

CLINTON COUNTY BOARD OF COMMISSIONERS

Chairperson
Larry Martin
Vice-Chairperson
Robert Showers

Members
Jack Enderle
Jamie Clover Adams
Bruce DeLong
David Pohl
Adam C. Stacey

COURTHOUSE
100 E. STATE STREET
ST. JOHNS, MICHIGAN 48879-1571
989-224-5120



Administrator
Ryan L. Wood
Clerk of the Board
Diane Zuker

RESOLUTION 2011-3 **TO ADOPT ORDINANCE NO. 2011-1** **RETAINING THE CLINTON COUNTY PLANNING COMMISSION** **PURSUANT TO THE MICHIGAN PLANNING ENABLING ACT** **AND REPEALING ANY AND ALL ORDINANCES IN CONFLICT**

WHEREAS, on or about April 15, 1969, the Clinton County Board of Supervisors adopted an ordinance creating the Clinton County Planning Commission pursuant to and with all of the authority and powers specified and granted by 1945 PA 282 (the "1969 Ordinance"); and

WHEREAS, the Michigan legislature consolidated the various planning acts by enactment of the Michigan Planning Enabling Act, being 2008 PA 33 (the "Act"), which took effect on September 1, 2008; and

WHEREAS, pursuant to Section 81 of the Act, being MCL 125.3881, the 1969 Ordinance continues in effect and the planning commission need not be newly created by an ordinance adopted under the Act; and

WHEREAS, beginning September 1, 2008, the duties of the Clinton County Planning Commission were subject to the requirements of the Act; and

WHEREAS, Section 81 of the Act requires the Clinton County Board of Commissioners to amend the 1969 Ordinance creating the Clinton County Planning Commission or repeal the 1969 Ordinance and adopt a new ordinance to fully conform to the requirements of the Act no later than July 1, 2011; and

WHEREAS, the Clinton County Board of Commissioners desires to repeal the 1969 Ordinance and adopt the Clinton County Planning Commission Ordinance, attached to this Resolution as Exhibit A, in order to comply with the Act.

NOW THEREFORE, be it resolved by the Clinton County Board of Commissioners as follows:

1. Ordinance No. 2011-1, the Clinton County Planning Commission Ordinance, attached as Exhibit A to this Resolution is hereby adopted.

2. Ordinance No. 2011-1, attached as Exhibit A, shall be filed with the Clinton County Clerk.

3. The Clinton County Clerk shall publish Ordinance No. 2011-1, attached as Exhibit A, in a newspaper of general circulation in the County.

4. Within 14 days after adoption, the Clinton County Clerk shall transmit notice of the adoption to the Tri-County Regional Planning Commission.

5. Any and all resolutions that are in conflict with this Resolution are hereby repealed upon the effective date of Ordinance No. 2011-1, attached as Exhibit A, but only to the extent necessary to give this Resolution and Ordinance No. 2011-1 full force and effect.

ADOPTED:

Four Yeas: Commissioners Pohl, Enderle, Stacey and Martin

Zero Nays

Three Absent: Commissioners Clover Adams, DeLong and Showers

STATE OF MICHIGAN)
)
COUNTY OF CLINTON)

I, the undersigned, the duly qualified and acting Clerk of Clinton County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Clinton County Board of Commissioners of said County at a regular meeting held on the 29th day of March, 2011.

Diane Zuker, Clinton County Clerk

CLINTON COUNTY PLANNING COMMISSION ORDINANCE

Ordinance No. 2011-1

AN ORDINANCE to continue the Clinton County Planning Commission with all of the powers and duties as provided and authorized by P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act (the "Act"), MCL 125.3801 et. seq., and to repeal any ordinances or parts of ordinances or resolutions in conflict with this Ordinance, but only to the extent to give this Ordinance full force and effect.

THE COUNTY OF CLINTON ORDAINS:

SECTION 1. Creation, Title, and Definitions:

- A. There shall be a Clinton County Planning Commission created pursuant to the Act, as amended, with all of the powers and duties as set forth in the Act and this Ordinance.
- B. This Ordinance shall be officially known and described as the "Clinton County Planning Commission Ordinance."
- C. "County" shall mean Clinton County, Michigan.
- D. "Planning Commission" shall mean the Clinton County Planning Commission.
- E. "County Board" shall mean the Clinton County Board of Commissioners.
- F. All other terms shall have the meaning ascribed by the Act.

