

11-051

June 14, 2011

TO THE HONORABLE BOARD OF COMMISSIONERS:

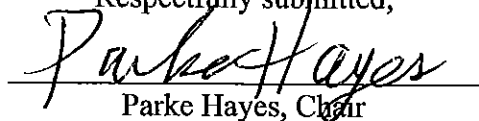
WHEREAS the Hillsdale County Planning Commission has approved a revised Planning Commission Ordinance (attached) and

WHEREAS the current ordinance expires June 30, 2011, and

WHEREAS the Planning Commission desires to continue the process of updating the county's master plan which will follow the revised Planning Commission Ordinance and will tie in with the state's announced goal of promoting regional cooperation.

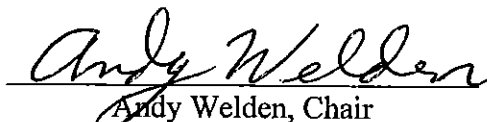
NOW THEREFORE BE IT RESOLVED that the Hillsdale County Board of Commissioners hereby approves the revised Hillsdale County Planning Commission Ordinance, which will replace the current Planning Commission Ordinance on July 1, 2011. Approval of this resolution authorizes the chairman of the Board of Commissioners to sign the ordinance, authorizes its publication as required by statute, and provides for the July 1, 2011 effective date, in compliance with provisions of Act 156 of 1851 (Michigan), 46.11 'powers of County Boards of Commissioners', sec. 11 (j).

Respectfully submitted,



Parke Hayes, Chair

Technology and Economic Development



Andy Welden, Chair

Board of Commissioners

APPROVED BY THE BOARD OF COMMISSIONERS ON JUNE 14, 2011 AS AMENDED TO INCLUDED A FIVE YEAR SUNSET CLAUSE AND APPROVAL OF ALL GRANT APPLICATIONS PRIOR TO SUBMISSION. ROLL CALL VOTE: C/RINGENBERG - YES, C/SPIETH - ABSENT, C/BENZING - NO, C/DENSMORE - YES, C/BURTKA - YES, C/WELDEN - YES, C/HAYES - YES. VOTE: 5-YES, 1-NO, 1-ABSENT.

ORDINANCE NO. 2011-1

**HILLSDALE COUNTY PLANNING COMMISSION ORDINANCE
OF 2011**

Adopted: June 14, 2011

Effective: July 1, 2011

* Sunset in five years - July 1, 2016

WHEREAS, The People of The county of Hillsdale did establish the Hillsdale County Planning Commission Resolution of April 13, 1999, and it is now desired to repeal the existing resolution and adopt this ordinance to insure proper record of the action is created, NOW THEREFORE, THE PEOPLE OF HILLSDALE COUNTY DO ORDAIN THAT SAID ORDINANCE SHALL READ AS FOLLOWS:

HILLSDALE COUNTY PLANNING COMMISSION ORDINANCE

Effective: July 1, 2011

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

THE PEOPLE OF THE COUNTY OF HILLSDALE DO ORDAIN:

101. Creation:

There shall be a County of Hillsdale 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 "Hillsdale County Planning Commission Ordinance."

102. Membership:

- A. The Commission shall consist of nine (9) members appointed by the County of Hillsdale 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 the County of Hillsdale, 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 ex officio representative from the county board of commissioners on the commission (section 102.c. And 102.f.7, of this ordinance), the school board-member on the commission and the city, village or township elected representative on the commission;
 3. shall meet the conditions provided for each individual member in sections 102.B, 102.D, 102.E, 102.F, and 102.G 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 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 1/3 of all commission members continue to expire each year.

