

**PRESQUE ISLE COUNTY
PLANNING COMMISSION ORDINANCE
OF 2010**

WHEREAS, the Presque Isle County Board of Commissioners, on October 11, 1972, established the Presque Isle County Planning Commission by resolution, and

WHEREAS, it is now desired to adopt this ordinance to insure proper record of the action is created, and

WHEREAS, an ordinance to create a Planning Commission for the County of Presque Isle is 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 Presque Isle 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 of Presque Isle, and to function in cooperation with other constituted authorities of incorporated and unincorporated areas within Michigan.

THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF PRESQUE ISLE COUNTY, MICHIGAN:

Section 1.01 Creation:

A Commission is created to be known as the Presque Isle County Planning Commission, a successor to the Commission formerly created by the County Board, hereinafter referred to as the Commission with the powers and duties as therein set forth and as hereinafter provided. This ordinance shall be officially known and described as the "Presque Isle County Planning Commission Ordinance".

Section 1.02 Membership:

- A. The Commission shall consist of 11 members inclusive of any ex officio member(s) appointed by the County Board of Commissioners.
- B. Members of the Commission shall be qualified electors of Presque Isle County.
- C. Members shall be appointed for three-year terms except ex officio members who shall be appointed for the terms as provided in subsection D. As nearly as possible, the terms of 1/3 of all commission members will expire each year.
- D. One or more members of the Board of Commissioners may be appointed to the Commission as ex officio members. However, not more than 1/3 of the members of the Commission may be members of the County Board of Commissioners. The terms of office of ex officio members shall coincide with their elected terms of office.

- E. Every reasonable effort shall be made to insure that the membership of the 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.
- F. The membership of the commission shall be representative of 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, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry and commerce. The membership shall also be representative of the entire geography of the County to the extent practicable.
- G. Current members of the Planning Commission shall continue to hold their present terms of office until such time as they expire.
- H. Except as provided in subsection D, an elected officer or employee of Presque Isle County is not eligible to be a member of the Commission.

Section 1.03 Officers; Advisory Committee:

- A. The Commission shall elect a chairperson and secretary from its members and create and fill other offices as it considers advisable. An ex officio member is not eligible to serve as chairperson. The term of each officer shall be one year, with the opportunity for re-election as specified in the bylaws adopted by the Commission.
- B. The Commission may appoint advisory committees whose members are not members of the Planning Commission.

Section 1.04 Members; Appointment and Terms:

- A. In November of each year the Presque Isle County Building Official shall determine which member's terms of office expire and shall identify what interest segments to be targeted.
- B. In December of each year the 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.

Section 1.05 Removal from Office:

- A. The 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 not 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 Board of Commissioners.

Section 1.06 Membership; Vacancies:

The 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.

Section 1.07 Membership; Compensation:

Members of the Planning Commission may be compensated for their service as provided by the County Board.

Section 1.08 Meetings:

- A. The Commission shall meet at least four times per year. A majority of the Commission shall constitute a quorum for the transaction of the ordinary business of the Commission and all questions which shall arise at their meetings shall be determined by a vote of the majority of the members present.
- B. The affirmative vote of a majority 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.

Section 1.09 Powers and Duties:

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.).

Section 1.10 Staff:

Employees who are assigned to work with the Commission shall follow the directives of the Commission in matters of planning and zoning issues, but shall not be subject to Commission directives concerning employment provisions of law, employment policies, employee roster, employee or union contracts, if any.

Section 1.11 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.

Section 1.12 Approval, Ratification, and Reconfirmation:

All official actions taken by all Presque Isle 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 Presque Isle County Planning Commission.

This Ordinance shall be in full force and effect from and after its adoption and publication.

Section 1.13 Severability:

If any part of this ordinance shall be determined to be unenforceable by a court of competent jurisdiction, that part shall be deemed to be severed and removed from the body of this ordinance and the rest shall remain in full force and effect.

Section 1.14 Adoption:

Passed, adopted and approved this 13th day of January, 2010, by the Board of Commissioners of the County of Presque Isle.

Section 1.15 Effective:

This ordinance shall become effective immediately.

Dated: Jan. 13, 2010

Carl L. Altman
Carl L. Altman, Chairman
Presque Isle County Board of Commissioners

CERTIFICATION

STATE OF MICHIGAN)
) ss.
COUNTY OF PRESQUE ISLE)

I hereby certify that the above is a true and complete copy of the ordinance adopted by the Board of Commissioners of Presque Isle County, Michigan, at a regular meeting held on the 13th day of January, 2010, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said act.

Dated: Jan. 13, 2010

Susan M. Rhode
Susan M. Rhode
Presque Isle County Clerk