

STATE OF MICHIGAN

COUNTY OF WASHTENAW

AUGUSTA TOWNSHIP ORDINANCE NO. \_\_\_\_\_

**ORDINANCE CONFIRMING CREATION OF THE  
AUGUSTA TOWNSHIP PLANNING COMMISSION**

An Ordinance confirming the prior creation of the Augusta Township Planning Commission pursuant to the Michigan Planning Enabling Act, Act 33 of the Public Acts of 2008; setting forth the number and composition of members of the Planning Commission; setting forth the duties of the Planning Commission; setting forth the procedure for removal of a member of the Planning Commission for misfeasance, malfeasance or nonfeasance in office; providing for compensation for services; and defining conflict of interest related to a member of the Planning Commission.

THE TOWNSHIP OF AUGUSTA ORDAINS AS FOLLOWS:

**AUGUSTA TOWNSHIP PLANNING COMMISSION**

**A. Confirmation of creation of Planning Commission; Powers and Duties.**

The Township of Augusta hereby confirms the creation of the Augusta Township Planning Commission, previously established by Township Board resolution under the former Township Planning Act (Public Act 168 of 1959, as amended; MCL 125.321, et. seq.), with all the powers and duties provided in the Michigan Zoning Enabling Act PA 110 of 2006, as amended, and the Michigan Planning Enabling Act (PA 33 of 2008, as amended).

**B. Membership, Appointment and Terms.**

The Planning Commission shall consist of seven (7) members who shall be selected in accordance with the Michigan Planning Enabling Act. One (1) Planning Commission member shall be a member of the Zoning Board of Appeals.

One (1) member of the Township Board shall be appointed to the Planning Commission as an ex-officio member and Township Board Representative, with full voting rights. An ex-officio member's term shall expire with his or her term on the Township Board. No other elected Officer or employee of the Township is eligible to be a member of the Planning Commission. In the event another member is elected to the Township Board, increasing the number of Board members serving on the Commission to more than one (1), then such member's seat on the Planning Commission shall be deemed vacant.

The membership of the Planning Commission shall be representative of important segments and geography of Augusta Township to the extent practicable.

The Township Supervisor shall appoint members of the Planning Commission, subject to approval by a majority vote of the members elected and serving on the Augusta Township Board of Trustees.

The term of each Planning Commission member shall be for three (3) years. Each member shall serve until his/her term shall expire. Vacancies shall be filled for the unexpired term in the same manner as the original appointment. Members of the Planning Commission shall be qualified electors.

**C. Removal from Office.**

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. Failure of a member to disclose a potential conflict of interest as required herein constitutes malfeasance in office.

Members of the Planning Commission who are absent from three (3) consecutive Planning Commission meetings shall be subject to review and/or removal from the Planning Commission by action of the Township Board

**D. Conflict of Interest.**

A member of the Planning Commission should only abstain from voting on a motion if he/she has a bonafide conflict of interest. A conflict of interest shall include:

- a. Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by him or her or which is adjacent to land owned by him or her.
- b. 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.
- c. Issuing, deliberating on, voting on, or reviewing a case involving a relative or other family member.
- d. Issuing, deliberating on, voting on, or reviewing a case involving which is an action which results in pecuniary benefit to him or her.
- e. Issuing, deliberating on, voting on, or reviewing a case where his or her employee or employer is: (1) an applicant or agent for an applicant; or (2) has a direct interest in the outcome.
- f. There is 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 deliberations, 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 deliberations while the Commission discusses or deliberates on the request. In the event that Planning Commissioner is removed from the deliberations 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 in the discussion or deliberation in a role as a Planning Commissioner, and shall remove him/herself from the deliberations.

**E. Compensation.**

The Planning Commission members may be compensated for their services as provided by Township Board resolution. The Planning Commission may request from the Township Board compensation for member travel, registration, and pre-authorized expenses when performing official activities authorized by the Township Board, including but not limited to attendance at conferences, workshops, and training programs.