- C. Ex officio member shall include one (1) member of the County Board of Commissioners. The terms of office of ex officio member shall coincide with their elected terms of office on the 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. Every reasonable effort shall be made to ensure that the membership shall also be representative of the entire geography of the County of Hillsdale to the extent practicable.
- F. The membership shall be representative of the important geographic and interest segments of the County of Hillsdale, as follows.
 - 1. One citizen member representing the environmental and natural resources interests of the County of Hillsdale 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 County Conservation District Board, or
 - (2) an employee of the County Conservation District or Michigan Department of Natural Resources; or
 - (3) a member in good standing of one of the county-wide non-profit corporation(s) with their corporate office in the County of Hillsdale whose bonafide purpose is to be an environmental and natural resource organization;
 - b. Shall be appointed by the county board from names nominated by the county conservation district board, Michigan department of natural resources and other county-wide environmental and natural resources focused non-profit organization; and
 - c. shall not hold any other elected office or employment position in Hillsdale county government other than by virtue of membership on the planning commission.
 - 2. One citizen member representing the agricultural interests of the County of Hillsdale 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 County Chapter of Farm Bureau, or
 - (2) a professional forester with his or her business office in the county, or
 - (3) an employee of the Michigan Department of Agriculture, or
 - (4) A member in good standing of one of the county-wide non-profit organization(s) whose main purpose is to be an agricultural organization, and
 - b. shall be appointed by the County Board from names nominated by the County Chapter of Farm Bureau, Michigan Department of Agriculture, professional foresters in the county and other county-wide agriculture focused non profit organization; and
 - c. shall not hold any other elected office or employment position in Hillsdale county government other than by virtue of membership on the planning commission.
 - 3. Two citizen members representing the Township 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 County of Hillsdale Chapter of the Michigan Townships Association; or
 - b. A similar organization/group representing the interests of the townships in Hillsdale county; and
 - c. shall not hold any other elected office or employment position in Hillsdale County Government other than by virtue of membership on the Planning Commission; and
 - d. may, when possible, be a resident of a township (not a village or city).
4. One citizen member representing the City and Village 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 Hillsdale County Regional Roundtable; or
 - (2) a member of a similar organization/group representing the interests of cities and village in Hillsdale county.
 - b. shall be appointed by the county board from names nominated by the Hillsdale regional roundtable and other similar organizations representing the interests of cities and villages in Hillsdale county; and
 - c. shall not hold any other elected office or employment position in Hillsdale county government other than by virtue of membership on the planning commission; and
 - d. may, when possible, be an employee of a village or city within the County of Hillsdale.
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 from the County Board from names nominated by the Hillsdale County Superintendents Association; 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 elected office or employment position in Hillsdale county government other than by virtue of membership on the planning Commission.
6. 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 a member in good standing of one of the county-wide non-profit corporations with its corporate office in the county, or a County funded agency, whose bonafide purpose is to promote business, commerce, and industry in the county; and
 - b. shall be appointed from names nominated by county-wide non-profit corporations with their corporate office in the County whose bonafide purpose is to promote business, commerce and industry in the county; and
 - c. shall not hold any other elected office or employment position in Hillsdale county government other than by virtue of membership on the Planning Commission.
7. One members shall be a member of the Hillsdale County Board of Commissioners who meets the following conditions:

- a. shall be appointed for a term of office which is concurrent with the elected position on the County Board.
 - 8. One citizen at-large member representing interests of Hillsdale 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 advertisements in a newspaper with paid circulation in Hillsdale County, and;
 - b. shall not hold any other elected office or employment position in Hillsdale county government other than by virtue of membership on the planning commission.
 - G. A member of the County Board of Commissioners cannot be chair of the Commission.
 - H. Not more than 1/3 of the total membership of the Commission shall consist of, collectively, a member of the County Board, chief administrative officer, person appointed by the chief administrative official, or chief elected official of the county.
103. Liaisons:
- A. The commission, in its bylaws, may name "liaisons" to the commission. The purpose of liaisons is to provide the Hillsdale County Planning Commission with information pertinent to the commission's business and provide for communication and coordination between county agencies or departments and the county planning commission, which are taking up subject matter pertinent to a particular county agency or department.
 - B. The liaisons have the ability to participate in discussion with the commission, in addition to speaking in public participation, and nothing else. Liaisons cannot vote, introduce motions, initiate any other parliamentary action, be counted for a quorum or be expected to comply with attendance requirements. At a minimum liaisons may include:
 - 1. Planning department staff, and their agents and consultants
 - 2. County of Hillsdale administrator
 - 3. County of Hillsdale attorney
 - 4. County surveyor
 - 5. County Extension director or representative of MSU Extension Hillsdale County.
 - 6. representative from regional planning agency.
 - 7. public health staff or a representative of the County of Hillsdale Public Health Department
 - 8. Road Commission staff or a representative of the County of Hillsdale Road Commission Department
 - 9. Drain Commission staff or a representative of the County of Hillsdale Drain Commission Department
104. Training:
- Appointed members of the Commission shall attend educational programs designed for training members of Michigan planning commissions if the adopted County of Hillsdale budget for that fiscal year includes funds to pay for tuition, registration, and travel expenses for the training. The members shall also make every effort to attend a core-training program on land use before the conclusion of their first term of office. The Commission shall include in its Bylaws what training programs qualify to meet the requirement of core land use training programs.
105. Members, Appointment and Terms:
- A. In September of each year the Commission 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 October of each year if the Commission has not received at least one nomination for each office, then the Commission shall discard those applications and shall place an advertisement(s) in a newspaper with paid circulation in [local unit of government] to seek different applications.
 - C. In December of each year the County 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.
106. 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.
 - B. Failure to repeatedly attend Commission meetings shall be considered nonfeasance in office.
 - C. The secretary of the Planning Commission shall report any member who has missed three (3) regular meetings in a row to the County Board of Commissioners.
 - D. Conflict of Interest: Each member of the Commission shall avoid situations that are conflicts of interest, and/or incompatibility of office. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:
 - 1. Issuing, deliberating, voting or reviewing a case concerning him or her self.
 - 2. Issuing, deliberating, voting or reviewing a case concerning work on land owned by him or her self, or which is adjacent to (or within 300 feet) land owned by him or her self.
 - 3. Issuing, deliberating, voting or reviewing a case involving a corporation, company, partnership, or any other entity in which he or she is a part owner, or any other relationship where he or she may stand to have a financial gain or loss.
 - 4. Issuing, deliberating, voting or reviewing a case that is an action resulting in a pecuniary benefit to him or her self.
 - 5. Issuing, deliberating, voting or reviewing a case concerning his or her spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parents in-law, grandparents in-law, or
 - 6. Issuing, deliberating, voting or reviewing a case where his or her employee or employer is:
 - a. An applicant or agent for an applicant, or
 - b. Has a direct interest in the outcome.
 - E. If there is a question whether a conflict of interest exists or not, the question shall be put before the Commission. If a conflict of interest exists or not shall be determined by a majority vote of the remaining members of the Commission.
 - F. When a conflict of interest exists the member of the Commission shall do all of the following immediately, upon first knowledge of the case and determining a conflict exists:
 - 1. Declare a conflict exists at the next meeting of the Commission or committee:
 - 2. Cease to participate at the Commission or committee meetings, or in any other manner, or represent one's self before the Commission, its staff, or others, and
 - 3. During deliberation of the agenda item before the Commission or committee, leave the meeting, or remove one's self from the front table where members of the Commission sit until that agenda item is concluded.
 - G. If a member of the Commission is appointed to another office, which is an incompatible office with his or her membership on the Commission, then on the effective date of the appointment to the other office, that shall result in an automatic resignation from the Commission. If a member of another office is appointed to the Commission, which is an incompatible office with his or her membership in the other office, then on the effective date of the appointment to the commission, that shall result in an automatic resignation from the other office.

