

# COUNTY OF OSCODA

**Board of Commissioners**  
**Telephone (989) 826-1130**  
**Fax Line (989) 826-1173**

**Oscoda County Courthouse Annex 311 Morenci Street P.O. Box 399 Mio, MI 48647**

## **ORDINANCE 2010-001**

**OSCODA COUNTY PLANNING COMMISSION ORDINANCE**  
Adopted 06/08/2010, as amended

**WHEREAS**, The People of Oscoda County did establish the Oscoda County Planning Commission Ordinance of [date], and it is now desired to repeal the existing ordinance and adopt this ordinance to insure proper record of the action is created, **NOW THEREFORE, THE PEOPLE OF OSCODA COUNTY DO ORDAIN THAT SAID ORDINANCE SHALL READ AS FOLLOWS:**

### **OSCODA COUNTY PLANNING COMMISSION ORDINANCE** **Adopted 06/08/2010**

**AN ORDINANCE** to create a Planning Commission for Oscoda 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 and zoning in Oscoda County, to create, organize, enumerate powers and duties, and to provide for the regulation and subdivision of land, coordinated and harmonious development of the Oscoda County and to function in cooperation with other constituted authorities of incorporated and unincorporated areas within the state where Oscoda County exists.

#### **THE PEOPLE OF OSCODA COUNTY DO ORDAIN:**

##### **101. Creation:**

A. There shall be a OSCODA COUNTY Planning 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 and staffed Planning Department. This ordinance shall be officially known and described as the "Oscoda County Planning Commission Ordinance."

##### **102. Membership:**

A. The Commission shall consist of (9) nine members appointed by the OSCODA 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 OSCODA COUNTY, except that one member may be a citizen at large and may be a non-qualified elector.
  2. Cannot be employed by Oscoda 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  $\frac{1}{3}$  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 such that, as nearly as possible, the terms of  $\frac{1}{3}$  of all commission members continue to expire each year.
- C. Ex officio members shall not be more than a  $\frac{1}{3}$  ratio of ex officio members on the planning commission from the Oscoda County Board of Commissioners. An Ex officio member can be recruited from the Township Boards.
- D. Every reasonable effort shall 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.
- E. The membership shall be representative of the important geographic and interest segments of Oscoda County, and may include: Forestry, Manufacturing, Parks & Recreation, Land Use, Local Government, Education, Transportation, Sanitation, one (1) citizen at large, and a member of the County Commissioners, to a reasonable effort possible. Members shall be appointed for a three year term of office, or remainder of an unexpired term of office who meet the following conditions:
1. Shall be appointed from names submitted in response to advertisements in a newspaper with paid circulation in Oscoda County, and;
  2. Shall not hold any other office or position in Oscoda County Government other than by virtue of membership on the Planning Commission; and be a resident of OSCODA COUNTY
- F. A member of the County Board, chief administrative officer, person appointed by the chief administrative official, or the chief elected official of the County shall not be chair of the Commission.
- G. Not more than  $\frac{1}{3}$  of the total membership of the Commission shall consist of, collectively, a member of the County Board, chief administrative officer, person appointed by the chief administrative official, or chief elected official of the county.

**103. Liaisons:**

- A. The Commission, in its Bylaws, may name "liaisons" to the Commission. The purpose of liaisons is to provide certain OSCODA COUNTY and quasi-OSCODA COUNTY officials' ability to participate in discussion with the Commission in addition to speaking in public participation, and nothing else. At minimum liaisons shall include:
1. OSCODA COUNTY Commissioner
  2. OSCODA COUNTY Prosecuting Attorney

**104. Training**

- A. Appointed members of the Commission should attend educational programs designed for training members of Michigan planning commissions if a County Commissioners 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 remaining in office unless the member resigns or is removed by action of the Oscoda County Board of Commissioners.

**105. Members, Appointment and Terms:**

- A. In OCTOBER of each year the Planning Commission shall determine which members' terms of office expire
- B. In NOVEMBER of each year, the Planning Commission shall place an advertisement(s) in a newspaper with paid circulation in OSCODA COUNTY to seek applications if current member(s) are unwilling or unable to remain on the Commission.
- C. In DECEMBER of each year the OSCODA COUNTY BOARD OF COMMISSIONERS shall consider the recommendations received from the Planning Commission, and appoint members to the Commission by a majority vote for a three year term of office which shall end DECEMBER 31, at 12:00 a.m. of the respective year.

**106. Removal from Office:**

- A. The OSCODA 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 Planning Commission shall report any member who has missed three regular meetings in a row to the OSCODA COUNTY BOARD OF COMMISSIONERS.

**107. Membership; Vacancies:**

- A. The OSCODA COUNTY BOARD OF COMMISSIONERS shall fill any vacancy in the membership of the Planning Commission for the unexpired terms in the same manner as the initial appointment.

**108. Membership; Transition:**

- A. The transition from the previous OSCODA COUNTY Planning Commission and the Commission established in this ordinance shall be gradual and shall take place over the next three years. The OSCODA 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. Membership:**

- A. Compensation: All members of the Planning Commission shall serve as such with compensation equal to, or less than, the per diem of the OSCODA COUNTY BOARD OF COMMISSIONERS per meeting.

**110. Meetings:**

- A. The Commission shall meet at least once every other month 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 their meetings shall be determined by a vote of the majority of the members of the Planning Commission.
- B. 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.

**111. 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, 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 OSCODA.
- C. The Commission shall have authority to apply for and receive grants from any government agency or the federal government and to receive gifts.

**112. Meetings; Records:**

- A. 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. All meetings shall comply with the open meetings act.

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

- A. All official actions taken by all OSCODA 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 OSCODA COUNTY planning Commission. This Ordinance shall be in full force and effect from and after its adoption and publication.

**Effective Date:**

This Ordinance shall become effective **August 16, 2010**. This Ordinance was adopted by action of the Oscoda County Board of Commissioners on this **8th day of June 2010**.

Commissioners voting "Aye": 5 (Monk, Stone, Marsh, Trimmer, and Hunt)

Commissioners voting "Nay": 0

**Certification**

I hereby certify that the Board of Commissioners, County of Oscoda Michigan, adopted **Ordinance No#2010-001** at a regular Board Meeting held on the **8<sup>th</sup> day of June, 2010**.

**MOTION# 2010-165**

I further certify that the above and foregoing ordinance is identical in form with that recorded on the **June 08, 2010** in the Book of Ordinances for OSCODA COUNTY located at the Oscoda County Clerk's Office.

Signature on File

---

**Joseph Stone, Chairman, Board of Commissioners**

Signature on File

---

**Jeri Winton, County Clerk & Register of Deeds**

First Presented: June 8, 2010 (Public Hearing)  
Adopted: June 8, 2010 (B.O.C Meeting)  
Published: June 16, 2010 (Oscoda County Herald)