

LAKE COUNTY PLANNING COMMISSION ORDINANCE #25

WHEREAS, The People of Lake County desire to establish a Lake County Planning Commission by adoption of this Ordinance of June 23, 2010, and to insure proper record of the action is created, NOW THEREFORE, THE PEOPLE OF LAKE COUNTY DO ORDAIN AS FOLLOWS:

LAKE COUNTY PLANNING COMMISSION ORDINANCE

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

THE PEOPLE OF LAKE COUNTY DO ORDAIN:

101. Creation:

There shall be a Lake 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 Lake County Planning Commission Ordinance.

102. Membership

- A. The Commission shall consist of seven (7) members appointed by the Lake 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 Lake 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 102.B, 102.D, and 102.E 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.
- C. One member shall also be a member of the County Board of Commissioners, whose term of office shall coincide with his or her elected term of office on the County Board of Commissioners.
- D. The membership shall be representative of the important segments of the community, such as the economic, governmental, educational, and social development of Lake County, in accordance with the major interests as they exist in Lake 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.

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

103. Liaisons:

- A. The Commission, in its Bylaws, may name “liaisons” to the Commission. The purpose of liaisons is to provide certain Lake County officials and others the ability to participate in discussions with the Commission, in addition to speaking in public participation, without having a vote. At a minimum liaisons shall include:
 - 1. Lake County Clerk.
 - 2. Lake County Retained Attorney.
 - 3. Others as needed.

104. Training:

- A. Appointed members of the Commission shall be encouraged to attend educational programs designed for training members of Michigan planning commissions if the adopted Lake County budget for that fiscal year includes funds to pay for tuition, registration, and travel expenses for the training. Nothing in this paragraph shall deem a member who has not had training from finishing his term of office unless the member resigns or is removed by action of the Board of Commissioners. The member may be ineligible for reappointment at the conclusion of the term of office if they did not attend training. The Commission shall periodically include in its Bylaws what relevant training programs qualify to meet this requirement.

105. Appointment and Terms:

- A. In November of each year the Lake County Clerk shall place an advertisement(s) in a newspaper of general circulation in Lake County to seek applications for Commission members.
- B. In December of each year the Lake County Board of 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 30, at 9:00 a.m. of the third year.

106. Removal from Office

- A. The Lake 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. Repeated failure to 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 (non-excused) in a row to the Lake County Board of Commissioners.

107. Vacancies:

- A. The Lake 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. Compensation:

- A. All members of the Planning Commission shall serve as such with compensation equal to the per diem of the Lake 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 plan or amendment to a 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 Lake County Board of Commissioners.
 - 4. Promote interest in understanding of the master plan.
 - 5. Conduct public infrastructure reviews (after plan is adopted).
 - 6. Prepare a Capital Improvement Plan for the recommendation to the Lake 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 Lake 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 Lake County Board of Commissioners.
- D. The Lake County Board of Commissioners has the right to approve or reject the master plan or any amendments to the master plan.

111. Staff:

- A. 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 Lake County.
- B. Employees that are assigned to work with the Commission shall follow the directives of the Commission in matters of planning 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.

112. 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 Lake County Board of Commissioners.

113. Approval, Ratification, and Reconfirmation.; Repealer

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

114. Effective Date

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

Adoption Clause

This Ordinance was offered by Commissioner Collier and supported by Commissioner Randall at the Lake County Board meeting on June 23, 2010. The vote being as follows:

Yeas: 8

Nays: 0

Absence: 1 Absent and Excused Commissioner Wenzel

ORDINANCE DELCARED ADOPTED

Robert J. Myers, Chairman, Lake County Board of Commissioners

Shelly Myers, County Clerk

STATE OF MICHIGAN)
)SS.
COUNTY OF LAKE)

I hereby certify that the foregoing is a true and complete copy of Ordinance #25 adopted by the County Board of Commissioners of Lake County at a regular meeting held on June 23, 2010, and I further certify that public notice of such meeting was given as provided by law.

Shelly Myers, County Clerk

