

Planning Commission Bylaws

Adopted, effective immediately, December 10th, 2020.
As amended through March 14th, 2024.

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1. Name, Purpose

101. The name shall be the Escanaba Planning Commission, herein “the Commission”.

102. These Bylaws are adopted by the Commission to facilitate the performance of its duties as outlined in the Planning Act.

103. These Bylaws are also adopted to facilitate the duties of the Commission for administration of a zoning ordinance as outlined in the Zoning Act. All powers of a zoning commission have been transferred to this Commission, pursuant to Section 301 of the Zoning Act (MCL 125.3301).

104. Law references.

- (1) The City Zoning Ordinance, City Code of Ordinances, Appdx. A, herein “the Zoning Ordinance”.
- (2) The Escanaba Planning Commission Ordinance of 2008, City Code of Ordinances, Ch. 21, Sec. 16 *et seq.*, herein “the Planning Commission Ordinance”.
- (3) The Freedom of Information Act, MCL 15.231 *et seq.*, herein “FOIA”.
- (4) The Open Meetings Act, MCL 15.261 *et seq.*, herein “OMA”.
- (5) The Michigan Zoning Enabling Act, MCL 125.3101 *et seq.*, herein “the Zoning Act”.
- (6) The Michigan Planning Enabling Act, MCL 125.3801 *et seq.*, herein “the Planning Act”.

2. Membership

201. Members of the Commission are appointed by the Escanaba City Council pursuant to the Planning Commission Ordinance.

- (1) Firstly, each member shall represent and advocate what is best for the City as a whole, putting aside personal or special interests.
- (2) Secondly, each member shall represent a separate important segment of the community to the greatest extent possible, as appointed by the City Council:
 - A. One citizen at-large member;
 - B. One citizen member representing environmental interests: Attend and/or be familiar with the desires and needs of the environmental organizations in the City of Escanaba (including but not limited to conservation clubs, garden clubs, lake and river landowner associations, and the Michigan Department of Environmental Quality land and water programs).
 - C. One citizen member representing agriculture, forestry, and land use interests: Attend and/or be familiar with the desires and needs of the Farm Bureau, Soil Conservation District, Michigan Department of Natural Resources Forestry Division, United States Forest Service, Resource Conservation and Development Council, municipal planning and/or zoning boards.
 - D. One citizen member representing governmental municipal interests: Attend and/or be familiar with the desires and needs of the county chapter of the Michigan Townships Association, cities and villages, and county government.
 - E. One citizen member representing educational interests: Attend and/or be familiar with the desires and needs of the local school districts, intermediate school district, College, University, MSU Extension, and other educational institutions.
 - F. One member representing recreation and tourism interests: Attend and/or be familiar with the desires and needs of the tourist division of the Chamber of Commerce, visitor/convention bureau, hotel/motel tourist business owners; recreation associations; civic and social organizations; the arts; snowmobile and other recreation clubs; Michigan Department of Natural Resources Parks Division, Recreation Division, and Waterways Division.
 - G. One citizen member representing industrial and economic interests: Attend and/or be familiar with the desires and needs of industrial associations, the Chamber of Commerce, economic development corporations, organized labor, and trade associations.

- H. One member representing transportation and communication interests: Attend and/or be familiar with the desires and needs of the County Road Commission, village and city road agencies, telephone companies, Internet providers, postal and other parcel delivery services, news media, mass/bus transportation systems, airports, and harbors.
- I. One member representing sanitation, environmental health, housing, and human services interests. Attend and/or be familiar with the desires and needs of public utility providers, water and sewer providers, the County Health Department, councils on aging, and human services collaborative bodies.
- J. One member shall be a member of the City Council: Attend and/or be familiar with the desires and needs of the City Council and its committees; adjacent legislative bodies and their planning commissions, and regional multi-county planning agency.

202. Liaisons. The purpose of liaisons is to provide certain City officials and quasi-officials with 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 203 on page 3. Liaisons, if not already appointed Commission members, are:

- (1) Planning Department staff, and their agents and consultants.
- (2) The Commission's consultants.
- (3) City Attorney.
- (4) City engineering, electrical, water and wastewater, or similar department heads, their agents and/or consultants.
- (5) City Manager.
- (6) A member of the Escanaba City Council, as appointed by that body.

203. Attendance. If any member of the Commission is absent from three consecutive regularly scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the Escanaba City Council to remove a member from the Commission for nonfeasance after holding a public hearing on the matter.

204. Training. Each member shall have attended at least four hours per year of training in planning and zoning during the member's current term of office. If so provided in the ordinance creating the Commission, failure to meet the training requirements shall result in the member not being reappointed to the Commission. Training shall be provided by one or more of the following organizations: Michigan Association of Planning, Michigan State University Extension, Michigan Townships Association, Michigan Municipal League, continuing education programs of Michigan State University, the University of Michigan, Northern Michigan University, Central Michigan University, or Wayne State University.

