

**BYLAWS OF THE
ANN ARBOR CITY PLANNING COMMISSION
CITY OF ANN ARBOR, MICHIGAN**

Article I. Name

The name of this commission shall be the Ann Arbor City Planning Commission.

Article II. Enabling Authority

The Ann Arbor City Planning Commission is established by Ann Arbor City Charter, section 5.14, Ann Arbor City Code, Chapter 8, sections 1:171-185, the Michigan Planning Enabling Act (Act 33 of 2008; MCL § 125.3801 et seq.), and the Michigan Zoning Enabling Act (Act 110 of 2006; MCL § 125.3101 et seq.), as amended.

Article III. Purpose, Objectives, and Duties

Section 1. The purpose of the Ann Arbor City Planning Commission ("Commission") is to exercise the powers and duties established by the enabling authority cited in Article II of these bylaws and any other powers or duties established by state or local law.

Section 2. The Commission shall be limited to performing the tasks enumerated in these bylaws or otherwise delegated to it by state law, City Charter or City Code.

Section 3. The Commission shall advise City Council on matters relating to the physical and environmental development of the City. Its recommendations shall consider the impact which such development shall have on the physical, social, economic, and environmental condition of the City.

Section 4. The Commission shall furnish City Council reports and recommendations on ordinances, ordinance amendments, annexations, zonings, resolutions, or any other matters requested by City Council, or which are deemed important by the Commission for the orderly development of the City.

Section 5. Consistent with MCL § 125.3819(2), the Commission shall make an annual written report to City Council concerning the Commission's operations and the status of planning activities, including recommendations regarding actions by City Council related to planning and development.

Section 6. Consistent with MCL § 125.3865 and Ann Arbor City Code, Chapter 8, § 1:185, the Commission shall prepare an annual Capital Improvements Plan.

Section 7. The Commission shall advise City Council in the preparation and continuance of the Master Plan, the Plan being a guide for the future development of the City. The Commission shall hold public hearings as may be required by law for the adoption of the Master Plan. It may also hold other hearings with interested groups or individuals in arriving at its recommendations.

Section 8. The Commission, in May of each year, shall review the adopted sections of the Master Plan and determine if changes should be considered. A public hearing shall also be scheduled to allow citizens the opportunity to suggest changes. The primary purpose of this annual review is to identify policies that should be studied for possible change or new policies that should be added to the Master Plan. These policies shall be considered for inclusion in the work program for the coming fiscal year. The Commission shall also consider in its review those policies or proposals that should be given special consideration in the preparation of the annual Capital Improvements Plan.

Section 9. The Commission may make recommendations to other governmental or private entities.

Article IV Membership

Section 1. The Commission shall consist of nine (9) members nominated by the Mayor and approved by City Council. One (1) of these members shall also be a member of City Council, who shall serve as an ex officio member of the Commission. Consistent with City Charter § 5.14(b) and state statute MCL § 125.3815(3), the Mayor shall appoint persons who, insofar as possible, represent different professions and occupations having an interest in the growth and development of the city. The membership shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the local unit of government, in accordance with the major interests as they exist in the local unit of government, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of the local unit of government to the extent practicable.

Section 2. Members of the Commission shall serve without compensation. Commission members attending meetings for the benefit of the Planning Commission, the Planning and Development Services Unit, or for Ann Arbor planning in general shall be reimbursed for expenses incurred. Reimbursements shall receive prior approval by the Commission at a regular meeting.

Section 3. All members of the Commission shall be appointed for a three (3)-year term except the City Council member, who shall be appointed for a one (1)-year term. If at any time the City Council member ceases to be a member of City Council, then his/her membership in the Commission shall automatically terminate.

Section 4. Consistent with City Charter § 12.2 and MCL § 125.3815(4), all members of the Commission shall be registered electors in the City of Ann Arbor, except that one (1) member may be exempted from this requirement by a resolution concurred in by at least seven (7) members of City Council.

Section 5. Consistent with MCL § 125.3815(2), members whose term has expired shall hold over and continue to serve as members of the Commission until a successor has been appointed.

Section 6. Consistent with City Code § 1:171, the Mayor shall notify City Council of the expiration of a member's term at least thirty (30) days prior and shall present to City Council all proposed reappointments no later than sixty (60) days after the expiration of the term.

