

ORDINANCE NO. 4

MONTCALM COUNTY PLANNING COMMISSION ORDINANCE

AN ORDINANCE to create a County Planning Commission for the County of Montcalm as authorized by Act No. 282 of the Public Acts of 1945, as amended, being the County Planning Act, M.C.L. 125.101 *et. seq.* for the purpose of guiding and accomplishing a coordinated and harmonious development of the County of Montcalm; and to function in cooperation with other constituted authorities of incorporated and unincorporated areas within the County of Montcalm and to assist in coordinating all planning activities in the County.

THE PEOPLE OF MONTCALM COUNTY DO ORDAIN:

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101. Creation:

There shall be a Montcalm County Planning Commission pursuant to Act No. 282 of the Public Acts of 1945, as amended, 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 "Montcalm County Planning Commission Ordinance."

102. Membership:

- A. The Planning Commission shall consist of seven (7) 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 resident of Montcalm County;
 2. shall not be a declared candidate for any political office, except this condition shall not apply to the County Board representative to the Planning Commission (section 102.B.9, of this ordinance);
 3. shall not be a member of a township board, planning commission, zoning board or zoning board of appeals, recreation commission;¹
 4. shall meet the conditions provided for each individual member provided for in section 102.B of this Ordinance, except the geographical location of the individual's residency may be considered optional.
- B. The membership shall be representative of the important geographic and interest segments of the County of Montcalm, 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, or an initial three year term of office who meets 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; and
 2. One citizen member representing the economic, industry, tourism, transportation, and communication interest of Montcalm County shall be appointed for a three-year term of office, or remainder of an unexpired term of office, or an initial three-year 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 Montcalm 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 corporation with its corporate office in Montcalm County who's bonafide purpose is to promote business, commerce and industry in the county; and

¹ A member of a county planning commission shall not, at the same time, also hold the office of a township elected official, township planning commission, township zoning board or township appeals board member (Attorney General Opinion 6837, February 23, 1995). But, if the township planning commission is organized under P.A. 285 of 1931, as amended, (being the Municipal Planning Act, M.C.L. 125.31 *et. seq.*) membership on both is okay (Attorney General Opinion 7060, August 28, 2000). If a township does not have township zoning and does not intend to adopt township zoning then it is okay for a person to be a member of a township board and county planning commission (Attorney General Opinion 6863, August 11, 1995). State statute requires a majority of a county planning commission shall not hold any other office in county government, or be an employee of county government other than by virtue of their appointment to the planning commission.

- c. shall not hold any other office or position in Montcalm County Government other than by virtue of membership on the Planning Commission:
3. One citizen member representing the agricultural, environmental 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, or an initial two year term of office, who meets the following conditions:
 - a. shall be:
 - (1) a member of the board of the Montcalm County Farm Bureau, or
 - (2) a member of the Montcalm Conservation District Board, or
 - (3) a professional environmentalist with his business office in Montcalm County;
 and
 - b. shall be appointed by the County Board from names nominated by the Montcalm Conservation District Board, Montcalm County Farm Bureau, or professional environmentalist in the County; and
 - c. shall not hold any other office or position in Montcalm County Government other than by virtue of membership on the Planning Commission.
 4. One member representing environmental health or housing and human services interests of Montcalm County shall be appointed for a three year term of office, or remainder of an unexpired term of office, or an initial two year 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 Montcalm County, or
 - (2) a member of a county-wide housing organization, or
 - (3) a member in good standing of a county-wide human services coordination organization; and
 - b. who shall be appointed from names nominated by environmental health division of the public health department, or district, which has jurisdiction in Montcalm County, housing organization or human services coordination organization.
 5. One citizen member representing the governmental municipal interests of Montcalm County Townships shall be appointed for a three year term of office, or remainder of an unexpired term of office, or an initial one year term of office, who meets the following conditions:
 - a. shall be appointed by the County Board from names nominated by the Montcalm Chapter of the Michigan Townships Association; and
 - b. shall not hold any other office or position in Montcalm County Government other than by virtue of membership on the Planning Commission.
 6. One citizen member representing the governmental municipal interests of Montcalm County Villages and Cities shall be appointed for a three year term of office, or remainder of an unexpired term of office, or an initial one year term of office, who meets the following conditions:
 - a. shall be appointed by the County Board from names nominated by the Montcalm County cities and villages; and
 - b. shall not hold any other office or position in Montcalm County Government other than by virtue of membership on the Planning Commission; and

7. 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 Regional Planning Agency; 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.
- C. The following officers shall be "participating in discussion but non-voting" members of the Planning Commission during the official tenure of each such officer; Chairman of the Board of Commissioners and the County Controller. "Participating in discussion but non-voting members shall not vote or make motions. The Commission, in its Rules of Procedure, may include additional officials as "participating in discussion but non-voting members."

