

Town of Clendenin- Creation of a municipal planning commission

Sec. Insert # Here. Purpose and Creation of the Planning Commission.

To promote the orderly development of its governmental units and its environs; to promote the health, safety, convenience, and welfare of the citizens of the Town of Clendenin, and to plan for the future development of the community, a municipal planning commission is now created and established pursuant to the provisions of Chapter 8A of the West Virginia Code.

Sec. Insert # Here. Powers and Duties of the Planning Commission.

The planning commission has the following powers and duties, in accordance with W. Va. Code §8A-2-11:

- (1) Exercise general supervision for the administration of the affairs of the commission;
- (2) Prescribe rules and regulations pertaining to administration, investigations and hearings: Provided, That the rules and regulations are adopted by the Town council;
- (3) Supervise the fiscal affairs and responsibilities of the planning commission;
- (4) With consent from the Town council, hire employees necessary to carry out the duties and responsibilities of the planning commission: Provided, that the Town council sets the salaries;
- (5) Keep an accurate and complete record of all planning commission proceedings;
- (6) Record and file all bonds and contracts;
- (7) Take responsibility for the custody and preservation of all papers and documents of the planning commission;
- (8) Make recommendations to the Town council concerning planning;
- (9) Make an annual report to the Town council concerning the operation of the planning commission and the status of planning within its jurisdiction;
- (10) Prepare, publish and distribute reports, ordinances and other material relating to the activities authorized under this article;
- (11) Adopt a seal, and certify all official acts;
- (12) Invoke any legal, equitable or special remedy for the enforcement of the provisions of this article or any ordinance, rule and regulation or any action taken thereunder;
- (13) Prepare and submit an annual budget to the appropriate governing body;
- (14) If necessary, establish advisory committees;
- (15) Delegate limited powers to a committee composed of one or more members of the commission; and
- (16) Contract for special or temporary services and professional counsel with the approval of the Town council. Upon request, a county prosecuting attorney, the county surveyor, the county engineer, or any other county employee may render assistance and service to a planning commission without compensation.

Sec. Insert # Here. Composition and Organization; Qualifications, Appointment and Terms of Members; Filling Vacancies.

- (1) *Composition* - The planning commission shall be appointed by the Town council and shall consist of [3-9, we recommend 5] members. One member shall be a member of the Town council or a designee, and one member shall be from the Administrative Department, or a designee. The terms of these two members shall be the same as their term in office. Of the [] remaining members of the planning commission, the positions must be filled to fairly represent different areas of interest, knowledge, and expertise, including, but not limited to business, industry, labor, farming, government, and other relevant disciplines, including citizens at large. All appointees to the planning commission shall be residents of the Town, and at least three-fifths of those appointed shall have been residents of the Town of Clendenin for a period of at least three years prior to nomination or appointment.
- (2) *Terms of Service* – The remaining members of the municipal planning commission first selected shall serve respectively for terms of one year, two years and three years, divided equally or as nearly equally as possible between these terms. Thereafter, members shall serve three-year terms.
- (3) *Removal* – The Town council may establish procedures for the removal of members of the planning commission for inactivity, neglect of duty, or malfeasance. The procedures must contain provisions requiring that the person to be removed be provided with a written statement of the reasons for removal and an opportunity to be heard on the matter.
- (4) *Filling Vacancies* – Should a vacancy arise on the planning commission for any reason during the duration of a term, the vacancy shall be filled for the unexpired term in the same manner as provided in [subsection number one of this section]
- (5) *Officers* – At the first meeting each year, the X members of the commission shall elect from among themselves a president and a vice president.
 - a. The president shall call the meeting to order, moderate discussion, and control the agenda.
 - b. In the president's absence, the vice president shall have the power and authority to act as president of the planning commission.
 1. In the absence of both, the president and vice president, the members present shall elect a president pro tempore, who shall act as president for the duration of that meeting only.
 - c. The [Town clerk] shall serve as secretary of the planning commission.

Sec. Insert # Here. Compensation and Expenses of Members.

Members of the planning commission shall serve without compensation but shall be reimbursed for actual expenses reasonably incurred in the performance of their official duties.

Sec. Insert # Here. Funds.

- (1) The Town of Clendenin shall authorize expenditures reasonably necessary to acquire:
 - a. Suitable offices for the holding of meetings and the preservation of plans, maps, documents and accounts; and

- b. Appropriate money to defray the reasonable expenses of the planning commission.
- (2) The planning commission shall have authority to accept gifts, funds and donations which will be deposited with the Town council in a special nonreverting planning commission fund to be available for expenditures by the planning commission for the purpose designated by the donor.

Sec. Insert # Here. Planning Commission Meetings; Quorum.

- (1) *Regular Meetings* - Pursuant to §8A-2-7 of the West Virginia Code, the planning commission shall meet at least quarterly and may meet more frequently at the request of the president or by two or more members.
- (2) *Special Meetings* – Notice for a special meeting must be in writing, include the date, time, and place of the special meeting, and be sent to all members at least two days before the special meeting. Written notice of a special meeting is not required if the date, time, and place of the special meeting were set in a regular meeting.
- (3) *Quorum* – Pursuant to §8A-2-8 of the West Virginia Code, the planning commission must have a quorum to conduct a meeting. A simple majority of planning commission members present (minimum of X), constitute a quorum. No action of a planning commission is official unless authorized by a majority of the members present at a regular or properly called special meeting.