

**PROCEEDINGS OF**

**BOARDS & COMMISSIONS COMMITTEE MEETING  
CHARTER TOWNSHIP OF WEST BLOOMFIELD  
EMPLOYEE LUNCH ROOM  
4550 WALNUT LAKE ROAD**

**MONDAY, OCTOBER 23, 2006 --- 4:00 P.M.**

**CALL TO ORDER**

The meeting was called to order at 4:15 p.m. by Trustee Sher.

**ROLL CALL**

Members Present: Trustee Deborah Macon  
Trustee Robert Sher  
Trustee Robert Spector

Members Absent: None

In Attendance: Attorney Gary Dovre  
Kent Herbert, Personnel Director

**APPROVAL OF AGENDA**

**Motion by Ms. Macon and supported by Mr. Sher to approve the agenda as amended.**

**Ayes: Macon, Sher, Spector**

**Nays: None**

**Absent: None**

**Motion carried**

**APPROVAL OF MINUTES**

None.

**SET NEXT MEETING DATE**

The next meeting was scheduled for Monday, November 13, 2006 at 4:00 p.m. subject to approval by the Township Board.

**UNFINISHED BUSINESS**

None.

**NEW BUSINESS**

**RECOMMENDATION FOR IMPLEMENTATION OF BOARDS/COMMISSIONS RESOLUTIONS**

Mr. Sher thanked Ms. Macon for providing him with all the information and stated that it appeared a lot of the recommendations have been passed by the Township Board. However, he was not certain that any of the recommendations have been implemented. He asked for some background on the recommendations.

Ms. Macon stated that at the last Personnel Committee meeting, there was a request that she send each member a copy of the original Boards & Commissions Committee Report. She stated the initial purpose of the entire report was to create a volunteer management infrastructure that included a way to recognize, train, assess, and obtain customer feedback in relationship to boards and commissions.

Ms. Macon stated that in January 2004, the Township Board asked that the Committee consider recommendations relative to administrative approvals for wetland permits. She stated that a number of recommendations were made and recently, Mr. Herbert summarized those recommendations in a memo dated 09/18/06. This memo was a result of the Township Board asking Mr. Herbert to look at all of the recommendations from 2004 and specifically identify those that were implemented and those that were not. The majority of the recommendations from 2004 have not been implemented and questions were raised at the Board table as to whether this entire conversation should move forward.

Ms. Macon stated that at that time, she indicated that since there were approved motions from the Board in 2004, some action has to occur to do exactly what those motions indicated or reverse those motions. Therefore, the entire conversation was based on the current Board asking the Committee to address this matter and report back to the Township Board as indicated in the motion of 09/25/06.

Ms. Macon stated that at the Personnel Committee meeting a week ago, it was indicated that addressing the environmental permit process would be a good place to start and they wanted to ask the Township Attorney what steps were necessary to do so.

**RECOMMENDATION FOR IMPLEMENTATION OF BOARDS/COMMISSIONS RESOLUTIONS** (Continued)

Mr. Sher stated there were two issues that the Committee could address: (1) the approved items that have not been implemented and (2) the environmental permitting process. Ms. Macon stated that the environmental permitting process was part of the items that have not been implemented.

Mr. Sher stated it appeared that the Committee should ask the Township Supervisor to assign the approved tasks to the various department heads and other appropriate parties.

Ms. Macon stated that although she agreed with that, she believed the majority of the Board wanted those approved tasks reviewed to see whether there was continued support of them. She stated that some of the individuals indicated that even though the items were approved in October 2004, many wished to change them.

Mr. Spector stated he was one of the dissenting votes and it was not because he was opposed to the items; but rather, he wanted to reserve the right to review the items because he was not certain of what the Board was approving.

Mr. Herbert suggested that the Committee make a recommendation to authorize the Township Supervisor to assign individuals such as staff and one of the elected officials to draft plans and bring those plans to the Township Board for consideration.

Mr. Spector expressed concern with doing that because there were costs involved in doing so. He stated the Township was currently going through the budget process and everyone that has come before the Board has indicated they need additional staff as well as increases in other areas. However, something has to give and the Township will soon have to consider laying off personnel or not replacing a position when an employee retires.

Mr. Spector stated that although it was a good idea to provide training for the volunteers, he expressed concern with the costs involved in doing that.

