

CHAPTER 294
Village/Township Harbor Commission

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CROSS REFERENCES

Municipal navigational facilities - see M.C.L.A. Secs.
281.541 et seq.

Harbor Development Act - see M.C.L.A. Secs. 281.1251
et seq.

Authority to recommend appointments to Village committees
and commissions - see ADM. 230.03

Harbor Master - see ADM. Ch. 248

Watercraft - see TRAF. Ch. 470

Village Harbor - see S.U. & P.S. Ch. 1062

294.01 ESTABLISHMENT.

There is hereby established the Caseville Village/Township Harbor Commission, hereinafter referred to as the Harbor Commission.

(Joint Res. Passed 12-8-86.)

294.02 JOINT OPERATION.

The Village of Caseville and the Township of Caseville hereby join to form a Harbor Commission for the purpose of planning, promoting, acquiring, constructing, improving, enlarging, extending, owning, maintaining and operating necessary navigational and building facilities of one or more community harbors. A site for the physical facilities of the harbor or harbors shall require the approval of two-thirds of the total membership of the Harbor Commission.

(Joint Res. Passed 12-8-86.)

294.03 LEGAL CAPACITY.

The Harbor Commission shall be a corporate body with the power to sue or be sued in any court of this State and may exercise any and all powers necessary and incident to the acquisition, construction, improvement, enlargement, extension, ownership, maintenance and operation of necessary navigational and building facilities of one or more community harbors.

(Joint Res. Passed 12-8-86.)

294.04 GOVERNING BOARD.

(a) The Harbor Commission shall be directed and governed by a Board consisting of six members. There shall be three members appointed by the Village Council and three members appointed by the Township Board. There shall be no elected officials appointed to the Commission.

(b) Upon the expiration of a member's term, or upon his or her retirement from the Commission, the Harbor Commission shall have the right and privilege to recommend to the Village Council or the Township Board, whichever is applicable, the name of a person to fill the vacant seat.

(c) In the event that there is an elected official presently on the Commission, that person shall be grandfathered until the end of his or her present term. At that time, the recommendation of the Commission for an appointee from either the Village or the Township may be considered, and an appointment made.

(d) In the event that a member has six unexcused absences from regular or special meetings of the Commission in a calendar year, his or her name shall be dropped from the Commission's role, and another person shall be appointed.

(Res. 95-51. Passed 4-10-95.)

294.05 ORGANIZATION.

(a) Upon selection, the Harbor Commission shall meet and elect a Chairperson, Vice-Chairperson and Secretary.

(b) Business which the Commission may perform shall be conducted at public meetings of the Commission and held in compliance with Act 267 of the Public Acts of 1967, as amended, being M.C.L.A. 15.261 to 15.275. Public notice of the times, dates and places of meetings shall be given in the manner required by Act 267 of the Public Acts of 1967, as amended.

(c) The Commission shall abide by Robert's Rules of Order in the conduct of its meetings, unless otherwise set forth in this chapter or by joint action of the legislative bodies of both the Village and the Township.

(d) The term of each member shall be three years, except that two members of the first Board shall be appointed for a term of one year, two for a term of two years, and two for a term of three years. All members shall hold office until their successors are appointed. Members may, after a public hearing, be removed by the joint action of the Village Mayor and the Township Supervisor for inefficiency, neglect of duty or malfeasance in office.

(Joint Res. Passed 12-8-86.)

294.06 COMPENSATION.

Compensation for each meeting held and attended by the Harbor Commission members shall be established by the legislative bodies. A member of the Commission shall be reimbursed for actual expenses incurred in the discharge of official duties.

(Joint Res. Passed 12-8-86.)

294.07 MEETINGS; RECORDS.

After organization of the Harbor Commission, meetings will be held at the call of the Chairperson, who shall call a meeting at least bi-monthly. The Chairperson shall call a meeting at the request of three members of the Commission. A majority of the appointed members shall constitute a quorum. The Commission shall keep a written or printed record of each meeting, which record and any other writing in the possession of or prepared, owned, used or retained by the Commission in the performance of an official function shall be made available to the public.

(Joint Res. Passed 12-8-86.)

294.08 POWER TO REQUEST MILLAGE.

A sum of money not to exceed one mill of the assessed value of real property as last equalized by the State may be requested and certified by the Harbor Commission annually for the purpose of planning, promoting, acquiring, constructing, improving, enlarging, extending, owning, maintaining and operating necessary navigational and building facilities of one or more community harbors. The legislative bodies of the Village and the Township creating the Harbor Commission may raise such a tax by an ad valorem property tax, to be levied on taxable property within their respective jurisdictions. The tax shall not exceed one mill. In computing the total tax to be levied, the assessed valuation of any unit of government joining the Harbor Commission shall not be used more than once. The ad valorem property tax authorized by this section shall not be levied on taxable property unless approved by the majority of the qualified voters of the member local units voting thereon.

(Joint Res. Passed 12-8-86.)

294.09 LEGISLATIVE APPROVAL.

The Harbor Commission shall be obligated to each of the participating legislative bodies, Village and Township, that may meet in joint session to accept or reject recommendations of the Commission. Acceptance or rejection shall require a two-thirds vote of both legislative bodies.

(Joint Res. Passed 12-8-86.)

294.10 ADDITIONAL POWERS AND DUTIES.

(a) Planning. The Harbor Commission shall institute, conduct and supervise the orderly planning and property development of dock facilities.

(b) Control and Operation. The Commission shall control and operate said harbor facilities using funds in its own account. The Commission shall establish a budget. Said budget shall be submitted to both legislative bodies and shall be presented at the annual Township meeting for public review.

(c) Charges, Rentals and Fees. Fees and charges will be established within the guidelines as set forth by the Waterways Division of the State Department of Natural Resources.

(d) Management; Governing Powers; Use of Properties; Rules and Regulations. The Commission shall adopt and amend all needful rules and regulations for the management, government and use of any property under its control, shall establish penalties for the violation of said rules and regulations and shall enforce the same, provided that said rules and regulations shall be consistent with and conform as nearly as possible to all applicable laws, rules and regulations to which the Commission may be subject.

(e) Public Safety and Rules. The Commission shall adopt and amend rules and regulations designed to safeguard the public use of said dock facilities, which rules and regulations shall be consistent with and conform as nearly as possible to the laws of the State and the rules and regulations of the Michigan Department of State Highways and the Michigan State Waterways Commission.

(f) Insurance. The Commission shall obtain and keep in full force and effect adequate insurance in amounts and coverages approved by the legislative bodies so as to protect the Village and the Township from the loss of property or from liability because of personal or property damage.

(g) Reports. The Commission shall report no less frequently than annually to both legislative bodies concerning its activities for the prior year, which report shall include an account of income and expenditures for the prior year and a budget for the next year.

(h) Power to Represent Legislative Bodies and Seek Grants. The Commission shall represent the Township and the Village before the State Waterways Commission, its staff or any other governmental or administrative agency, for purposes of exercising its powers and duties, including, but not limited to, seeking grants on behalf of the local harbors.
(Joint Res. Passed 12-8-86.)