

PLANNING COMMISSION BYLAWS

Of The Village of Brooklyn

Adopted, effective immediately, March 18th, 2024

1. Name & Purpose

- a. The name shall be the Village of Brooklyn Planning Commission, hereafter known as the "Commission".
- b. These Bylaws 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."
- c. These Bylaws are adopted to facilitate the duties of the Commission for administration of a zoning ordinance as outlined in P.A. 110 of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 *et seq.*), hereinafter "the Zoning Act."

2. Membership

- a. **Members** –The Planning Commission shall consist of seven persons who shall be appointed by the village president, subject to the approval by a majority of the village council. These seven members shall, insofar as possible, represent different professions or occupations. Two of the seven planning commission members may consist of ex officio members from the village council, selected by the body. Ex officio members' terms to the planning commission shall be concurrent with their terms as members of village council. All appointed members shall hold no other municipal office, except that the ex officio members may be members of the zoning board of appeals. Members of the Commission are appointed by the Village Council pursuant to the Village of Brooklyn Planning Commission Ordinance of 1990, as amended.
- b. **Basic Responsibilities** – All members of the Commission shall accept their appointment or election to the Commission in good faith and, above all, with the intent to serve The Village of Brooklyn as a whole, putting aside personal or special interests. In addition, all members shall be expected to conduct themselves in a manner consistent with these bylaws. Where applicable, the failure to meet certain responsibilities or other provisions contained herein may result in a member's Delinquency. In the event of a member's delinquency, the Commission Chair or Secretary shall refer the delinquent member to the Village Council for its consideration of action. Delinquency shall be grounds for the Village Council to remove a member from the Commission for nonperformance of duty, or misconduct, after holding a public hearing on the matter pursuant to the Village of Brooklyn Planning Commission Ordinance of 1990, as amended.
 - i. **Attendance** – Members are expected to attend all meetings of the Commission. If any member of the Commission is misses more than 3 regularly scheduled meetings in any 6 month period, then that member shall be considered delinquent. The Commission secretary, or acting secretary in the absence of the elected secretary, shall keep attendance records and shall notify the Village Council whenever any member of the Commission is delinquent, so the Village Council can consider further action allowed under law or excuse the absences.
 - ii. **Training.**
 1. **Overview** – All members of the Planning Commission shall be required to complete certain requirements for training in planning and zoning as outlined in this section.
 2. **Approved Training Sources** – Approved training shall be provided by one or more of the following organizations: Michigan Association of Planning, American Planning Association, Michigan State University Extension, Michigan Townships Association, Michigan Municipal League, Michigan Downtowns Association, Michigan Association of Counties, continuing education programs of Michigan State University, University of Michigan, Northern Michigan University, Central Michigan University, or Wayne State University.

- iii. **Training Requirement** – Each member of the Planning Commission shall complete at least two hours per year of approved training during the member’s current term of office. Members who have been appointed or elected to their first term on the Commission are required to complete at least 1 of these hours within the first 90 days after being sworn into office by meeting with the Village Manager to review duties and responsibilities.
 - For newly appointed or elected – members will be required to complete MSU Extension Citizen Planner training online or in-person within the first year. The cost will be covered by the Planning Commission budget. If the course is not completed the cost will be remitted by the member.
- 1. **Documentation of Training** – Members shall be required to produce documentation of any completed training(s) to the Commission Chair within the prescribed timeline(s) in order to satisfy their individual training requirement(s).
- 2. **Failure to Meet Training Requirement** – Any member of the Commission who fails to meet their training requirement(s) shall be considered delinquent and shall be referred by the Commission Chair to the Village Council for its consideration of action.
- 3. **Sponsored Training Activities** – The Village of Brooklyn may, from time to time, arrange for group training and education events for the benefit of appointed and elected officials and the community at-large. When such events are administered by an approved training source, and are applicable to planning and zoning, members of the Commission may utilize such events to meet their training requirement(s). Outside of these events, members’ training activities may be eligible for payment or reimbursement by the Commission, with the following stipulations:
 - a. Training activities must be conducted through an approved training source
 - b. Members’ training activities must be approved by the Commission prior to registration
 - c. No budget shall be allocated nor reimbursement allowed for travel, meals/entertainment, and/or any other incidental expenses related to training without approval by the Commission.
 - d. The aggregate expense for all training activities in any fiscal year shall not exceed the Commission’s allocated budget for training activities.
- c. **Liaisons** – The purpose of liaisons is to provide certain Village of Brooklyn and other local agency officials and quasi-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.B of these bylaws. Liaisons, if not already appointed Commission members, are:
 - i. Village Manager, Planning Department staff, and their agents and consultants.
 - ii. Anyone else as deemed necessary by majority vote of the Planning Commission to assist in a collaborative process or project.

