

JACKSON COUNTY PLANNING COMMISSION ORDINANCE (#12-01)

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

THE PEOPLE OF THE COUNTY OF JACKSON DO ORDAIN:

Sec. 101. **Creation.** There will be a Jackson County Planning Commission pursuant to the Michigan Planning Enabling Act (PA 33 of 2008, *as amended*, MCL 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. This Ordinance will be officially known and described as the “Jackson County Planning Commission Ordinance.”

Sec. 102. **Membership.**

- (A) The Commission will consist of nine (9) members appointed by the Jackson County Board of Commissioners. To be qualified to be a member and remain a member of the Planning Commission, the individual must meet the following qualifications:
- (1) Must be a qualified elector of the County of Jackson, except that one member may be a non-qualified elector;
 - (2) Cannot hold any elected office or employment with the County of Jackson, unless an ex officio member, pursuant to Sections 102(D) and 102(E)(6) of this Ordinance;
 - (3) Cannot be a declared candidate for any political office, except this condition will not apply to the Board of Commissioner’s ex officio representative to the Commission, pursuant to Sections 102(D) and 102(E)(6) of this Ordinance;
 - (4) After an individual’s first appointment and before reappointment must have attended training for Commission members, pursuant to Section 104 of this Ordinance;
 - (5) Must meet the conditions provided for each individual member in Sections 102(B), 102(D), 102(E), and 102(F) of this Ordinance, except the geographical location of the individual’s residency may be considered optional.
- (B) Members will be appointed for three (3)-year terms. However, when first appointed a number of members will be appointed to one (1)-year, two (2)-year, or three (3)-year terms such that, as nearly as possible, the terms of one-third ($\frac{1}{3}$) of all commission members will expire each year. If a vacancy occurs, the vacancy must 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 one-third ($\frac{1}{3}$) of all commission members continue to expire each year.

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- (C) Every reasonable effort must 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 (see Section 102(E)(4)).
- (D) The ex officio member will be member of the Board of Commissioners, pursuant to Section 102(E)(6) of this Ordinance. The term of office of the ex officio member will coincide with his or her elected term of office on the County Board.
- (E) The membership will be representative of the important geographic and interest segments of Jackson County, as follows.
 - (1) Four (4) citizen at-large members representing interests of Jackson County will be appointed for a three (3)-year term of office, or remainder of an unexpired term of office.
 - (a) The citizen at-large members must meet the following conditions:
 - (1) Will be appointed from names submitted in response to notices/advertisements in a newspaper with paid circulation in Jackson County and the County's website, and;
 - (2) Cannot hold any elected office or employment position in Jackson County Government other than by virtue of membership on the Planning Commission.
 - (b) When possible, the citizen at-large members may be comprised of:
 - (1) At least one (1) resident living within the County's urban core (i.e., the City of Jackson and the Townships of Blackman, Leoni, Napoleon, Sandstone, Spring Arbor, and Summit) or an incorporated village; and
 - (2) At least one (1) resident living outside of the County's urban core or an incorporated village.
 - (2) One (1) citizen member representing the environmental interests of Jackson County will be appointed for a three year term of office, or remainder of an unexpired term of office, who meet the following conditions:
 - (a) Will be appointed from names nominated by county-wide non-profit corporations with their corporate offices within Jackson County whose bonafide purpose is to be environmental organizations; and
 - (b) Cannot hold any elected office or employment position in Jackson County Government other than by virtue of membership on the Planning Commission.
 - (3) One (1) citizen member representing the agricultural land use interests of Jackson County will be appointed for a three (3)-year term of office, or remainder of an unexpired term of office, who meet the following conditions:

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- (a) Will be appointed by the Jackson County Board from names nominated by the Jackson County Conservation District, the Jackson County Farm Bureau, or the Michigan Department of Natural Resources;
 - (b) Cannot hold any elected office or employment position in Jackson County Government other than by virtue of membership on the Planning Commission; and
- (4) One (1) citizen member representing the educational interests of Jackson County will be appointed for a three (3)-year term of office, or remainder of an unexpired term of office, who meets the following conditions:
- (a) Will be appointed by the County Board from names nominated by school district board(s) of education included, in whole or in part, within the County's boundaries;
 - (b) Must 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) Cannot hold any elected office or employment position in County Government other than by virtue of membership on the Planning Commission.
- (5) One (1) citizen member representing the industrial and economic interests of Jackson County will be appointed for a three (3)-year term of office, or remainder of an unexpired term of office, who meets the following conditions:
- (a) Will 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
 - (b) Cannot hold any elected office or employment position in County Government other than by virtue of membership on the Planning Commission.
- (6) One (1) member will be a member of the County Board of Commissioners who meets the following conditions:
- (a) Must be the only member who is a member of the County Board; and
 - (b) Will be appointed for a term of office which is concurrent with the elected position on the County Board.
- (F) An ex officio member cannot be the chairperson of the Commission.

Sec. 103. **Liaisons.** The Commission, in its Bylaws, may name “liaisons” to the Commission. The purpose of liaisons is to provide certain Jackson County and quasi-Jackson County officials the ability to participate in discussions with the Commission, in addition to speaking in public participation, and nothing else. At a minimum, liaisons will include:

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- (A) Region 2 Planning Commission staff, and their agents and consultants, to provide expert advice and other staffing services; and
- (B) The County Administrator/Controller, or a person designated by him or her.