Section 7. Consistent with City Code § 1:171, any vacancy on the Commission occurring in the middle of a term shall be filled for the remainder of the term in the same manner as for full-term appointments.

Section 8. Members are expected to attend regularly scheduled meetings and to notify the Chair and the Planning and Development Services Unit in advance if they expect to be tardy or absent. The Planning and Development Service Unit shall maintain attendance records and shall report to the Chair if an attendance problem appears to have developed. If a member misses more than three (3) regularly scheduled meetings in a row or four (4) or more meetings in a sixteen (16) month period, the Chair shall notify City Council. The Commission officers may discuss the matter with the member in question and if sufficient improvement in attendance does not occur within a reasonable time, the Chair may recommend to City Council that the member be removed.

Section 9. Consistent with MCL § 125.3815(9), a member of the Commission may be removed by City Council for misfeasance, malfeasance, or nonfeasance in office following written charges, notice, and a hearing.

Article V Ethics and Conflicts of Interest

Section 1. A member of the Commission shall abstain from discussion, voting, or otherwise acting on any matter where that member is involved in a conflict of interest. A conflict of interest shall at a minimum include, but not necessarily be limited to, a member:

- a. Discussing, voting on, or otherwise acting on a matter directly and specifically involving that member.
- b. Discussing, voting on, or otherwise acting on a matter involving work on property which is owned by that member or which is adjacent to property owned by that member.
- c. Discussing, voting on, or otherwise acting on a matter directly involving a corporation, company, partnership, or any other entity in which that member is an owner, board member, or otherwise has a direct financial interest.
- d. Discussing, voting on, or otherwise acting on a matter, the outcome of which may result in a direct financial or other benefit to that member or to immediate family of that member.
- e. Discussing, voting on, or otherwise acting on a matter where the member's employee or employer is:
 - (1) an applicant or agent for an applicant, or
 - (2) has a direct interest in the outcome.

Section 2. When a conflict of interest exists with regard to a particular matter, the member of the Commission who is subject to the conflict, shall do all of the following immediately, upon first knowledge or realization that a conflict exists:

- a. At the next meeting of the Commission or a committee, declare that a conflict exists and that the member will recuse him or herself from the matter.

- b. Disclose, except where it violates a confidence, the general nature of the conflict, and the minutes shall so record the conflict and recusal.
- c. Cease to participate in any manner when the matter is discussed, voted on, or otherwise acted on at Commission or committee meetings, or in any other forum.
- d. During deliberation of the matter before the Commission or a committee, leave the meeting or the area where members of the Commission sit, until action on the matter is concluded.

Section 3. When there is a potential conflict of interest, before voting, the member shall disclose all pertinent facts relating to the potential conflict, except where it violates a confidence, and those facts shall be included in the minutes of the proceedings. Consistent with MCL § 125.3816(9), a member must make this disclosure whenever the member may reasonably be considered to have a conflict. Failure of a member to disclose a potential conflict under this section constitutes malfeasance in office and is grounds for removal by City Council.

Section 4. If facts are presented which raise the question of whether any member(s) of the Commission are subject to a conflict of interest, the question may be decided by a majority vote of the remaining members of the Commission. Upon a finding that a conflict exists, the member(s) subject to the conflict shall be disqualified from voting on the matter.

Section 5. A member of the Commission shall neither solicit nor accept gratuities, favors, gifts, or anything of monetary value from persons or entities in a position to benefit from a decision of the Commission.

Section 6. Members of the Commission shall complete an annual disclosure of employer and any other organization affiliations that reasonably could lead to a conflict of interest and shall update this disclosure in writing at any time during the year when such affiliations change.

Section 7. Members of the Commission shall make reasonable efforts to avoid individual communications with interested parties regarding site specific proposals or site petitions before the Commission. If a member receives such communications, the member shall make note of the content of the communication and report it to the Commission at a public meeting or hearing, so that every member of the Commission and other interested parties attending are made aware.

Section 8. A Commission member shall not be heard before the Commission as a petitioner, representative of a petitioner, or as a party interested in a petition during the member's term of office.

