

**VILLAGE OF VICKSBURG  
PLANNING COMMISSION  
BYLAWS AND RULES OF PROCEDURE**

**SECTION 1  
AUTHORITY**

These bylaws and rules of procedure ("Bylaws") are adopted by the board of the Village of Vicksburg Planning Commission (the "Planning Commission"), which also serves as the board of the Village of Vicksburg Downtown Development Authority ("DDA"), (collectively referred to as the "Commission") as approved by the Village Council, pursuant to and in conformance with the Michigan Zoning Enabling Act (PA 110 of 2006, as amended); Michigan Planning Enabling Act (Public Act 33 of 2008, as amended); Michigan Tax Increment Financing Act (PA 57 of 2018, as amended); Michigan Land Division Act (PA 288 of 1967, as amended); Michigan Condominium Act (PA 59 of 1978, as amended); Michigan General Law Village Act (PA 3 of 1895, as amended); Michigan Open Meetings Act (PA 267 of 1976, as amended); and Michigan Freedom of Information Act (PA 442 of 1976, as amended).

**SECTION 2  
PURPOSE**

- A. Purpose.** These Bylaws are adopted to satisfy the requirements of the Michigan Planning Enabling Act (2008 Public Act 33, as may be amended) mandating the adoption of bylaws 'for the transaction of business' of a Planning Commission. These Bylaws detail the eligibility of officers of the Commission for re-election and define what constitutes a 'conflict of interest' with respect to matters on which Commission members may be disqualified from participating. Furthermore, these Bylaws outline the policies and procedures by which the Commission shall operate.
- B. Relationship of Bylaws to state Law and Planning Commission Ordinance.** These Bylaws are not intended to supersede the requirements of any applicable law in the event of any conflicts with same. These Bylaws are also not intended to supersede the Planning Commission Ordinance or the Downtown Development Ordinance adopted by the Village to govern the establishment of the Commission and its membership, powers and duties, and such other matters as may be addressed therein.

**SECTION 3  
JURISDICTION**

Notwithstanding any surrounding township's right to govern zoning within the applicable township, the Commission shall make zoning recommendations and decisions for property within the Village of Vicksburg limits. The Commission, acting as the Village of Vicksburg DDA, shall also have all powers which now or hereafter may be conferred by

law under Act 57 of 2018 within the Downtown Develop Authority District as described in the Village Code of Ordinances.

## **SECTION 4 OFFICERS**

- A. Board.** The Commission shall consist of nine (9) voting members appointed by the Village President, subject to approval by a majority vote of the Village Council, who shall each serve a term of three (3) years. Members of the Commission shall be qualified electors of the Village except that two (2) members of the Commission need not be qualified electors of the Village. The Village Council may appoint up to three (3) *ex officio* members to the Commission. Each *ex officio* member appointed to the Commission with voting rights as prescribed in the Articles of Incorporation shall be deemed one (1) of the nine (9) members of the Commission.
- B. Election and Tenure.** At the last regular Commission meeting of the Village's Fiscal Year (July 1 – June 30) the Commission shall elect from its membership a chairperson, vice-chairperson, treasurer and secretary. Each elected officer shall take office at the beginning of the ensuing fiscal year and shall hold office for that fiscal year and until their successor is elected and assumes office. All officers shall be eligible for reelection. An officer vacancy for any reason shall be filled by the Commission and the successor shall hold office for the remainder of the unexpired term. Each officer shall serve in his/her elected official capacity for both Planning Commission and DDA matters.
- C. Duties.** The duties of each officer shall be as follows:
1. Chairperson – The Chairperson shall preside at all meetings and shall conduct all meetings in accordance with the rules provided within.
  2. Vice Chairperson – The vice-chairperson shall act in the capacity of the chairperson in the absence of the chairperson.
  3. Treasurer – The treasurer shall prepare, with the assistance of Village personnel, an annual financial report covering the fiscal year of the DDA (July 1 – June 30). The Commission may direct an annual audit to be prepared and forwarded to the Michigan Department of Treasury.

The Treasurer shall also be the designee appointed to executed and endorse all account payables directed to the Downtown Development Authority. The Chairperson make act in this capacity in the absence of the Treasurer.

The Treasurer, together with the Chairperson, shall approve all vouchers for the expenditure of funds of the DDA.

4. Secretary – The secretary or a designated recording secretary shall prepare the minutes of all commission meetings. In the event the secretary/recording secretary is absent from a meeting the chairperson shall appoint a temporary secretary to take the minutes of such meeting. The secretary shall also perform such other administrative duties related to the efficient operations of the Commission as may be assigned by the Chairperson, or the Village Clerk or Village Manager as representatives of the Village.
- D. Removal.** The Village Council may remove a member of the Commission by majority vote for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. If removed, the member will no longer be entitled to participate as a member for either Planning Commission or DDA matters.

