

GOLDEN TOWNSHIP PLANNING COMMISSION ORDINANCE  
OF February 10, 2009  
ORDINANCE # 45  
Effective September 17, 2009 as amended

WHEREAS, The People of Golden Township desire to establish a Golden Township Planning Commission by adoption of this Ordinance of February 10, 2009, and to insure proper record of this action is now created, NOW THEREFORE, THE PEOPLE OF GOLDEN TOWNSHIP DO ORDAIN THAT SAID ORDINANCE SHALL READ AS FOLLOWS:

GOLDEN TOWNSHIP PLANNING COMMISSION ORDINANCE  
Of September 17, 2009

AN ORDINANCE to create a Planning Commission for the Township of Golden as authorized by P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L. 125.3801 *et. seq.* for the purpose of having planning and zoning in Golden Township to create, organize, enumerate powers and duties, and to provide for the regulation and subdivision of land, coordinated and harmonious development of the Township and to function in cooperation with other constituted authorities of incorporated and unincorporated areas within the state where Golden Township exists.

THE PEOPLE OF GOLDEN TOWNSHIP DO ORDAIN:

101.           Creation:

There shall be a Golden Township Planning Commission pursuant to P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L. 125.3801 *et. seq.*, hereinafter referred to as the Commission with the powers and duties as therein set forth and as hereinafter provided and staffed Planning Department. This ordinance shall be officially known and described as the "Golden Township Planning Commission Ordinance."

102.           Membership:

*A*           The Commission shall consist of nine members appointed by the Golden Township Board of Trustees. To be qualified to be a member and remain a member of the Planning Commission, the individual shall meet the following qualifications:

1. shall be a qualified elector of Golden Township, except that one member may be a non-qualified elector
2. shall not be a declared candidate for any political office, except this condition shall not apply to the Golden Township Board of Trustees representative to the Commission;
3. after an individual's first appointment and before reappointment shall have attended training for Commission members, pursuant to section 104 of this ordinance;
4. shall meet the conditions provided for each individual member in sections 102.B, 102.D, and 102.E of this Ordinance, except the geographical location of the individual's residency may be considered optional.

*B*           Members shall be appointed for three-year terms. However when first appointed a number of members shall be appointed to one-year, two-year, or three-year terms such that, as nearly as possible, the terms of 1/3 of all commission members will expire each year. If a vacancy occurs, the vacancy shall be filled for the unexpired term in the same

manner as provided for an original appointment such that, as nearly as possible, the terms of 1/3 of all commission members continue to expire each year.

C. One member shall also be a member of the township board of trustees, whose term of office shall coincide with his or her elected term of office on the township board of trustees.

D. The membership shall be representative of the important segments of the community, such as the economic, governmental, educational, and social development of the Township in accordance with the major interests as they exist in the Township, as follows:

1. Agriculture;
2. Natural resources;
3. Recreation;
4. Education;
5. Public health;
6. Government;
7. Transportation;
8. Industry;
9. Commerce;
10. Residential.

E. The membership shall also be representative of the entire geography of the Township to the extent practicable, and as a secondary consideration to the representation of the major interests.

103. Liaisons:

The Commission, in its Bylaws, may name "liaisons" to the Commission. The purpose of liaisons is to provide certain township and quasi-township officials ability to participate in discussion with the Commission in addition to speaking in public participation, and nothing else. At a minimum liaisons shall include:

1. Planning Department staff, and their agents and consultants.
2. Township Administrator.
3. Township Attorney.

104. Training:

A. Appointed members of the Commission shall attend educational programs designed for training members of Michigan planning commissions if the adopted township budget for that fiscal year includes funds to pay for tuition, registration, and travel expenses for the training. Nothing in this paragraph shall deem a member who has not had training from finishing his term of office unless the member resigns or is removed by action of the board of trustees. The member shall be ineligible for reappointment at the conclusion of the term of office if they did not attend training. The Commission shall include in its Bylaws what training programs qualify to meet this requirement.