3. Legal and Ethical Provisions

- a. **Conflicts of Interest** – Each member of the Commission shall avoid 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:
 - i. Issuing, deliberating on, voting on, or reviewing a case;

1. concerning the member, a member's spouse, children, stepchildren, grandchildren, parents, siblings, grandparents, parents in-law, grandparents in-law, or members of the member's household
 2. concerning work on land owned by the member or which is adjacent to land owned by the member
 3. involving a corporation, company, partnership, or any other entity in which the member is a part owner, or any other relationship where they may stand to have a financial gain or loss.
 4. in which action may result in a pecuniary benefit to the member.
 5. in which a member's employee or employer is an applicant or agent for an applicant, or has a direct interest in the outcome.
- ii. 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.
 - iii. 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 that 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 represent oneself before the Commission, its staff, or others, and;
 3. during deliberation of the agenda item before the Commission or committee, leave the meeting or remove oneself from the front table where members of the Commission sit, until that agenda item is concluded.
- b. **Incompatibility of Office** – If a member of the Commission is elected or appointed to another office, which is an incompatible office with their membership on the Commission, then on the effective date of the election or appointment to the other office, that shall result in an automatic resignation from the Commission. If a member of another office is elected or appointed to the Commission, which is an incompatible office with their membership in the other office, then on the effective date of the election or appointment to the Commission, that shall result in an automatic resignation from the other office.
- c. **Ex Parte Contact**
- i. **Defined:** Ex parte contact happens when a member of a planning commission or zoning board of appeals (ZBA) is contacted by someone outside of the meeting concerning a pending issue, such as approval of a special use permit, planned unit development, site plan, or appeal.
 - ii. Members shall avoid ex parte contact about issues where an administrative decision is before the commission whenever possible.
 - iii. 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 on what was said, so that every member of the Commission and other interested parties are made aware of what was said.
- d. **Accepting Gifts**
- i. Gifts shall not be accepted by a member of the Commission or liaisons from anyone connected with an agenda item before the Commission.
 - ii. As used here, gifts, shall mean cash, any tangible item, or service, regardless of value; and food valued over \$10.

- iii. 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.

4. Duties of all members.

a. Site Inspections

- i. Site inspections shall be done by the zoning administrator or other staff. A written report of the site inspection shall be orally presented to the Commission at a public meeting or hearing on the site.
- ii. If desired, no more than one member of the Commission may accompany the zoning administrator or staff on a site inspection.

b. Spokesperson for the Commission

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

- c. **Code of Conduct** – Each member, upon appointment or election, shall sign a code of conduct.

5. Officers

- a. **Selection** – At the regular meeting in January 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 Deputy Secretary shall succeed to this office for the unexpired term and the Commission shall select a successor to the office of Deputy 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.
- b. **Tenure** – The Chair, Vice-Chair and Secretary shall take office immediately following their selection and shall hold office for a term of one year or until their successors are selected and assume office.
- c. **Chair's Duties** – The Chair retains their ability to discuss, make motions and vote on issues before the Commission. The Chair shall:
 - i. Preside at all meetings with all powers under parliamentary procedure;
 - ii. Shall rule out of order any irrelevant remarks; remarks which are personal; remarks 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;
 - iii. Restate all motions as pursuant to Section 6.E of these Bylaws;
 - iv. Appoint committees;
 - v. Appoint officers of committees or choose to let the committees select their own officers.
 - vi. May call special meetings pursuant to Section 6.B of these Bylaws;
 - vii. Act as member and Chair of the Executive Committee pursuant to Section 7.A of these Bylaws;
 - viii. Act as an Ex-Officio member of all committees of the Commission;
 - ix. Appoint an Acting-Secretary in the event the Secretary is absent from a Commission meeting.

