

**ST. CLAIR COUNTY BOARD OF COMMISSIONERS'
RESOLUTION 11-54**

**ADOPTION OF THE ST. CLAIR COUNTY METROPOLITAN PLANNING
COMMISSION ORDINANCE**

WHEREAS, under the date of April 24, 1957, the St. Clair County Board of Supervisors, by a resolution duly adopted, created the St. Clair County Regional Planning Commission pursuant to the provisions of Public Act 281 of 1945, as amended; and

WHEREAS, on November 20, 1974, the St. Clair County Board of Commissioners, by a resolution duly adopted, abolished the St. Clair County Regional Planning Commission and established the St. Clair County Metropolitan Planning Commission pursuant to Public Act 282 of 1945, as amended, effective January 1, 1975; and

WHEREAS, Public Act 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L. 125.3801 *et. seq.* was adopted, which requires various actions of creating planning commissions to be updated; and

WHEREAS, it is the desire of the St. Clair County Board of Commissioners to comply with the state statute, while at the same time minimizing change to the St. Clair County Metropolitan Planning Commission; and

WHEREAS, the current membership of the St. Clair County Metropolitan Planning Commission is found to have deviated from the original intent of the Metropolitan Planning Commission established in 1974, and it is found conditions have changed as to the needs and best representation on the planning commission, and there is not time for a transition of membership over time,

Therefore to comply with the current statute and proposed ordinance, concurrent with adoption of the new St. Clair County Metropolitan Planning Commission Ordinance, the following memberships are appointed, as follows to wit:

- One seat for recreation/tourism, term expires December 31, 2012, with *Steve Cooper* appointed to this position.
- One seat for agriculture/natural resources, term expires December 31, 2012, with *Tom Sass* appointed to this position.
- One seat for local government, term expires December 31, 2012, with *Dorothy DeBoyer* appointed to this position.
- One seat for business, term expires December 31, 2013, with *Robert Tansky* appointed to this position.
- One seat for transportation/utilities, term expires December 31, 2013, with *Robert Sheehy* appointed to this position.
- One seat for at-large, term expires December 31, 2013, with *Jack Schumacher* appointed to this position.
- One seat for at-large, term expires December 31, 2013, with *Lynne Secory* appointed to this position.
- One seat for economic development, term expires December 31, 2014, with *Marsden Murphy* appointed to this position.
- One seat for education, term expires December 31, 2014, with *Charles Andrews* appointed to this position.


- One seat for finance, term expires December 31, 2014, with *Daniel Lockwood* appointed to this position.
- One seat for a member of the St. Clair County Board of Commissioners, with a term of office concurrent with their term on the County Board, with *Howard Heidemann* appointed to this position.

NOW, THEREFORE, BE IT RESOLVED THAT Resolution 74-64 which created the existing St. Clair County Metropolitan Planning Commission is hereby repealed.

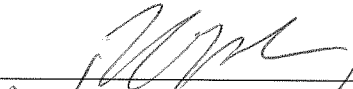
BE IT FURTHER RESOLVED THAT Resolution 11-54 St. Clair County Ordinance is hereby adopted establishing the St. Clair County Metropolitan Planning Commission in compliance with P.A. 33 of 2008.

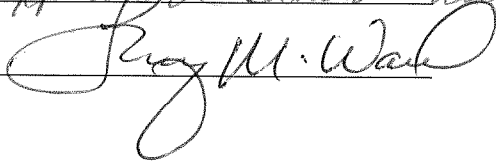
Adopted: December 14, 2011

Reviewed and Approved as to form by:



GARY A. FLETCHER
Corporation Counsel
522 Michigan St.
Port Huron, Michigan 48060



Howard Heidemann


Roy M. Walsh

ST. CLAIR COUNTY METROPOLITAN PLANNING COMMISSION ORDINANCE

Ordinance Number _____
{Date: _____}

AN ORDINANCE TO REPEAL RESOLUTION 74-64 OF THE ST. CLAIR COUNTY BOARD OF COMMISSIONERS WHICH ESTABLISHED THE METROPOLITAN PLANNING COMMISSION PURSUANT TO THE PROVISIONS OF PUBLIC ACT 282 OF 1945, AS AMENDED; AND TO ESTABLISH A NEW ST. CLAIR COUNTY METROPOLITAN PLANNING COMMISSION IN COMPLIANCE WITH THE MICHIGAN PLANNING ENABLING ACT (MPEA), PUBLIC ACT 33 OF 2008; TO SUPERSEDE THE EXISTING METROPOLITAN PLANNING COMMISSION ESTABLISHED BY RESOLUTION 74-64; AND TO CONFER ON SAID METROPOLITAN PLANNING COMMISSION ALL POWERS AND DUTIES PROVIDED FOR IN PUBLIC ACT 33 OF 2008, AS AMENDED.

