

**Village of Onekama
Manistee County, Michigan
ORDINANCE NUMBER 02 of 2015**

AN ORDINANCE TO AMEND AND TO RESTATE IN ITS ENTIRETY VILLAGE OF ONEKAMA PLANNING COMMISSION ORDINANCE, EFFECTIVE NOVEMBER 19, 2008 AND STYLED:

AN ORDINANCE to create a Planning Commission for the Village of Onekama 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 the Village of Onekama; to create, organize, enumerate powers and duties, and to provide for the regulation and subdivision of land, coordinated and harmonious development of the Village of Onekama and to function in cooperation with other constituted authorities of incorporated and unincorporated areas within the state where the Village of Onekama exists.

THE VILLAGE OF ONEKAMA ORDAINS:

ARTICLE 1 - VILLAGE OF ONEKAMA PLANNING COMMISSION ORDINANCE, EFFECTIVE NOVEMBER 19, 2008 is amended and restated in its entirety, as follows:

101. Creation: There shall be a Village of Onekama 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 set forth herein. This ordinance shall be officially known as the "Village of Onekama Planning Commission Ordinance."

102. Membership:

- A. The Commission shall consist of 5 members appointed by the Village President and approved by the Council of the Village of Onekama. To be a qualified member and to remain a member of the Commission, the individual shall meet the following qualifications:
 - 1. shall be a qualified elector of the Village of Onekama, except 1 non-qualified elector may be a member;
 - 2. shall not be a declared candidate for any political office, except this condition shall not apply to the Village Council representative on the Commission (section 102.C of this Ordinance);
 - 3. shall, after first appointment and before reappointment, attend 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.
- B. Members shall be appointed for three-year terms, staggered so that as nearly as possible no more than one-third (1/3) of all terms 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

- C. Ex officio members may include the Village President or members of the Village Council. Terms of ex officio members shall coincide with their elected terms of office.
 - D. The membership shall be representative of the important geographic and interest segments in the community, such as the economic, governmental, educational, and social development of the Village of Onekama as follows:
 - 1. Natural Resources and Recreation;
 - 2. Education;
 - 3. Public health;
 - 4. Government;
 - 5. Commerce;
 - E. Each member shall also represent the entire geography of the Village of Onekama to the extent possible.
103. Liaisons: The Commission, in its Bylaws, may name "liaisons" to the Commission to provide expertise in the participation of discussion with the Commission in addition to speaking in public participation, but without the power of vote. Liaisons may include, but are not limited to the Village Planning/Zoning Administrator; Village Attorney; Village Officers and employees, Manistee County EMS Coordinator, County Soil Erosion and Sedimentation Control Officer, District Sanitarian, regional planning staff, and other similar officials/officers, but may not include those with a vested monetary interest in matters before the Commission.
104. Training: Appointed members of the Commission shall attend at least three hours per year of training in planning or zoning during the members' current term of office provided that the adopted Village of Onekama budget for that fiscal year includes funds to pay for tuition, registration, and travel expenses for the training. Members may be ineligible for reappointment at the conclusion of their terms of office if they have not attended such training.
105. Membership Appointments and Terms:
- A. In November of each year, the Village Clerk shall inform the Village President as to which members' terms of office will expire and which segments of community interests qualify for nomination. The Village President shall contact persons of his or her choice.
 - B. In December of each year, if the Clerk has not received any nominations, the Clerk shall post a notice on the Village bulletin boards and on the Village website seeking applicants for the vacancies.

- C. In January of each year the Village President shall consider any applications and nominations received and appoint members to the Commission with approval of the Village Council for three year terms ending at 9:00 a.m. on January 30 of the respective year.

106. Membership; Vacancies: The Village President with the approval of the Village Council shall fill any vacancy in the membership of the Commission for the unexpired term in the same manner as the initial appointment.

107. Membership; Compensation: All members of the Planning Commission shall serve with compensation as determined by the Village Council.

108. Removal from Office:

- A. The Village Council 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. Speaking in public that reflects personal opinion contrary to Commission policy as expressed through vote of the Commission shall be considered malfeasance in office.
- B. The secretary of the Planning Commission shall report any member who has missed three regular meetings in a row to the Village Council.

109. Meetings:

- A. The Commission shall hold not less than four (4) regular meetings each year, and by resolution shall determine the time and place of the meetings. A majority of the Commission shall constitute a quorum for the transaction of business. All questions which arise at the meetings shall be determined by a vote of the majority of the members of the Commission.
- B. The affirmative vote of two-thirds (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.

110. Officers:

- A. The Commission shall elect a chairperson and secretary from its members, subject to the prohibition that the Village President or a Village Council member serving on the Commission shall not be eligible to serve as chairperson. The Commission may create and fill other offices and may obtain the services of a recording secretary on an as needed and ad hoc basis. The term of

each officer shall be one year, with opportunity for reelection as specified in the Commissions Bylaws.

- B. The Commission may appoint advisory or ad hoc committees whose members may include one member of the Commission.

111. Powers and Duties: 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.).

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

113. Approval, Ratification, and Reconfirmation: All official action taken by all past Village of Onekama Planning Commissions and by the current Commission are hereby approved, ratified and reconfirmed. Any project, review, or process taking place at the effective date of this Ordinance as amended and completely restated shall continue with the current Commission, subject to the requirements of this Ordinance.

ARTICLE II. - Effective Date.

This Ordinance as amended and completely restated shall be effective on the 21st day following publication as required by law.

THOSE VOTING IN FAVOR: Drumm, Miller, Hudson, Bauer, Hendricks,
Milasich, Berger

THOSE VOTING AGAINST;

THOSE ABSENT OR ABSTAINING

CERTIFICATION BY VILLAGE PRESIDENT

I, ROGER BURGER, President of the Village of Onekama, Manistee County, Michigan, do hereby certify that the above is a true and correct copy of the Ordinance as amended and restated in its entirety, and adopted by the Village Council at a meeting held on the 17th day of June, 2015.

Dated: June 17, 2015

/s/ Roger Burger
Roger Burger, President
Village of Onekama

CERTIFICATION BY VILLAGE CLERK

I, RUTH HUDSON, Clerk of the Village of Onekama, Manistee County, Michigan, do hereby certify that the above is a true and correct copy of the Ordinance as amended and restated in its entirety and adopted by the Village Council at a meeting held on the 17th day of June, 2015.

Dated: June 17, 2015

/s/ Ruth Hudson
RUTH HUDSON
Village of Onekama Clerk

CERTIFICATION OF PUBLICATION BY VILLAGE CLERK

I, RUTH HUDSON, Clerk of the Village of Onekama, Manistee County, Michigan, do hereby certify that a notice of Ordinance amendment, restatement in its entirety and adoption was published on the ___ day of _____ of 2015, in the Manistee News Advocate, a newspaper having general circulation in the Village as required by law.

Dated: _____, 2015

Ruth Hudson
Village of Onekama Clerk