

**CITY OF HOUGHTON  
PLANNING COMMISSION BYLAWS**

Adopted, effective immediately, May 26, 2009

Revised April 27, 2010

Revised July 27, 2021

Revised February 22, 2022

**1. Name & Purpose**

- A. The name shall be the City of Houghton Planning Commission, hereafter known as the “Commission”.
- B. These Bylaws are adopted by the 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.”
- C. These Bylaws are also adopted to facilitate the duties of the 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.”

**2. Membership**

- A. Members. Members of the Commission are appointed by the mayor with consent from the City Council pursuant to the City of Houghton Planning Commission Ordinance 2014-259, as amended.
  - 1. First priority, each member shall represent and advocate what is best for the City of Houghton as a whole, putting aside personal or special interests.
  - 2. Second priority, the Mayor and City Manager shall be members of the Planning Commission.
  - 3. Third priority, one member from the Houghton City Council shall be appointed along with six citizen members. Each of these members shall represent at least one separate important segment of the community, as designated by the Houghton City Council, such as:
    - a. One at-large member
    - b. One member representing environmental interests
    - c. One member representing governmental municipal interests, and housing and human services
    - d. One member representing educational interests
    - e. One member representing recreational and tourism interests
    - f. One member representing industrial and economic interests
    - g. One member representing transportation, communication and utility interests
- B. Attendance. If any member of the Commission is absent from three consecutive regularly scheduled meetings, then that member shall be considered delinquent. Delinquency may be grounds for the Houghton City Council to remove a member from the Commission for nonperformance of duty, or misconduct. The staff, shall keep attendance records and shall notify the Houghton City Council whenever any member of the Commission is absent from three consecutive regularly scheduled meetings, so the Houghton City Council can consider further action allowed under law or excuse the absences. The Commission may develop a list of acceptable reasons for absence that will trigger an automatic excuse, and thus not result in delinquency.
- C. Training. Appointed members of the Commission are encouraged to attend educational programs designed for training members of Michigan planning commissions. The City will budget funds to pay for tuition, registration, and travel expenses for the training. Training programs provided by Michigan Association of Planning, Michigan State University Extension, Michigan Townships Association, and Michigan Municipal League, along with continuing education programs of Michigan State University, University of Michigan, Northern Michigan University, Central Michigan University, or Wayne State University, all qualify.
- D. Conflict of Interest and/or Incompatibility of Office
  - 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 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, 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 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, 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 is:
    - i. An applicant or agent for an applicant, or
    - ii. Has a direct interest in the outcome
2. Questions regarding a conflict of interest shall be resolved in the following manner:
    - a. Prior to the discussion on a topic, a Commission member is expected to declare a conflict of interest if one exists. If the member does not declare a conflict, and another member or a member of the public feels there is a conflict, said member or person shall raise the issue prior to the Commission discussion on the matter where the potential conflict exists.
    - b. The Commission shall declare whether or not a conflict may exist and if a potential or certain conflict is found shall excuse the conflicted Commission member from voting.
    - c. During deliberation of the agenda item before the Commission, the conflicted member shall leave the discussion and the table as an active Commission member until that agenda item is concluded. However, the Commission member with a conflict of interest may participate as a member of the audience.
  3. 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.

**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 of what was said.
- B. 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 food, cash, any tangible item, or service, regardless of value.
  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.
- C. 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.

