

**OCEANA COUNTY PLANNING COMMISSION ORDINANCE
OF JUNE 25, 1970, AMENDED FEBRUARY 19, 1985
(Annotated)**

WHEREAS, the people of Oceana County did establish the Oceana County Planning Commission Ordinance of June 25, 1970, 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 OCEANA COUNTY DO ORDAIN THAT SAID ORDINANCE SHALL READ AS FOLLOWS:

**OCEANA COUNTY PLANNING COMMISSION ORDINANCE
(Annotation: of October 9, 2008)**

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

THE PEOPLE OF OCEANA COUNTY DO ORDAIN:

101. Creation: There shall be an Oceana 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. This ordinance shall be officially known and described as the "Oceana County Planning Commission Ordinance."

102. Membership:

- A. The Commission shall consist of 9 members appointed by the Oceana 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 Oceana County, except that one member may be a non-qualified elector;
 2. Shall not be a declared candidate for any political office, except this shall not apply to the Oceana County Board of Commissioners representative to the Commission (section 102.E.10 of this ordinance);
 3. After an individual's first appointment and before reappointment they shall have attended training for Commission members, pursuant to section 104 of this ordinance;

4. Shall 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 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 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, such that, as nearly as possible, the terms of 1/3 of all commission members continue to expire each year.
- C. Ex officio members shall include one (1) member of the Oceana County Board of Commissioners.

The term of office of ex officio members shall coincide with their elected terms of office on the Board of Commissioners.
- 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 entire geography of the County to the extent practicable and of the important interest segments of Oceana County as follows:
 1. One citizen member representing agriculture and forestry interests of the County shall be appointed for a three year term of office, or a remainder of an unexpired term of office; and shall not hold any other office or position in County Government other than by virtue of membership on the Planning Commission.
 2. One citizen member representing the educational interests of the County shall be appointed for a three year term of office, or remainder of an unexpired term of office, who meets the following conditions:
 - a. shall 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;
 - b. shall not hold any other office or position in County Government other than by virtue of membership on the Planning Commission.
 3. One member representing recreational and tourist interests of the County shall be appointed for a three year term of office, or remainder of an unexpired term of office, and shall not hold any other office or position in County Government other than by virtue of membership on the Planning Commission.

4. One citizen member representing the industrial and economic interests of the County shall be appointed for a three year term of office, or remainder of an unexpired term of office and shall not hold any other office or position in County Government other than by virtue of membership on the Planning Commission.
 5. One member representing the transportation and road interests of the County shall be appointed for a three year term of office, or remainder of an unexpired term of office.
 6. One member representing housing, health and human services interests of the county shall be appointed for a three year term of office, or remainder of an unexpired term of office.
 7. One member shall be a member of the County Board of Commissioners who represents the interests of Oceana County and meets the following conditions:
 - a. shall be the only member who is a member of the County Board; and shall be appointed for a term of office which is concurrent with the elected position on the County Board.
 8. One citizen member representing environmental and water quality interests of the County shall be appointed for a three year term of office, or remainder of an unexpired term of office and shall not hold any other office or position in County Government other than by virtue of membership on the Planning Commission.
 9. One citizen member representing the governmental municipal interests of the County shall be appointed for a three year term of office, or remainder of an unexpired term of office and shall not hold any other office or position in County Government other than by virtue of membership on the Planning Commission.
- F. A member of the County Board, or chief administrative officer of the County cannot be chair of the Commission.

103. Liaisons:

- A. The Commission, in its Bylaws, may name “liaisons” to the Commission. The purpose of liaisons is to provide certain Oceana County and quasi-Oceana County officials ability to participate in discussion with the Commission in addition to speaking in public participation, and nothing else. At a minimum liaisons shall include:
 1. Oceana County Administrator
 2. Oceana County Attorney
 3. Planning consultants

104. Training
- A. Appointed members of the Commission shall attend educational programs designed for training members of Michigan planning commissions if the adopted Oceana County 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 finishing his term of office unless the member resigns or is removed by action of the Oceana County Board of Commissioners. The member shall be ineligible for re-appointment at the conclusion of the term of office if they did not attend training. The Commission shall include in its Bylaws what training programs qualify to meet this requirement.
105. Removal from Office.
- A. The Oceana 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 Oceana County Board of Commissioners.
106. Membership; Vacancies: The Oceana 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.
107. Membership; Transition: The transition from the previous Oceana County Planning Commission and the Commission established in this ordinance shall be gradual and shall take place over the next three years. The Oceana County Board of Commissioners shall continue to make annual appointments, appointing approximately 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 the number of members have completed the transition to fully comply with this ordinance.
All other aspects of this ordinance shall have immediate effect.
108. Membership; compensation: All members of the Planning Commission shall serve as such with compensation equal to, or less than, the per diem of the Oceana County Board of Commissioners per meeting plus mileage.

109. Meetings. The Commission shall meet at least once every month and a majority of the Commission shall constitute a quorum for the transaction of 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 present.
- B. The affirmative vote of 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: 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 Oceana.
 - 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: 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 Oceana County Planning Commissions preceding the Commission created by this ordinance are hereby approved, ratified and reconfirmed. Any 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 Oceana County Planning Commission. This Ordinance shall be in full force and effect from and after its adoption and publication.

Passed by the Oceana County Board of Commissioners on October 9, 2008
at its regular meeting with 6 commissioners in attendance,
6 voting aye, 0 nay.

Signed: _____, Chair

I hereby certify that the foregoing was duly adopted by the Oceana County Board of Commissioners, Oceana County, Michigan, at its regular meeting on October 9, 2008; that of 7 members of the Oceana County Board of Commissioners, 6 were in attendance and 6 voted for the adoption of the Ordinance.

Signed _____, Oceana County clerk
Date: October 9, 2008