County of Cass, Michigan
Cass County Planning Commission
BYLAWS
October 28, 2026

1. **NAME PURPOSE**
   A. The name of this commission shall be the Cass County 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."
2. **MEMBERSHIP**
   A. **Members**. Members of the Commission are appointed by the Cass County Board of Commissioners pursuant to the Cass County Board of Commissioners Resolution dated February 23, 1995 as amended October 21, 2004 and the requirements of the Planning Act.
   B. **Attendance**. Members of the Commission shall abide by Cass County's Boards, Committees and Commissions Attendance Policy.
   C. **Training**. Each member shall complete one training session in planning and zoning as determined by the Board of Commissioners (M-116-08).
   D. 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, the following:
         a. Issuing, deliberating on, voting on, or reviewing a case concerning themselves.
         b. Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by the member or which is adjacent to land owned by the member and/or land which is within 300 feet of the member's property.
         c. Issuing, deliberating on, voting on, or reviewing a case 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. Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a pecuniary benefit to the member.
         e. Issuing, deliberating on, voting on, or reviewing a case concerning the member's spouse, children, step-children, grandchildren, parents, siblings, grandparents, parents in-law, grandparents in-law, or members of the member's household.
         f. Issuing, deliberating on, voting on, or reviewing a case where the member's employee or employer is:
            1. an applicant or agent for an applicant, or
            2. 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, or committee, shall do all of 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 or committee:
    b. cease to participate at the Commission or committee meetings, or in any other manner, or represent one's self before the Commission, its staff, or others, and
    c. during deliberation of the agenda item before the Commission or committee, leave the meeting or remove one's self from the front table where members of the Commission sit, until that agenda item is concluded.
4. If a member of the Commission is appointed or elected to another office, which is an incompatible office with his or her membership on the Commission, the assumption of that office 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 his or her 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.

3. **DUTIES OF ALL MEMBERS**

A. *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 shall take detailed notes on what was said and 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.

B. Site Inspections
    1. Individual members are encouraged to independently visit sites under consideration; and to share their findings with the membership at the public meeting or hearing on that site.
    2. If deemed necessary, the entire Commission may visit the site as a body as long as the intended site-visit is properly posted to allow the public to attend.

C. Not Voting On the Same Issue Twice.

    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.

D. Accepting gifts.

Gifts shall not be accepted by a member of the Commission or liaisons from anyone connected with an agenda item before the Commission.

E. Spokesperson for the Commission.
   1. Free and open debate shall 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 Chair shall act as the spokesperson for the Commission for all matters which occur outside of the meetings of the Commission.

4. **OFFICERS**

A. **Selection**. At the first meeting of the calendar year, the Commission shall select from its membership a Chair, Vice-Chair, 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.

B. **Tenure.** The Chair, Vice-Chair and Secretary shall take office at the second meeting of the calendar year 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.
   1. Preside at all meetings under parliamentary procedure as described Roberts Rules of order and conduct them;
   2. 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;
   3. Restate all motions as pursuant to Section 5.E of these Bylaws;
   4. Appoint committees;
   5. Appoint officers of committees or choose to let the committees select their own officers.
   6. May call special meetings pursuant to Section 5.B of these Bylaws;
   7. Act as member and Chair of the Executive Committee pursuant to Section 7.A of these Bylaws;
   8. Act as an Ex-Officio member of all committees of the Commission;
   9. Appoint an Acting-Secretary in the event the Secretary is absent from a Commission meeting.
   10. Review with the Secretary or staff, prior to a Commission meeting, the items to be on the agenda if he or she so chooses;
   11. Act as the Commission's chief spokesman to represent the Commission at local, regional, and state government levels.
   12. Represent the Commission, before the County Board of Commissioners; and
   13. Perform such other duties as may be ordered by the Commission.

D. **Vice-Chair's Duties.** The Vice-Chair shall:

1. Act in the capacity of Chair, with all the powers and duties found in Section 4.C of these Rules, in the Chair's absence;
2. Act as member and Vice Chair of the Executive Committee pursuant to Section 7.A of these Rules; and
3. Perform such other duties as may be ordered by the Commission.

E. **Secretary's Duties.** The Secretary shall:
1. Perform such other duties as may be ordered by the Commission.
2. Act as member and Secretary of the Executive Committee pursuant to Section 7.A of these Bylaws.