Attorney Dovre asked for a copy of the 09/18/06 memo which summarized all the recommendations that were not implemented.

Mr. Sher expressed concern that the Township Board made a motion approving some of the recommendations and nothing else has been done.

**RECOMMENDATION FOR IMPLEMENTATION OF BOARDS/COMMISSIONS RESOLUTIONS** (Continued)

Attorney Dovre stated that upon reviewing the recommendations listed in the 09/18/06 memo, it did not appear a lot of those items would require staff to do anything. He stated there were items involving a staff liaison and one of them involved introducing a brief annual report.

Mr. Sher asked about the staff liaisons. Mr. Dovre stated he would characterize Marshall Labadie as the staff liaison for the wetland and woodland matters.

Mr. Sher asked about the board liaison. Ms. Macon stated that one of the parts was to be clear about the expectations of the board liaison as well as to set up the mechanism for communicating and obtaining feedback. She stated that board liaisons have a clear role when it comes to their work. She stated that she and Mr. Brickner were voting members on the Cable Advisory Board and the Planning Commission, respectively.

Ms. Macon stated there is a very clear set of by-laws for the Cable Advisory Board which describes exactly how that board operates. In order to actively involve the city and the township liaisons, the Cable Advisory Board has the Township Board liaison actively participate in finance, strategic planning, and programming areas. She stated that when an Executive Committee meeting is held, they always invite the Township Board liaison to those meetings.

Ms. Macon stated that with respect to other liaison roles, the Boards & Commissions Committee wanted the board liaison to be a voting member of each of the boards, especially to tighten up the two way street. However, the majority of the Township Board did not support that.

Mr. Sher asked if it would be appropriate to ask the Township Supervisor to assign the different tasks. Ms. Macon replied, "Yes" and indicated she would support a motion making that recommendation.

Mr. Spector wanted to go through each item on the list and determine whether all the Committee members were in agreement.

**RECOMMENDATION FOR IMPLEMENTATION OF BOARDS/COMMISSIONS RESOLUTIONS** (Continued)

Mr. Sher read the following motion that was made at the 09/25/06 Township Board meeting: *“Motion by Ms. Macon and supported by Mr. Spector for the Supervisor to appoint and authorize Committee for Boards & Commissions made up of the same members of the Personnel Committee with Trustee Sher as the chairman, to meet and follow-up on the Personnel Director’s report on the implementation of the Boards & Commissions recommendations and return to the 10/23/06 meeting with parameters as to how they are going to proceed and submit performance reports to the Board after each meeting,”*

Ms. Macon stated her understanding of parameters was that the Committee should inform the Township Board about what they were going to do. The first item would be to review each of the steps and recommend which items they felt had merit for implementation.

Mr. Spector suggested that the Committee review each item separately and report to the Township Board which items they wished to have implemented.

Ms. Macon stated the Committee should inform the Township Board about what the Committee would be doing and figure out those steps.

Mr. Sher read through each item as follows:

***1. Boards and Commissions members are to be recognized in a formal way for their services.***

Attorney Dovre asked how the boards and commissions members would be formally recognized.

Mr. Sher stated that the Township Board would pass annual resolutions recognizing National Volunteer Week. He stated the intention of this recommendation was to have a formal recognition night with a special recognition to the individual boards and commissions members for outstanding service.

Attorney Dovre asked if this item involved any costs. Ms. Macon replied, “Yes.” Mr. Herbert stated that there would be different levels for each plan.

There was consensus by the Committee with respect to Item #1.

**RECOMMENDATION FOR IMPLEMENTATION OF BOARDS/COMMISSIONS RESOLUTIONS** (Continued)

- 2. All appointees, when appointed, agree in writing to the Conduct of Office Pledge previously adopted by the Board.***

There was consensus by the Committee with respect to Item #2.

- 3. Each staff liaison would produce a brief annual report encompassing the board commission summary of achievements and goals for the upcoming year, identification of trends or emerging issues and statistical data when appropriated.***

Mr. Spector stated that was already in place because Mr. Labadie and Mr. Haapala have submitted that type of report to the Township Board. Ms. Macon stated the Township did not have that type of reporting system in place and indicated that Mr. Labadie does that type of report because it was typical of what was done in the community he came from. However, the Township Board has never asked for consistency among all the boards and commissions. She stated that if it were done, it would be supportive of the Township's planning process.

