

## WJPC - Ad Hoc Committee Discussion Template

Please use the following template to frame the discussion of the need for an Ad Hoc Committee. The Wexford Joint Planning Commission can approve the Ad Hoc Committee by a majority vote.<sup>1</sup>

1. **Proposed Name of Ad Hoc Committee:** \_\_\_\_\_

2. **Purpose:**

a. What is the work that the committee will undertake (it's charge)?

\_\_\_\_\_

b. What does the committee want to accomplish in undertaking this work?

\_\_\_\_\_

3. **Rationale:**

a. Why is an ad hoc committee needed to do this work? \_\_\_\_\_

c. How is the committee's work important to the WJPC? \_\_\_\_\_

d. How does its work align with the mission and vision for the WJPC?

\_\_\_\_\_

\_\_\_\_\_

4. **Time Frame:** By what date (regular / special meeting) is the Committee expected to report its findings to the WJPC? \_\_\_\_ / \_\_\_\_ / 2024

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### **Committee Composition**

a. How many people are to be appointed to the committee? \_\_\_\_\_

b. Are non WJPC members required to accomplish the assigned task? \_\_\_\_\_

Persons proposed for appointment:

1. \_\_\_\_\_ [WJPC member]

2. \_\_\_\_\_ [WJPC member]

3. \_\_\_\_\_ [WJPC member]

4. \_\_\_\_\_ [at large member]

5. \_\_\_\_\_ [at large member]

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<sup>1</sup> Ordinance and Agreement | Section 8.c | see also By-Laws, Section 9 for Rules of Procedure for All Committees

**9. Rules of Procedure for All Committees<sup>1</sup>**

A. Subservient to the Commission. All committees are subservient to the Commission and report their recommendations to the Commission for review and action. The Commission can overrule any action of any committee.

B. Same Principles. The same principals of these Bylaws for the Commission also apply to all committees of the Commission including, but not limited to:

1. Officers. Officers of committees are appointed by the Chair of the Commission at the time the committee is created, or are elected by the committee's membership at their first meeting. Officers, at a minimum, include a Chair and Secretary-ViceChair.

2. Quorum. A committee's quorum shall be at least half the total appointed membership of the committee.

3. Voting. Only those appointed members of a committee, who are present at the time of a vote shall be eligible to cast a vote.

4. Attendance. If any member of a committee is absent from three consecutively scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the Commission to remove any member from the committee. The committee Secretary-Vice-Chair or acting committee Secretary in the absence of the elected committee Secretary-Vice-Chair shall keep attendance records and notify the Commission of any committee member who is absent from three consecutively scheduled meetings so the Commission may consider removal of the individual from the committee or excuse the absence(s).

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<sup>1</sup> Excerpt from Wexford Joint Planning Commission By-Laws

5. Minutes. The Secretary-Vice-Chair of the committee shall keep minutes of the committee meetings in the same format used by the Commission and filed in the same office as the Commission's minutes.

6. Staff. Committees have reasonable use of staff time and assistance and direction for performing the work of the committee.

7. Public. All committee meetings are open meetings available for public attendance and participation and minutes of the meetings are to be available for public inspection under the same principals found in P.A. 267 of 1976, as amended, (being Michigan Open Meetings Act, M.C.L. 15.261 et seq.).

8. Subcommittees. Citizen committees may form subcommittees from their own membership and/or with additional citizens when deemed necessary. Subcommittees are subservient to the parent committee. Subcommittees are informal, not requiring quorums, attendance requirements, minutes, or public participation. Subcommittee membership shall consist of less than half the parent committee's membership

# The one question every municipality should ask itself before adopting an ordinance

Ryan Coffey, [Michigan State University Extension](#) - October 11, 2016

There are many considerations when developing and adopting a new ordinance, but perhaps the most important of all is determining whether the municipality has the will to enforce the new zoning regulations.

For many Michigan municipalities, [adopting a new ordinance](#) or [amending an existing ordinance](#) can be a daunting task. Not only must they make sure that they are in compliance with the [Michigan Zoning Enabling Act](#) and other related laws, they must also develop legal language that achieves desired results while avoiding any unintended consequences. This process can often be a long, time-consuming and costly one, as municipalities may need to hire a planner or attorney to develop and review the proposed language. Additionally, enacting a new ordinance can sometimes lead to significant public input and debate during its development process, as proposed new ordinances often arise to address serious current issues in the municipality.

Even when not facing a current zoning “crisis”, the development of a new ordinance should be a deliberate, thought-out process that identifies community need, reviews both regulatory and non-regulatory options, gathers community feedback, reviews sample language, develops a draft document and identifies enforcement issues. This process is one most municipalities across Michigan are familiar with and regularly follow when adopting or amending an ordinance. However, there is a critical question many municipalities fail to ask themselves, and perhaps it is the most important question of all.

Do we have the will to enforce the ordinance we adopt?

A zoning ordinance is a law. It can be enforced and violators can be ticketed, fined, appear before the courts and, in extreme cases, end up in jail. However, a municipality has the responsibility and the duty to enforce its ordinances consistently and fairly. In

not doing so, a municipality runs the risk of undermining the validity of their ordinance in court if they do not regularly enforce the ordinance or, worse yet, selectively enforce it. This issue can often be a particular problem in smaller, rural communities where everybody knows each other, and there appears to be a more relaxed approach to zoning enforcement.

A zoning administrator must conduct their duties according to the letter of the law. They must do what the zoning ordinance prescribes and do not have the latitude to deviate from the ordinance. The legislative body must support the zoning administrator in their consistent enforcement of the zoning ordinance. This support extends beyond initial enforcement by the zoning administrator to include financial and legal support if the township needs to go to court to enforce and defend its ordinance. If the municipality does not like some of the effects of a particular ordinance or is concerned about the costs of enforcing the ordinance, non-enforcement is not an option. The municipality should either review and amend the particular ordinance or remove it entirely. Prior to adopting new ordinance language, the municipality must have a serious discussion as to whether, once adopted, they have the will to fully support the consistent enforcement of the ordinance.

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