

RULES OF PROCEDURE
of November 2008

Adopted, effective immediately, November 20, 2008
as amended April 25, 2013

[Annotation: This copy printed April 26, 2013.]

I. Name; Purpose

- 1.1 The name shall be the Manistee County Planning Commission, hereafter known as the "Commission".
- 1.2 These Rules of Procedure, hereafter known as the "Rules", 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."

2. Membership

- 2.I Members. Members of the Commission are appointed by the County Board of Commissioners pursuant to the Manistee County Planning Commission Ordinance of December 2008, as amended.
 - A. First priority, each member shall represent and advocate what is best for the county as a whole, putting aside personal or special interests.
 - B. Second priority, each member shall represent a separate important segment of the community, as appointed by the County Board of Commissioners:
 - (1) Economic and Commercial Interests: Attend and/or be familiar with the desires and needs of the county Alliance for Economic Success, Chamber of Commerce, and other economic development organizations.
 - (2) Educational Interests: Be a member of a public school board or an administrative employee of a school district included, in whole or in part, within the county's boundaries.
 - (3) Environmental and Recreation/Tourism Interests: Attend and/or be familiar with the desires and needs of the environmental organizations in the county (including, but not limited to, Spirit-of-the-Woods Conservation Club, Manistee Audubon Society, rod and gun clubs, garden clubs, lake and river landowner associations), Michigan Department of Natural Resources Land and Water Management Division. Attend and/or be familiar with the desires and needs of the tourist division of the Chamber of Commerce, Visitor/Convention Bureau, hotel/motel tourist business owners, Manistee Recreation Association, civil and social organizations; the arts, snowmobile and other recreation clubs, Michigan Department of Natural Resources Parks Division, Recreation Division, Waterways Division.
 - (4) Agricultural, Forestry, Energy and Land Use Interests: Attend and/or be familiar with the desires and needs of the Farm Bureau, Conservation District, Michigan Department of Natural Resources Forestry Division, United States Forest Service, municipal planning and/or zoning boards.
 - (5) Transportation and Communication Interests: Attend and/or be familiar with the desires and needs of the Manistee County Road Commission, village and city road agencies, telephone companies, internet providers, postal and other parcel delivery services, news media, Manistee County Transportation, Inc., airports and harbors.
 - (6) Governmental Municipal Interests: Attend and/or be familiar with the desires and needs of the Manistee Chapter of the Michigan Townships Association, cities and villages, and county government.

- (7) Manistee County Board of Commissioners member: Attend and/or be familiar with the desires and needs of the County Board and its committees, adjacent legislative bodies and their planning commissions and the Northwest Michigan Council of Governments.
- C Third priority, represent the geographic area of the county pursuant to County Board Appointment if possible:
- (1) The City of Manistee (normally two members).
 - (2) The SW1/4 of the county excluding the City of Manistee --Manistee, Brown, Filer, Stronach Townships and Eastlake Village (normally two members).
 - (3) The NW1/4 of the county --Arcadia, Pleasanton, Onekama, Bear Lake Townships and Onekama, Bear Lake Villages (normally one member).
 - (4) The E1/2 of the county--Springdale, Clean, Maple Grove, Marilla, Dickson, Norman Townships and Copemish, Kaleva Villages. (normally one member).
 - (5) Adjoining counties --Benzie, Grand Traverse, Lake, Mason, Wexford Counties (the County Board of Commissioners member).
- 2.2 LIAISONS. The purpose of liaisons is to provide certain county and quasi-county 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 2.3 of these Rules. Liaisons, if not already appointed commission members, are:
- A. Planning Department Staff, and their agents and consultants.
 - B. Manistee County Emergency Management Coordinator.
 - C. Manistee County Soil Erosion and Sedimentation Control Officer.
 - D. District Health Department #10 senior or supervisory Registered Sanitarian.
 - E. Manistee County Prosecutor and Assistant Prosecutor.
 - F. Manistee County Administrator.
 - G. Chairman of the Manistee County Board of Commissioners.
 - H. Manager of the Manistee County Road Commission.
 - L. Manistee County Surveyor, except when the issue before the Commission is to review his, or his client's work
 - J. Manistee County Register of Deeds.
 - K. Manistee County Extension Director.
 - L. Manistee County Conservation Service Soil Conservationist.
 - M. Regional Planning Staff of the Northwest Michigan Council of Governments.
- 2.3 Attendance. If any member of the Commission is absent from three consecutive regularly scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the County Board of Commissioners to remove a member from the commission for nonperformance of duty, or misconduct, after holding a public hearing on the matter. The elected secretary, or acting secretary in the absence of the elected secretary, shall keep attendance records and shall notify the County Board of Commissioners whenever any member of the Commission is absent from three consecutive regularly scheduled meetings, so the County Board can consider further action allowed under law or excuse the absences.
- 2.4 Training. Each member shall have attended at least four hours per year of training in planning and zoning during the member's current term of office. If so provided in the ordinance creating the commission, 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.
- 2.5 Incompatibility of Office.
- A. Each member of the Commission shall avoid situations which are 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:
 - (1) Issuing, deliberating on, voting on, or reviewing a case concerning him or her.