Sec. 104. **Training.** Members of the Commission will attend educational programs designed for training members of Michigan planning commissions if the adopted County of Jackson budget for that fiscal year includes funds to pay for tuition, registration, and travel expenses for the training. Nothing in this paragraph will deem a member who has not had training from finishing his or her term of office unless the member resigns or is removed by action of the Board of Commissioners. The member will be ineligible for reappointment at the conclusion of the term of office if they did not attend training. The Commission will include in its By-laws what training programs qualify to meet this requirement.

Sec. 105. **Appointment and Terms of Commissioners.**

- (A) In October of each year the Office of the Jackson County Administrator/Controller will determine which members' terms of office expire, will determine what organizations qualify to nominate members and will contact, by first class mail, those organizations to solicit nominations.
- (B) In November of each year if the Office of the Administrator/Controller has not received at least one nomination for each office, then the Office of the Administrator/Controller will place an advertisement(s) in a newspaper with paid circulation in Jackson County to seek additional applications.
- (C) In December of each year the Board of Commissioners will consider the applications and nominations received, and appoint members to the Commission by a majority vote for a three (3)-year term of office which ends December 31, at 9:00 a.m. of the respective year.

Sec. 106. **Removal from Office.**

- (A) The 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 will be considered malfeasance in office. Failure to repeatedly attend Commission meetings will be considered nonfeasance in office.
- (B) The secretary of the Planning Commission will report any member who has missed three (3) regular meetings in a row to the Board of Commissioners.

Sec. 107. **Filling Vacancies.** The Board of Commissioners will fill any vacancy in the membership of the Commission for the unexpired terms in the same manner as the initial appointment.

Sec. 108. **Compensation of Commissioners.** All members of the Planning Commission will serve as such with compensation equal to, or less than, the per diem of the Board of Commissioners per meeting.

Sec. 109. **Public Meetings.**

- (A) The Commission will meet as required by its bylaws but in no case may it meet less than four (4) times a year. A majority of the Commission will constitute a quorum for the transaction of the ordinary business of said Commission and all questions which arise at their meetings must be determined by a vote of the majority of the members of the Planning Commission.
- (B) The affirmative vote of two-thirds ($\frac{2}{3}$) of the total number of seats for members of the Commission, regardless if vacancies or absences exist or not, is necessary for the adoption, or recommendation for adoption, of any county master plan or amendment to a county master plan.

Sec. 110. **Powers and Duties.**

- (A) The Commission will have the powers and duties as set forth in the Michigan Planning Enabling Act, (PA 33 of 2008, *as amended*, MCL 125.3801 *et. seq.*) and Section 307 of the Michigan Zoning Enabling Act, (PA 110 of 2006, *as amended*, MCL 125.3307), as well as any other responsibilities assigned to it or authorized by the County Board of Commissioners. Those powers and duties include, but are not limited to:
 - (1) **Adoption of a County Master Plan.** The Commission must make and approve a master plan as a guide for development within the County of Jackson.
 - (2) **Review of Proposed Master Plans.** The Commission must review the proposed master plans of local and county governments in and adjacent to Jackson County, pursuant to Section 41 of the Michigan Planning Enabling Act (PA 33 of 2008, *as amended*, MCL 125.3837(1)).
 - (3) **Coordinated Zoning in Townships.** The duties of the Coordinated Zoning Committee previously undertaken by the County Affairs and Agencies Committee of the Jackson County Board of Commissioners are transferred to the Planning Commission by this Ordinance.
 - (4) **Submission of Municipal Zoning Ordinances.** If a municipality has adopted a zoning ordinance, the Planning Commission may, by first-class mail or personal delivery, request the submission of a copy of that ordinance and any amendments.
 - (5) **Review of Capital Projects.** The Planning Commission will make recommendations on any project involving the expenditure of money by a board, department, or agency of Jackson County for the acquisition of land, the erection of structures, or the extension, construction, or improvement of any physical facility.
 - (6) **Capital Improvements Programming.** To further desirable future development, the County of Jackson must annually prepare a capital improvements program of public structures and improvements. This responsibility will be ful-

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filled by the County Board of Commissioners rather than the Planning Commission.

- (B) The Commission is designated as a metropolitan county planning commission, as authorized by Section 37(1) of the Michigan Planning Enabling Act (PA 33 of 2008, *as amended*, MCL 125.3837(1)).
 - (1) The Commission will serve as a coordinating agency for all planning committees or commissions that are now or may be within the County of Jackson.
 - (2) The Commission has authority to apply for and receive grants from any government agency or the federal government and to receive gifts.

Sec. 111. **Staff.**

The Board of Commissioners will provide for the staffing of the Commission through the Region 2 Planning Commission and/or other consultants deemed necessary to aid the Planning Commission in fulfilling its responsibilities.

Sec. 112. **Records.**

The Commission must adopt Bylaws for the transaction of business and keep a record of its resolutions, transactions, findings, and determinations, which records will be a public record.

Sec. 113. **Approval, Ratification, and Reconfirmation.**

All official actions taken by all county planning and zoning committees 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 will continue with the Commission created by this Ordinance, subject to the requirements of this Ordinance, and will be deemed a continuation of any previous county planning or zoning committee. This Ordinance will be in full force and effect from and after its adoption and publication.

Amended: **October 15, 2013**