

**BENZIE COUNTY, MICHIGAN  
ORDINANCE NUMBER 2012-001  
Date: February 7, 2012**

**AMENDMENT TO ORDINANCE NUMBER 2011-001  
BENZIE COUNTY PLANNING COMMISSION ORDINANCE**

AN ORDINANCE TO AMEND SECTION 2.C OF ORDINANCE NUMBER 2011-001, THE BENZIE COUNTY PLANNING COMMISSION ORDINANCE TO INCREASE THE NUMBER OF COUNTY BOARD OF COMMISSIONER MEMBERS WHO MAY BE APPOINTED TO THE PLANNING COMMISSION AS *EX-OFFICIO* MEMBERS FROM ONE (1) TO TWO (2).

**The County of Benzie hereby ordains:**

**Section 1. Amendment of Section 2 of Ordinance No. 2011-001.**

Section 2 of Ordinance No. 2011-001, the Benzie County Planning Commission Ordinance, is hereby amended to read as follows:

**Section 2. Membership.**

- A. *Number of Members:* The Planning Commission shall consist of 7 members appointed by the Benzie County Board of Commissioners. 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.
  
  - 2. Appointed members of the Planning Commission shall attend educational programs designed for training members of Michigan planning commissions if the adopted Benzie County budget for that fiscal year includes funds to pay for tuition, registration, and travel expenses for such 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 as provided by law. Unless the County Board of Commissioners finds that such member has special skills desired for service on the Planning Commission, a member who fails to attend any training made available shall be ineligible for re-appointment at the conclusion of his or her term.

3. Training programs which qualify to meet this requirement shall 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 shall 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 may, but is not obligated to, appoint up to two of its members to serve as an *ex officio* member of the Planning Commission with full voting rights.

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 membership 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*. 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 Recreation

Commission. At the request of the chairperson, the Planning Commission may designate one of its members to serve on the Parks and Recreation Commission in place of the chairperson.

- F. Vacancy:* If a vacancy occurs on the Planning Commission, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment.
- G. Removal:* Pursuant to section 15, paragraph 9 of the MPEA, The Benzie County Board of Commissioners may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges prepared by or directed to be prepared by the board of commissioners and after a public hearing.
- H. Compensation:* All members of the Planning Commission may be compensated at such rate as may be determined from time to time by resolution of the county board of commissioners. Members of the Planning Commission may be reimbursed for actual, reasonable and necessary expenses incurred in the discharge of their duties to the extent provided for by actual appropriation of money for said purposes.
- I. Appointment of Members:* The Chairman of the Benzie County Board of Commissioners shall, with the approval of the Board, appoint the members of the planning commission. Members shall be representative of important segments of the community such as the economic, governmental, educational, and social development of the county, in accordance with the major interests as they exist from time to time in the county such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. Members shall also, to the extent possible, be representative of the entire geography of the county.
- J. Education Member:* The Benzie County Board of Commissioners shall make every effort to appoint a member of a public school board, or an administrative employee of the school district included, in whole or in part within Benzie County.
- K. Transition from Previous Ordinance:* If necessary to reduce the number of members of the planning commission from that number of persons appointed under prior Ordinance No. 2009-002 to the number required by this ordinance, the board of commissioners, in its sole discretion, but mindful of the representation guidelines set forth in the MPEA and section 2 of this ordinance, may remove any members necessary to reduce the planning commission membership to the number of members authorized by section 2 of this Ordinance. In doing so, the Board of Commissioners may also re-align the

terms of members so that, except for the *ex officio* member, the terms of no more than one-third of the members will expire in each year.

**Section 2. Effective Date.**

This ordinance shall be effective on the day following the day when notice of its adoption is published in a newspaper of general circulation in the county.

Adoption of the foregoing ordinance was moved by Stobie and supported by Halliday.

Voting for: Halliday, Kelley, Roper, Stobie, Tanner and Walterhouse

Voting against: None

Absent: Damm

The ordinance was declared adopted.

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Donald R. Tanner, Chairman

Date of publication of Notice of Adoption: February 7, 2012

Effective date: February 16, 2012

**CERTIFICATION STATEMENT AND CLERK'S SIGNATURE**

I, Dawn Olney, as Clerk to the Benzie County Board of Commissioners, do hereby certify that the foregoing ordinance amending the Benzie County Planning Commission Ordinance was duly adopted by the Benzie County Board of Commissioners at a regular meeting of said Board at which a quorum was present on the 7th day of February, 2012.

Date: February 7, 2012

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Dawn Olney, Clerk  
Benzie County Board of Commissioners