- (2) 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.
 - (3) 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.
 - (4) Issuing, deliberating on, voting on or reviewing a case which is an action which results in a pecuniary benefit to him or her.
 - (5) 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.
 - (6) Issuing, deliberating on, voting on or reviewing a case where his or her employee or employer is:
 - (a) an applicant or agent for an applicant, or
 - (b) has a direct interest in the outcome.
- B. If there is a question 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.
- C. 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 a conflict exists:
- (1) declare a conflict exists at the next meeting of the Commission or committee;
 - (2) cease to participate at the Commission or committee meetings, or in any other manner; or to represent one's self before the Commission, its staff, or others, and during deliberation of the agenda item before the Commission or committee leave the meeting, or remove one's self 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, it 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, it shall result in an automatic resignation from the other office.

3. Duties of All Members

3.1 *Ex Parte* Contact.

- A. Members shall avoid *ex parte* contact about cases where an administrative decision is before the Commission whenever possible.
- B. 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.

3.2 Accepting Gifts.

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

3.3 Spokesperson for the Commission.

- A. Free and open debate should take place on issues before the Commission. Such debate shall only occur at meetings of the Commission.
- B. 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.

- Officers
- 4.1 Selection. 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. At the regular meeting in June 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 to the office of Secretary 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.
- [This subsection was amended at the April 25, 2013 Manistee County Planning Commission meeting]
- 4.2 Tenure. The Chair, Vice-Chair and Secretary shall take office July 1 following their selection and shall hold office for a term of one year or until their successors are selected and assume office.
- [This subsection was amended at the April 25, 2013 County Planning Commission meeting.]
- 4.3 Chair's Duties. The chair retains his or her ability to discuss, make motions and vote on issues before the Commission. The Chair shall:
- A. Preside at all meetings with all powers under parliamentary procedure;
 - B. Shall rule out of order any irrelevant remarks; remarks which are personal; 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;
 - C. Restate all motions pursuant to Section 5.5 of these Rules;
 - D. Appoint committees; These appointments will be made at the first county planning commission meeting held after the Manistee County Board of Commissioners makes appointments in June of each year to the planning commission.
- [This subsection was amended at the August 26, 2010 County Planning Commission meeting.]
- E. Appoint officers of committees or choose to let the committee select its own officers.
 - F. May call special meetings pursuant to Section 5.2 of these Rules;
 - G. Act as member and Chair of the Executive Committee pursuant to Section 7.1 of these Rules;
 - H. Act as an Ex-Officio member of all committees of the Commission;
 - I. Appoint an Acting-Secretary in the event the Secretary is absent from a Commission meeting.
 - J. Review with the Secretary or staff, prior to a Commission meeting, the items to be on the agenda if he or she so chooses;
 - K. Periodically meet with the Planning Director and other Planning Department staff to review Planning Department operation, procedures and to monitor progress on various projects.
 - L. Annually perform a job evaluation of the Planning Director, discuss the evaluation with the county planner and provide a copy of the evaluation for the Planning Department and County's personnel files;
 - M. Chair or perform a major role in the interview and selection process for a Planning Director;
 - N. Act as, or delegate someone to act as, the Planning Director in the absence of a Planning Director;
 - O. Act as the Commission's and Planning Department's chief spokesman and lobbyist to represent Manistee County at local, regional and state government levels.
 - P. Represent the Commission, along with the County Board of Commissioners Commission member, before the County Board of Commissioners; and
 - Q. Perform such other duties as may be ordered by the Commission.
- 4.4 Vice-Chair's Duties. The Vice-Chair shall:
- A. Act in the capacity of Chair, with all the powers and duties found in Section 4.3 of these Rules, in the Chair's absence;
 - B. Act as member and Vice Chair of the Executive Committee pursuant to Section 7.1 of these Rules; and
 - C. Perform such other duties as may be ordered by the Commission.
- 4.5 Secretary's Duties. The Secretary shall:
- A. Execute documents in the name of the Commission;
 - B. Be responsible for the minutes of each meeting pursuant to Section 6.1 of these Rules if there is not a recording secretary 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 Commission staff);

- C. Receive all communications, petitions and reports to be addressed by the Commission, delivered or mailed to the Secretary in care of the Planning Department Office;
 - D. Keep attendance records pursuant to Section 2.3 of these Rules;
 - E. 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 Commission staff);
 - F. Prepare an agenda for Commission meetings pursuant to Section 5.11 of these Rules (the Secretary may delegate this duty to Commission staff);
 - G. Act as member and Secretary of the Executive Committee pursuant to Section 7.1 of these Rules; and
 - H. **Perform** such other duties as may be ordered by the Commission.
- 4.6 **Recording Secretary's Duties.** The recording secretary shall not be a member of the Commission or any of its committees, and shall:
- A. At each meeting take notes for minutes and prepare a first draft of minutes pursuant to Section 5.1 of these Rules for review by the secretary, and
 - B. Perform such other duties as may be ordered by the Commission or secretary.

