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CALHOUN COUNTY PLANNING COMMISSION ORDINANCE OF  
2011

ORDINANCE NUMBER 2011-1

Adopted August 18, 2011

Effective August 18, 2011

Amended July 21, 2022

CALHOUN COUNTY PLANNING COMMISSION  
ORDINANCE OF 2011

WHEREAS, the Calhoun County Board of Commissioners did by resolution on December 11, 1961, establish the Calhoun County Metropolitan Planning Commission, did further on March 20, 2003, adopt by resolution an Ordinance setting forth a Constitution and By-laws relative to the Calhoun County Metropolitan Planning Commission, and on August 18, 2011, did repeal the existing ordinance and adopt this ordinance to comply with the Michigan Planning Enabling Act, MCL §125.3801 et. Seq., and to ensure proper record of said action is created,

AND WHEREAS it is now desired to amend portions of the act to define membership terms consistent with other County boards and commissions, establish procedures consistent with other County policies, and make certain technical amendments; NOW THEREFORE, THE PEOPLE OF CALHOUN COUNTY DO ORDAIN THAT SAID ORDINANCE SHALL READ AS FOLLOWS:

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

THE PEOPLE OF Calhoun County DO ORDAIN:

101. Creation: There shall be a Calhoun County Planning Commission created and operated pursuant to the Act (hereinafter referred to as the "CCPC"), with the powers and duties as therein set forth and as hereinafter provided. This ordinance shall be officially known and described as the "Calhoun County Planning Commission Ordinance."

102. Membership:

- A. The CCPC shall consist of eleven (11) members appointed by the Calhoun County Board of Commissioners. Recommendations for appointments shall be made by the CCPC to the Calhoun County Board of Commissioners (the "Board") pursuant to its established County Board Policy 110 - Appointments to Boards and Commissions. To be qualified to be a member and remain a member of the CCPC, the individual shall meet the following qualifications:
  - 1. Be a qualified elector of Calhoun County, except that one member may be a non-qualified elector;
  - 2. Not be a declared candidate for any political office, except this condition shall not apply to the Board representative to the Commission (section 102.D.10, of this ordinance).
  - 3. Except for ex-officio members, is not employed by, and does not hold any other office or position in Calhoun County Government other than by virtue of membership on the Planning Commission.
- B. Members shall be appointed for three-year terms
- C. The Calhoun County Administrator/Controller, as Chief Administrative Official of Calhoun County, or designee, shall serve as an Ex officio member of the Commission, with full voting rights on the Commission. The term of office of the ex officio member shall coincide with his/her term of employment by the Board.

- D. The membership shall be representative of the important geographic and interest segments of Calhoun County, as well as be representative of all of Calhoun County to the extent practicable, as follows.
1. One at-large member representing interests of Calhoun County.
  2. One member representing environmental interests
  3. One member representing the agricultural, forestry, land use interests
  4. One member representing the governmental municipal interests.
  5. One member representing educational interests who 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.
  6. One member representing recreational and tourist interests.
  7. One member representing the industrial and economic interests.
  8. One member representing the transportation and communication interests.
  9. One member representing sanitation, environmental health, housing, or human services interests.
  10. No more than two members shall be a member of the Calhoun County Board of Commissioners.
- E. A member of the Commission who is a member of the County Board of Commissioners, the Administrator/Controller (chief administrative officer), or the person appointed by the Administrator/Controller, shall not be chair of the Commission.
- F. Not more than One-Third (1/3) of the total membership of the Commission shall consist of, collectively, a member of the County Board, chief administrative officer, or the person appointed by the chief administrative official.
103. Members, Appointment and Terms:
- A. Each year the Administrator/Controller, or designee, in conjunction with the Commission, shall determine which members' terms of office are scheduled to expire and seek applicants for vacant positions as provided for in County Board Policy 110 – Appointments to Boards and Commissions.
  - B. The Planning Commission will recommend candidates to fill expiring terms to the County Board of Commission Chairperson who shall consider the applications and nominations received and shall appoint members to the Commission subject to approval by the Board of Commissioners as provided for in County Board Policy 110 – Appointments to Boards and Commissions. All Commission appointments, including those made prior to 2022, shall be for a three-year term of office which shall end December 31st of the third year of the term of the appointment, or until a successor is appointed, whichever occurs later.
104. Removal from Office:
- A. The Calhoun 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 Calhoun County Board of Commissioners.
105. Membership; Vacancies: The Calhoun 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.
106. Meetings:
- A. The Commission shall annually determine the time and place of the scheduled meetings.

- B. The affirmative vote of a majority of the total number of seats on the Commission filled at the time of the vote shall be necessary for the adoption, or recommendation for adoption, of any plan or amendment to a plan.
107. Powers and Duties:
- A. The Commission shall have the powers and duties as set forth in PA 33 of 2008, as amended, being the Michigan Planning Enabling Act, MCL §125.3801 *et seq.*; and P.A. 110 of the Public Acts of 2006, as amended, being the Michigan Zoning Enabling Act, (MCL §125.3101 *et seq.*).
  - B. The Commission shall be designated as a metropolitan county planning commission, pursuant to section 37(1) of PA 33 of 2008, as amended, being the Michigan Planning Enabling Act, MCL §125.3837(1); and the Planning Commission may serve as a coordinating agency for all planning committees or commissions that are now or may be within Calhoun County, whenever necessary or desirable.
  - C. The Commission shall have authority, subject to approval as required by policy of the Calhoun County Board of Commissioners, to apply for and receive grants from any government agency, including the federal government and to receive gifts.
108. Staff:
- A. To the extent permitted by its budget appropriation, the Board of Commissioners delegates to the Administrator/Controller the power to employ a planning director and other personnel as necessary from time to time to assist the Commission in performing its functions as set forth herein or to contract for the services of planning and other technicians, and incur other expenses relative to planning. All budgets are subject to the final approval of the Board of Commissioners as part of annual budget process.
109. 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.
110. Approval, Ratification, and Reconfirmation: All official actions taken by all the Calhoun County Metropolitan 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 the Calhoun County Metropolitan Planning Commission.
111. Effective Date: This Ordinance shall be effective immediately upon publication in a newspaper of general circulation in Calhoun County.
112. Article and Section Title: The article and section titles shall be deemed for convenience only and shall not limit the scope of any article or section of this Ordinance.

116. Saving Clause and Repealer: The provisions of this Ordinance are hereby declared to be severable and, if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by a court of competent jurisdiction, the remaining portions of this Ordinance shall remain in force. All ordinances or parts of ordinances of Calhoun County in conflict with any of the provisions of this Ordinance are hereby repealed.

Steve Frisbie - Chairperson  
Calhoun County Board of Commissioners

Kimberly Hinkley  
Calhoun County Clerk & Register