

VILLAGE COUNCIL
VILLAGE OF EDMORE
MONTCALM COUNTY, MICHIGAN
ORDINANCE NO 2013-3

Adopted: 9-9-13

Published: 10-10-13

Effective: 10-10-13

An ordinance to repeal ordinance No. 228 of 1931 and to establish a new Village of Edmore Planning Commission in compliance with the Michigan Planning Enabling Act, Public Act 33 of 2008 (MPEA) to supersede the existing Planning Commission established by ordinance No. 228 of 1931; to confer on said Planning Commission all powers and duties provided for in the MPEA.

The Village of Edmore hereby ordains:

Section 1. Repeal of Ordinance No. 228 of 1931 and Establishment of New Planning Commission in Compliance with the Michigan Planning Enabling Act:

Ordinance No. 228 of 1931 which established the planning commission for the Village of Edmore under 1931 PA 285, the Planning Act, is hereby repealed, and the planning commission for the Village of Edmore established thereby shall be superseded by the planning commission established by this ordinance pursuant to P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act (M.C.L. 125.3901 *et seq.*) (MPEA), and shall be constituted in accordance with and shall have all of the powers and duties set forth in that act and this ordinance. The members of the existing planning commission shall, however, continue to serve as the members of the planning commission established by this ordinance until such time as new members of the appointed pursuant to section 2 hereof, which appointments shall be made by the Village Council at the first village council meeting that occurs no more than ninety (90) days after the date this ordinance is adopted by the Edmore Village Council.

No matter pending before the planning commission as of the effective date of this ordinance shall be affected in any way by the fact that a new planning commission is being established by this Ordinance. All such pending matters, including, without limitation, all plan reviews, permit reviews, public hearings, etc., shall be carried forward under the new planning commission at the same status as existed prior to the effective date of this Ordinance.

Section 2. Membership:

(a) *Number of Members:* The Planning Commission shall consist of 5 members selected by the Village President and appointed by the Village Council. To be qualified to be a member and remain a member of the Planning Commission, the individual shall meet the qualification set out below.

(b) *Conditions of Membership:*

(1) Members of a planning commission other than ex officio members under subsection (5) shall be appointed for 3-year terms. However, of the members of the planning commission, other than ex officio members, first appointed, a number shall be appointed to 1-year or 2-year terms such that, as nearly as possible, the terms of 1/3 of all the planning commission members will expire each year.

- (2) If a vacancy occurs on a 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.
- (3) The membership of a planning commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the local unit of government, in accordance with the major interests as they exist in the local unit of government, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire territory of the local unit of government to the extent practicable.
- (4) Members of a planning commission do not need to be qualified electors of the local unit of government; the Village of Edmore on September 1, 2008 had, a population of less than 5,000, as provided in (section 15, subsection 4, subdivision b) PA 33 of 2008).
- (5) *Two Ex Officio Member:* The *ex officio* members of the Planning Commission without the right to vote; one being either the Village President or appointed council member and one *ex officio* member being the Village Manager or appointed village official. The term of an *ex officio* member of a planning commission shall be as specified in the Michigan Planning Enabling Act which currently provides as follows:
 - (a) The term of a chief elected official shall correspond to his or her term as chief elected official.
 - (b) The term of a member of the legislative body shall expire with his or her term on the legislative body.
- (c) *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.
- (d). *Removal:* Pursuant to section 15, paragraph 9 of the MPEA, The Village Council may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges prepared by or directed to be prepared by the board of commissioners and after a public hearing. Failure to disclose a potential conflict of interest shall be considered malfeasance in office. Failure to repeatedly not attend Commission meetings shall be considered nonfeasance in office.
- (e) *Appointment of Members:* The Village of Edmore President shall, with the approval of the Village Council, appoint Planning Commission members in the following manner:
Representation: Members shall be representative of important segments of the community and shall also, to the extent possible, be representative of the village. In accordance with the major interests as they exist in the important segments include but are not limited to:
 - (1) Tourism and recreation;
 - (2) Business and industry;
 - (3) Public health and human services;
 - (4) Community and economic development;
 - (5) Arts, culture and entertainment;
 - (6) Agriculture, forestry, and land use;
 - (7) Environment and natural resources;
 - (8) Education;
 - (9) Transportation, public works and safety;

Section 3. Organization and Procedures:

- (a) The Planning Commission shall elect a chairperson, vice chairperson, and secretary from its members and fill other offices, as it considers advisable. Ex officio members are not eligible to serve as officers. The term of each officer shall be 1 year, with opportunity for reelection as specified in the Planning Commission's bylaws.
- (b) *Bylaws.* The Planning Commission shall adopt bylaws for the transaction of its business, and shall keep a public record of its resolutions, transactions, findings, and determinations.
- (c) *Advisory Committees.* The Planning Commission may appoint advisory committees whose members may not necessarily be members of the Planning Commission.
- (d) *Annual Report.* The Planning Commission shall submit an annual written report, including a work program for the coming year, and a budget request for the commission to the county board of commissioners.
- (e) *Meetings.* The Planning Commission shall hold not less than 4 regular meetings each year. The time and place of the meetings shall be established by resolution. Unless the bylaws provide otherwise, a special meeting of the Planning Commission may be called by the chairperson or by 2 other members, upon written request to the secretary. Unless the bylaws provide otherwise, the secretary shall send written notice of a special meeting to Planning Commission members not less than 48 hours before the meeting.
- (f) *Open Meetings Act.* The business that the Planning Commission may perform shall be conducted at public meetings held in compliance with the Open Meetings Act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of a regular or special meeting shall be given in the manner required by that act.
- (g) *Freedom of Information Act.* A document prepared, owned, used, in the possession of, or retained by the Planning Commission and staff members in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, 1976 PA442, and MCL 15.231 to 15.246.

Section 4. Conflict of Interest:

- (a) Conflict of interest shall be defined as a situation in which a planning commissioner has competing professional or personal interests in the outcome of a vote. Such competing interests include but are not limited to financial reward or the involvement of employers of immediate family members or any that may affect the member's ability to be impartial. Such competing interests can make it difficult to fulfill his or her impartiality. A conflict of interest exists even if no unethical or improper act results from it. A conflict of interest can create an appearance of impropriety that can undermine confidence in the conduct of Planning Commission business. "Immediate family" shall include a member's spouse, children, other dependents, parents, siblings and a spouse's parents and siblings.
- (b) In accordance with MPEA Section 15.(9), failure of a Planning Commission member to disclose a potential conflict of interest constitutes malfeasance in office.
- (c) Before joining in deliberation, fact finding, or casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Planning Commission. Following such disclosure, unless a majority of the remaining members of the Planning Commission excluding the member with the potential conflict, finds that no conflict exists, the member with the conflict is disqualified from fact finding, deliberation, and voting on the matter.

Section 5. Duties and powers:

(a) *Master Plan.* The Planning Commission shall make and approve a master plan as a guide for development within the county and shall adopt same in accordance with the requirements of Sections 31 through 51 of the MPEA. Other duties as set forth in P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L. 125.3801 *et seq.*; and P.A. 110 of the Public Acts of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 *et seq.*).

Section 6. Amendment to the MPEA:

Any amendments made to the MPEA shall hereby be declared to automatically control the activities and function of the Planning Commission.

Section 7. Severability:

If any part of this ordinance shall be determined to be unenforceable by a court of competent jurisdiction, that part shall be deemed to be severed and removed from the body of this ordinance, and the rest shall remain in full force and effect.

Section 8. Repeal of Inconsistent Ordinances or Resolutions:

Any prior ordinances or resolutions addressing the same subject matter as this ordinance, particularly "Ordinance to Provide for the Creation, Organization, Powers, and Duties of a Planning Commission for Edmore, Michigan, Ordinance Number 228 of 1931 and any amendments thereto are hereby repealed.

Section 9. Effective Date.

This ordinance shall be effective on the day following the day when notice of its adoption is published in a newspaper of general circulation in the county.

Adoption of the ordinance was moved by Schuitema__ and supported by__Ashbaugh__.

Voting for: Guild, Rasmussen, Deja, Adams, Burr, Schuitema, Ashbaugh

Voting against: -

Excused: -

The ordinance was declared adopted.

QuickTime™ and a decompressor are needed to see this picture.

Village President

10-10-13

Date of Publication

I, Gloria Burr, the lawful Clerk of the Village of Edmore attest that the foregoing is a true and accurate copy of an ordinance adopted by the Village of Edmore Council at a regular meeting held on September 9, 2013, noticed in accordance with state law.

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Gloria Burr, Clerk