5. Meetings

- 5.1 Regular meetings. Meetings of the Commission will be held the fourth Thursday of every month at 7 p.m. at a suitable location. 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 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.*)
- 5.2 Special Meetings. Special meetings shall be called in the following manner:
- A. By the Chair.
 - B. By four members of the Commission.
 - C. By the Chair at the request of any non-member of the Commission, upon payment of a fee to cover costs of the special meeting calculated as follows: The current amount of per diem paid times seven, plus the travel reimbursement of each member added together, plus the total Planning Department budget which represents the costs of operating the Planning Department divided by 365.
 - D. Notice of special meetings shall be given by the Secretary (or Commission's staff) to members of the Commission at least eighteen (18) 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 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.*)
- 5.3 Recess. The Chair, or the Commission may act to recess a meeting if it is after 11 p.m. or if the meeting has been in session for over three hours (not including site inspections). An action to recess shall include the time, day, month, date, year and location the Commission will reconvene. (If a recess is for more than 18 hours the reconvened Commission meeting shall be posted to comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meetings Act, MCL 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.
- 5.4 Quorum. Four members 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.
- 5.5 Motions.
- A. Motions shall be restated by the Chair before a vote is taken.
 - B. Findings of Fact. All actions taken in an administrative capacity (including but not limited to appeals, special use permits, subdivisions, zoning, site, plan review, planned unit developments, variances, determination of compliance with an adopted plan, review and submission on another municipality's proposed plan, review and submission on a capital improvement plan, review of township zoning) shall include each of the following parts:

- (1) A finding of fact, listing what the Commission determines to be relevant facts in the case in order to eliminate misleading statements, hearsay, irrelevant, untrue statements.
 - (2) Conclusions to list reasons based on the facts for the Commission's action.
 - (3) The Commission's action; recommendation, or position, approval, approval with conditions, disapproval.
- 5.6 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", "no", or "abstain". Members must be present to cast a vote. Voting by proxy shall not occur. The affirmative vote of four members shall be necessary for the adoption of any motion. The affirmative vote of four members, 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.
- 5.7 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.
- 5.8 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*, (10th Edition, Perseus Publishing, New York, 2000 (ISBN 0-7382-037-6)) for issues not specifically covered by these Rules. Where these rules conflict, or are different than *Robert's Rules of Order*, then these rules control.
- 5.9 Public Participation. All regular and special meetings, hearings, records and accounts shall be open to the public.
- A. All public comment on all 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. To help the public in preparing for the meeting, any written material shall be made available without cost for the public asking for a copy prior to the meeting.
 - B. 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
- 5.10 Consensus Business. Certain items of business before the Commission are routine matters where no discussion normally occurs or is expected to occur, and a consensus for adoption normally occurs or is expected to occur. The individual preparing the agenda may mark such items on the agenda as a consent item, if that individual feels it qualifies as consensus business. The agenda or material presented on the issue should indicate the proposed action (approve, disapprove, no comment, approve with modification). First, any consent item can be removed by request of a member. It is automatically removed if discussed during Public Participation. Then, second, a motion to adopt the Consent Items can be made, in effect adopting all agenda items still included as consent items. The approval of minutes and the expense report shall be proposed on the agenda as consent items. Consensus business can be proposed for any item on the agenda, but shall never include any of the following:
- A. Items of business which are listed in Section II of these Rules.
 - B. Review of township plans and zoning ordinances, or any part or amendment thereto.
 - C. Election of officers.
 - D. Any item not printed on the agenda which is delivered, along with adequate supporting information, to Commissioners prior to the meeting.
- The motion to adopt consent items in the minutes shall clearly list each agenda item and indicate its action/disposition.
- 5.11 Order of Business. Agenda. The Secretary, or designate, shall prepare an Agenda for each meeting and the order of business shall be as follows:
- (A) Call to order, roll call and Pledge of Allegiance.
 - (B) Matters pertaining to citizens present at the meeting, in the following order:

- (1) 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.
 - (2) Persons requested by the Commission to attend the meeting for discussion of a local problem, or presentation of further information on an issue. Other
 - (3) public participation for items on this agenda.
 - (C) Housekeeping business.
 - (1) Consent Business.
 - (2) Approval of Minutes.
 - (3) Approval of Department's expense report.
 - (4) Other.
 - (D) Unfinished business and reports; (items considered here are taken up in the same order as established by the Commission to fix a priority for consideration and work done in the Planning Office.)
 - (E) New business (other business and communications).
 - (F) Public participation for items not on this agenda.
 - (G) Adjournment.
- 5.12 Delivery of Agenda. The agenda and accompanying materials shall be mailed to Commission members so it is reasonably expected to be received prior to the weekend prior to the meeting date, generally accepted to be, but not always, mailed by first class mail on the Thursday of the week prior to the Commission meeting, pursuant to Section 5.1.
- 5.13 Placement of Items on the Agenda.
- A. The Planning Department shall be the office of record for the Commission.
 - B. The Planning Department is authorized to receive items, which are items the Commission is expected to act on or which have a statutory or other deadline for action, on behalf of the Commission and place those items on the agenda during a period of time between the day after a regularly scheduled Commission meeting through 5 p.m. of the Monday of the week prior to the next regularly scheduled meeting of the Commission. Items delivered between 5 p.m. of the Monday of the week prior to the next regularly scheduled meeting of the Commission through the start of the Commission meeting shall be set aside, and presented at the Commission meeting to be received at that meeting. The Commission may act on those items of a minor nature or table action to the subsequent regular or special Commission meeting. Those items of a major nature, or items normally receiving staff review, analysis, or recommendation shall be tabled to the subsequent regular or special Commission meeting. The deadline to add other items (which are not items requiring action by the Commission) to the Commission's meeting agenda shall be 5 p.m. Wednesday of the week prior to the Commission meeting.
6. Record
- 6.1 The Commission Secretary shall keep, or cause to be kept, a record of Commission meetings, which shall, at a minimum, include an indication of the following:
- A. Copy of the meeting posting pursuant to P.A. 267 of 1976, as amended, (being the Michigan Open Meetings Act, MCL 15.261 et. seq.)
 - B. Copy of the minutes, and all its attachments which shall include a summary of the meeting, in chronological sequence of occurrence:
 - (1) Time and place the meeting was called to order.
 - (2) Attendance.
 - (3) Indication of others present.
 - (4) Summary or text of points of all reports (including reports of what was seen and discussed at a site inspection) given at the meeting, who gave the report and in what capacity. An alternative is to attach a copy of the report if offered in writing.
 - (5) Summary of all points made in public participation or at a hearing by the applicant, officials, 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.

- (6) Full text of all motions introduced, whether seconded or not; who made the motion, who seconded the motion.
 - (7) A summary of all points made by members and staff in debate or discussion on the motion or issue (without attribution).
 - (8) Who called the question.
 - (9) The type of vote, and its outcome. If a roll call vote, indicate who voted yes, no, abstained, or a statement the vote was unanimous. If not a roll call vote, then simply a statement: "The motion passed/failed after a voice vote."
 - (10) That a person making a motion withdrew it from consideration.
 - (11) All the Chair's rulings.
 - (12) All challenges, discussion and vote/outcome on a Chair's ruling.
 - (13) All parliamentary inquiries or point of order.
 - (14) When a Commission member enters or leaves the meeting.
 - (15) When a Commission member or Commission staff person has a conflict of interest and when he ceases and resumes to participate in discussion, voting, deliberations at a meeting.
 - (16) All calls for an attendance count, the attendance, and ruling if a quorum exists or not
 - (17) The start and end of each recess.
 - (18) All chair's rulings of discussion out of order.
 - (19) Full text of any resolution.
 - (20) Summary of announcements.
 - (21) Summary of informal actions, or agreement on consensus.
 - (22) Time of adjournment.
- C. Records of any action, support documents, maps, site plans, photographs, correspondence received, attached as an appendix to the minutes.
- 6.2 Retention. Commission records shall be preserved and kept on file according to the following schedule:
- A. Minutes, Bonds, Oaths of Officials, zoning ordinances, master or compressive plans, other records of decisions, Commission or department publications: Permanent.
 - B. General Ledger: 20 years.
 - C. Account Journals: 10 years.
 - D. Bills and/or invoices, receipts, purchase orders, vouchers: 7 years.
 - E. Correspondence: Indefinitely or permanent.