- x. Review with the Secretary or staff, prior to a Commission meeting, the items to be on the agenda if the chair so chooses;
 - xi. Periodically meet with the Planning Director and/or other Planning Department staff to review Planning Department operation, procedures, and to monitor progress on various projects.
 - xii. Annually perform a job evaluation of the Planning Director, discuss the evaluation with the Planning Director, and provide a copy of the evaluation for the Planning Department and Village of Brooklyn's personnel files;
 - xiii. Chair or perform a major role in the interview and selection process for a Planning Director;
 - xiv. Act as, or delegate someone to act as, the Planning Director in the absence of a Planning Director;
 - xv. Act as the Commission's and Planning Department's chief spokesperson and lobbyist to represent the Commission at local, regional, and state government levels.
 - xvi. Represent the Commission, along with the Village Council Commission member, before the Village Council: and
 - xvii. Perform such other duties as may be ordered by the Commission.
- d. **Vice-Chair's Duties.** The Vice-Chair shall:
- i. Act in the capacity of Chair, with all the powers and duties found in Section 5.C of these Rules, in the Chair's absence;
 - ii. Act as member and Vice Chair of the Executive Committee pursuant to Section 7.A of these Rules; and
 - iii. Perform such other duties as may be ordered by the Commission.
- e. **Secretary's Duties.** The Secretary shall:
- i. Be responsible for the minutes of each meeting, pursuant to section 6.A of these Bylaws if there is not a recording secretary.
 - ii. Review the draft of the minutes, sign them, and submit them for approval to the Commission 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);
 - iii. Keep attendance records pursuant to Section 2.C of these Bylaws;
 - iv. Perform such other duties as may be ordered by the Commission.
- f. **Deputy Secretary's Duties.** The Deputy Secretary shall:
- i. Act in the capacity of Secretary, with all the powers and duties found in Section 4.E of these Rules, in the Secretary's absence; and
 - ii. Perform such other duties as may be ordered by the Commission.

6. Meetings

- a. **Regular meetings.** Meetings and the location of the meetings of the Commission will be held pursuant to the Annual Village Meeting Calendar as passed annually by the Village Council at its December meeting. 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 or regularly scheduled Commission meetings shall comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meeting Act M.C.L. 15.261 *et seq.*)
- b. **Special Meetings.** Special meetings shall be called in the following manner:
 - i. By the Chair.

- ii. By any two members of the Commission.
 - iii. Notice of special meetings shall be given by the Secretary or commission director to members of the Commission at least forty-eight (48) 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.).
- c. **Recess.** The Chair, or the Commission, after the meeting has been in session for two hours (not including site inspections), shall suspend the Commission's business and evaluate the remaining items on its agenda. The commission shall then decide to finish that meeting's agenda, may act to continue the meeting on another day (fix the time at which to adjourn), or complete some agenda items and continue the meeting on another day to complete other agenda items or postpone certain agenda items to the next meeting. If applicable such action shall include the time, day, month, date, year, and location the Commission will reconvene. If more than 18 hours will pass before the reconvened Commission, public notice shall be given to comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meeting Act M.C.L. 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.
- d. **Quorum.** More than half the total number of seats for members of the Commission, regardless of if vacancies exist or not, 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.
- e. **Motions.**
- i. Motions shall be restated by the Chair before a vote is taken.
 - ii. Findings of Fact. All actions taken in an administrative capacity (including but not limited to, special use permits, subdivisions, zoning, site plan review, planned unit developments, review and submission on another municipality's proposed plan, review and submission on a capital improvement, 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, and untrue statements.
 - 2. Conclusions to list reasons based on the facts for the Commission's action, often directly related, or not, to a finding of compliance, or noncompliance, to standards.
 - 3. The Commission's action; recommendation or position, approval, approval with conditions, or disapproval.
- f. **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" or "no". Members must be present to cast a vote unless participating remotely as allowed by P.A. 267 of 1976, as amended, (being the Michigan Open Meeting Act M.C.L. 15.261 et seq.). Voting by proxy shall not occur. The affirmative vote of a majority of those present or a majority of a quorum, whichever is greater, shall be necessary for the adoption of motions. The affirmative vote of a majority of the total number of seats for members of the Commission, regardless of 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.
- g. **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.
- h. **Parliamentary Procedure.** Parliamentary procedure in Commission meetings shall be informal. However, if required to keep order, Commission meetings shall then be governed by Robert's Rules of Order Newly Revised, (12th Edition, Public Affairs, New York, 2020) for issues not specifically

