

**PLANNING COMMISSION  
OF  
THE CITY OF JACKSON**

*(Established under Michigan Planning Enabling Act Public Act 33 Of 2008, as amended)*

**ARTICLE I**

Name, Registered Office and Agent

Name: The name of the Commission shall be the Planning Commission of The City of Jackson, hereinafter referred to as (the “Commission”).

Registered Office and Agent: The Commission shall maintain an office in the City of Jackson, State of Michigan, whose address is 161 West Michigan Avenue, Jackson, Michigan 49201.

**ARTICLE II**

Purpose and Powers of the Commission

Purpose: The purpose of the Planning Commission is to:

- A. Review, revise and approve plans and programs for the development of the City of Jackson.
- B. Regulate the development of the economic, social, physical, natural and cultural resources of the City of Jackson.
- C. Promote public health, safety and general welfare of the people residing in the City of Jackson.
- D. Prepare plans pursuant to the Michigan Planning Enabling Act Public Act 33 of 2008, as amended, for the purpose of guiding the physical development of the City of Jackson.
- E. Further cooperation between governmental units and between private agencies towards these ends.

Powers: Powers of the Commission are those set forth by the Michigan Planning Enabling Act Public Act 33 of 2008, as amended, MCL 125.3801 et seq., and the administration of Chapter 28 of the City Code of Ordinances, Zoning, and all subsequent amendments thereto, in accordance with the Michigan Zoning Enabling Act Public Act 110 of 2006, as amended, MCL 125.3101 et seq.

## ARTICLE III

### Commission Duties

Based on the principle that Commissioners must act with honesty, diligence, and prudence, these duties include:

Avoidance of Conflict of Interest: Commissioners must declare their interest in any decision in which the city is involved.

Care and Skill: Commissioners must exercise caution and competence in all situations as reasonable persons would under the circumstances.

Confidentiality: Commissioners must not make improper use of the privileged information obtained as a Commission member.

Fairness: Commissioners must deal with other Commissioners and public without bias or favor.

Honor: Commissioners must not engage in any conduct that may bring disrepute to the city and/or other Commissioners.

Independence: Commissioners must not compromise on the right to exercise an independent judgment but, at the same time, must restrict their independence in good faith to favor a collective decision that will benefit the city.

Loyalty: Commissioners must act in good faith in the best interest of the city and whole heartedly assist the Chair of the Commission in achieving the city's success.

## ARTICLE IV

### Membership

Appointments: The planning commission shall consist of six (6) persons who shall be appointed by the mayor, subject to the approval by a majority vote of the city council. These six (6) members shall, insofar as possible, represent different professions or occupations. All but one (1) of these members shall be qualified electors of the City of Jackson. The planning commission shall also consist of the following ex officio members: The mayor; the city manager or his/her designee; and one (1) member of the city council selected by that body. All members of the planning commission shall serve as such without compensation. The clerk, assessor, and city attorney may not serve as

members of the planning commission. Only one (1) appointed member of the planning commission may be a member of the zoning board of appeals.

Term: The terms of ex officio members shall correspond to their respective official tenures, except that the terms of the mayor's substitute and the administrative official selected by the mayor shall terminate with the term of the mayor selecting them. The term of each appointed member shall be three (3) years or until the successor takes office.

## ARTICLE V

### Attendance, Replacement & Removal

Attendance: All Commission members are expected to attend all regularly scheduled meetings. If any member is absent for three (3) consecutive, regularly scheduled meetings, that member shall be considered delinquent, unless the Commission member provides prior oral or written notification. The Secretary shall keep attendance records and shall notify the Commission at a regularly scheduled meeting whenever any member's absences become "delinquent".

Replacement: Commission members shall be either reappointed or replaced at the expiration of each member's appointed term. If a vacancy is created by death or resignation, a successor shall be selected for appointment by the mayor with the approval of the city council within thirty (30) days, and will hold office for the remainder of the term of office vacated.

Removal: Any member of the city council may recommend the removal of any members of the planning commission for misfeasance, malfeasance, or nonfeasance. Any planning commission member whose removal is recommended must be given notice in writing of the charges and the right to request a hearing on such removal. The planning commission member's request for a public hearing must be in writing and filed with the clerk within ten (10) days after written notice of removal has been given to such member. A member of the planning commission may be removed by a majority vote of the city council after a hearing, if a hearing was requested by the member. If no hearing was requested by the member, a member may be removed by a majority vote of the city council upon the expiration of the ten (10) day period provided for above.

## ARTICLE VI

### Officers, Terms of Office & Duties

Officers: The officers of the Commission shall be elected by the Commission, and shall consist of a Chair, Vice-Chair and Secretary. An officer shall not execute, acknowledge or verify any document or instrument in more than one capacity.