7. Committees

7.1 Executive Committee.

- A. The Executive Committee shall be a standing committee of the Commission. Its membership shall be the Chair, Vice-Chair and Secretary of the Commission and they shall hold the same offices on the committee. The Executive Committee may deal with recommendations to the Commission on matters of the Commission budget; employment of a Planning Director for the Planning Department; overseeing the Director's day-to-day administration of the County Planning Department; office and personnel policy; and anything else directed to the Executive Committee by the Commission.
 - B. The Executive Committee has limited power to act only on housekeeping matters, budget, office policy, overseeing contracts and personnel when time constraints require action prior to the next regularly scheduled Commission meeting. Such actions shall be reported at the next regularly scheduled Commission meeting and are subject to the Commission's review and/or veto. This paragraph is not to be construed to grant the Executive Committee any powers to review or adopt county plans, township plans or zoning ordinances, review of any public expenditure of funds, or any of the functions listed in Sections 8, 10 or 11 of these Rules.
- 7.2 Ad Hoc Committees. The Commission or Chair may establish and appoint ad hoc committees for special purposes or issues, as deemed necessary. No more than three members of the Commission may serve on an ad hoc committee at any given time.

- 7.3 Citizen Committees. The Commission, Chair, or Planning Director may establish and appoint citizen committees with the consent of the Commission. Membership can be any number, so long as no more than three members of the Commission serve on a citizen committee at any given time. The purpose of the citizen committee is to have more citizen and municipal government involvement, to be able to use individuals who are knowledgeable or expert in the particular issue before the Commission, to better represent various interest groups in the county.
8. Rules of Procedure for All Committees
- 8.1 Subservient to the Commission. All committees are subservient to the Commission and report their recommendations to the Commission for review and action. The Commission can overrule any action of any committee.
- 8.2 Same Principals. The same principals of these Rules for the Commission also apply to all committees of the Commission including, but not limited to:
- A. Officers. Officers of committees are appointed by the Chair of the Commission at the time the committee is created, or are elected by the committee's membership at their first meeting. Officers, at a minimum, include a Chair and Secretary-Vice Chair.
 - B. Quorum. A committee's quorum shall be at least half the total appointed membership of the committee.
 - C. Voting. Only those appointed members of a committee who are present at the time of a vote shall be eligible to cast a vote.
 - D. Attendance. If any member of a committee is absent from three consecutively scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the Commission to remove any member from the committee. The committee Secretary-Vice-Chair or acting committee Secretary in the absence of the elected committee Secretary-Vice-Chair shall --and the Planning Director may-- keep attendance records and notify the Commission of any committee member who is absent from three consecutively scheduled meetings so the Commission may consider removal of the individual from the committee or excuse the absence(s).
 - E. Minutes. The secretary-vice-chair of the committee shall keep minutes of the committee meetings in the same format used by the Commission. The minutes shall be kept on file in the Planning Department and may be prepared with the assistance of the Planning Department staff.
 - F. Staff Committees have reasonable use of Planning Department staff time and assistance and direction for performing the work of the committee.
 - G. Public. All committee meetings are open meetings available for public attendance and participation and minutes of the meetings are to be available for public inspection under the same principals found in P.A. 267 of 1976, as amended, (being Michigan Open Meetings Act, MCL 15.261 et. seq.).
 - H. Subcommittees. Citizen committees may form subcommittees from their own membership and/or with additional citizens when deemed necessary. Subcommittees are subservient to the parent committee. Subcommittees are informal, not requiring quorums, attendance requirements, minutes, or public participation. Subcommittee membership shall consist of less than half the parent committee's membership.
9. Manistee County department, subdivision; and Intergovernmental Coordination
- The Commission shall be responsible for coordination of all related plans between departments or subdivisions of Manistee County and intergovernmental coordination of all related planned activities among the state, federal and municipal governments concerned. The Commission may use committees (pursuant to Section 7.2 of these rules), planning department staff, citizen committees (pursuant to Section 7.3 of these rules), and county and interagency staff teams for purposes of accomplishing coordination. If a staff team is used, the team shall not be a committee of the Planning Commission, any other public body, and shall not be a public body. The team shall be an employee level technical review with only powers to recommend.

