

RESOLUTION 16-53

ORDINANCE #467

THE VILLAGE OF ELK RAPIDS ORDAINS AN AMENDMENT TO THE ELK RAPIDS CODE OF ORDINANCES AS FOLLOWS:

DELETE: CHAPTER 2, ARTICLE IV, Boards and Commissions in its entirety.

ADOPT: CHAPTER 2, ARTICLE I, DIVISION III, Boards and Commissions as follows:

DIVISION 3. BOARDS AND COMMISSIONS

- A. IN GENERAL
- B. BEAUTIFICATION COMMISSION
- C. HARBOR COMMISSION
- D. HOUSING COMMISSION
- E. PARKS AND RECREATION COMMISSION
- F. PLANNING COMMISSION

DIVISION 3. BOARDS AND COMMISSIONS

A. IN GENERAL.

Sec. 2-81. Introduction to Commissions.

Sec. 2-82. Authority of Council.

Sec. 2-83_2-90. Reserved.

Sec. 2-81. Introduction to Commissions.

- a. The Village of Elk Rapids has created several commissions and assigned specific roles and functions to each commission, each focusing on different aspects of the workings of the village. Both specific established public acts and established village ordinances govern some commission's rules.
- b. Village ordinances outline the duties and responsibilities as follows: All the commissions utilize general section statements. Individual divisions on boards and commissions define the scope and role of the commission. Each division of this article refers back to this general section on commissions.

1. Membership.

- Each commission shall include one council member, appointed by the president as a voting member. Council members are also governed by Article I, Division 1 of this Chapter. Appointed council members will act as the Village Council representative to the commission, and will be appointed /reappointed by the Village President to serve only during their tenure as an elected Trustee on the council. Mid-term vacancies shall be filled for the unexpired term in like manner as original appointments.
- The number of members and residency requirements of each commission is defined in each specific commission's section.
- The Village President shall recommend all other commission member appointments/reappointments to council for approval annually in April. Mid-term vacancies shall be filled for the unexpired term in like manner as original appointments.
- Members are required to take the constitutional oath of office as soon as possible after appointment or reappointment before assuming their responsibilities.
- Membership requirements shall meet above sub-sections a. and b. unless otherwise superceded by state statute.

2. Meetings; Quorum.

- The business of all Commissions shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act No. 267 of 1976 (MCL 15.261 et seq.). Public notice of the time, date and place of the meeting shall be given in the manner required by Act.
- A quorum for each commission shall be as defined by each specific commission based upon their adopted bylaws, and rules of procedure, or as may be established by state statute.
- Based upon the established quorum, a simple majority is required for the passing of any motion.
- When there is an even number of commission members, a tie vote always defeats the motion.

3. Attendance requirements.

- If unable to attend any scheduled meeting, members are required to notify the Village Clerk as soon as possible.
- If an appointed member of any commission is unable to attend meetings regularly for any reason, his/her resignation will be accepted.

- The Chair of each commission is responsible to communicate with repeatedly absent members and determine their commitment to serve or be replaced, and notify the Village President for a replacement.
4. Annual commission report.
- An annual report from all commissions will be submitted to the Village Manager and shall be presented to the Village Council at such time as may be directed by the Council.
 - This report shall contain a summary of the commission's activities for the past year, proposed plans for the coming year, including recommendations to be included in the budget for expenses, educational needs and capital improvements that fall within the commission's purpose.
5. All financial accounts are held in the name of the village and managed by the Village Manager. (Except as required by law, i.e. housing commission.)
6. At the first meeting of the commission following the April appointments/re-appointments, members will elect a Chair and a Vice-Chair to serve for one year.
- (Ord. #467, passed 05-02-16)

Sec. 2-82. Authority of council.

- a. Except for specific authority established in the Public Acts and established village ordinances governing some commission's (DDA, Planning, and Housing: see specific public acts referring to each.) the Village Council shall have and retain full authority over the affairs of all Commissions, and nothing contained in this section shall be deemed to waive such authority. The council may deplete and relinquish, as provided in this division, certain administrative powers and duties, but shall at no time surrender or waive its right of control over any Commission.
 - b. The Village Council shall be empowered to accept any gift, bequest, grant, endowment, or devise of money, labor, materials or other property for the exclusive use and benefit or development of the village, subject to terms of the Village of Elk Rapids Gift Policy.
- (Ord. #467, passed 05-02-16)

Secs. 2-83 2-90. Reserved.