Section 9. A member of the City Council shall not be heard before the Commission as a petitioner, representative of a petitioner or as a party interested in a petition during the Council member's term of office.

Section 10. A Commission member, when speaking to individuals, groups or organizations on planning matters, shall identify him/herself as a member of the Commission and shall indicate whether he/she speaks on behalf of the Commission or in an individual capacity. A member of the Commission may only speak on behalf of the Commission after being given authority to do so by resolution of the Commission.

Section 11. The Commission or its individual members shall not intrude into the management of the City Planning and Development Services Unit or into those matters which are handled administratively within the service unit.

Section 12. Commission members shall not engage in any employment or endeavor, or in any business transaction, wherein the membership on the Commission would be a qualification for such employment or endeavor, or a significant reason for the business transaction.

Section 13. Commission members shall carry out the business of the Commission as a public service and shall conduct themselves at all times in a fair, courteous, and understanding manner.

Article VI Officers

Section 1. The officers shall be a Chair, Vice-Chair, and Secretary.

Section 2. The Chair shall preside at all meetings and hearings of the Commission and shall decide points of order and procedure, subject to the provisions of these bylaws.

Section 3. The Chair shall have the privilege of discussing all matters before the Commission and to vote thereon.

Section 4. The Vice-Chair shall act for the Chair in the Chair's absence. The Secretary shall act for the Vice Chair in the Vice-Chair's absence.

Section 5. The Secretary shall perform such duties as required by law and as the Commission may determine.

Section 6. The election of officers shall be held at the first regular meeting in July, provided that if that meeting should occur on July 1, the election of officers shall be held at the next regular meeting.

Section 7. Nominations of officers shall be made from the floor, and the election shall be held immediately thereafter. Voting shall be by secret ballot when more than one candidate has been nominated for the office. If only one candidate has been nominated for the office, the election may proceed on a voice vote at the discretion of the Chair.

Section 8. A candidate receiving a majority vote of the entire membership of the Commission shall be declared elected and shall serve a term of one (1) year or until the candidate's successor shall take office.

Section 9. When an office becomes vacant before the expiration of the current term, the vacancy shall be filled as soon as practicable. The vacant office shall be filled by election in the same manner as full-term offices and the new officer shall serve the remainder of the current term. A member currently serving in another office may be elected to a vacant office, in which case a replacement for that member's previous office shall be elected at the same time.

Section 10. No member of the Commission shall hold the same office for more than two (2) successive terms, nor hold more than one (1) office at a time.

Section 11. Consistent with MCL § 125.3817(1), a member of City Council serving as an ex officio member of the Commission is not eligible to serve as an officer.

Article VII Meetings

Section 1. The Commission shall schedule regular meetings at City Hall, or as otherwise designated by resolution, on one or more designated Tuesdays of the month, in the evening. Commission meetings may be scheduled on other days of the week to avoid conflicts with rescheduled City Council meetings, holiday observances or election dates. Consistent with the Open Meetings Act (MCL § 15.265), the entire schedule of regular meetings for the upcoming organizational year shall be posted within ten (10) days after the end of the current organizational year. If there is a change in the schedule of regular meetings, notice of the change shall be posted within three (3) days after the meeting at which the change is made.

Section 2. No agenda item will be taken up by the Commission after 11:00 p.m., except by the consent of five (5) Commission members present. In those cases where agenda items are not completed, they will be put forward to the next regular meeting of the Commission and placed first on the agenda.

Section 3. Special meetings may be called by the Chair or any three (3) members of the Commission. The purpose of the special meeting shall be stated in the public notice for that meeting. At the special meeting, The Commission may not conduct any business beyond the specific purpose stated in the public notice, except by unanimous consent of the members present. Consistent with the Open Meetings Act (MCL § 15.265), public notice of the special meeting shall be posted at least eighteen (18) hours prior to the scheduled starting time.

Section 5. The Commission may hold non-voting working sessions to carry on the work of the Commission. Public notice of the working session shall be posted at least eighteen (18) hours prior to the scheduled starting time.

Section 6. Public notice of committee meetings shall be posted at least eighteen (18) hours prior to the scheduled starting time.

Section 7. Public notice of all meetings shall be posted at City Hall.

