

# MISSAUKEE COUNTY PLANNING COMMISSION ORDINANCE

STATE OF MICHIGAN  
COUNTY OF MISSAUKEE COUNTY  
BOARD OF COMMISSIONERS

MARCH 9, 2010

WHEREAS, The People of Missaukee County did establish the Missaukee County Planning Commission Ordinance of December 9<sup>th</sup>, 1968 and it is now desired to repeal the existing ordinance and adopt this ordinance to insure proper record of the action is created, NOW THEREFORE, THE PEOPLE OF MISSAUKEE COUNTY DO ORDAIN THAT SAID ORDINANCE SHALL READ AS FOLLOWS:

## MISSAUKEE COUNTY PLANNING COMMISSION ORDINANCE March 9, 2010

Missaukee County as authorized by P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L. 125.3801 *et. seq.* for the purpose of having planning in Missaukee County, to create, organize, enumerate powers and duties, and to provide for the regulation and subdivision of land, coordinated and harmonious development of the County of Missaukee; and to function in cooperation with other constituted authorities of incorporated and unincorporated areas within the state where Missaukee County exists.

THE PEOPLE OF MISSAUKEE COUNTY DO ORDAIN:

101. Creation:

There shall be a Missaukee County Planning Commission pursuant to P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L. 125.3801 *et. seq.* hereinafter referred to as the Commission with the powers and duties as therein set forth and as hereinafter provided and staffed Planning Department. This ordinance shall be officially known and described as the "Missaukee County Planning Commission Ordinance."

102. Membership:

- A. The Commission shall consist of 9 members appointed by the Missaukee County Board of Commissioners. To be qualified to be a member and remain a member of the Planning Commission, the individual shall meet the following qualifications:
1. shall be a qualified elector of Missaukee County, except that one member may be a non-qualified elector;
  2. shall not be a declared candidate for any political office, except this condition shall not apply if a member of the Missaukee County Board of Commissioners is appointed as a representative to the Commission.
  3. after an individual's first appointment and before reappointment shall, when possible, have attended training for Commission members pursuant to section 104 of this ordinance;
  4. shall meet the conditions provided for each individual member in sections 102.B, 102.C, 102.D, and 102.E of this Ordinance.
- B. Members shall be appointed for three-year terms. However when first appointed a number of members may be appointed to one-year, two-year, or three-year terms such that, as nearly as possible, the terms of  $\frac{1}{3}$  of all commission members will expire each year. If a vacancy occurs, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment such that, as nearly as possible, the terms of  $\frac{1}{3}$  of all commission members continue to expire each year.

- C. Ex officio members shall include 1 member of the Missaukee County Board of Commissioners. The terms of office of ex officio members shall coincide with their elected terms of office on the County Board or the term of office of the chief elected official who appointed him or her.
- D. Every reasonable effort shall be made to insure that the membership of the county planning commission includes a **member of a public school board, or an administrative employee of a school district included**, in whole or in part, within the county's boundaries.
- E. The membership shall be representative of the important geographic and interest segments of the County of Missaukee, as follows.
  - 1. One citizen **At-Large** member representing interests of Missaukee County shall be appointed for a three year term of office (but for the first appointment, made in 2009, shall be for a term of office which ends March 30, 2010), or remainder of an unexpired term of office and shall meet the following conditions:
    - a. shall be appointed from names submitted in response to advertisements in a newspaper with paid circulation in Missaukee County, and;
    - b. shall not hold any other office or position in Missaukee County Government other than by virtue of membership on the Planning Commission.
  - 2. Two citizen members representing the **Agricultural and Forestry** interests of Missaukee County shall be appointed for three year terms of office (but for the first appointment, made in 2009, one shall be for a term of office which ends March 30, 2010 and the other shall be for a term which ends March 30, 2011), the remainder of an unexpired term of office and, *when possible*, will meet the following conditions:
    - a. shall be
      - (1) a member of the County Conservation District Board, or
      - (2) a member of the board of the County Chapter of Farm Bureau, or
      - (3) a professional forester with his or her business office in the county, or
      - (4) an employee of the United States Forest Service or Michigan Department of Natural Resources; and
    - b. shall be employed in agriculture, forestry, or a closely related field, and
    - c. shall be appointed by the County Board from names submitted in response to advertisements in a newspaper with paid circulation in Missaukee County; or, nominated by the County Conservation District Board, County Chapter of Farm Bureau, the United States Forest Service, Michigan Department of Natural Resources, or professional foresters in the county; and
    - d. shall not hold any other office or position in County Government other than by virtue of membership on the Planning Commission.
  - 3. One citizen member representing the **Educational** interests of the County shall be appointed for a three year term of office (but for the first appointment, made in 2009, shall be for a term of office which ends March 30, 2011), or remainder of an un-

expired term of office; shall be appointed by the County Board, and when possible shall meet the following conditions:

- a. shall be appointed by the County Board from names submitted in response to advertisements in a newspaper with paid circulation in Missaukee County or nominated by school district board(s) of education included, in whole or in part, within the county's boundaries; and
- b. shall be a member of a public school board or an administrative employee of a school district included, in whole or in part, within the county's boundaries; and
- c. shall not hold any other office or position in County Government other than by virtue of membership on the Planning Commission.

4. One citizen member representing the **Recreational and Tourism** interests of the County shall be appointed for a three year term of office (but for the first appointment, made in 2009, shall be for a term of office which ends March 30, 2011), or the remainder of an unexpired term of office, and when possible meets the following conditions:

- a. shall be a member in good standing of one of the county-wide non-profit corporations with its corporate office in the county whose bona fide purpose is to be a tourist promotion organization; and
- b. shall be appointed by the County Board from names submitted in response to advertisements in a newspaper with paid circulation in Missaukee County or nominated by county-wide non-profit corporations with their corporate offices in the County whose bona fide purpose is to be a tourist promotion organization; and
- c. shall be employed in recreation, tourism, or a closely related field; and
- d. shall not hold any other office or position in County Government other than by virtue of membership on the Planning Commission.

5. One citizen member representing the **Financial and Commercial Development** interests of the county shall be appointed for a three year term of office (but for the first appointment, made in 2009, shall be for a term of office which ends March 30, 2012), or remainder of an unexpired term of office, and when possible meets the following conditions:

- a. shall be a member in good standing of one of the county-wide non-profit corporations with its corporate office in the county, or a County funded agency, whose bonafide purpose is to promote business, commerce, and industry in the county; and
- b. shall be appointed by the County Board from names submitted in response to advertisements in a newspaper with paid circulation in Missaukee County or be appointed from names nominated by county-wide non-profit corporations with their corporate office in the County whose bonafide purpose is to promote business, commerce and industry in the county; and
- c. shall be employed in the fields of financial and/or commercial development; and
- d. shall not hold any other office or position in County Government other than by virtue of membership on the Planning Commission.

6. One member representing the **Emergency Services** interests of the county shall be appointed for a three year term of office

(but for the first appointment, made in 2009, shall be for a term of office which ends March 30, 2012), or the remainder of an unexpired term of office, and

- a. shall have experience and/or employment appropriate to the position; and
- b. shall be nominated by the Local Planning Team and appointed by the County Board.

7. One member representing the **Renewable Energy** interests of the county shall be appointed for a three year term of office (but for the first appointment, made in 2009, shall be for a term of office which ends March 30, 2012), or the remainder of an expired term of office, and
  - a. shall be knowledgeable or possess experience related to the position; and
  - b. shall be appointed by the County Board from names submitted in response to advertisements in a newspaper with paid circulation in Missaukee County.

103. Liaisons:

- A. The Commission, in its Bylaws, may name "liaisons" to the Commission. The purpose of liaisons is to provide certain Missaukee County and quasi-Missaukee County officials ability to participate in discussion with the Commission in addition to speaking in public participation, and nothing else. At a minimum liaisons shall include:
  1. Planning Department staff, and their agents and consultants.
  2. Missaukee County Michigan State University Extension Director.
  3. Missaukee County Attorney.

104. Training:

- A. Appointed members of the Commission shall, when possible, attend educational programs designed for training members of Michigan planning commissions if the adopted Missaukee County budget for that fiscal year includes funds to pay for tuition, registration, and travel expenses for the training. Nothing in this paragraph shall deem a member who has not had training from finishing his term of office unless the member resigns or is removed by action of the Missaukee County Board of Commissioners. The Commission shall include in its Bylaws what training programs qualify.