10. Per Diem and Mileage
- 10.1 Mileage and per diem shall be paid to members of the Commission at rates established by the County Board of Commissioners for attending Commission meetings and Executive Committee meetings, and other authorized meetings and trips to represent the county, if those members bill the county for the same. Only mileage shall be paid for attendance at ad hoc committee meetings, if those members bill the county for the same. No mileage or per diem is paid to any members of a citizen committee unless authorized and budgeted by the County Board with recommendation by the Commission.
- II. Hearings
- 11.1 Master Plan Hearings. Before the adoption of any part of the Master Plan as defined in the planning act or any amendment to the Master Plan, or recommending approval of an amendment to the governing body, 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.
- 11.2 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.
- 11.3 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.
12. Plan Reviews
- 12.1 The Commission shall review all adjacent, or contiguous, local government plans (township, village and city), adjacent county plans, local government plans (township, village and city plans) within the boundaries serviced by the Commission, and the county plans in which the Commission's service area is located.
- 12.2 Action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action, and the Commission's advisory action, pursuant to Section 5.5B. of these rules.
- 12.3 The review should focus on:
- A. First and foremost, the process is intended to increase coordination of planning between governments.
- B. Consistencies and inconsistencies with your government's plan(s) for matters such as:
- (1) Border issues.
 - (2) Issues of greater than local concern.
 - (3) Comparison with local plan contents.
 - (4) Comparison with county/regional plan contents.
 - (5) Comparison to other relevant adopted plans (such as an historic preservation plan, local wetland protection plan, TIF or brownfield redevelopment plan, etc.).
 - (6) Comparison to various implementation strategies.
- C. If the county planning commission considered the proposed plan inconsistent with the plan of any city, village, township or region that received a copy off the draft plan (or amendment).
- D. If the county planning commission considers the draft plan (or amendment) to be inconsistent with a county plan(s), if any.
- E. Action by the Commission shall be based on, in part, a review of possible boundary conflicts between the plans of two municipalities. If a boundary conflict is found to exist the following shall apply:
- (1) The assumption is made that there should not be any provision of a municipal plan which is in conflict with the county plan.
 - (2) The Commission shall use compliance with the county plan as its main tool for purposes of coordination of the proposed plans with the plans of municipalities having a common boundary. If a conflict is found to exist, it is not proper to assume the proposed plan is the problem. The problem could be the municipality which is adjacent to the municipality for which the plan is being reviewed. The problem could be both plans.

- (3) The criteria to determine which municipality has the plan which causes the boundary conflict shall be the Commission's finding of compliance with the county plan. The municipality (or both municipalities) not in compliance with the county plan shall be deemed to have the plan which contributes to the boundary conflict.
- 12.4 The review shall be in the form of a letter and shall take into account:
 - A. Respect for the idea that the submission and review stages are near the end of a plan adoption process. A community may be ready to adopt and others may be waiting for the task to be done. Do not extend the adoption more than necessary.
 - B. Focus only on significant issues, in a clear and well documented way. Suggest solutions rather than only pointing out what is wrong.
 - C. Be clear and document statements to improve the quality of planning for the entire area. This process is to improve coordinated planning, not to undermine relationships or exacerbate tensions between governments.
 - D. Include mutual respect of others, so the comments are factual, objective, and based on sound planning principles.
- 13. Township Zoning Reviews
 - 13.1 The Commission shall review all zoning ordinances and zoning amendments for townships within the county.
 - 13.2 Action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action, and the commission's advisory action, pursuant to section 5.5B. of these rules.
 - 13.3 Action by the Commission shall be based, in part, on a review of possible boundary conflicts between the zoning of two municipalities. If a boundary conflict is found to exist the following shall apply:
 - A. The assumption is made that there should not be any provision of the township plan which is in conflict with the county plan. Thus the proposed zoning, which is based on the township plan, should also comply with the county plan.
 - B. The Commission shall use compliance with the county plan as its main tool for purposes of coordination of the proposed zoning ordinances with the zoning ordinances of other municipalities having a common boundary with the township. If a conflict is found to exist, it is not proper to assume the township's proposed zoning is the problem. The problem could be the township or municipality which is adjacent to the township for which the zoning is being reviewed. The problem could be both zoning ordinances.
 - C. The criteria to determine which municipality has the zoning which causes the boundary conflict shall be the Commission's finding of compliance with the county plan. The municipality (or both municipalities) not in compliance with the county plan shall be deemed to have the zoning which contributes to the boundary conflict.
 - 13.4 The review shall be in the form of a letter and shall take into account:
 - A. Respect for the idea that the submission and review stages are near the end of a plan adoption process. A community may be ready to adopt, and others may be waiting for the task to be done. Do not extend the adoption more than necessary.
 - B. Focus only on significant issues in a clear and well documented way. Suggest solutions rather than only pointing out what is wrong.
 - C. Be clear and document statements to improve the quality of planning for the entire area. This process is to improve coordinated planning, not to undermine relationships or exacerbate tensions between governments.
 - D. Include mutual respect of others, so the comments are factual, objective, and based on sound planning principles.
- 14. Other matters to be considered by the Commission
 - 14.1 The following matters shall be presented for consideration at a meeting of the Commission:
 - A. At least annually, the adoption of priorities for the Commission's plan of work.
 - B. Annually, preparation of an annual report of the Commission.
 - C. Office, or Administrative Policy and ruling of interpretation for administration of ordinances and regulations by the Commission or its staff.