Terms of Office: At the first regularly scheduled meeting held of each year, the Commission shall elect a Chair, Vice-Chair and Secretary for the term of one (1) year. Each officer elected shall hold office until a successor is elected, or upon resignation and/or removal from said office. A vacancy in any office because of death, resignation, removal, disqualification, or otherwise, may be filled at any meeting of the Commission for the duration of the unexpired term of office.

#### Duties of Officers:

*CHAIR:* The Chair shall be the chief executive officer of the Commission and shall preside at all meetings of the Commission. The Chair shall appoint all committees or advisory committees established and provided by the Commission and shall be an ex-officio member of all committees. The Chair shall have a vote on all Commission actions. The Chair is empowered to authenticate any documents approved by the Commission.

*VICE-CHAIR:* In the event that the office of Chair becomes vacant by death, resignation or otherwise, the Vice-Chair shall serve as Chair until a new Chair is elected. In the event of the absence of the Chair, or his/her inability to discharge the duties of this office, such duties shall, for the time being, be fulfilled by the Vice-Chair.

*SECRETARY:* The Secretary shall keep minutes of each meeting and shall record into the minutes all findings, conditions of approval, facts, and other relevant factors and all of its official actions.

## ARTICLE VII

### Conflict of Interest, Behavior & Ethics

Conflict of Interest: A conflict of interest is a situation in which financial or other personal considerations have the potential to compromise or bias professional judgment and objectivity. An apparent conflict of interest is one in which a reasonable person would think that the commissioner's judgment is likely to be compromised. A potential conflict of interest involves a

situation that may develop into an actual conflict of interest. It is important to note that a conflict of interest exists whether or not decisions are affected by a personal interest; a conflict of interest implies only the potential for bias, not a likelihood.

On all matters in which a Commission member has a direct financial interest and/or on matters involving property owned either in part or in total by a member, that member shall abstain from discussion and voting on the matter. Members abstaining shall disclose, except where it violates a confidence, the general nature of the conflict, and the minutes shall so record the conflict and abstention.

On other matters which could involve a conflict of interest, members shall disclose all pertinent facts relating to the potential conflict, except where it violates a confidence, which facts shall be included in the minutes of the proceedings. The member may then abstain from discussion and voting on the matter.

If a question is raised under this section at any Commission meeting concerning the eligibility of a member of the Commission to vote on any matter, such questions shall be finally determined by the concurring vote of at least four members of the Commission, not including the member with the potential conflict.

Behavior & Ethics: A Commission member, when speaking to individuals, groups or organizations, shall indicate representation of the Commission. When speaking for personal purposes, the Commission member shall indicate that the stated opinions and beliefs are not necessarily the opinions and beliefs of the Commission as a whole.

Commission members shall conduct themselves at Commission meetings in a fair, courteous manner.

Commission members are encouraged to call the Planning Director and Commission Chair prior to any meeting at which they expect to be absent or tardy. The Planning Director shall keep attendance records and report to the Chair if an attendance problem appears to have developed.

Commission members shall not accept gifts or other favors from applicants, their representatives, or other persons and institutions concerned with matters which have been, are now, or which might come before the Commission.

## ARTICLE VIII

### Meetings, Public Hearing, & Agenda

Meetings: All meetings shall follow Roberts Rules of Order, as a guide, and shall be open to the public and advertised in accordance with the Michigan Open Meetings Act, Public Act 267 of 1978, as amended. Minutes of the meetings are to be made available for public inspection when requested.

Regular Meeting: Regularly scheduled meetings of the Commission shall be held on a Commission approved schedule, which shall define the date(s), time(s) and place(s) of the meeting(s).

Special Meeting: Special meetings shall be called at the behest of the Chair, or by two members of the Commission, and are to begin as soon as a quorum can be seated. The date, time and place of the meeting shall be posted a minimum of eighteen (18) hours before the meeting.

Public Hearing: Public Hearings conducted by the Commission shall be run in an orderly and timely fashion, in accordance with the Open Meetings Act, Public Act 267 of 1976, as amended. This shall be accomplished in the following manner:

Each person wishing to be heard during “Public Comment and Communications Concerning Items Not on the Agenda” or a “Public Hearing”, will be given an opportunity to speak. Individuals will be limited to three (3) minutes each and persons representing a group or organization will be allowed five (5) minutes each. Each person may speak one (1) time. The Chairperson, or the Commission by the request of two (2) Commissioners, may, allow additional time or allow additional comments from persons previously heard.

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.

