

ELMWOOD CHARTER TOWNSHIP

PLANNING COMMISSION ORDINANCE OF 2015

Replaces the Elmwood Charter Township Planning Commission Ordinance of 2009

The Elmwood Charter Township Planning Commission Ordinance of 2009 created a Planning Commission for the Charter Township of Elmwood (hereinafter called Elmwood), as authorized by Public Act 33 of 2008, as amended, which is the Michigan Planning Enabling Act (MCL 125.3801 et seq.). This Elmwood Charter Township Planning Commission Ordinance of 2014 modifies the appointment process of Planning Commission members so the appointment process complies with the Michigan Planning Enabling Act, makes other wording improvements and adopts or readopts other provisions as authorized by law.

THE PEOPLE OF ELMWOOD CHARTER TOWNSHIP DO HEREBY ORDAIN:

101. Creation:

- A. There shall be an Elmwood Charter Township Planning Commission, hereinafter called Commission, and a staffed Planning Department pursuant to Public act 33 of 2008, as amended, that being the Michigan Planning Enabling Act (MCL 125.3801 et seq. and called the “Planning Act”), with the powers and duties as herein set forth and as hereinafter provided. This Ordinance shall be officially known and described as the “Elmwood Charter Township Planning Commission Ordinance of 2015.”

102. Membership:

- A. The Commission shall consist of seven (7) members who shall be appointed and approved as authorized by the Planning Act. To become a qualified member of the Commission and remain a member of the Commission, each member shall:
 - 1. Be a qualified Elmwood elector, except that one member of the Commission may be a non-qualified elector;
 - 2. Have attended basic training for Commission members pursuant to Section 104 of this Ordinance following said member’s initial appointment to the Commission, and prior to the member’s reappointment;
 - 3. Meet the conditions provided for each Commission member in Sections 102.B, 102.D, and 102.E of this Ordinance, except the geographical location of the individual member’s residency is of secondary importance to other conditions as specified in this Ordinance.

B. Members shall be appointed for three-year terms. However, when first appointed a number of members shall be appointed to one-year, two-year, or three-year terms such that, as nearly as possible, the terms of 1/3 of all commission members will expire each year. If a vacancy occurs, the vacancy shall be filled for the un-expired term in the same manner as provided for an original appointment such that, as nearly as possible, the terms of 1/3 of all commission members continue to expire each year. A member shall hold office until his or her successor is appointed.

C. One member shall also be a member of the Township Board of Trustees, and said member's term shall coincide with his or her elected term of office on the Board of Trustees. This person shall be an ex officio member, as provided in the Planning Act, and shall have voting rights.

D. The membership of the Commission shall be representative of the important segments of the community, such as Elmwood's economic, governmental, educational, and social development in accordance with the major interests that exist in Elmwood as follows:

1. Agriculture;
2. Natural Resources;
3. Recreation;
4. Education;
5. Public Health;
6. Government;
7. Transportation;
8. Industry;
9. Commerce;
10. Tourism.

E. The membership shall also be representative of the entire geography of Elmwood to the extent practicable. However, this criterion shall serve as a secondary consideration to representing the important segments of the community mentioned above.

102. Liaisons:

A. The Commission, in its By-laws, may name "liaisons" to the Commission. The purpose of allowing liaisons is to provide certain Elmwood and quasi-Elmwood officials the ability to participate in discussions with the Commission on matters of particular importance or within their area of expertise. At a minimum, liaisons shall include the following:

1. Elmwood Township Planning Commission consultants, staff, and their agents;
2. Elmwood Township Zoning Administrator;
3. Elmwood Township Attorney.

B. With respect to consulting with the Elmwood Attorney about Commission matters, only the Commission Chairperson, Planning Consultant, and Zoning Administrator, with the prior approval of the Township Supervisor or the Township Clerk, are authorized to expend Elmwood funds for this purpose.

104. Training:

- A. Appointed members of the Commission shall attend educational programs designed for training members of State of Michigan planning commissions, and the adopted Elmwood budget for each fiscal year shall include sufficient funds to pay for registration and necessary travel expenses associated with said training.
- B. Nothing in this section shall deem a member who has not had basic training from completing his or her term of office on the Commission unless the member resigns or is removed from office by action of the Elmwood Board of Trustees. A member shall be ineligible for reappointment to the Commission at the conclusion of his or her term of office if the member failed to attend educational programs designed for Commission members. The Commission's By-Laws shall specify which training programs meet this educational requirement.

