

**BYLAWS OF THE  
CITY OF WHITE CLOUD PLANNING COMMISSION**

**Adopted: October 11,1988  
Amended: January 25, 2022**

**Article 1 – PURPOSE**

- A. Planning Act.** These bylaws are adopted by the Planning Commission to facilitate the performance of its duties as outlined in P.A. 33 of 2008, as amended being the Michigan Planning Enabling Act, (M.C.L. 125.3801 et seq.) hereinafter “the Planning Act.” The general purpose of the Planning Commission shall be to guide and promote the efficient, coordinated development of the City in a manner which will promote the public health, safety, and general welfare of its people; preserve and protect the City and conserve its natural resources for present and future use; and to address the goals and recommendations of its Master Plan.
- B. Zoning Act.** These bylaws are also adopted to facilitate the duties of the Planning Commission for administration of a zoning ordinance as outlined in P.A. 110 of 2006, as amended, being the Michigan Zoning Enabling Act. (M.C.L. 125.3101 et seq.), hereinafter “the Zoning Act.”

**Article 2 – MEMBERSHIP**

- A. Appointment of Members.** The Planning Commission shall consist of five (5) members who shall be qualified electors of the City of White Cloud, except as otherwise provided for in the Planning or Zoning Act.
- 1. Appointment.** The Mayor shall appoint members of the Planning Commission, subject to approval by a majority vote of the members elected and serving on the City Council.
  - 2. Term of Office.** The term of each Planning Commission member shall be for three (3) years, except for members serving because of their membership on the City Council, whose term shall be limited to the time they are members of the City Council and/or the period sated in the resolution or motion appointing them.
  - 3. Compensation.** Compensation for Planning Commission members shall be set by the City Council.
- B. Representation.** One (1) member of the Planning Commission shall be a member of the City Council. One (1) member of the Planning Commission shall be a member of the Zoning Board of Appeals. The remaining three (3) seats shall be filled with consideration given to the following:
- First priorities:**
- 1. Advocacy for what is best for the City of White Cloud as a whole, without regard to personal or special interests.**
  - 2. Representation of different geographic areas of the city.**

**Second priorities:**

Each member shall be representative of important segments of the City of White Cloud to the extent practicable. Such segments to be considered are: economic development (commerce and industry), education, natural resources, recreation, public health/social development, and transportation.

- C. **Liaisons.** The purpose of liaisons is to provide certain City officials and quasi-officials the ability to participate in discussions with the Planning 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 required to comply with the attendance requirements of these bylaws. Liaisons, if not already appointed Planning Commission members are:

1. Planning Department staff and their agents and consultants.
2. City of White Cloud attorney.
3. City of White Cloud Airport Consultant.
4. City of White Cloud Department of Public Works staff and their agents and consultants.
5. City of White Cloud City Manager.
6. City of White Cloud Mayor.
7. Michigan State University Extension.
8. The Right Place economic development organization.
9. Other county or regional agencies having expertise in the subject matter being considered by the Planning Commission.

- D. **Committees.** The Chair or Planning Commission may establish and appoint committees of the Planning Commission and advisory committees as deemed necessary. Membership on advisory committees may include members of the Planning Commission, provided a quorum is not present.

- E. **Conflict of Interest.** Each member of the Planning Commission shall avoid conflicts of interest.

1. **Definition.** A conflict of interest may include, but is not necessarily limited to the following:
  - a. Issuing, deliberating on, voting on, or reviewing a case concerning him or her.
  - b. Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by him or her or which is adjacent to land owned by him or her.
  - 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.
  - d. Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a financial 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 or members of his or her household.

- f. Issuing, deliberating on, voting on, or reviewing a case where his or her employee or employer is an applicant or agent for an applicant or has a direct interest in the outcome.

Whenever a Planning Commissioner is uncertain whether he or she has a possible conflict of interest, the Planning Commissioner or Zoning Administrator on the members behalf may consult with the city's legal counsel.

2. Disclosure of Possible Conflict. Each Planning Commissioner shall disclose a conflict of interest prior to the presentation of the applicable agenda item. In all cases, the Planning Commission shall deliberate on the disclosure and by a majority vote of the remaining members present, shall determine whether a conflict of interest exists.
3. Conflict of Interests Exists. Where a conflict of interest is determined to exist, the affected member shall cease to participate in the discussion on the subject item and shall leave the room until that agenda item is concluded.
4. No Conflict of Interest Exists. Where no conflict of interest is determined to exist, the affected member shall participate in discussion and shall vote on the agenda item. It is not permissible for a Planning Commissioner to abstain on any matter, except where there is a conflict of interest.
5. Voting with Conflict of Interest. Knowingly voting on any matter in which a member has a conflict of interest shall constitute malfeasance of office.

**F. Removal from Planning Commission.** The City Council may remove a member of the Planning Commission from office, for any of the following reasons:

1. Malfeasance, Misfeasance, or Nonfeasance of Office. If any member of the Planning Commission performs a lawful act in a wrongful manner (malfeasance), performs a wrongful or unlawful act as a public official (misfeasance), or fails to act when a duty to act existed (nonfeasance). Any of these shall be grounds for the City Council to remove a member of the Planning Commission, upon written charges and after a public hearing.
2. Deficient Attendance. If any member of the Planning Commission is absent from three (3) consecutive regularly scheduled meetings or five (5) absences in a twelve (12) month period, then that member shall be considered delinquent. Delinquency shall be grounds for the City Council to remove a member from the Planning Commission, upon written charges and following a public hearing.

