

Millington Township Policy on Public Official Participation in Quasi-Judicial Proceedings

Adopted: _____

I. Purpose

The purpose of this policy is to preserve the integrity, impartiality, and legality of quasi-judicial proceedings conducted by the Millington Township Zoning Board of Appeals (ZBOA). This policy prohibits participation in such proceedings by members of the Township Board and Planning Commission, in order to protect due process rights, avoid conflicts of interest, and reduce legal exposure to the Township.

II. Legal Framework

This policy is adopted pursuant to the Township's general police powers and responsibilities under the **Michigan Zoning Enabling Act (MCL 125.3101 et seq.)** and the **Open Meetings Act (MCL 15.261 et seq.)**. The ZBOA functions as a quasi-judicial body and must conduct hearings that are procedurally fair and free from undue influence.

III. Applicability

This policy applies to all members of the Millington Township Board and the Millington Township Planning Commission.

IV. Prohibited Conduct

A. No Advocacy During ZBOA Hearings

Members of the Township Board and Planning Commission shall not speak, advocate, or offer public comment during a Zoning Board of Appeals hearing on any matter that:

1. Was previously decided by the Planning Commission;
2. Involves an appeal of a decision in which they participated;
3. May come before the Township Board or Planning Commission for future action; or
4. Falls under the decision-making authority of the ZBOA acting in its quasi-judicial capacity.

B. No Attempt to Influence

Members shall not attempt, directly or indirectly, to influence the ZBOA's decision-making process outside of the administrative record or formal staff/legal reports.

C. No Undue Presence

Members should refrain from attending ZBOA hearings involving active appeals of Planning Commission decisions unless required by their official duties. If attendance is necessary, they shall not engage in discussion, advocacy, or non-neutral conduct.

V. Permissible Communication

If factual clarification is necessary for the ZBOA's record, such information may be submitted:

- In the form of an official Planning Commission report included in the record; or
- Via legal counsel representing the Township, if appropriate.

VI. Enforcement

Violations of this policy may be considered misconduct in office under applicable Township ordinances and may result in referral to the Township Board for review and appropriate action, up to and including removal from office pursuant to Section 16.01 of the Millington Township Zoning Ordinance.

VII. Severability

If any section or clause of this policy is found to be invalid or unenforceable, the remainder shall remain in full force and effect.

CERTIFICATION

I, the undersigned, Clerk of Millington Township, hereby certify that the foregoing is a true and complete copy of a procedure adopted by the Township Board at a regular meeting held on _____, 2025, at which a quorum was present.

Township Clerk

Millington Township