Section 8. Notice of each meeting shall be provided to all members of the Commission at least forty-eight (48) hours prior to the scheduled starting time for all regular and special meetings and at least eighteen (18) hours prior for all rescheduled and committee meetings.

Section 9. The Chair may cancel a meeting if there is no business on the agenda or if it is certain that a quorum will not be present. The Chair may also cancel a meeting because of weather, emergency, or other circumstances that may substantially limit the ability of members of the Commission or the public to attend. The Chair shall give notice of cancellation to members of the Commission and to the Planning Manager at least two (2) hours prior to the scheduled meeting time, where practicable. The Chair shall post public notice of the cancellation as soon as practicable. The Chair may reschedule cancelled meetings with the Commission's consent. Public notice for rescheduled meetings shall be posted at least eighteen (18) hours prior to the scheduled starting time.

Section 10. A quorum shall consist of five (5) members of the Commission. An affirmative vote

of five (5) members is required for the Commission to act on any matter, except six (6) votes shall be required to go into closed session or to act on plans, policy statements, granting of special exception uses, recommendations to City Council, and petitions described in Article IX of these bylaws. The right to vote is limited to members of the Commission actually present at the time the vote is taken at a lawfully called meeting.

Section 11. Except for the election of officers, voting shall be by voice and a show of hands. If the vote is not unanimous, a roll call vote shall be taken and recorded by yeas and nays in the minutes.

Section 12. After a motion has been decided, any member voting with the prevailing side may move for reconsideration of the motion at the same or the next regular meeting. No motion may be reconsidered more than once.

Section 13. On matters requiring public hearings, the Commission may take action during the meeting in which a public hearing is held. Such matters may be tabled by a majority of the members present.

Section 14. The Commission shall arrange to keep minutes of all meetings, which shall be a record of the Commission's consideration and actions. Consistent with MCL § 125.3819(1), the minutes shall record all resolutions, transactions, findings, and determinations of the Commission. The minutes shall also include a list of those members present and not present at each meeting; identifying information, where given, of all persons appearing before the Commission; a copy of each resolution or other matter acted upon by the Commission and a description of the outcome of each action. Each member of the Commission is therefore encouraged to express specific reasons supporting his or her vote. Such expressions should be made during the discussion period preceding the actual voting. The minutes shall be filed in the Planning and Development Services Unit and shall be a public record.

Section 15. The Commission shall maintain files and records which adequately and appropriately reflect the Commission's consideration and actions, including all resolutions, transactions, findings, and determinations of the Commission. The files and records shall be open to the public during normal Planning and Development Services Unit working hours.

Section 16. All meetings of the Commission and its committees shall be open to the public and conducted in accordance with the Michigan Open Meetings Act (PA 267 of 1976), as amended. Special accommodations, including a sign language interpreter, will be made for people with disabilities, when requested at least two (2) business days in advance.

Section 17. During Commission meetings, Commission members shall not initiate or respond to private communications (including email, instant messages, or text messages) with or from members of the Commission, members of the public or the petitioner regarding Commission business.

Section 18. Closed sessions may be called for purposes listed in the Open Meetings Act, if approved by six (6) members of the Commission on a roll call vote. Official actions of the Commission shall only be taken at public meetings of the Commission.

Section 19. Audience participation in the form of public comment shall be allowed at all meetings. An individual may speak for up to three (3) minutes. The Chair may extend an individual's

speaking time in his/her discretion. Commission agendas shall provide two (2) opportunities for audience participation.

- a. Speakers at the first Audience Participation agenda item may address the Commission about any item on the agenda that does not have its own public hearing scheduled
- b. Speakers at the second Audience Participation agenda item may address the Commission about any item related to the Commission's business.

Article VIII Public Hearings

Section 1. In addition to those required by law, the Commission may, at its discretion, hold such public hearings or conferences as it decides will be in the public interest. Special accommodations, including a sign language interpreter, shall be made for people with disabilities, when requested at least two (2) business days in advance.

Section 2. The public shall receive proper legal notice as to time and location of public hearings as required by law.

