

BENGAL TOWNSHIP

CLINTON COUNTY, MICHIGAN

ORDINANCE NO. 2015-1

At a duly scheduled and noticed meeting of the Township Board of Bengal Township, Clinton County, Michigan, held at Bengal Township Hall on March 11, 2015, at 8:35 p.m., Township Board Member Elizabeth Ayoub, moved to adopt the following Ordinance, which motion was seconded by Township Board Member Steve Mahoney:

AN ORDINANCE OF BENGAL TOWNSHIP, CLINTON COUNTY, MICHIGAN TO CREATE A TOWNSHIP PLANNING COMMISSION; REPEAL ORDINANCES AND PORTIONS OF ORDINANCES INCONSISTENT WITH THIS ORDINANCE; AND PROVIDE AN EFFECTIVE DATE HEREOF.

The Township Board of Trustees for Bengal Township hereby ordains:

ARTICLE I – PLANNING COMMISSION.

Sec. 1. - Authorization.

This article is enacted under the authority of the state planning enabling act, Public Act No. 33 of 2008 (MCL 125.3801 et seq.) and the state zoning enabling act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.).

Sec. 2. - Membership.

- (a) The planning commission shall consist of five members. The members shall be appointed by the township supervisor, subject to approval by a majority vote of the members of the township board.
- (b) All members shall be qualified electors of the township. There shall be no ex officio members on the planning commission, except that one member of the planning commission shall be a member of the township board.
- (c) The membership shall be representative of the important segments of the township, such as the economic, governmental, educational, and social development; and be in accordance with major interests in the township, 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 township to the extent practicable.
- (d) Members shall be appointed for three-year terms. If a vacancy occurs, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment. As nearly as possible, appointments shall be made such that the terms of one-third of all the planning commission members will expire each year. All members shall hold office until their successors are appointed.
- (e) The planning commission shall elect a chairperson and secretary from its members. A member of the township board is not eligible to serve as chairperson.
- (f) Members may be compensated at a rate to be determined by the township board.

(g) The township board may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

Sec. 3. - Functions.

The planning commission shall serve in an advisory capacity to the township board and shall exercise all the functions, duties and powers of planning commissions under the provisions of the state planning enabling act, Public Act No. 33 of 2008 (MCL 125.3801 et seq.), and the state zoning enabling act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.); and so long as not inconsistent therewith, carry out such other duties, obligations and responsibilities as may be from time to time directed by the township board or any duly enacted township ordinance or resolution.

Sec. 4. - Meetings generally; rules; record of proceedings to be kept.

The planning commission shall hold meetings regularly, at least four times each year, and shall adopt rules for the transaction of business and shall keep records of its resolutions, findings, determinations, transactions, receipts and disbursements, which shall be a public record.

Sec. 5. –Conflict of Interest.

A member of the planning commission should only abstain from voting on a motion if he/she has a bona fide conflict of interest. A conflict of interest shall include:

- (1) Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by him or her.
- (2) Issuing, deliberating on, voting on, or reviewing a case involving a corporation, company, partnership, or any other entity in which he or she is a part owner, or any other relationship where he or she may stand to have a financial gain or loss.
- (3) Issuing, deliberating on, voting on, or reviewing a case involving a close relative or family member and where the relationship impairs an objective review of the case.
- (4) Issuing, deliberating on, voting on, or reviewing a case involving which is an action which results in pecuniary benefit to him or her.
- (5) Issuing, deliberating on, voting on, or reviewing a case where his or her employee or employer is:
 - a. An applicant or agent for an applicant; or
 - b. Has a direct interest in the outcome.
- (6) A reasonable appearance of a conflict of interest. An example of this includes a situation where the planning commission member is on the board of directors of an applicant association.

The planning commission member disclosing the potential for a conflict of interest should state the nature of the potential conflict and whether he/she believes he/she could impartially consider the request before the commission. Should the member disclosing the potential conflict of interest choose not to remove him/herself from the dais, the remaining members of the planning commission shall evaluate the nature of the potential conflict and determine, by way of a vote, whether or not the member in question should be removed from the dais while the commission discusses or deliberates on the request. In the event that planning commissioner is removed from the dais due to a conflict of interest, either of his/her own volition or by a vote of the planning commission, that individual shall not participate as a commissioner in the discussion of an agenda item but may speak as an authorized agent for the applicant as part of the applicant's presentation.

Sec. 7. - Staffing.

(a) The township board may employ a planning director and other planning personnel, whose appointment, promotion, demotion and removal shall be subject to the same provisions of law as govern other corresponding civil employees of the township.

(b) The township board may contract for the parttime or fulltime services of planning or other consultants, experts, or technicians, and pay or authorize the payment of expenses within the funds budgeted and provided for planning purposes.

ARTICLE 2 – SEVERABILITY

Should a court of competent jurisdiction find any provision, clause, or portion of this Ordinance to be invalid, the balance or remainder of this Ordinance shall remain valid and in full force and effect and shall be deemed “severable” from the portion, clause, or provision deemed to be invalid by the court.

ARTICLE 3 – EFFECTIVE DATE

This Ordinance shall become effective 63 days after this Ordinance (or a summary thereof) is published in the newspaper as provided by law.

ARTICLE 4 – EFFECT ON OTHER ORDINANCES

Except as expressly amended by this Ordinance, all other Bengal Township Ordinances shall remain unchanged and in full force and effect.

Roll call vote taken:

YEAS: **Irrer, Schultheiss, Mahoney, Schafer, Ayoub**

NAYS: None

ABSENT: None

ORDINANCE DECLARED ADOPTED

Steve Mahoney, Supervisor
Bengal Township

CERTIFICATION

I hereby certify that:

1. The above is a true copy of Ordinance No. 2015-1, adopted by the Bengal Township Board at a duly scheduled and noticed meeting of that Township Board held on March 11, 2015, pursuant to the required statutory procedures.
2. A summary of Ordinance No.2015-1 was duly published in the Clinton County newspaper, a newspaper that circulates within Bengal Township, on March 22, 2015.
3. Within 1 week after such publication, I recorded Ordinance No. 2015-1 in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the township board voting, and how each member voted.
4. Within 15 days after adoption of Ordinance No.2015-1, I filed an attested copy of said Ordinance with the Clinton County Planning Commission and Clinton County Clerk on March 26,, 2015.

ATTESTED:

Deborah A, Schafer

Dated: March 26, 2015

_____, Bengal Township Clerk