205. Conflict of Interest and Incompatibility of Office.

- (1) 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, issuing, deliberating on, voting on, or reviewing a case:
 - A. Concerning the member;
 - B. Concerning work on land owned by the member or which is within 300 feet of land owned by the member;
 - C. Involving a corporation, company, partnership, or any other entity in which the member is a part owner, or any other relationship where the member may stand to have a financial gain or loss;
 - D. Which is an action which results in a pecuniary benefit to the member;
 - E. Concerning the member's spouse, partner, children, stepchildren, grandchildren, parents, brothers, sisters, grandparents, parents-in-law, grandparents-in-law, or members of the member's household; or
 - F. Where the member's employee or employer is:
 - i. An applicant or agent for an applicant, or
 - ii. Has a direct interest in the outcome.
- (2) 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.
- (3) When a conflict of interest exists, the member of the Commission shall do all the following immediately upon first knowledge of the case and determining that a conflict exists:
 - A. Declare a conflict exists at the next meeting of the Commission;
 - B. Cease to participate at the Commission meeting in any manner, or represent oneself before the Commission, its staff, or others; and
 - C. During deliberation of the agenda item before the Commission, leave the meeting room until that agenda item is concluded.
- (4) If a member of the Commission is appointed to another office, which is an incompatible office with their membership on the Commission, then on the effective date of the appointment to the other office, that shall result in an automatic resignation from the Commission. If a member of another office is appointed to the Commission, which is an incompatible office with their membership in the other office, then on the effective date of the appointment to the Commission, that shall result in an automatic resignation from the other office.
 - A. To determine whether the two offices are incompatible, the City Attorney shall assess their compatibility and render an opinion to the Commission.

3. Duties of All Members

301. *Ex parte* contact.

- (1) Members shall avoid *ex parte* contact about cases where an administrative decision is before the Commission whenever possible.

- (2) Despite one's best efforts it is sometimes not possible to avoid *ex parte* contact. When that happens, the member should report to the Commission, at a public meeting or hearing, what was said so that every member and other interested parties are made aware of what was said.

302. Site inspections.

- (1) 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 related to the site.
- (2) If desired, no more than one member of the Commission may accompany the Zoning Administrator or staff on a site inspection.

303. Not voting on the same issue twice.

- (1) Any member of the Commission shall avoid situations where they are sitting in judgment and voting on a decision which they had a part in making.
- (2) As used here, sitting in judgment and voting on a decision which they had a part in making at a minimum shall include, but not necessarily be limited to, the following:
 - A. When the appeal is of an administrative or other decision by Commission, and the member of the Commission sits both on the Commission and Zoning Board of Appeals.
 - B. When the case is an administrative decision which was decided by the Commission and sent to the City Council for further action, and the member of the Commission sits both on the Commission and City Council.

304. Accepting gifts.

- (1) Gifts shall not be accepted by a member of the Commission or liaisons from anyone connected with an agenda item before the Commission.
- (2) As used here, gifts shall mean cash, any tangible item, or service, regardless of value; and food valued over \$10.
- (3) This section does not apply to the Commission accepting gifts for the exercise of its functions pursuant to sec. 23(3) of the Planning Act (MCL 125.3823(3)).

305. Spokesperson for the Commission.

- (1) Free and open debate should take place on issues before the Commission. Such debate shall only occur at meetings of the Commission.
- (2) 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.
- (3) 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.

306. Code of Conduct.

- (1) Each member, upon appointment, shall receive and sign a Code of Conduct.
 - A. See Appendix A for the Code of Conduct.

4. Officers

401. The Commission shall have the following officers, as selected from its membership:

- (1) A Chair, who retains their ability to discuss, make motions and vote on issues before the Commission. The Chair's duties shall be to:
 - A. Preside at all meetings with all powers under parliamentary procedure;
 - B. Rule out of order any remarks which are irrelevant, personal, 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;
 - C. Restate all motions as pursuant to Section 505 on page 9;
 - D. Appoint committees;
 - E. Appoint officers of committees or choose to let the committees select their own officers;
 - F. Call special meetings pursuant to Section 502 on page 8;
 - G. Act as an *ex officio* member of all committees of the Commission;
 - H. Review with the Secretary or staff, prior to a Commission meeting, the items to be on the agenda if the chair so chooses;
 - I. Periodically meet with the Planning Director and/or other Planning Department staff to review department operations and procedures, and to monitor progress on various projects;
 - J. Act as the Commission's chief spokesman and lobbyist to represent the Commission at local, regional, and state government levels;
 - K. Represent the Commission before the City Council; and
 - L. Perform such other duties as may be ordered by the Commission.
- (2) A Vice-Chair, whose duties shall be as follows:
 - A. Act in the capacity of Chair, with all the powers and duties found in Subsection (1) on page 6, in the Chair's absence; and
 - B. Perform such other duties as may be ordered by the Commission.
- (3) A Secretary, whose duties shall be as follows:
 - A. Execute documents in the name of the Commission;
 - B. Review the proposed minutes, sign them, submit them for approval to the Commission, and have them spread in suitable volumes, including the distribution of copies to each member of the Commission, as soon as reasonably possible after review (the Secretary may delegate this duty to Commission staff);
 - C. Be responsible for the minutes of each meeting, pursuant to Section 601 on page 11, if there is not a Recording Secretary;
 - D. Receive all communications, petitions, and reports to be addressed by the Commission, delivered, or mailed to the Secretary in care of the Planning and Zoning Department Office;
 - E. Keep attendance records pursuant to Section 203 on page 3;

