

**CHARLEVOIX COUNTY**  
**Ordinance No. 10 of 2013**

AN ORDINANCE CONCERNING THE ORGANIZATION AND  
DUTIES OF THE COUNTY PLANNING COMMISSION CREATED  
PURSUANT TO ACT 33 OF THE PUBLIC ACTS OF 2008, AS  
AMENDED

THE COUNTY OF CHARLEVOIX ORDAINS:

**Section 1. Reaffirmation of County Planning Commission; Name of Planning Commission; Purpose of Ordinance.**

The county planning commission created for Charlevoix County pursuant to the Michigan Planning Enabling Act, Act 33 of the Public Acts of 2008, as amended, by Ordinance Number 10, enacted on July 27, 2011, is hereby reaffirmed. This planning commission shall be known as the "Charlevoix County Planning Commission." The purpose of this Ordinance is to clarify the organizational structure and duties of the planning commission.

**Section 2. Membership; Appointment; Compensation; Terms; Removal; Vacancy.**

- (a). The county planning commission shall consist of seven (7) members. An employee of the county, however, shall not be eligible to be a member of the county planning commission. Members of the county planning commission shall be qualified electors of the county, except one (1) member may be an individual who is not a qualified elector of the county. In addition, members of the county planning commission shall be representative of the entire territory of the county to the extent practicable and shall be representative of important segments of the county, 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 agricultural, natural resources, recreation, education, public health, government, transportation, industry, and commerce. Finally, every reasonable effort shall be made to ensure that membership on 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.
- (b). All members of the county planning commission shall be appointed pursuant to the procedures specified by a resolution adopted by a majority of the entire membership of the county board of commissioners.
- (c). All appointed members of the county planning commission may be compensated at a rate to be determined by the county board of commissioners.
- (d). The term of each appointed member shall be three (3) years or until his or her successor is appointed and assumes office.
- (e). After written charges and a public hearing before the county board of commissioners, a member of the county planning commission may be removed from office for misfeasance, malfeasance, or nonfeasance in office by a majority vote of the entire

county board of commissioners. The failure of a planning commission member to disclose to the planning commission a potential conflict of interest, as defined in Section 5 of this Ordinance, shall constitute malfeasance in office. The failure of a planning commission member to regularly attend scheduled meetings of the planning commission or to habitually fail to attend planning commission training seminars shall constitute nonfeasance in office. The county planning coordinator shall report to the county board of commissioners when a planning commission member has failed to attend three (3) consecutive planning commission meetings.

- (f). A vacancy on the county planning commission occurring otherwise than through the expiration of a member's term shall be filled for the unexpired term in the same manner as the original appointment.

**Section 3. Organization; Chairperson, Secretary, and Other Officers; Committees; Meetings; Rules; Records.**

- (a). The county planning commission shall elect a chairperson and secretary from its members. The planning commission may create and fill by election such other offices as it considers advisable. The term of chairperson and any other officers shall be one (1) year, with eligibility for reelection as specified in the planning commission bylaws.
- (b). The planning commission may appoint advisory committees, whose members are not required to be members of the planning commission.
- (c). The county planning commission shall hold not less than four (4) regular meetings each year and shall by resolution determine the time and place of the meetings.
- (d). The county planning commission shall adopt bylaws for the transaction of its business.
- (e). The county planning commission shall keep a public record of its resolutions, transactions, findings, and determinations.

**Section 4. Powers and duties.**

- (a). The county planning commission shall have all powers authorized by, and shall perform all duties specified in, the Michigan Planning Enabling Act, being Act 33 of the Public Acts of 2008, as amended.
- (b). Members of the county planning commission shall have the duty and responsibility to complete planning commission training as determined from time to time by resolution of the county board of commissioners.

**Section 5. Conflict of Interest.**

A member of the county planning commission shall declare a conflict of interest in connection with a matter pending before the planning commission and shall disqualify himself or herself from deliberating and voting on the matter when any of the following circumstances exist:

- (a). The applicant is the child, grandchild, great-grandchild, parent, grandparent, great-grandparent, brother, sister, nephew, niece, aunt, or uncle of the planning commission member or the member's spouse.
- (b). The planning commission member or the member's spouse, parent, child, or any relative residing in the member's household has a pecuniary interest in the outcome of the matter.
- (c). The planning commission member or the member's spouse resides on or has an ownership interest in land within 300 feet of the parcel regarding which the decision is to be made.
- (d). The planning commission member has made statements or taken any action outside the formal decision-making process that would suggest that he or she has prejudged the matter before the planning commission or would in any way preclude him or her from affording the applicant and the public a fair hearing.
- (e). The planning commission member concludes in good faith that because of prior business or personal relationships with the applicant or with other participants in the public hearing process, or for other reasons, he or she cannot afford the applicant and the public a fair hearing.

**Section 6. Planning Director and Personnel; Contract for Planning Services and other Technicians.**

- (a). The county board of commissioners may employ a planning director and other personnel as it considers necessary to assist the county planning commission in carrying out its powers and duties.
- (b). The county board of commissioners may contract for professional planning services and other technical services, such as attorneys and engineers, as it considers necessary to assist the county planning commission in carrying out its powers and duties.

**Section 7. Notification to Regional Planning Commission.**

Within fourteen (14) days after the county board of commissioners adopts this Ordinance the county clerk shall transmit a notice of the adoption of this Ordinance to the regional planning commission.

**Section 8. Savings Clause.**

All official actions taken by the county planning commission prior to the effective date of this Ordinance are hereby approved, ratified, and reconfirmed. Any project, review, or process taking place on the effective date of this Ordinance shall continue with the county planning commission created by this Ordinance, shall be subject to the requirements of this Ordinance, and shall be deemed a continuation of any previous county planning commission action.

**Section 9. Repeal.**

All prior ordinances creating a planning commission for Charlevoix County are hereby repealed in their entirety.

**Section 10. Severability.**

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any remaining portions or application of this Ordinance, which can be given effect without the invalid portion or application.

**Section 11. Effective Date.**

This Ordinance shall become effective sixty-three (63) days after being published in a newspaper of general circulation within the county.

Submitted by:

Ron Reinhardt

Supported by:

Rich Gillespie

Adoption Date: January 23, 2013