

ORDINANCE #2021-3

DELTA COUNTY PLANNING COMMISSION ORDINANCE

WHEREAS, The People of DELTA County desire to establish a Delta County Planning Commission by adoption of this Ordinance of February 5, 2019, and as amended April 13, 2021, to ensure proper record of the action is created, NOW THEREFORE, THE PEOPLE OF DELTA COUNTY DO ORDAIN AS FOLLOWS:

DELTA COUNTY PLANNING COMMISSION ORDINANCE

AN ORDINANCE to create a Planning Commission for Delta 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 in Delta County, to create, organize, enumerate powers and duties, and to provide for the coordinated and harmonious development of Delta County; and to function in cooperation with other constituted authorities of incorporated and unincorporated areas within the state where Delta County exists without violating protected property rights.

THE PEOPLE OF DELTA COUNTY DO ORDAIN:

101. Creation:

There shall be a Delta County Planning Commission pursuant to P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, MCL 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 Delta County Planning Commission Ordinance.

102. Membership:

A. The Commission shall consist of seven (7) members appointed by the Delta County Board of Commissioners, pursuant to Public Act 33 of 2008 Section 15. To be qualified to be a member and remain a member of the Planning Commission, the individual shall meet all of the following qualifications:

1. Shall be a qualified elector of Delta County, except that one member may not be a qualified elector;
2. After an individual’s first appointment and before reappointment shall have attended training for Commission members, pursuant to section 104 of this ordinance;
3. Shall meet the conditions provided for each individual member in sections

B. Members shall be appointed for a three (3) year term. However, when first appointed a number of members shall be appointed to one (1) year, two (2) year, or three (3) 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 and pursuant to section 107 of this Ordinance.

C. Two members, and only two members, shall also be members of the Delta County Board of Commissioners, whose terms of office shall be appointed by the Delta County Board Chair annually at the reorganizational meeting of the Board of Commissioners and pursuant to PA 33 of 2008 Section 125.3815(2).

D. The membership shall be representative of the important segments of the community, such as the economic, governmental, educational, and social development of Delta County, in accordance with the major interests as they exist in DELTA County, as follows:

1. Recreation/Tourism; 2. Forestry/Agriculture/Natural Resources; 3. Economic Development: Commerce/Industry/Transportation; 4. Government; 5. Public at Large: Seniors/Low Income; 6. Education; 7. Health and Wellness.

E. The membership shall also be representative of the entire geography of Delta County to the extent practicable, and as a secondary consideration to the representation of the major interests listed above.

F. Every reasonable effort will be made to ensure 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 boundaries of Delta County.

103. Liaisons:

A. The Commission, may name "liaisons" to the Commission. The purpose of liaisons is to provide certain Delta County officials and others the ability to participate in discussions with the Commission, in addition to speaking in public participation, without having a vote.

104. Training:

A. Appointed members of the Commission will attend educational programs designed for training members of Michigan planning commissions. When the adopted Delta County budget for that fiscal year includes funds to pay for tuition, registration, and travel expenses for the training commissioners will be provided training opportunities. During years when the adopted Delta County budget does not include funds for training, commissioners will be provided online or free training resources. The member may be ineligible for reappointment at the conclusion of the term of office if they did not attend training. The Commission may annually define what relevant training programs qualify to meet this requirement.

105. Appointment and Terms:

The Delta County Board of Commissioners shall determine method of appointment and membership to the Planning Commissioner by Resolution of a majority of the full membership of the county board, as pursuant to PA 33 of 2008 Section 125.3815.

106. Removal from Office:

A. The Delta 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 conflict of interest shall be considered malfeasance in office. Repeated failure to attend Commission meetings shall be considered nonfeasance in office.

B. The Administrator of the Planning Commission shall report any member who has missed three regular meetings (non-excused) in a row to the DELTA County Board of Commissioners.

107. Vacancies:

A. The Delta 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, pursuant to Public Act 33 of 2008 Section 125.3815(2).

108. Compensation:

A. All members of the Planning Commission shall serve as such with compensation equal to the per diem of the Delta County Commission per meeting plus mileage.

109. Meetings:

A. The Commission shall meet at least four (4) times annually. Special meetings may be called as provided in the Bylaws. All meetings of the Planning Commission shall be held in compliance with the Open Meetings Act, MCL 15.261 et seq.

B. A majority of the Commission shall constitute a quorum for the transaction of the ordinary business of the Commission. All questions which shall arise at their meetings shall be determined by a vote of the majority of the members of the Planning Commission present at the meeting.

C. The affirmative vote of 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 recommendation for adoption of any master plan or amendment to a master plan.

110. 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, MCL 125.3801 et seq. The Commission's powers shall include, but not be limited to:

1. Consult with adjacent local units of government.
2. Cooperate with all departments of the County, State, and Federal governments.
3. Prepare/recommend a master plan and other such plans for the recommendation to the Delta County Board of Commissioners.
4. Promote interest in understanding of the master plan.
5. Conduct public infrastructure reviews (after plan is adopted).

6. Review a Capital Improvement Plan for the recommendation to the Delta County Board of Commissioners.

B. The Commission shall be designated as a metropolitan county planning commission, pursuant to Section 37 of P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, MCL 125.3837; and the Planning Commission shall serve as a coordinating agency for all planning committees or commissions that are now or may be within Delta County.

C. The Commission shall have authority to apply for and receive grants from any government agency or the federal government and to receive gifts. All funding/gifts will be submitted for approval by the Delta County Board of Commissioners.

D. The Delta County Board of Commissioners has the right to approve or reject the master plan or any amendments to the master plan.

111. Meetings; Records:

The Commission shall adopt Bylaws for the conduct of meetings and transaction of business. The Commission shall keep a record of its resolutions, transactions, findings, and determinations, which records shall be a public record, subject to compliance with the Freedom of Information Act, MCL 15.231 et seq. At a minimum, the Commission shall make an annual written report to the DELTA County Board of Commissioners.

112. Approval, Ratification, and Reconfirmation.; Repealer:

All official actions taken by all Delta 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 Delta County Planning Commission. This Ordinance shall be in full force and effect from and after its adoption and publication. Any previous Delta County Ordinances creating or establishing a County Planning Commission are hereby repealed.

113. Effective Date

This Ordinance shall take effect upon publication of notice of its adoption in a newspaper of general circulation in Delta County.

Adoption Clause

This Ordinance was offered by Commissioner Barron and supported by Commissioner Moyle at the Delta County Board meeting on May 4, 2021. The vote being as follows:

Yeas: 5

Nays: 0

Absence: 0

ORDINANCE DELCARED ADOPTED

Patrick Johnson, Chairman, DELTA County Board of Commissioners

Nancy Przewrocki, County Clerk

STATE OF MICHIGAN) SS. COUNTY OF DELTA)

I hereby certify that the foregoing is a true and complete copy of DELTA COUNTY PLANNING COMMISSION ORDINANCE adopted by the County Board of Commissioners of Delta County at a regular meeting held on May 4, 2021, and I further certify that public notice of such meeting was given as provided by law.

Nancy Przewrocki, County Clerk