- F. Provide notice to the public and members of the Commission for all regular and special meetings, pursuant to OMA (the Secretary may delegate this duty to City staff);
 - G. Prepare an agenda for Commission meetings pursuant to Section 510 on page 10 (the Secretary may delegate this duty to City staff);
 - H. Perform such other duties as may be ordered by the Commission.
- (4) A Deputy Secretary, whose duties shall be to:
- A. Act in the capacity of Secretary, with all the powers and duties found in Subsection (3) on page 6, in the Secretary's absence; and
 - B. Perform such other duties as may be ordered by the Commission.
- (5) A Recording Secretary, whose duties shall be as follows. The Recording Secretary shall not be a member of the Commission or any of its committees.
- A. At each meeting take notes for minutes and prepare a first draft of minutes pursuant to Section 601 on page 11 for review and signature by the Secretary; and
 - B. Perform such other duties as may be ordered by the Commission or Secretary.
- (6) A Delta County Liaison, whose duties shall be as follows:
- A. Act in the capacity of liaison to the Delta County Planning Commission, pursuant to that body's Bylaws;
 - B. Attend all meetings of the Delta County Planning Commission; and
 - C. Make regular reports to the Commission on planning and zoning-related activity taken at the county level.
- (7) A Historic Districts Liaison, whose duties shall be as follows:
- A. Act in the capacity of liaison to the Escanaba Historic District Commission, pursuant to that body's Bylaws;
 - B. Attend all meetings of the Escanaba Historic District Commission; and
 - C. Make regular reports to the Commission on historic preservation-related activity taken within the City's boundaries.
- (8) A ZBA Liaison, whose duties shall be as follows:
- A. Act in the capacity of liaison to the Escanaba Zoning Board of Appeals, pursuant to that body's Bylaws;
 - B. Attend all meetings of the Escanaba Zoning Board of Appeals; and
 - C. Make regular reports to the Commission on appeals-related activity taken within the City's boundaries.

402. Selection. At the regular meeting in July of each year, the Commission shall select from its membership a Chair, Vice-Chair, Secretary, Deputy Secretary, Delta County Liaison, Historic Districts Liaison, and ZBA Liaison. All officers are eligible for reelection. A member selected to be the Vice-Chair or Deputy Secretary may also be selected as a liaison. The Commission or Secretary shall designate another person who is not a member of the Commission to be the Recording Secretary. The method of nomination and election shall be as follows:

- (1) Nomination:

- A. A motion is made that candidates for Chair be nominated from the floor.
- B. Members may nominate any person eligible to hold the office.
- C. The Chair shall ask if there are any further nominations for Chair. If there are none, they declare that nominations are closed.
- D. Paragraphs A-C shall be repeated for the remaining offices.

(2) Election:

- A. The Chair shall call on a single member.
- B. That member shall declare their vote for all the offices at one time.
- C. The Secretary, or designee, shall record the member's vote, repeating it back to verify that the vote was properly recorded.
- D. Paragraphs A-C shall be repeated until all members, including the Chair, have declared their votes.

403. Tenure. The Chair and Secretary shall assume office on August 1 following their selection and shall hold office for a term of one year, or until their successors are selected and assume office.

5. Meetings

501. Regular Meetings. Meetings of the Commission will be held on the second Thursday of each month at 6 p.m. at Escanaba City Hall, 410 Ludington Street. 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 of regularly scheduled Commission meetings shall comply with OMA.

502. Special Meetings. Special meetings shall be called in the following manner:

- (1) By the Chair.
- (2) By any two members of the Commission.
- (3) By the Planning Director.
- (4) Notice of special meetings shall be given by the Recording Staff 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. In addition, notices shall comply with OMA.

503. 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.

- (1) The Commission shall then decide to do one of the following:
 - A. Finish that meeting's agenda;
 - B. Act to continue the meeting on another day (aka: fix the time at which to adjourn);
 - C. Complete some agenda items, and continue the meeting on another day to complete other agenda items; or
 - D. Postpone certain agenda items to the next meeting.

(2) 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 meeting, public notice shall be given to comply with OMA. 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.

504. Quorum. Four members of the Commission 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.

505. Motions.

- (1) Motions shall be restated by the Chair before a vote is taken.
- (2) Findings of Fact. All actions taken in an administrative capacity (including but not limited to, special land 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) shall include each of the following parts:
 - A. 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.
 - B. 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.
 - C. The Commission's action; recommendation or position, approval, approval with conditions, or disapproval.

506. Voting.

- (1) Voting shall be by voice and shall be recorded as passing or failing.
- (2) Roll call votes will be recorded only upon request by a member of the Commission and shall be recorded by "yes" or "no".
- (3) Members must be present to cast a vote. Voting by proxy shall not occur.
- (4) The affirmative vote of a quorum shall be necessary for the adoption of motions.
- (5) The affirmative vote of five members of the Commission shall be necessary for the adoption, or recommendation for adoption, of any plan or amendment to a master plan.

507. Action on public hearings. Action by the Commission on any matter for which a hearing is held shall not be taken until the hearing has been concluded.

