatically deemed negligent of duty, unless such absences are excused by the Commission, and shall be removed from the Planning Commission after a public hearing before the City Council.

Sec. 6 VACANCIES. A vacancy on the commission occurring otherwise than through the expiration of the term shall be filled for the unexpired term by the Mayor in the case of a member selected or appointed by the Mayor with the approval of a majority vote of the City Council.

Sec. 7 VOTING RIGHTS. All ex officio members, in addition to appointed members, shall have full voting rights.

#### **ARTICLE IV: OFFICERS**

Sec. 1 SELECTION. The City of Richmond Planning Commission shall elect its Chairman and Vice Chairman from amongst the appointed members of the Commission. The Commission shall also elect a Secretary from amongst its appointed or ex officio members and may create and fill such other of its offices as it may determine to be necessary.

Sec. 2 TERMS OF OFFICE. The terms of the Chairman, Vice Chairman, and Secretary shall be one (1) year in length or until their successors are elected, with eligibility for re-election.

Sec. 3 DUTIES. The Chairman shall preside over all meetings of the Planning Commission and shall perform the duties prescribed by these by-laws and by the parliamentary authority adopted by the Planning Commission. The Vice Chairman shall perform the duties of the Chairman in the absence or disability of the Chairman. The Secretary shall be responsible for keeping a written record in the English language of the resolutions, transactions, findings, and determinations of the Planning Commission, which record shall be a public record subject to the provisions of the Michigan Freedom of Information Act, Public Act 442 of 1976, as amended. The Secretary shall also be responsible for the preparation and dissemination of Planning Commission meetings and public hearing notices pursuant to the Michigan Open Meetings Act, Public Act 267 of 1976, as amended. The Secretary shall also perform other duties as prescribed by these by-laws, State and local laws, and the parliamentary authority adopted by the Planning Commission.

Sec. 4 VACANCIES. If a vacancy should occur in any office, the Planning Commission shall elect another person to fill such vacancy in the same manner and under the same conditions outlined above for the remainder of the term of said office.

#### **ARTICLE V: MEETINGS**

Sec. 1 REGULAR MEETING. The City of Richmond Planning Commission shall meet on the second Thursday of each month, at a time to be established by resolution of the Commission.

Sec. 2 ANNUAL MEETING. The regular meeting of the Planning Commission in July of each year shall be known as the Annual Meeting and shall be for the purpose of electing officers, receiving annual reports of officers and committees, and for any other business that may arise.

Sec. 3 SPECIAL MEETINGS. Special meetings may be called by the Chairman or by any four (4) members of the Planning Commission upon written request to the Secretary. The purpose of the meeting shall be stated in the call. The business which the Planning Commission may perform shall be conducted at a public meeting of the Planning Commission held in compliance with the Michigan Open Meetings Act. Public notice of the time, date, and place of the special meeting shall be given in the manner required in the Open Meetings Act, and the Secretary shall send written notice of a special meeting to Commission members not less than two (2) days in advance of the meeting, except that any such meeting at which all members of the Commission are present or have waived notice in writing shall be a legal meeting for all purposes without notice, subject to the Michigan Open Meetings Act.

Sec. 4 WORKSHOP MEETINGS. The Planning Commission may, at its option, schedule workshop meetings to discuss, formulate, and deliberate planning and zoning policy issues only. The intent of workshop meetings is to promote an informal, open dialogue on policy issues in an effort to seek consensus and resolution to policy matters. Formal rules of procedure for the conduct of business shall be waived at workshop meetings, except that the Chairman shall serve as moderator of such meetings and may at his discretion redirect or halt discussion which is not germane to the issue at hand. The Commission may, by majority vote, override any decision or action of the moderator. No formal action on any matter shall be undertaken at such workshop meetings but, rather, shall be placed on a regular Commission meeting agenda for final disposition.

Sec. 5 QUORUM. Five (5) members of the Planning Commission shall constitute a quorum of the Commission for the conduct of business. When a quorum is not present, no official action of the Commission, except for closing of the meeting, may take place. In the case of a lack of a quorum, members of the Commission may discuss matters of interest, but can take no action until the next regular or special meeting. All public hearings without a quorum present shall be rescheduled for the next regular or special meeting and no additional public notice shall be required, provided that the date, time and a place for the rescheduled public hearing is announced at the meeting.

Sec. 6 ORDER OF PUBLIC HEARINGS

a) PUBLIC HEARINGS. Public Hearings shall be scheduled and due notice given in accordance with the provisions of the Michigan Open Meetings Act and the relevant enabling act under which the public hearing is being held. Public hearings conducted by the Planning Commission shall be run in an orderly and timely fashion, which shall be accomplished by adhering to the following public hearing procedure:

b) ANNOUNCEMENT OF PUBLIC HEARING PROCEDURE. The Chairman shall follow the public hearing procedure below:

- (1) The Planning Commission Chair announces the item.
- (2) Vote of the Planning Commission to open the Public Hearing.
- (3) Brief explanation of the agenda item by City Staff including why it was required to be noticed as a public hearing and staff recommendation.
- (4) Applicant is given the opportunity to speak on their item.
- (5) Members of the public are allowed to speak for or against the item.

- (6) Vote of the Planning Commission to close the Public Hearing.

After all public hearings have been individually opened and closed, move to Sec. 8 (Items for Consideration).