Mr. Sher suggested that the Township Supervisor ask each staff liaison to submit a brief annual report.

There was consensus by the Committee with respect to Item #3.

- 4. Each staff liaison to each board/commission is to develop a formal new member orientation program.***

Ms. Macon was pretty sure that the staff liaisons already conducted a new member orientation program.

Mr. Sher stated that when he was appointed to the Planning Commission, he did not recall any new member orientation program.

Ms. Macon stated that some of the practices were already in place for some of the boards and commissions, but not for all of them. She stated the purpose of this item is to simply allow the new member a one-on-one discussion with the staff liaison regarding the meetings, process, and other information related to the ordinances.

There was consensus by the Committee with respect to Item #4.

**RECOMMENDATION FOR IMPLEMENTATION OF BOARDS/COMMISSIONS RESOLUTIONS** (Continued)

Attorney Dovre asked if the Township Supervisor would be directing staff to conduct Item #4. Mr. Sher replied, "Yes" and indicated that the Township Supervisor should direct the staff in all the items mentioned thus far.

***5. Each board and commission document (i.e., formalize) any existing policies, procedures and include that information in the new member's orientation.***

Mr. Sher stated this item appeared to be similar to Item #4.

Attorney Dovre stated that to his knowledge, the Wetland Review Board, the Woodland Review Board, and the Planning Commission did not have a separate set of rules. However, the Zoning Board of Appeals has operated under the same set of rules for an eternity that are religiously recited at the start of each meeting by Chairman Turnquist.

Ms. Macon stated there was a sample set of by-laws for the Planning Commission that provides all the rules.

Mr. Spector stated that on one of the boards which he is liaison to, he provided each member with a set of the Rules and Guidelines for Meeting Efficiency. When he presented those guidelines to each of the members, he was promptly informed by the chairperson that this was the first time they have seen the rules and that they did not follow those rules anyway.

Ms. Macon stated there was a certain amount of flexibility that has to be given to each of the boards and commissions, but they should be aware of what they are authorized to decide as well as be given a template. She stated the Township Board has never required any of the boards and commissions to comply with the Rules and Guidelines for Meeting Efficiency.

Attorney Dovre stated that Item #5 indicated "existing" policies and procedures. He stated there are distinctions based on the ordinance language as to whether each entity could adopt their own rules or not. He stated the Wetland Board and the Planning Commission have the authority to adopt their own rules of procedure.

Attorney Dovre stated it was not a bad idea to have the boards and commissions adopt the existing policies and procedures; however, the Committee may want to recommend that in addition to that, they develop written policies and procedures.

**RECOMMENDATION FOR IMPLEMENTATION OF BOARDS/COMMISSIONS RESOLUTIONS** (Continued)

Mr. Sher asked if he was indicating that the Wetland Board currently has the authority to supersede the Township Board. Attorney Dovre replied, "Yes, under the ordinance language." He stated that Chapter 12 of the Code of Ordinances contains language authorizing the Wetland Board to adopt its own rules and procedures.

Mr. Sher stated that did not make any sense. Ms. Macon agreed and indicated that the ordinance needs to be amended. However, direction has to be given to do so, in order to be consistent with the recommendations.

Ms. Macon stated that none of the boards violate the Open Meetings Act and indicated that the Township created an extraordinary set of rules which she did not recommend any other body to follow. She stated that simply having one public comment portion in the meeting meets the minimum requirements of the Open Meetings Act. She stated the Township Board was the only board that allows members of the public to raise their hand and speak anytime they want. She stated that was not a requirement in the Open Meetings Act; but rather, that was West Bloomfield's own rule.

Mr. Spector stated that could be changed. Ms. Macon stated she was open to that, but it involved an entire community culture issue that would have to be addressed.

There was consensus by the Committee with respect to Item #5.

***6. Description of the duties and roles of the board/commission members are to be developed by the Boards & Commissions Committee and Personnel Committee.***

Mr. Spector stated that the Parks & Recreation Commission has different subcommittees and each one provides a report to the entire commission.

Attorney Dovre felt this item was a good one and one of the things he observed over the years has been that the Planning Commission, Wetland Board and Woodland Board act like a court when they make decisions; however, all of those decisions can be appealed to the Township Board.