Section 3. An individual wishing to address the Planning Commission during a public hearing may speak for up to three (3) minutes. The first person identifying him/herself as the petitioner, or as a person representing the petitioner, or representing an organized neighborhood group registered with the City of Ann Arbor, may speak for up to five (5) minutes in total. Subsequent speakers identifying themselves as the petitioner, or as a person representing the petitioner or representing an organized neighborhood group, may speak for up to three (3) minutes. The Commission may, by majority vote of members present, modify or waive the public hearing speaking time limitations.

Section 4. During public hearings, subject matter shall be limited to the topic under consideration. Commission response to the public's remarks shall be confined to clarification of the presented facts.

Section 5. At the discretion of the Chair, or by vote of a majority of the members present, public hearings may be continued to another date. If a public hearing is continued, individuals who have not previously addressed the Commission during the public hearing may address the Commission following the requirements of Section 3. Individuals who have addressed the Commission previously during the public hearing may only address the Commission for additional time (as limited by Section 3) during the continued public hearing if the Chair, with the consultation of Planning and Development Services staff, determines that: 1) additional public feedback is necessary, or 2) a specific petition has materially changed since the date of the original public hearing date. Agendas for continued public hearings shall specify whether members of the public shall be granted additional time to speak.

Article IX Petitions and Communications

Section 1. Petitions pertaining to zoning changes, annexations, area plans, site plans, street vacations, and other related matters shall:

- a. Be filed with the Planning and Development Services Unit for review and scheduling for Commission action and to other City service areas and governmental agencies for

comment in accordance with the Subdivision and Land Use Control Ordinance.

- b. Be considered by the Commission during a regular or special meeting, where all persons interested in the subject will be heard before final Commission action.
- c. Require the affirmative vote of six (6) commissioners for approval and scheduling for Council action. Lacking six (6) affirmative votes, a denial recommendation is recorded. The petitioner may choose to schedule the item for City Council consideration.

Section 2. Zoning changes may also be initiated by Council or by the Commission.

Section 3. When making a final decision on any petition, motions shall be made in the affirmative, i.e. as motions to approve the petitioner's request. Failure to obtain the requisite number of affirmative votes on such a motion shall constitute a denial. The purpose of this provision is to eliminate confusion and the possibility of inaction that arises when motions to deny fail to garner sufficient affirmative votes for passage.

Section 4. The Commission shall invite persons concerned with items the Commission is to consider to address written communications to the Commission and Planning and Development Services Unit. The Commission shall request that these communications be directed at the entire Commission and not toward individual members and that these communications be sent at an early enough date to give the Planning and Development Services Unit sufficient time for careful consideration in arriving at its recommendation to the Commission. Commissioners who receive individual communications from the public regarding items under consideration shall share such communications with the entire Commission, and, where applicable, with staff, as soon as practicable. Communications from the public on particular items shall be made available to Commission members prior to Commission meetings at which those items will be considered and not during the meeting itself. Members may request that the contents of certain communications be read before the Commission.

Article X Agenda and Order of Business

Section 1. Agendas for all Commission meetings shall be developed by the Planning and Development Services Unit Manager and the Commission Chair. Agendas for all regular meetings of the Commission, along with reports related to matters listed on the agenda for Commission action, shall be available to concerned parties or other interested citizens the Friday preceding each regular meeting. Whenever possible, the Planning and Development Services Unit Manager shall advise persons known to be involved in a particular matter of any changes in procedure or scheduling which become necessary after preparation of the agenda.

Section 2. Except by unanimous consent of Commission members present, the Commission shall not consider, discuss or take action on new matters not appearing on the Commission's prepared agenda. Any member may introduce new matters for discussion under "Commission Proposed Business", however, the Commission shall not take official action on new "Commission Proposed Business" prior to its next regular or special meeting.

Section 3. The order of business at regular meetings shall be as follows. The order of business may be suspended or modified by a vote of two-thirds of those members present.

- a. Call to Order

- b. Roll Call
- c. Introductions
- d. Approval of Agenda
- e. Approval of Minutes of Previous Meetings
- f. Reports from City Administration, City Council, Planning Manager, Planning Commission Officers and Committees, Written Communications and Petitions
- g. Audience Participation
- h. Public Hearings Scheduled for Next Regular Meeting
- i. Unfinished Business
- j. Regular Business - Public Hearing and Commission Discussion of Each Item
- k. Audience Participation
- l. Commission Proposed Business
- m. Adjournment

Section 4. At working sessions and committee meetings, an Audience Participation agenda item shall be provided immediately after regular business items.

