MANISTEE COUNTY PLANNING COMMISSION ORDINANCE
OF DECEMBER 2008

Effective _____
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WHEREAS, The People of Manistee County did establish the Manistee County Planning Commission Ordinance of November 20, 1967, 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 MANISTEE COUNTY DO ORDAIN THAT SAID ORDINANCE SHALL READ AS FOLLOWS:

MANISTEE COUNTY PLANNING COMMISSION ORDINANCE
OF DECEMBER 2008
EFFECTIVE _____

AN ORDINANCE to create a County Planning Commission for the County of Manistee 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 guiding and accomplishing a coordinated and harmonious development of the County of Manistee; and to function in cooperation with other constituted authorities of incorporated and unincorporated areas within the County of Manistee and to serve as a coordinating agency for all planning activities and commissions in the County.

THE PEOPLE of Manistee County do ORDAIN:

101. Creation:

Pursuant to P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L. 125.3801 *et seq.*, there is hereby established and designated the Manistee County Planning Commission, hereinafter referred to as the Planning Commission with the powers and duties as therein set forth and as hereinafter provided. This ordinance shall be officially known and described as the "Manistee County Planning Commission Ordinance."

102. Membership:

A. The Planning Commission <u>shall</u> consist of seven (7) members appointed by the Manistee 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 the County of Manistee, 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 to the Manistee County Board of Commissioners' representative to the commission, pursuant to Section 102.E.7 of this ordinance;
   3. After an individual's first appointment and before reappointment, shall 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.D., 102.E. and 102.F. of this ordinance, except the geographical location of the individual's residency may be considered optional.

B. Members shall be appointed for three-year terms. However, when first appointed, a number of members shall be appointed to one-year, two-year, or three-year terms such that, as nearly as possible, the terms of 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 1/3 of all commission members continue to expire each year.

C. Ex officio members shall include one member of the county board of commissioners.

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 segments of the county, such as the economic, governmental, educational, and social development of the county, in accordance with the major interests as they exist in the county, as follows:
   1. Economic and commercial interests;
   2. Educational interests;
   3. Environmental and recreation/tourism interests;
   4. Agricultural, forestry, energy and land use interests;
   5. Transportation and communication interests;
   6. Governmental municipal interests;
   7. Manistee County Board of Commissioners member.

F. The members of the county planning commission listed in 102.E.1-6 shall not hold any other office or position in county government other than by virtue of membership on the planning commission.

G. The membership shall also be representative of the entire geography of the County of Manistee to the extent practicable, and as a secondary consideration to the representation of the major interests.

H. A member of the county board, chief administrative officer, person appointed by the chief administrative official, or the chief elected official of the county shall not be chair of the commission.

I. Not more than 1/3 of the total membership of the commission shall consist of, collectively, a member of the county board, chief administrative officer, person appointed by the chief administrative official, or chief elected official of the county.

103. Liaisons:

A. The commission, in its Rules of Procedure, may name "liaisons" to the commission. The purpose of liaisons is to provide certain county and quasi-county officials the 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. County Administrator.
   3. County Prosecuting Attorney.

104. Training.

A. Appointed members of the commission shall attend educational programs designed for training members of Michigan planning commissions if the adopted 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 or her term of office unless the member resigns or is removed by action of the county board of commissioners. The member shall be ineligible for reappointment at the conclusion of the term of office if they did not attend training. The commission shall include in its Rules of Procedure what training programs qualify to meet this requirement.

105. Members, Appointment and Terms:

A. In May of each year the Manistee County Clerk shall advertise in a newspaper(s) of general circulation in Manistee County for applications from people desiring membership on the planning commission. The advertisement shall specify the particular interests the position(s) shall represent and indicate the desired but not required geographic area in which the individual may reside.

B. In June of each year the Manistee County Board of Commissioners shall consider the applications received, make nominations and appoint a member(s) to the planning commission by a majority vote for a three-year term of office which shall end June 10, at 9:00 a.m. of the respective year.

106. Removal from Office:

A. The Manistee 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. Failure to repeatedly 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 county board of commissioners.

107. Membership; Vacancies:

The Manistee County Board of Commissioners shall fill any vacancy in the membership of the planning commission for the unexpired terms in the same manner as the initial appointment.

108. Membership; Transition:

A. The transition from the previous Manistee County Planning Commission and the commission established in this ordinance shall be gradual and shall take place over the next three years. The Manistee County Board of Commissioners shall continue to make annual appointments, appointing approximately 1/3 of the membership of the commission as specified in this ordinance, so that three years from the effective date of this ordinance the membership, membership representation, and number of members have completed the transition to fully comply with this ordinance.

B. All other aspects of this ordinance shall have immediate effect.

109. Membership; Compensation:
    A. All members of the planning commission shall serve as such with compensation equal to the per diem of the county board of commissioners per meeting plus mileage.

110. Meetings:
    A. The planning commission shall meet at least once every month and a majority of the planning commission shall constitute a quorum for the transaction of the ordinary business of said planning 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 present.
    B. The affirmative vote of 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 planning 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 planning 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 Manistee.
    C. The planning commission shall have authority to apply for and receive grants from any government agency, federal government and to receive gifts.

112. Staff:
    A. The appointment of the planning director and other such employees shall be subject to the same provisions of law, employment policies, employee roster, employee or union contracts, if any, as govern other employees of the County of Manistee.
    B. Employees who are assigned to work with the commission shall follow the directives of the commission in matters of planning public policy issues, but shall not be subject to commission directives concerning employment provisions of law, employment policies, employee roster, employee or union contracts, if any.

113. Meetings; Records:

The planning commission shall adopt rules 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 action taken by the Manistee County Planning Commissions preceding the commission created by this Ordinance is 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 Manistee County Planning Commission. This Ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed by the Board of Commissioners of the County of Manistee on the _____ day of December, 2008, at its regular meeting with ___ commissioners in attendance, ___ voting aye, _____ nay.

_____
B. Allan O'Shea, Chair

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I hereby certify that the foregoing was duly adopted by the Board of Commissioners of Manistee County, Michigan, at its regular meeting on the _____ day of December, 2008, that of seven members of the 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 _____ day of _____, 2008 at page _____ in the Book of Ordinances in the County of Manistee.

_____
MARILYN J. KLIBER, County Clerk
Date: _____

Adopted by County Board: _____
Notice of ordinance adoption published: _____
Effective Date: _____
Mailed to the Great Seal of the State of Michigan: _____

AMENDMENT HISTORY

[PLANNING.ORD]