F. **Recording Secretary's Duties.** The Recording Secretary or their designee shall not be a member of the commission or any of its committees, and shall:
1. At each meeting take notes for minutes and prepare a first draft of minutes pursuant to section 6.A of these Bylaws;
2. Perform such other duties as may be ordered by the Commission or secretary;
3. Ensure that copies of minutes are distributed to each member of the Commission prior to the next meeting of the Commission;
4. Receive all communications, petitions, and reports to be addressed by the Commission, delivered or mailed to the Secretary in care of the Planning Department Office;
5. Provide notice to the public and members of the Commission for all regular and special meetings, pursuant to the Open Meetings Act, P.A. 267 of 1976, as amended, M.C.L. 15.261 et seq.;
6. Prepare an agenda for Commission meetings pursuant to Section 5.K of these Bylaws;
7. Submit minutes for approval to the Commission and have them spread in suitable volumes.

5. **MEETINGS**

A. **Regular meetings.** Meetings of the Commission will be held as set and posted by the Commission.

When the regular meeting day falls on a legal holiday, the Commission shall select a suitable alternate day. An annual notice of regularly scheduled Commission meetings shall comply with the Michigan Open Meetings.

B. **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 Chair at the request of any non-member of the commission, upon payment of a non-refundable fee to cover costs of the special meeting.

   The fee shall be calculated as follows: The current amount of per diem paid times the total number on the Commission, regardless if they attend the meeting or not.
4. Notice of special meetings shall be given by the Secretary 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 meetings 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 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.

1. Motions shall be restated by the Chair before a vote is taken.
2. Findings of Fact. All actions taken in an administrative capacity shall include each of the following parts.
    a. A finding of fact, listing what the Commission determines to be relevant facts in the case.
    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.

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 of a member of the Commission and shall be recorded by "yes" or "no".

Members must be present to cast a vote. 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 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. **Public Participation.** All regular and special meetings, hearings, records, and accounts shall be open to the public.

All public comment shall be presented at the beginning of the meeting where provided in the printed agenda. During Public Comment, an opportunity shall be afforded to any member of the public in attendance to deliver their comments to the Planning Commission. These comments will be limited to a maximum of three (3) minutes. Comments should be made directly to the Planning Commission. Discussions with the audience during the public participation section of the agenda may only be allowed at the discretion of the Chair. The Chair may ask members of the audience to caucus with others sharing similar positions so they may select a single spokesperson.

I. **Consensus Business.** Certain items of business before the Commission are routine matters where no discussion normally occurs or is expected to occur and a consensus for adoption normally occurs or is expected to occur.

The individual preparing the agenda may mark such items on the agenda as a Consent Item, if that individual feels it qualifies as consensus business.

The agenda or material presented on the issue shall indicate the proposed action (approve, disapprove, no comment, approve with modification).

First, any Consent Item can be removed by request of a member. It is automatically removed if discussed during Public Participation. Second, a motion to adopt the Consent Items can be made, in effect adopting all agenda items still included as Consent Items. The approval of minutes and the expense report shall be proposed on the agenda as Consent Items.

Consensus business can be proposed for any item on the agenda, but shall never include any of the following:

1. Items of business which are listed in Section 11 (HEARINGS) of these bylaws.
2. Review of plans and zoning ordinances, or any part or amendment thereto.
3. Action on special use permits, planned unit developments, site plans, and similar administrative actions.
4. Election of officers.
5. Any item not printed on the agenda which is delivered, along with adequate supporting information, to Commissioners prior to the meeting. The motion to adopt Consent items in the minutes shall clearly list each item and indicate its action/disposition.

J. **Delivery of Agenda.** The agenda and accompanying materials shall be forwarded 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, the week prior to the Commission meeting, pursuant to section 5.A.

K. Placement of Items on the Agenda.

1. The County Administrator's Office shall be the office of record for the Commission.

2. The [County Administrator's Office 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.

3. Items received by the County Administrator's Office between seven 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.

