AN ORDINANCE
of the City Council of the City of Berkley, Michigan
to add Division 1, Attendance and Training, to Article V of Chapter 2, Administration, of
the City of Berkley Code of Ordinances, and to Amend City Code Sections 2-273, 66-21, 86-36, and 90-20 to Adopt Minimum Attendance and Training Requirements and to modify
removal from office procedures for Appointed Boards and Commissions.

THE CITY OF BERKLEY ORDAINS:

SECTION 1: Division 1 of Article V of Chapter 2 of the City of Berkley Code of Ordinances is
hereby added and adopted, as follows:

Division 1. Attendance and Training

Sec. 2-176. Definitions. As used in this division, the following terms shall be defined as follows:

(a) Board: A board, commission, committee, authority, or other similar public body for the
City of Berkley that is established and empowered by state constitution, statute, charter,
ordinance, resolution, or rule to exercise governmental or proprietary authority or
perform a governmental or proprietary function.

(b) Appointed Member: A member of a board, including an alternate member, whose
appointment must be made or approved by the City Council.

Sec. 2-177. Removal from office.

The City Council shall have the power to remove from office any appointed member of a
board whose membership is not otherwise established or required by charter, statute or
ordinance.

(a) Appointed members of the board of review, building code board of appeals, downtown
development authority, planning commission, zoning board of appeals, or any other
Board whose purpose and function is not purely advisory, may after notice and hearing,
be removed from office by a majority vote of the City Council for cause including
misfeasance, malfeasance, or nonfeasance of office.

(b) Appointed members of boards other than those in subsection (a), above, may be removed
from office by a majority vote of the City Council without cause assigned.

Sec. 2-178. Minimum attendance required.

(a) Before the end of each fiscal year of the city, each board shall report to the city manager
the attendance record of each member during that fiscal year.

(b) A vacancy shall occur whenever an appointed member of any board shall miss four (4)
consecutive regular meetings or twenty-five percent (25%) of that board’s regular
meetings held during a fiscal year of the city, unless such absences have been excused by the members of the board and the reasons therefore entered into the official record and minutes of the board.

Sec. 2 – 179. Training required for Planning Commission and Zoning Board of Appeals.

(a) All appointed members of the planning commission and the zoning board of appeals must:

(1) Complete a training course within six (6) months of their initial appointment to the board whose purpose is to provide the fundamentals on roles, responsibilities and best practices for planning and zoning in Michigan, unless such member(s) previously served on the same board within the last five (5) years; and

(2) Complete a minimum amount of continuing education each fiscal year beginning with the first fiscal year after their appointment, whose purpose is to provide training in advanced topics or updates on changes in planning or zoning law and best practices.

(b) Any appointed member who fails to complete all of the requirements of this section shall be considered to have vacated their seat.

(c) Before the end of each fiscal year, the Planning Commission and Zoning Board of Appeals shall report to the city manager the training record of each member during that fiscal year.

(d) The City Manager in consultation with the Community Development Director shall determine the available training courses and minimum amount of training needed to fulfill the requirements of subsection (a), above. In determining the minimum amount of training needed for a member, the city manager may take into account the member’s professional credentials, skills, experience, or equivalent training.

(e) The requirements of this section are waivable if the City Council does not appropriate sufficient funds to cover members’ expense of education and training materials, classes, and related travel and lodging expenses.

(f) In the first fiscal year after the effective date of this Division, in which the City Council appropriates sufficient funds, all appointed members of the Planning Commission and Zoning Board of Appeals must complete the mandatory training by the end of that fiscal year, or be determined by the city manager to have completed equivalent training. Any appointed member who fails to do so shall be considered to have vacated their seat.

Sec. 2 – 180. Effective date

The requirements of sections 2-178 and 2-179 shall go into effect beginning with the fiscal year starting July 1, 2020.
**SECTION 2:** Section 2-273 of Division 5 of Article V of Chapter 2 of the City of Berkley Code of Ordinances is hereby amended, as follows:

Sec. 2 – 273. Removal from Office.

Members of the environmental advisory committee shall be subject to removal from office by the council in accordance with City Code Section 2-177, and their position shall be subject to being deemed vacant due to excessive unexcused absences under City Code Section 2-178.

**SECTION 3:** Section 66-21 of Article II of Chapter 66 of the City of Berkley Code of Ordinances is hereby amended, as follows:

Sec. 66 – 21. Removals from Office.

Members of the library board shall be subject to removal from office by the council in accordance with City Code Section 2-177, and their position shall be subject to being deemed vacant due to excessive unexcused absences under City Code Section 2-178.

**SECTION 4:** Section 86-36 of Article III of Chapter 86 of the City of Berkley Code of Ordinances is hereby amended, as follows:

Sec. 86 – 36. Removal from Office.

Members of the parks and recreation advisory board shall be subject to removal from office by the council in accordance with City Code Section 2-177, and their position shall be subject to being deemed vacant due to excessive unexcused absences under City Code Section 2-178.

**SECTION 5:** Section 90-20 of Article II of Chapter 90 of the City of Berkley Code of Ordinances is hereby amended, as follows:

Sec. 90 – 20. Removal of members.

Members of the planning commission may be removed by the council in accordance with City Code Section 2-177, and their position shall be subject to being deemed vacant due to excessive unexcused absences under City Code Section 2-178 or failure to complete required training under City Code Section 2-179.
SECTION 6: Severability Clause

Should any word, phrase, sentence, paragraph, or section of this Ordinance be held invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 7: Effective Date

This Ordinance shall become effective 30 days following the date of adoption.

SECTION 8: Publication

The City Council directs the City Clerk to publish a summary of this ordinance in compliance with Public Act 182 of 1991, as amended, and Section 6.5 of the Berkley City Charter.

Introduced on First Reading at a Regular City Council Meeting on Monday, January 6, 2020.

Passed on Seconding Reading at a rescheduled Regular City Council Meeting on Tuesday, March 31, 2020.

__________________________________
Daniel J. Terbrack  
Mayor

Attest:

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Victoria Mitchell  
City Clerk