

CALHOUN COUNTY PLANNING COMMISSION ORDINANCE OF  
2011

ORDINANCE NUMBER \_\_\_\_\_

Adopted \_\_\_\_\_, \_\_\_\_, 2011

Effective \_\_\_\_\_, \_\_\_\_, 2011

CALHOUN COUNTY PLANNING COMMISSION  
ORDINANCE OF 2011

WHEREAS, the Calhoun County Board of Commissioners did by resolution on December 11, 1961, establish the Calhoun County Metropolitan Planning Commission, did further on March 20, 2003, adopt by resolution an Ordinance setting forth a Constitution and By-laws relative to the Calhoun County Metropolitan Planning Commission, and whereas it is now desired to repeal the existing ordinance and adopt this ordinance to comply with the Michigan Planning Enabling Act, MCL §125.3801 *et. Seq.*, and to ensure proper record of said action is created, NOW THEREFORE, THE PEOPLE OF CALHOUN COUNTY DO ORDAIN THAT SAID ORDINANCE SHALL READ AS FOLLOWS:

AN ORDINANCE to create a Planning Commission for Calhoun County as authorized by P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, MCL 125.3801 *et. seq.* for the purpose of having planning and zoning in Calhoun County, to create, organize, enumerate powers and duties, and to provide for the regulation and subdivision of land, coordinated and harmonious development of Calhoun County; and to function in cooperation with other constituted authorities of incorporated and unincorporated areas within the state where Calhoun County exists.

THE PEOPLE OF Calhoun County DO ORDAIN:

101. Creation: There shall be a Calhoun 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. This ordinance shall be officially known and described as the "Calhoun County Planning Commission Ordinance."

102. Membership:

- A. The Commission shall consist of eleven (11) members appointed by the Calhoun 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 Calhoun 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 Calhoun County Board of Commissioners representative to the Commission (section 102.E.10, of this ordinance);
  - 3. after an individual's first appointment and before reappointment shall, to the extent funding is available for training, have attended training for Commission members,;
  - 4. shall meet the conditions provided for each individual member set forth in sections 102.E (1) - (10) this Ordinance.
- 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. The Calhoun County Administrator/Controller, as Chief Administrative Official of Calhoun County, or designee, shall serve as an Ex officio member of the Commission, with full voting rights on the Commission. The term of office of the ex officio member shall coincide with his/her term of employment by the Calhoun County Board of Commissioners.
- 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 Calhoun County, as well as be representative of all of Calhoun County to the extent practicable, as follows.
1. One citizen at-large member representing interests of Calhoun 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 notices requesting applications in the manner set forth in Section 105(B) herein, and;
    - b. Shall not hold any other office or position in Calhoun County Government other than by virtue of membership on the Planning Commission.
  2. One citizen member representing the environmental interests of Calhoun 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 a member or employee in good standing of a county-based non-profit corporation with its registered office in Calhoun County, or having a substantial presence in Calhoun County and whose bona fide purpose is to be an environmental organization; and
    - b. Shall, to the extent practicable, be appointed from names nominated by county-based non-profit corporations with offices within Calhoun County whose bona fide purpose is to be environmental organizations; and
    - c. Shall not hold any other office or position in Calhoun County Government other than by virtue of membership on the Planning Commission.
  3. One citizen member representing the agricultural, forestry, land use interests of Calhoun 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 Calhoun County Conservation District Board, or
      - (2) a member of the board of the County Chapter of Farm Bureau, or
      - (3) a professional forester or active farmer with his or her business office in the Calhoun County, and
    - b. Shall, to the extent practicable, be appointed from names nominated by the Calhoun County Conservation District Board, County Chapter of Farm Bureau, the United States Forest Service, Michigan Department of Natural Resources, and/or professional foresters in the county; and
    - c. Shall not hold any other office or position in Calhoun County Government other than by virtue of membership on the Planning Commission.
  4. 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 Calhoun County Chapter of the Michigan Townships Association; and
    - b. Shall not hold any other office or position in Calhoun County Government other than by virtue of membership on the Planning Commission; and
    - c. May, when practicable, be a resident of a township (not a village or city).
  5. 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, 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 Calhoun 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 not hold any other office or position in Calhoun County Government other than by virtue of membership on the Planning Commission.