Article XI Committees

Section 1. The Commission may create standing or special committees to carry on the work of the Commission. Standing committees may, but need not be, described in the bylaws. Committees shall be limited to performing the tasks delegated to them by the Commission. Each committee shall include at least one (1) member of the Commission and may contain other community members, in the Commission's discretion.

Section 2. In accordance with Chapter 8, § 1:184 of Ann Arbor City Code. the Chair, with the concurrence of the Commission, may appoint one (1) or more persons as citizens' advisory committees to assist or collaborate with the Commission in its duties. The functions of such person or persons are advisory and do not include actions which are those required by law for the Commission. Advisory committee appointees shall serve at the pleasure of the Commission. The Commission may invite additional citizens, groups, or representatives of organizations to participate in the committee activities in a manner deemed most appropriate by the committee. Committee members shall participate with Commissioners and staff in all aspects of developing any requested plan or report. Such committees may be invited to prepare oral and/or written reviews of the final staff recommended reports or plans prior to final consideration by the Commission.

Section 3. Members of committees shall be appointed by the Chair and approved by the Commission.

Article XII Responsibilities and Evaluation of Manager

Section 1. At the discretion of the City Administrator, or as otherwise mandated by City Council, the staff of the Planning and Development Services Unit shall be the primary provider of administrative support and professional advice to the Commission and the Planning Manager or their designee shall be the primary liaison between the Commission and staff. The Planning and Development Services Manager or designee shall also act as a liaison between the community and City service areas and other governmental units on planning matters.

Section 2. In May of each year, the Planning Commission will provide to the Community Services

Area Administrator its review of the Planning Manager. This review will be included as a part of the Community Services Area Administrator's annual evaluation of the Planning Manager.

Section 3. The Commission portion of the evaluation of the Manager shall be based upon the responsibilities and duties of the Manager and Planning and Development Services Unit contained in the City Charter, City Code, and Commission Bylaws.

Section 4. By May of each year, the Planning Manager shall collaborate with the Commission in developing a proposed work program for planning-related duties of the Planning and Development Services Unit. This proposed work plan will be presented to the Community Services Area Administrator for consideration by the Community Services Area Administrator in the development of the service unit's annual work plan. The proposed work program will be designed to make maximum effective use of service unit resources in meeting a set of major objectives or responsibilities of the Commission.

Section 5. The Planning Manager shall provide the Commission with constructive, periodic reports regarding the status of planning matters under consideration and keep the Commission informed of major planning issues which relate to the approved major objectives or responsibilities of the Commission.

Section 6. The Planning Manager or designee shall represent the Commission before City Council. The Planning Manager shall also represent the Commission at other times as directed.

Article XIII Parliamentary Authority

Section 1. The rules contained in the current edition of Robert's Rules of Order Newly Revised shall guide the Commission; however parliamentary procedure shall be flexible and may be adjusted in the Chair's discretion to best serve the needs of the Commission. Nevertheless, no parliamentary procedure shall be followed that is inconsistent with these bylaws.

Section 2. The Commission shall not adopt or follow any operating rules, regulations, or guidelines not expressly allowed by these bylaws.

Article XIV Amendment of Bylaws

Section 1. Proposed amendments to these bylaws may be approved at any regular meeting by an affirmative vote of six (6) members of the Commission. A draft of the proposed amendments must have been submitted in writing at the previous regular meeting to be considered. A draft of the proposed amendments must be submitted to the Office of the City Attorney for review and shall not be effective until approved by City Council.

Section 2. The provisions of these bylaws shall be reviewed by the Commission annually at the first regular meeting in July, provided that if that meeting should occur on July 1, the Commission shall review the bylaws at the next regular meeting.

Article XV Miscellaneous

Section 1. For matters not covered in the City Charter or City Code, the Commission shall establish specific policies and procedures in conducting its business.

Section 2. All written reports or statements submitted by the Commission shall, upon request, be transmitted to Council.

Section 3. The City Attorney's Office shall be the legal consultant to the Commission.