

City of Clare, Michigan
Zoning Board of Appeals By-Laws & Rules of Procedure

AUTHORITY

These By-laws & Rules of Procedure are adopted by the zoning board of appeals of the City of Clare, County of Clare, Michigan (hereinafter referred to as the zoning board of appeals or zba) pursuant to Public Act 110 of 2006, as amended, the Michigan Zoning Enabling Act; Public Act 33 of 2008, as amended, being the Michigan Planning Enabling Act; the City of Clare Zoning Ordinance; and Public Act 267 of 1976, as amended, the Open Meetings Act.

MEMBERSHIP

The zoning board of appeals shall consist of five voting members, all of whom shall be nominated by the mayor of the City of Clare and appointed by the Clare City Commission; one of said members shall concurrently serve as a member of the city of Clare Planning Commission and another shall be a member of the Clare City Commission. Appointments shall be for three-year terms without limit to the number of terms served. All appointments shall be at the will of the Clare City Commission and may be terminated with or without cause and with or without advance notice and shall be without monetary compensation. Appointed zba members may resign their appointments by informing the Mayor of the City of Clare in written form of their intentions to do so.

OFFICERS & THEIR DUTIES

The officers of the zba shall consist of a Chairperson, a Vice-Chairperson, and a Secretary. The role of Secretary shall be performed by the City Clerk or the City Clerk's designated representative. The Secretary shall be solely an administrative role and shall not be an appointed or voting member of the Planning Commission, nor shall the secretary participate in the conduct of zba's business except as outlined in the duties described herein. The Chairperson and Vice-Chairperson shall be elected by a simple majority vote of the voting Planning Commission members at the first scheduled meeting of each calendar year. Elected officers shall serve one-year terms and shall be eligible for reelection without limit. Vacancies in office shall be filled at the next regular meeting of the Planning Commission; officers elected to vacant positions shall serve in the respective elected positions until the next annual election.

CHAIRPERSON. The Chairperson shall preside at all meetings and hearings of the Planning Commission in accordance with the rules approved herein. The Chairperson shall execute all documents of the Planning Commission.

VICE-CHAIRPERSON. The Vice-Chairperson shall preside at all meetings and hearings of the Planning Commission in the absence of the Chairperson in accordance with the rules approved herein.

SECRETARY. The Secretary shall be responsible for execution of documents in the name of the Planning Commission; the preparation of minutes of all meetings; keeping of

pertinent public records; delivering communications, reports, and related items of business of the Planning Commission; issuing notices of public notices of public hearings; in concert with the Chairman and the Clare City Manager, prepare meeting agendas; and perform other administrative duties of the Planning Commission necessary to ensure the efficient conduct of business by the Planning Commission.

MEETINGS

MEETING NOTICE. Notice of all meetings shall be posted at Clare City Hall by the Secretary by December 31st of each year for the year commencing January 1st to December 31st. The notice shall include the date, time, and place of scheduled meetings. Any changes in the date or time of the regular meetings shall be posted and noticed in the same manner as originally scheduled meetings. When a regular meeting date falls on or near a legal holiday, the Planning Commission shall select suitable alternate dates in the same month. All meeting notices and changes shall be accomplished in accordance with the Open Meetings Act.

SPECIAL MEETINGS. Special meetings may be called by the Chairman, the Clare City Manager, or any four voting members of the Planning Commission. Planning Commission members shall be notified of special meetings by the Secretary in writing, telephonically, or via email at least 24 hours in advance of the special meeting. The Secretary shall make public notice of special meetings in accordance with the Open Meetings Act.

QUORUM. In order for the Planning Commission to conduct business or take any official actions, a quorum of at least five of the nine appointed voting members of the Commission shall be present. When a quorum is not present, no official action, except for the closing of the meeting, shall take place. The members of the Planning Commission may discuss matters of interest when a quorum is not present, but they shall take no action until the next regular or special meeting. All public hearings without a quorum shall be scheduled for the next regular or special meeting and no additional public notice is required provided the date, time, and place is announced at the non-quorum meeting.

MEETING ATTENDANCE. If a Planning Commissioner shall miss three consecutive meetings or 30% or more of scheduled meetings in any calendar year, his/her office shall be considered vacant unless the Planning Commission shall formally excuse such absence in advance and a record of said excusal is annotated in the official proceedings of the Planning Commission.

CONDUCT OF MEETINGS. All meetings shall be chaired and controlled by the Chairperson or Vice-Chairperson. In absence of the Chairperson and the Vice-Chairperson, the Secretary shall call the meeting to order and, subsequent to the Pledge of Allegiance and Roll Call, shall call for a motion for designate a voting Planning Commissioner to chair the meeting. Upon majority vote of the Seated Planning Commissioners, the Designated Planning Commissioner shall then chair and control the meeting. Except where exempted by a specific procedure outlined within these By-laws, the conduct of all meetings and rules of procedure shall be in accordance with *Robert's Rules of Order, Newly Revised Edition*.

PUBLIC HEARINGS. Hearings shall be scheduled and due notice given in accordance with the provisions of the Acts and Ordinances cited within these By-Laws. Public hearings shall be run in an orderly and timely fashion. Prior to the conduct of any scheduled public hearing, the Chairperson shall read the public hearing announcement as published in the newspaper and then call for a motion and a support of a motion for opening of the public hearing; any voting member of the Planning Commission may make said motions. All persons desiring to speak or be heard at the Public Hearing shall first be recognized by the Chairperson and then announce their name and address for the record and shall be provided the opportunity to present written comments for the record. Persons speaking without being recognized shall be considered out of order. Speakers shall address all comments and questions to the members of the Planning Commission and not engage in discussion with other members of the public present at the meeting. Unless waived by the Planning Commission, each speaker shall be provided not more than five minutes to speak and shall be provided one opportunity of not more than two minutes to rebut comments made by a subsequent speaker. A group of people may designate one person to act as their spokesman and designate the speaker accordingly; the designated group speaker is similarly limited to five minutes of comment and one rebuttal opportunity of two minutes. Everyone present at the public hearing shall be allowed a first opportunity to speak before rebuttal comments shall be accepted. Normal civil discourse and decorum is expected by all present at the public hearing. Applause, shouting, outbursts, demonstrations, name-calling, and other provocative speech or behavior may result in removal from the hearing or an adjournment. When all public comments have been stated, the Chairman shall close the hearing by call for a motion and a supporting motion to do so.

MOTIONS. No item of business listed on an agenda or amended agenda of the ZBA shall be formally decided or acted upon except by appropriate motion, support of motion(s), discussion (if applicable), and vote as outlined in the procedures for motions and votes in *Roberts Rules of Order, Newly Revised Edition*.

VOTING. All business of the ZONING BOARD OF APPEALS shall be decided by majority vote of the APPOINTED MEMBERS.

Adopted 11/20/2015