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

6. **RECORD**

A. **Minutes and Record**. The Commission's Recording Secretary shall keep, or cause to be kept, a record of Commission meetings, which, shall at a minimum include an indication of the following:

1. 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*.)
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. Indications 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 alterative 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 shall be included:
    1. Reasons for the decision made.
    2. The decision (e.g. approve, deny, approve with modification).
    3. A list of all recommendations, if any.
g. 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."
h. That a person making a motion withdrew it from consideration.
i. All the Chair's rulings.
j. All challenges, discussion and vote/outcome on a Chair's ruling.
k. All parliamentary inquiries or point of order.
l. When a voting member enters or leaves the meeting.
m. 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.
n. All calls for an attendance count, the attendance, and ruling if a quorum exists or not.
o. The start and end of each recess.
p. All Chair's rulings of discussion being out of order.
q. Full text of any resolutions offered.
r. Summary of announcements.
s. Summary of informal actions, or agreement on consensus.
t. Time of adjournment.

3. 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:

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

7. **COMMITTEES**

A. **Executive Committee**
The Executive Committee shall be a standing committee of the Commission. Its membership shall be the Chair, Vice-Chair, and Secretary of the Commission and they shall hold the same offices on the committee.

B. **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.

C. **Citizen Committees**. The Chair 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 **County** ~~[local unit of government]~~.

8. **RULES OF PROCEDURE FOR ALL COMMITTEES**
   A. **Subservient to the Commission**. All committees are advisory to the Commission and report their recommendations to the Commission for review and action.
   B. **Same Principles**. The same principles of these Bylaws for the Commission also apply to all committees of the Commission.
9. **INTERGOVERNMENTAL COORDINATION**
   The Commission shall encourage and support intergovernmental coordination of all related planned activities among the state, federal, and municipal governments concerned.
10. **MILEAGE AND PER DIEM**
    A. Mileage and per diem shall be paid to members of the Commission for regular Commission meetings at rates established by the Board of Commissioners for attending Commission meetings and other authorized meetings and trips to represent the Cass County Board of Commissioners, if those Commission members bill the Cass County Board of Commissioners for the same.

       Only mileage shall be paid for attendance at ad hoc committee meetings, if those Commission members bill the Cass County Board of Commissioners for the same. No mileage or per diem is paid to any members of a citizen committee, unless authorized and budgeted by the Cass County Board of Commissioners with recommendation by the Commission.
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 Board of Commissioners, 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. **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 shall focus on:
    1. First and foremost, the process is intended to increase coordination of planning between governments.
    2. Consistencies or inconsistencies with your government's plan(s) for matters such as:
        a. Border issues
        b. Issues of greater than local concern
        c. Comparison with local 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.).
        f. Comparison to various implementation strategies.
    3. 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).
    4. If the county planning commission considers the draft plan (or amendment) to be inconsistent with a county plan(s), if any.
    5. 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:
        a. The assumption is made that there shall not be any provision of a municipal plan which is in conflict with the county plan.
        b. 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.
        c. 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.
D. 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.

13. **TOWNSHIP ZONING REVIEWS**

A. The Commission shall review all zoning ordinances and zoning amendments for townships within the county.
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. Following a public hearing for a proposed township zoning ordinance under MCL 125.3306 the Commission shall receive the proposed zoning ordinance, including any zoning maps as required by MCL 125.3307(1) from the township for review and recommendation.
D. The Commission requests that townships also submit the follow supporting materials to assist the review process:
    1. Signed cover letter requesting review and summarizing the process which has already occurred;
    2. Copy of the public hearing minutes;
    3. For petitions for rezoning, a copy of the petition with the map(s) showing zoning of adjoining properties within 300 ft. for which action was taken and the parcel(s) of consideration and roads need to be clearly identified and labeled. If not included on the petition, the cover letter should indicate acreage, existing zoning, requested zoning, existing use and proposed use;
    4. If any provision of public services is or will be involved, include correspondence from the affected unit expressing its awareness.
E. Action by the Commission shall be based, in part, on a review of possible boundary conflicts between the zoning of two municipalities. If a boundary conflict is found to exist the conflict shall be identified and recommendations made for the township to reconsider, or for the County Planning Commission to consider amendments to its own plan.
    1. The review shall be in the form of a letter sent to the township or municipality.

14. **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:
    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. All Planning reports and plans before publication.
5. Planning Commission's budget requirements for the fiscal year and request for appropriation.
6. Selection of consultants.
7. Such other matters as the Chairperson shall find it advisable or essential to receive consideration by the Commission.

15. **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 meeting by a two-thirds (⅔) vote of the members present.