covered by these Bylaws. Where these Bylaws conflict, or are different than Robert's Rules of Order, then these Bylaws control.

- i. **Public Participation.** All regular and special meetings, hearings, records, and accounts shall be open to the public.
 - i. All public comments 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 members of the public asking for a copy prior to the meeting.
 - ii. The Chair shall allow limited to three minutes 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 or an extended time limit.
- j. **Order of Business Agenda.** The Secretary, or designee, shall prepare an Agenda for each meeting and the order of business shall be as follows:
 - i. *Call to order, and Pledge of Allegiance.*
 - ii. *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.*
 - iii. *Approval of the Agenda*
 - iv. *Approval of Minutes from previous meeting(s)*
 - v. *Public Comment*
 - vi. *Communications*
 - vii. *Discussion Items*
 - viii. *Action Items*
 - ix. *Public Comment*
 - x. *Member Comments*
 - xi. *Adjournment*
- k. **Delivery of Agenda.** The agenda and accompanying materials shall be e-mailed to Commission members so it is reasonably expected to be received prior to the weekend prior to the regular meeting date, generally accepted to be, but not always, on the Friday of the week prior to the Commission meeting, pursuant to section at 5:00 P.M.
- l. **Placement of Items on the Agenda.**
 - i. The Zoning Administrator shall be the office of record for the Commission.
 - ii. The Zoning Administrator may receive items on behalf of the Commission between the time of the adjournment of the previous Commission meeting and eight business days prior to the next regularly scheduled Commission meeting.
 - iii. Items received by the Zoning Administrator between seven business days prior to the next regularly scheduled Commission meeting and the next regularly scheduled Commission meeting shall be set aside to be received by the Commission at its next regularly scheduled Commission 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 until the subsequent regular or special Commission meeting.

- iv. The deadline to add items to the Commission's meeting agenda shall be seven business days prior to the next regularly scheduled Commission meeting.

7. Record.

- a. **Minutes and Record.** 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:
 - i. Copy of the meeting posting pursuant to P.A. 267 of 1976, as amended, (being the Michigan Open Meetings Act, M.C.L. 15.261 et seq.)
 - ii. 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 (listing names if others choose to sign in and/or a count of those 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, and 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, and 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 and who seconded the motion. For each motion, the following should be included:
 - a. Who testified and a summary of what was said.
 - b. A statement of what is being approved (e.g. special use permit, variance, conditional use permit, subdivision, land division, etc.).
 - c. The location of the property involved (tax parcel number and description, legal description is best).
 - d. What exhibits were submitted (list each one, describe each, number, or letter each and refer to the letter or number in the minutes).
 - e. What evidence was considered (summary of discussion by members at the meeting).
 - f. The administrative body's findings of fact.
 - g. Reasons for the decision made. (If the action is to deny, then each reason should refer to a section of an ordinance which would be violated or with which not complied.)
 - h. The decision (e.g., approve, deny, approve with modification).
 - i. A list of all required improvements (and if they are to be built up-front or name the type of performance security to be used), if any.
 - j. List of all changes to the map/drawing/site plan that was submitted. (Sometimes it is easier to use a black flair felt pen and draw the changes on the map of what was applied for, rather than listing the changes. Do not use different colors. The map will most likely be photocopied. Then colors on the copy will not show at all or will just be black.)