103. **Members, Appointment and Terms:**

In September of each year the Montcalm 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. The Clerk also shall place an advertisement(s) in a newspaper with countywide circulation in Montcalm County to seek additional applications. In January of each year the Montcalm County Board of Commissioners shall consider the applications and nominations received, and appoint members to the Planning 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.

104. **Membership, Vacancies:**

The Montcalm 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 and may remove any member for nonperformance of duty or misconduct upon public hearing. If a member misses three regular meetings in a row, that constitutes "nonperformance of duty" for purposes of removing any member of the Planning Commission if the County Board so chooses. The secretary of the Planning Commission shall report any member who has missed three regular meetings in a row to the County Board.

105. **Membership; Transition:**

The Montcalm County Board of Commissioners shall appoint all members of the Planning Commission as specified in Section 102 of the Ordinance in the first instance at the first County Board meeting held in January or within two months, whichever is first, following the effective date of this ordinance.

106. **Membership; Compensation:**

All members of the Planning Commission shall serve as such with compensation equal to the per diem of the Montcalm County Board of Commissioners per meeting plus mileage.

107. **Meetings:**

The Planning Commission shall meet as often as deemed necessary, but not less than four regular meetings shall be held each year including an organizational meeting in January. 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.

[Annotation: Section 5 of P.A. 282 of 1945 (being the County Planning Act, M.C.L. 125.105) requires: "The adoption of the plan, or of any such part, amendment, extension, or addition, shall by resolution be carried by the affirmative votes of not less than a majority of the full membership of the commission after duly advertised public hearing." Statute requires a county planning commission to meet at least four times a year.]

108. Powers and Duties:

- A. The Planning Commission shall have the powers and duties as set forth in Act 282 of the Public Acts of 1945, as amended.
- B. The Planning Commission shall develop and maintain a plan for the future development of the County, which plan shall include planning in cooperation with constituted local units of government (LUGs). The plan with accompanying maps, plats, charts, and all pertinent and descriptive explanatory data shall show the Planning Commission's recommendation for the future development of the County. In the maintenance of a County development plan, the Planning Commission shall make careful and comprehensive studies of existing conditions and probable growth of the County. Such plan shall be made with the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the County which will be in accordance with present and future needs for best promoting the health, safety, order, convenience, prosperity and general welfare of the inhabitants, as well as the efficiency and economy in the process of development. It shall be the duty of the Planning Commission to:
 1. make studies, investigations and surveys relative to the economic, social and physical development of the County;
 2. formulate plans and make recommendations to the Montcalm County Board of Commissioners and the LUGs for the most effective economic, social and physical development of the County;
 3. cooperate with all departments of the state and federal governments and other public agencies concerned with programs directed towards economic, social and physical development of the County, and seek the maximum coordination of the County programs of these agencies;
 4. consult with representatives of adjacent counties in respect to their planning so that conflicts in overall county plans can be avoided.
- C. The Planning Commission shall have the power to promote public interest in an understanding of the plan and to that end may publish and distribute copies of the county plan or any report thereon and may employ such other means of publicity and education as it may determine advisable. Members of the commission may attend meetings dealing with planning problems and techniques and any hearings on pending planning legislation. The Planning Commission as part of its duties, shall consult and advise with public officials and public agencies, other planning commissions or committees, private organizations and agencies, and citizens of the county to develop adequate support and understanding of the objectives of the county plan.
- D. The Planning Commission shall have authority to apply for and receive grants from any government agency, and to receive gifts.
- E. Before preparing a plan, the Planning Commission shall send a written notice, explaining that the Planning Commission intends to prepare a plan and requesting the recipient's cooperation and comment, to all of the following:
 1. The Planning Commission, or if there is no Planning Commission, the legislative body of each city, village or township located within or contiguous to Montcalm County.

2. The County Planning Commission, or if there is no County Planning Commission, the County Board of Commissioners, for each county located contiguous to Montcalm County.
3. The West Michigan Regional Planning Commission.
4. Each public utility company and railroad company owning or operating a public utility or railroad within Montcalm County, and any government entity, that registers its name and mailing address for this purpose with the Planning Commission.

