

**Charter Township of Ironwood
Ordinance 2010-52
Conflict of Interest**

Preamble

An ordinance to confirm Conflict of Interest.

THE CHARTER TOWNSHIP OF IRONWOOD, GOGEBIC COUNTY, MICHIGAN, ORDAINS:

Section 1: Scope, Purpose and Intent

This ordinance is adopted pursuant to the authority granted the township board under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, et seq., to establish a conflict of interest ordinance and limitations provided by those Acts and subject to the terms and conditions of this ordinance and any future amendments to this ordinance.

The purpose of this ordinance is to provide that the Charter Township of Ironwood Board shall hereby define conflict of interest under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq.

Section 2: Purpose

The proper operation of government requires that Public Officials be independent, impartial, and responsible to their constituents, that public office not be used for personal gain, that no public official shall gain personal or pecuniary advantage from his or her work.

Section 3:

A conflict of interest for which a member of the planning commission, board of trustees, board of review, zoning board of appeals, committees, appointed or elected (hereon considered 'board;') member shall include, but not necessarily be limited to, a matter pending before the said board which:

1. Concerns the member himself or herself
2. Concerns work on land owned by the member or which is adjacent to land owned by the member
3. Involves a corporation, company, partnership or other entity in which the member is a part owner, or any other relationship where the member may stand to have a financial gain or loss.
4. Results in a financial benefit to the member.
5. Concerns the member's children, stepchildren, grandchildren, parents, brothers, sisters, grandparents, parent's in-law, or members of the member's household.
6. The member's employee or employer is:
 An applicant or agent for the applicant.
7. A conflict of interest shall not include an interest the member may have in common with the general public interest.
8. *Also concerns close ties not directly related.*

Section 4:

Before participating in a decision or hearing or casting a vote on a matter on which a member of the planning commission, board of trustees, board of review, zoning board of appeals, committees, appointed or elected or zoning board of appeals (hereon considered 'board;') may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the board. Failure of a member to disclose the potential conflict of interest as required by this ordinance constitutes malfeasance in office. If such a conflict of interest is identified, the member shall disqualify himself or herself at the outset of the hearing or discussion and shall not participate in the discussion or decision. Such member shall not attempt to exert his or her personal influence with respect to the matter, either at or outside the meeting.

A board member who plans not to attend a meeting at which he or she has reason to believe that the board will act on a matter in which the person has a Conflict of Interest shall disclose to the chair of the meeting all facts material to the Conflict of Interest. The chair shall report the disclosure at the meeting and the disclosure shall be reflected in the minutes of the meeting.

A board member who has a Conflict of Interest with respect to a Contract or Transaction that will be voted on at a meeting shall not be counted in determining the presence of a quorum for purposes of the vote.

The person having a conflict of interest may not vote on the Contract or Transaction and shall not be present in the meeting room when the vote is taken. Such person's ineligibility to vote shall be reflected in the minutes of the meeting.

A board member who is submitting the Contract or Transaction to said board may be present to make presentation and answer Board's questions, but shall not be present in the meeting room when the vote is taken.


In the event it is not entirely clear that a Conflict of Interest exists, it will be determined by a majority vote of the remaining members of the board.

Section 5: Effective Date

This ordinance shall take effect on the date of its publication.

CERTIFICATE

The undersigned, as the duly elected and acting clerk of the township, hereby certifies that this ordinance was duly adopted by the township board at a regular meeting of said board, at which a quorum was present, held on November 22, 2010, and that copies of the ordinance were transmitted and published as directed.



Township Clerk- Gayla Salmi



Township Supervisor- Kim Mattson

secretary. Unless the bylaws otherwise provide, the secretary shall send written notice of a special meeting to planning commission members at least 48 hours before the meeting.

The business that the planning commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976, MCL 15.261, et seq.

The planning commission shall keep a public record of its resolutions, transactions, findings, and determinations. A writing prepared, owned, used, in the possession of, or retained by a planning commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Section 9: Annual Report

The planning commission shall make an annual written report to the township board concerning its operations and the status of the planning activities, including recommendations regarding actions by the township board related to planning and development.

Section 10: Authority to Make Master Plan

Under the authority of the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., and other applicable planning statutes, the planning commission shall make a master plan as a guide for development within the township's planning jurisdiction.

Final authority to approve a master plan or any amendments thereto shall rest with the planning commission unless the township board passes a resolution asserting the right to approve or reject the master plan.

Unless rescinded by the township, any plan adopted or amended under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq., need not be readopted under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq.

Section 11: Zoning Powers

The township board hereby confirms the transfer of all powers, duties, and responsibilities provided for zoning boards or zoning commissions by the former Township Zoning Act, Public Act 184 of 1943, MCL 125.271, et seq.; the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, et seq.; or other applicable zoning statutes to the Charter Township of Ironwood Planning Commission formerly established under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq.

Section 12: Subdivision and Land Division Recommendations

The planning commission may recommend to the township board provisions of an ordinance or rules governing the subdivision of land. Before recommending such an ordinance or rule, the planning commission shall hold a public hearing on the proposed ordinance or rule. The planning commission shall give notice of the time and place of the public hearing not less than 15 days before the hearing by publication in a newspaper of general circulation within the township.

The planning commission shall review and make recommendation on a proposed plat before action thereon by the township board under the Land Division Act, Public Act 288 of 1967, MCL 560.101, et seq. Before making its recommendation, the planning commission shall hold a public hearing on the proposed plat. A plat submitted to the planning commission shall contain the name and address of the proprietor or other person to whom notice of a hearing shall be sent. Not less than 15 days before the date of the hearing, notice of the date, time and place of the hearing shall be sent to that person at that address by mail and shall be published in a newspaper of general circulation in the township. Similar notice shall be mailed to the owners of land immediately adjoining the proposed platted land.

Section 13: Severability

The provisions of this ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of the ordinance, which shall continue in full force and effect.

Section 14: Repeal

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. The resolution or ordinance establishing the Charter Township of Ironwood Planning Commission under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq., is hereby repealed.

Section 15: Effective Date

This ordinance shall take effect on the date of its publication.

CERTIFICATE

The undersigned, as the duly elected and acting clerk of the township, hereby certifies that this ordinance was duly adopted by the township board at a regular meeting of said board, at which a quorum was present, held on November 8, 2010, and that copies of the ordinance were transmitted and published as directed.



Township Clerk



Township Supervisor