105. Members, Appointment and Terms:

- A. In October of each year the Township Clerk shall determine which members' terms of office expire, shall determine what organizations qualify to nominate members and shall contact, by first class mail, those organizations to solicit nominations.
- B. In November of each year if the Clerk has not received at least two nominations for each office then the Clerk shall discard those applications and shall place an advertisement(s) in a newspaper with paid circulation in Golden Township to seek different applications.
- C. In December of each year the township board of trustees shall consider the applications and nominations received, and appoint members to the Commission by a majority vote

for a three year term of office which shall end December 30, at 9:00 a.m. of the respective year.

106. Removal from Office:

- A. The township board of trustees may remove a member of the Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Failure to disclose a potential conflict of interest shall be considered malfeasance in office. Failure to repeatedly attend Commission meetings shall be considered nonfeasance in office.
- B. The secretary of the Planning Commission shall report any member who has missed three regular meetings in a row to the township board of trustees.

107. Membership; Vacancies:

*B.*

- A. The township board of trustees shall fill any vacancy in the membership of the Commission for the unexpired terms in the same manner as the initial appointment.

108. Membership; Transition:

The transition from the previous Golden Township Planning Commission and the Commission established in this ordinance shall be gradual and shall take place over the next three years. The township board of trustees shall continue to make annual appointments, appointing approximately  $\frac{1}{3}$  of the membership of the Commission as specified in this Ordinance, so that three years from the effective date of this ordinance the membership, membership representation, and number of members have completed the transition to fully comply with this Ordinance.

- B. All other aspects of this ordinance shall have immediate effect.

109. Membership; Compensation:

*C.*

All members of the Planning Commission shall serve as such with compensation equal to, or less than, the per diem of the township board of trustees per meeting.

110. Meetings:

*D.*

- A. The Commission shall meet at least once every quarter and a majority of the Commission shall constitute a quorum for the transaction of the ordinary business of said Commission and all questions which shall arise at their meetings shall be determined by a vote of the majority of the members of the Planning Commission.
- B. The affirmative vote of  $\frac{2}{3}$  of the total number of seats for members of the Commission, regardless if vacancies or absences exist or not, shall be necessary for the adoption, or recommendation for adoption, of any plan or amendment to a plan.

111. Powers and Duties:

*E.*

- A. The Commission shall have their powers and 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.*).
- B. The Commission shall be designated as a metropolitan county planning commission, pursuant to section 37(1) of P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L. 125.3837(1); and the Planning Commission shall serve as a coordinating agency for all planning committees or commissions that are now or may be within the County of Oceana.

- C. The Commission shall have authority to apply for and receive grants from any government agency or the federal government and to receive gifts.

112. Staff:

- A. The Commission is delegated the authority to hire or dismiss a planning director within the budget provided for this purpose.
- B. The planning director shall be a department head, and shall hire or dismiss other such staff within the budget provided for this purpose.
- C. The appointment of the planning director and other such employees shall be subject to the same provisions of law, employment policies, employee roster, employee or union contracts, if any, as govern other employees of the Golden Township.
- D. Employees that are assigned to work with the Commission shall follow the directives of the Commission in matters of planning and zoning public policy issues, but shall not be subject to Commission directives concerning employment provisions of law, employment policies, employee roster, employee or union contracts, if any.

113. Meetings; Records:

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

114. Approval, Ratification, and Reconfirmation.

All official actions taken by all Golden Township Planning Commissions preceding the Commission created by this ordinance are hereby approved, ratified and reconfirmed. Any project, review, or process taking place at the effective date of this Ordinance shall continue with the Commission created by this ordinance, subject to the requirements of this Ordinance, and shall be deemed a continuation of any previous Golden Township Planning Commission. This Ordinance shall be in full force and effect from and after its adoption and publication.

Passed by the Board of Trustees of the Golden Township on September 8, 2009, at its regular meeting with \_\_\_\_\_ trustees in attendance, \_\_\_ voting aye, \_\_\_ nay.

Signed: \_\_\_\_\_, Chair.

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I hereby certify that the foregoing was duly adopted by the Board of Trustees of Golden Township, Oceana County County, Michigan, at its regular meeting on the 8th day of September, 2009 that of \_\_\_\_\_ members of the Board of Trustees, \_\_\_\_\_ were in attendance and \_\_\_ voted for the adoption of the Ordinance. I further certify that the above and foregoing ordinance is identical in form with that recorded on the 17th day of September, 2009 in the Book of Ordinances for the Golden Township.

Signed \_\_\_\_\_, Clerk  
[date]

102.

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