

**ALPENA COUNTY PLANNING COMMISSION
ORDINANCE**

Date: October 26, 2010

An ordinance to repeal ordinance 1 of 1978 and to establish a new Alpena County Planning Commission in compliance with the Michigan Planning Enabling Act, Public Act 33 of 2008 (MPEA) to supersede the existing Planning Commission established by ordinance No. 1 of 1978; to confer on said Planning Commission all powers and duties provided for in the MPEA.

The County of Alpena hereby ordains:

Section 1. Repeal of Ordinance No. 1 of 1978 and Establishment of New Planning Commission in Compliance with the Michigan Planning Enabling Act:

Ordinance No. 1 of 1978 which established the planning commission for the County of Alpena under 1945 PA 282, the County Planning Act, is hereby repealed, and the planning commission for the County of Alpena established thereby shall be superseded by the planning commission established by this ordinance pursuant to P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act (M.C.L. 125.3901 *et seq.*) (MPEA), and shall be constituted in accordance with and shall have all of the powers and duties set forth in that act and this ordinance. The members of the existing planning commission shall, however, continue to serve as the members of the planning commission established by this ordinance until such time as new members of the appointed pursuant to section 2 hereof, which appointments shall be made by the board of county commissioners at the first county board meeting that occurs more than ninety (90) days after the date this ordinance is adopted by the board of county commissioners.

No matter pending before the planning commission as of the effective date of this ordinance shall be affected in any way by the fact that a new planning commission is being established by this Ordinance. All such pending matters, including, without limitation, all plan reviews, permit reviews, public hearings, etc., shall be carried forward under the new planning commission at the same status as existed prior to the effective date of this Ordinance.

Section 2. Membership:

A. *Number of Members:* The Planning Commission shall consist of 11 members appointed by the Alpena County Board of Commissioners. In the event of a reduction of the number of appointed members, incumbent planning commissioners shall serve out their terms of office. To be qualified to be a member and remain a member of the Planning Commission, the individual shall meet the qualification set out below.

B. *Conditions of Membership:*

1. Members of the Planning Commission shall be qualified electors of the county except that one member may be a non-qualified elector.
2. Appointed members of the Planning Commission may attend educational programs designed for training members of Michigan planning commissions if the adopted Alpena County budget for that fiscal year includes funds to pay for tuition, registration, and travel expenses for the

training. Nothing in this paragraph shall prevent a member who has not had training from finishing his or her term of office unless the member resigns or is otherwise removed by action of the County Board of Commissioners. A member who fails to attend any training made available may be found ineligible for reappointment at the conclusion of his or her term.

3. Training programs which qualify to meet this requirement should be designed to maintain or increase the skill level of Planning Commission members in the area of planning, zoning and/or the law relative thereto and may include:
 - a. educational programs presented by established educational institutions such as universities, colleges or community colleges;
 - b. educational programs presented by an established association of governmental units or governmental officials, such as the Michigan Association of Counties, the Michigan Townships Association, the Michigan Municipal League or the Michigan Association of Municipal Attorneys;
 - c. educational programs presented by experienced planning and/or legal consultants, or associations thereof, such as the Michigan Association of Planners or the Michigan Bar Association.

C. *Ex Officio Member*: The County Board of Commissioners will appoint 2 members to serve as an *ex officio* member of the Planning Commission with full voting rights; one *ex officio* member must be a County Commissioner.

D. *Terms of Members*: Members of the Planning Commission, other than the *ex officio* member, shall be appointed to 3-year terms as specified in section 15 of the MPEA. However, of the members of the Planning Commission, other than *ex officio* members, first appointed, a number shall be appointed to 1-year or 2-year terms such that, as nearly as possible, the terms of 1/3 of all members shall expire each year. Each member, including *ex officio* members, shall hold office until his or her successor is appointed. *Ex officio* members qualify as members as long as they hold a position in the organization that authorizes their *ex officio* membership on the Planning Commission. Qualified members may hold successive terms.

The term of an *ex officio* member of a planning commission shall be as specified in the Michigan Planning Enabling Act which currently provides as follows:

- (1) The term of a chief elected official shall correspond to his or her term as chief elected official.
- (2) The term of a member of the legislative body shall expire with his or her term on the legislative body.

E. *Planning Commissioner Appointments to Other Boards and Commissions*:

1. As provided in Section 1 of the County and Regional Parks and Recreation Commissions Act, Public Act 261 of 1965 [MCL 46.351], the chairperson of the Planning Commission shall serve on the County Parks and