508. Parliamentary Procedure. Parliamentary procedure in Commission meetings shall be informal. However, if required to keep order, Commission meetings shall then be governed by *Roberts Rules of Order Newly Revised, (11th Edition, Perseus Publishing, New York, 2000)* 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.

509. Public Engagement. All regular and special meetings, hearings, records, and accounts shall be open to the public.

- (1) All public comment 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 not allowed; however, sometimes the Commission may direct questions to members of the public.
 - A. Public comment shall be provided for at the beginning of the meeting so the Commission can hear concerns and questions before acting on an issue.
 - B. Those making public comment are expected to be familiar with the issue and have prepared comments ahead of time.
 - C. To help the public in preparing for the meeting, any written material shall be made available without cost to members of the public asking for a copy prior to the meeting.
- (2) The amount of time allowed for each person wishing to make public comment at a Commission meeting shall be limited. 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 allowed to comment under the same time limit as a petitioner. Time allowances are as follows:
 - A. Petitioner and spokesperson comment: fifteen (15) minutes.
 - B. General public comment: three (3) minutes.
- (3) Persons who are unable to attend meetings, but still wish to make comment, may submit them in writing to the Commission. Written comments for any meeting shall be received no later than 1:00 PM on the meeting date.
 - A. Such written comments shall be received by the Secretary, pursuant to Section 401 on page 6, with copies provided to all Commission members and liaisons at the meeting

510. Order of Business, Agenda. The Secretary or designee shall prepare an Agenda for each meeting, and the order of business shall be as follows:

- (1) Call to Order
 - A. Roll Call.
 - B. Pledge of Allegiance.
- (2) Matters pertaining to citizens present at the meeting, titled "Public Business" (with individual items numbered "PB#") on the Agenda, in the following order:
 - A. 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.
 - B. Persons requested by the Commission to attend the meeting.
 - C. Other public engagement for items on this agenda, titled "Agenda Public Comment" on the Agenda.
- (3) Housekeeping Business, with individual items numbered "HK#".

- A. Approval of Minutes.
 - B. Approval of Agenda.
 - C. Announcements.
 - D. Other.
- (4) Unfinished Business and Officer & Committee Reports (items considered here are taken up in the same order as established by the Commission to fix a priority for consideration and work done in the planning office), with individual items numbered “UB#”, “OR#”, or “CR#”.
- (5) New Business (other business and communications), with individual items numbered “NB#”.
- (6) Public engagement for items not on this agenda, titled “General Public Comment” on the Agenda.
- (7) Adjournment.

511. Delivery of Agenda. The agenda and accompanying materials shall be sent by first-class mail to Commissioners so that it is reasonably expected to be received one week before the meeting.

512. Placement of Items on the Agenda.

- (1) The Planning and Zoning Department shall be the office of record for the Commission.
- (2) The Planning and Zoning Department may receive items on behalf of the Commission between the time of the adjournment of the previous Commission meeting and ten business days prior to the next regularly scheduled Commission meeting.
- (3) Items received by the Planning and Zoning Department nine business days or less prior to the next regularly scheduled Commission meeting shall be set aside to be received by the Commission at its next regularly scheduled 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 postponed until the subsequent regular or special Commission meeting.
- (4) The deadline to add items to the Commission’s meeting agenda shall be nine business days prior to the next regularly scheduled Commission meeting.

6. Record

601. Minutes and Record. The Commission shall keep a record of its meetings, which shall, at a minimum, include an indication of the following:

- (1) Copy of the meeting posting pursuant to OMA.
- (2) Copy of the minutes and all its attachments, which shall include a summary of the meeting, in chronological sequence of occurrence:
 - A. Time and place the meeting was called to order.
 - B. Attendance.
 - C. Indication of others present (listing names if others choose to sign in and/or a count of those present).

- D. 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.
- E. 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.
- F. 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:
 - i. Who testified and a summary of what was said.
 - ii. A statement of what is being approved (e.g., special land use permit, subdivision, land division, etc.)
 - iii. The location of the property involved (tax parcel number and description, legal description is best).
 - iv. What exhibits were submitted (list each one, describe each, number or letter each and refer to the letter or number in the minutes).
 - v. What evidence was considered (summary of discussion by members at the meeting).
 - vi. The administrative body's findings of fact.
 - vii. 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.)
 - viii. The decision (e.g., approves, deny, approve with modification).
 - ix. 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.
 - x. 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.)
 - xi. 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...").
- G. Who called the question.
- H. 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."
- I. That a person making a motion withdrew it from consideration.
- J. All the Chair's rulings.
- K. All challenges, discussion, and vote/outcome on a Chair's ruling.
- L. All parliamentary inquiries or points of order.
- M. When a voting member enters or leaves the meeting.
- N. 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.

- O. All calls for an attendance count, the attendance, and ruling if a quorum exists or not.
 - P. The start and end of each recess.
 - Q. All Chairs' rulings of discussion being out of order.
 - R. Full text of any resolutions offered.
 - S. Summary of announcements.
 - T. Summary of informal actions, or agreement on consensus.
 - U. Time of adjournment.
- (3) All documents provided to the Commission's members prior to the meeting, attached as exhibits and grouped as "Appendix 1" to the minutes.
- (4) Records of any action, support documents, maps, site plans, photographs, correspondence received, attached as exhibits and grouped as "Appendix 2" to the minutes.