- k. Make the map/drawing/site plan part of the motion (e.g., "...attached to the original copy of these minutes as appendix `A` and made a part of these minutes...").
 - 7. Who called the question.
 - 8. 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."
 - 9. That a person making a motion withdrew it from consideration.
 - 10. All the Chair's rulings.
 - 11. All challenges, discussion, and vote/outcome on a Chair's ruling.
 - 12. All parliamentary inquiries or point of order.
 - 13. When a voting member enters or leaves the meeting.
 - 14. When a voting member or staff member has a conflict of interest and when the voting member ceases and resumes participation in discussion, voting and deliberations at a meeting.
 - 15. All calls for an attendance count, the attendance, and ruling if a quorum exists or not.
 - 16. The start and end of each recess.
 - 17. All Chair's rulings of discussion being out of order.
 - 18. Full text of any resolutions offered.
 - 19. Summary of announcements.
 - 20. Summary of informal actions, or agreement on consensus.
 - 21. Time of adjournment.
 - iii. Records of any action, support documents, maps, site plans, photographs, correspondence received, attached as an appendix to the minutes.
- b. **Retention.** Commission records shall be preserved and kept on file according to the following schedule:
 - i. Minutes, bonds, oaths of officials, zoning ordinances, master or compressive plans, other records of decisions, Commission or department publications: Permanent.
 - ii. General ledger: 20 years.
 - iii. Account journals: 10 years.
 - iv. Bills and/or invoices, receipts, purchase orders, vouchers: 7 years.
 - v. Correspondence: Permanent.

8. Committees

- a. **Ad Hoc Committees.** The Commission or Chair may establish and appoint ad hoc committees for special purposes or issues, as deemed necessary. Less than a quorum may serve on an ad hoc committee at any given time.
- b. **Citizen Committees.** The Commission, Chair, or Planning Department may establish and appoint citizen committees with the consent of the Commission. Membership can be any number, so long as less than a quorum 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 and to better represent various interest groups in the Village of Brooklyn.

9. Rules of Procedure for All Committees

- a. **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.
- b. **Same Principles.** The same principals of these Bylaws for the Commission also apply to all committees of the Commission including, but not limited to:
 - i. **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.
 - ii. **Quorum.** A committee's quorum shall be at least half the total appointed membership of the committee.
 - iii. **Voting.** Only those appointed members of a committee, who are present at the time of a vote shall be eligible to cast a vote.
 - iv. **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 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).
 - v. **Minutes.** The Secretary-Vice-Chair of the committee shall keep minutes of the committee meetings in the same format used by the Commission and filed in the same office as the Commission's minutes.
 - vi. **Staff.** Committees have reasonable use of Planning Department staff time and assistance and direction for performing the work of the committee.
 - vii. **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, M.C.L. 15.261 *et seq.*).
 - viii. **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.

10. Village of Brooklyn Department and Subdivisions; and Intergovernmental Coordination.

- a. The Commission shall be responsible for coordination of all related plans between departments or subdivisions of the Village of Brooklyn 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.B of these rules), planning department staff, citizen committees (pursuant to section 7.C of these rules), 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 or 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.

11. Hearings

- a. **Plan Hearings.** Before the adoption of any part of a plan, as defined in the Planning Act, or any amendment to a plan, or recommending approval of an amendment to the Village of Brooklyn Municipal and or Zoning Ordinances, 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.

