

City of Holland, Michigan  
Planning Commission  
By-Laws and Rules of Procedure

Adopted June 24, 1992

Amended May 8, 2007

Amended September 23, 2008

Amended July 26, 2011

Amended July 8, 2014

Amended February 8, 2022

## **Article 1 – Name**

The name of the Commission shall be the City of Holland Planning Commission, hereinafter referred to as the Commission.

## **Article 2 – Authority**

These by-laws and rules of procedure are adopted by the Commission pursuant to Public Act 33 of 2008, Public Act 163 of 1943, Public Act 285 of 1931, Public Act 207 of 1921, the Michigan Open Meetings Act, and Article 3 of Chapter 2 of the Ordinance Code of the City of Holland, all as amended.

## **Article 3 – Officers and Their Duties, Committees and Record Keeping**

Section 1. The officers of the Commission shall consist of the Chairperson and Vice-Chairperson and Secretary.

Section 2. During the first regularly scheduled meeting in February of each year, the Commission shall nominate its officers from the commissioners appointed by the Mayor and approved by majority vote of Council, who have a minimum of one year prior experience being a Planning Commissioner, and the election shall be immediately thereafter. Ex officio members shall not be eligible to serve as Chairperson or Vice-Chairperson. Officers shall take office immediately following their election.

Section 3. Officers shall serve a one-year term and shall be eligible for re-election.

Section 4. The Chairperson shall preside at all meetings and hearings of the Commission and shall have the duties normally conferred by the parliamentary usage on such officers.

Section 5. The Vice-Chairperson shall preside and exercise all of the duties of the Chairperson in his/her absence. Should neither the Chairperson nor the Vice-Chairperson be present at a meeting, a temporary Chairperson shall be elected by the majority vote of the members present.

Section 6. The Secretary shall be responsible to ensure a recording secretary is present for the meeting and shall cause the minutes to be kept by the city clerk and distributed to all Planning Commission members. The recording secretary shall keep minutes of the Planning Commission.

Section 7. In the event of a vacancy in an office, the Commission shall immediately fill the vacancy for the unexpired term by regular election procedure.

Section 8. The Chairperson with the concurrence of the Commission may establish ad hoc committees and shall make the appointments to said committees.

Section 9. The Planning Commission shall be provided staff support by the Department of Community and Neighborhood Services or other City offices as may be designated by the City Manager.

Section 10. All new Commissioners shall be expected to attend a basic Planning Commissioner training program within the first year of their appointment to be paid for by the City.

#### **Article 4 – Meetings and Voting**

Section 1. All regular and special meetings, hearings and records shall be open to the public. Meetings shall be conducted under the Open Meetings Act of the State of Michigan. Notice of the date, time and location of all regular and special meetings shall be posted as required by the Holland City Code and the Open Meetings Act.

Section 2. The regular meetings of the Commission are to be held on the second Tuesday of each month. When a regular meeting falls on or near a legal holiday, the Commission may select a suitable alternate date and post the meeting notice at City Hall.

Section 3. A special meeting of the Commission may be called by the Chairperson, or the Vice-Chairperson in the event the Chairperson is not available, or any four members of the Commission. Each member of the Commission must receive at least a 24 hour notice as to the time, place and purpose of the meeting.

Section 4. All inquiries, applications, or matters requiring official action by the Commission shall be submitted in writing; be properly drafted on official forms, and contain all relevant information regarding the matter upon which the Commission is requested to act. Further, any petitioners may withdraw a petition at any time by filing a written notice of withdrawal with the Department of Community and Neighborhood Services.

Section 5. A quorum shall consist of no less than five members of the Commission. When a quorum is not present, the Commission members present may choose to adjourn without conducting business and convene again at the next regularly scheduled meeting, or discuss issues and topics, but shall not hold a vote on any item.

Section 6. All proceedings, decisions and resolutions of the Commission shall be initiated by a motion. An affirmative vote of a majority of the Commission members present shall be required for the approval of any requested action or motion placed before the Commission. Adoption of amendments to the City of Holland Master Plan requires the affirmative vote of six Commission members.

Section 7. Voting shall be by voice vote and shall not be recorded as individual votes unless requested by a member of the Commission, in which case the Chairperson shall order the vote to be so recorded.