602. Retention. Commission records shall be preserved and kept on file according to the following schedule:

- (1) Minutes, bonds, oaths of officials, zoning ordinances, master or comprehensive plans, other records of decisions, Commission or department publications: Permanent.
- (2) Correspondence: Permanent.

7. Committees

701. *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.

702. Citizen Committees. The Commission, Chair, or Planning & Zoning Administrator may establish and appoint citizen committees with the consent of the Commission. Membership can be any number, so long as less than quorums 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 City.

703. Rules of procedure for all committees.

- (1) 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.
- (2) Same Principles. The same principles of these Bylaws for the Commission also apply to all committees of the Commission including, but not limited to:
 - A. 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.

- B. Quorum. A committee's quorum shall be at least half the total appointed membership of the committee.
 - C. Voting. Only those appointed members of a committee, who are present at the time of a vote, shall be eligible to cast a vote.
 - D. 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).
 - E. Minutes. The Secretary/Vice-Chair of the committee shall keep minutes of the committee meetings in the same format used by the Commission and provide them to the Commission as part of the committee's report.
 - F. Staff. Committees may make reasonable use of the Planning & Zoning Department staff's time, assistance, and direction for performing the work of the committee.
 - G. Subcommittees. Citizen committees may not form subcommittees.
- (3) All committee recommendations shall be provided to the Commission, with a brief written report, in the form of a prepared motion or resolution.

8. Governmental Coordination

801. The Commission shall be responsible for coordination of all related plans between departments or subdivisions of the City and intergovernmental coordination of all related planned activities among the state, federal, and municipal governments concerned. The Commission may use committees (pursuant to Chapter 7 on page 13), and inter-agency staff teams for purposes of accomplishing coordination. If a staff team is used, the team shall not be a committee of the 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.

9. Hearings

901. Master Plan Hearings. Before the adoption of any part of a master plan, any amendment to a plan, recommendation of amendment, or approval to the City Council, the Commission shall hold a public hearing on the matter. Notice of the hearing shall be given as required in the Planning Act and the Zoning Ordinance.

902. 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 the Zoning Ordinance.

903. 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.

10. Zoning Responsibilities

1001. Zoning adoption or amendment (including Planned Unit Development 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 City Council. At a minimum, the recommendation shall include:

- (1) Zoning plan for the areas subject to zoning, or zoning amendment of the local unit of government, if applicable;
- (2) The establishment of or modification of zoning districts, including the boundaries of those districts, if applicable;
- (3) 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
- (4) The manner of administering and enforcing the zoning ordinance.

1002. Special Land Use Permit. The Commission shall review and act on all special land use permits pursuant to the Zoning Act and the Zoning Ordinance. At least one hearing shall be held on each proposed zoning ordinance or amendment, with notices given as specified in the Zoning Act and the Zoning Ordinance. 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 505 on page 9.

1003. Site Plan Review. The Commission shall review and act on 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 505 on page 9.

1004. Appeals. The Commission shall not act, or otherwise hear issues on Zoning Ordinance interpretation, zoning map interpretation, or non-use variances. Such matters shall be exclusively the jurisdiction of the Zoning Board of Appeals.

11. Plan Reviews

1101. The Commission shall review all adjacent, or contiguous, local government plans (township, village, and city), and other county plans in which the Commission's service area is located.

1102. 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 505 on page 9.

1103. The review should focus on:

- (1) First and foremost, the process is intended to increase coordination of planning between governments.
- (2) Consistencies or inconsistencies with The City's plan(s) for matters such as:
 - A. Border issues,
 - B. Issues of greater than City concern,
 - C. Comparison with City plan contents,
 - D. Comparison with county/ regional plan contents,
 - E. Comparison to other relevant adopted plans (such as an historic preservation plan, local wetland protection plan, TIF or brownfield redevelopment plan, etc.), and
 - F. Comparison to various implementation strategies.

1104. The review shall be in the form of a letter and shall:

- (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 other may be waiting for the task to be done. The Commission should not extend 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 is meant to improve coordinated planning, and 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.

12. Capital Improvements Review

1201. Capital Improvements (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). All preliminary plans and reports for the physical development of the City,

including the general location, character and extent of streets and roads, viaducts, bridges, open space, wetlands, 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, shall be considered by the Commission.

1202. 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.

1203. 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 505 on page 9.

1204. When reviewing the proposed project, the 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.

- (1) Is the proposed project consistent with adopted plans?
- (2) Is the project consistent with other governmental management plans?
- (3) Is the project consistent with the plans of each municipality located within or contiguous to the local unit of government?
- (4) Is the project consistent with adopted, if any, capital improvement plans?

1205. The review shall be in the form of a letter, sent within thirty-five (35) days after the proposal is filed for review, and shall:

- (1) Respect the idea that the submission and review stages are near the end of a process. The City may be ready to start construction, and others may be waiting for the task to be done.
- (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 or agencies of governments.
- (4) Include mutual respect of others, so the comments are factual, objective, and based on sound planning principles.

13. Capital Improvement Program

1301. Annually, a capital improvement program (CIP) of public structures and improvements shall be adopted.

1302. 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.