## **SECTION 5 MEETINGS**

**A. Regular Meetings Schedule; Special Meetings.**

1. Regular Meeting Schedules – The Commission shall hold not less than 4 regular meetings each fiscal year. The Village Council shall determine the dates and times for each regularly scheduled meeting. When a regular meeting date falls on a legal holiday or on a day resulting in a schedule conflict for a majority of the Commission members of the Commission shall select a suitable alternate date in the same calendar month.
2. Calling Special Meetings – Special meetings of the Commission may be called by the Chairperson, or by two other members upon written request to the secretary.
3. Cancellation of Meetings – The chairperson may cancel a meeting in advance of the meeting time when there are no known items of business to be addressed at the meeting, when weather conditions or other circumstances cause travel to/from the meeting place to be inadvisable, or when the chairperson determines a quorum of the Commission will not be able to attend the meeting; provided that no such cancellation will cause the Commission to hold less than the four regular meetings each year required by law. In the event of such cancellation, the chairperson or secretary or the designee of either shall post notice of the cancellation at the Township Hall, Village Office or another location where the meeting was scheduled to take place and attempt to individually notify each member of the Commission of the cancellation.

**B. Meeting Notices.** All Commission meetings shall be noticed to the members and the public in accordance with the Open Meetings Act and any other applicable laws, including as follows:

1. Regular Meeting – Notice of the dates, times, and places of the regular scheduled meetings of the Commission shall be conspicuously posted at the Village Office within ten (10) days after the first meeting of the Commission in each fiscal year and also provided to each member of the Commission. If there is a change in the schedule of regular meetings made by the Commission at a meeting, similar notice to the public and each member of the Commission shall be given within three (3) days after the meeting at which the change is made.
2. Special Meetings – Notice of a special meeting (a meeting held at a date or time other than stated on the regular meeting schedule) shall be posted at the Village Office at least eighteen (18) hours before the meeting and sent to each member of the Commission by email or personal delivery at least forty-eight (48) hours before the meeting (or by regular mail at least four days before the meeting.)
3. Rescheduled Regular or Special Meetings – Notice of a rescheduled regular meeting or a rescheduled special meeting shall be given to the public and each member of the Commission as provided in the preceding paragraph for a special meeting.
4. Recessed Meetings – A meeting recessed for more than 36 hours shall be reconvened only after notice to the public and each member of the Commission as required herein for a special meeting, except as may otherwise be provided by law.

**C. Quorum.** A majority of the total voting membership of the Commission shall constitute a quorum of the Commission. A quorum of the Commission must be present to convene any meeting of the Commission. When a quorum of the Commission is not present the chairperson shall inform those present that the meeting cannot be called to order. In such circumstances all items of business shall be deferred to the next regular meeting or such special meeting as may be called.

**D. Agenda/Order of Business.** For each regular meeting, and for each special meeting where feasible, the Chairperson (or designee) shall prepare a summary of the items requiring consideration by the Commission in the form of a proposed agenda. The general order of business for a Commission meeting shall be as follows:

1. Call to Order
2. Roll Call

3. Approval of Agenda
4. Approval of Prior Meeting Minutes
5. Public Comments on Agenda Items (time limits set by Commission)
6. Planning Commission Business
  - a. New Business (including public hearings)
  - b. Unfinished Business and Updates
7. Downtown Development Authority Business
  - a. New Business
  - b. Unfinished Business and Updates
8. Report from Council
9. Report from Zoning Board of Appeals
10. Public Comments on Non-Agenda Items (time limits set by Commission)
11. Members Time and Village Staff Time
12. Adjournment

Note: The above general order of business is intended only as a guide and maybe modified at the discretion of the Chairperson. The discretionary modification of the order or business by the Chairperson shall be subject to reversal by majority vote of the Commission members present and voting.

#### **E. Motions**

1. Generally – The Chairperson shall ensure that the content of a motion is clear and understood by the Commission members before a vote is taken. Any Commission member may make a motion including the Chairperson.
2. Special (Exception) Land Use Applications – A motion with a decision to deny, approve, or approve with conditions a special (exception) land use application shall include or incorporate a statement of findings and conclusions of the Commission relative to the special (exception) land use so as to articulate the basis for the decision and any conditions imposed pursuant to the pertinent requirements and standards specified in the Zoning Ordinance.
3. Site Plans – A motion with a decision to reject, approve, or conditionally approve a site plan reviewed by the Commission shall be based on pertinent requirements and standards contained in the Zoning Ordinance, the Village Master Plan, other applicable ordinances, or state and federal statutes.
4. Rezoning Applications – A motion with a decision on a rezoning application (recommendation) or other matter of a 'legislative' nature, is not required to include findings of fact pertinent to the decision; but shall sufficiently articulate the basis for the recommendation to facilitate Village Council understanding of the action taken by the Commission.