107. Membership; Vacancies:
The Hillsdale 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. The transition from the previous County of Hillsdale Planning Commission and the Commission established in this ordinance shall be gradual and shall take place over the next three years. The Board of Commissioners shall continue to make annual appointments, appointing approximately $\frac{1}{3}$ 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.
B. All other aspects of this ordinance shall have immediate effect.
109. Membership; Compensation:
All members of the Planning Commission shall be compensated as established by the Hillsdale County Board of Commissioners.
110. Meetings:
A. The Commission shall hold not less than 4 regular meetings each year. Unless the bylaws provide otherwise, a special meeting of the planning commission may be called by the chairperson or by 2 other members, upon written request of the secretary. Unless the bylaws provide otherwise, the secretary shall send written notice of a special meeting to planning commission members not less than 48 hours before the meeting. 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.
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.*).
1. Undertake studies of existing social, physical and economic conditions and probable growth;
2. prepare, adopt and maintain a plan for development;
3. cooperate with local, state, federal, governments and other agencies of its government;
4. serve as a coordinating agency for all planning in the county (intergovernmental coordination);
5. review city, village, township (within and adjacent) plans;
6. review township zoning map and text amendments;
7. review farmland preservation agreements (pa 116);
8. review and comment on any prepared capital improvement programs (cip) for capital expenditures of the local unit of government;
9. review and comment on proposed infrastructure physical improvements in the government;
10. prepare annual report for board of commissioners;
11. prepare and submit budget for the next year
12. prepare annual work program.

- B. the commission shall have the power and duties to do anything else the Michigan planning enabling act (p.a. 33 of 2208) allows a county planning commission to do, and anything else delegated to the county planning commission by the county board of commissioners from time-to-time.
 - C. The Commission shall have authority to apply for and receive grants from any government agency or the federal government and to receive gifts. * To be approved by the Board of Commissioners prior to submission of any such Grants.
112. Staff:
- A. The Commission is delegated the authority to hire or dismiss a planning director within the budget provided for this purpose.
 - B. The planning director shall be a department head, and shall hire or dismiss other such staff within the budget provided 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 the County of Hillsdale.
 - D. Employees 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, employee roster, employee or union contracts, if any.
113. 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.
114. Approval, Ratification, and Reconfirmation.
All official actions taken by all County of Hillsdale 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 [local unit of government] Planning Commission. This Ordinance shall be in full force and effect from and after its adoption and publication.

Passed by the Board of Commissioners of the County of Hillsdale, Michigan on June 14, 2011, at its regular meeting with 6 commissioners in attendance, 5 voting aye, 1 nay, 1-Absent. With amendments *

Signed: Andy Welton, Chair.

I hereby certify that the foregoing was duly adopted by the Board of Commissioners of Hillsdale County, Michigan, at its regular meeting on June 14, 2011, that of 7 members of the Hillsdale County Board of Commissioners, 6 were in attendance and 5 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 14th day of June, 2011, at page in the Book of Ordinances for the County of Hillsdale, Michigan, and placed in the County Ordinance File in the County Clerks Office.

Signed Marney M. Kast Clerk
John A. Holt Deputy Clerk
County of Hillsdale, Michigan June 14, 2011