1303. The Commission should also include the following in preparing the CIP:

- (1) City Manager;
- (2) All departments within the City of Escanaba;
- (3) Finance and budget department: The financial office or the person responsible who conducts the financial analysis and projections on costs and revenues for a capital improvement program and determines the best possible means to finance each capital project; and
- (4) The Planning & Zoning Department Staff.

1304. The committee shall cause to be requested from each department (with authority for public structures or improvements) an annual inventory of desired public improvement projects with lists, plans and estimates of time and cost involved.

1305. The committee 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 six-year period.

- (1) In doing so, the committee may make use of expert advice and information from staff from the planning department or private consultants:
 - A. City of Escanaba's Comprehensive Annual Financial Report
 - B. Population studies
 - C. Economic studies
 - D. Land Use Maps
 - E. Future Plans
- (2) In doing so, the committee shall develop a formal set of criteria or use other techniques to organize the proposed public structures and improvements in order of importance. The following issues at a minimum should be considered:
 - A. Description, location, and purpose of project;
 - B. Justification for the need for project;
 - C. An explanation of its relationship to other projects;
 - D. The cost of project (submit detailed budget);
 - E. Estimated annual income from projects;
 - F. Estimated annual operation costs for the project;
 - G. Status of plans/specifications for the project and the expected length of time the capital project will last;
 - H. Year construction of project should start;
 - I. The rank/importance of project within department submitting it; and
 - J. Environmental, health, and safety impacts and energy consumption.

- (3) The proposed public structures and improvements in order of importance shall be considered a draft CIP.

1306. The Commission shall review the CIP.

- (1) 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.
- (2) The review shall include an opportunity for departments to present their arguments for why any given project should be included in the program and at what order of priority.
- (3) Upon completion of the review, a second draft of the CIP shall be prepared.

1307. The Commission shall hold a public hearing on the second draft of the CIP.

1308. After the hearing, if needed, a third draft of the CIP shall be prepared. The Commission then:

- (1) Formally adopts the CIP in the form of a recommendation to the City Council for adoption; or
- (2) Adopts an amended version of the CIP in the form of a recommendation to the City Council for adoption; or
- (3) 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.

1309. If the Escanaba City Council 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 City Council.

14. Subdivision Review

1401. Prepare a Subdivision Ordinance (and/or Subdivision, Land Division, Site- Condominium Ordinance), or amendments to the same, to submit to the Escanaba City Council.

1402. Proposed subdivisions shall be processed in the following manner:

- (1) Staff for the Commission is to receive a plat and determine that the submission is complete. If incomplete, the plat shall be returned to the applicant with a list of deficiencies. If complete, the plat shall be received on behalf of the Commission.
- (2) Conduct a review of plats of proposed subdivisions (and/or site-condominium).
- (3) Hold a hearing on a proposed subdivision (and/or site-condominium) with notice of the hearing sent not less than fifteen days before the date of the hearing.
 - A. The notice shall contain an explanation of what the hearing is for, the location and nature of the proposed development, the date, time, place of the hearing, where written comments may be submitted, and the deadline for those written comments.

- B. The notice shall be sent to the person indicated on the plat (and/or draft site-condominium master deed) as the proprietor or other person(s) to whom notice of the hearing shall be sent, the property owner, and adjacent property owners.
 - C. The notice shall be published in a newspaper of general circulation in the City of Escanaba.
 - D. Any others as required by the Subdivision Ordinance (and/or Subdivision, Land Division, Site-Condominium Ordinance).
- (4) Within 63 days of a complete plat (and/or draft site-condominium master deed) being submitted, act on the proposed subdivision (and/or site-condominium) in the form of a recommendation to the city council in which the proposed subdivision (and/or site-condominium) is located.
- A. If applicable, standards under the Land Division Act (MCL 560.101 *et seq.*), Condominium Act (MCL 559.101 *et seq.*) if applicable, and Subdivision Ordinance (and/or Subdivision, Land Division, Site-Condominium Ordinance), the Commission shall recommend approval.
 - B. Grounds for any recommendation of disapproval of a plat (and/or Site-Condominiums) shall be stated upon the record of the Commission.
 - C. If the Commission does not act within the 63-day period, the plat (and/or Site-Condominiums) shall be considered to have been recommended for approval, and a certificate to that effect shall be issued by the Commission upon request of the applicant. The applicant may waive the 63-day period and grant an extension.

1403. Master Plan Amendment. Commission approval of a subdivision shall be considered to be an amendment to the master plan and a part thereof. The Commission shall cause the official copies of the master plan to be modified to reflect the amendment to the master plan within thirty (30) days of the subdivision approval.

15. Other Matters to be Considered by the Commission

1501. Commission Action. The following matters shall be presented for consideration at a meeting of the Commission:

- (1) At least annually, the adoption of priorities for the Commission's plan of work.
- (2) Annually, preparation of an annual report of the Commission.
- (3) Office, or Administrative Policy and ruling of interpretation of regulations by the Commission or its staff.
- (4) The general character, extent and layout of the replanning and redevelopment of blighted districts and slum areas.
- (5) Land subdivision plats.
- (6) All address changes pursuant to the City of Escanaba Address Ordinances, as amended.
- (7) All Planning reports and plans before publication.
- (8) Selection of consultants.
- (9) Such other matters as the Planning & Zoning Administrator shall find it advisable or essential to receive consideration by the Commission.