The County of St. Clair hereby ordains:

Section 1: Repeal of Resolution 74-64 adopted by St. Clair County Board of Commissioners effective January 1, 1975 under the authority of Public Act 282 of 1945, the County Planning Act and Establishment of New Metropolitan Planning Commission in Compliance with Public Act 33 of 2008, the Michigan Planning Enabling Act, as amended.

- A. Resolution 74-64 adopted on November 20, 1974 by the St. Clair County Board of Commissioners, which, effective January 1, 1975, established the Metropolitan Planning Commission for St. Clair County under Public Act 282 of 1945, being the County Planning Act, as amended, is hereby rescinded and repealed, and the Metropolitan Planning Commission established thereby shall be superseded by the new Metropolitan Planning Commission (MPC) established by this ordinance pursuant to Public Act 33 of 2008, as amended, being the Michigan Planning Enabling Act (M.C.L. 125.3801 *et seq.*), and shall be constituted in accordance with and shall have all the powers and duties set forth in that act and this ordinance.

- B. No matter pending before the Metropolitan 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 Metropolitan Planning Commission at the same status as existed prior to the effective date of this Ordinance.

Section 2: Membership.

- A. Number of Members: The St. Clair County Metropolitan Planning Commission (MPC) shall consist of eleven (11) members who shall individually be representatives of important segments of the economic, governmental, social life and development of the county in accordance with the major interests as they exist in the county, such as agriculture, transportation, finance and commerce. Members of the Metropolitan Planning Commission shall be qualified electors of the county.
- B. Appointment of Members: The Chairperson of the St. Clair County Board of Commissioners shall, with the approval of the Board of Commissioners, appoint Metropolitan Planning Commission members in the following manner:
- 1) Representation: Members shall be representatives of important segments of the community and shall also, to the extent possible, be representative of the entire geography of the county and all of the townships, cities, and villages in the county. In accordance with the major interests as they exist in St. Clair County, the important segments include:
 - a. Recreation/Tourism;
 - b. Agriculture/Natural Resources;
 - c. Local Government;
 - d. Business;
 - e. Finance;
 - f. Transportation/Utilities;
 - g. Economic Development;
 - h. Education;
 - i. County Board of Commissioners Representative;
 - j. Two citizens-at-large.
- C. Terms of Members: All members shall be appointed by the Board of Commissioners for three (3) year terms, except that upon the first appointment of the membership by the board, the terms of office may be varied. Qualified members may hold successive terms.
- 1) Ex officio members qualify as members as long as they hold membership in the organization that authorizes their ex officio membership on the Metropolitan Planning Commission. The term of an ex officio member of the Metropolitan Planning Commission shall be as specified in the Michigan Planning Enabling Act, which currently provides as follows:
 - a. The term of a chief elected official shall correspond to his or her term as chief elected official.
 - b. The term of a member of the legislative body shall expire with his or her term on the legislative body.
- D. Vacancy: When a term of office of a Metropolitan Planning Commission member shall expire, he or she shall continue to serve until a successor is appointed by the Board of Commissioners. Whenever a member of the Metropolitan Planning Commission resigns, retires or otherwise vacates such office, the resulting vacancy on the MPC shall be filled by appointment of the Board of Commissioners upon recommendation of the MPC for the balance of the unexpired term of such member.
- E. Removal: Pursuant to section 15, paragraph 9 of the MPEA, the St. Clair County Board of Commissioners may remove a member of the Metropolitan 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.

- F. Compensation: All members of the Metropolitan Planning Commission may be compensated at such rate as may be determined from time to time by resolution of the St. Clair County Board of Commissioners. Members of the Metropolitan 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.
- G. Planning Commissioner Appointments to Other Boards and Commissions:
 - A. As provided in Section 1 of the County and Regional Parks and Recreation Commissions Act, Public Act 261 of 1965 [M.C.L. 46.351], the chairperson of the Metropolitan Planning Commission shall serve on the St. Clair County Parks and Recreation Commission. At the request of the chairperson, the Metropolitan Planning Commission may designate one of its members to serve on the Parks and Recreation Commission in place of the chairperson.
 - B. The Metropolitan Planning Commission may authorize advisory committees or councils, whose membership may consist of individuals whose experience, training and interest in the MPC's work qualifies them to lend valuable assistance to the MPC on technical and special phases of the Commission's program. The MPC may also appoint committees of the MPC members with such duties and functions as it may deem advisable.