105. Members, Appointment and Terms:

- A. In January of each year the Missaukee County Clerk shall determine which members' terms of office expire, shall determine what organizations qualify to nominate members and shall contact, by first class mail, those organizations to solicit nominations.
- B. In February of each year if the Clerk has not received at least two nominations for each office, then the Clerk shall discard those applications and shall place an advertisement(s) in a newspaper with paid circulation in Missaukee County to seek different applications.
- C. In March of each year the Missaukee County Board of Commissioners shall consider the applications and nominations received, and appoint members to the Commission by a majority vote for a three year term of office which shall end March 30, at 9:00am of the respective year.

106. Removal from Office:

- A. The Missaukee County Board of Commissioners may remove a member of the Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Failure to disclose a potential conflict of interest shall be considered malfeasance in office. Repeated failure to attend Commission meetings shall be considered nonfeasance in office.

- B. The secretary of the Planning Commission shall report any member who has missed three regular meetings in a row to the Missaukee County Board of Commissioners.
107. **Membership; Vacancies:**  
The Missaukee County Board of Commissioners shall fill any vacancy in the membership of the Commission for the unexpired terms in the same manner as the initial appointment.
108. **Membership; Transition:**  
The Missaukee County board of Commissioners shall appoint all members of the Commission as specified in Section 102 of this Ordinance in the first instance at the first Missaukee County Board of Commissioners meeting held following the effective date of this ordinance. The terms of office of the previous Planning Commission members shall terminate upon appointment of new members as specified above.
109. **Membership; Compensation:**  
A. All members of the Planning Commission shall serve as such with compensation equal to, or less than, the per diem of the Missaukee County Board of Commissioners per meeting plus mileage.
110. **Meetings:**  
A. The Commission shall meet at least once every month and a majority of the Commission shall constitute a quorum for the transaction of the ordinary business of said Commission and all questions which shall arise at their meetings shall be determined by a vote of the majority of the members of the Planning Commission.  
B. The affirmative vote of  $\frac{2}{3}$  of the total number of seats for members of the Commission, regardless if vacancies or absences exist or not, shall be necessary for the adoption, or recommendation for adoption, of any plan or amendment to a plan.
111. **Powers and Duties:**  
A. The Commission shall have their powers and duties as set forth in P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L. 125.3801 *et seq.*  
B. The Commission shall be designated as a metropolitan county planning commission, pursuant to section 37(1) of P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L. 125.3837(1); and the Planning Commission shall serve as a coordinating agency for all planning committees or commissions that are now or may be within the County of Missaukee.  
C. The Commission shall have authority to apply for and receive grants from any government agency or the federal government and to receive gifts.
112. **Staff:**  
A. The planning director shall be a department head, and shall hire or dismiss other such staff within the budget provided for this purpose.  
B. The appointment of the planning director and other such employees shall be subject to the same provisions of law, employment policies, employee roster, and employee or union contracts, if any, as govern other employees of Missaukee County.  
C. Employees that are assigned to work with the Commission shall follow the directives of the Commission in matters of planning and zoning public policy issues, but shall not be subject to Commission directives concerning employment provisions of law, employment policies, employee roster, and employee or union contracts, if any.

113. Meetings; Records:

The Commission shall adopt Bylaws for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which records shall be a public record.

114. Approval, Ratification, and Reconfirmation:

All official actions taken by all Missaukee County Planning Commissions preceding the Commission created by this ordinance are hereby approved, ratified and reconfirmed. Any project, review, or process taking place at the effective date of this Ordinance shall continue with the Commission created by this ordinance, subject to the requirements of this Ordinance, and shall be deemed a continuation of any previous Missaukee County Planning Commission. This Ordinance shall be in full force and effect from and after its adoption and publication.

Passed by the Board of Commissioners of Missaukee County, at its regular meeting with \_\_\_\_\_ commissioners in attendance, \_\_\_ voting aye, \_\_\_ nay.

Signed \_\_\_\_\_, Chair

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I hereby certify that the foregoing was duly adopted by the Board of Commissioners of Missaukee County, Michigan, at its regular meeting on the [date], that of \_\_\_\_\_ members of the Missaukee County Board of Commissioners, \_\_\_\_\_ were in attendance and \_\_\_\_\_ voted for the adoption of the Ordinance. I further certify that the above and foregoing ordinance is identical in form with that recorded on the [date], at page \_\_\_\_\_ in the Book of Ordinances for Missaukee County.

Signed \_\_\_\_\_, Clerk  
[date]