### **Article 3 – ORGANIZATION AND DUTIES**

- A. Election of Officers.** At the regular meeting in December of each year, the Planning Commission shall select from its membership a Chair, Vice Chair, and Secretary. The Chair, Vice Chair, and

Secretary shall take office at the first meeting in January of the following year and shall hold office for a term of one (1) year or until successors are selected and assume office.

In the event the office of the Chair becomes vacant, the Vice Chair shall succeed to this office for the unexpired term and the Planning Commission shall select a successor to the office of the Vice-Chair for the unexpired term. In the event that the office of the Vice Chair or Secretary becomes vacant, the Planning Commission shall select a successor to the office for the unexpired term. The Planning Commission or Secretary may also designate another person who is not a member of the Planning Commission to be the recording secretary.

**B. Chairs Duties.** The Chair retains his or her ability to discuss, make motions and vote on the issues before the Commission. The Chair shall:

1. Preside at all meetings with all powers under parliamentary procedure.
2. 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. Make sure all members understand any motion prior to any vote.
4. Appoint committees.
5. Call special meetings as needed.
6. Appoint an Acting-Secretary in the event the Secretary is absent from a Planning Commission Meeting.
7. Review with staff, prior to a Commission meeting, the items to be on the agenda if he or she so chooses. The agenda will be prepared by staff in the event the Chair does not wish to review it with staff.
8. Periodically meet with the Zoning Administrator and or City Manager to review Zoning Department operation, procedures, and to monitor progress on various projects.
9. Perform such other duties as may be ordered by the Commission.

**C. Vice Chair's Duties.** The Vice Chair shall:

1. Act in the capacity of Chair in the Chair's absence.
2. Perform other duties as may be ordered by the Planning Commission.

**D. Secretaries Duties.** The Secretary shall:

1. Execute documents in the name of the Commission.
2. Be responsible for the minutes of each meeting if the recording secretary is absent.
3. Conduct all official correspondence at the direction of the Chair, and with the assistance of the Zoning Administrator as needed.
4. Perform other duties as man be ordered by the Planning Commission.

#### **Article 4 – MEETINGS**

**A. Regular Meetings.** Meetings of the Planning Commission will be held on the 4<sup>th</sup> Tuesday of each month at the City Hall at 6:00 p.m. When the regular meeting falls on a legal holiday, the

Planning Commission shall select a suitable alternate date in the same month. An annual notice of regularly scheduled Commission meetings shall comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meetings Act M.C.L. 15.261 et seq.) The Zoning Administrator in consultation with the Chair may cancel regular meetings when there are insufficient agenda items or when a quorum will not be present.

- B. Special Meetings.** Special meetings may be called in the following manner:
1. By the Chair
  2. By any two members of the Planning Commission
  3. By the Chair at the request of any nonmember of the Planning Commission, upon payment of a non-refundable fee to cover costs of the special meeting.
  4. Notice of special meetings shall be given by the Secretary or staff to the members of the Planning Commission at least forty-eight (48) hours prior to such meetings and shall state the purpose, time, day, month, date, year and location of the meeting.
- C. Recess.** When the meeting has been in session for two (2) hours (not including site inspections), the Chair may suspend the Planning Commission's business and evaluate the remaining items on the agenda. The Planning Commission shall then decide to finish the meeting's agenda or postpone some or all of the remaining agenda items to the next regular meeting or to schedule a special meeting.
- D. Public Notice.** All regular and special meetings shall be open to the public, and proper notice shall be given to the public pursuant to the Michigan Open Meetings Act, as amended (Act 267 of 1976, MCL 15.261 et seq.)
- E. Quorum.** More than half the total number of seats for members of the Commission, regardless of 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.
- F. Agenda.** The order of business for all regular meeting shall generally be as follows except as determined by the Chair.
1. Call Meeting to Order, Roll Call, Invocation, and Pledge of Allegiance
  2. Set/Amend the Agenda
  3. Conflict of Interest
  4. Public Comment (limited to 3 minutes per person)
  5. Approval of Minutes
  6. Public Hearings
  7. New Business
  8. Old/Unfinished Business
  9. Correspondence (to include zoning and code enforcement staff reports)
  10. Public Comment (limited to 3 minutes per person)
  11. Adjournment

- G. Motions.** Motions shall be restated by the Chair or otherwise confirmed with the members of the Commission that they understand the motion before a vote is taken. Motions shall include the basis for the action being taken whether the action is to approve, approve with conditions, or deny any type of application.
- H. Voting.** Voting shall be by voice and shall be recorded as passing or failing. The Chair may request a roll call vote if the result of the voice vote is uncertain. A roll call vote shall be recorded as 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 the Planning Commission, regardless of whether vacancies or absences exist or not, shall be necessary for the adoption, or recommendation for adoption, of any plan or amendment to a plan.
- I. Records of Meeting.** The Zoning Administrator shall keep a public record of Planning Commission Meetings, which at a minimum shall include the following:
1. Meeting minutes for all regular and special meetings of the Planning Commission. The meeting minutes shall include a summary of points made during the public comment period and identify the motion or resolution made to take action on an item on the agenda.
  2. Applicant's submission, including but not limited to, the application form, description of the project, site plans, elevation views, and other relevant material.
  3. Staff report presented to the Planning Commission.
  4. Written Comments from the public regarding agenda items.
- Records shall be maintained in accordance with state law and city policy as may be amended.