Agenda: Staff will be responsible for placing items on the agenda that are for routine business. A member of the Commission may request any additional item/s be placed on the agenda. The information must be submitted to the staff member responsible for assembling the agenda, in writing by the required submission deadline.

## ARTICLE IX

### Voting Rights and Privileges, Quorum, & Proxy

Voting Rights and Privileges: An affirmative vote of the majority of the members present shall be required for the approval of any requested action or motion placed before the Commission. Voting shall ordinarily be by voice vote, provided that a roll call vote shall be required if requested by any Commission member or directed by the Chair. Ordinance amendments, conditional use permits, and recommendations to the city council shall require a roll call vote. All members of the Commission, including the Chairperson, shall vote on all matters. A member may be excused from voting only if that member has a bona fide conflict of interest, as recognized by the majority of the remaining members of the Commission. Any member abstaining from a vote shall not participate in discussion of that item. Members must be present to vote, and no proxy votes will be allowed.

Quorum: In order for the Commission to conduct business or take official action, a quorum consisting of four (4) members shall be present. When a quorum is not present, no official action, except for the closing of the meeting, may take place. The members of the Commission may discuss matters of interest, but can take no action until the next regular meeting or special meeting. All public hearings scheduled for a meeting for which a quorum is not present shall be rescheduled for the next regular meeting. Public notice shall conform to the Open Meetings Act.

Proxies: Commission members, when not able to attend a meeting, may, with regard to specific agenda items, elect to convey his/her opinion(s) through written communication. The written communication must be traceable back to the providing member.

## ARTICLE X

### Work Sessions

Work Session: Work sessions may be scheduled at any time, if called by four (4) members of the Commission upon written request to the Planning Director, who shall notify all members at least forty-eight (48) hours in advance. No approvals or recommendations shall be made and no public hearings shall be held at a work session.

**ARTICLE XI**  
**Order of Business**

The order of business for regular meetings shall be:

- I.** Call to Order
- II.** Pledge of Allegiance
- III.** Roll Call
- IV.** Adoption of Agenda
- V.** Review of Draft Meeting Minutes
- VI.** Public Comment and Correspondence
- VII.** Consideration of Applications
- VIII.** Old Business
- IX.** New Business
- X.** Planners Comments
- XI.** Commissioner Comments
- XII.** Next Meeting Reminder
- XIII.** Adjournment

The order of business for special meetings shall be:

- I.** Call to Order
- II.** Pledge of Allegiance
- III.** Roll Call
- IV.** Adoption of Agenda
- V.** Public Comment and Correspondence
- VI.** Special Business
- VII.** Planners Comments
- VIII.** Commissioner Comments
- IX.** Next Meeting Reminder
- X.** Adjournment

The order of business for work session shall be:

- I. Call to Order
- II. Pledge of Allegiance
- III. Roll Call
- IV. Adoption of Agenda
- V. Public Comment and Correspondence
- VI. Work Session Items for Discussion
- VII. Planners Comments
- VIII. Commissioner Comments
- IX. Next Meeting Reminder
- X. Adjournment

## ARTICLE XII

### Advisory Committees

Advisory Committees: The Commission may authorize and appoint advisory committees whose members may consist of government officials and individuals whose experience, training and interest in the Commission's work qualifies them to provide valuable assistance and expertise to the Commission. The Commission may also appoint various committees of competent citizens to collect information and prepare reports to the Commission on the various phases of the master planning process for which the Commission is primarily responsible. In accordance with Public Act 33 of 2008, as amended, the Commission may also appoint advisory committees whose members are not members of the Commission.

## ARTICLE XIII

### Annual Report

Annual Report: The Commission shall present an annual report of its prior year activities to the City of Jackson City Council at the first City Council meeting of March.

## ARTICLE XIV

### Compensation

All members of the planning commission shall serve as such without compensation.

ARTICLE XV

Document Depository Designation

Document Depository Designation: The office of the Director of the City's Community Development Department shall keep all records and files of the Commission. All records will be open to the public under the Freedom of Information Act, as prescribed by law.

ARTICLE XVI

Amendments

Bylaw Adoption: These Bylaws shall become effective upon approval. Until such approval, these Bylaws shall be the acting Bylaws for the Commission.

Bylaw Amendment: These procedures, once adopted, may be altered, amended, added to or repealed, in whole or in part, by an affirmative vote of five (5) members of the Commission at any regular or special meeting, provided that notice of proposed alterations, amendment or repeal shall be submitted to all members of the Commission at least fifteen (15) days before the regular or special meeting of the Commission at which they are to be considered.

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*I HEREBY CERTIFY the City of Jackson Planning Commission Bylaws were adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_\_\_\_.*

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\_\_\_\_\_, Secretary