

**BARTON HILLS VILLAGE
WASHTENAW COUNTY, MICHIGAN**

ORDINANCE NO. 26

[An ordinance to establish the Barton Hills Village Planning Commission and provide for the adoption of a master plan pursuant to the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended (MCL 125.3801 et seq.)]

BARTON HILLS VILLAGE ORDAINS:

SECTION 1. SHORT TITLE

This Ordinance shall be known and may be cited as the Barton Hills Village Planning Commission Ordinance.

SECTION 2. PURPOSE

The purpose of this Ordinance is to create the Barton Hills Village Planning Commission with the powers and duties provided under Public Act 33 of 2008, as amended.

SECTION 3. DEFINITIONS

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- “ACT” means the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended.
- “LEGISLATIVE BODY” means the Barton Hills Village Board of Trustees.
- “MASTER PLAN” means a master plan as described in the Act.
- “MUNICIPALITY” means Barton Hills Village, Washtenaw County, Michigan.
- “PLANNING COMMISSION” means the commission established pursuant to the Act.
- “PRESIDENT” means the person selected to act as president by the legislative body.

SECTION 4. CREATION AND MEMBERSHIP

A. There is created a Planning Commission under the authority of the Act to consist of seven members.

B. The president shall appoint the members of the Planning Commission, subject to approval by a majority vote of the members of the legislative body elected and serving.

C. The membership of the Planning Commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the municipality, in accordance with the major interests as they exist in the municipality, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of the municipality to the extent practicable.

D. Members of the Planning Commission shall be qualified electors of the municipality, except that up to two Planning Commission members may be individuals who are not qualified electors of the municipality.

E. Members of the Planning Commission, other than ex officio members under subsection F below, shall be appointed for three-year terms. However, of the members of the Planning Commission, other than ex officio members, first appointed, a number shall be appointed to one-year or two-year terms such that, as nearly as possible, the terms of 1/3 of all the Planning Commission members will expire each year.

F. The chief administrative official of the municipality or a person designated by the chief administrative official, the president, one or more members of the legislative body, or any combination of the above, may be appointed to the Planning Commission, as ex officio members, unless prohibited by the Village Charter. However, not more than 1/3 of the members of the Planning Commission may be ex officio members. Except as provided in this subsection, an elected officer or employee of the municipality is not eligible to be a member of the Planning Commission. The term of an ex officio member of the Planning Commission shall be as follows:

(1) The term of the president shall correspond to his or her term as president.

(2) The term of a chief administrative official shall expire with the term of the president that appointed him or her as chief administrative official.

(3) The term of a member of the legislative body shall expire with his or her term on the legislative body.

G. All appointed members of the Planning Commission may be compensated at a rate to be determined by the legislative body.

H. All ex officio members appointed under this section shall have full voting rights.

SECTION 5. VACANCY

If a vacancy occurs on the Planning Commission, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment. A member shall hold office until his or her successor is appointed.

SECTION 6. REMOVAL

The legislative body may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest as defined in the Planning Commission bylaws, the member shall disclose the potential conflict of interest to the Planning Commission. The member is disqualified from voting on the matter if so provided by the Planning Commission bylaws or by a majority vote of the remaining members of the Planning Commission. Failure of a member to disclose a potential conflict of interest as required by this subsection constitutes malfeasance in office.

SECTION 7. PLANNING COMMISSION OFFICERS

At its first regular meeting each year, the Planning Commission shall elect a chairperson, vice-chairperson, and secretary from among its members. An ex officio member of the Planning Commission is not eligible to serve as chairperson or vice-chairperson.

SECTION 8. MEETINGS

- A.** The Planning Commission shall hold not less than four regular meetings each year.
- B.** The Planning Commission shall adopt bylaws for transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record.
- C.** Meetings of the Planning Commission are subject to the Open Meetings Act, Public Act 267 of 1976, as amended, and the Freedom of Information Act, Public Act 442 of 1976.

SECTION 9. FUNDING

The expenditures of the Planning Commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the legislative body, which shall provide the funds, equipment, and accommodations necessary for the Planning Commission's work.

SECTION 10. MASTER PLAN

The Planning Commission shall make and approve a master plan in accordance with the provisions of the Act, for the physical development of the municipality, including any areas outside of its boundaries which, in the Planning Commission's judgment, bear relation to the planning of the municipality. The Planning Commission may meet with other governmental planning commissions to deliberate.

SECTION 11. SEVERABILITY

The provisions of this Ordinance are declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this Ordinance other than that part or portion.

SECTION 12. PUBLICATION AND EFFECTIVE DATE

Within fifteen days after adoption, this Ordinance shall be published once in a newspaper having general circulation in the Village. This Ordinance shall take effect one day after the date of publication.

Date Adopted: January 14, 2008

Amended January 12, 2009

Date Published: January 28, 2008

Amended March 9, 2009

Effective Date: January 29, 2008

Forrest Butterwick, Clerk
Adele P. Laporte, President