

**GREEN OAK CHARTER TOWNSHIP
ORDINANCE NUMBER 02-2009
ORDINANCE CONFIRMING CREATION OF THE
GREEN OAK CHARTER TOWNSHIP PLANNING COMMISSION**

AN ORDINANCE CONFIRMING THE PRIOR CREATION OF THE GREEN OAK CHARTER 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.

GREEN OAK CHARTER TOWNSHIP ORDAINS:

Section 1 of Ordinance

GREEN OAK CHARTER TOWNSHIP PLANNING COMMISSION

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

The Green Oak Charter Township hereby confirms the creation of the Green Oak Charter Township Planning Commission, previously established by the Township Board in December of 1968, 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). The Planning Commission shall consist of seven (7) members who shall be selected in accordance with the Michigan Planning Enabling Act. One (1) member of the Township Board shall be a member of the Planning Commission. One (1) Planning Commission member shall be a member of the Zoning Board of Appeals.

B. Membership, Appointment and Terms.

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

One (1) member of the Board of Trustees or the Township Supervisor, or both, may be appointed to the Planning Commission, as ex-officio members. The term of the Township Supervisor shall correspond to his/her term as Chief Elected Official. The term of a member of the Board of Trustees shall expire with his/her term on the Board of Trustees.

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 Green Oak Charter Township Board of Trustees.

The term of each Planning Commission member shall be for three (3) years, except for members serving because of their membership on the Township Board, whose term shall be limited to the time they are members of the Township Board and/or the period stated in the Resolution appointing them. Each member shall serve until his/her term shall expire. Members of the Planning Commission shall be qualified electors, except for one (1) member who may be an individual who is not a qualified elector of the Green Oak Charter Township.

C. Removal from office.

The Green Oak Charter Township Board of Trustees 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 or four (4) meetings held within the calendar year shall be subject to review and/or removal from the Planning Commission by action of the Green Oak Charter Township Board of Trustees.

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 him or her.
- b. 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. For purposes of this section, an "adjacent property" shall include any property falling

within the notification radius for the application, as required by the Zoning Ordinance or the Michigan Zoning Enabling Act.

c. 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.

d. Issuing, deliberating on, voting on, or reviewing a case involving a relative or other family member.

e. Issuing, deliberating on, voting on, or reviewing a case involving which is an action which results in pecuniary benefit to him or her.

f. 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.

g. 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 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 in the discussion or deliberation in a role as a Planning Commissioner, and shall remove him/herself from the dais. He/she shall not make any presentations to the Planning Commission as a representative of the proposal.

E. Annual written report of activities.

The Planning Commission, through the Township Board representative, shall make an annual written report of its activities to the Green Oak Charter Township Board of Trustees. The fiscal year of the Planning Commission shall be the same as the fiscal year of the Green Oak Charter Township

F. 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 Board of Trustees of a capital improvements program. The Township's Board of Trustees shall delegate the preparation of the capital improvements program, separate from or as a part of the annual budget, to the chief elected official or a non-elected administrative official, subject to final approval and adoption by the Board of Trustees.

G. Compensation.

The Planning Commission member shall be compensated as provided by separate Resolution of the Green Oak Charter Township Board of Trustees.

H. Bylaws.

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

I. Assistance.

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

SECTION 2 OF ORDINANCE

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.

SECTION 3 OF ORDINANCE

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.

SECTION 4 OF ORDINANCE

This ordinance, or a summary of this ordinance, shall be published in accordance with MCL 42.22 (PA 359 of 1947 as amended). This Ordinance shall take effect on the eighth (8th) day following publication.

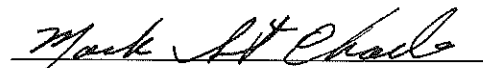
CERTIFICATION

The foregoing Ordinance was duly adopted by the Township Board of Green Oak Charter Township on the fourth day of March, 2009.

GREEN OAK CHARTER TOWNSHIP



Michael H. Sedlak, CMC
Township Clerk




Mark St. Charles
Township Supervisor

INTRODUCED: February 18, 2009
ADOPTED: March 4, 2009
PUBLISHED: March 27, 2009
EFFECTIVE: April 26, 2009

CERTIFICATION

I, Michael H. Sedlak, The Clerk of Green Oak Charter Township, Livingston County, Michigan, do hereby certify that the foregoing is a true and complete copy of Ordinance Number 02-2009, adopted by the Green Oak Charter Township Board at a regular meeting held on March 4, 2009.

The following members of the Township Board were present at that meeting: Tracey Edry, Susan Daugherty, Richard Everett, Rollin Green, Wally Qualls, Michael Sedlak and Mark St. Charles. The Ordinance was adopted by the Township Board with seven members of the Board voting in favor and zero members voting in opposition. Notice of adoption and publication of the Ordinance was published in the Livingston Community News on March 27, 2009. The Ordinance shall be effective thirty (30) days after publication pursuant to 1945 P.A. 246, as amended.

By: 
Michael H. Sedlak CMC,
Township Clerk