Section 3: Organization and Procedures

- A. Bylaws: The Metropolitan Planning Commission shall adopt bylaws for the transaction of its business, and shall keep a public record of its resolutions, transactions, findings and determinations.
- B. Officers of the Commission: The Metropolitan Planning Commission shall elect a chairperson, vice chairperson, and secretary from its members and fill other offices, as it considers advisable, at the annual meeting and shall serve until the next annual meeting or until their successors are elected. Ex officio members are not eligible to serve as officers. The MPC may hold an election to fill a vacancy created by the departure of one of the officers.
- C. Duties of the Chairperson and Executive Committee: The MPC Chairperson shall be the chief executive officer of the MPC and shall preside at all meetings of the full MPC and the Executive Committee, which shall be comprised of the elected officers of the MPC. Included among the purposes of the Executive Committee shall be the making of policy recommendations to the MPC as may be needed and other functions as may be directed by the MPC. The MPC Chairperson shall appoint all committees, or advisory committees or councils established by the MPC unless otherwise provided by the full Metropolitan Planning Commission, and shall be an ex-officio member of all committees. The MPC Chairperson shall have a vote upon all resolutions as a commissioner or member of the Executive Committee.
- D. Duties of the Vice Chairperson: In the event the office of MPC Chairperson shall become vacant by death, resignation or otherwise, the Vice-Chairperson shall become Chairperson for the unexpired term of the Chairperson. In the event of the absence of the Vice-Chairperson or his/her inability to discharge the duties of his/her office, such duties shall for the time being devolve upon the MPC Secretary.
- E. Duties of the Secretary: The MPC Secretary shall perform the usual duties of his/her office, and such other duties as the full Metropolitan Planning Commission may direct.
- F. Executive Director: The Metropolitan Planning Commission may employ an Executive Director, who shall hold office at the will and pleasure of the Commission. The Executive Director shall be the

chief administrative officer of the Metropolitan Planning Commission, providing general direction to its work and general management of its activities. The Executive Director shall have general supervision of the operating staff of the MPC, and may employ or discharge any employee, except as otherwise provided by the Commission. The Executive Director shall have such powers and duties as may be delegated by the MPC. These shall include, but not be limited to, the following:

- 1) Give a report of staff activities and revenues and expenditures at all regular meetings of the Commission, and shall submit a report on accomplished, current and proposed programs at least once a year.
- 2) Be an ex-officio member of all advisory committees and sub-committees concerned with any element of the work program.
- 3) Prepare an annual financial budget for the Metropolitan Planning Commission for consideration by the Commission prior to submission to the auditor's office.
- 4) Delegate to any of his/her subordinates certain of the special duties and powers assigned to him/her.

Section 4: Duties and Responsibilities of the Metropolitan Planning Commission

- A. Master Plan: The Metropolitan Planning Commission shall make and approve a master plan as a guide for development within the county and shall adopt same in accordance with the requirements of Sections 31 through 51 of the Michigan Planning Enabling Act.
- B. Capital Improvement Program: To further the desirable future development of the county under the County Master Plan, the Metropolitan Planning Commission, after adoption of the County Master Plan, shall annually prepare a capital improvements program of public structures and improvements for the county. All procedures in the preparation and processing of such capital improvements plan shall be in accordance with Sections 65 and 67 of the Michigan Planning Enabling Act.
- C. Annual Report: No later than the 1st day of December each year, the Metropolitan Planning Commission shall submit an annual written report, including a work program for the coming year, and a budget request for the commission to the St. Clair County Board of Commissioners concerning its operations and the status of planning and zoning activities. The report may also make recommendations to the county board regarding planning, zoning, and development. The Metropolitan Planning Commission must operate within the funds appropriated by the county board to cover its operations and/or any additional grant funding allocated to the MPC.
- D. St. Clair County Transportation Study: The Metropolitan Planning Commission shall serve as the St. Clair County Federal Aid Policy Committee for receipt of federal transportation funds to develop and maintain a multi-modal transportation program for the St. Clair County study area based on the continuing, comprehensive, cooperative (3C) planning process. This program shall include, but not be limited to approving:
 - 1) The Advisory Committee's recommendation on the county portion of the Regional Long-Range Transportation Plan;
 - 2) The three-year list of prioritized transportation projects and programs known as the Transportation Improvement Program (TIP); and
 - 3) A yearly Unified Planning Work Program (UPWP) compatible with local, regional, and state development plans.
- E. Financial Assistance: The Metropolitan Planning Commission may apply for, receive and accept grants from any governmental agency, or from the federal government, and agree to and comply with

such terms and conditions as may be necessary, convenient or desirable. The MPC may secure the financial aid or cooperation of the federal government in carrying out the functions of the MPC, when approved by a 2/3 vote of the Board of Commissioners.

