

CHARTER TOWNSHIP OF WEST BLOOMFIELD

ORDINANCE NO. C-792

AN ORDINANCE TO AMEND CHAPTER 2, ADMINISTRATION, ARTICLE IV, BOARDS AND COMMISSIONS, SECTIONS 2-160 to 2-175, OF THE CHARTER TOWNSHIP OF WEST BLOOMFIELD TO ESTALISH AN ENVIRONMENTAL COMMISSION.

THE CHARTER TOWNSHIP OF WEST BLOOMFIELD ORDAINS:

Section 1 of Ordinance

Chapter 2, Article IV, Sections 2-160 through 2-165 of the Code of Ordinances is hereby amended to read as follows:

Sec. 2-160 to Sec. 2-165. Reserved.

Section 2 of Ordinance

Chapter 2, Article IV, Sections 2-166 through 2-175 of the Code of Ordinances is hereby amended to include Division 4 to read as follows:

DIVISION 4. ENVIRONMENTAL COMMISSION

Sec. 2-166. Commission established.

The Charter Township of West Bloomfield Environmental Commission is hereby established to form one (1) environmental commission that is empowered and authorized to fulfill the review and approval responsibilities and duties of the Wetlands Review Board and Woodlands Review Board as set forth in the Charter Township of West Bloomfield Code of Ordinances.

Sec. 2-167. Transfer of powers and authority of Boards of Review.

In order to effectuate this ordinance enacted to form one (1) environmental commission to fulfill the responsibilities and duties of the Wetlands Review Board and Woodlands Review Board as required by ordinance, upon the effective date of this ordinance, all responsibilities, duties, powers, and authority of the Wetlands Review Board and Woodlands Review Board shall be transferred to the Environmental Commission.

Sec. 2-168. Commission appointment; composition.

- (a) *Appointment.* The Charter Township of West Bloomfield Environmental Commission shall consist of seven (7) members appointed by the Township Board. Each member shall

be appointed by a majority vote of the members of the Township Board. An employee or contractor of the Township shall not be eligible for appointment to the membership of the Environmental Commission. Members of the Environmental Commission shall not hold another Township office.

- (b) *Alternate.* The Township Board may appoint one (1) alternate member to the Environmental Commission. The alternate member may be called to serve as a member in the absence of a regular member; or the alternate member may be called to serve as a member in the event a regular member has been excused from participating in a matter for reasons of conflict of interest. The alternate member shall serve in the case until a final decision is made. The alternate member has the same voting rights and responsibilities as a regular member of the Environmental Commission.
- (c) *Initial composition of the Commission.* Upon adoption of this ordinance, the Township Board shall select the initial members of the Environmental Commission, including the alternate member, from persons who hold a current term of office on the Wetlands Review Board or the Woodlands Review Board. Subsequent appointments to the Environmental Commission shall comply with subsection (d) related to composition of the Commission.
- (d) *Composition of the Commission.* The members of the Environmental Commission shall be selected from persons residing within the Township. It is encouraged that members of the Commission be selected to represent a variety of experience from the following fields: environmental and natural science; legal; civil and environmental engineering; construction; architecture; land development; surveyor; and other similar fields.

Sec. 2-169. Terms of office.

The terms of office for members of the Environmental Commission shall be staggered so that subsequent appointments shall not all recur at the same time. The term of office for initial appointments to the Commission, shall be as follows: three (3) appointments to a term of three (3) years; three (3) appointments to a term of two (2) years; and one (1) appointment to a term of one (1) year. All subsequent appointments shall be for a term of three (3) years, except when an appointment is made to fill a vacancy, in which case the term of the member shall be for the duration of the unexpired term. The term of office for appointment to the alternate position shall be for a term of two (2) years. Members shall be eligible for re-appointment to succeeding terms.

Sec. 2-170. Bylaws.

The Commission shall adopt Bylaws to govern its procedures that are consistent with this section. The Bylaws shall be placed on file with the Township Clerk.

- (a) *Officers.* The Commission shall elect from its membership a Chair, Vice-Chair, Secretary, and Assistant Secretary, and any other officers the Commission deems necessary. The Chair shall preside over the meetings and shall vote.

