

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

SECTION ONE - AUTHORITY

The City of Berkley Planning Commission (hereinafter referred to as the Commission) adopts these rules of procedure pursuant to Public Acts 207 and 285, as amended, and the Open Meetings Act.

SECTION TWO - OFFICERS

- (1) **Selection.** At the July meeting, the Commission shall select from its membership a chairperson, vice-chairperson, and secretary who shall serve for a twelve-month period and who shall be eligible for re-election.
- (2) **Duties.** A chairperson shall preside at all meetings and shall conduct all meetings in accordance with the rules provided herein. The vice-chairperson shall act in the capacity of the chairperson and shall succeed to the office of chairperson in the event of a vacancy in that office, in which case the Commission shall select a successor to the office of vice-chairperson at the earliest practicable time.

The Building Department of the City of Berkley shall be responsible for the preparation of minutes, keeping of pertinent public records, delivering communications, petitions, reports, and related items of business of the Commission, issuing notices of public hearings, and performing related administrative duties to assure efficient and informed Commission operations.

In the event that the Building Department is unable to keep records at a meeting, the secretary shall keep the minutes.

- (3) **Tenure.** The officers shall take office immediately. They shall hold their office for a term of one year, or until their successors are elected and assume office.

SECTION THREE - MEETINGS

- (1) **Notices.** All meetings shall be posted at the Berkley City Hall according to the Open Meetings Act. The notice shall include the date and time of the meeting.
- (2) **Regular meetings.** Regular meetings of the Commission shall be held monthly in the City Hall on the fourth Tuesday of every month at 7:30 p.m. The dates and times of the meeting, or the cancellation, shall be posted at the City Hall. When a regular meeting date falls on or near a legal holiday, the Commission shall select suitable dates in the same month, in accordance with the Open Meetings Act.

- (3) **Work session meetings.** Work session meetings of the Commission shall be held at the City Hall on the second Tuesday of the month at 7:30 p.m. when the Commission determines that a work session is necessary.
- (4) **Quorum.** In order for the Commission to conduct business or take any official action, a quorum consisting of five voting members of the Commission shall be present. When a quorum is not present, no official action, except for closing of the meeting may take place. All items scheduled to be heard, shall be scheduled for the next regular meeting. No additional public notice shall be required provided the date, time, and place are announced at the meeting.
- (5) **Hearings.** Hearings shall be scheduled and due notice given in accordance with the provisions of the acts and ordinance cited in Section One.

Public hearings conducted by the Commission shall be run in an orderly and timely fashion. This shall be accomplished by the following procedure:

- Introduction of case by staff.
 - The Chairperson confirms that the applicant is present and receives an opportunity to describe case.
 - The Chairperson opens discussion. *The Commission may ask the applicant or staff questions.*
 - The Chairperson opens the public hearing. *Each person must state his/her name and address for the record and may address the Commission regarding the case for a reasonable period of time. If the case is very controversial, the chairperson may invite people to speak row by row to eliminate lines at the microphone.*
 - The Chairperson closes the public hearing.
 - Discussion. *The Commission may ask staff or the applicant questions*
 - The Chairperson shall call for a motion.
 - After a motion has been made and supported, there may be additional discussion.
 - The Chairperson will call for a roll call vote.
- (6) **Motions.** The Chairperson shall restate motions before a vote is taken. The name of the maker and supporters shall be recorded. The motion shall state whether the item is approved, approved with conditions, or denied.
- (7) **Voting.** An affirmative vote of a simple majority of the appointed Commission shall be required for approval or to recommend approval. Voting shall be by roll call. All members of the Commission, including the Chairperson shall vote on all matters. The order of the voting members shall be varied.
- (8) **Conditions.** The Commission may modify a request or impose conditions in order to maintain the public health, safety and welfare, in accordance with the standards set forth in the Zoning Ordinance.
- (9) **Withdrawals.** In the event that an applicant withdraws an application after the notices have been sent and the meeting posted, the Commission shall introduce the

case and motion to accept the withdrawal. In the event that an applicant withdraws an application before the notices have been sent and the meeting posted, the Commission shall receive a copy of the withdrawal, but no motion to accept the withdrawal shall be necessary.

- (10) **Conflict of Interest.** After the introduction of a case, a possible conflict of interest may be declared by a Commissioner or a fellow Commissioner. The Commission shall discuss and determine if such a conflict exists. Fellow Commissioners shall make and support a motion to excuse the Commissioner from deliberating. Voting shall be in accordance with subsection 3.7 above. Upon approval, the excused Commissioner shall leave the meeting room during deliberation of the case. The Commissioner shall be called back prior to the introduction of the next case. A Commissioner may want to consider declaring a conflict of interest if he is the applicant; if the applicant is a close friend or relative; if the applicant is a business partner; or if there may be an appearance of impropriety.
- (11) **Order of Business.** A written agenda for all regular meetings shall be prepared as follows. The order of business shall be:
- Open the Meeting—*Call meeting to order*
 - Pledge of Allegiance
 - Roll Call
 - Approval of Agenda
 - Approval of Minutes—*Each set of minutes shall be approved individually*
 - Communications
 - Citizen Comments—*Comments regarding items not on the agenda*
 - Old Business—*Items that have been postponed or referred to staff*
 - New Business
 - Citizen Comments
 - Liaison Reports—*Reports from commissioners attending the Zoning Board of Appeals, Chamber of Commerce, Downtown Development Authority and City Council meetings*
 - Commissioner/Staff Comments
 - Adjourn
- (12) **Rules of Order.** All meetings of the Commission shall be conducted in accordance with generally accepted parliamentary procedure, as governed by “Robert’s Rules of Orders.”
- (13) **Notice of Decision.** A written notice containing the decision of the Commission shall be sent to petitioners of a request.

SECTION FOUR - MINUTES AND REPORTS

The Building Department shall prepare Commission minutes. The minutes shall contain a brief synopsis of the meeting including a complete restatement of all motions and recording of votes; a complete statement of the conditions or recommendations made on any action; and recording attendance. All communications, actions, and resolutions shall be attached to the minutes. The official records shall be deposited with the City Clerk.

In July, the Planning Commission shall submit an annual report to the City Council. The report shall contain a summary of the applications the Commission has heard and the action taken.

SECTION FIVE - OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS

All meetings of the Commission shall be opened to the public and held in a place available to the general public.

All deliberations and decisions of the Commission shall be made at a meeting open to the public.

A person shall be permitted to address a hearing of the Commission under the rules established in subsection 3.5 and to address the Commission concerning non-hearing matters under the rules established under subsection 3.11 to the extent that they are applicable.

A person shall not be excluded from a meeting of the Commission except for breach of the peace, committed at the meeting.

All records, files, publications, correspondence, and other materials are available to the public for reading, copying, and other purposes as governed by the Freedom of Information Act.

SECTION SIX - AMENDMENTS

The Commission may amend these rules by a concurring vote pursuant to subsection 3.7 during any regular meeting, provided that all members have received an advanced copy of the proposed amendments at least three days prior to the meeting at which such amendments are to be considered.

NOW, THEREFORE, THE CITY OF BERKLEY PLANNING COMMISSION RESOLVES:

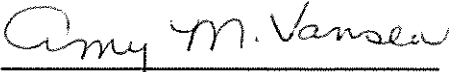
It was moved by Commissioner Murrell to approve these by-laws and rules of procedure on Tuesday, January 25, 2000.

Supported by Commissioner Johnson.



David Barnett, Chairperson

Attest:



Amy M. Vansen, City Planner