(Ord. #467, passed 05-02-16)

B. BEAUTIFICATION COMMISSION

- Sec. 2-91. Established; Members; Compensation.
- Sec. 2-92. Term Removal and Vacancies.
- Sec. 2-93. Organization.
- Sec. 2-94. Role and Function.
- Sec. 2-95_2-100. Reserved.

Sec. 2-91. Established; Members; Compensation.

- a. The village establishes a Beautification Commission. The Beautification Commission shall consist of eight members, with a minimum of four village residents. With the exception of the Council Representative, the members shall serve without compensation, but may be reimbursed for actual expenses incurred in serving as a member of the Commission. The Village Council may adopt by resolution, limitations on the amounts of actual expenses that may be paid to a member of the Commission.

(Ord. #467, passed 05-02-16)

Sec. 2-92. Term, Removal and Vacancies.

- a. Members shall be appointed for a term of three years except for the first appointment, when two members should be appointed for a term of one year, two members should be appointed for a term of two years, three members should be appointed for a term of three years.
- b. The Village Council may remove a member of the Beautification 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 Beautification Commission meetings shall be considered nonfeasance in office.
- c. Vacancies occurring other than through the expiration of the term shall be filled for the unexpired term in the same manner as the initial appointment, such that, as nearly as possible, the terms of one-third of all commission members continue to expire each year.

(Ord. #467, passed 05-02-16)

Sec. 2-93. Organization.

- a. The Beautification Commission shall make and adopt such bylaws, and rules of procedure for its administration and management, that are not inconsistent with this division and other laws made and provided. The council shall approve such bylaws and rules of procedure.
- b. The Beautification Commission shall meet not less than six times per calendar year.

(Ord. #467, passed 05-02-16)

Sec. 2-94. Role and Function.

- a. The role and function of the Beautification Commission is defined as follows:
 1. Recommend to the Village Council:
 - A budget providing programs for the care and beautification of all public spaces throughout the village;
 - Policies for the operation of a beautification program throughout the village; and,
 - A long-term beautification program throughout the village.
 2. Promote activities that will benefit and promote the beautification program of the village, including the encouragement of participation by other commissions, clubs, societies, etc.

(Ord. #467, passed 05-02-16)

Secs. 2-95_2-100. Reserved.
(Ord. #467, passed 05-02-16)

C. HARBOR COMMISSION

Sec. 2-101. Established; Members; Compensation.
Sec. 2-102. Term, Removal and Vacancies.
Sec. 2-103. Organization.
Sec. 2-104. Role and Function.
Sec. 2-105_2-110. Reserved.

Sec. 2-101. Established; Members; Compensation.

- a. The village establishes a Harbor Commission. The Harbor Commission shall consist of seven members with no more than one non-village resident. With the exception of the Council Representative, the members shall serve without compensation, but may be reimbursed for actual expenses incurred in serving as a member of the Commission. The Village Council may adopt by resolution, limitations on the amounts of actual expenses that may be paid to a member of the Commission.

(Ord. #467, passed 05-02-16)

Sec. 2-102. Term, Removal and Vacancies.

- a. Members shall be appointed for a term of three years except for the first appointment, when two members should be appointed for a term of one year, two members should be appointed for a term of two years, three members should be appointed for a term of three years.
- b. The Village Council may remove a member of the Harbor 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 Harbor Commission meetings shall be considered nonfeasance in office.
- c. Vacancies occurring other than through the expiration of the term shall be filled for the unexpired term in the same manner as the initial appointment, such that, as nearly as possible, the terms of one-third of all commission members continue to expire each year.

(Ord. #467, passed 05-02-16)

Sec. 2-103. Organization.

- a. The Harbor Commission shall make and adopt such bylaws, and rules of procedure for its administration and management, that are not inconsistent with this division and other laws made and provided. The council shall approve such bylaws, and rules of procedure.
- b. The Harbor Commission shall meet at least six times per calendar year and shall be open to the public. A record of the proceedings shall be kept and shall be open to the public inspection at the village hall.

