WHEREAS, The Emmet County Board of Commissioners did adopt the Emmet County Planning Commission Ordinance of April 28, 1967, and it now desires to repeal the existing Ordinance as amended and adopt this Ordinance to insure proper record of the action is created.

NOW THEREFORE, THE COUNTY OF EMMET ORDAINS THAT SAID ORDINANCE SHALL READ AS FOLLOWS:

EMMET COUNTY PLANNING COMMISSION ORDINANCE
Of March 17, 2011

AN ORDINANCE to create a Planning Commission for the County of Emmet 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 Emmet 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; and to function in cooperation with other constituted authorities of incorporated and unincorporated areas within the State where Emmet County exists.

THE COUNTY OF EMMET ORDAINS:

Section 1. Creation:  There shall be an Emmet 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 “Emmet County Planning Commission Ordinance.”

Section 2. Membership:
A. The Planning Commission shall consist of nine (9) members appointed by the Emmet 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 Emmet County, except that one member may be a non-qualified elector;
   2. shall not be an officer (including Clerk, Treasurer, Register of Deeds, Sheriff, and Prosecuting Attorney) or employee of the County;
   3. shall meet the conditions provided for each individual member in Sections 2.B. and 2.C 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 ½ of all Planning 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 ½ of all Planning Commission members continue to expire each year.
C. Membership shall be determined as follows:
   1. Ex officio members shall include up to three (3) members of the Emmet County Board of Commissioners. The terms of office of ex officio members shall coincide with their terms of office on the legislative body. Such County Commissioners shall not hold the position of chair of the Planning Commission.
   2. Every reasonable effort shall be made to insure that the membership of the 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.
   3. Every reasonable effort shall be made to insure that diverse geographic areas of the County are represented. These areas are generally identified by similar characteristics and population base, as the northern region, mid-region, southern-region, and coastal region.
   4. Every reasonable effort shall be made to insure that diverse interests of the County are represented. These include: agriculture, natural resources, governmental/municipal, economic/business, engineering/architectural, tourism, and social/recreation interests.

Section 3. Liaisons:
The Planning Commission, in its bylaws, may name “liaisons” to the Planning Commission. The purpose of liaisons shall be to provide certain Emmet County officials the ability to participate in discussions with the Planning Commission in addition to speaking at its meetings. At a minimum, liaisons shall include:
   1. Planning Department staff, and their agents and consultants.
   2. Emmet County Civil Counsel.

Section 4. Training:
Appointed members of the Planning Commission are encouraged to attend educational programs designed for Michigan planning commissions. Training will be available if the adopted Emmet County budget for that fiscal year includes funds to pay for tuition, registration, and travel expenses for the training.

Section 5. Members, Appointment and Terms:
A. In September of each year the Emmet County Clerk shall determine which members' terms of office expire, and shall determine those members' eligibility and desire to continue to serve.
B. If a vacancy is expected, then in November of each year, the Clerk shall place an advertisement(s) in a newspaper with general circulation in Emmet County to seek applications or nominations.
C. In January of each year the Emmet 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 11:59 PM of the respective year.

Section 6. Removal from Office:
A. The Board of Commissioners may remove a member of the Planning 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 Planning Commission meetings shall be considered nonfeasance in office.
B. The secretary of the Planning Commission shall report any member who has missed three consecutive regular meetings to the Board of Commissioners.
Section 7. Membership; Vacancies:
The Board of Commissioners shall fill any vacancy in the membership of the Planning Commission for the unexpired term in the same manner as the initial appointment.

Section 8. Membership; Transition:
A. The transition from the previous Emmet County Planning Commission and the Planning Commission established in this Ordinance shall have immediate effect. The Board of Commissioners shall make an initial appointment of all nine (9) members to serve out the remainder of their staggered three (3) year terms. Appointments shall then follow the requirements outlined in Section 2. of this Ordinance.
B. All other aspects of this Ordinance shall have immediate effect.

Section 9. Membership; Compensation: All members of the Planning Commission shall serve as such with compensation determined by the Board of Commissioners for meeting attendance plus mileage.

Section 10. Meetings:
A. The Planning Commission shall meet at least once every other month and 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.
B. The affirmative vote of the majority of the members of the Planning 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 11. Powers and Duties:
B. The Planning 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 Emmet.
C. The Planning Commission shall have authority to apply for and receive grants from any government agency or the federal government and to receive gifts.

Section 12. Meetings; Records:
The Planning 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 public records.

Section 13. Approval, Ratification, and Reconfirmation:
All official actions taken by all Emmet County Planning Commissions preceding the Planning 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 Planning Commission created by this Ordinance, subject to the requirements of this Ordinance, and shall be deemed a continuation of any previous Emmet County Planning Commission. This Ordinance shall be in full force and effect from and after its adoption and publication.
Section 14. Repeal:
The Emmet County Planning Commission Ordinance adopted April 28, 1967, including any and all previous amendments, is repealed.

Section 15. Severability:
The invalidity of any clause, sentence, paragraph, or part of this Ordinance shall not affect the validity of the remaining parts of this Ordinance.

Section 16. Effective Date:
This Ordinance shall take effect upon its publication.

Passed by the Board of Commissioners of the County of Emmet on March 17, 2011, at its regular meeting with County Commissioners in attendance, voting aye, nay.

Signed:
James Tamlyn, Chairman
Emmet County Board of Commissioners

STATE OF MICHIGAN }
COUNTY OF EMMET }

I, Joann M. Schofield, Chief Deputy Clerk of the County of Emmet, and of the Emmet County Board of Commissioners, do hereby certify that the foregoing was duly adopted by a majority vote of the Board on the 17th day of March, 2011

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the County of Emmet this 17th day of March, 2011 at Petoskey, Michigan.

JOANN M. SCHOFIELD, Chief Deputy Clerk