

CITY OF HARTFORD  
COUNTY OF VAN BUREN  
STATE OF MICHIGAN  
**PROPOSED AMENDMENT**  
**SECOND READING**

**THE CITY OF HARTFORD ORDAINS:**

Amendment to Ordinance no. 134 SECTION 151.290 TRANSFER OF ZONING POWERS

**AN ORDINANCE PLANNING COMMISSION**

**SECTION 151.290 TRANSFER OF ZONING POWERS.**

~~The City Planning Commission is hereby designated as the Zoning Commission specified in Public Act 207 of 1921, M.C.L.A. 125.581 through 125.590, as amended, and shall perform the duties of the Commission as provided in the statute in connection with the amendment of this chapter. (Ord. 134, passed ; Am. Ord. 194, 2000, passed 2-24-1997)~~

**Section 1. Creation**

There shall be a City of Hartford 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 “City of Hartford Planning Commission Ordinance.”

**Section 2. Membership**

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  $\frac{1}{3}$  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  $\frac{1}{3}$  of all commission members continue to expire each year.

A. The Commission shall consist of seven (7) members appointed by the City of Hartford, City Council. To be qualified to be a member and remain a member of the Commission, the individual shall meet the following qualifications:

1. Shall be a qualified elector of the City of Hartford except two (2) non-qualified elector(s) may be member(s) of the Commission;
2. Shall not hold employment with the local unit of government, unless an ex officio member;
3. Shall not be a declared candidate for any political office, except this condition shall not apply to the City Council representative to the Commission;
4. After an individual's first appointment and before reappointment shall have attended training for Commission members, pursuant to section 104 of this ordinance;

B. Shall meet the conditions provided for each individual member in sections 102.B, 102.D, 102.E, and 102.F of this Ordinance, except the geographical location of the individual's residency may be considered optional.

C. The membership shall be representative of the important geographic and interest segments of the of the City of Hartford as follows.

D. 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  $\frac{1}{3}$  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  $\frac{1}{3}$  of all commission members continue to expire each year.

E. Ex officio members shall include the chief administrative official, or a person designated by him or her; the chief elected official; and one (1) member(s) of the City Council.

F. The terms of office of ex officio members shall coincide with their elected terms of office on the legislative body or the term of office of the chief elected official who appointed him or her.

G. The membership shall be representative of the important segments of the of community, such as the economic, governmental, educational, and social development of the [local unit of government], in accordance with the major interests as they exist in the City of Hartford, as follows:

1. Natural Resources & Recreation;
2. Education;
3. Public Health;
4. Government;
5. Transportation;
6. Industry & Commerce;
7. Culture

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

I. A member of the City Council, Chief Administrative Officer, person designated by the chief administrative officer, and chief elected official of the City of Hartford, shall not be chair of the Commission.

J. Not more than  $\frac{1}{3}$  of the total membership of the Commission shall consist of, collectively, a member of the City Council, Chief Administrative Officer, person designated by the chief elected officer, or chief elected official of the City of Hartford.

1. Planning Department staff, and their agents and consultants.
2. City of Hartford Administrator.
3. City of Hartford Attorney

### Section 3. Liaisons

The Commission, in its Bylaws, may name “liaisons” to the Commission. The purpose of liaisons is to provide certain City of Hartford and quasi-City of Hartford 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:

### Section 4. Training

Appointed members of the Commission shall attend educational programs designed for training members of Michigan planning commissions if the adopted City of Hartford 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 City Council. 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.

#### Section 5. Members, Appointment and Terms

A. In October of each year the City of Hartford City 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 City 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 City of Hartford to seek different applications.

C. In December of each year the City Council 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.

#### Section 6. Removal from Office:

A. The City 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.

B. The secretary of the Planning Commission shall report any member who has missed three regular meetings in a row to the City Council.

#### Section 7. Membership; Vacancies

The City Council shall fill any vacancy in the membership of the Commission for the unexpired terms in the same manner as the initial appointment.

#### Section 8. Membership Transition

A. The transition from the previous City of Hartford Planning Commission and the Commission established in this ordinance shall be gradual and shall take place over the next three years. The City Council 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.

#### Section 9. Membership; Compensation

All members of the Planning Commission shall serve as such with compensation equal to, or less than, the per diem as set by the City Council from time to time per meeting.

#### Section 10. Meetings

A. The Commission shall meet at least once every month 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.

#### Section 11. 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.).

#### Section 12. 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.

#### Section 13. Approval, Ratification, and Reconfirmation

All official actions taken by all City of Hartford 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 City of Hartford Planning Commission.

Ordinance amendment declared adopted upon publication.

The City of Hartford

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RoxAnn Rodney-Isbrecht, Clerk

First Reading: April 24, 2023

Second Reading: May 22, 2023

Adopted:

Published: