

OSCEOLA COUNTY PLANNING COMMISSION ORDINANCE
OF September 7, 2010

WHEREAS, the People of Osceola County did establish an Osceola County Planning Commission Ordinance on August 11, 1969, and it is now desired to repeal the existing ordinance and adopt this ordinance, NOW THEREFORE, THE PEOPLE OF OSCEOLA COUNTY DO ORDAIN AS FOLLOWS:

OSCEOLA COUNTY PLANNING COMMISSION ORDINANCE

AN ORDINANCE to create a Planning Commission for Osceola County, Michigan, as authorized by P.A. 33 of 2008, being the Michigan Planning Enabling Act, MCL 125.3801 *et seq.*, for the purpose of having planning; to create, organize, enumerate powers and duties; to provide for the coordinated and harmonious development of Osceola County; and to function in cooperation with other constituted authorities of incorporated and unincorporated areas within Osceola County.

THE PEOPLE OF OSCEOLA COUNTY DO ORDAIN:

101. Creation.

There shall be an Osceola County Planning Commission pursuant to P.A. 33 of 2008, being the Michigan Planning Enabling Act, MCL 125.3801 *et seq.*, hereinafter referred to as the Planning Commission, with the powers and duties as therein set forth and as hereinafter provided. This ordinance shall be officially known and described as the "Osceola County Planning Commission Ordinance."

102. Membership.

- A. The Planning Commission shall consist of 11 members appointed by the Osceola County Board of Commissioners. In order to be a member and remain a member of the Planning Commission, the individual shall meet the following qualifications:
 - 1. be appointed by the Osceola County Board of Commissioners; and
 - 2. be a qualified elector of Osceola County, except that one member may not be a qualified elector; and
 - 3. with the exception of the two County Commissioners, shall not be an elected officer or employee of Osceola County.

- 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. To the extent practicable, actions shall be taken to ensure all geographic areas of Osceola County are represented.
- D. Membership shall be representative of the important interest segments of Osceola County, as follows.
 - 1. Two citizen at-large members representing the interests of Osceola County.
 - 2. One citizen member representing environmental interests of Osceola County.
 - 3. One citizen member representing agricultural, forestry, land use interests of Osceola County.
 - 4. One citizen member representing the governmental municipal interests of Osceola County.
 - 5. One citizen member representing small business interests of Osceola County.
 - 6. One citizen member representing recreational interests of Osceola County.
 - 7. One citizen member representing economic development interests of Osceola County.
 - 8. One citizen member representing the educational interests of Osceola County. 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 Osceola County.
 - 9. Two members of the Osceola County Board of Commissioners, whose terms on the Planning Commission shall coincide with their elected terms of office.

103. Removal from Office.

- A. The Osceola County 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. Repeated failure to 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 regular meetings in a row to the Osceola County Board of Commissioners.

104. Vacancies.

The Osceola County 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.

105. Meetings.

- A. The Planning Commission shall meet at least four 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 Planning Commission shall constitute a quorum for the transaction of ordinary business. All questions which shall arise at the meetings shall be determined by a vote of a 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 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.

106. Powers and Duties.

- A. The Planning Commission shall have the powers and duties as set forth in P.A. 33 of 2008, being the Michigan Planning Enabling Act, MCL 125.3801 *et seq.*, and P.A. 110 of 2006, as amended, being the Michigan Zoning Enabling Act, MCL 125.3101 *et seq.*
- B. The Planning Commission shall be designated as a metropolitan county planning commission, pursuant to Section 37(1) of P.A. 33 of 2008, being the Michigan Planning Enabling Act, MCL 125.3837(1), The Planning Commission shall serve as a coordinating agency for all planning commissions that are now or may be within the County of Osceola.
- C. The Planning Commission is **not** responsible for developing Osceola County's annual Capital Improvement Program. This responsibility is retained by the Osceola County Board of Commissioners. The Osceola

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

107. Bylaws; Records.

The Planning Commission shall adopt Bylaws for the conduct of meetings and the transaction of business. The Planning 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.*

108. Approval, Ratification, and Reconfirmation; Repealer.

All official actions taken by all Osceola 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 Osceola County Planning Commission. This Ordinance shall be in full force and effect from and after its adoption and publication. The Osceola County Planning Commission Ordinance of August 11, 1969 is hereby repealed.

Passed by the Osceola County Board of Commissioners on September 7, 2010, at its regular meeting with seven (7) commissioners in attendance, 7 voting aye, 0 nay.

Signed: _____
Larry Emig, Chairperson

STATE OF MICHIGAN)
COUNTY OF OSCEOLA)

CERTIFICATION: The undersigned, being the Clerk of Osceola County, does hereby certify that this is a true and correct copy of the Ordinance duly adopted by the Osceola County Board of Commissioners on the 7th day of September, 2010.

Karen J. Bluhm, Osceola County Clerk