- b. **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, Zoning Act, and relevant local zoning ordinance.
- c. **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. Zoning Responsibilities

- a. All powers of the zoning commission have been transferred to this Commission, pursuant to M.C.L. 125.3301 of the Zoning Act.
- b. **Zoning adoption or amendment (including PUD zoning amendments).** The commission shall review and act on all proposed zoning ordinances, or zoning amendments pursuant to the Zoning Act. At least one hearing shall be held on each proposed zoning ordinance or amendment, with notices given as specified in the zoning ordinance and the Zoning Act. After the hearing, action shall be in the form of a recommendation to the legislative body. At a minimum, the recommendation shall include:
 - i. Zoning plan for the areas subject to zoning, or zoning amendment of the local unit of government;
 - ii. The establishment of or modification of zoning districts, including the boundaries of those districts, if applicable;
 - iii. The text of a zoning ordinance or amendment with the necessary maps and zoning regulations to be adopted for a zoning district or the zoning jurisdiction as a whole; and
 - iv. The manner of administering and enforcing the zoning ordinance.
- c. **Special Use Permit (including PUDs).** The Commission shall review and act on all special use permits pursuant to the Zoning Act and zoning ordinance. At least one hearing shall be held on each proposed zoning ordinance or amendment, with notices given as specified in the zoning ordinance and the Zoning Act. After the hearing 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 action, pursuant to section 5.E.2 of these Bylaws.
- d. **Site Plan Review.** The Commission shall review and act on all those site plans which the zoning ordinance requires Commission action. 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 action, pursuant to section 5.E.2 of these Bylaws.
- e. **Appeals.** The Commission shall not act, or otherwise hear issues on zoning ordinance interpretation, zoning map interpretation, non-use variances, or use variances. Such matters shall be exclusively the jurisdiction of the Zoning Board of Appeals.

13. Plan Reviews.

- a. The Commission shall review all adjacent, or contiguous, local government plans (township, village, and city), adjacent county plans, local governments 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.
- b. 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.E.2 of these Bylaws.
- c. The review should focus on:

- i. First and foremost, the process is intended to increase coordination of planning between governments.
- ii. Consistencies or 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, Tax Increment Financing, or brownfield redevelopment plan, etc.).
 - 6. Comparison to various implementation strategies.
- iii. If the county planning commission considered the proposed plan inconsistent with the plan of any city, village, township, or region that received a copy of the draft plan (or amendment).
- iv. If the county planning commission considers the draft plan (or amendment) to be inconsistent with a county plan(s), if any.
- v. 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.
- vi. The review shall be in the form of a letter and shall take into account:
 - 1. 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.
 - 2. Focus only on significant issues, in a clear and well documented way. Suggest solutions rather than only pointing out what is wrong.
 - 3. 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.
 - 4. Include mutual respect of others, so the comments are factual, objective, and based on sound planning principles.

14. Capital Improvements Review

- a. **Capital Improvements, defined:** 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.

- b. If the funding for the capital improvement project is from a grant, this approval must be obtained prior to applying for the grant or done as part of the state or federal grant clearinghouse process.
- c. Review process shall include all preliminary plans and reports for the physical development of the Village of Brooklyn, including the general location, character and extent of streets and roads, viaducts, bridges, farmland, agricultural land, forest land, parks, and open spaces; the general location of public buildings and other public property; the general location and extent of public utilities and terminals.
- d. 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.E.2 of these Bylaws.
- e. When reviewing the proposed project, the planning commission should at a minimum consider the following issues. If the answer to any of the below is "no," then the planning commission's review of the project should not be favorable.
 - i. Is the proposed project consistent with adopted plans?
 - ii. Is the project consistent with other governmental management plans?
 - iii. Is the project consistent with the plans of each municipality located within or contiguous to the local unit of government?
 - iv. Is the project consistent with adopted capital improvement plans?
- f. The review shall be in the form of a letter, sent within 35 days after the proposal is filed for review, and shall take into account:
 - i. Respect for the idea that the submission and review stages are near the end of a process. A community may be ready to start construction and others may be waiting for the task to be done.
 - ii. Focus only on significant issues in a clear and well documented way. Suggest solutions rather than only pointing out what is wrong.
 - iii. 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 or agencies of governments.
 - iv. Include mutual respect of others, so the comments are factual, objective, and based on sound planning principles.

15. Capital Improvements Program

- a. Annually, a capital improvement program (CIP) of public structures and improvement shall be adopted.
- b. To do so, the Commission shall establish a committee consisting of volunteers from the community or a combination of volunteers and representatives from each department within the local unit of government.
- c. The planning commission should also include the following individual, individuals, agencies, and departments in preparing the CIP.
 - i. Village Manager
 - ii. Village President
 - iii. Village Treasurer
 - iv. Head of all departments within the village government;
 - v. The Planning department staff (if any exist).