- F. Education: To promote public interest in and understanding of the master plan, the Metropolitan Planning Commission may publish and distribute copies of the master plan or of any report, and employ other means of publicity and education. The Metropolitan Planning Commission shall consult with and advise public officials and agencies; public utility companies; civic, educational, professional, and other organizations; and citizens concerning the promotion or implementation of the master plan pursuant to Section 51 of the Michigan Planning Enabling Act.
- G. Zoning Commission: The Metropolitan Planning Commission shall have all powers and duties of a county zoning commission under the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended).
- H. Other Duties and Responsibilities: In addition to the duties listed above, the Metropolitan Planning Commission shall carry out the specific activities detailed in its approved bylaws, or as directed by the St. Clair County Board of Commissioners.

Section 5: Commission Meetings

A. Meetings:

- 1) Regular meetings shall be held on a regular basis as established by the MPC at the annual meeting; provided that these be held not less than four (4) meetings per year. All regular meetings shall be held at the official office of the MPC, or at such other location or place as may be deemed necessary.
- 2) Special meetings of the Metropolitan Planning Commission may be called at any time by the Chairperson, and in his/her absence the Vice-Chairperson, or on written request of any four (4) planning commissioners, at such time or place as may be deemed necessary.
- 3) The annual meeting of the Metropolitan Planning Commission shall be the first meeting after the annual appointment of planning commission members by the County Board of Commissioners.
- 4) All members of the Metropolitan Planning Commission shall be notified in writing of the time and place of all meetings at least four (4) days prior thereto.
- 5) A quorum at any regular or special meeting shall consist of six (6) members of the Metropolitan Planning Commission.
- 6) Any planning commissioner who misses three (3) consecutive regular meetings shall be deemed to have resigned. Upon approval by a majority present at any regular meeting of the MPC, that resignation shall become effective and that planning commissioner shall be removed from office by the Board of Commissioners upon recommendation of the MPC.
- 7) Any planning commissioner who misses five (5) regular meetings within a calendar year (January through December) shall be deemed to have resigned. Upon approval by a majority of the members present at any regular meeting of the MPC, that resignation shall become effective and that planning commissioner shall be removed from office by the County Board of Commissioners.
- 8) A waiver to the above removal procedures (items 5.A.6 and 5.A.7) may be requested in advance of a known extended absence with the approval of a 2/3 majority of the MPC.
- 9) A 2/3 majority of the Metropolitan Planning Commission may recommend to the County Board of Commissioners that a planning commissioner be removed with or without cause.
- 10) Planning commissioners participating in a MPC meeting by way of audio, video, or other means of teleconferencing shall be considered as present for that meeting. Those at the meeting and the planning commissioner(s) attending by remote means must, at a minimum, be able to hear and be

heard by one another ensuring the ability of all parties to participate in meeting deliberations. Procedures shall be established in the MPC bylaws defining when a planning commissioner can attend a meeting by these means.

- B. Open Meetings Act: The business that the Metropolitan Planning Commission may perform shall be conducted at public meetings held in compliance with the Open Meetings Act (Public Act 267 of 1976, as amended), M.C.L. 15.261 to 15.275. Public notice of the time, date, and place of a regular or special meeting shall be given in the manner required by that act.
- C. Freedom of Information Act: A document prepared, owned, used, in the possession of, or retained by the Metropolitan Planning Commission and staff members in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act (Public Act 442 of 1976, as amended) and M.C.L. 15.231 to 15.246.
- D. Conflict of Interest: Conflict of interest shall be defined as a situation in which a Metropolitan Planning Commissioner has competing professional or personal interests in the outcome of a vote. Such competing interests include but are not limited to financial reward or the involvement of employers of immediate family members or any that may affect the member's ability to be impartial. Such competing interests can make it difficult to fulfill his or her impartiality. A conflict of interest exists, even if no unethical or improper act results from it. A conflict of interest can create an appearance of impropriety that can undermine confidence in the conduct of Metropolitan Planning Commission business. All members of the Metropolitan Planning Commission shall abide by the professional ethics and conflict of interest standards detailed in the MPC's adopted bylaws.

Section 6: Amendments to the Michigan Planning Enabling Act

Any amendments made to the Michigan Planning Enabling Act shall hereby be declared to automatically control the activities and function of the Metropolitan Planning Commission.

Section 7: Repeal of Inconsistent Ordinances or Resolutions

Any prior ordinances or resolutions addressing the same subject matter as this ordinance, particularly Resolution 74-64 effective January 1, 1975, and any amendments thereto are hereby repealed.

Section 8: 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.