**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 elect a new secretary. Ex-officio members may not hold the position of Commission Chair.
- B. Tenure. The Chair, Vice-Chair and Secretary shall take office February 1 following their selection and shall hold office for a term of one year or until their successors are selected and assume office.
- C. Chair's Duties. 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. 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. Restate all motions;
  - 4. Appoint committees;
  - 5. Appoint officers of committees or choose to let the committees select their own officers.
  - 6. May call special meetings pursuant to Section 5.B of these Bylaws;
  - 7. Appoint an Acting-Secretary in the event the Secretary is absent from a Commission meeting.
  - 8. Review with the staff, prior to a Commission meeting, the items to be on the agenda if he or she so chooses;
  - 9. Act as the Commission's and Planning Department's chief spokesman and lobbyist to represent the Commission at local, regional, and state government levels. The Commission may appoint an alternate.
  - 10. Represent the Commission, along with the Houghton City Council Commission member, before the Houghton City Council; and
  - 11. Perform such other duties as may be ordered by the Commission.
- D. Vice-Chair's Duties. The Vice-Chair shall:
  - 1. Act in the capacity of Chair, with all the powers and duties found in Section 4.C of these Rules, in the Chair's absence; and
  - 2. Perform such other duties as may be ordered by the Commission.
- E. Secretary's Duties. The Secretary shall:
  - 1. Execute documents in the name of the Commission;
  - 2. At any meeting where staff is not available, take notes for and prepare minutes;
  - 3. Review the draft of the minutes and sign them when approved;
  - 4. Perform such other duties as may be ordered by the Commission.
- F. Staff Duties. The staff shall:
  - 1. Receive and distribute all communications, petitions, and reports to be addressed by the Commission;
  - 2. Keep attendance records;
  - 3. Provide notice to the public and members of the Commission for all regular and special meetings;
  - 4. Prepare an agenda for the Commission meetings;
  - 5. At each meeting, take notes for minutes and prepare a first draft of minutes for review by the Secretary;
  - 6. Distribute copies of minutes to each member of the Commission prior to the next meeting of the Commission;
  - 7. Post minutes on the City's website when approved.
  - 8. Perform such other duties as may be ordered by the Commission.

**5. Meetings**

- A. Regular meetings. Meetings of the Commission will be held monthly at a regular publicly announced date and time. 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.*)
- B. Special Meetings. Special meetings shall be called in the following manner:

1. By the Chair, the zoning administrator, or by any two members of the Commission.
  2. Notice of special meetings shall be given by the staff 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. No agenda item other than those identified in the noticed agenda for the special meeting will be considered. 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), may suspend the Commission’s business and evaluate the remaining items on its agenda subject to approval of a majority of commissioners present. The Commission shall then decide to continue that meeting’s agenda, or act to continue the meeting on another day.
- 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 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 township 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 in order to eliminate misleading statements, hearsay, irrelevant, and untrue statements.
    - 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.
1. 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 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 of vacancies or absences, shall be necessary for the adoption, or recommendation for adoption, of any master plan or amendment to a master plan, including zoning.
  2. Duty to Vote. Whenever a question is put before the Commission by the Chair, every member shall vote either yes or no, unless abstaining due to conflict of interest (see Section 2.D). If a member has inadequate information upon which to base a reasonable, informed vote, the member shall state the particulars of the information desired before a reasonable, informed vote can be cast. Absence from a prior meeting shall not constitute the basis for said lack of information.
  3. If a “no” vote is cast for any zoning issue, the Commission member so voting must state a reason.
- G. Commission Action. Action by the Commission on any matter on which a hearing is held shall not be taken until the hearing has been concluded.
- H. Parliamentary Procedure. Parliamentary procedure in Commission meetings shall be informal. The Commission uses *Roberts Rules of Order* as a guide. If a disagreement about the rules arises, the Chair can rule. The Chair’s ruling can be overturned by a majority vote of the Commission.
- I. Public Participation. All regular and special meetings, hearings, records, and accounts shall be open to the public.
1. All public comment on all agenda items should be presented at the beginning of the meeting as provided in the printed agenda. After that point during the meeting, public comments are 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. To help the public in

- preparing for the meeting, the agenda and packet will be placed on the City's website prior to the meeting for public viewing.
2. 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 with the possibility of an extended time limit, at the Chair's discretion.
- J. Order of Business. The staff shall prepare an Agenda for each meeting and the order of business shall be as follows:
1. Call to order and roll call.
  2. Housekeeping business
    - a. Approval of Agenda (Items can be added with approval of the Commission)
    - b. Approval of Minutes
  3. Matters pertaining to citizens present at the meeting, in the following order:
    - a. Advertised Public Hearings – the Chair will declare such a public hearing open and state its purpose. The petitioner, or proponent, of the action advertised will be heard first.
    - b. Persons requested by the Commission to attend the meeting.
    - c. Other public participation.
  4. Unfinished business and reports.
  5. New business (other business and communications).
  6. Adjournment.
- K. Delivery of Agenda: A proposed Agenda and accompanying materials will be delivered to the Commission two business days prior to the regular meeting date.

