
MONTCALM COUNTY PLANNING COMMISSION ORDINANCE
OF SEPTEMBER 28, 2009

WHEREAS, The People of Montcalm County did establish the Montcalm County Planning Commission Ordinance of September 8, 2003, 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 MONTCALM COUNTY DO ORDAIN THAT SAID ORDINANCE SHALL READ AS FOLLOWS:

MONTCALM COUNTY PLANNING COMMISSION ORDINANCE
OF September 2009

AN ORDINANCE to create a Planning Commission for the 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 Montcalm 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; and to function in cooperation with other constituted authorities of incorporated and unincorporated areas within the state where Montcalm County exists.

THE PEOPLE OF MONTCALM COUNTY DO ORDAIN:

101. Creation:

There shall be a Montcalm 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 "Montcalm County Planning Commission Ordinance."

102. Membership:

- A. The Commission shall consist of 9 (nine) members appointed by the Montcalm 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 Montcalm 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 to the County Board representative to the Commission (section 102.E.9, 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 $\frac{1}{3}$ 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 (one) member of the Board of Commissioners. The terms of office of ex officio member shall coincide with their elected terms of office on the legislative body 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 Montcalm County, as follows.
 1. One citizen at-large member representing interests of Montcalm County shall be appointed for a three year term of office, or remainder of an unexpired term of office who meet the following conditions:
 - a. shall be appointed from names submitted in response to advertisements in a newspaper with paid circulation in Montcalm County, and;
 - b. shall not hold any other office or position in Montcalm County Government other than by virtue of membership on the Planning Commission.
 2. One citizen member representing the industrial, economic, transportation, communication and tourism interests of the county shall be appointed for a three year term of office, or remainder of an unexpired term of office, who 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 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 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 agricultural and land use interests of Montcalm County shall be appointed for a three year term of office, or remainder of an unexpired term of office, who 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 Farm Bureau;
 and
 - b. shall be appointed by the County Board from names nominated by the County Conservation District Board, County Farm Bureau; 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 member representing sanitation and environmental health interests of the county shall be appointed for a three year term of office, or remainder of an unexpired term of office, who meets the following conditions:
 - a. shall be

- (1) an employee of the environmental health division of the public health department, or district, which has jurisdiction in the County,
 - and
 - b. who shall be appointed from names nominated by the environmental health division of the public health department, or district, which has jurisdiction in the County.
- 5. One citizen member representing the governmental municipal interests of the county shall be appointed for a three year term of office, or remainder of an unexpired term of office, who meets the following conditions:
 - a. shall be appointed by the County Board from names nominated by the Montcalm County Chapter of the Michigan Townships Association; and
 - b. shall not hold any other office or position in County Government other than by virtue of membership on the Planning Commission; and may, when possible, be a resident of a township (not a village or city).
- 6. One citizen member representing the governmental municipal interests of the county shall be appointed for a three year term of office, or remainder of an unexpired term of office, who meets the following conditions:
 - a. shall be appointed by the County Board from names nominated by Montcalm County Cities and Villages; and
 - b. shall not hold any other office or position in County Government other than by virtue of membership on the Planning Commission; and may, when possible, be a resident of a city or village (not a township).
- 7. One citizen member representing the educational interests of the County shall be appointed for a three year term of office, or remainder of an unexpired term of office, who meets the following conditions:
 - a. shall be appointed by the County Board from names 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 shall not hold any other office or position in County Government other than by virtue of membership on the Planning Commission.
- 8. One member representing housing and human services interests of the county shall be appointed for a three year term of office, or remainder of an unexpired term of office, who meets the following conditions:
 - a. shall be
 - (1) a member of a county housing commission or county-wide housing organization, or
 - (2) a member in good standing of a county-wide human services coordination organization;
 - and
 - b. who shall be appointed from names nominated by the housing commission, a housing organization, or a human services coordination organization.
- 9. One member shall be a member of the County Board of Commissioners who meets the following conditions:
 - a. shall be the county's representative to the state multiple-county regional planning agency the County is within; and
 - b. shall be the only member who is a member of the County Board; and
 - c. shall be appointed for a term of office which is concurrent with the elected position on the County Board.
- F. A member of the County Board may not be chair of the Commission.

103. Liaisons:
- A. The Commission, in its Bylaws, may name "liaisons" to the Commission. The purpose of liaisons is to provide certain Montcalm County and quasi-Montcalm 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. Chair, Montcalm County Board of Commissioners.
 2. Montcalm County Controller.
 3. Montcalm County Emergency Management Director.
 4. Montcalm County Drain Commissioner.
 5. Montcalm County Health Department.
 6. Montcalm County Prosecutor.
 7. Road Commission for Montcalm County; Manager or Commissioner.
 8. MSU Montcalm Extension Director.
 9. NRCS District Conservationist.
 10. West Michigan Regional Planning Commission.
104. Training
- A. Appointed members of the Commission shall attend educational programs designed for training members of Michigan planning commissions if the adopted Montcalm County Board of Commissioners 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 Montcalm 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 Bylaws what training programs qualify to meet this requirement.
105. Members, Appointment and Terms:
- A. In October of each year the Montcalm County Controller 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 November of each year if the Controller has not received at least two nominations for each office, then the Controller shall place an advertisement(s) in a newspaper with paid circulation in Montcalm County to seek different applications.
 - C. In January of each year the Montcalm 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 December 31, at 9:00 a.m. of the respective year.
106. Removal from Office:
- A. The Montcalm 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 Montcalm County Board of Commissioners.
107. Membership; Vacancies:
- A. The Montcalm 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:

- A. The transition from the previous Montcalm County Planning Commission and the Commission established in this ordinance shall be gradual and shall take place over the next three years. The Montcalm County Board of Commissioners shall continue to make annual appointments, appointing approximately $\frac{1}{3}$ 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, or less than, the per diem of the Montcalm County Board of Commissioners per meeting plus mileage. The Planning Commission Chair and the Recording Secretary shall receive double the per diem of the members.
110. Meetings:
- A. The Commission shall meet at least quarterly 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.*; and P.A. 110 of the Public Acts of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 *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 Montcalm.
 - 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 County Board of Commissioners is delegated the authority to hire or dismiss a planning director within the budget provided for this purpose.
 - B. The planning director shall be a department head, and shall hire or dismiss other such staff within the budget provided for this purpose.
 - C. 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 the Montcalm County Board of Commissioners.
 - D. 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, 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 Montcalm 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 Montcalm 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 Montcalm County on [date], at its regular meeting with _____ commissioners in attendance, ___ voting aye, ___ nay.

Signed: _____, Chair.

I hereby certify that the foregoing was duly adopted by the Board of Commissioners of Montcalm County, Michigan, at its regular meeting on the [date], that of _____ members of the Montcalm 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 Montcalm County.

Signed _____, Clerk
[date]