6. One member representing recreational and tourist 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 the board of the Battle Creek/Calhoun County Convention and Visitors Bureau (“Convention Bureau”), or
    - (2) who shall be a member or employee in good standing of a county-based profit or non-profit corporation with its corporate office in the county whose bona fide purpose is to be a tourist promotion organization; and
  - b. Shall be appointed from names nominated by the Convention Bureau; and
  - c. Shall not hold any other office or position in Calhoun County Government other than by virtue of membership on the Planning Commission; and
  - d. May, when practicable, be a resident of the cities of Albion, Battle Creek, Marshall, or Springfield.
7. One citizen member representing the industrial and economic 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 an employee or member in good standing (can be an employee of a corporation in good standing) of a county-based non-profit corporation with its corporate office in Calhoun County, or a County funded agency, whose bona fide purpose is to promote business, commerce, and industry in the county; and
  - b. Shall be appointed from names nominated by county-based non-profit corporations with their corporate offices in Calhoun County whose bona fide purpose is to promote business, commerce and industry in Calhoun County; and
  - c. Shall not hold any other office or position in County Government other than by virtue of membership on the Commission.
8. One member representing the transportation and communication 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 an employee of the Board of the Calhoun County Road Commission or the Managing Director of the Calhoun County Road Commission (or his/her designee); and
  - b. Who shall, if the position is not held by the Managing Director of the Calhoun County Road Commission, be appointed from names nominated by the Board of the Calhoun County Road Commission.
9. One member representing sanitation, environmental health, housing, and human services interests of Calhoun 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 Calhoun County Health Department, or
    - (2) A member or employee in good standing of a county-based human services coordination organization; and
  - b. who shall be appointed from names nominated by the Calhoun County Board of Health or any housing commission, housing organization, or human services coordination organization based in Calhoun County.
10. 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 Calhoun County Board of Commissioners; and

- c. shall be appointed for a term of office which is concurrent with his/her elected position on the County Board of Commissioners.
  - F. A member of the Commission who is a member of the County Board of Commissioners, the Administrator/Controller (chief administrative officer), or the person appointed by the Administrator/Controller, shall not be chair of the Commission.
  - G. Not more than One-Third (1/3) of the total membership of the Commission shall consist of, collectively, a member of the County Board, chief administrative officer, or the person appointed by the chief administrative official.
103. Liaisons: The Commission, in its Bylaws, may name "liaisons" to the Commission. The purpose of liaisons is to provide certain Calhoun County and quasi-Calhoun County officials the 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. Calhoun County Corporation Counsel.
104. Training: Appointed members of the Commission shall endeavor to attend educational programs designed for training members of Michigan planning commissions if the adopted Calhoun County budget for that fiscal year includes funds to pay for tuition, registration, and travel expenses for the training. The Commission may include in its Bylaws requirements relative to members receiving training.
105. Members, Appointment and Terms:
- A. In February of each year the Administrator/Controller, or designee, shall determine which members' terms of office expire, shall determine what organizations qualify to nominate members and shall contact, by first class mail or by e-mail, those organizations to solicit nominations.
  - B. In March of each year if the Administrator/Controller, or designee, has not received at least two nominations for each open office, then the Administrator/Controller, or designee, shall use one of the following methods: 1) placing an advertisement(s) in a newspaper with paid circulation in Calhoun County; 2) placing a notice on the County website; or 3) using such other means as are reasonably calculated to obtain applicants meeting the requirements set forth in this Ordinance to seek and obtain additional applications.
  - C. In May of each year Calhoun County Board Chairperson shall consider the applications and nominations received and shall appoint members to the Commission subject to approval by the Board of Commissioners by a majority vote as required by the Board Rules for a three year term of office which shall end May 30, at 9:00 a.m. of the third year of the term of the appointment.
106. Removal from Office:
- A. The Calhoun 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 Calhoun County Board of Commissioners.
107. Membership; Vacancies: The Calhoun 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: The transition from the previous Calhoun County Metropolitan Planning Commission and the Commission established in this ordinance shall be gradual and shall take place over the next three years. The Calhoun County Board of Commissioners shall continue to make annual appointments, appointing approximately 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.

109. Meetings:
- A. The Commission shall meet at least once every month 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.
110. Powers and Duties:
- A. The Commission shall have the 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 [local unit of government].
  - C. The Commission shall have authority, subject to approval as required by policy of the Calhoun County Board of Commissioners, to apply for and receive grants from any government agency, including the federal government and to receive gifts.
111. Staff:
- A. The Board of Commissioners delegates to the Administrator/Controller the power to employ a planning director and other personnel as necessary from time to time to assist the Commission in performing its functions as set forth herein or to contract for the services of planning and other technicians, and incur other expenses relative to planning. All budgets are subject to the final approval of the Board of Commissioners as part of annual budget process.
  - B. The Administrator/Controller, or designee, shall hire or dismiss such staff or contractors within the budget provided by the Board of Commissioners 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, employee or union contracts, if any, as govern other employees of Calhoun County.
  - D. Employees of Calhoun County, if any, 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, or union contracts, if any.
112. 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.
113. Approval, Ratification, and Reconfirmation: All official actions taken by all the Calhoun County Metropolitan 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 the Calhoun County Metropolitan Planning Commission.
114. Effective Date: This Ordinance shall be effective immediately upon publication in a newspaper of general circulation in Calhoun County.
115. Article and Section Title: The article and section titles shall be deemed for convenience only and shall not limit the scope of any article or section of this Ordinance.

116. Saving Clause and Repealer: The provisions of this Ordinance are hereby declared to be severable and, if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by a court of competent jurisdiction, the remaining portions of this Ordinance shall remain in force. All ordinances or parts of ordinances of Calhoun County in conflict with any of the provisions of this Ordinance are hereby repealed.

Art Kale - Chairperson  
Calhoun County Board of Commissioners

Anne B. Norlander  
Calhoun County Clerk & Register