105. Members, Appointment and Terms:

- A. In March of each year, the Elmwood Clerk shall place an advertisement in the Leelanau Enterprise seeking applications for upcoming Commission vacancies.
- B. In May of each year, the Elmwood Board of Trustees shall consider the applications and nominations received and appoint members to the Commission for a three-year term.

106. Removal from Office:

- A. The Elmwood Board of Trustees may remove a member of the Commission for misfeasance, malfeasance, or nonfeasance in office upon receipt of submission of written charges and only after a public hearing has been held on the matter. Failure to disclose a potential conflict of interest shall be considered malfeasance in office.
- B. Failure to attend three (3) consecutive Commission meetings without having a legitimate excuse shall be considered nonfeasance in office. The Secretary of the Commission shall report any such occurrence to the Elmwood Board of Trustees for possible consideration of removing said Commission member from office.

107. **Membership, Vacancies:** The Elmwood Board of Trustees shall fill any Commission vacancies by appointing an individual to complete the un-expired remaining term of office in the same manner as initial appointments are filled.
108. **Membership, Transition:**
- A. The transition from the previous Elmwood Commission to the Commission established under this Ordinance shall be gradual and shall occur over the next three (3) years. The Elmwood Board of Trustees shall continue to make annual Commission appointments, appointing approximately 1/3 of the Commission membership annually as specified in this Ordinance such that three (3) years from the effective date of this Ordinance the Commission membership, membership representation, required training, and number of Commission members shall fully comply with this Ordinance.
 - B. All other aspects of this Ordinance shall have immediate effect.
109. **Membership, Compensation:** All members of the Commission shall be compensated for their service, the level of which shall be determined by a resolution of the Elmwood Board of Trustees. Compensation shall include meeting per diem only.
110. **Meetings:**
- A. The Commission shall hold not less than 4 regular meetings each year, and a majority of the Commission shall constitute a quorum for the transaction of ordinary Commission business. Decisions on questions, issues, or applications arising at Commission meetings shall be determined by a majority vote of Commission members.
 - B. Unless otherwise required by law, the affirmative of a majority of the total number of Commission members, regardless of whether vacancies exist on the Commission or Commission members are absent, shall be necessary for the adoption of a recommendation to the Township Board on any matter or for adoption of any plan or amendment to a plan.
111. **Powers and Duties:** The Commission shall derive their powers and duties from Public Act 33 of 2008, as amended, that being the Michigan Planning Enabling Act (MCL 125.3801 et seq.), and Public Act 110 of 2006, as amended, that being the Michigan Zoning Enabling Act (MCL 125.3101 et seq.). The Commission shall have the authority to apply for and receive grants from any governmental agency, including the federal government.
112. **Staff:**

- A. The Elmwood Board of Trustees is delegated the authority to hire or dismiss a Planning Coordinator and/or Zoning Administrator under the Elmwood Personnel Policy Manual.
- B. The appointment of the Planning Coordinator and other such employees shall be subject to the same provisions of employment law, employment policies, and employee or union contracts (if any) governing all other Elmwood employees.
- C. Employees that are assigned to work with the Commission shall follow Commission directives while executing all planning and zoning duties or discussing public policy issues. Said employees shall not be subject to Commission directives concerning provisions of employment law, employment policies, or employee or union contracts (if any).
- D. The Planning Coordinator and the Zoning Administrator shall provide planning and zoning activity reports at each regular Elmwood Commission and Township Board meeting.

113. Meetings, Records: The Commission shall adopt By-laws for the transaction of Commission business, and the Elmwood Clerk shall keep a record of Commission resolutions, transactions, decisions, findings, and determinations, all of which shall constitute a public record.

114. Approval, Ratification, and Reconfirmation:

- A. Official actions taken by all Elmwood Commissions preceding the Commission created under this Ordinance are hereby approved, ratified, and reconfirmed. Any project, review, or process taking place or in progress on the effective date of this Ordinance shall continue with the Commission created under this Ordinance and shall be deemed a continuation of any previous Elmwood Commission.
- B. This Ordinance shall become effective upon publication in the Leelanau Enterprise or any other authorized Elmwood newspaper of record. In addition, the Township Clerk shall transmit either a copy of this Ordinance or notice of its adoption to the Leelanau County Planning Commission within 14 days of its adoption.

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of Ordinance #2015-1, first presented to the Township Board on December 8, 2014 followed by publication in the Leelanau Enterprise on December 31, 2014.

I further certify that the Ordinance was duly adopted by the township Board at a special meeting held on January 12, 2015, at which all members were present.

The approved ordinance was published on January 22, 2015.
The effective date of the ordinance is January 22, 2015.

Dated January 22, 2015

Connie Preston, Clerk