Section 8. Commission members shall declare a conflict of interest and abstain from participating in a hearing, deliberation and voting on a request. A member shall have a conflict of interest when:

1. A relative or other family member is involved in any request for which the Commission is asked to make a decision;
2. The Commission member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency or association;
3. There is a reasonable appearance of a conflict of interest, as determined by the Planning Commission.

Section 9. The normal order of business at meetings shall be as follows:

1. Call to Order
2. Roll Call
3. Approval of Minutes
4. Communications from the Audience
5. Old Business
6. New Business
7. Communications and Petitions
8. Adjournment

Section 10. The City Planning Commission shall make an annual written report to the City Council concerning its operations and the status of planning activities, including recommendations regarding actions by the city council related to planning and development.

### **Article 5 – Public Hearings**

Section 1. The usual order of procedure for a public hearing shall be as follows:

1. Chairperson identifies the agenda item and opens the public hearing.
2. Applicant presents his/her case and answers questions from the Commission and staff.
3. City staff presents the staff recommendation and answers questions from the Commission.
4. Chairperson directs that all persons in the audience who wish to speak approach the microphone, and identify themselves by name and address. All comments and questions shall be directed to the Chairperson and comments and questions from individuals should be limited to five minutes. The Chairperson shall then close the public hearing.
5. The Commission shall then discuss the agenda item and take action on the item.

## **Article 6 – Ex Parte Communication**

Section 1. For purposes of these Rules, ex parte communication shall mean oral or written, off-the record communication made to or by Commissioners, without notice to parties that is directed to the merits or outcome of a business item.

Section 2. The Commission desires to conduct all proceedings fairly, to create a record that includes all of the evidence upon which recommendations and decisions were made, and to prevent the appearance of undue influence on its recommendations and decisions. To this end, Commission members should avoid ex-parte communication and if any such communications are received, Commission members shall disclose the details of the communication at the Commission meeting after the introduction of the item of which the ex-parte communication pertained.

Section 3. Commission members may attend meetings held by applicants with adjacent property owners, however only in the capacity of an observer, and only if a quorum of the Commission is not present, unless there has been proper notice of the meeting as set forth in these Rules. If a Commission member does decide to take part in discussions at said meeting, the Commissioner shall disclose the nature of their participation to the Commission prior to participating in a hearing, deliberation or voting on a request. The Commission shall make a determination as to whether or not the Commissioner can impartially consider the request.

## **Article 7 – Commission Absences**

Section 1. In order to maintain maximum participation of all appointed Commission members at all regularly scheduled meetings, the following attendance guide and replacement policy should be implemented:

1. When appointed, each commissioner should state his/her willingness and intention to attend all scheduled monthly meetings.
2. In the event of unplanned personal matters, business trips, family vacation trips, changed job requirements, sickness, or other physical disabilities that prohibit the commissioner from attending the scheduled monthly meetings; the Commission, city staff or the Chairperson should be notified as early as possible prior to the beginning of the meeting of their inability to attend the scheduled meeting. The Commission member upon this notification will receive an excused absence for the involved scheduled meeting.
3. There will be a limit of four consecutive excused absences or two consecutive unexcused absences for any member of the Planning Commission. If any Commissioner exceeds the above criteria for absences from consecutive scheduled regular meetings, city staff shall meet with the Commissioner regarding the requirements of this section and the Commissioner may be subject to removal by City Council.

4. If any Commission member is absent for any seven scheduled regular meetings during any one year period, whether consecutive or not, the Commissioner is subject to removal by City Council after the seventh missed meeting, whether the absences are excused or not. Removed Commissioners should be replaced as soon as possible by the Mayor and City Council in order to maintain the prescribed number of Planning Commission members.
5. The removal process may be initiated at the request of the Planning Commission, Council or the Mayor for the above reasons or any other reasons allowed by law.

### **Article 8 – Amendments**

Section 1. These by-laws and rules may be amended or altered during a regular meeting by the affirmative vote of at least six members, or a majority of those on the current roster of the Commission, provided notice of the proposed change is given to the Commission at a preceding regular meeting.

Section 2. The provisions of these bylaws and rules will be discussed by the Commission at a minimum on an annual basis during the first regular meeting in February.