Attorney Dovre stated he was at the Court of Appeals on a woodland case which the court dismissed and he was able to get it reinstated. He stated that Judge Nichols was not arguing in support of his dismissal of the Township's lawsuit in the Circuit Court. Yet, the Wetland and Woodland Board members come to the Township Board advocating a particular position and the rightness of their decision. He was not able to say it was illegal, however, he found that to be odd in terms of roles and duties.

**RECOMMENDATION FOR IMPLEMENTATION OF BOARDS/COMMISSIONS RESOLUTIONS** (Continued)

Mr. Sher asked if legal counsel could assist the Township with job descriptions that currently exist in other communities. Ms. Macon stated there were resources for this type of issue and a position description is very simple. She stated that it basically sets the boundaries within which volunteers can act.

Mr. Sher suggested that Mr. Herbert work with Attorney Dovre to compile that information.

There was consensus by the Committee with respect to Item #6.

***7. Boards & Commissions Committee is to meet annually at budget time to review customer feedback.***

Ms. Macon stated a specific recommendation was approved which indicated that there should be a mechanism to obtain feedback from residents.

***8. The Township Board is to institute a customer feedback system regarding the work of the various boards and commissions. No action has been taken concerning a special feedback system for boards and commissions. There is a complaint procedure that a citizen may use for filing a complaint with the Clerk's Office, less formal, but possibly more effective is the right of a citizen to right any board members to make verbal complaints at a board meeting.***

Mr. Herbert stated this item was one in which the Township Supervisor had the biggest concern because he thought it could be administratively cumbersome relative to receiving complaints. He stated the Supervisor felt that the systems which the Township currently has for handling all complaints would be appropriate.

Mr. Spector stated he read the Supervisor's comments relative to this item and some of the comments were that in dealing with the Wetland Board, they would not be happy with any decision.

Ms. Macon stated her take on this item was specifically with respect to customer feedback. For example, she recently wrote a note to the Clerk's Office complimenting them on something which no other community had. Therefore, she did not feel feedback was always negative. However, the Township did not have a method in which to document the positive things that are being done.

**RECOMMENDATION FOR IMPLEMENTATION OF BOARDS/COMMISSIONS RESOLUTIONS** (Continued)

Mr. Spector stated that once that information is submitted, it would require an individual to read, document, and report the information. He asked who that information would be reported to and how the Township would keep track of the information.

Ms. Macon stated that if it is important to improve the way the Township conducts business based on feedback, obtaining that information is what every successful business does. She stated the Township still has the same basic responsibilities that they had when they were chartered in the 1800's. She stated there could be a systematic way in which to obtain information.

Ms. Macon stated it did not take a lot to conduct surveys electronically and to collect information from individuals. She stated that the information would let the Township know that they are serving the greater interest of a lot of people. Therefore, the purpose of obtaining the information was not to attack anyone in particular, but to simply help everyone do a better job.

Mr. Sher stated that a survey could be placed on the Township website. Ms. Macon replied, "Absolutely" and indicated that the surveys she has seen on other communities' websites automatically tallies the number of comments and provides a report.

There was consensus by the Committee with respect to Item #7 and 8.

***9. A removal process for boards and commissions members is to be incorporated into each board/commission enabling ordinance. There already is a legal opinion concerning grounds for removal of boards and commissions.***

***10. A complaint and grievance procedure for boards and commissions members and their actions is to be established.***

Mr. Sher expressed concern with Item #10 and indicated that when the Township Board overruled on of the boards or commissions, they are not going to be happy about it. Ms. Macon stated this was more related to an individual complaining against a board member.

Mr. Sher stated that if a board or commission member were to insult a member of the public, could that individual come before the Township Board and complain. Mr. Spector stated that process already exists because individuals have a right to come before the Township Board to make any comments.

**RECOMMENDATION FOR IMPLEMENTATION OF BOARDS/COMMISSIONS RESOLUTIONS** (Continued)

Mr. Sher stated the difference is that the situation involves a grievance procedure. Ms. Macon agreed.

Attorney Dovre stated that Items 9 and 10 were basically related and he felt that the Township would be well served to have some standards for removal because those define standards on which someone could file a complaint.

