

**BARTON HILLS VILLAGE
WASHTENAW COUNTY, MICHIGAN**

ORDINANCE NO. 27

[An ordinance to amend Ordinance No. 26 (Barton Hills Village Planning Commission) pursuant to the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended (MCL 125.3801 et seq.)]

BARTON HILLS VILLAGE ORDAINS:

Barton Hills Village Ordinance No. 26 shall be amended as follows:

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 ~~285 33~~ of ~~1934~~ 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 ~~City and Village Planning Act~~ Michigan Planning Enabling Act, Public Act ~~285 33~~ of ~~1934~~ 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. ~~The Planning Commission shall to consist of five seven members, one of whom shall be a member of the legislative body to be selected by resolution of the legislative body to serve as a member ex officio, and the remainder of whom shall be appointed by the president as provided in this Ordinance. A member of the Planning Commission shall be a resident of Barton Hills Village.~~

B. ~~The members of the Planning Commission shall represent insofar as is possible different professions or occupations. 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. ~~An appointment by the president shall be subject to approval of the legislative body by majority vote. 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.~~

DG. ~~All appointed members of the Planning eCommission may be compensated at a rate to be determined by the legislative body.~~

~~E. An appointed member shall not hold another municipal office.~~

~~F. The term of the ex officio member shall be determined by the legislative body and shall be stated in the resolution selecting the ex officio member, but the term shall not exceed the member's term of office as a member of the legislative body.~~

~~G. — Subject to subsection F above, the term of one of the members first appointed shall be for one year, the term of two members first appointed shall be for two years, and the term of the other two members first appointed shall be for three years. Thereafter, subject to subsection F above, the term of each appointed member shall be three years or until his or her successor takes office.~~

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

SECTION 5. VACANCY

~~A vacancy on the Planning Commission occurring otherwise than through the expiration of term shall be filled for the unexpired term by the president in the case of a member appointed by the president or by the legislative body in the case of the member selected by the legislative body. 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

~~After a public hearing, a member other than the member selected by the legislative body may be removed by the president for inefficiency, neglect of duty, or malfeasance in office. The legislative body may for like cause remove the member selected by the legislative body. 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

~~The Planning Commission shall elect its chairperson from among the appointed members and create and fill such other of its offices as it may determine. The term of chairperson shall be one year, with eligibility for reelection. 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 at least one regular meeting each month. The Planning Commission shall hold not less than four regular meetings each year.~~

B. The Planning Commission shall adopt ~~rules~~ 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 ~~Board of Trustees~~ 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, ~~as amended~~, 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
Date Published: January 28, 2008
Effective Date: January 29, 2008

Amended March 9, 2009
(includes amendment made
1/12/09, published 1/18/09)
Published: March 19, 2009
Effective: March 20, 2009

Forrest Butterwick, Clerk
Adele P. Laporte, President