- d. The committee shall cause to be requested from each agency or department of the local unit of government (with authority for public structures or improvements) for an annual inventory of desired public improvement projects with lists, plans and estimates of time and cost involved.
- e. The committee or planning staff shall organize the proposed public structures and improvements in the general order of their priority, that in the committee's judgment will be needed or desired or can be undertaken in the ensuing 6-year period.
 - i. In doing so, the committee may make use of expert advice and information from staff from the planning department or private consultants:
 - 1. Governmental Accounting Standards Board (GASB) Statement No. 34, Basic Financial Statements –and Management's Discussing and Analysis– For State and Local Governments.
 - 2. Population studies
 - 3. Economic studies
 - 4. Land Use Maps
 - 5. Future Plans
 - ii. In doing so, the committee shall develop a formal set of criteria or use other techniques to use to organize the proposed public structures and improvements in order of importance. The following issues at a minimum should be considered:
 - 1. Description, location, and purpose of project;
 - 2. Justification for the need for project;
 - 3. An explanation of its relationship to other projects;
 - 4. The cost of project (submit detailed budget);
 - 5. Estimated annual income from projects;
 - 6. Estimated annual operation costs for the project;
 - 7. Status of plans/specifications for the project and the expected length of time the capital project will last;
 - 8. Year construction of project should start;
 - 9. The rank/importance of project within department submitting it;
 - 10. Environmental, health, and safety impacts and energy consumption.
 - iii. The proposed public structures and improvements in order of importance shall be considered a draft CIP, which shall be presented to the Commission.
- f. The planning commission shall review the CIP:
 - i. The review shall include each project to determine the conformance of the projects with community comprehensive plans, development policies, and the objectives and goals of the community.
 - ii. The review shall include an opportunity for agencies to present their arguments for why any given project should be included in the program and at what order of priority.
 - iii. Upon completion of the review, a second draft of the CIP shall be prepared.
- g. The planning commission shall hold a public hearing on the second draft of the CIP.
- h. After the hearing, if needed, a third draft of the CIP shall be prepared. The planning commission then:
 - i. Formally adopts the CIP in the form of a recommendation to the legislative body for adoption; or

- ii. Adopts an amended version of the CIP in the form of a recommendation to the legislative body for adoption; or
 - iii. Does not approve, thus does not adopt the ranked listing/project priorities and proceeds to further revise the CIP until the Commission is prepared to adopt the CIP.
- i. If the legislative body refers the CIP back to the Commission, the Commission shall further review the CIP, make modifications, and submit another version of the CIP to the legislative body.

16. Other Matters to be considered by the Commission

- a. **Commission Action.** The following matters shall be presented for consideration at a meeting of the Commission:
- i. At least annually, the adoption of priorities for the Commission's plan of work.
 - ii. Annually, preparation of an annual report of the Commission.
 - iii. Office, or Administrative Policy and ruling of interpretation of regulations by the Commission or its staff.
 - iv. The general character, extent and layout of the replanning and redevelopment of blighted districts and slum areas.
 - v. Subdivision plats (and/or draft site-condominium master deed).
 - vi. All address changes pursuant to the Village of Brooklyn Address Ordinance, as amended.
 - vii. All Planning reports and plans before publication.
 - viii. Commission's budget requirements for the fiscal year and request for appropriation.
- b. **Fees.** The Commission shall from time to time establish fees for services, municipal "assistance", or municipal "work". Such fees shall not contravene any state statute, county ordinance, or fee established by the Village of Brooklyn legislative body.

17. Adoption, Repeal, Amendments

- a. Upon adoption of these Bylaws of [date], they shall become effective and all previous Bylaws, shall be repealed.
- b. The Commission may suspend any one of these Bylaws, for a duration of not more than one agenda item or meeting.
- c. These Bylaws may be amended at any regular or special meetings by a two-thirds (2/3) vote of the members present.