- D. All preliminary plans and reports for the physical development of the County, including the general location, character and extent of streets and roads, viaducts, bridges, farmland, agricultural land, forestland, parks and open spaces; the general location of public buildings and other public property; the general location and extent of public utilities and terminals.
 - E. Capital Improvements (the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any public way, grounds, agricultural land, open spaces, buildings, or properties) before work is started and after municipal capital improvement planning approval is obtained. If the funding for the capital improvement project is from a grant, this approval shall be obtained prior to applying for the grant, or done as part of the state or federal grant clearinghouse process.
 - F. The general character, extent and layout of the replanning and redevelopment of blighted districts and slum areas.
 - G. All address changes pursuant to the Manistee County Address Ordinance of 1985, as amended.
 - H. All planning reports and plans before publication.
 - I. Capital improvement program for the County.
 - J. Matters which properly come before the Manistee County Designated Solid Waste Planning Agency, pursuant to P.A. 641 of 1978, as amended (being the Michigan Solid Waste Management Act, MCL 299.401 et. seq.)
 - K. Soil and Sedimentation Control Board of Appeals cases.
 - L. All matters of business as created by the Manistee County Remonumentation Plan.
 - M. All matters of business concerning Manistee County's computer, or digital, Geographic Information System (GIS) as delegated by the County Board of Commissioners on April 20, 1993 with power to act.
 - N. Planning Department and Commission's budget requirements for the fiscal year and request for appropriation.
 - O. Selection of consultants and determination of basis for compensation and selection of a Planning Director.
 - P. Such other matters as the Director shall find it advisable or essential to receive consideration by the Commission.
- 14.2 Front time to time the Commission shall publish policy to further define and categorize work done by staff for municipalities in Manistee County as:
- A. Tasks which are a basic purpose of the County Planning Commission and for which no charge or fee shall be charged.
 - B. A secondary purpose of the Commission which is to include "assistance" to municipalities in Manistee County for which a fee may or may not be charged, as may be established from time to time by the Commission.
 - C. A secondary purpose of the Commission which is to include "work" on a contract or for hire basis by municipalities in Manistee County for which a fee shall be charged, as established from time to time by the Commission.
- 14.3 Fees. The Commission shall from time to time establish fees for services, municipal "assistance", municipal "work", Such fees shall not contravene any state statute, county ordinance, or fee established by the Manistee County Board of Commissioners.
15. Commission staff
- 15.1 Authorization. The Commission staff may consist of a Planning Director and such other personnel as may be authorized by the Commission after the budget for the same is approved by the County Board of Commissioners.
- A. Planning Director selection shall in addition to County Policy and/or Labor Contract requirements include considering this position as necessary to fill from candidates representing more than just the Manistee labor market. Thus, any advertising for this position should appear, in order of priority in:
 - (1) *Planning and Zoning News {Lansing*
 - (2) Manistee News Advocate
 - (3) Traverse City Record Eagle
 - (4) Michigan State University Career Placement Bulletin

- (5) University of Michigan Career Placement Bulletin
 - (6) Central Michigan University Career Placement Bulletin
 - (7) Northern Michigan University Career Placement Bulletin
 - (8) Detroit News-Free Press Sunday edition (optional)
 - (9) American Planning Association Job Mart (optional. only if nation wide candidate search is desired).
- B. Assistant Planner(s) selection shall in addition to County Policy and/or Labor Contract requirements include considering these positions as necessary to fill from candidates representing both in and outside the Manistee labor market. Thus, any advertising for this position should appear, in order of priority in:
- (1) Planning and Zoning News of Lansing
 - (2) Manistee News Advocate
 - (3) Traverse City Record Eagle
 - (4) Planning and Zoning News of Lansing
 - (5) Michigan State University Career Placement Bulletin
 - (6) University of Michigan Career Placement Bulletin Central
 - (7) Michigan University Career Placement Bulletin Northern
 - (8) Michigan University Career Placement Bulletin
- C. Planning Department Secretary(ies) selection shall in addition to County Policy and/or Labor Contract requirements include considering this position to be filled from the Manistee Labor Market area with advertizing in local media.
- 15.2 General Responsibility. The Commission staff is charged with the duty of preparation and administration of such plans as are authorized by the Commission, appropriate for the county and its environs and are within the scope of the planning act.
- 15.3 Advocacy. The Commission staff shall not attempt to represent the views or comments of a member of the public at a public hearing or Commission meeting. Staff shall indicate to a member of the public wishing to make their views known, they should do so directly to the Commission in person or in writing. Staff should avoid situations of appearing to advocate for an individual or group. Nothing herein is intended to prevent staff from helping an individual or group be better informed to present their own views. Nothing herein is intended to prevent staff from expressing their own views as a private citizen.
- 15.4 Coordinated Enforcement. To further supplement the small number of staff responsible for inspections and enforcement of various regulations, staff shall report all suspected problems or violations seen during the course of their work. Staff shall follow the following procedures and guidelines:
- A. When observing a problem or suspected violation, do not assume a violation exists or confront the suspected perpetrator. Avoid a situation where discussion or confrontation exists in an area outside the staff person's jurisdiction.
 - B. Report the problem or suspected violation to the county, state or federal agency which has jurisdiction, as quickly as possible.
 - C. When observing or receiving a report from another county, state or federal agency, of a problem or suspected violation, pursue enforcement, or its resolution through normal procedures for the particular situation.
- 15.5 Conflict of Interest.
- A. All members of the Commission's staff shall avoid situations which are 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:
 - (1) Issuing, deliberating on, voting on or reviewing a case concerning him or her.
 - (2) 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.
 - (3) 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.
 - (4) Issuing, deliberating on, voting on or reviewing a case which is an action which results in a pecuniary benefit to him or her.