16. Commission Staff

1601. Authorization. The Commission staff may consist of a Planning Director and such other personnel as may be authorized by the Commission after the budget for the same is approved by the City.

- (1) Planning Director selection shall, in addition to City policy and/or Labor Contract requirements, include considering this position as necessary to fill from candidates representing more than just the City labor market. Thus, any advertising for this position should appear, in order of priority in:
 - A. Michigan Association of Planning Professional Planning Jobs website
 - B. The Daily Press
 - C. Michigan State University Career Placement Bulletin
 - D. University of Michigan Career Placement Bulletin
 - E. Wayne State University Career Placement Bulletin
 - F. Central Michigan University Career Placement Bulletin
 - G. Northern Michigan University Career Placement Bulletin
 - H. Detroit News-Free Press Sunday edition (optional)
 - I. American Planning Association Job Search (optional, only if nation-wide candidate search is desired).
- (2) Assistant Planner(s) selection shall, in addition to City policy and/or Labor Contract requirements, include considering these positions as necessary to fill from candidates representative of labor markets both in and outside the City. Thus, any advertising for this position should appear, in order of priority in:
 - A. Michigan Association of Planning Professional Planning Jobs website
 - B. The Daily Press
 - C. Michigan State University Career Placement Bulletin
 - D. University of Michigan Career Placement Bulletin
 - E. Central Michigan University Career Placement Bulletin
 - F. Northern Michigan University Career Placement Bulletin
 - G. Detroit News-Free Press Sunday edition (optional)
 - H. American Planning Association Job Search (optional, only if nation-wide candidate search is desired).
- (3) Zoning Administrator(s) selection shall, in addition to City policy and/or Labor Contract requirements, include considering these positions as necessary to fill from candidates representative of labor markets both in and outside the City. Thus, any advertising for this position should appear, in order of priority in:
 - A. Michigan Association of Planning Professional Planning Jobs website
 - B. The Daily Press
 - C. Michigan State University Career Placement Bulletin

- D. University of Michigan Career Placement Bulletin
 - E. Central Michigan University Career Placement Bulletin
 - F. Northern Michigan University Career Placement Bulletin
 - G. Detroit News-Free Press Sunday edition (optional)
 - H. American Planning Association Job Search (optional, only if nation-wide candidate search is desired).
- (4) Planning Department Secretary(ies), Planning Technicians, and Assistant Zoning Administrators selection shall, in addition to City policy and/or Labor Contract requirements, include considering this position to be filled from the City labor market area with advertising in local media.

1602. General Responsibility. The Commission staff is charged with the duty of preparation and administration of such plans as are authorized by the Commission, appropriate for the City and its environs, and are within the scope of the Planning Act and the Zoning Act.

1603. Advocacy. The Commission staff shall not attempt to represent the views or comments of a member of the public at a public hearing or Commission meeting. Staff shall indicate a member of the public wishing to make their views known and they should do so directly to the Commission in person, through an agent, or by providing written comment. Staff should avoid situations of appearing to advocate for an individual or group. Nothing herein is intended to prevent staff from helping an individual or group be better informed or present their views. Nothing herein is intended to prevent staff from expressing their own views as private citizens.

1604. Coordinated Enforcement. To further supplement the small number of staff responsible for inspections and enforcement of various regulations, staff shall report all suspected problems or violations seen during their work. Staff shall follow the following procedures and guidelines:

- A. When observing a problem or suspected violation, do not assume a violation exists or confront the suspected perpetrator. Avoid a situation where discussion or confrontation exists in an area outside the staff person's jurisdiction.
- B. Report the problem or suspected violation to the City department, county, state, or federal agency which has jurisdiction, as quickly as possible.
- C. When observing or receiving a report from another City department, county, state, or federal agency, of a problem or suspected violation, pursue enforcement, or its resolution through normal procedures for the situation.

1605. Conflict of Interest.

- (1) All members of the Commission's staff shall avoid situations which are 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:
- A. Issuing, deliberating on, voting on, or reviewing a case concerning him or her.

- B. Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by him or her or which is adjacent to land owned by him or her.
 - C. Issuing, deliberating on, voting on, or reviewing a case involving a corporation, company, partnership, or any other entity in which he or she is a part owner, or any other relationship where he or she may stand to have a financial gain or loss.
 - D. Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a pecuniary benefit to him or her.
 - E. Issuing, deliberating on, voting on, or reviewing a case concerning his or her spouse, children, stepchildren, grandchildren, parents, brothers, sisters, grandparents, parents-in-law, grandparents-in-law, or members of his or her household.
 - F. Issuing, deliberating on, voting on, or reviewing a case where his or her employee or employer is:
 - i. An applicant or agent for an applicant, or
 - ii. Has a direct interest in the outcome.
- (2) When a conflict of interest exists staff shall do all the following immediately, upon first review of the case and determining a conflict exists:
- A. Declare a conflict exists,
 - B. Cease to process the case any further, and
 - C. Forward the case, and all pertinent records, to an alternate, assistant, or manager so the case is dealt with by someone else.
- (3) Other than as part of work for the Commission staff shall not (1) provide private consultation services, or advise on similar related services for clients, (2) provide work in professions or services which is or could be regulated by the Commission (such as, but not limited to planning, zoning, real estate, land development, solid waste, land surveying, architecture, professional and civil engineering, landscape architecture, sociology, economics, geography, political science, public administration consulting or work) within a site within the boundaries of the City or for clients who are or may be applicants before the Commission, Zoning Board of Appeals, or the Commission's staff. This is not intended to prevent a staff person from assisting residents, municipalities, or others seeking help from the Commission, which are normally part of an employee's duties.