Mr. Spector asked if the standards of removing boards and commissions members would be similar as that of an “at will” employee. Attorney Dovre replied, “Certainly.”

Attorney Dovre stated that his firm wrote a couple of opinions which addressed the grounds for removal and how they vary. He stated that if the Committee was looking to report to the Township Board, they could indicate that they have requested the Township Attorney’s prior opinions on that subject and wanted to take those into account.

Mr. Sher stated that if Committee was in agreement, they could recommend that the Items 1 – 8 be implemented and ask the Supervisor to assign an individual to each task. He stated that a recommendation could be made that the Township Attorney provides information relative to Items 9 and 10.

Mr. Spector suggested that the Committee indicate to the Township Board that they were in agreement on certain items and ask for approval.

Mr. Sher asked whether a vote was necessary. Mr. Spector replied, “Yes” and indicated that a vote was necessary in order to move the issue forward.

Ms. Macon stated that because this issue was going to be added to the agenda, she did not recommend that anyone be asked to vote on anything, because it has always been the Township’s practice to provide written information to the Board members.

Mr. Spector stated although he agreed, the Board members already have this information because it was discussed at previous meetings.

Mr. Spector asked if it were possible to have Mr. Labadie and Mr. Niswander at the next meeting and have them provide information relative to administrative permits.

**RECOMMENDATION FOR IMPLEMENTATION OF BOARDS/COMMISSIONS  
RESOLUTIONS** (Continued)

Mr. Herbert felt the Committee would be putting those individuals on the spot and indicated that guidelines were provided relative to that issue. He stated that was probably enough to get the Committee started.

Ms. Macon stated the Township Board has to be clear about what authority it wants staff to have. Therefore, the point about having a clear agreement on staff responsibilities and board responsibilities would be a good start because it would apply to everyone.

Mr. Spector stated that the Wetland Board members expressed concern that administrative permits would basically result in a clerk rubber-stamping projects who was not aware of the ordinance provisions.

Ms. Macon stated there was a problem years ago; however, the Township now has new staff that she believed has a clear set of procedures. Therefore, it would be a matter of what direction is given to every department head to follow up on every piece of paper that is submitted at the counter.

Ms. Macon stated that people were of the belief that errors which occurred years ago that had been remediated would happen again. It was her belief that the Township has hired the best department heads ever. Therefore, she felt the Township should give them the responsibility.

Mr. Sher agreed and asked what the Township needed to do to get to that point. Ms. Macon stated that different responsibilities should be given to the department heads as well as the boards and commissions.

Attorney Dovre stated that if administrative permits were to be implemented and it possibly being welcomed by all persons affected, the conditions and requirements typically given by the Environmental Boards for every permit should be included in the ordinance.

Attorney Dovre stated the Wetland and Woodland Board minutes reflect standard boiler plate conditions which are included on every single permit. He stated that those conditions could be incorporated into the ordinance.

**RECOMMENDATION FOR IMPLEMENTATION OF BOARDS/COMMISSIONS  
RESOLUTIONS** (Continued)

Attorney Dove referred to comments from Mr. Labadie which indicated that the Wetland Review Board over time has developed standard mitigation requirements. He stated those requirements were not included in the ordinance, but it is the expectation of the Wetland Board. He stated those requirements could also be incorporated into the ordinance.

Attorney Dove stated that the ordinance eliminates a lot of the legitimate concern that things are going to be missed. He stated that if things are missed and it is included in the ordinance, then that basically indicates that the staff person does not value their job and there is recourse. Therefore, the ordinance should indicate that if a permit is issued, all the conditions would automatically apply. If the applicant does not feel one of the conditions should apply in their case or if a particular project is a lot more complicated, then the applicant should go before the Wetland or Woodland Board.

Attorney Dove stated that Mr. Labadie authored a memo relative to administrative permits and asked if that document was provided to the Township Board. Mr. Herbert stated that it was submitted as an attachment at one of the meetings.

Attorney Dove recalled that the Township Board had taken the administrative permit concept and basically indicated that the fast track permit process was sufficient.

Mr. Spector stated that process was not implemented because the Wetland Board insisted that they still reserved the right to review the fast track permits. Ms. Macon stated that was correct and indicated that the majority of the Township Board agreed with that.

Ms. Macon stated the original request was to put in streamlined procedures in order to be efficient, effective, and save money for the residents as well as the Township. However, that request was never implemented.