- (5) Issuing, deliberating on, voting on or reviewing a case concerning his or her spouse, children, step-child, grandchildren, parents, brother, sister, grandparents, parents in-law, grandparents in-law, or members of his or her household.
 - (6) Issuing, deliberating on, voting on or reviewing a case where his or her employee or employer is:
 - (a) an applicant or agent for an applicant, or
 - (b) has a direct interest in the outcome.
 - B. When a conflict of interest exists staff shall do all of the following immediately, upon first review of the case and determining a conflict exists:
 - (1) declare a conflict exists:
 - (2) cease to process the case any further, and
 - (3) forward the case, and all pertinent records, to an alternate, assistant or manager so the case is dealt with by someone else.
 - C. Other than as part of work for the Commission staff shall not (1) provide private consultation services, or advise on similar related services for clients (2) provide work in professions or services which is or could be regulated by the Commission (such as, but not limited to planning, zoning, real estate, land development, solid waste, land surveying, architecture, professional and civil engineering, landscape architecture, sociology, economics, geography, political science, public administration consulting or work) within a site within the boundaries of Manistee County. This is not intended to prevent a staff person from assisting residents, municipalities or others seeking help from the Commission which are normally part of an employee's duties.
- 15.6 Planning Director's Duties. The Planning Director shall be responsible for the professional and administrative work in directing and coordinating the program of the Commission. His or her work shall be carried on with the widest degree of professional responsibility, subject to the policy determinations and job description as adopted from time to time by the Commission and administrative policies of the County. In addition to any job description adopted from time to time by the Commission, the basic fundamentals of the Planning Director's job shall include, but not be limited to:
- A. Recommendations. The Planning Director shall take action or make recommendations in the name of the Commission, in accordance with such plans, policies and procedures as are approved or established by the Commission from time to time. Where there is a serious conflict of interest, public controversy, or uncertainty or doubt as to the plans, policies or procedures approved or established by the Commission, presentation of the matter shall be made at a Commission meeting.
 - B. Administrative Duties. The Planning Director shall:
 - (1) Supervise and review the work of the professional, technical and nontechnical employees of the Commission staff.
 - (2) Prepare a proposed annual budget for the Commission and Department to submit to the Commission.
 - C. Policy Formulation. The Planning Director shall:
 - (1) Be responsible for carrying out the directives of the Commission.
 - (2) Advise and assist the Commission in the establishment of general planning policy.
 - (3) Work with the Chair of the Commission for formulation of staff policy, subject to approval by the Commission.
 - (4) Recommend to the Commission action necessary for effectuating plans with respect to both public and private endeavors.
 - (5) Prepare drafts of capital improvement programs.
 - (6) Prepare long range comprehensive plans and other plans.
 - D. Public Relations. The Planning Director shall:
 - (1) Officially present the Commission's recommendations to the governing body.
 - (2) Officially represent the Commission and its staff at planning conferences, interdepartmental meetings of the county government and serve generally as a liaison between the Commission and the public.
 - (3) Encourage private development or investment in accord with comprehensive plans.

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- (4) Cooperate with public and private agencies and with individuals for the development, acceptance and effectuation of plans.
 - (5) Supply information for and encourage interested public agencies and citizen organizations in programs to promote public understanding of and government cooperation with planning efforts.
 - (6) Accept other responsibilities as may be directed by the Commission, Governing Body, or Chief Executive.

E. Commission duties delegated to the Planning Director:

- (1) To oversee and coordinate Commission staff teams, pursuant to Section 9 of these rules as directed.

15.7 Other Staff Duties. The Commission shall establish with consultation with the Planning Director, from time to time, updated job descriptions for each staff position in the Planning Department.

16. Adoption, Repeal, Amendments

16.1 Upon adoption of these Rules of Procedure of November 2008, they shall become effective and all previous Rules, including but not limited to Rules of Procedure of May 1994, as amended, Rules of Procedure of 1976, as amended, and Rules of Procedure of August 1982, as amended, shall be repealed.

16.2 The Commission may suspend any one of these Rules for duration of not more than one agenda item or meeting.

16.3 These Rules may be amended at any regular or special meeting by a two-thirds (2/3) vote of the members present.

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