MENOMINEE COUNTY PLANNING COMMISSION ORDINANCE
OF FEBRUARY 11, 1974

WHEREAS, The People of Menominee County did establish the Menominee County Planning Commission Ordinance of February 11, 1974, 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 MENOMINEE COUNTY DO ORDAIN THAT SAID ORDINANCE SHALL READ AS FOLLOWS:

MENOMINEE COUNTY PLANNING COMMISSION ORDINANCE
(EFFECTIVE DATE TO BE DETERMINED)

AN ORDINANCE to create a Planning Commission for the Menominee 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 and zoning in Menominee County, to create, organize, enumerate powers and duties, and to provide for the regulation and subdivision of land, coordinated and harmonious development of Menominee County; and to function in cooperation with other constituted authorities of incorporated and unincorporated areas within the state where Menominee County exists.

THE PEOPLE OF MENOMINEE COUNTY DO ORDAIN:

101. Creation:

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

102. Membership:

A. The Commission shall consist of 7 members appointed by the Menominee 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 Menominee County.
2. **shall not hold any elected office or employment with the County of Menominee unless an exofficio member.**
3. shall meet the conditions provided for each individual member in sections 102.B, 102.C, 102.D, and 102.E 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 ⅓ 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 ⅓ of all commission members continue to expire each year.

C. 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.

D. The membership shall be representative of the important geographic and interest segments of Menominee County and may be chosen from the following 9 categories. One Commissioner shall be appointed from category 10.

1. One citizen at-large member representing interests of Menominee County may 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 Menominee County, and;
   b. shall be a resident of Menominee County.
2. One citizen member representing the environmental interests of Menominee County may 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 a resident of Menominee County.
3. One citizen member representing the agricultural, forestry, land use interests of Menominee County may 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 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 appointed by the Menominee County Board of Commissioners from names nominated by the County Conservation District Board, County Chapter of Farm Bureau, the United States Forest Service, Michigan Department of Natural Resources, professional foresters in the county; and
   c. shall be a resident of Menominee County.
4. One citizen member representing the governmental municipal interests of the county may 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 Menominee County Chapter of the Michigan Townships Association; and
   b. shall be a resident of a township (not a village or city).
5. One citizen member representing the educational interests of the County may 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 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

c. shall be a resident of Menominee County.

6. One member representing recreational and tourist interests of the County may 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 resident of Menominee County.

7. One citizen member representing the industrial and economic interests of the county may 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 Menominee County funded agency, whose bonafide purpose is to promote business, commerce, and industry in Menominee County; and

b. shall be appointed from names nominated by county-wide non-profit corporations with their corporate office in Menominee County whose bonafide purpose is to promote business, commerce and industry in the county; and

c. shall be a resident of Menominee County.

8. One member representing the transportation and communication interests of the county may 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 of the Menominee County Board of Road Commissioners or the Manager of the Menominee County Road Commission; and

b. shall be a resident of Menominee County.

9. One member representing sanitation, environmental health, housing, and human services interests of the county may 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 an employee of the environmental health division of the public health department, or district, which has jurisdiction in Menominee County, or a member of a county housing commission or county-wide housing organization, or a member in good standing of a county-wide human services coordination organization; 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, the housing commission, a housing organization, and a human services coordination organization.

c. shall be a resident of Menominee County.

10. One member shall be a member of the Menominee County Board of Commissioners.

a. shall be appointed for a term of office which is concurrent with the elected position on the Menominee County Board.

E. A member of the County Board/Chief Administrative Officer/and person appointed by the Chief Administrative Official, or the chief elected official of the County shall 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 Menominee County and quasi- Menominee 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. Menominee County Administrator.
3. Menominee County Attorney.

104. Training

A. Training is desirable if available and financially supported.

105. Members, Appointment and Terms:

A. In February of each year the Menominee 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 March 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 Menominee County to seek different applications.

C. In April of each year Menominee County 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 April 30th, at 9:00 a.m. of the respective year.

106. Removal from Office:

A. The Menominee 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 Menominee County Board of Commissioners.

107. Membership; Vacancies:

A. Menominee 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. Three months after adoption of this ordinance the current commission members' terms of office will end. Upon adoption of this ordinance the Menominee County Board of Commissioners shall start the process of appointing new members to the commission. Three months after adoption of this ordinance the County Board shall appoint new members with 1/3 of the appointees to one year terms, 1/3 of the appointees to two year terms, and 1/3 of the appointees to three year terms. Nothing herein shall prevent the County Board from appointing current members of the Commission if the individual was nominated pursuant to section 102.D of this ordinance. 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 Menominee County Board of Commissioners per meeting plus mileage.

110. Meetings:

A. The Commission shall meet at least four times per year 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 ⅔ 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 rural 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 Menominee.

C. The Commission shall have authority to apply for and receive grants from any government agency or the federal government and to receive gifts with concurrence of a majority of the Menominee County Board.

112. Meetings; Records:

A. 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.

113. Approval, Ratification, and Reconfirmation.

A. All official actions taken by all Menominee 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 Menominee County Planning Commission. This Ordinance shall be in full force and effect from and after its adoption and publication.

Passed by the Menominee County Board of Commissioners for the Menominee County Planning Commission, at its regular meeting with _____ commissioners in attendance, __ voting aye, __ nay.

Signed: _____, Menominee County Chairperson.

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I hereby certify that the foregoing was duly adopted by the Planning Commission of Menominee County, Michigan, at its regular meeting on the_____that of 7 members of the Menominee County Planning Commission _____ 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 at page __ in the Book of Ordinances for the Menominee County.

Signed _____, Clerk

[date]