1606. Planning Director's Duties. The Planning Director shall be responsible for the professional and administrative work in directing and coordinating the program of the Commission. Their work shall be carried on with the widest degree of professional responsibility, subject to the policy determinations and job description as adopted from time to time by the Commission and administrative policies of the City. In addition to any job description adopted from time to time by the Commission, the basics of the Planning Director's job shall include, but not be limited to:

- (1) Recommendations. The Planning Director shall act or make recommendations in the name of the Commission, in accordance with such plans, policies and procedures as are approved or established by the Commission from time to time. Where there is a serious conflict of interest,

public controversy, or uncertainty or doubt as to the plans, policies, or procedures approved or established by the Commission, presentation of the matter shall be made at a Commission meeting.

- (2) Administrative Duties. The Planning Director shall:
 - A. Supervise and review the work of the professional, technical, and nontechnical employees of the Commission staff.
 - B. Prepare a proposed annual budget for the Commission and Department to submit to the Commission.
- (3) Policy Formulation. The Planning Director shall:
 - A. Be responsible for carrying out the directives of the Commission.
 - B. Advise and assist the Commission in the establishment of general planning policy.
 - C. Work with the Chair of the Commission for formulation of staff policy, subject to approval by the Commission.
 - D. Recommend to the Commission action necessary for effectuating plans with respect to both public and private endeavors.
 - E. Administer zoning and subdivision ordinances.
 - F. Prepare drafts of Capital Improvement Programs.
 - G. Prepare long range comprehensive plans and other plans.
- (4) Public Relations. The Planning Director shall:
 - A. Officially present the Commission's recommendations to the governing body.
 - B. Officially represent the Commission and its staff at planning conferences, interdepartmental meetings of the City government, and serve generally as a liaison between the Commission and the public.
 - C. Encourage private development or investment in accord with comprehensive plans.
 - D. Cooperate with public and private agencies and with individuals for the development, acceptance, and effectuation of plans.
 - E. Supply information for and encourage interested public agencies and citizen organizations in programs to promote public understanding of and government cooperation with planning efforts.
 - F. Accept other responsibilities as may be directed by the Commission, Governing Body, or Chief Executive.
- (5) Commission duties delegated to the Planning Director:
 - A. Oversee and coordinate Commission staff teams, pursuant to Chapter 8 on page 14, as directed.
 - B. Spread the proposed minutes in suitable volumes, including the distribution of copies to each member of the Commission, as soon as reasonably possible after review by the Secretary, pursuant to Paragraph 401(3)B on page 6, as directed;
 - C. Provide notice to the public and members of the Commission for all regular and special meetings, pursuant to Paragraph 401(3)F on page 7, as directed;

- D. Prepare an agenda for Commission meetings, pursuant to Paragraph 40I(3)G on page 7, as directed;
- (6) Other Staff Duties. The Commission shall establish, with consultation with the Planning Director from time to time, updated job descriptions for each staff position in the Planning Department.

17. Adoption, Repeal, Amendments

1701. Upon adoption of these Bylaws of 2020, they shall become effective and all previous Bylaws shall be repealed.

1702. The Commission may suspend any one of these Bylaws for a duration of not more than one agenda item or meeting.

1703. These Bylaws may be amended at any regular or special meeting by a two-thirds (2/3) vote of the members present.

Appendix A. Code of Conduct

As a member, I will:

1. Accept responsibility to represent the Planning Commission which I am appointed to with dignity and pride by being a positive role model.
2. Conduct myself in a businesslike manner, respecting the rights and opinions of other members and of the public.
3. Abstain from, and not tolerate, physical or verbal abuse.
4. Accept the Planning Commission responsibility to promote, support, and develop an effective planning and zoning program.
5. Attend the meetings of the Planning Commission on a regular basis and provide prior notice of any necessary absences.
6. Read the master plan, zoning ordinance, bylaws, and other pertinent documents which pertain to the business of the Planning Commission.
7. Attend appropriate training programs on planning and zoning in order to stay current on issues of concern for my community and in planning and zoning law.
8. Respect, adhere to, and help enforce the rules, policies, and guidelines established by the Planning Commission.
9. Read meeting packet materials ahead of time and otherwise be prepared for the meetings.
10. Refrain from deciding cases before the meeting discussion.
11. Participate in the Planning Commission deliberation at the meetings when appropriate.
12. Do not engage in criminal activities, and other activities including but not limited to situations of conflict of interest, incompatible office, ex parte contact, voting on the same issue twice by virtue of serving on two different bodies, or accepting gifts as a form of influencing my vote.
13. In public forums, after a vote by the Planning Commission has been taken, I will represent the adopted majority position of the Planning Commission when speaking on behalf of the Planning Commission