## 6. Record

- A. Minutes and Record: The staff shall keep, or cause to be kept, a record of Commission meetings, which shall, at a minimum, include an indication of the following:
1. Copy of the meeting posting pursuant to P.A. 267 of 1976, as amended, (being the Michigan Open Meetings Act, M.C.L. 15.261 *et seq.*)
  2. Copy of the minutes, and all its attachments which shall include a summary of the meeting, in chronological sequence of occurrence:
  3. Time and place the meeting was called to order
  4. Attendance
  5. Indication of others present, who are requested, but not required, to sign in and indicate who or what topic he/she represents.
  6. Summary or text of points of all reports given at a meeting, and who gave the report and in what capacity. An alternative is to attach a copy of the report if offered in writing.
  7. Summary of all points made in public participation or at a hearing by the applicant, officials, and guests and an indication of who made the comments. An alternative is to attach a copy of the public's statement, petition, or letter if it is provided in written form.
  8. Full text of all motions introduced, whether seconded or not, who made the motion and who seconded the motion. For each motion, the following should be included:
    - a. When a voting member enters or leaves the meeting.
    - b. When a voting member or staff member has a conflict of interest and when the voting member ceases and resumes participation in discussion, voting and deliberations at a meeting.
    - c. Anyone who abstained because of a conflict of interest
  9. Time of adjournment.
- B. Records of any action, support documents, maps, site plans, photographs, correspondence received, attached as an appendix to the minutes.
- C. Retention: Commission records shall be preserved and kept on file according to the following schedule:
1. Minutes, bonds, oaths of officials, zoning ordinances, master or compressive plans, other records of decisions, Commission or department publications: Permanent.
  2. Correspondence: Permanent.

**7. Committees**

- A. Will be appointed by the Chair as needed.
  - 1. All committees will contain less than a quorum of the Commission.
  - 2. All committees will function as advisory committees only and as such will not be required to adhere to the requirements of the Open Meetings Act such as public meeting notices, agendas, minutes, etc. Committees shall present their work and recommendations to the Planning Commission in written format or orally at a regular meeting.

**8. Hearings.**

- A. Plan Hearings: Before the adoption of any part of a plan, as defined in the Planning Act, or any amendment to a plan, or recommending approval of an amendment to the Houghton City Council, the Commission shall hold a public hearing on the matter. Notice of the time and place of the hearing shall be given, not less than 15 days prior to such hearing, by at least one publication in each newspaper of general circulation
- B. Special Hearings: Notice of special hearings for the purposes of presenting preliminary master plans, obtaining public opinion on a problem, or discussion of a particular problem with interested parties will be given in the most practical manner and to persons, or group representatives most interested, and as required by the Planning Act, Zoning Act, and relevant local zoning ordinance.
- C. Notice of Decision: A written notice containing the decision of the Commission will be sent to petitioners and originators of a request for the Commission to study a special problem.

**9. Duties of Commission.**

- A. Master Plan preparation, adoption and amendment.
- B. Zoning responsibilities. The commission shall review and act on all proposed zoning ordinances and amendments.
- C. Special Land Use Permits.
- D. Site Plan Review.
- E. Review of other government plans.
- F. Capital Improvement Plan.
- G. Subdivision review.
- H. Annual Report.

**10. Adoption, Repeal, Amendments**

- A. Upon adoption of these Bylaws, they shall become effective and all previous Bylaws shall be repealed.
- B. The Commission may suspend any one of these Bylaws, for a 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.