**F. Voting.** An affirmative vote of the majority of those Commission members present shall be required for the approval of any requested action or motion placed before the Commission; provided the affirmative vote of not less than a majority of the total membership of the Commission shall be required to recommend approval of a Master Plan, a Tax Increment Financing Plan and any amendment(s) thereof. Voting may 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 Chairperson. All members of the Commission including the Chairperson shall vote on all matters, except whereas a member is disqualified from participating on a matter due to a conflict of interest.

**G. Conflict of Interest**

1. Disclosure and Determination – A member who may have a conflict of interest on any matter coming before the Commission shall disclose the pertinent facts to the Commission at the outset of the consideration of the matter involving the possible conflict. Failure to disclose a potential conflict of interest at such time constitutes malfeasance in the office. If a member is determined by the Commission to have a conflict of interest, that member shall not participate in any discussion or voting on the matter involving the conflict as a member of the Commission.
2. Conflicts of Interest Requiring Disqualification – Any of the following circumstances shall constitute a conflict of interest with respect to a matter coming before the Commission for a decision:
  - a. The member is the applicant, or is an immediate family member of an applicant (spouse, parent, child or sibling) before the Commission.
  - b. The member is an officer, director, other official, or employee of the applicant.
  - c. The member has a direct business or financial relationship with the applicant.
  - d. The member has a *direct* business or financial interest in the outcome of the matter.
  - e. The member has an ownership interest or other direct financial interest in the ownership of specific property associated with the matter.
  - f. The member has an ownership interest in or resides on property contiguous to the specific property associated with the matter.
  - g. Any other comparable circumstance any reasonable person would determine to be sufficient to constitute a conflict between personal or pecuniary interest of the member and the responsibilities of the member as a public official.

Notwithstanding the foregoing, the mere residency or property ownership of a member in the Village shall not constitute a conflict of interest on Commission consideration of a Master Plan, Tax Increment Financing Plan or amendment thereof, a Zoning Ordinance or amendment of the text thereof, or a zoning map or rezoning involving more than ten adjacent properties. Likewise, receiving an indirect benefit of the Commission's decision shall not be considered a conflict of interest or preclude the member's involvement in the matter. A majority vote of the members of the Commission not conflicted by the matter may make a determination as to the potentially conflicted member's right to participate.

3. Member Failure to Disqualify. – When a member is determined to have a conflict of interest, but fails or refuses to refrain from participating in any discussion or voting on the matter as a member of the Commission, the Chairperson shall take appropriate action to protect the legal integrity of Commission consideration of the matter. Such action may include, but is not limited to, declaring the member's participation on the matter to be out of order and declining to recognize the member's vote on the matter.

#### **H. Public Hearings**

1. Scheduling/Notice – Matters involving a public hearing before the Commission may be scheduled for hearing by the Chairperson, the Commission, or the Village Manager or Clerk, as part of a regular or special meeting. Notice of all hearings shall be given in accordance with the applicable provisions of the Acts cited in Section 1.
2. General Procedure – Public hearings conducted by the Commission shall be run in an orderly and timely fashion. This shall be accomplished by the following general procedure:
  - a. Chairperson opens public hearing (or Commission votes to open hearing), and announces procedure for hearing.
  - b. Summary of pertinent portion of public hearing notice by chairperson or designee, and explanation of matter under consideration, if necessary.
  - c. Preliminary comments by Village advisors (attorney, zoning, administrator, planning consultant)
  - d. Initial remarks by applicant, including presentation of plans, specifications and other data relied upon by applicant to support request.
  - e. Initial opportunity for questions by Commission members and Village advisors.
  - f. Reading of or reference to letters received from citizens regarding matter under consideration.

- g. Comments by audience members regarding matter under consideration.
- h. Opportunity for follow-up comments by applicant.
- i. Opportunity for follow-up comments by audience members.
- j. Opportunity for follow-up questions by Commission members and Township advisors.
- k. Opportunity for any additional new comments from audience members and applicant.
- l. Chairperson closes public hearing, or Commission votes to close hearing (Commission then begins deliberation on matter under consideration).

Note: the above public hearing procedure is intended only as a guide, and may be modified at the discretion of the Chairperson. The discretionary modification of public hearing procedures by the Chairperson shall be subject to reversal by majority vote of the Commission members present and voting.