(Ord. #467, passed 05-02-16)

Sec. 2-104. Role and Function.

a. The role and function of the Harbor Commission is defined as follows:

- Review all village projects that may affect the streams, lakes, rivers and shoreline within the village and all other waters as may be in the jurisdiction of the village, as they pertain to harbor facilities as established.
- Provide an annual report to the Village Council that shall include a recommendation to Council for a five-year future master plan. Such report shall contain estimated costs of each project and shall list those projects according to their recommended priority.
- Write and/or request grants and donations for harbor projects in conjunction with staff for council approval.
- Be a forum for the careful consideration of policy matters related to the operation of the Harbor and recommend to the council such additional harbor facilities and programs as will best benefit the village;
- Prepare, on an annual basis, a budget for Harbor Commission activities and ~~to~~ submit the budget to the village council for approval.

b. All projects under consideration by the Village Council which involves the boating waterways, harbor facilities, boat launching areas, or water recreation craft, estimated to cost in excess of \$5,000.00 shall be submitted to the Harbor Commission. The Harbor Commission shall review such project and submit written comments and recommendations to the Village Council concerning the project's impact on long range plans of the harbor.

(Ord. #467, passed 05-02-16)

Secs. 2-105_2-110. Reserved.

(Ord. #467, passed 05-02-16)

D. HOUSING COMMISSION.

Sec. 2-111. Established.

Sec. 2-112. Membership; terms; removals; vacancies; compensation.

Sec. 2-113. Powers and Duties.

Sec. 2-111. Established.

a. Pursuant to section 3 of Public Act No. 18 of the Extra Session of 1933, (MCL 125.653), as amended, a Housing Commission is hereby established in and for the Village, to be known as The Elk Rapids Housing Commission.

(Ord. #467, passed 05-02-16)

Sec. 2-112. Membership; terms; removals; vacancies; compensation.

a. The Village President shall appoint the members of the Housing Commission, with the consent and approval of the other members of the Village Council. The Housing Commission shall consist of five members, all of whom must live within the village, one of which shall be a resident of public or subsidized housing.

No member of the housing commission or any of its officers or employees shall have any interest, directly or indirectly, in any contract for property, materials or services to be acquired by such housing commission.

- b. The term of office of members of the Housing Commission shall be five years. Members of the first Housing Commission shall be appointed for the terms of one year, two years, three years, four years and five years, respectively, and annually thereafter one member shall be appointed for the term of five years. Any member may be removed from office by the appointing authority and any vacancy in office shall be filled by the appointing authority for the remainder of the unexpired term.
- c. With the exception of the Council Representative, the members shall serve without compensation, but may be reimbursed for actual expenses incurred in serving as a member of the Commission. The Village Council may adopt by resolution, limitations on the amounts of actual expenses that may be paid to a member of the Commission.

(Ord. #467, passed 05-02-16)

Sec. 2-113. Powers and Duties.

- a. The Housing Commission shall have all powers and duties vested or permitted to be vested in housing commissions by Act 18 of the Extra Session of 1933, as heretofore or hereafter amended, and any laws heretofore or hereafter enacted which are supplemental thereto, it being the intent of this Chapter to vest in the Housing Commission all powers and duties permitted by law.

(Ord. #467, passed 05-02-16)

Sec. 2-114_2-125. Reserved.

(Ord. #467, passed 05-02-16)

D. PARKS AND RECREATION COMMISSION

Sec. 2-126. Established; Members; Compensation.

Sec. 2-127. Term; Removal and Vacancies.

Sec. 2-128. Organization.

Sec. 2-129. Role and Function.

Sec.2-130_2-140. Reserved.

Sec. 2-126. Established; Members; Compensation.

- a. There is hereby established a Parks and Recreation Commission. The Parks and Recreation Commission shall consist of seven members, including the Village Council representative. At least four of the members shall reside within the boundaries of the village. With the exception of the Council Representative, the members shall serve without compensation, but may be reimbursed for actual expenses incurred in serving as a member of the Commission. The Village Council may adopt by resolution, limitations on the amounts of actual expenses that may be paid to a member of the Commission.

(Ord. #467, passed 05-02-16)

Sec. 2-127. Term, Removal and Vacancies.

- a. Members shall be appointed or reappointed by recommendation of the Village President and consent of the Village Council for a term of three years except for the first appointment, when two members should be appointed for a term of one year, two members should be appointed for a term of two years, three members should be appointed for a term of three years.
- b. The Village Council may remove a member of the Parks and Recreation 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 Parks and Recreation Commission meetings shall be considered nonfeasance in office.
- c. Vacancies occurring other than through the expiration of the term shall be filled for the unexpired term in the same manner as the initial appointment, such that, as nearly as possible, the terms of one-third of all commission members continue to expire each year.

