

HOUGHTON COUNTY PLANNING COMMISSION ORDINANCE No. 08-02

Effective December 1, 2008.
Section 102.C.8 Amended on January 12, 2010.

WHEREAS, The People of Houghton County did establish the Houghton County Planning Commission and it is now desired to adopt this ordinance to insure proper record of the action, NOW THEREFORE, THE PEOPLE OF HOUGHTON COUNTY DO ORDAIN THAT SAID ORDINANCE SHALL READ AS FOLLOWS:

HOUGHTON COUNTY PLANNING COMMISSION ORDINANCE OF 2008

AN ORDINANCE to create a Planning Commission for Houghton County 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 in Houghton County, to create, organize, enumerate powers and duties, and to provide for the coordinated and harmonious development of Houghton County, and to function in cooperation with other constituted authorities of incorporated and unincorporated areas within the state where Houghton County exists. This Ordinance supersedes all previous Houghton County Board of Commissioners motions, resolutions, and ordinances establishing a Planning Commission in Houghton County.

THE PEOPLE OF HOUGHTON COUNTY DO ORDAIN:

101. Creation:

There shall be a Houghton County Planning Commission (the "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 "Houghton County Planning Commission Ordinance."

102. Membership:

- A. The Commission shall consist of nine (9) members appointed by the Houghton 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 Houghton County, 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 Board of Commissioners representative to the Commission (section 102.C.9, of this ordinance);

3. shall meet the conditions provided for each individual member in sections 102.B, 102.C, and 102.D of this Ordinance, except the geographical location of the individual's residency may be considered optional.
- B. Citizen members shall be appointed for three-year terms. However, when this ordinance takes effect, the Houghton County Board of Commissioners shall reappoint the current citizen members of the Houghton County Planning Commission and shall identify which citizen members serve one-year, two-year, or three-year terms such that, as nearly as possible, the terms of $\frac{1}{3}$ of all commission members will expire each year. The Houghton County Board of Commissioners shall also identify which community interest is represented by each current citizen member of the Houghton County Planning Commission. 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 $\frac{1}{3}$ of all commission members continue to expire each year.
- C. The membership shall be representative of the important geographic and interest segments of Houghton County, as follows.
1. One citizen member representing agriculture, forestry, and land use interests:
 - a. Shall represent the desires and needs of the Houghton-Keweenaw Conservation District, Michigan Department of Natural Resources Forestry Division, United States Forest Service, Natural Resources Conservation Service, and Copper Country Farm Bureau; and
 - b. shall not hold any other office or position in Houghton County Government other than by virtue of membership on the Planning Commission.
 2. One citizen member representing environmental interests:
 - a. Shall represent the desires and needs of the environmental organizations in Houghton County (including but not limited to environmental groups, conservation clubs, garden clubs, lake and river landowner associations and the Michigan Department of Environmental Quality land and water programs); and
 - b. shall not hold any other office or position in Houghton County Government other than by virtue of membership on the Planning Commission.

3. One citizen member representing local governmental planning and zoning interests:
 - a. Shall represent the desires and needs of the Houghton County Chapter of the Michigan Townships Association; township, city and village government;
 - b. shall have a background in planning and zoning;
 - c. shall not hold any other office or position in Houghton County Government other than by virtue of membership on the Planning Commission; and
 - d. when possible, be a resident of a township (not a village or city).
4. One citizen member representing education interests:
 - a. Shall represent the desires and needs of the local public school boards and administrative employees of school districts included, in whole or in part, within the county's boundaries;
 - b. shall represent the desires and needs of the Copper Country Intermediate School District, Michigan Technological University, Finlandia University, MSU Extension, and other educational institutions; and
 - c. shall not hold any other office or position in Houghton County Government other than by virtue of membership on the Planning Commission.
5. One citizen member representing economic development and tourism interests:
 - a. Shall represent the desires and needs of the Keweenaw Economic Development Alliance, Keweenaw Peninsula Chamber of Commerce, industrial associations, economic development organizations, organized labor, and trade associations;
 - b. shall represent the desires and needs of the Keweenaw Convention and Visitors Bureau and hotel/motel tourist business owners; and
 - c. shall not hold any other office or position in Houghton County Government other than by virtue of membership on the Planning Commission.
6. One citizen member representing recreation interests:
 - a. Shall represent the desires and needs of recreation associations; civic, social, and historical organizations; the arts; snowmobile, ORV, biking, skiing, hiking, running and other recreation clubs; Michigan Department of Natural Resources Parks Division, Recreation Division, and Waterways Division; and
 - b. shall not hold any other office or position in Houghton County Government other than by virtue of membership on the Planning Commission.