#### Article 5 – PROCEDURES FOR PUBLIC HEARINGS

- A. Public Hearing Notices.** All public hearing notices shall be given in accordance with the Michigan Zoning Enabling Act (Act 110 of 2006) and the Michigan Planning Enabling Act (Act 33 of 2008).
- B. Public Hearings.** The following procedures shall be followed for required public hearings for applications pending before the Planning Commission. Where it appears necessary to maintain the efficient conduct of the Planning Commission's business and to give all interested citizens an opportunity to be heard, the Chair may establish time limits for persons appearing before the Planning Commission.
1. **Staff Presentation.** The Zoning Administrator or his or her designee shall present a description of the proposal, its location, its relationship to surrounding properties, and the nature of the request. The presentation shall also include a summary of written public comment received by the Planning Commission.
  2. **Applicant Presentation.** The Applicant may present his or her proposal. Suggested time limit: not to exceed 8 minutes.

3. **Public Comment Begins.** The Chair shall announce that the public comment will be taken.
  4. **Public Comments.** Individuals who wish to speak shall be asked to state their name and address for the public record but shall not be required to do so. Comments must be relevant to the proposed project. Suggested time limit: not to exceed 3 minutes.
  5. **Applicant Response.** The Applicant shall be allowed to respond to the public comments. Suggested time frame: not to exceed 3 minutes.
  6. **Public Comment Ends.** The Chair shall announce that the public comment period is closed and no further comment will be taken.
  7. **Questions.** Regardless of the procedures stated above, any member of the Planning Commission may, during the public hearing, ask questions of seek additional information from any person appearing before the Commission.
- C. **Deliberation and Decision.** Following the presentations and public comment period, the Planning Commission shall deliberate in public on the agenda item. A motion to approve, approve with conditions, deny, or table the matter shall be made, seconded and voted upon at this time.
- D. **Postponed Public Hearing.** In the event a scheduled public hearing has to be postponed, the Planning Commission may, but is not required to, take the comments of persons desiring to provide comment so that they do not have to appear at the rescheduled public hearing. In such event, the minutes of those comments shall be made available to and considered by the Planning Commission at the rescheduled public hearing and shall be made a part of the official record of the matter under consideration..

#### Article 6 – PROCEDURES FOR OTHER PUBLIC COMMENT

- A. **Petitions and Communications.** On each individual petition or communication for which a public hearing is not required to be held, but on which the Planning Commission will be required to act, after the staff presentation of the item is made but before Planning Commission discussion, the Applicant shall be permitted to speak for a maximum of six (6) minutes. It shall be at the Planning Commission’s discretion as to whether or not public comment is taken on Site Plan Review applications. If allowed, any other interested person will be permitted to speak regarding the item for a maximum of three (3) minutes each.
- B. **Public Comment Before Adjournment.** At the conclusion of each meeting, prior to adjournment, anyone wishing to address the Planning Commission on any other matter relevant to its functions and responsibilities, on which the public has not been afforded an opportunity to speak earlier in the meeting, shall be permitted to speak up to a maximum of three (3) minutes.
- C. **Other Public Comment.**
1. **Chair’s Discretion.** At the discretion of the Chair, a person may be permitted to speak at any time on any matter for any length of time deemed appropriate by the Chair (even for

periods longer than otherwise permitted by these rules) when the Chair or other Commissioner determines the Planning Commission may benefit from such presentation.

2. Limit on Redundant Presentations. Notwithstanding the foregoing, whenever circumstances warrant, due to the length of a meeting agenda, the unusual number of people wishing to speak, or other similar reason, the Chair shall have the right to limit redundant presentations. In no event, however, shall a person otherwise entitled to speak be deprived of the opportunity to give his or her name and address, whether they are in favor of or opposed to an item, and very briefly state their reasons (for the same reasons as a previous identified speaker shall be sufficient).

#### Article 7 – CONSISTENCY WITH OTHER ACTS

Should any provisions of these bylaws be inconsistent with the provisions of Public Acts which are referred to herein, as amended, or any other applicable law, the provisions of said Acts or law shall prevail.

THESE BYLAWS ARE DULY ADOPTED BY THE CITY OF WHITE CLOUD PLANNING COMMISSION DURING ITS REGULAR MEETING HELD ON January 25, 2022.

YEAS: Steffes, Tiernan, Shears

NAYS: None ABSENT: Fetterley, Johnson

  
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Planning Commission Chairperson

WHITE CLOUD  
FOR EVERY SEASON

MICHIGAN