- I. **Rules of Order and Conduct.** All meetings of the Commission shall be conducted in accordance with generally accepted good procedure, fairness, civility and common sense. All comments from the floor in the course of all Commission proceedings shall be directed to the Chairperson and shall be subject to reasonable time limitations at the discretion of the Chairperson or the Commission. Each member of the Commission and the audience shall conduct himself or herself in such a manner as to respect the point of view of other persons and encourage appropriate discourse on the matters coming before the Commission.

## SECTION 6 MINUTES

- A. **Content.** The minutes shall record the attendance of members and contain a synopsis of the meeting, including a complete restatement of all motions and recording of votes, the gist of public hearing comments, and a complete statement of the conditions or recommendations made part of any action. All materials incorporated by reference shall be attached to the minutes.
- B. **Distribution.** The secretary or designated recording secretary shall distribute proposed minutes of each meeting to the Village Clerk within one week after the meeting and send a copy of same to each member of the Commission, Village Manager, and such other persons as the Village Manager may designate. Approved minutes shall be filed with the Village Clerk forthwith.

## SECTION 7 VILLAGE COUNCIL AND ZONING BOARD OF APPEALS REPRESENTATIVES; ADVISORY COMMITTEES



- A. **Village Council Representative.** Each member of the Commission also serving as a member of the Village Council shall recognize the liaison function of such dual membership and keep each body informed of the business of the other body pertinent to planning, zoning and DDA matters.
- B. **Zoning Board of Appeals Representative.** Each member of the Commission also serving as member of the Zoning Board of Appeals shall recognize the liaison function of such dual membership and keep each body informed of the business of the other body pertinent to planning and zoning matters.
- C. **Advisory Committees.** The Chairperson or Commission may establish one or more special or standing committees to provide the Commission with information or a report on any matter of business upon which the Commission is authorized by law to act. The membership of such committees shall be designated by the Chairperson or by vote of the Commission, and may be selected from within and/or outside the membership of the Commission. No such committee shall consist of a quorum of the Commission. Any such committee shall serve the Commission in a purely informational and advisory capacity. Any such committee may, but is not required to, comply with the Open Meetings Act.

## SECTION 8 OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS (OMA – FOIA)

- A. **Location of Meetings.** All meetings of the Commission shall be open to the public and held at a location determined in advance by the Village Council, unless circumstances make it advisable to hold a meeting elsewhere, in which event a meeting location shall be selected which is reasonably convenient to the residents of the Village of Vicksburg.
- B. **Meetings Open to Public.** All deliberations and decisions of the Commission shall be made at a meeting open to the public.
- C. **Exclusion from Meeting.** A person shall not be excluded from a meeting of the Commission except for breach of the peace, committed at the meeting.
- D. **Availability of Records.** All records, files, publications, correspondences, and other materials of the Commission shall be available to the public for reading, copying, and other purposes as governed by the Freedom of Information Act (FOIA)

## SECTION 9 EXPENDITURES AND DISBURSEMENTS

With respect to all disbursements and accounts payable by the DDA, payments shall be

made with the signed endorsement of the treasurer of the Commission (or the Chairperson in the treasurer's absence or unavailability) as well as an authorized Village designee (e.g. Village Manager, President and/or an appointed acting Trustee).

All expenditures over the amount of one thousand and 00/100 dollars (\$1,000.00) must be approved by a majority vote of the Commission.

All monies received by the Commission on behalf of the DDA shall be immediately deposited to the credit of the DDA in an account maintained pursuant to MCL 125.4211.

## **SECTION 10 ANNUAL REPORT**

The Commission may comply with the provisions of Section 19 of the Planning Enabling Act, requiring an annual report concerning Commission operation to be made to the Village Council, by making minutes of all Commission meetings available to the Village Council, or by such other form of report as may be deemed advisable by the Commission or required by the Village Council.

## **SECTION 11 EFFECTIVE DATE / AMENDMENTS**

These Bylaws shall be effective at the next Commission proceedings subsequent to approval by the concurring vote of a majority of the Commission members appointed and serving, and upon taking effect shall supersede and repeal all previously approved Commission Bylaws, including any bylaws of the previously independent Downtown Development Authority. These Bylaws may be amended by the concurring vote of a majority of the Commission members appointed and serving and any such amendments shall be effective at the next Commission proceedings following their adoption.

**THESE BYLAWS ARE APPROVED BY THE VILLAGE OF VICKSBURG PLANNING  
COMMISSION PURSUANT TO RESOLUTION ADOPTED \_\_\_\_\_, 2019**