7. One citizen member representing sanitation, environmental health, housing, and human services interests:
 - a. Shall represent the desires and needs of the environmental health division of the Western Upper Peninsula District Health Department, water and sewage providers, councils on aging, and human services collaborative bodies; and
 - b. shall not hold any other office or position in Houghton County Government other than by virtue of membership on the Planning Commission.
8. One *ex officio* member shall be the Houghton County Controller or his/her designate who meets the following conditions:
 - a. Shall represent the desires and needs of the local fire departments, ambulance services, police departments, utility providers, 911 service, and other emergency responders; and
 - b. shall serve for a term of office which is concurrent with the position of Houghton County Controller.
(Amended on January 12, 2010)
9. One *ex officio* member shall be a member of the Houghton County Board of Commissioners who meets the following conditions:
 - a. Shall be the only member who is a member of the Houghton County Board of Commissioners;
 - b. shall be appointed for a term of office which is concurrent with the elected position on the County Board; and
 - c. shall represent transportation and communication interests such as the Houghton County Road Commission, village and city street departments, telephone companies, internet providers, postal and other parcel delivery services, news media, mass/bus transportation systems, airports, and harbors.

D. The *ex officio* member from the Houghton County Board of Commissioners shall not be chair of the Commission.

103. Liaisons:

The Commission, in its Bylaws, may name “liaisons” to the Commission. The purpose of liaisons is to provide certain Houghton County officials ability to participate in discussion with the Commission. At a minimum liaisons shall include:

- A. Houghton County Controller.
- B. Houghton County Attorney.
- C. Houghton County Building Inspector.
- D. Houghton County Drain Commissioner.
- E. Houghton County Emergency Management.
- F. Houghton County Road Commission.

104. Training:
Appointed members of the Commission are encouraged to attend educational programs designed for training members of Michigan planning commissions if the adopted Houghton County budget for that fiscal year includes funds to pay for tuition, registration, and travel expenses for the training. The Commission shall include in its Bylaws what training programs qualify.
105. Members, Appointment and Terms:
- A. By September 1 of each year, the Houghton County Clerk shall determine which citizen members' terms of office expire and shall notify the citizen members.
 - B. Citizen members, whose terms are expiring and who desire to be reappointed, shall inform the Houghton County Board of Commissioners in writing by October 1 of their desire to be reappointed to the Commission. The Houghton County Board of Commissioners shall act on the reappointments at its October meeting. A majority vote of the Houghton County Board of Commissioners is required for reappointment for a three-year term.
 - C. If a citizen member does not seek reappointment or if the Houghton County Board of Commissioners rejects the reappointment, the procedure for a new appointment shall be used.
 - D. Each new appointment of a citizen member shall be made from names submitted in response to an advertisement placed in a timely manner by the Houghton County Clerk in a newspaper with paid circulation in Houghton County. The advertisement shall indicate the community interest to be represented by the citizen member.
 - E. In December of each year, the Houghton County Board of Commissioners shall consider the applications received for new appointments, and appoint citizen members to the Commission by a majority vote for a three-year term of office which shall end December 31 at 5:00 p.m. of the respective year.
 - F. The ex officio member from the Houghton County Board of Commissioners shall be appointed for a two-year term by the Chair of the Houghton County Board of Commissioners at the January meeting following the most recent General Election.
 - G. Citizen members may serve on the Houghton County Planning Commission until replaced.
106. Removal from Office:
- A. The Houghton 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. Failure to repeatedly attend Commission meetings shall be considered nonfeasance in office.
 - B. The secretary of the Houghton County Planning Commission shall report any member who has missed three consecutive regular meetings to the Houghton County Board of Commissioners.

107. Membership; Vacancies:
The Houghton 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 Houghton County Planning Commission and the Commission established in this ordinance shall be gradual and shall take place over a three year time period. The Houghton County 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. Meetings:
- A. The Commission shall hold regular meetings as prescribed by its Bylaws and 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 its meetings shall be determined by a vote of the majority of the members of the Planning Commission.
 - B. All meetings of the Commission shall be open to the public.
 - C. 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.
110. Powers and Duties:
- A. The Commission shall have its 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.*).
 - B. The 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 Houghton.
 - C. The Commission shall have authority to apply for and receive grants from any government agency or the federal government and to receive gifts.

111. Staff:
Any Houghton County 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.
112. 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.
113. Approval, Ratification, and Reconfirmation:
All official actions taken by all Houghton 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 Houghton County Planning Commission. This Ordinance shall be in full force and effect from and after its adoption and publication.