As part of the notice, the Planning Commission may request permission to submit electronically any information required to be submitted to the above entities pursuant to Section 109 of this Ordinance

- F The Planning Commission shall prepare and adopt a plan for the future development of the County for the Montcalm County Board of Commissioners review and adoption. The County plan with accompanying maps, plats, charts and descriptive and explanatory data shall show the Planning Commission's recommendation for the future development of the County. The Planning Commission may adopt the plan as a whole by a single resolution, or may by successive resolutions adopt successive parts of the plan, said parts corresponding to major geographical sections of the County or to functional divisions of the subject matter of the plan, and may adopt any amendment or extension, thereof or addition thereto. The adoption of the plan, or any such part, amendment, extension, or addition, shall by resolution be carried by the affirmative votes of not less than a majority of the full membership of the Planning Commission after duly advertised public hearing. The resolution shall refer expressly to the maps, plats, charts and descriptive and explanatory data intended by the Planning Commission to form the whole or part of the plan, and action taken shall be recorded on the maps, plats, charts and descriptive and explanatory data by the identifying signature of the Chairperson of the Planning Commission. Following adoption of the County plan or any part thereof, the Commission shall submit the proposed plan to the County Board for their review, comment and adoption.

109. Plan Adoption Procedures:

- A. The process of adopting a plan shall not proceed until the Montcalm County Board of Commissioners approves the distribution of the proposed plan for comment. If the County Board approves the distribution of the proposed plan, the Planning Commission shall submit a copy of the proposed plan, for review and comment to all of the following:
1. The Planning Commission, or if there is no Planning Commission, the legislative body of each city, village, township, or county located within or contiguous to Montcalm County.
 2. The Planning Commission, or if there is no Planning Commission, the County, for each county contiguous to Montcalm County.
 3. The West Michigan Regional Planning Commission.
 4. Each public utility company and railroad company owning or operating a public utility or railroad within Montcalm County, and any government entity, that registers its name and mailing address for this purpose with the Planning Commission.

Any entity described above may submit comments on the proposed plan to the Planning Commission within sixty days after the proposed plan was submitted to that entity for comment and review. The Planning Commission will review the comments received and revise the plan as deemed necessary and forward the revised plan to the County Board for adoption.

- B. If the County Board rejects the proposed plan, as submitted from the Planning Commission, the commissioners shall submit to the Planning Commission a statement of its objections to the proposed plan. The Planning Commission shall consider the County Board objections and revise the proposed plan so as to address those objections. The procedures identified above in Section 109A shall be repeated until a proposed plan is approved by the County Board.
- C. Upon final adoption of the plan by the County Board, copies of the plan shall be submitted to those entities identified above in Section 109A.
- D. At least every five years after adoption of the plan, the Planning Commission shall review the plan and determine whether to commence the procedure to amend the plan or adopt a new plan.

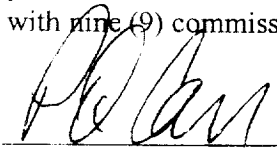
110. Meetings; Records:

The Planning Commission shall follow the rules of procedure adopted by the Montcalm County Board of Commissioners for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which records shall be a public record. Amendments to the rules of procedure shall be adopted by the Montcalm County Board of Commissioners prior to taking effect.

111. Approval, Ratification, and Reconfirmation.

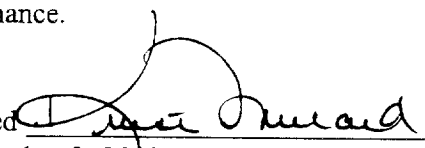
All official action taken by the Planning Commission under the Ordinance originally adopted by the County Board on September 8, 2003, adopted by the Montcalm County Board of Commissioners is hereby approved and ratified. This Ordinance shall be in full force and effect from and after its passage, publication.

Passed by the Board of Commissioners of the County of Montcalm on September 8, 2003, at its regular meeting with nine (9) commissioners in attendance, nine (9) voting aye, zero (0) nay.

Signed: , Chairman.

CERTIFICATION

I hereby certify that the foregoing was duly adopted by the Board of Commissioners of Montcalm County, Michigan, at its regular meeting on September 8, 2003, that of nine (9) members of the County Board of Commissioners, nine (9) were in attendance and nine (9) voted for the adoption of the Ordinance.

Signed , County Clerk
September 8, 2003

Adopted by County Board: September 8, 2003

Published: [date]

Effective Date: [date]

Mailed to the Great Seal of the State of Michigan: [date]