SECTION 2. Membership, Term and Appointment:

- A. The Planning Commission shall consist of at least seven (7) members as determined by the County Board. Members shall be appointed by the Clinton County Personnel Committee, subject to approval by a majority vote of the members of the County Board elected and serving. To be qualified to be a member and remain a member of the Planning Commission, a member shall be a qualified elector of the County, except that one member may be a non-qualified elector.

- B. Members of the Planning Commission serving at the time of the enactment of this Ordinance may complete the term to which they were appointed. Members, other than *ex officio* members appointed pursuant to section 2.C, shall be appointed for a term of three (3) years. However, when first appointed under this Ordinance, members shall be appointed to terms of one (1), two (2) or three (3) years such that, as nearly as possible, the terms of $\frac{1}{3}$ of all members will expire each year. Each year, the County Clerk shall determine which members' terms of office expire and shall inform the Clinton County Personnel Committee and the County Board. A member shall hold office until his or her successor is appointed. 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. Pursuant to Section 15(5) of the Act, the chairperson of the County Board or one (1) or more members of the County Board may be appointed as *ex officio* members of the Planning Commission, except that not more than $\frac{1}{3}$ of the members of the Planning Commission may be *ex officio* members and no *ex officio* member shall serve as chairperson of the Planning Commission. *Ex officio* member terms shall expire with their respective terms on the County Board.
- D. An elected officer, except as provided in section 2.C, or an employee of the County is not eligible to be a member of the Planning Commission.
- E. The members of the Planning Commission shall be representative of the important segments of the community, 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. Agriculture;
 2. Natural resources;
 3. Recreation;
 4. Education;
 5. Public health;
 6. Government;
 7. Transportation;
 8. Industry; and
 9. Commerce.
- F. The members of the Planning Commission shall represent the entire territory of the County to the extent practicable, and as a secondary consideration to the representation of the County's major interests.
- G. The County shall make every reasonable effort to ensure that a member of a public school board or an administrative employee of a school district included, in whole or in part, within the County is a member of the Planning Commission.

Section 3. Planning Director or Other Personnel:

The Planning Commission may employ a planning director and any other personnel as it considers necessary, contract for the services of planning and other technicians, and incur other expenses, within a budget authorized by the County Board.

Section 4. Removal from Office:

- A. The County Board may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.
- B. Failure to disclose a potential conflict of interest shall be considered malfeasance in office. The Planning Commission shall define "conflict of interest" in its bylaws, pursuant to Section 15(9) of the Act.
- C. Repeated failure to attend Planning Commission meetings shall be considered nonfeasance in office. The secretary of the Planning Commission shall report any member who has missed three consecutive regular meetings to the County Board.

Section 5. Membership; Compensation:

All members of the Planning Commission may be compensated for their services as provided by the County Board. The Planning Commission may adopt bylaws relative to compensation and expenses of its members and employees for travel when engaged in the performance of activities authorized by the County Board, including, but not limited to, attendance at conferences, workshops, educational and training programs and meetings.

Section 6. Meetings:

- A. The Planning Commission shall meet at least four times per year, as required by the Act.
- B. A majority of the Planning Commission shall constitute a quorum for the transaction of the Planning Commission's ordinary business, and any official action shall be determined by a majority of the Planning Commission members present, unless otherwise required by law.

Section 7. Powers and Duties:

The Planning Commission shall have the powers and duties set forth in the Act and P.A. 110 of the Public Acts of 2006, as amended, being the Michigan Zoning Enabling Act, MCL 125.3101 et seq.

Section 8. Bylaws; Records:

The Planning Commission shall adopt bylaws for the transaction of business and shall keep records of its resolutions, transactions, findings, and determinations, which shall be public records, as required by law.

Section 9. Approval, Ratification, and Reconfirmation:

The Planning Commission that was constituted before the effective date of this Ordinance continues in effect, subject to the requirements of this Ordinance and the requirements of the Act. All official actions, projects, reviews, and processes existing before or on the effective date of this Ordinance are hereby approved, ratified, and reconfirmed.

Section 10. Effective Date; Referendum:

This Ordinance shall take effect upon publication and shall not be subject to referendum as provided by the Act.

Signed: _____,
Larry Martin, Chairperson
Clinton County Board of Commissioners

I, the undersigned, the duly qualified and acting Clerk of Clinton County, Michigan, DO HEREBY CERTIFY that the foregoing was duly adopted by the Clinton County Board of Commissioners of said County at a regular meeting held on the 29th day of March, 2011.

_____,
Diane Zuker, Clinton County Clerk