Mr. Spector stated the Committee needs to request authorization to have the Township Attorney draft an ordinance amendment.

Attorney Dove stated that in order to draft an ordinance, he needed to know what substantive regulations were to be included and if there were any particular concerns that needed to be addressed. He stated that the Township should build as much into the ordinance as possible.

Ms. Macon stated the Committee has not had an opportunity to discuss the items that should be included in an ordinance.

**RECOMMENDATION FOR IMPLEMENTATION OF BOARDS/COMMISSIONS RESOLUTIONS** (Continued)

Mr. Herbert suggested that Attorney Dovre draft an ordinance using the basis of the materials which he provided to him and then have the Committee review that draft once it is complete.

Mr. Spector asked if the Committee needed to obtain authorization from the Board to have the Township Attorney draft an ordinance. Ms. Macon replied, "Yes."

Mr. Sher suggested that the Committee indicate to the Township Board their agreement with respect to Items 1 – 8 and request that the Supervisor delegate individuals to implement those items. He stated that with respect to Items 9 and 10, the Committee request permission from the Township Board to have Attorney Dovre draft an ordinance relative to the administrative permitting process.

**Motion by Mr. Sher and supported by Ms. Macon to recommend approval from the Township Board to have the Township Supervisor delegate Items 1 through 8 for recommendation on how to implement items included in the report received from the Human Resources Director dated 09/18/06 and included in the minutes of 09/25/06.**

**Ayes: Macon, Sher, Spector**

**Nays: None**

**Absent: None**

**Motion carried**

**Motion by Mr. Sher and supported by Ms. Macon to request authorization from the Township Board for the Boards & Commissions Committee to have two additional meetings to discuss Item 9 regarding a removal process for boards and commissions members to be incorporated into each board/commission enabling ordinance and Item 10 regarding a complaint and grievance procedure for boards and commissions members and their actions to be established, which were included in the report received from the Human Resources Director dated 09/18/06.**

**Ayes: Macon, Sher, Spector**

**Nays: None**

**Absent: None**

**Motion carried**

**RECOMMENDATION FOR IMPLEMENTATION OF BOARDS/COMMISSIONS RESOLUTIONS** (Continued)

**Motion by Mr. Sher and supported by Ms. Macon to recommend that the Township Board direct the Township Attorney to prepare an outline of a conceptual environmental administrative permitting process.**

**Ayes: Macon, Sher, Spector**  
**Nays: None**  
**Absent: None**  
**Motion carried**

\* \* \* \* \*

Ms. Macon stated there is a discussion item on the Township Board agenda regarding term limits for boards and commissions members. She stated that item is so intimately attached to what this Committee was currently doing and expressed concern that it was not included with the rest of the issues that have been discussed. She stated this was not a new item because she raised the issue back in 2004.

Attorney Dovre asked about the agenda item. Ms. Macon stated that it was regarding discussion of term limits for chairpersons. Mr. Dovre stated that the Board needed to be careful with the Planning Commission because it is statutory. Mr. Sher asked for clarification. Attorney Dovre stated the Planning Commission statute deals with the officers of a Planning Commission and they have the authority to select a chairperson.

Mr. Spector stated that all the boards and commissions have the authority to select a chairperson because the members vote on that position.

Mr. Sher stated the issue was relative to whether there should be term limits for the position of chairperson enacted by the Township Board.

Attorney Dovre stated he saw a relationship between that issue and the issues that have been discussed at this meeting, particularly with Item #5 regarding policies and procedures. He stated that the Wetland Ordinance currently indicates that the Wetland Board has the authority to create its own rules. He stated that Roberts Rules provides information relative to the ability of a board or commission to select its chairperson.

Attorney Dovre suggested that if action is taken by the Township Board regarding that issue, language be included that it be subject to Township Attorney review and recommendation.

Page 16  
Proceedings of Boards & Commissions Committee Meeting  
Monday, October 23, 2006 — 4:00 p.m.

**AUDIENCE GENERAL COMMENTS / QUESTIONS**

None.

**ADJOURNMENT**

There being no other business, the meeting adjourned at 5:50 p.m.

Robert Sher  
Personnel Committee Chair

Transcribed by: Millie Gray, Recording Secretary