(Ord. #467, passed 05-02-16)

Sec. 2-128. Organization.

- a. The Parks and Recreation Commission shall make and adopt such bylaws and rules of procedure for its administration and management, that are not inconsistent with this division and other laws made and provided. The council shall approve such bylaws and rules of procedure.
- b. The Parks and Recreation Commission shall meet at least six times per calendar year and shall be open to the public. A record of the proceedings shall be kept and shall be open to the public inspection at the village hall.

(Ord. #467, passed 05-02-16)

Sec. 2-129. Role and Function.

- a. The role and function of the Parks and Recreation Commission is defined as follows:
 1. Serve in an advisory capacity regarding the development of parks and park recreational needs.
 2. Prepare a five-year community recreation plan to be recommended to the Village Council, for Adoption and for inclusion by reference into the Village of Elk Rapids Coordinated Master Plan.
 3. Promote activities that will benefit and promote the parks and recreation programs of the village.
 4. Facilitate the exchange of information pertaining to recreation programs within the community by holding public hearings, from time to time, involving members of the community, as well as maintaining, on a liaison basis, contact with both the county and township to avoid duplication of programs and to identify needs;
 5. Write and/or request grants and donations for park development in conjunction with staff for council approval;

6. Be a forum for the careful consideration of policy matters related to the operation of the parks and recreation programs and recommend to the council such additional park programs, including the acquisition of parks and the development of such parks, and recreational programs, as will best benefit the village;
7. Prepare, on an annual basis, a budget for Parks and Recreation Commission activities and submit the budget to the Village Council for approval.
8. The role and function of the Parks and Recreation Commission may include, as set forth in other portions of this division, undertaking specific recreational projects. Their role and function shall not include any aspect of the marina and harbor facility operated by the village, that being separate and distinct from any recreational program and under the role and function of the Harbor Commission. The Parks and Recreation Commission may not assume any legislative authority, and any administrative actions undertaken by the Parks and Recreation Commission shall first be submitted to the council for approval. Nothing mentioned in this section shall preclude this Park and Recreation Commission, or any commission, from offering advice to other commissions.

(Ord. #467, passed 05-02-16)

Sec. 2-130_2-140. Reserved.

(Ord. #467, passed 05-02-16)

E. PLANNING COMMISSION

Sec. 2-141. Established.

Sec. 2-142. Appointment; Compensation; Removal of Members.

Sec. 2-143_2-150. Reserved.

Sec. 2-141. Established.

- a. The Planning Commission for the Village of Elk Rapids is established as authorized by P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L.A. §§ 125.3801 et seq. for the purpose of having planning and zoning in the Village, to create, organize, enumerate powers and duties, and to provide for the regulation and subdivision of land; coordinated and harmonious development of the Village; and to function in cooperation with other constituted authorities of incorporated and unincorporated areas within the State of Michigan. The Planning Commission shall perform its duties and exercise its powers as therein set forth and as provided by this Code such that the intent of this Code is observed and the health, safety and welfare of the public are secured.

(Ord. #467, passed 05-02-16)

Sec. 2-142. Appointment; Compensation; Removal of Members.

- a. Members of the Planning Commission shall be appointed or reappointed by recommendation of the Village President and consent of the Village Council and shall consist of seven (7) members, who are electors of the village, except that one member may be a non-electors, and one of whom shall be a member of the Village Council. An appointed member shall not hold another municipal office except that one of the appointed members shall be a member of the Zoning Board of Appeals.

b. With the exception of the Council Representative and the Chair of the Planning Commission, the members shall serve without compensation, but may be reimbursed for actual expenses incurred in serving as a member of the Commission. The Village Council may adopt by resolution, limitations on the amounts of actual expenses that may be paid to a member of the Commission.

c. Members of the Planning Commission may be removed from office as provided for in [MCL] section 125.3815(9) of Public Act No. 33 of 2008.

(Ord. #467, passed 05-02-16)

Secs. 2-143_2-150. Reserved.

(Ord. #467, passed 05-02-16)

YAYS: 6

NAYS: 1

ABSENT: 0

I, Caroline Kennedy, Assistant Village Manager/Clerk, do hereby certify that Resolution 16-53 was duly adopted at the Regular Council Meeting on May 2, 2016.