**F. Officers and Committees.**

The Planning Commission shall select a Chair, Vice-Chair, and Secretary from its membership, and may create and fill other offices as it considers advisable. The ex-officio member of the Planning Commission shall not be eligible to serve as Chair. The term of each office shall be one (1) year, with opportunity for re-election as defined in the Planning Commission By-Laws.

There shall be no standing committees of the Planning Commission. The Planning Commission Chair may appoint special or ad hoc advisory committees, as the Planning Commission shall deem necessary to carry on the work of the Commission. Advisory committee members may or may not be members of the Planning Commission. The Chair shall be an ex-officio member of all committees of the Commission.

**G. Bylaws, Meetings and Records.**

The Planning Commission shall adopt Bylaws for the transaction of business, and shall keep a public record of its resolutions, transactions, findings and determinations.

All Planning Commission business shall be conducted at a public meeting held in compliance with the Open Meetings Act (Public Act 267 of 1976, as amended; MCL 15.261, et. seq.).

**H. Master Plan.**

The Planning Commission shall be responsible for making and maintaining a Master Plan as provided for in the Michigan Planning Enabling Act, and incorporated within this Plan is the zoning plan referred to in the Michigan Zoning Enabling Act as the basis for the Township's Zoning Ordinance.

**I. Preparation of Capital Improvements Program.**

The Planning Commission shall be exempted from the requirement of PA 33 of 2008, MCL 125.3865, requiring annual preparation and submission to the Township Board of a capital improvements program. The Township Board shall delegate the preparation of the capital improvements program, separate from or as a part of the annual budget, to the Township Supervisor, subject to final approval and adoption by the Township Board.

The Planning Commission may make recommendations to the Board about programs and financing for public structures and improvements, and may advise the Board on the consistency of the Township's capital improvements program with the adopted Master Plan's goals, objectives, and policies.

**J. Land Division Responsibilities.**

The Planning Commission may recommend to the Township Board amendments or revisions to the Township's Subdivision Ordinance and rules governing the subdivision of land. Before recommending such an Ordinance or rule, the Planning Commission shall hold a public hearing, giving notice of the date, time and place of the hearing not less than fifteen (15) days before the hearing by publication in a newspaper of general circulation within the Township and posting at the Township Hall.

The Planning Commission shall review and make recommendations on any proposed plat before action thereon by the Township Board in accordance with the Township's Subdivision Ordinance and the state Land Division Act (Public Act 288 of 1967, as amended; MCL 560.101 et. seq.).

**K. Preparation of Annual Written Report of Activities.**

The Planning Commission shall make an annual written report of its activities to the Township Board. The fiscal year of the Planning Commission shall be the same as the fiscal year of Augusta Township.

**L. Professional Assistance.**

The Planning Commission may be assisted by other professionals as needed including the Planning and Zoning Administrator, Building Official, Ordinance Officer, Planning Consultant, Township Engineer, Township Attorney or other person or agency.

**M. Severability.**

If any section, subsection, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion of this Ordinance, and such holding shall not affect the validity of the remaining portions of this Ordinance.

**N. Repeal.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

**O. Effective Date.**

This ordinance, or a summary of this ordinance, shall be published in accordance with procedures adopted by Augusta Township. This Ordinance shall take effect sixty-three (63) days following publication.

**CERTIFICATION**

The foregoing Ordinance was duly adopted by the Board of Trustees of the Township of Augusta on the \_\_\_\_\_ day of \_\_\_\_\_ 2011.

TOWNSHIP OF AUGUSTA

BY: \_\_\_\_\_  
Kathy Giszczak, Clerk

INTRODUCED: \_\_\_\_\_

ADOPTED: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_

EFFECTIVE: \_\_\_\_\_

**CERTIFICATION**

I, Kathy Giszczak, The Clerk of the Township of Augusta, Washtenaw County, Michigan, do hereby certify that the foregoing is a true and complete copy of Ordinance No. \_\_\_ adopted by the Augusta Township Board of Trustees at a regular meeting held on \_\_\_\_\_, 2011.