- (b) *Meetings.* Regular meetings of the Commission shall be held at least once per month at a time and place designated by the Commission. Within ten (10) days after the first meeting of the calendar year, a notice setting forth the dates, time, and place of the regular meetings scheduled for the calendar year shall be posted. If there is a change in the schedule of regular meetings of the Board, a notice shall be posted within three (3) days after the meeting at which the schedule was changed stating the changes made. For a rescheduled regular meeting, a notice stating the date, time, and place of meeting shall be posted at least eighteen (18) hours before the meeting. Special meetings of the Commission may be called by the Chair or Secretary of the Commission. Notice of the special meeting shall be provided to members of the Commission at least forty-eight (48) hours before the special meeting is held, and a notice stating the date, time, and place of meeting shall be posted at least eighteen (18) hours before the meeting.
- (c) *Compliance with Open Meetings Act.* All meetings of the Board shall be public and shall adhere to the Open Meetings Act, P.A. 267 of 1976, as amended, MCL 15.261 et seq.
- (d) *Quorum/conduct of business.* Four (4) members of the Commission shall constitute a quorum of the Commission. The Environmental Commission shall not conduct business unless there is a quorum of the Commission present.
- (e) *Records.* The Environmental Commission shall issue its decisions in writing. The Board shall keep minutes in compliance with the Open Meetings Act, P.A. 267 of 1976, as amended, MCL 15.261, et seq. Public records shall be open to the public in compliance with the Freedom of Information Act, MCL 15.231 et seq., and a copy of the minutes shall be filed in the office of the Township Clerk.
- (f) *Voting.* Each member of the Commission shall be entitled to one (1) vote and each member shall vote on all motions brought before the Commission at any meeting at which the member is in attendance, unless the member has a conflict of interest in the matter before the Commission and the Commission has voted to excuse the member from voting. The concurring vote of a majority of the members present shall be required to approve any matter brought before the Environmental Commission for approval.
- (g) *Conflict of interest.* In the event a member has a direct or indirect personal, professional, or financial interest in a matter before the Commission, the member shall disclose that the member has a direct or indirect personal, professional, or financial interest. The Commission shall then vote on whether the member shall be excused from voting on the matter. If the Commission excuses the member from voting, the member shall not participate or vote on the matter before the Commission.
- (h) *Robert's Rules of Order.* Robert's Rules of Order, newly revised, shall apply in all cases to which they are applicable and in which they are not inconsistent with these rules, the Commission Bylaws, applicable ordinance provisions, and state laws.

Sec. 2-171. Powers and duties.

The Environmental Commission shall have the power and authority to fulfill the review and approval responsibilities and duties of the Woodlands Review Board and the Wetlands Review Board as set forth in the Code of Ordinances as follows:

- a) The Woodland Conservation Overlay District found in Article 3 of the Charter Township of West Bloomfield Zoning Ordinance; and
- b) The Environmental Features Setback Ordinance found in Article 5, Section 5.4 of the Charter Township of West Bloomfield Zoning Ordinance; and
- c) The Floodplain, Floodway, Watercourse, and Wetland Protection Ordinance found in Chapter 12 of the Charter Township of West Bloomfield Code of Ordinances; and
- d) The Water Supply and Sewage Disposal Systems Ordinance found in Chapter 24 of the Charter Township of West Bloomfield Code of Ordinances, and the Appendix to Chapter 24 related to Storm Water Management.

Sec. 2-172. Compensation.

Members of the Environmental Commission may receive per meeting compensation as determined by the Township Board.

Sec. 2-173 to 2-175. Reserved.

Section 3 of Ordinance

Should any section, subdivision, sentence, clause or phrase of this ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part as invalidated.

Section 4 of Ordinance

This Ordinance shall take effect APRIL 15, 2014.

CERTIFICATION

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

I, Catherine Shaughnessy, the duly qualified Clerk for the Charter Township of West Bloomfield, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of the Ordinance adopted by the Township Board for the Charter Township of West Bloomfield at a meeting held on the _____ day of _____, 2014. The original is on file in the Office of the Township Clerk.

By: _____
Catherine Shaughnessy
Township Clerk

INTRODUCED: March 10, 2014
ADOPTED: _____
EFFECTIVE: April 15, 2014
PUBLISHED: _____