Sec. 7 ITEMS FOR CONSIDERATION

- a) ANNOUNCEMENT OF ORDER OF ITEMS FOR CONSIDERATION. The Chairman shall explain the order of the items for consideration as being as follows:
  - (1) The Planning Commission chair announces the item.
  - (2) Review and recommendations by City Staff and consultants.
  - (3) Planning Commission makes and seconds a motion on the item.
  - (4) Comments and explanations by the applicant/representatives.
  - (5) Questions and comments by members of the Planning Commission.
  - (6) Comments from the public regarding the item for consideration.
  - (7) Further discussion by members of the Planning Commission.
  - (8) Consideration of action on previously made motion by Planning Commission.

Sec. 8 MOTIONS. Motions shall be restated by the Chairman before a vote is taken. The name of the maker and those who seconded the motions shall be recorded.

Sec. 9 VOTING. An affirmative vote of the majority of the Commission membership (with nine members, five constitutes a majority) shall be required for the approval of any requested action or motion placed before the Commission unless a larger number is required by law. Voting shall ordinarily be by voice vote; provided however that a roll call vote shall be required if requested by any Commission member or directed by the Chairman. All members of the Commission including the Chairman shall vote on all matters, but the Chairman shall vote last. Any member may be excused from voting only if that person has a bona fide conflict of interest as recognized by the majority of the remaining members of the Commission. Any member abstaining from a vote shall not participate in the discussion of that item.

Sec. 10 ORDER OF BUSINESS. A written agenda for all regular meetings shall be prepared and followed. The order of business shall, at a minimum, be:

Call to Order  
Roll Call  
Approval of Minutes  
Public Comments (non-agenda items)  
Correspondence  
Approval of Agenda  
Public Hearings  
Items for Consideration  
City Manager Comments  
Commission Comments  
Adjournment

A written agenda for special meetings shall be prepared and followed. However, the agenda for special meetings does not have to follow the same format as for regular meetings.

Sec. 11 NOTICE OF DECISIONS. A written notice containing the decision of the Planning Commission will be sent to petitioners and originators of a request.

Sec. 12 MEETING MINUTES. Commission minutes shall be prepared by the Secretary of the Commission. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and recording of votes; complete statement of the conditions or recommendations made on any action; and recording of attendance. All communications, actions, and resolutions shall be attached to the minutes. The official records shall be deposited with the City Clerk upon approval by the Commission.

#### **ARTICLE VI: OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS**

Sec. 1 All meetings of the Commission shall be open to the public and shall be held in a place available to the general public. All deliberations and decisions of the Commissions 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 by these by-laws. 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.

#### **ARTICLE VII: COMMITTEES**

Sec. 1 STANDING COMMITTEES PROHIBITED. There shall be no standing committees of the Planning Commission.

Sec. 2 SPECIAL COMMITTEES. Special or ad-hoc committees may be appointed by the Chairman of the Planning Commission as the Planning Commission shall from time to time deem necessary to carry on the work of the Commission. The Chairman shall be ex officio a member of all special or ad-hoc committees of the Commission.

#### **ARTICLE VIII: EMPLOYEES**

Sec. 1 The Commission may appoint employees as it may deem necessary for its work, whose appointment, promotion, demotion and removal shall be subject to the same provisions of law as govern other corresponding civil employees of the city.

#### **ARTICLE IX: CONTRACTS**

Sec. 1 The Commission may contract with city planners, engineers, architects and other consultants for such services as it may require, subject to council approval as to expenditures.

**ARTICLE X: EXPENDITURES**

Sec. 1 All expenditures of the Commission, exclusive of the expenditure of gifts, shall be within the amount appropriated for Commission purposes by council. The council shall provide the funds, equipment and accommodations necessary for the Commission's work.

**ARTICLE XI: PARLIAMENTARY AUTHORITY**

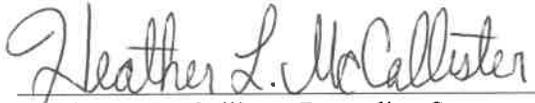
Sec. 1 The rules contained in the current edition of ROBERT'S RULES OF ORDER NEWLY REVISED shall govern the Planning Commission in all cases to which they are applicable and in which they are not inconsistent with these by-laws and any special rules of order the Commission may adopt.

**ARTICLE XII: AMENDMENT OF BY-LAWS**

Sec. 1 These by-laws may be amended at any regular meeting of the Planning Commission by a two-thirds vote, provided that the amendment has been submitted in writing at the previous regular meeting.

THESE BY-LAWS WERE DULY ADOPTED BY A TWO-THIRDS VOTE OF THE CITY OF RICHMOND PLANNING COMMISSION DURING ITS REGULAR MEETING HELD ON MAY 11, 2023.

  
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Mark Zink, Chairman

  
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Heather L. McCallister, Recording Secretary

City of Richmond Planning Commission Bylaws and Rules of Procedure July 2023

As amended (dates reflect date of final City Council action):

- 08/06/01 – Amendment # 1 (add new Article V, Section 4 – WORKSHOP MEETINGS and renumber remaining sections) – APPROVED BY COUNCIL
- 11/19/01 – Amendment #2 (amend Article V, Section 8 – VOTING to allow those abstaining to remove to audience and address Commission) - DENIED BY COUNCIL
- 12/03/01 – Amendment #3 (amend Article V, Section 9 – ORDER OF BUSINESS to change order of business and agenda headings) – APPROVED BY COUNCIL
- 06/19/23 – Amendment #4 (amend Article V, Sections 6 and 7 – CLARIFIED ORDER OF PUBLIC HEARING AND ITEMS FOR CONSIDERATION) – APPROVED BY COUNCIL