

**TOWNSHIP OF BARODA**  
**COUNTY OF BERRIEN, MICHIGAN**

At a regular meeting of the Township Board of the Township of Baroda, held in the Baroda Municipal building, 9091 First Street, Baroda, Michigan, within the Township, on the Eighteenth day of July, 2011 at 7:30 p.m.;

PRESENT: James Brow, Amy Hemphill, Susan Newcomer, Wendie Shafer, and David Wolf

ABSENT: None

The following ordinance was offered by Member Susan Newcomer and seconded by Member Wendie Shafer.

**ORDINANCE NO. 34**

**AN ORDINANCE FOR CONTINUATION OF THE BARODA TOWNSHIP PLANNING COMMISSION ACCORDING TO PUBLIC ACT 33 OF 2008**

THE TOWNSHIP OF BARODA ORDAINS:

Section 1. The Planning Commission of the Township of Baroda, Berrien County, Michigan, created according to the former Township Planning Act (Act 168 of 1959), is hereby continued and established under the terms and provisions of the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended.

Section 2. The Planning Commission shall operate in accordance with the requirements of the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended, and as follows:

A. The Planning Commission shall consist of seven (7) members. Each member shall be a resident and a qualified elector of Baroda Township. Except for the member of the

Township Board who is appointed to the Commission as provided below, no member shall hold any elected office or employment with the Township.

B. The Planning Commission shall be appointed by the Township Supervisor, subject to approval by a majority vote of the members of the Township Board. Terms are three (3) years each, of the members of the Planning Commission other than ex officio member, and shall have no more than 1/3 of the members terms expire each year . Vacancies shall be filled by the Township Board for an unexpired term in the same manner as the original appointment. A member whose term has expired shall hold office until his or her successor has been appointed.

C. One (1) member of the Township Board, who shall not be the Township Supervisor, shall be appointed to the Planning Commission as an ex officio member whose term of office shall begin with his or her appointment to the Planning Commission and shall cease upon the expiration of his or her term on the Township Board. The ex officio member is a member with full voting rights, subject to conflict of interest section in the Planning Commission Bylaws, but who is distinguished from other members because he/she serves on the Planning Commission by virtue of holding another office.

D. Members of the Planning Commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the Township, in accordance with the major interests as they exist in the Township, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of the Township to the extent practicable.

E. Members of the Planning Commission may be compensated for their services, as determined by Township Board resolution.

F. The Planning Commission shall elect a Chairperson, Vice Chairperson, and Secretary from its membership. It may appoint an advisory committee from outside its membership. The Township Board member serving on the Planning Commission may not serve as Chairperson. Terms of officers shall be one (1) year.

G. The Planning Commission shall meet at least four (4) times per year.

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

I. The Planning Commission shall make an annual written report to the Township Board concerning its operations and the status of planning activities, including recommendations regarding actions by the Township Board related to planning and development.

J. The Planning Commission shall meet and act in accordance with said Public Act 33 of 2008, as amended, as well as all other applicable statutes.

K. A member of the Planning Commission may be removed by the Township Board, upon written charges and after a public hearing, for malfeasance, misfeasance or nonfeasance. Failure to disclose a potential or actual conflict of interest shall be considered malfeasance in office. Repeated failure attend Commission meetings shall be considered nonfeasance in office.

L. Before participating in a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Planning Commission. A member may participate in a matter of conflict of interest, however, may not cast a vote when he/she has a conflict of interest

M. All decisions of the Planning Commission shall be subject to approval of the Township Board before same shall be effective, except for the following.

1. decisions involving the election of officers,
2. adoption of its Bylaws,
3. decisions which have been specifically delegated to the Planning Commission by Township ordinance,
4. decisions which have been specifically delegated to the Planning Commission by state statute, or
5. Decisions which have been delegated to the Planning Commission by action of the Township Board.

N. The Planning Commission is hereby exempted by the Township Board from any responsibility to prepare a capital improvements plan.

Section 3. Any prior ordinance or resolution or relevant part thereof by which the Planning Commission for the Township of Baroda is created or continued is hereby repealed and replaced in its entirety by this ordinance.

Section 4. All powers, duties, responsibilities provided by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, for a Zoning Board or Zoning Commission created thereunder are hereby transferred to the Baroda Township Planning Commission as of the effective date of this ordinance. Any existing Master Plan and Zoning Ordinance shall remain in full force and effect until otherwise amended, altered, or repealed by the Township Board, or by other action permitted by law.

Section 5. The Township Clerk shall transmit copies of this ordinance to the County Planning Commission for Berrien County, within fourteen (14) days of its adoption.

Section 6. This ordinance shall take effect sixty-three (63) days following its publication in a newspaper of general circulation.

AYES: James Brow, Amy Hemphill, Susan Newcomer, Wendie Shafer, David  
Wolf

NAYS: None

PLANNING COMMISSION DECLARED ADOPTED  
Baroda Township Ordinance # 34

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Jim Brow

Baroda Township Supervisor

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COMMISSION ACCORDING TO PUBLIC ACT 33 OF 2008**

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Clerk's Certification

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Township of Baroda at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

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Wendie Shafer

Baroda Township Clerk

Publication of Ordinance date July 21, 2011

Notice to Berrien County Planning Commission date July 19, 2011