

**County of Jackson
120 W. Michigan Ave.
Jackson, MI 49201
(517) 788-4335**



BOARD OF COMMISSIONERS

**Clifford E. Herl, District 1
David F. Lutchka, District 2
Carl Rice, Jr., District 3
Philip S. Duckham III, District 4
Julie Alexander, District 5
James C. Videto, District 6
James E. Shotwell, Jr., District 7
Gail W. Mahoney, District 8
Jonathan T. Williams, District 9
Kenneth W. Price, District 10
Michael J. Way, District 11
David K. Elwell, District 12**

ELECTED OFFICIALS

**Amanda Riska, Clerk
Steven Rand, Sheriff
Mindy Reilly, Register of Deeds
Karen Coffman, Treasurer
Geoffrey Snyder, Drain Commissioner
Hank Zavislak, Prosecuting Attorney**

COUNTY STAFF

**Michael Overton, Administrator/Controller
Adam Brown, Deputy Administrator
Charles Adkins, Circuit Court Administrator
Tammy Bates, District Court Administrator
Andy Crisenbery, Friend of the Court
James Latham, Director of Finance
Connie Frey, IT Director
Brandon Ransom, Parks Director
Patrick Grubba, Youth Center Director
Ruth Scott, Equalization Director
Crystal Dixon, Human Resources Director
Dr. John Maino, Medical Director
Kent Maurer, Airport Manager
Ric Scheele, Director-Fleet & Facilities Opns.
Matt Shane, MSU Ext.-District Coordinator
Marce Wandell, Department on Aging Director
Dave Welihan, Veterans Affairs Officer
Ted Westmeier, Health Officer**

County Commission Agenda November 20, 2012

Order of Business:

1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Roll Call
5. Approval of Agenda
6. Awards and Recognitions
7. Communications and Petitions
8. Special Orders/Public Hearing(s)
9. Public Comment
10. Special Meetings of Standing Committees
11. Minutes
12. Consent Agenda
13. Standing Committees
 - A. Policy
 - B. County Affairs & Agencies
 - C. Human Services
 - D. Personnel & Finance
14. Unfinished Business
15. New Business
16. Public Comment
17. Commissioner Comment
18. Closed Session
19. Adjournment

Public Comment

Any person desiring to speak on a matter to the Board of Commissioners may do so under the Public Comment items near the beginning and end of the meeting. Please state your name and use the microphone. Please note that the Commission allocates a maximum of five minutes per individual at the beginning of the meeting and three minutes per individual at the end of the meeting for this purpose.

Consent Agenda

Items on the Consent Agenda are items generally routine in nature that have passed a Standing Committee and will be enacted by one motion and one vote. There will be no separate discussion on these items. Any Commissioner may remove an item from the Consent Agenda and it will be considered by separate motion at the proper place during the meeting.

Standing Committees

The Board of Commissioners operates under a Standing Committee system with the following Committees: Policy, County Affairs & Agencies, Human Services, Personnel & Finance. All departments of the County coordinate their business through one of the Standing Committees. The Committees then forward their recommendations to the Board of Commissioners.

Closed Session

The Board of Commissioners is permitted under the Open Meetings Act to go into Closed Session to discuss labor contracts, purchase of property, and certain employee matters if requested by the employee. A two-thirds vote of the Commission is required to go into Closed Session.

"Your interest in your County Government is appreciated"

AGENDA
JACKSON COUNTY BOARD OF COMMISSIONERS BOARD MEETING
November 20, 2012
7:00 p.m.
County Commission Chambers

***Mission Statement:** Jackson County Government, in cooperation with the community
and local governmental units, strives through a planned process
to deliver quality services that address public needs.*

1. **CALL TO ORDER** – *by Chairman Steve Shotwell*
2. **INVOCATION** – *by David Elwell*
3. **PLEDGE OF ALLEGIANCE** – *by Madeleine Tocco , 6th grader at Jackson Public School's Middle School*
4. **ROLL CALL** – *County Clerk Amanda Riska*
5. **APPROVAL OF AGENDA**
6. **AWARDS & RECOGNITIONS** – None.
7. **COMMUNICATIONS/PETITIONS** – None.
8. **SPECIAL ORDERS/PUBLIC HEARINGS** – None.
9. **PUBLIC COMMENTS**
10. **SPECIAL MEETINGS OF STANDING COMMITTEES**
11. **MINUTES** - Minutes of the 10-23-12 Annual Meeting of the Jackson County Board of Commissioners

Attachments:

*10-23-12 Annual Meeting Minutes

12. **CONSENT AGENDA** (*Roll Call*)

A. County Policy

1. **Board Rules Policy – 4110 Committee and Compensation Guidelines**

Attachments:

*Policy 4110 with revisions

2. **Board Rules Policy – 4070 Committees**

Attachments:

*Policy 4070 with revisions

B. County Affairs & Agencies

3. Planning Commission Ordinance

Attachments:
*Draft

C. Human Services

4. Health Officer Agreement with Allegiance

Attachments:
*Agreement

5. MSU-E MOA Budget Work Plan

Attachments:
*Contract

D. Personnel & Finance

6. Accountant Position

Attachments:
*Staff Report

7. Department on Aging Budget Adjustments

Attachments:
*2012 Budget Adjustments

E. Other Business

8. Claims – October 1-31, 2012

Attachments: None.

13. **STANDING COMMITTEES**

A. **County Policy – Commissioner Dave Elwell** – None.

B. **County Affairs & Agencies – Commissioner Dave Lutchka**

1. **Appointments**

a. Land Bank Authority –one City Representative, term to 10/2016

Attachments:

*Commissioner Board Appointments

*Applications

C. **Human Services – Commissioner Jon Williams** – None.

D. **Personnel and Finance – Commissioner Jim Videto** – None.

14. **UNFINISHED BUSINESS** – None.

15. **NEW BUSINESS**

A. **Tentative Agreement -- ARMA**

Attachments:

*Tentative Agreement

16. **PUBLIC COMMENTS**

17. **COMMISSIONER COMMENTS**

18. **CLOSED SESSION** – None.

19. **ADJOURNMENT**

MINUTES
JACKSON COUNTY BOARD OF COMMISSIONERS BOARD MEETING
ANNUAL MEETING
October 23, 2012
7:00 p.m.
County Commission Chambers

1. **CALL TO ORDER** – by Chairman Steve Shotwell
2. **INVOCATION** – by David Elwell
3. **PLEDGE OF ALLEGIANCE** – by Grass Lake Junior Girl Scouts
4. **ROLL CALL** – County Clerk Amanda L. Riska

(11) Present. Commissioners Herl, Lutchka, Rice, Duckham, Alexander, Videto, Williams, Price, Way, Elwell, and Shotwell. (1) Absent. Commissioner Mahoney.
5. **APPROVAL OF AGENDA** - *Moved by Videto, supported by Lutchka for Approval of the Agenda.* Motion carried.
6. **AWARDS & RECOGNITIONS** – None.
7. **COMMUNICATIONS/PETITIONS** – None.
8. **SPECIAL ORDERS/PUBLIC HEARINGS**

A. **CDBG Grant**
9. **PUBLIC COMMENTS** – None.
10. **SPECIAL MEETINGS OF STANDING COMMITTEES**
11. **MINUTES** - Minutes of the September 18, 2012 Regular Meeting of the Jackson County Board of Commissioners

Moved by Lutchka, supported by Rice to Approve the Minutes of the September 18, 2012 Regular Meeting of the Jackson County Board of Commissioners. Motion carried.
12. **CONSENT AGENDA** - *Moved by Videto, supported by Way for Approval of the Consent Agenda.* Roll Call: (11) Yeas. Motion carried.

A. **County Policy**
 1. **Personnel Policy – 3050 Sexual Harassment**
B. **County Affairs & Agencies**
 2. **Equalization Apportionment Report**
 3. **Airport RESOLUTION 10-12.42 AUTHORIZING THE COUNTY BOARD COMMISSIONERS CHAIR, James E. Shotwell Jr. TO SIGN MDOT SPONSOR CONTRACT #2012-0782 (FEDERAL PROJECT #B-26-0051-3310), “FAA Reimbursable Agreement”**

4. **Register of Deeds Automation Adjustment**

C. **Human Services**

5. **Medical Director Contract Extension**

6. **Early On Contract with Jackson County Intermediate School District**

7. **CDBG – Community Development Block Grant**

D. **Personnel & Finance**

8. **COAM- Tentative Agreement with Jackson County Corrections Supervisors**

9. **Budget Adjustments**

a. **2012 Budget Adjustments**

b. **Reassignment of Health Department Administrative Clerk Position**

E. **Other Business**

10. **Claims** – September 1-30, 2012

13. **STANDING COMMITTEES**

A. **County Policy – Commissioner Dave Elwell**

1. **Board Organization**

Moved by Elwell, supported by Duckham to Adopt a 3-Committee Board Organization Structure. Motion carried.

B. **County Affairs & Agencies – Commissioner Dave Lutchka**

1. **Appointments**

- a. Land Bank Authority – one Commissioner Member, one City Representative, one member of the public with Construction experience, term to 10/2016

Commissioner Lutchka nominated Julie Alexander. Commissioner Duckham nominated Gail Mahoney. Roll Call: (10) Alexander. Cmr. Herl, Lutchka, Rice, Alexander, Videto, Williams, Price, Way, Elwell, and Shotwell. (1) Mahoney. Cmr. Duckham. Julie Alexander appointed.

Commissioner Lutchka stated that the City still needs to forward a name for their representative.

Commissioner Lutchka stated that the committee recommended Kevin Cunningham. No other nominations from the floor. Kevin Cunningham appointed.

C. Human Services – Commissioner Jon Williams

2. NSP3 – Public Comment

Moved by Williams, supported by Lutchka to Amend the NSP3 Action Plan to raise the appropriation for demolition to the maximum of 10% and reduce rehab by the same amount. Roll Call: (9) Yeas. Cmr. Herl, Lutchka, Rice, Alexander, Videto, Shotwell, Williams, Price, and Elwell. (2) Nays. Cmr. Duckham and Way. Motion carried.

D. Personnel and Finance – Commissioner Jim Videto – None.

14. UNFINISHED BUSINESS – None.

15. NEW BUSINESS

A. Administrator/Controller Salary

Moved by Videto, supported by Lutchka to Increase the compensation of the Administrator/Controller by 2% of his base wage effective July 25, 2012 and make the associated budget adjustments using the County contingency account. Roll Call: (11) Yeas. Motion carried.

16. PUBLIC COMMENTS – None.

17. COMMISSIONER COMMENTS

Moved by Videto, supported by Way to receive cards from Commissioner Alexander. Motion carried. Commissioner Alexander spoke about the Math Quest Challenge 2 that Jackson County students, grades K-8, can enter by answering a simple math question for a chance to win prizes.

Commissioner Herl asked about an email that was sent to commissioners.

18. CLOSED SESSION – None.

19. ADJOURNMENT - Chairman Shotwell adjourned the October 23, 2012 meeting of the Jackson County Board of Commissioners at 7:41 p.m.

James E. Shotwell – Chairman, Jackson County Board of Commissioners

Amanda L. Riska – County Clerk

COUNTY OF JACKSON POLICY MANUAL

BOARD RULES

Policy 4110

ARTICLE XI COMMITTEE AND COMPENSATION GUIDELINES

- I. Standing Committee meetings and meetings of Boards and Commissions appointed by the Board of Commissioners are called by the Chairperson of the committee with a quorum present. (All boards, commissions, and committees shall hereinafter be referred to as "committees.") Chairpersons or directors of committees ~~shall may call contact members~~ prior to the meeting to assure presence of a quorum. If no quorum will be present, the meeting will be canceled. This provision shall not apply to statutory boards and commissions which may have other legal requirements.
- ~~II. The Chairperson shall announce at the end of the meeting whether it is a half-day or full-day meeting and this shall be included in the minutes.~~
- ~~III.~~ II. Commissioners attending meetings designated as Committee of the Whole, where no official business is transacted, are entitled to compensation.
- ~~IV.~~ III. Special assignments and ad hoc committees, established to give detailed attention to a specific task or issue, are appointed by the Board Chairperson and shall be considered for approval at ~~the next~~ Board meeting. Special ad hoc committees shall report their findings to the full Board and upon completion of the assigned task(s), the ad hoc committee shall then be dissolved. A Commissioner assigned shall be entitled to ~~Ad-Hoc~~ Per Diem compensation.
- IV. Staff members may be assigned to ad hoc ~~committees, committees~~; however, appointment of staff members shall be recommended by the Administrator/Controller with the approval of the Board Chairperson and shall be approved at the next Board meeting.
- V.† Half-day (1/2) committee meeting per diem rates are as designated by the Board of Commissioners. Commissioners may charge for two (2) half-day or one (1) full-day committee meeting in any given day. However, committee meetings commencing prior to or following regular hours (8:00 A.M. to 5:00 P.M.) shall be considered for compensation in excess of the two committee meeting per day rule. Per diem may be collected for a maximum equivalent of three (3) half-day committee meetings per day. *

* See Attached Commissioner Compensation Procedures

- VII. Committee meetings of longer than three (3) hours will be considered two (2) half-day committee meetings. Two (2) separate committee meetings of less than three (3) hours total, during a continuous three (3) hour period, shall be considered one (1) half-day meeting for compensation purposes.
- VIII. Commissioners are entitled to reimbursement of mileage and expenses, for all conferences submitted on an approved voucher form and accompanied by appropriate receipts. This section also applies to Commissioners serving on NACo or MAC Boards/Committees.
- VIII. Commissioners shall be reimbursed mileage for regular board meetings, committee of the whole meetings, committee meetings, and ad hoc committees (where a Commissioner is an appointed member), community events, township meetings in their district, intergovernmental meetings, and other meetings where invitation is issued by virtue of office as a Commissioner. ~~Commissioners appointed and serving on outside Boards and Commissions that do not pay mileage will be paid mileage from the County General Fund as long as the appointees are on official County business.~~
- IX. To be reimbursed for mileage outside of the County of Jackson, Commissioners must receive approval from Chairman of the Board prior to the travel taking place. Commissions or Boards to which a Commissioner has been appointed are excluded from prior approval.
- X. Mileage is to be calculated from the Commissioners home or point of departure whichever is less.
- XI. Meetings and expense vouchers must be submitted for payment within ninety (90) days of the date incurred. All vouchers are to be typed or written in ink and signed and dated in ink and are subject to review by the Chairperson of the Board. Exceptions to the ninety (90) day provision may be granted by the Chairperson.

County of Jackson

Board Rules

Board Rules

Policy 4070

ARTICLE VII COMMITTEES

~~Section 7.11.~~ The following shall be the ~~r~~Regular Standing Committees of the Board.

~~A. County Policy — It shall be the duty of this committee to work in conjunction with the Administrator/Controller or his/her designee to ensure that county policies and ordinances are current and adequate to meet the needs of the organization. In carrying out this responsibility, the committee will review and revise existing policies and direct the Administrator/Controller to draft new policies where appropriate for eventual adoption. Policies may be initiated by staff, the Policy Committee, or the Board of County Commissioners. Final adoption of policies will be made by the Policy Committee and Board of County Commissioners.~~

~~A. B. County Affairs & Agencies —~~

- ~~1.~~ It shall be the duty of this committee to work in conjunction with the Administrator/Controller or his/her designee to ensure adequate and full implementation and administration of Board policy affecting various County departments, offices, and agencies with which the Committee serves as liaison. ~~The Committee acts as liaison to the following County departments, offices, and agencies: Equalization, Register of Deeds, Remonumentation, Drain Commissioner, Board of Public Works, Fair, Parks, Airport, Region 2 Planning Commission, and Road Commission.~~ In addition, the Committee shall recommend appointments to the full Board, unless this authority is vested with another official or committee.
- ~~2.~~ The Committee also acts as liaison to the following County departments, offices, and agencies: Equalization, Register of Deeds, Remonumentation, Drain Commissioner, Board of Public Works, Fair, Parks, Airport, Region 2 Planning Commission, and Road Commission, Circuit/Family/Probate Court, Jury Commission, District Court, Friend of the Court, Public Elections, County Clerk, Prosecuting Attorney, Sheriff, Animal Control, Livestock Claims, Law Library, Child Care Fund, Enterprise Group, Chamber of Commerce, Economic Development Corporation, Brownfield Redevelopment Authority.

~~B.~~ ~~C.~~ Human Services -

1. It shall be the duty of this committee to work in conjunction with the Administrator/Controller or his/her designee to coordinate all human service—s in the County and to ensure adequate and full implementation and administration of Board policy affecting various County departments, offices, and agencies with which the Committee serves as liaison.
2. The Committee acts as the Board of Health for the Health Department and acts as liaison to the following County departments, offices, and agencies: Guardian, MSU Extension, Medical Examiner, Department on Aging, Veteran's Affairs, Health Department, Michigan Department of Human Services, LifeWays, Region II Area Agency on Aging, Mid-South Substance Abuse Commission.

POLICY NO. 4070**ARTICLE VII (Continued)****COMMITTEES**~~DC.~~ Personnel and Finance~~-~~

1. It shall be the duty of this committee to study and recommend to the Board a budget for County operating expenses as well as all appropriations and transfers out. This committee will study and recommend to the Board all budget adjustments and personnel changes. It shall be the duty of this committee to work in conjunction with the Administrator/Controller or his/her designee to ensure adequate and full implementation and administration of Board policy affecting various County departments, offices, and agencies with which the Committee serves as liaison.
2. It shall be the duty of this committee to work in conjunction with the Administrator/Controller or his/her designee to ensure that county policies and ordinances are current and adequate to meet the needs of the organization. In carrying out this responsibility, the committee will review and revise existing policies and direct the Administrator/Controller to draft new policies where appropriate for

eventual adoption. Policies may be initiated by staff, the Personnel & Finance Committee, or the County Board of Commissioners. Final adoption of policies will be made by the Personnel & Finance Committee and County Board of Commissioners.

3. The Committee acts as liaison to the following County departments, offices, and agencies: Board of Commissioners, Administrator/Controller, Administrative Services, County Treasurer, Information Technology, Facilities/Fleet, Health Insurance, and Miscellaneous Expenses.

Section 7.2II. Committee Assignments - Each Board member, except the Chairman and the Vice Chairman, shall serve on at least two (2) Standing Committees. The Chairman and Vice Chairman shall serve as ex-officio members of each Standing Committee with the exception of Personnel & Finance Committee where the Board Vice Chairman shall serve as Chair.

III. Publishing Committee Packets - ~~Section 7.3~~ Standing Committee agendas and supporting information, when available, will be prepared and placed in Committee member's mail boxes published to the County's website two-four (24) days prior to Committee meetings.

Section 7.4IV. Absence of Board Vice Chair at Personnel & Finance - In the absence of ~~a Standing Committee Chair~~ the Board Vice Chair at a Personnel and Finance Committee meeting, ~~the Vice the Committee Vice Chair~~ Chair will serve as Chair of the Personnel and Finance Committee of the respective Standing Committee shall be eligible to vote.

Section 7.5V. The Chairperson or Vice-Chairperson of the County Board of Commissioners is a voting member of all Standing Committees of the Board only in the absence of a quorum or to break a tie vote. With the exception of Personnel & Finance, where the Board Vice Chair is a member of the committee, t~~The Board~~ Chair and/or Vice-Chair shall be allowed to vote in sequence (Chair and Vice-Chair) to satisfy a quorum.

VI. Members of the pPublic desiring to aAddressing the Committee shall follow the established public comment rules.

4.A. Each individual will state their name.

2.B. There will be a five (5) minute time limit when an individual addresses the Committee under Public Comment at the Opening of the meeting. Individuals may only address the Committee once under this section.

3.C. There will be a three (3) minute limit when an individual addresses the

Committee under Public Comment prior to the close of the meeting. Individuals may only address the Committee once under this section.

Section 7.7VII. Procedures Non-Committee Members Addressing the Committee

A. **1.** Any Commissioner not serving on the Committee desiring to speak to the Committee shall be entitled to do so upon recognition by the Committee Chairperson.

B. **2.** County staff may address the Committee upon recognition by the Committee Chairperson.

Adopted 12/19/00
Revised 04/19/05, 06/20/06, 1/16/07, 4/17/07, 1/18/11

Region 2 Planning Commission

Serving Hillsdale, Jackson and Lenawee Counties

MEMORANDUM

To: Jackson County Board of Commissioners Study Session
Jackson County Affairs and Agencies Committee
Jackson County Board of Commissioners

From: Grant E. Bauman, AICP
Principal Planning Commission

Date: November 2, 2012

Subject: Draft “Jackson County Planning Commission Ordinance”

Staff is pleased to provide the draft “Jackson County Planning Commission Ordinance” to the Jackson County Board of Commissioners for review and possible approval. The Jackson County Community Planning Committee endorsed an earlier version of the draft ordinance (as amended) at its October 25, 2012 meeting.

The draft ordinance creates a county planning commission empowered to do the following, as authorized (a) or required (r) by the [Michigan Planning Enabling Act](#) (PA 33 of 2008, *as amended*, MCL 125.3801 *et. seq.*) or [Section 307 of the Michigan Zoning Enabling Act](#) (PA 110 of 2006, *as amended*, MCL 125.3307):

- Make and adopt a county master plan (r);
- Review the master plans of county and local governments in and adjacent to the County (r);
- Assume the duties of the Coordinated Zoning Committee currently undertaken by the County Affairs and Agencies Committee (r);
- Create a library of area master plans (a); and
- Provide recommendations on capital projects (r).

The draft ordinance also provides the standards the Board of Commissioners will use to appoint members to the County Planning Commission, as required by the Michigan Planning Enabling Act.

The remainder of this memo contains the following sections:

Page

- [Section 1](#) — A graphic overview of the draft ordinance, including its table of contents, membership and liaisons, and powers and duties 2
- [Section 2](#) — A copy of the draft ordinance 9
- [Section 3](#) — A copy of the draft ordinance, including comments which provide the justification for its provisions 17
- [Section 4](#) — A copy of the Michigan Planning Enabling Act and Section 307 of the Michigan Zoning Enabling Act 25

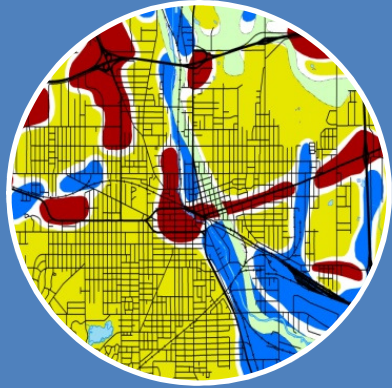
Section 1



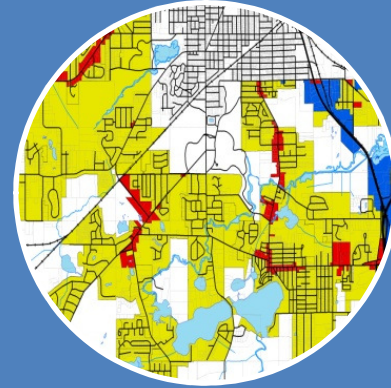
Planning Commission Ordinance

Ordinance Contents

Sec. 101	• Creation
Sec. 102	• Membership
Sec. 103	• Liaisons
Sec. 104	• Training
Sec. 105	• Appointment and Terms of Commissioners
Sec. 106	• Removal from Office
Sec 107	• Filling Vacancies
Sec. 108	• Compensation of Commissioners
Sec. 109	• Public Meetings
Sec. 110	• Powers and Duties
Sec. 111	• Staff
Sec. 112	• Records
Sec. 113	• Approval, Ratification, and Reconfirmation



Members
& Liaisons



Powers
& Duties



Members

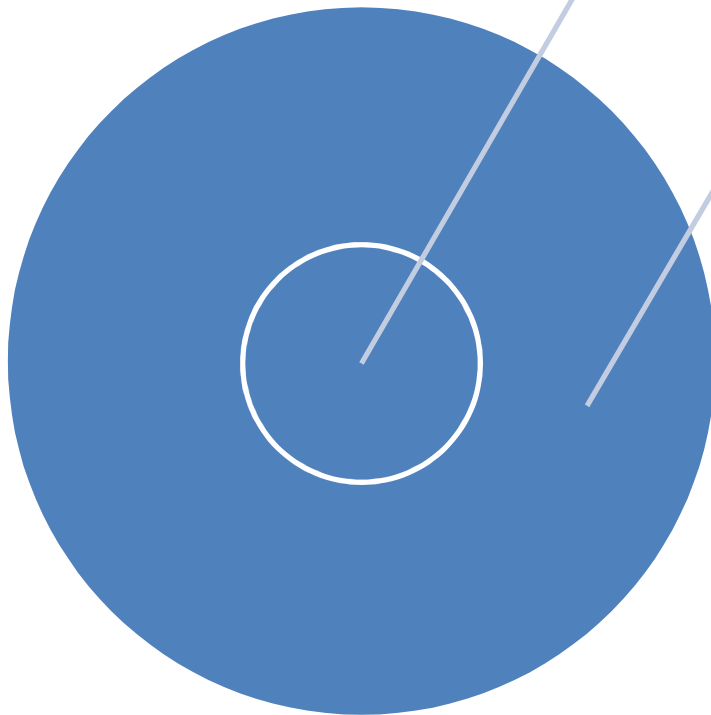
*(Limited to 9
Commissioners)*

- Representative of Important Interests and Geography
 - At-Large (4); Environmental Interests (1); Agricultural Interests (1); Educational Interests (1); and Industrial & Economic Interests (1)
- Ex Officio Representation:
 - County Commissioner(1)



- **Limits Commission Size and allows Stakeholder Involvement**
- **Identified by Ordinance**
 - Commission Staff & Consultants and County Administrator/Controller (or designee)
- **Identified in Bylaws**
 - Possible Liaisons include Local Government; Arts, Culture, & Tourism; Transportation; and Health

Powers & Duties



Designation as a Metropolitan County Planning Commission

- Serve as a Coordinating Agency
- Authority to Apply for and Receive Grants

Responsibilities

- Adoption of a County Master Plan
- Review of Proposed Master Plans
- Coordinated Zoning in Townships
- Submission of Municipal Zoning Ordinances
- Review of Capital Projects
- Any Other Duties Assigned or Authorized by the County Board

Section 2

JACKSON COUNTY PLANNING COMMISSION ORDINANCE #[X]

WHEREAS, The People of the County of Jackson desire to establish a Jackson County Planning Commission by adoption of this Ordinance of [date], and to insure proper record of the action is created, NOW THEREFORE, THE PEOPLE OF THE COUNTY OF JACKSON DO ORDAIN THAT SAID ORDINANCE READS AS FOLLOWS:

JACKSON COUNTY PLANNING COMMISSION ORDINANCE

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

THE PEOPLE OF THE COUNTY OF JACKSON DO ORDAIN:

- Sec. 101. **Creation.** There will be a Jackson County Planning Commission pursuant to the Michigan Planning Enabling Act (PA 33 of 2008, *as amended*, MCL 125.3801 *et. seq.*) hereinafter referred to as the Commission with the powers and duties as therein set forth and as herein-after provided and staffed. This Ordinance will be officially known and described as the "Jackson County Planning Commission Ordinance."
- Sec. 102. **Membership.**
- (A) The Commission will consist of nine (9) members appointed by the Jackson County Board of Commissioners. To be qualified to be a member and remain a member of the Planning Commission, the individual must meet the following qualifications:
 - (1) Must be a qualified elector of the County of Jackson, except that one member may be a non-qualified elector;
 - (2) Cannot hold any elected office or employment with the County of Jackson, unless an ex officio member, pursuant to Sections 102(D) and 102(E)(6) of this Ordinance;
 - (3) Cannot be a declared candidate for any political office, except this condition will not apply to the Board of Commissioner's ex officio representative to the Commission, pursuant to Sections 102(D) and 102(E)(6) of this Ordinance;
 - (4) After an individual's first appointment and before reappointment must have attended training for Commission members, pursuant to Section 104 of this Ordinance;
 - (5) Must 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.

– JACKSON COUNTY PLANNING COMMISSION ORDINANCE –

- (B) Members will be appointed for three (3)-year terms. However, when first appointed a number of members will be appointed to one (1)-year, two (2)-year, or three (3)-year terms such that, as nearly as possible, the terms of one-third ($\frac{1}{3}$) of all commission members will expire each year. If a vacancy occurs, the vacancy must 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 one-third ($\frac{1}{3}$) of all commission members continue to expire each year.
- (C) Every reasonable effort must 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 (see Section 102(E)(5)).
- (D) The ex officio member will be member of the Board of Commissioners, pursuant to Section 102(E)(6) of this Ordinance. The term of office of the ex officio member will coincide with his or her elected term of office on the County Board.
- (E) The membership will be representative of the important geographic and interest segments of Jackson County, as follows.
 - (1) Four (4) citizen at-large members representing interests of Jackson County will be appointed for a three (3)-year term of office, or remainder of an unexpired term of office.
 - (a) The citizen at-large members must meet the following conditions:
 - (1) Will be appointed from names submitted in response to notices/advertisements in a newspaper with paid circulation in Jackson County and the County's website, and;
 - (2) Cannot hold any elected office or employment position in Jackson County Government other than by virtue of membership on the Planning Commission.
 - (b) When possible, the citizen at-large members may be comprised of:
 - (1) At least one (1) resident living within the County's urban core (i.e., the City of Jackson and the Townships of Blackman, Leoni, Napoleon, Sandstone, Spring Arbor, and Summit) or an incorporated village; and
 - (2) At least one (1) resident living outside of the County's urban core or an incorporated village.
 - (2) One (1) citizen member representing the environmental interests of Jackson County will be appointed for a three year term of office, or remainder of an unexpired term of office, who meet the following conditions:

– JACKSON COUNTY PLANNING COMMISSION ORDINANCE –

- (a) Will be appointed from names nominated by county-wide non-profit corporations with their corporate offices within Jackson County whose bonafide purpose is to be environmental organizations; and
 - (b) Cannot hold any elected office or employment position in Jackson County Government other than by virtue of membership on the Planning Commission.
- (3) One (1) citizen member representing the agricultural land use interests of Jackson County will be appointed for a three (3)-year term of office, or remainder of an unexpired term of office, who meet the following conditions:
 - (a) Will be appointed by the Jackson County Board from names nominated by the Jackson County Conservation District, the Jackson County Farm Bureau, or the Michigan Department of Natural Resources;
 - (b) Cannot hold any elected office or employment position in Jackson County Government other than by virtue of membership on the Planning Commission; and
- (4) One (1) citizen member representing the educational interests of Jackson County will be appointed for a three (3)-year term of office, or remainder of an unexpired term of office, who meets the following conditions:
 - (a) Will be appointed by the County Board from names nominated by school district board(s) of education included, in whole or in part, within the County's boundaries;
 - (b) Must 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; and
 - (c) Cannot hold any elected office or employment position in County Government other than by virtue of membership on the Planning Commission.
- (5) One (1) citizen member representing the industrial and economic interests of Jackson County will be appointed for a three (3)-year term of office, or remainder of an unexpired term of office, who meets the following conditions:
 - (a) Will be appointed from names nominated by county-wide non-profit corporations with their corporate office in the County whose bonafide purpose is to promote business, commerce and industry in the county; and
 - (b) Cannot hold any elected office or employment position in County Government other than by virtue of membership on the Planning Commission.

– JACKSON COUNTY PLANNING COMMISSION ORDINANCE –

- (6) One (1) member will be a member of the County Board of Commissioners who meets the following conditions:
 - (a) Must be the only member who is a member of the County Board; and
 - (b) Will be appointed for a term of office which is concurrent with the elected position on the County Board.

(F) An ex officio member cannot be the chairperson of the Commission.

(G) Not more than one-third ($\frac{1}{3}$) of the total membership of the Commission may consist of ex officio members.

Sec. 103. **Liaisons.** The Commission, in its Bylaws, may name “liaisons” to the Commission. The purpose of liaisons is to provide certain Jackson County and quasi-Jackson County officials the ability to participate in discussions with the Commission, in addition to speaking in public participation, and nothing else. At a minimum, liaisons will include:

- (A) Region 2 Planning Commission staff, and their agents and consultants, to provide expert advice and other staffing services; and
- (B) The County Administrator/Controller, or a person designated by him or her.

Sec. 104. **Training.** Members of the Commission will attend educational programs designed for training members of Michigan planning commissions if the adopted County of Jackson budget for that fiscal year includes funds to pay for tuition, registration, and travel expenses for the training. Nothing in this paragraph will deem a member who has not had training from finishing his or her term of office unless the member resigns or is removed by action of the Board of Commissioners. The member will be ineligible for reappointment at the conclusion of the term of office if they did not attend training. The Commission will include in its Bylaws what training programs qualify to meet this requirement.

Sec. 105. **Appointment and Terms of Commissioners.**

- (A) In October of each year the Jackson County Clerk will determine which members’ terms of office expire, will determine what organizations qualify to nominate members and will contact, by first class mail, those organizations to solicit nominations.
- (B) In November of each year if the Clerk has not received at least two nominations for each office, then the County Clerk will discard those applications and will place an advertisement(s) in a newspaper with paid circulation in Jackson County to seek different applications.
- (C) In December of each year the Board of Commissioners will consider the applications and nominations received, and appoint members to the Commission by a majority vote for a three (3)-year term of office which ends December 31, at 9:00 a.m. of the respective year.

Sec. 106. **Removal from Office.**

- (A) The 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 will be considered malfeasance in office. Failure to repeatedly attend Commission meetings will be considered nonfeasance in office.
- (B) The secretary of the Planning Commission will report any member who has missed three (3) regular meetings in a row to the Board of Commissioners.

Sec. 107. **Filling Vacancies.** The Board of Commissioners will fill any vacancy in the membership of the Commission for the unexpired terms in the same manner as the initial appointment.

Sec. 108. **Compensation of Commissioners.** All members of the Planning Commission will serve as such with compensation equal to, or less than, the per diem of the Board of Commissioners per meeting.

Sec. 109. **Public Meetings.**

- (A) The Commission will meet as required by its bylaws but in no case may it meet less than four (4) times a year. A majority of the Commission will constitute a quorum for the transaction of the ordinary business of said Commission and all questions which arise at their meetings must be determined by a vote of the majority of the members of the Planning Commission.
- (B) The affirmative vote of two-thirds ($\frac{2}{3}$) of the total number of seats for members of the Commission, regardless if vacancies or absences exist or not, is necessary for the adoption, or recommendation for adoption, of any plan or amendment to a plan.

Sec. 110. **Powers and Duties.**

- (A) The Commission will have the powers and duties as set forth in the Michigan Planning Enabling Act, (PA 33 of 2008, *as amended*, MCL 125.3801 *et. seq.*) and Section 307 of the Michigan Zoning Enabling Act, (PA 110 of 2006, *as amended*, MCL 125.3307), as well as any other responsibilities assigned to it or authorized by the County Board of Commissioners. Those powers and duties include, but are not limited to:
 - (1) **Adoption of a County Master Plan.** The Commission must make and approve a master plan as a guide for development within the County of Jackson.
 - (2) **Review of Proposed Master Plans.** The Commission must review the proposed master plans of local and county governments in and adjacent to Jackson County, pursuant to Section 41 of the Michigan Planning Enabling Act (PA 33 of 2008, *as amended*, MCL 125.3837(1)).
 - (3) **Coordinated Zoning in Townships.** The duties of the Coordinated Zoning Committee previously undertaken by the County Affairs and Agencies Committee of the Jackson County Board of Commissioners are transferred to the

Planning Commission by this Ordinance.

- (4) **Submission of Municipal Zoning Ordinances.** If a municipality has adopted a zoning ordinance, the Planning Commission may, by first-class mail or personal delivery, request the submission of a copy of that ordinance and any amendments.
 - (5) **Review of Capital Projects.** The Planning Commission will make recommendations on any project involving the expenditure of money by a board, department, or agency of Jackson County for the acquisition of land, the erection of structures, or the extension, construction, or improvement of any physical facility.
 - (6) **Capital Improvements Programming.** To further desirable future development, the County of Jackson must annually prepare a capital improvements program of public structures and improvements. This responsibility will be fulfilled by the County Board of Commissioners rather than the Planning Commission.
- (B) The Commission is designated as a metropolitan county planning commission, as authorized by Section 37(1) of the Michigan Planning Enabling Act (PA 33 of 2008, *as amended*, MCL 125.3837(1)).
- (1) The Commission will serve as a coordinating agency for all planning committees or commissions that are now or may be within the County of Jackson.
 - (2) The Commission has authority to apply for and receive grants from any government agency or the federal government and to receive gifts.

Sec. 111. **Staff.**

The Board of Commissioners will provide for the staffing of the Commission through the Region 2 Planning Commission and/or other consultants deemed necessary to aid the Planning Commission in fulfilling its responsibilities.

Sec. 112. **Records.**

The Commission must adopt Bylaws for the transaction of business and keep a record of its resolutions, transactions, findings, and determinations, which records will be a public record.

Sec. 113. **Approval, Ratification, and Reconfirmation.**

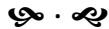
All official actions taken by all county planning and zoning committees preceding the Commission created by this Ordinance are hereby approved, ratified and reconfirmed. Any project, review, or process taking place at the effective date of this Ordinance will continue with the Commission created by this Ordinance, subject to the requirements of this Ordinance, and will be deemed a continuation of any previous county planning or zoning committee. This Ordinance will be in full force and effect from and after its adoption and publication.

– JACKSON COUNTY PLANNING COMMISSION ORDINANCE –



Passed by the County of Jackson County Board of Commissioners on [date], at its regular meeting with [x] commissioners in attendance, [x] voting aye, [x] nay.

Signed: _____, Chair
[date]



I hereby certify that the foregoing was duly adopted by the Board of Commissioners of the County of Jackson, Michigan, at its regular meeting on the [date], that of [x] members of the Board of Commissioners, [x] were in attendance and [x] voted for the adoption of the Ordinance. I further certify that the above and foregoing ordinance is identical in form with that recorded on the [date], at page [x] in the Book of Ordinances for the County of Jackson.

I further certify that notice of the adoption of this Ordinance was transmitted to the Region 2 Planning Commission within fourteen (14) days of [date].

Signed: _____, Clerk
[date]

Section 3

JACKSON COUNTY PLANNING COMMISSION ORDINANCE #[X]

WHEREAS, The People of the County of Jackson desire to establish a Jackson County Planning Commission by adoption of this Ordinance of [date], and to insure proper record of the action is created, NOW THEREFORE, THE PEOPLE OF THE COUNTY OF JACKSON DO ORDAIN THAT SAID ORDINANCE READS AS FOLLOWS:

JACKSON COUNTY PLANNING COMMISSION ORDINANCE

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

THE PEOPLE OF THE COUNTY OF JACKSON DO ORDAIN:

Sec. 101. Creation. There will be a Jackson County Planning Commission pursuant to the Michigan Planning Enabling Act (PA 33 of 2008, *as amended*, MCL 125.3801 *et. seq.*) hereinafter referred to as the Commission with the powers and duties as therein set forth and as hereinafter provided and staffed. This Ordinance will be officially known and described as the "Jackson County Planning Commission Ordinance."

Sec. 102. Membership.

(A) The Commission will consist of nine (9) members appointed by the Jackson County Board of Commissioners. To be qualified to be a member and remain a member of the Planning Commission, the individual must meet the following qualifications:

- (1)** Must be a qualified elector of the County of Jackson, except that one member may be a non-qualified elector;
- (2)** Cannot hold any elected office or employment with the County of Jackson, unless an ex officio member, pursuant to Sections 102(D) and 102(E)(6) of this Ordinance;
- (3)** Cannot be a declared candidate for any political office, except this condition will not apply to the Board of Commissioner's ex officio representative to the Commission, pursuant to Sections 102(D) and 102(E)(6) of this Ordinance;
- (4)** After an individual's first appointment and before reappointment must have attended training for Commission members, pursuant to Section 104 of this Ordinance;
- (5)** Must 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.

Comment [GB1]: MSU-Extension recommends a Planning Department. The reference to "staffed" allows for the County to utilize the R2PC.

Comment [GB2]: (MPEA §15(2), MCL 125.3815 (2)). A county planning commission must have 5, 7, 9, or 11 members. The ordinance must specify the actual number of members (not a range), so that changing the size of the planning commission requires amending the Ordinance. Staff recommends 9 members in order to (1) limit costs and (2) make it easier to appoint members while (3) making it easier to reach a quorum.

Comment [GB3]: (MPEA §15(4)(c), MCL 125.3815(4)(c)). Residency in Jackson County is required with the exception that it is optional to allow 1 non-qualified elector to be a member. Staff recommends taking advantage of this option in case it becomes difficult to otherwise recruit a commissioner.

Comment [GB4]: (MPEA §15(5), MCL 125.3815(5)).

Comment [GB5]: This is not a statutory requirements but recommended as a best practice, by MSU-Extension given Section 102(A)(2). The County should check with its Attorney before including this subsection. People have a right to run for office. This does not deny that right – but requires one to resign from the planning commission first. *This requirement appears to be more important for those county planning commissions that also administer a zoning ordinance and can be problematic (according to MSU-Extension).*

Comment [GB6]: The obligation to attend training in order to be re-appointed is not a statutory requirement but recommended as best practice by MSU-Extension. The R2PC can provide this training if needed.

– JACKSON COUNTY PLANNING COMMISSION ORDINANCE –

- (B) Members will be appointed for three (3)-year terms. However, when first appointed a number of members will be appointed to one (1)-year, two (2)-year, or three (3)-year terms such that, as nearly as possible, the terms of one-third ($\frac{1}{3}$) of all commission members will expire each year. If a vacancy occurs, the vacancy must 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 one-third ($\frac{1}{3}$) of all commission members continue to expire each year.
- (C) Every reasonable effort must 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 (see Section 102(E)(5)).
- (D) The ex officio member will be member of the Board of Commissioners, pursuant to Section 102(E)(6) of this Ordinance. The term of office of the ex officio member will coincide with his or her elected term of office on the County Board.
- (E) The membership will be representative of the important geographic and interest segments of Jackson County, as follows.
- (1) Four (4) citizen at-large members representing interests of Jackson County will be appointed for a three (3)-year term of office, or remainder of an unexpired term of office.
 - (a) The citizen at-large members must meet the following conditions:
 - (1) Will be appointed from names submitted in response to notices/advertisements in a newspaper with paid circulation in Jackson County and the County's website, and;
 - (2) Cannot hold any elected office or employment position in Jackson County Government other than by virtue of membership on the Planning Commission.
 - (b) When possible, the citizen at-large members may be comprised of:
 - (1) At least one (1) resident living within the County's urban core (i.e., the City of Jackson and the Townships of Blackman, Leoni, Napoleon, Sandstone, Spring Arbor, and Summit) or an incorporated village; and
 - (2) At least one (1) resident living outside of the County's urban core or an incorporated village.
 - (2) One (1) citizen member representing the environmental interests of Jackson County will be appointed for a three year term of office, or remainder of an unexpired term of office, who meet the following conditions:

Comment [GB7]: (MPEA §15(2), MCL 125.3815 (15)(2)).

Comment [GB8]: (§15(6), MCL 125.3815 (15)(6)).

Comment [GB9]: (MPEA §15(5), MCL 125.3815 (15)(5)). The appointment of ex officio members is optional. *Staff recommends such an appointment in order to promote communication with the County Board.*

There are three options for county board ("ex officio") representation on the planning commission. In addition to the county board member on the planning commission there may be: (1) the chief administrative officer, or (2) the chief elected official (in addition to or instead of the county board member on the planning commission), (3) another member of the county board, or (4) any combination of the above, so long as no more than a $\frac{1}{3}$ of the planning commission members are "ex officio members"

Comment [GB10]: (MPEA §15(3) and 15(6), MCL 125.3815 (3)&(6)). The County Board needs to review what the specific "major interests" are in the community including, but not limited to agriculture; natural resources; recreation; education; public health; government; transportation; industry; and commerce. The ordinance must specify the actual "major interests" chosen and assign them seats on the commission, so that changing the list of "major interests" requires amending the Ordinance. The section is reconciled with the 9 commissioners listed in Sec. 102(A). In order to limit the total number of Commissioners, some of the interests listed above are represented via the liaisons recommended in Section 103.

Comment [GB11]: Aimed at ensuring representation from all parts of Jackson County.

– JACKSON COUNTY PLANNING COMMISSION ORDINANCE –

- (a) Will be appointed from names nominated by county-wide non-profit corporations with their corporate offices within Jackson County whose bonafide purpose is to be environmental organizations; and
 - (b) Cannot hold any elected office or employment position in Jackson County Government other than by virtue of membership on the Planning Commission.
- (3) One (1) citizen member representing the agricultural land use interests of Jackson County will be appointed for a three (3)-year term of office, or remainder of an unexpired term of office, who meet the following conditions:
- (a) Will be appointed by the Jackson County Board from names nominated by the Jackson County Conservation District, the Jackson County Farm Bureau, or the Michigan Department of Natural Resources;
 - (b) Cannot hold any elected office or employment position in Jackson County Government other than by virtue of membership on the Planning Commission; and
- (4) One (1) citizen member representing the educational interests of Jackson County will be appointed for a three (3)-year term of office, or remainder of an unexpired term of office, who meets the following conditions:
- (a) Will be appointed by the County Board from names nominated by school district board(s) of education included, in whole or in part, within the County's boundaries;
 - (b) Must 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; and
 - (c) Cannot hold any elected office or employment position in County Government other than by virtue of membership on the Planning Commission.
- (5) One (1) citizen member representing the industrial and economic interests of Jackson County will be appointed for a three (3)-year term of office, or remainder of an unexpired term of office, who meets the following conditions:
- (a) Will be appointed from names nominated by county-wide non-profit corporations with their corporate office in the County whose bonafide purpose is to promote business, commerce and industry in the county; and
 - (b) Cannot hold any elected office or employment position in County Government other than by virtue of membership on the Planning Commission.

Comment [GB12]: References to forestry recommended by MSU-Extension were deleted due to the prominence of agriculture within the County.

– JACKSON COUNTY PLANNING COMMISSION ORDINANCE –

(6) One (1) member will be a member of the County Board of Commissioners who meets the following conditions:

- (a) Must be the only member who is a member of the County Board; and
- (b) Will be appointed for a term of office which is concurrent with the elected position on the County Board.

(F) An ex officio member cannot be the chairperson of the Commission.

(G) Not more than one-third (⅓) of the total membership of the Commission may consist of ex officio members.

Sec. 103. **Liaisons.** The Commission, in its Bylaws, may name “liaisons” to the Commission. The purpose of liaisons is to provide certain Jackson County and quasi-Jackson County officials the ability to participate in discussions with the Commission, in addition to speaking in public participation, and nothing else. At a minimum, liaisons will include:

(A) Region 2 Planning Commission staff, and their agents and consultants, to provide expert advice and other staffing services; and

(B) The County Administrator/Controller, or a person designated by him or her.

Sec. 104. **Training.** Members of the Commission will attend educational programs designed for training members of Michigan planning commissions if the adopted County of Jackson budget for that fiscal year includes funds to pay for tuition, registration, and travel expenses for the training. Nothing in this paragraph will deem a member who has not had training from finishing his or her term of office unless the member resigns or is removed by action of the Board of Commissioners. The member will be ineligible for reappointment at the conclusion of the term of office if they did not attend training. The Commission will include in its Bylaws what training programs qualify to meet this requirement.

Sec. 105. **Appointment and Terms of Commissioners.**

- (A) In October of each year the Jackson County Clerk will determine which members’ terms of office expire, will determine what organizations qualify to nominate members and will contact, by first class mail, those organizations to solicit nominations.
- (B) In November of each year if the Clerk has not received at least two nominations for each office, then the County Clerk will discard those applications and will place an advertisement(s) in a newspaper with paid circulation in Jackson County to seek different applications.
- (C) In December of each year the Board of Commissioners will consider the applications and nominations received, and appoint members to the Commission by a majority vote for a three (3)-year term of office which ends December 31, at 9:00 a.m. of the respective year.

Comment [GB13]: (MPEA §17(1), MCL 125.3817(1)).

Comment [GB14]: (MPEA §15(5), MCL 125.3815(5)).

Comment [GB15]: (MPEA §15(10), MCL 125.3815(10)). Liaisons are not a statutory requirement, but are allowable. The use of liaisons (1) are considered best planning practice by MSU-Extension and (2) allow for representation of interests while keeping the Planning Commission small. MSU also recommends the County’s Attorney. Staff recommends that the following liaisons be considered for inclusion in the bylaws:

- .A representative of the Jackson County Chapter of the Michigan Townships Association to represent municipal governmental interests.
- .A representative of a recreation, arts and culture, and/or tourism organization to represent quality of life interests.
- .An employee of the Jackson County Board of Road Commissioners to represent transportation and communication interests; and
- .A representative of the environmental health division of the Jackson County Health Department or a county-wide human services coordination organization to represent health and human services interests.

Comment [GB16]: The MSU-Extension recommendation was for a Planning Department.

Comment [GB17]: (MPEA §15(10), MCL 125.3815(10)). Training is not a statutory requirement, but considered to be a best planning practice by MSU-Extension.

Comment [GB18]: Must delete this sentence if Sec. 102(A)(4) is deleted.

Comment [GB19]: . (MPEA §15(10) MCL 125.3815(10)). The appointment process is not a statutory requirement, but considered a best planning practice by MSU-Extension.
Alternative Appointment process:
In November of each year the Jackson County Clerk must place an advertisement(s) in a newspaper with paid circulation in Jackson County to seek applications for Commission members.
In December of each year the Board of Commissioners must consider the applications and nominations received, and appoint members to the Commission by a majority vote for a three year term of office which will end December 31, at 9:00 a.m. of the respective year.

– JACKSON COUNTY PLANNING COMMISSION ORDINANCE –

Sec. 106. **Removal from Office.**

- (A) The 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 will be considered malfeasance in office. Failure to repeatedly attend Commission meetings will be considered nonfeasance in office.
- (B) The secretary of the Planning Commission will report any member who has missed three (3) regular meetings in a row to the Board of Commissioners.

Comment [GB20]: (MPEA §15(9), MCL 125.3815(9)).

Sec. 107. **Filling Vacancies.** The Board of Commissioners will fill any vacancy in the membership of the Commission for the unexpired terms in the same manner as the initial appointment.

Comment [GB21]: (MPEA §15(2), MCL 125.3815(2)).

Sec. 108. **Compensation of Commissioners.** All members of the Planning Commission will serve as such with compensation equal to, or less than, the per diem of the Board of Commissioners per meeting.

Comment [GB22]: (MCL §23(1), MCL 125.3823(1)). Compensation of members is optional.

Sec. 109. **Public Meetings.**

- (A) The Commission will meet as required by its bylaws but in no case may it meet less than four (4) times a year. A majority of the Commission will constitute a quorum for the transaction of the ordinary business of said Commission and all questions which arise at their meetings must be determined by a vote of the majority of the members of the Planning Commission.
- (B) The affirmative vote of two-thirds ($\frac{2}{3}$) of the total number of seats for members of the Commission, regardless if vacancies or absences exist or not, is necessary for the adoption, or recommendation for adoption, of any plan or amendment to a plan.

Comment [GB23]: (MPEA §21(1), MCL 125.3821(1)). Meetings must take place at least four times a year but monthly meetings are more typical.

Sec. 110. **Powers and Duties.**

- (A) The Commission will have the powers and duties as set forth in the Michigan Planning Enabling Act, (PA 33 of 2008, *as amended*, MCL 125.3801 *et. seq.*) and Section 307 of the Michigan Zoning Enabling Act, (PA 110 of 2006, *as amended*, MCL 125.3307), as well as any other responsibilities assigned to it or authorized by the County Board of Commissioners. Those powers and duties include, but are not limited to:

(1) **Adoption of a County Master Plan.** The Commission must make and approve a master plan as a guide for development within the County of Jackson.

Comment [GB24]: (MPEA §31(1), MCL 125.3831).

(2) **Review of Proposed Master Plans.** The Commission must review the proposed master plans of local and county governments in and adjacent to Jackson County, pursuant to Section 41 of the Michigan Planning Enabling Act (PA 33 of 2008, *as amended*, MCL 125.3837(1)).

Comment [GB25]: (MPEA §41, MCL 125.3841).

(3) **Coordinated Zoning in Townships.** The duties of the Coordinated Zoning Committee previously undertaken by the County Affairs and Agencies Committee of the Jackson County Board of Commissioners are transferred to the

Comment [GB26]: (MPEA §307 (1), MCL 125.3307).

– JACKSON COUNTY PLANNING COMMISSION ORDINANCE –

Planning Commission by this Ordinance.

- (4) **Submission of Municipal Zoning Ordinances.** If a municipality has adopted a zoning ordinance, the Planning Commission may, by first-class mail or personal delivery, request the submission of a copy of that ordinance and any amendments.

Comment [GB27]: (MPEA §69, MCL 125.3869).

- (5) **Review of Capital Projects.** The Planning Commission will make recommendations on any project involving the expenditure of money by a board, department, or agency of Jackson County for the acquisition of land, the erection of structures, or the extension, construction, or improvement of any physical facility.

Comment [GB28]: (MPEA §61(2), MCL 125.3861).

- (6) **Capital Improvements Programming.** To further desirable future development, the County of Jackson must annually prepare a capital improvements program of public structures and improvements. This responsibility will be fulfilled by the County Board of Commissioners rather than the Planning Commission.

Comment [GB29]: (MPEA §§65-67, MCL 125.3865-3867). If the County Board wants the CIP to be created by the Administrator/Controller, finance officer, Chairperson of the Board of Commissioners, or itself, a section must be added which specifically says who creates the CIP.

- (B) The Commission is designated as a metropolitan county planning commission, as authorized by Section 37(1) of the Michigan Planning Enabling Act (PA 33 of 2008, *as amended*, MCL 125.3837(1)).

Comment [GB30]: (MPEA §37(1), MCL 125.3837(1)). The county has an option to create a Metropolitan County Planning Commission "Metropolitan", as used here, refers to further coordination role, not urban v. rural. Doing so is recommended as best planning practice by MSU-Extension. If a Metropolitan County Planning Commission is not desired, then Section 110(B) should be deleted.

- (1) The Commission will serve as a coordinating agency for all planning committees or commissions that are now or may be within the County of Jackson.
- (2) The Commission has authority to apply for and receive grants from any government agency or the federal government and to receive gifts.

Sec. 111. **Staff.**

The Board of Commissioners will provide for the staffing of the Commission through the Region 2 Planning Commission and/or other consultants deemed necessary to aid the Planning Commission in fulfilling its responsibilities.

Sec. 112. **Records.**

The Commission must adopt Bylaws for the transaction of business and keep a record of its resolutions, transactions, findings, and determinations, which records will be a public record.

Sec. 113. **Approval, Ratification, and Reconfirmation.**

All official actions taken by all county planning and zoning committees 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 will continue with the Commission created by this Ordinance, subject to the requirements of this Ordinance, and will be deemed a continuation of any previous county planning or zoning committee. This Ordinance will be in full force and effect from and after its adoption and publication.

– JACKSON COUNTY PLANNING COMMISSION ORDINANCE –



Passed by the County of Jackson County Board of Commissioners on [date], at its regular meeting with [x] commissioners in attendance, [x] voting aye, [x] nay.

Signed: _____, Chair
[date]



I hereby certify that the foregoing was duly adopted by the Board of Commissioners of the County of Jackson, Michigan, at its regular meeting on the [date], that of [x] members of the Board of Commissioners, [x] were in attendance and [x] voted for the adoption of the Ordinance. I further certify that the above and foregoing ordinance is identical in form with that recorded on the [date], at page [x] in the Book of Ordinances for the County of Jackson.

I further certify that notice of the adoption of this Ordinance was transmitted to the Region 2 Planning Commission within fourteen (14) days of [date].

Signed: _____, Clerk
[date]

Comment [GB31]: (MPEA §11(2), MCL 125.3811(2))

Section 4

MICHIGAN PLANNING ENABLING ACT
Act 33 of 2008

AN ACT to codify the laws regarding and to provide for county, township, city, and village planning; to provide for the creation, organization, powers, and duties of local planning commissions; to provide for the powers and duties of certain state and local governmental officers and agencies; to provide for the regulation and subdivision of land; and to repeal acts and parts of acts.

History: 2008, Act 33, Eff. Sept. 1, 2008.

The People of the State of Michigan enact:

ARTICLE I.
GENERAL PROVISIONS

125.3801 Short title.

Sec. 1. This act shall be known and may be cited as the "Michigan planning enabling act".

History: 2008, Act 33, Eff. Sept. 1, 2008.

125.3803 Definitions.

Sec. 3. As used in this act:

(a) "Chief administrative official" means the manager or other highest nonelected administrative official of a city or village.

(b) "Chief elected official" means the mayor of a city, the president of a village, the supervisor of a township, or, subject to section 5, the chairperson of the county board of commissioners of a county.

(c) "County board of commissioners", subject to section 5, means the elected county board of commissioners, except that, as used in sections 39 and 41, county board of commissioners means 1 of the following:

(i) A committee of the county board of commissioners, if the county board of commissioners delegates its powers and duties under this act to the committee.

(ii) The regional planning commission for the region in which the county is located, if the county board of commissioners delegates its powers and duties under this act to the regional planning commission.

(d) "Ex officio member", in reference to a planning commission, means a member, with full voting rights unless otherwise provided by charter, who serves on the planning commission by virtue of holding another office, for the term of that other office.

(e) "Legislative body" means the county board of commissioners of a county, the board of trustees of a township, or the council or other elected governing body of a city or village.

(f) "Local unit of government" or "local unit" means a county or municipality.

(g) "Master plan" means either of the following:

(i) As provided in section 81(1), any plan adopted or amended before September 1, 2008 under a planning act repealed under section 85.

(ii) Any plan adopted or amended under this act. This includes, but is not limited to, a plan prepared by a planning commission authorized by this act and used to satisfy the requirement of section 203(1) of the Michigan zoning enabling act, 2006 PA 110, MCL 125.3203, regardless of whether it is entitled a master plan, basic plan, county plan, development plan, guide plan, land use plan, municipal plan, township plan, plan, or any other term.

(h) "Municipality" or "municipal" means or refers to a city, village, or township.

(i) "Planning commission" means either of the following, as applicable:

(i) A planning commission created pursuant to section 11(1).

(ii) A planning commission retained pursuant to section 81(2) or (3), subject to the limitations on the application of this act provided in section 81(2) and (3).

(j) "Planning jurisdiction" for a county, city, or village refers to the areas encompassed by the legal boundaries of that county, city, or village, subject to section 31(1). Planning jurisdiction for a township refers to the areas encompassed by the legal boundaries of that township outside of the areas of incorporated villages and cities, subject to section 31(1).

(k) "Population" means the population according to the most recent federal decennial census or according to a special census conducted under section 7 of the Glenn Steil state revenue sharing act of 1971, 1971 PA 140, MCL 141.907, whichever is the more recent.

(l) "Public transportation agency" means a governmental entity that operates or is authorized to operate

intercity or local commuter passenger rail service in this state or a public transit authority created under 1 of the following acts:

- (i) The metropolitan transportation authorities act of 1967, 1967 PA 204, MCL 124.401 to 124.426.
- (ii) The public transportation authority act, 1986 PA 196, MCL 124.451 to 124.479.
- (iii) 1963 PA 55, MCL 124.351 to 124.359.
- (iv) The home rule city act, 1909 PA 279, MCL 117.1 to 117.38.
- (v) The revenue bond act of 1933, 1933 PA 94, MCL 141.101 to 141.140.
- (vi) The charter township act, 1947 PA 359, MCL 42.1 to 42.34.
- (vii) The urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512.
- (m) "Public transportation facility" means that term as defined in section 2 of the metropolitan transportation authorities act of 1967, 1967 PA 204, MCL 124.402.
- (n) "Street" means a street, avenue, boulevard, highway, road, lane, alley, viaduct, or other public way intended for use by motor vehicles, bicycles, pedestrians, and other legal users.

History: 2008, Act 33, Eff. Sept. 1, 2008;—Am. 2010, Act 134, Imd. Eff. Aug. 2, 2010;—Am. 2010, Act 306, Imd. Eff. Dec. 17, 2010.

125.3805 Assignment of power or duty to county officer or body.

Sec. 5. The assignment of a power or duty under this act to a county officer or body is subject to 1966 PA 293, MCL 45.501 to 45.521, or 1973 PA 139, MCL 45.551 to 45.573, in a county organized under 1 of those acts.

History: 2008, Act 33, Eff. Sept. 1, 2008.

125.3807 Master plan; adoption, amendment, and implementation by local government; purpose.

Sec. 7. (1) A local unit of government may adopt, amend, and implement a master plan as provided in this act.

(2) The general purpose of a master plan is to guide and accomplish, in the planning jurisdiction and its environs, development that satisfies all of the following criteria:

- (a) Is coordinated, adjusted, harmonious, efficient, and economical.
- (b) Considers the character of the planning jurisdiction and its suitability for particular uses, judged in terms of such factors as trends in land and population development.
- (c) Will, in accordance with present and future needs, best promote public health, safety, morals, order, convenience, prosperity, and general welfare.
- (d) Includes, among other things, promotion of or adequate provision for 1 or more of the following:
 - (i) A system of transportation to lessen congestion on streets and provide for safe and efficient movement of people and goods by motor vehicles, bicycles, pedestrians, and other legal users.
 - (ii) Safety from fire and other dangers.
 - (iii) Light and air.
 - (iv) Healthful and convenient distribution of population.
 - (v) Good civic design and arrangement and wise and efficient expenditure of public funds.
 - (vi) Public utilities such as sewage disposal and water supply and other public improvements.
 - (vii) Recreation.
 - (viii) The use of resources in accordance with their character and adaptability.

History: 2008, Act 33, Eff. Sept. 1, 2008;—Am. 2010, Act 134, Imd. Eff. Aug. 2, 2010.

ARTICLE II.

PLANNING COMMISSION CREATION AND ADMINISTRATION

125.3811 Planning commission; creation; adoption of ordinance by local unit of government; notice required; exception; adoption of charter provision by city or home rule village; effect of repeal of planning act; continued exercise or transfer of powers and duties of zoning board or zoning commission.

Sec. 11. (1) A local unit of government may adopt an ordinance creating a planning commission with powers and duties provided in this act. The planning commission of a local unit of government shall be officially called "the planning commission", even if a charter, ordinance, or resolution uses a different name such as "plan board" or "planning board".

(2) Within 14 days after a local unit of government adopts an ordinance under subsection (1) creating a planning commission, the clerk of the local unit shall transmit notice of the adoption to the planning

commission of the county where the local unit is located. However, if there is not a county planning commission or if the local unit adopting the ordinance is a county, notice shall be transmitted to the regional planning commission engaged in planning for the region within which the local unit is located. Notice under this subsection is not required when a planning commission created before the effective date of this act continues in existence under this act, but is required when an ordinance governing or creating a planning commission is amended or superseded under section 81(2)(b) or (3)(b).

(3) If, after the effective date of this act, a city or home rule village adopts a charter provision providing for a planning commission, the charter provision shall be implemented by an ordinance that conforms to this act. Section 81(2) provides for the continuation of a planning commission created by a charter provision adopted before the effective date of this act.

(4) Section 81(3) provides for the continuation of a planning commission created under a planning act repealed under section 85.

(5) Section 83 provides for the continued exercise by a planning commission, or the transfer to a planning commission, of the powers and duties of a zoning board or zoning commission.

History: 2008, Act 33, Eff. Sept. 1, 2008.

125.3813 Planning commission; effect of township ordinance; number of days; petition requesting submission of ordinance to electors; filing; petition subject to Michigan election law; violation.

Sec. 13. (1) Subject to subsection (2), a township ordinance creating a planning commission under this act shall take effect 63 days after the ordinance is published by the township board in a newspaper having general circulation in the township.

(2) Subject to subsection (3), before a township ordinance creating a planning commission takes effect, a petition may be filed with the township clerk requesting the submission of the ordinance to the electors residing in the unincorporated portion of the township for their approval or rejection. The petition shall be signed by a number of qualified and registered electors residing in the unincorporated portion of the township equal to not less than 8% of the total vote cast for all candidates for governor, at the last preceding general election at which a governor was elected. If such a petition is filed, the ordinance shall not take effect until approved by a majority of the electors residing in the unincorporated portion of the township voting thereon at the next regular or special election that allows reasonable time for proper notices and printing of ballots or at any special election called for that purpose, as determined by the township board. The township board shall specify the language of the ballot question.

(3) Subsection (2) does not apply if the planning commission created by the ordinance is the successor to an existing zoning commission or zoning board as provided for under section 301 of the Michigan zoning enabling act, 2006 PA 110, MCL 125.3301.

(4) If a township board does not on its own initiative adopt an ordinance under this act creating a planning commission, a petition may be filed with the township clerk requesting the township board to adopt such an ordinance. The petition shall be signed by a number of qualified and registered electors as provided in subsection (2). If such a petition is filed, the township board, at its first meeting following the filing shall submit the question to the electors of the township in the same manner as provided under subsection (2).

(5) A petition under this section, including the circulation and signing of the petition, is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488. A person who violates a provision of the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, applicable to a petition described in this section is subject to the penalties prescribed for that violation in the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

History: 2008, Act 33, Eff. Sept. 1, 2008.

125.3815 Planning commission; membership; appointment; terms; vacancy; representation; qualifications; ex-officio members; board serving as planning commission; removal of member; conditions; conflict of interest; additional requirements.

Sec. 15. (1) In a municipality, the chief elected official shall appoint members of the planning commission, subject to approval by a majority vote of the members of the legislative body elected and serving. In a county, the county board of commissioners shall determine the method of appointment of members of the planning commission by resolution of a majority of the full membership of the county board.

(2) A city, village, or township planning commission shall consist of 5, 7, or 9 members. A county planning commission shall consist of 5, 7, 9, or 11 members. Members of a planning commission other than ex officio members under subsection (5) shall be appointed for 3-year terms. 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 the planning commission members will expire each year. If a vacancy occurs on a planning commission, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment. A member shall hold office until his or her successor is appointed.

(3) The membership of a planning commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the local unit of government, in accordance with the major interests as they exist in the local unit of government, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire territory of the local unit of government to the extent practicable.

(4) Members of a planning commission shall be qualified electors of the local unit of government, except that the following number of planning commission members may be individuals who are not qualified electors of the local unit of government but are qualified electors of another local unit of government:

(a) 3, in a city that on September 1, 2008 had a population of more than 2,700 but less than 2,800.

(b) 2, in a city or village that has, or on September 1, 2008 had, a population of less than 5,000, except as provided in subdivision (a).

(c) 1, in local units of government other than those described in subdivision (a) or (b).

(5) In a township that on September 1, 2008 had a planning commission created under former 1931 PA 285, 1 member of the legislative body or the chief elected official, or both, may be appointed to the planning commission, as ex officio members. In any other township, 1 member of the legislative body shall be appointed to the planning commission, as an ex officio member. In a city, village, or county, the chief administrative official or a person designated by the chief administrative official, if any, the chief elected official, 1 or more members of the legislative body, or any combination thereof, may be appointed to the planning commission, as ex officio members, unless prohibited by charter. However, in a city, village, or county, not more than 1/3 of the members of the planning commission may be ex officio members. Except as provided in this subsection, an elected officer or employee of the local unit of government is not eligible to be a member of the planning commission. The term of an ex officio member of a planning commission shall be 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 chief administrative official shall expire with the term of the chief elected official that appointed him or her as chief administrative official.

(c) The term of a member of the legislative body shall expire with his or her term on the legislative body.

(6) For a county planning commission, the county shall make every reasonable effort to ensure 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. The requirements of this subsection apply whenever an appointment is to be made to the planning commission, unless an incumbent is being reappointed or an ex officio member is being appointed under subsection (5).

(7) Subject to subsection (8), a city or village that has a population of less than 5,000, and that has not created a planning commission by charter, may by an ordinance adopted under section 11(1) provide that 1 of the following boards serve as its planning commission:

(a) The board of directors of the economic development corporation of the city or village created under the economic development corporations act, 1974 PA 338, MCL 125.1601 to 125.1636.

(b) The board of a downtown development authority created under 1975 PA 197, MCL 125.1651 to 125.1681, if the boundaries of the downtown district are the same as the boundaries of the city or village.

(c) A board created under the tax increment finance authority act, 1980 PA 450, MCL 125.1801 to 125.1830, if the boundaries of the authority district are the same as the boundaries of the city or village.

(8) Subsections (1) to (5) do not apply to a planning commission established under subsection (7). All other provisions of this act apply to a planning commission established under subsection (7).

(9) The legislative body may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the planning commission. The member is disqualified from voting on the matter if so provided by the bylaws or by a majority vote of the remaining members of the planning commission. Failure of a member to disclose a potential conflict of interest as required by this subsection constitutes malfeasance in office. Unless the legislative body, by ordinance, defines conflict of interest for the purposes of this subsection, the planning commission shall do so in its bylaws.

(10) An ordinance creating a planning commission may impose additional requirements relevant to the subject matter of, but not inconsistent with, this section.

History: 2008, Act 33, Eff. Sept. 1, 2008;—Am. 2010, Act 105, Imd. Eff. June 29, 2010.

125.3817 Chairperson, secretary, and other offices; election; terms; appointment of advisory committees.

Sec. 17. (1) A planning commission shall elect a chairperson and secretary from its members and create and fill other offices as it considers advisable. An ex officio member of the planning commission is not eligible to serve as chairperson. The term of each officer shall be 1 year, with opportunity for reelection as specified in bylaws adopted under section 19.

(2) A planning commission may appoint advisory committees whose members are not members of the planning commission.

History: 2008, Act 33, Eff. Sept. 1, 2008.

125.3819 Bylaws; adoption; public record requirements; annual report by planning commission.

Sec. 19. (1) A planning commission shall adopt bylaws for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations.

(2) A planning commission shall make an annual written report to the legislative body concerning its operations and the status of planning activities, including recommendations regarding actions by the legislative body related to planning and development.

History: 2008, Act 33, Eff. Sept. 1, 2008.

125.3821 Meetings; frequency; time; place; special meeting; notice; compliance with open meetings act; availability of writings to public.

Sec. 21. (1) A planning commission shall hold not less than 4 regular meetings each year, and by resolution shall determine the time and place of the meetings. Unless the bylaws provide otherwise, a special meeting of the planning commission may be called by the chairperson or by 2 other members, upon written request to the secretary. Unless the bylaws provide otherwise, the secretary shall send written notice of a special meeting to planning commission members not less than 48 hours before the meeting.

(2) The business that a planning commission may perform shall be conducted at a public meeting of the planning commission held in compliance with the open meetings act, 1976 PA 267, MCL 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.

(3) A writing prepared, owned, used, in the possession of, or retained by a planning commission in the performance of an official function shall be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

History: 2008, Act 33, Eff. Sept. 1, 2008.

125.3823 Compensation; expenses; preparation of budget; acceptance of gifts.

Sec. 23. (1) Members of a planning commission may be compensated for their services as provided by the legislative body. A planning commission may adopt bylaws relative to compensation and expenses of its members and employees for travel when engaged in the performance of activities authorized by the legislative body, including, but not limited to, attendance at conferences, workshops, educational and training programs, and meetings.

(2) After preparing the annual report required under section 19, a planning commission may prepare a detailed budget and submit the budget to the legislative body for approval or disapproval. The legislative body annually may appropriate funds for carrying out the purposes and functions permitted under this act, and may match local government funds with federal, state, county, or other local government or private grants, contributions, or endowments.

(3) A planning commission may accept gifts for the exercise of its functions. However, in a township, other than a township that on the effective date of this act had a planning commission created under former 1931 PA 285, only the township board may accept such gifts, on behalf of the planning commission. A gift of money so accepted in either case shall be deposited with the treasurer of the local unit of government in a special nonreverting planning commission fund for expenditure by the planning commission for the purpose designated by the donor. The treasurer shall draw a warrant against the special nonreverting fund only upon receipt of a voucher signed by the chairperson and secretary of the planning commission and an order drawn by the clerk of the local unit of government. The expenditures of a planning commission, exclusive of gifts and grants, shall be within the amounts appropriated by the legislative body.

History: 2008, Act 33, Eff. Sept. 1, 2008.

125.3825 Employment of planning director and other personnel; contract for services; use of information and advice provided by public officials, departments, and agencies.

Sec. 25. (1) A local unit of government may employ a planning director and other personnel as it considers necessary, contract for the services of planning and other technicians, and incur other expenses, within a budget authorized by the legislative body. This authority shall be exercised by the legislative body, unless a charter provision or ordinance delegates this authority to the planning commission or another body or official. The appointment of employees is subject to the same provisions of law as govern other corresponding civil employees of the local unit of government.

(2) For the purposes of this act, a planning commission may make use of maps, data, and other information and expert advice provided by appropriate federal, state, regional, county, and municipal officials, departments, and agencies. All public officials, departments, and agencies shall make available public information for the use of planning commissions and furnish such other technical assistance and advice as they may have for planning purposes.

History: 2008, Act 33, Eff. Sept. 1, 2008.

ARTICLE III.

PREPARATION AND ADOPTION OF MASTER PLAN

125.3831 Master plan; preparation by planning commission; meetings with other governmental planning commissions or agency staff; powers.

Sec. 31. (1) A planning commission shall make and approve a master plan as a guide for development within the planning jurisdiction subject to section 81 and the following:

(a) For a county, the master plan may include planning in cooperation with the constituted authorities for incorporated areas in whole or to the extent to which, in the planning commission's judgment, they are related to the planning of the unincorporated area or of the county as a whole.

(b) For a township that on September 1, 2008 had a planning commission created under former 1931 PA 285, or for a city or village, the planning jurisdiction may include any areas outside of the municipal boundaries that, in the planning commission's judgment, are related to the planning of the municipality.

(2) In the preparation of a master plan, a planning commission shall do all of the following, as applicable:

(a) Make careful and comprehensive surveys and studies of present conditions and future growth within the planning jurisdiction with due regard to its relation to neighboring jurisdictions.

(b) Consult with representatives of adjacent local units of government in respect to their planning so that conflicts in master plans and zoning may be avoided.

(c) Cooperate with all departments of the state and federal governments, public transportation agencies, and other public agencies concerned with programs for economic, social, and physical development within the planning jurisdiction and seek the maximum coordination of the local unit of government's programs with these agencies.

(3) In the preparation of the master plan, the planning commission may meet with other governmental planning commissions or agency staff to deliberate.

(4) In general, a planning commission has such lawful powers as may be necessary to enable it to promote local planning and otherwise carry out the purposes of this act.

History: 2008, Act 33, Eff. Sept. 1, 2008;—Am. 2010, Act 306, Imd. Eff. Dec. 17, 2010.

125.3833 Master plan; land use and infrastructure issues; inclusion of maps, plats, charts, and other related matter; recommendations for physical development; additional subjects; implementation of master street plan or certain elements; specifications; section subject to MCL 125.3881(1); public transportation facilities.

Sec. 33. (1) A master plan shall address land use and infrastructure issues and may project 20 years or more into the future. A master plan shall include maps, plats, charts, and descriptive, explanatory, and other related matter and shall show the planning commission's recommendations for the physical development of the planning jurisdiction.

(2) A master plan shall also include those of the following subjects that reasonably can be considered as pertinent to the future development of the planning jurisdiction:

(a) A land use plan that consists in part of a classification and allocation of land for agriculture, residences, commerce, industry, recreation, ways and grounds, subject to subsection (5), public transportation facilities, public buildings, schools, soil conservation, forests, woodlots, open space, wildlife refuges, and other uses and purposes. If a county has not adopted a zoning ordinance under former 1943 PA 183 or the Michigan

zoning enabling act, 2006 PA 110, MCL 125.3101 to 125.3702, a land use plan and program for the county may be a general plan with a generalized future land use map.

(b) The general location, character, and extent of all of the following:

(i) All components of a transportation system and their interconnectivity including streets and bridges, public transit including public transportation facilities and routes, bicycle facilities, pedestrian ways, freight facilities and routes, port facilities, railroad facilities, and airports, to provide for the safe and efficient movement of people and goods in a manner that is appropriate to the context of the community and, as applicable, considers all legal users of the public right-of-way.

(ii) Waterways and waterfront developments.

(iii) Sanitary sewers and water supply systems.

(iv) Facilities for flood prevention, drainage, pollution prevention, and maintenance of water levels.

(v) Public utilities and structures.

(c) Recommendations as to the general character, extent, and layout of redevelopment or rehabilitation of blighted areas; and the removal, relocation, widening, narrowing, vacating, abandonment, change of use, or extension of streets, grounds, open spaces, buildings, utilities, or other facilities.

(d) For a local unit of government that has adopted a zoning ordinance, a zoning plan for various zoning districts controlling the height, area, bulk, location, and use of buildings and premises. The zoning plan shall include an explanation of how the land use categories on the future land use map relate to the districts on the zoning map.

(e) Recommendations for implementing any of the master plan's proposals.

(3) If a master plan is or includes a master street plan or 1 or more elements described in subsection (2)(b)(i), the means for implementing the master street plan or elements in cooperation with the county road commission and the state transportation department shall be specified in the master street plan in a manner consistent with the respective powers and duties of and any written agreements between these entities and the municipality.

(4) This section is subject to section 81(1).

(5) The reference to public transportation facilities in subsection (2)(a) only applies to a master plan that is adopted or substantively amended more than 90 days after the effective date of the amendatory act that added this subsection.

History: 2008, Act 33, Eff. Sept. 1, 2008;—Am. 2010, Act 134, Imd. Eff. Aug. 2, 2010;—Am. 2010, Act 306, Imd. Eff. Dec. 17, 2010.

125.3835 Subplan; adoption.

Sec. 35. A planning commission may, by a majority vote of the members, adopt a subplan for a geographic area less than the entire planning jurisdiction, if, because of the unique physical characteristics of that area, more intensive planning is necessary for the purposes set forth in section 7.

History: 2008, Act 33, Eff. Sept. 1, 2008.

125.3837 Metropolitan county planning commission; designation; powers.

Sec. 37. (1) A county board of commissioners may designate the county planning commission as the metropolitan county planning commission. A county planning commission so designated shall perform metropolitan and regional planning whenever necessary or desirable. The metropolitan county planning commission may engage in comprehensive planning, including, but not limited to, the following:

(a) Preparation, as a guide for long-range development, of general physical plans with respect to the pattern and intensity of land use and the provision of public facilities, together with long-range fiscal plans for such development.

(b) Programming of capital improvements based on relative urgency, together with definitive financing plans for the improvements to be constructed in the earlier years of the program.

(c) Coordination of all related plans of local governmental agencies within the metropolitan area or region.

(d) Intergovernmental coordination of all related planning activities among the state and local governmental agencies within the metropolitan area or region.

(2) In addition to the powers conferred by other provisions of this act, a metropolitan county planning commission may apply for, receive, and accept grants from any local, regional, state, or federal governmental agency and agree to and comply with the terms and conditions of such grants. A metropolitan county planning commission may do any and all things necessary or desirable to secure the financial aid or cooperation of a regional, state, or federal governmental agency in carrying out its functions, when approved by a 2/3 vote of the county board of commissioners.

History: 2008, Act 33, Eff. Sept. 1, 2008.

125.3839 Master plan; adoption; procedures; notice; submittals; use of electronic mail.

Sec. 39. (1) A master plan shall be adopted under the procedures set forth in this section and sections 41 and 43. A master plan may be adopted as a whole or by successive parts corresponding with major geographical areas of the planning jurisdiction or with functional subject matter areas of the master plan.

(2) Before preparing a master plan, a planning commission shall send to all of the following, by first-class mail or personal delivery, a notice explaining that the planning commission intends to prepare a master plan and requesting the recipient's cooperation and comment:

(a) For any local unit of government undertaking a master plan, the planning commission, or if there is no planning commission, the legislative body, of each municipality located within or contiguous to the local unit of government.

(b) For a county undertaking a master plan, the regional planning commission for the region in which the county is located, if any.

(c) For a county undertaking a master plan, the county planning commission, or if there is no county planning commission, the county board of commissioners, for each county located contiguous to the county.

(d) For a municipality undertaking a master plan, the regional planning commission for the region in which the municipality is located, if there is no county planning commission for the county in which that municipality is located. If there is a county planning commission, the municipal planning commission may consult with the regional planning commission but is not required to do so.

(e) For a municipality undertaking a master plan, the county planning commission, or if there is no county planning commission, the county board of commissioners, for the county in which that municipality is located.

(f) For any local unit of government undertaking a master plan, each public utility company, railroad company, and public transportation agency owning or operating a public utility, railroad, or public transportation system within the local unit of government, and any government entity that registers its name and mailing address for this purpose with the planning commission.

(g) If the master plan will include a master street plan, the county road commission and the state transportation department.

(3) A submittal under section 41 or 43 by or to an entity described in subsection (2) may be made by personal or first-class mail delivery of a hard copy or by electronic mail. However, the planning commission preparing the plan shall not make such submittals by electronic mail unless, in the notice described in subsection (2), the planning commission states that it intends to make such submittals by electronic mail and the entity receiving that notice does not respond by objecting to the use of electronic mail. Electronic mail may contain a link to a website on which the submittal is posted if the website is accessible to the public free of charge.

History: 2008, Act 33, Eff. Sept. 1, 2008;—Am. 2010, Act 306, Imd. Eff. Dec. 17, 2010.

125.3841 Preparation of proposed master plan; submission to legislative body for review and comment; approval required; notice; submission of comments; statements as advisory.

Sec. 41. (1) After preparing a proposed master plan, a planning commission shall submit the proposed master plan to the legislative body for review and comment. The process of adopting a master plan shall not proceed further unless the legislative body approves the distribution of the proposed master plan.

(2) If the legislative body approves the distribution of the proposed master plan, it shall notify the secretary of the planning commission, and the secretary of the planning commission shall submit, in the manner provided in section 39(3), a copy of the proposed master plan, for review and comment, to all of the following:

(a) For any local unit of government proposing a master plan, the planning commission, or if there is no planning commission, the legislative body, of each municipality located within or contiguous to the local unit of government.

(b) For a county proposing a master plan, the regional planning commission for the region in which the county is located, if any.

(c) For a county proposing a master plan, the county planning commission, or if there is no county planning commission, the county board of commissioners, for each county located contiguous to the county.

(d) For a municipality proposing a master plan, the regional planning commission for the region in which the municipality is located, if there is no county planning commission for the county in which that local unit of government is located. If there is a county planning commission, the secretary of the municipal planning commission may submit a copy of the proposed master plan to the regional planning commission but is not required to do so.

(e) For a municipality proposing a master plan, the county planning commission, or if there is no county planning commission, the county board of commissioners, for the county in which that municipality is located. The secretary of the municipal planning commission shall concurrently submit to the county planning commission, in the manner provided in section 39(3), a statement that the requirements of subdivision (a) have been met or, if there is no county planning commission, shall submit to the county board of commissioners, in the manner provided in section 39(3), a statement that the requirements of subdivisions (a) and (d) have been met. The statement shall be signed by the secretary and shall include the name and address of each planning commission or legislative body to which a copy of the proposed master plan was submitted under subdivision (a) or (d), as applicable, and the date of submittal.

(f) For any local unit of government proposing a master plan, each public utility company, railroad company, and public transportation agency owning or operating a public utility, railroad, or public transportation system within the local unit of government, and any government entity that registers its name and address for this purpose with the secretary of the planning commission. An entity described in this subdivision that receives a copy of a proposed master plan, or of a final master plan as provided in section 43(5), shall reimburse the local unit of government for any copying and postage costs thereby incurred.

(g) If the proposed master plan is or includes a proposed master street plan, the county road commission and the state transportation department.

(3) An entity described in subsection (2) may submit comments on the proposed master plan to the planning commission in the manner provided in section 39(3) within 63 days after the proposed master plan was submitted to that entity under subsection (2). If the county planning commission or the county board of commissioners that receives a copy of a proposed master plan under subsection (2)(e) submits comments, the comments shall include, but need not be limited to, both of the following, as applicable:

(a) A statement whether the county planning commission or county board of commissioners considers the proposed master plan to be inconsistent with the master plan of any municipality or region described in subsection (2)(a) or (d).

(b) If the county has a county master plan, a statement whether the county planning commission considers the proposed master plan to be inconsistent with the county master plan.

(4) The statements provided for in subsection (3)(a) and (b) are advisory only.

History: 2008, Act 33, Eff. Sept. 1, 2008;—Am. 2010, Act 306, Imd. Eff. Dec. 17, 2010.

125.3843 Proposed master plan; public hearing; notice; approval by resolution of planning commission; statement; submission of copy of master plan to legislative body; approval or rejection by legislative body; procedures; submission of adopted master plan to certain entities.

Sec. 43. (1) Before approving a proposed master plan, a planning commission shall hold not less than 1 public hearing on the proposed master plan. The hearing shall be held after the expiration of the deadline for comment under section 41(3). The planning commission shall give notice of the time and place of the public hearing not less than 15 days before the hearing by publication in a newspaper of general circulation within the local unit of government. The planning commission shall also submit notice of the public hearing in the manner provided in section 39(3) to each entity described in section 39(2). This notice may accompany the proposed master plan submitted under section 41.

(2) The approval of the proposed master plan shall be by resolution of the planning commission carried by the affirmative votes of not less than 2/3 of the members of a city or village planning commission or not less than a majority of the members of a township or county planning commission. The resolution shall refer expressly to the maps and descriptive and other matter intended by the planning commission to form the master plan. A statement recording the planning commission's approval of the master plan, signed by the chairperson or secretary of the planning commission, shall be included on the inside of the front or back cover of the master plan and, if the future land use map is a separate document from the text of the master plan, on the future land use map. Following approval of the proposed master plan by the planning commission, the secretary of the planning commission shall submit a copy of the master plan to the legislative body.

(3) Approval of the proposed master plan by the planning commission under subsection (2) is the final step for adoption of the master plan, unless the legislative body by resolution has asserted the right to approve or reject the master plan. In that case, after approval of the proposed master plan by the planning commission, the legislative body shall approve or reject the proposed master plan. A statement recording the legislative body's approval of the master plan, signed by the clerk of the legislative body, shall be included on the inside of the front or back cover of the master plan and, if the future land use map is a separate document from the text of the master plan, on the future land use map.

(4) If the legislative body rejects the proposed master plan, the legislative body shall submit to the planning commission a statement of its objections to the proposed master plan. The planning commission shall consider the legislative body's objections and revise the proposed master plan so as to address those objections. The procedures provided in subsections (1) to (3) and this subsection shall be repeated until the legislative body approves the proposed master plan.

(5) Upon final adoption of the master plan, the secretary of the planning commission shall submit, in the manner provided in section 39(3), copies of the adopted master plan to the same entities to which copies of the proposed master plan were required to be submitted under section 41(2).

History: 2008, Act 33, Eff. Sept. 1, 2008.

125.3845 Extension, addition, revision, or other amendment to master plan; adoption; procedures; review and findings.

Sec. 45. (1) An extension, addition, revision, or other amendment to a master plan shall be adopted by following the procedure under sections 39, 41, and 43, subject to all of the following:

(a) Any of the following amendments to a master plan may be made without following the procedure under sections 39, 41, and 43:

(i) A grammatical, typographical, or similar editorial change.

(ii) A title change.

(iii) A change to conform to an adopted plat.

(b) Subject to subdivision (a), the review period provided for in section 41(3) shall be 42 days instead of 63 days.

(c) When a planning commission sends notice to an entity under section 39(2) that it intends to prepare a subplan, the notice may indicate that the local unit of government intends not to provide that entity with further notices of or copies of proposed or final subplans otherwise required to be submitted to that entity under section 39, 41, or 43. Unless the entity responds that it chooses to receive notice of subplans, the local unit of government is not required to provide further notice of subplans to that entity.

(2) At least every 5 years after adoption of a master plan, a planning commission shall review the master plan and determine whether to commence the procedure to amend the master plan or adopt a new master plan. The review and its findings shall be recorded in the minutes of the relevant meeting or meetings of the planning commission.

History: 2008, Act 33, Eff. Sept. 1, 2008.

125.3847 Part of county master plan covering incorporated area; adoption by appropriate city or village required; exception.

Sec. 47. (1) Subject to subsection (2), a part of a county master plan covering an incorporated area within the county shall not be recognized as the official master plan or part of the official master plan for that area unless adopted by the appropriate city or village in the manner prescribed by this act.

(2) Subsection (1) does not apply if the incorporated area is subject to county zoning pursuant to the Michigan zoning enabling act, 2006 PA 110, MCL 125.3101 to 125.3702, and a contract under the urban cooperation act, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, or 1967 (Ex Sess) PA 8, MCL 124.531 to 124.536.

History: 2008, Act 33, Eff. Sept. 1, 2008.

125.3849 City or village planning department; authority to submit proposed master plan, or proposed extension, addition, revision, or other amendment.

Sec. 49. (1) This act does not alter the authority of a planning department of a city or village created by charter to submit a proposed master plan, or a proposed extension, addition, revision, or other amendment to a master plan, to the planning commission, whether directly or indirectly as provided by charter.

(2) Subsection (1) notwithstanding, a planning commission described in subsection (1) shall comply with the requirements of this act.

History: 2008, Act 33, Eff. Sept. 1, 2008.

125.3851 Public interest and understanding; promotion.

Sec. 51. (1) To promote public interest in and understanding of the master plan, a planning commission may publish and distribute copies of the master plan or of any report, and employ other means of publicity and education.

(2) A 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.

History: 2008, Act 33, Eff. Sept. 1, 2008.

ARTICLE IV.

SPECIAL PROVISIONS, INCLUDING CAPITAL IMPROVEMENTS AND SUBDIVISION REVIEW

125.3861 Construction of certain projects in area covered by municipal master plan; approval; initiation of work on project; requirements; report and advice.

Sec. 61. (1) A street; square, park, playground, public way, ground, or other open space; or public building or other structure shall not be constructed or authorized for construction in an area covered by a municipal master plan unless the location, character, and extent of the street, public way, open space, structure, or utility have been submitted to the planning commission by the legislative body or other body having jurisdiction over the authorization or financing of the project and has been approved by the planning commission. The planning commission shall submit its reasons for approval or disapproval to the body having jurisdiction. If the planning commission disapproves, the body having jurisdiction may overrule the planning commission by a vote of not less than 2/3 of its entire membership for a township that on the enactment date of this act had a planning commission created under former 1931 PA 285, or for a city or village, or by a vote of not less than a majority of its membership for any other township. If the planning commission fails to act within 35 days after submission of the proposal to the planning commission, the project shall be considered to be approved by the planning commission.

(2) Following adoption of the county plan or any part of a county plan and the certification by the county planning commission to the county board of commissioners of a copy of the plan, work shall not be initiated on any project involving the expenditure of money by a county board, department, or agency for the acquisition of land, the erection of structures, or the extension, construction, or improvement of any physical facility by any county board, department, or agency unless a full description of the project, including, but not limited to, its proposed location and extent, has been submitted to the county planning commission and the report and advice of the planning commission on the proposal have been received by the county board of commissioners and by the county board, department, or agency submitting the proposal. However, work on the project may proceed if the planning commission fails to provide in writing its report and advice upon the proposal within 35 days after the proposal is filed with the planning commission. The planning commission shall provide copies of the report and advice to the county board, department, or agency sponsoring the proposal.

History: 2008, Act 33, Eff. Sept. 1, 2008.

125.3863 Approval of construction project before effective date of act; rescission of authorization; failure of planning commission to act within certain period of time.

Sec. 63. If the opening, widening, or extension of a street, or the acquisition or enlargement of any square, park, playground, or other open space has been approved by a township planning commission that was created before the effective date of this act under former 1931 PA 285 or by a city or village planning commission and authorized by the legislative body as provided under section 61, the legislative body shall not rescind its authorization unless the matter has been resubmitted to the planning commission and the rescission has been approved by the planning commission. The planning commission shall hold a public hearing on the matter. The planning commission shall submit its reasons for approval or disapproval of the rescission to the legislative body. If the planning commission disapproves the rescission, the legislative body may overrule the planning commission by a vote of not less than 2/3 of its entire membership. If the planning commission fails to act within 63 days after submission of the proposed rescission to the planning commission, the proposed rescission shall be considered to be approved by the planning commission.

History: 2008, Act 33, Eff. Sept. 1, 2008.

125.3865 Capital improvements program of public structures and improvements; preparation; basis.

Sec. 65. (1) To further the desirable future development of the local unit of government under the master plan, a planning commission, after adoption of a master plan, shall annually prepare a capital improvements program of public structures and improvements, unless the planning commission is exempted from this requirement by charter or otherwise. If the planning commission is exempted, the legislative body either shall prepare and adopt a capital improvements program, separate from or as a part of the annual budget, or shall delegate the preparation of the capital improvements program to the chief elected official or a nonelected administrative official, subject to final approval by the legislative body. The capital improvements program

shall show those public structures and improvements, in the general order of their priority, that in the commission's judgment will be needed or desirable and can be undertaken within the ensuing 6-year period. The capital improvements program shall be based upon the requirements of the local unit of government for all types of public structures and improvements. Consequently, each agency or department of the local unit of government with authority for public structures or improvements shall upon request furnish the planning commission with lists, plans, and estimates of time and cost of those public structures and improvements.

(2) Any township may prepare and adopt a capital improvement program. However, subsection (1) is only mandatory for a township if the township, alone or jointly with 1 or more other local units of government, owns or operates a water supply or sewage disposal system.

History: 2008, Act 33, Eff. Sept. 1, 2008.

125.3867 Programs for public structures and improvements; recommendations.

Sec. 67. A planning commission may recommend to the appropriate public officials programs for public structures and improvements and for the financing thereof, regardless of whether the planning commission is exempted from the requirement to prepare a capital improvements program under section 65.

History: 2008, Act 33, Eff. Sept. 1, 2008.

125.3869 Copy of zoning ordinance and amendments; request by county planning commission for submission by municipal planning commission.

Sec. 69. If a municipal planning commission has zoning duties pursuant to section 83 and the municipality has adopted a zoning ordinance, the county planning commission, if any, may, by first-class mail or personal delivery, request the municipal planning commission to submit to the county planning commission a copy of the zoning ordinance and any amendments. The municipal planning commission shall submit the requested documents to the county planning commission within 63 days after the request is received and shall submit any future amendments to the zoning ordinance within 63 days after the amendments are adopted. The municipal planning commission may submit a zoning ordinance or amendment under this subsection electronically.

History: 2008, Act 33, Eff. Sept. 1, 2008.

125.3871 Recommendations for ordinances or rules governing subdivision of land; public hearing; notice; action on proposed plat; approval, approval with conditions, or disapproval by planning commission; approval of plat as amendment to master plan.

Sec. 71. (1) A planning commission may recommend to the legislative body provisions of an ordinance or rules governing the subdivision of land authorized under section 105 of the land division act, 1967 PA 288, MCL 560.105. If a township is subject to county zoning consistent with section 209 of the Michigan zoning enabling act, 2006 PA 110, MCL 125.3209, or a city or village is subject to county zoning pursuant to the Michigan zoning enabling act, 2006 PA 110, MCL 125.3101 to 125.3702, and a contract under the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, or 1967 (Ex Sess) PA 8, MCL 124.531 to 124.536, the county planning commission may recommend to the legislative body of the municipality provisions of an ordinance or rules governing the subdivision of land authorized under section 105 of the land division act, 1967 PA 288, MCL 560.105. A planning commission may proceed under this subsection on its own initiative or upon request of the appropriate legislative body.

(2) Recommendations for a subdivision ordinance or rule may address plat design, including the proper arrangement of streets in relation to other existing or planned streets and to the master plan; adequate and convenient open spaces for traffic, utilities, access of firefighting apparatus, recreation, light, and air; and the avoidance of congestion of population, including minimum width and area of lots. The recommendations may also address the extent to which streets shall be graded and improved and to which water and sewer and other utility mains, piping, or other facilities shall be installed as a condition precedent to the approval of a plat.

(3) Before recommending an ordinance or rule described in subsection (1), the planning commission shall hold a public hearing on the proposed ordinance or rule. The planning commission shall give notice of the time and place of the public hearing not less than 15 days before the hearing by publication in a newspaper of general circulation within the local unit of government.

(4) If a municipality has adopted a master plan or master street plan, the planning commission of that municipality shall review and make recommendations on plats before action thereon by the legislative body under section 112 of the land division act, 1967 PA 288, MCL 560.112. If a township is subject to county zoning consistent with section 209 of the Michigan zoning enabling act, 2006 PA 110, MCL 125.3209, or a city or village is subject to county zoning pursuant to the Michigan zoning enabling act, 2006 PA 110, MCL 125.3101 to 125.3702, and a contract under the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL

124.501 to 124.512, or 1967 (Ex Sess) PA 8, MCL 124.531 to 124.536, and the municipality has adopted a master plan or master street plan, the county planning commission shall also review and make recommendations on plats before action thereon by the legislative body of the municipality under section 112 of the land division act, 1967 PA 288, MCL 560.112.

(5) A planning commission shall not take action on a proposed plat without affording an opportunity for a public hearing thereon. A plat submitted to the planning commission shall contain the name and address of the proprietor or other person to whom notice of a hearing shall be sent. Not less than 15 days before the date of the hearing, notice of the date, time, and place of the hearing shall be sent to that person at that address by mail and shall be published in a newspaper of general circulation in the municipality. Similar notice shall be mailed to the owners of land immediately adjoining the proposed platted land.

(6) A planning commission shall recommend approval, approval with conditions, or disapproval of a plat within 63 days after the plat is submitted to the planning commission. If applicable standards under the land division act, 1967 PA 288, MCL 560.101 to 560.293, and an ordinance or published rules governing the subdivision of land authorized under section 105 of that act, MCL 560.105, are met, the planning commission shall recommend approval of the plat. If the planning commission fails to act within the required period, the plat shall be considered to have been recommended for approval, and a certificate to that effect shall be issued by the planning commission upon request of the proprietor. However, the proprietor may waive this requirement and consent to an extension of the 63-day period. The grounds for any recommendation of disapproval of a plat shall be stated upon the records of the planning commission.

(7) A plat approved by a municipality and recorded under section 172 of the land division act, 1967 PA 288, MCL 560.172, shall be considered to be an amendment to the master plan and a part thereof. Approval of a plat by a municipality does not constitute or effect an acceptance by the public of any street or other open space shown upon the plat.

History: 2008, Act 33, Eff. Sept. 1, 2008.

ARTICLE V.

TRANSITIONAL PROVISIONS AND REPEALER

125.3881 Plan adopted or amended under planning act repealed under MCL 125.3885; effect; city or home rule village charter provision creating planning commission or ordinance implementing provision before effective date of act; ordinance creating planning commission under former law; ordinance or rules governing subdivision of land.

Sec. 81. (1) Unless rescinded by the local unit of government, any plan adopted or amended under a planning act repealed under section 85 need not be readopted under this act but continues in effect as a master plan under this act, regardless of whether it is entitled a master plan, basic plan, county plan, development plan, guide plan, land use plan, municipal plan, township plan, plan, or any other term. This includes, but is not limited to, a plan prepared by a planning commission and adopted before the effective date of this act to satisfy the requirements of section 1 of the former city and village zoning act, 1921 PA 207, section 3 of the former township zoning act, 1943 PA 184, section 3 of the former county zoning act, 1943 PA 183, or section 203(1) of the Michigan zoning enabling act, 2006 PA 110, MCL 125.3203. The master plan is subject to the requirements of this act, including, but not limited to, the requirement for periodic review under section 45(2) and the amendment procedures set forth in this act. However, the master plan is not subject to the requirements of section 33 until it is first amended under this act.

(2) Unless repealed, a city or home rule village charter provision creating a planning commission before the effective date of this act and any ordinance adopted before the effective date of this act implementing that charter provision continues in effect under this act, and the planning commission need not be newly created by an ordinance adopted under this act. However, both of the following apply:

(a) The legislative body may by ordinance increase the powers and duties of the planning commission to correspond with the powers and duties of a planning commission created under this act. Provisions of this act regarding planning commission powers and duties do not otherwise apply to a planning commission created by charter before the effective date of this act and provisions of this act regarding planning commission membership, appointment, and organization do not apply to such a planning commission. All other provisions of this act, including, but not limited to, provisions regarding planning commission selection of officers, meetings, rules, records, appointment of employees, contracts for services, and expenditures, do apply to such a planning commission.

(b) The legislative body shall amend any ordinance adopted before the effective date of this act to implement the charter provision, or repeal the ordinance and adopt a new ordinance, to fully conform to the requirements of this act made applicable by subdivision (a), by the earlier of the following dates:

(i) The date when an amendatory or new ordinance is first adopted under this act for any purpose.

(ii) July 1, 2011.

(3) Unless repealed, an ordinance creating a planning commission under former 1931 PA 285 or former 1945 PA 282 or a resolution creating a planning commission under former 1959 PA 168 continues in effect under this act, and the planning commission need not be newly created by an ordinance adopted under this act. However, all of the following apply:

(a) Beginning on the effective date of this act, the duties of the planning commission are subject to the requirements of this act.

(b) The legislative body shall amend the ordinance, or repeal the ordinance or resolution and adopt a new ordinance, to fully conform to the requirements of this act by the earlier of the following dates:

(i) The date when an amendatory or new ordinance is first adopted under this act for any purpose.

(ii) July 1, 2011.

(c) An ordinance adopted under subdivision (b) is not subject to referendum.

(4) Unless repealed or rescinded by the legislative body, an ordinance or published rules governing the subdivision of land authorized under section 105 of the land division act, 1967 PA 288, MCL 560.105, need not be readopted under this act or amended to comply with this act but continue in effect under this act. However, if amended, the ordinance or published rules shall be amended under the procedures of this act.

History: 2008, Act 33, Eff. Sept. 1, 2008.

125.3883 Transfer of powers, duties, and records.

Sec. 83. (1) If, on the effective date of this act, a planning commission had the powers and duties of a zoning board or zoning commission under the former city and village zoning act, 1921 PA 207, the former county zoning act, 1943 PA 183, or the former township zoning act, 1943 PA 184, and under the Michigan zoning enabling act, 2006 PA 110, MCL 125.3101 to 125.3702, the planning commission may continue to exercise those powers and duties without amendment of the ordinance, resolution, or charter provision that created the planning commission.

(2) If, on the effective date of this act, a local unit of government had a planning commission without zoning authority created under former 1931 PA 285, former 1945 PA 282, or former 1959 PA 168, the legislative body may by amendment to the ordinance creating the planning commission, or, if the planning commission was created by resolution, may by resolution, transfer to the planning commission all the powers and duties provided to a zoning board or zoning commission created under the Michigan zoning enabling act, 2006 PA 110, MCL 125.3101 to 125.3702. If an existing zoning board or zoning commission in the local unit of government is nearing the completion of its draft zoning ordinance, the legislative body shall postpone the transfer of the zoning board's or zoning commission's powers, duties, and records until the completion of the draft zoning ordinance, but is not required to postpone the transfer more than 1 year.

(3) If, on or after the effective date of this act, a planning commission is created in a local unit of government that has had a zoning board or zoning commission since before the effective date of this act, the legislative body shall transfer all the powers, duties, and records of the zoning board or zoning commission to the planning commission before July 1, 2011. If the existing zoning board or zoning commission is nearing the completion of its draft zoning ordinance, the legislative body may, by resolution, postpone the transfer of the zoning board's or zoning commission's powers, duties, and records until the completion of the draft zoning ordinance, but not later than until 1 year after creation of the planning commission or July 1, 2011, whichever comes first.

History: 2008, Act 33, Eff. Sept. 1, 2008.

125.3885 Repeal of certain acts.

Sec. 85. (1) The following acts are repealed:

(a) 1931 PA 285, MCL 125.31 to 125.45.

(b) 1945 PA 282, MCL 125.101 to 125.115.

(c) 1959 PA 168, MCL 125.321 to 125.333.

(2) Any plan adopted or amended under an act repealed under subsection (1) is subject to section 81(1).

History: 2008, Act 33, Eff. Sept. 1, 2008.

MICHIGAN ZONING ENABLING ACT (EXCERPT)
Act 110 of 2006

125.3307 Review and recommendations after hearing; submission to township; submission to coordinating zoning committee; waiver of right to review.

Sec. 307. (1) Following the hearing required in section 306, a township shall submit for review and recommendation the proposed zoning ordinance, including any zoning maps, to the zoning commission of the county in which the township is situated if a county zoning commission has been appointed as provided under this act.

(2) If there is not a county zoning commission or county planning commission, the proposed zoning ordinance shall be submitted to the coordinating zoning committee. The coordinating zoning committee shall be composed of either 3 or 5 members appointed by the legislative body of the county for the purpose of coordinating the zoning ordinances proposed for adoption under this act with the zoning ordinances of a township, city, or village having a common boundary with the township.

(3) The county will have waived its right for review and recommendation of an ordinance if the recommendation of the county zoning commission, planning commission, or coordinating zoning committee has not been received by the township within 30 days from the date the proposed ordinance is received by the county.

(4) The legislative body of a county by resolution may waive its right to review township ordinances and amendments under this section.

History: 2006, Act 110, Eff. July 1, 2006.



Jackson County

ADMINISTRATOR/CONTROLLER

Michael R. Overton, Administrator/Controller

Adam J. Brown, Deputy Administrator

TO: Human Services Committee
Board of County Commissioners

FROM: Michael Overton
County Administrator/Controller

SUBJECT: Health Officer Position

DATE: October 31, 2012

Motion Requested

Approve the development of a contract between Allegiance Health and Jackson County for the purchase of 50% of the County Health Officer's time, authorize the Administrator to negotiate outside the established pay range, make any necessary budget adjustments, and waive Policy 3100 to allow the Administrator to make a recommendation to the Board of Commissioners for candidate approval.

I. Background

- A. At the end of the year, the County will end a long-term relationship with Livingston County to share a Health Officer between the two counties due to the retirement of Ted Westmeier the current director.
- B. Livingston County has chosen to discontinue this relationship for the purposes of retaining Mr. Westmeier exclusively for a longer period of time, rather than splitting his services for a shorter period of time. Ted has served Jackson County well, and has left the organization better than he found it. We are grateful for his service.
- C. We inquired of other counties to see if there was interest in entering a similar arrangement. No adjacent counties expressed interest.
- D. Given Mr. Westmeier's anticipated departure the County opened up recruitment for a replacement position with the expectation that we would have to pick up the full cost of the position.

II. Current Situation

- A. During the county's recruitment for the new Health Officer position, Dr. Ray King and Dr. Amy Schultz from Allegiance Health met with us to propose an innovative approach for our Health Officer Position.

- B. Dr.'s King and Schultz proposed that Allegiance Health contract with Jackson County to use approximately 50% of the County's Health Officer's time to coordinate efforts with Allegiance's Prevention and Community Health Program.
- C. The primary objective of the Health Officer working with Allegiance Health is to be responsible for development and management of coordinated systems-level improvement efforts and clinical-community linkages to improve population health, experience of care, and reduced per capita health care costs.
- D. This partnership could pave the way for a new model of public health delivery. We believe this position will be very attractive to the right candidate.

III. Analysis

- A. **Strategic** – This proposal fits perfectly with the County's Healthy Community strategic goal. The County has been a key supporter of the Health Improvement Organization. The County entered into an agreement just over a year ago to contract with Dr. Schultz from Allegiance Health to fulfill 8 hours of Medical Director service, per week, to Jackson County. This arrangement has worked well. We believe sharing the Health Officer Position will further promote the focus on community health.
- B. **Financial** – This proposal has
 - 1. In 2011 the County paid \$75,568.24 for the services of the Health Officer through a contractual relationship with Livingston County. The contract fee paid to Livingston County was \$71,871. The Health Officer was paid \$3,697.24 in mileage as per the contract.
 - 2. The Health Officer position is graded out as a 19 on the County's point factor system which has a maximum salary of \$88,771. If the County were to hire a Health Officer at this grade, the total cost with benefits would be \$113,626.31.
 - 3. Allegiance will contract for 50% of the time of the Health Officer. Based on the current salary and benefit schedule, this would reduce the counties cost by \$56,813. This would be a net reduction of \$18,755.08.
 - 4. The average of comparison counties is \$95,747. We believe the present grading of the Health Officer Position will be a barrier to entry for highly qualified candidates.
 - 5. The partnership with Allegiance and the additional duties justify increasing the compensation to attract candidates that would be up to the demands of this position.

- C. **Policy/Legal** – The Board of Commissioners must approve the appointment of the Health Officer. The Administrator/Controller’s Office is requesting to waive Personnel Policy 3100 to allow staff to interview and select a candidate to be recommended to the Board of Commissioners.
- D. **Timing** – The Health Officer position will be vacant in January of 2013. Should the board be inclined to approve this request, we would re-advertise the position with the associated changes. Given the timing, we will not likely have this new position in place before the end of the year.

IV. Recommendation

Approve the development of a contract between Allegiance Health and Jackson County for the purchase of 50% of the County Health Officer’s time, authorize the Administrator to negotiate outside the established pay range, make any necessary budget adjustments, and waive Policy 3100 to allow the Administrator to make a recommendation to the Board of Commissioners for candidate approval.

Attachments:

EXHIBIT A: Annual Work Plan

A. Specific Contributions by MSUE:

1. At least 1.0 FTE extension educator whose primary office of operation will be the county Extension office included in assessment.
2. 1.2 additional extension educators at \$106,800 (FTE * rate).
3. 1.0 4-H program coordinator(s) included in assessment whose primary office of operation will be the county Extension office.
1. 0 additional 4-H program coordinators/other paraprofessional at 0 (FTE * rate).
2. Administrative oversight included in annual assessment.
3. Access to extension educators with expertise in each of the MSUE Institutes included in annual assessment.
4. Supervision of University provided academic and paraprofessional staff. Supervision of county clerical staff and/or county staff upon request. Supervision is included in the annual assessment.
5. Annual reporting of services provided, audiences served, and impact of programs in the county.

B. Specific Contributions by the County:

1. Office space for a County Extension office. The office will include space for at least one Extension educator, one 4-H program coordinator and one clerical staff person, access to space for delivering Extension programs, and utilities, including telephone. Office space will be available for additional MSUE and/or county staff as mutually agreed. The office must have access to high-speed internet sufficient to meet the needs of MSUE Personnel. Minimum standards for internet access can be found in appendix A. The office space must be at least comparable to the average office space used by County employees.
2. Clerical staff for the Extension office that will perform clerical functions, including assisting County residents in accessing MSUE resources by office visit, telephone, email, internet and media.
3. Operating expenses for the office and Personnel.
4. The Assessment Fee of \$79,074 and \$106,800 for additional personnel, as described above in Section A.

C. Assessment to County:

For the period January 1, 2013 to December 31, 2013, the County shall pay to MSUE \$185,874, which is the cost of the assessment plus any additional personnel costs. Payment will be made the first month of each quarter of the county fiscal year. Payments should be sent to CANR Budget and Finance, 210 Ag Hall, Michigan State University, East Lansing, MI 48824.

MICHIGAN STATE UNIVERSITY

By: _____

Daniel T. Evon, Director,
Contract & Grant Administration

Its: _____

Date: _____

JACKSON COUNTY

By: _____

Its: _____

Date: _____



Jackson County
Administrative Services
120 W. Michigan Ave. Jackson MI 49201
Telephone (517) 768-6614

James E. Latham, CPA – Director of Finance

To: Human Services Committee
County Board of Commissioners

From: James E. Latham, CPA
Director of Finance

Subject: Full Time Staff Accountant for Finance and Department of Aging

Date: November 6, 2012

Motion Requested: Authorize a Full Time Staff Accountant position, to be shared between the Finance Department and the Department of Aging.

I. Background

- A. The Finance Department is authorized a .5 FTE Staff Accountant position in the 2013 budget.
- B. Previously, the Department of Aging shared ½ of a full-time position with the Health Department. Last month this ½ position was transferred to the Health Department.
- C. Over the past several years the Finance Department has undergone staffing reductions resulting in reduced levels of service.

II. Current Situation

- A. The Finance Department position is vacant and not authorized until 2013. Current department needs require this position to be filled.
- B. The Department of Aging position is essential to the operation of the department.
- C. The increased work/customer demands of the Finance Department exceeds its capacity to deliver key services.

III. Analysis

- A. **Strategic:** The County Strategic Plan has identified an internal goal of an improved work environment. Both departments need adequate staffing to operate efficiently and improve the services provided to the employees and citizens they serve.

- B. **Financial:** Combining these positions into one, under the supervision of the Finance Department along with a reorganization of duties for all department personnel, is a cost effective measure that will result in more timely financial accounting reporting, increased efficiencies and allow a higher level of service, planning and analysis of financial data. The net increase in costs for the full-time position versus the .5 FTE, including fringe benefits, is \$12,450.
 - C. **Legal:** The County is mandated by policy to provide financial and accounting services and must be staffed appropriately to do so.
 - D. **Timing:** Immediate action is optimum due to the current vacancy in the Department of Aging position.
- IV. **Recommendation:** The Finance Officer recommends that the County Board of Commissioners Authorize a Full Time Staff Accountant position, to be shared between the Finance Department and the Department of Aging.

Attachments: None

**Jackson County Department on Aging
November 2012 Budget Adjustment Summary**

	Revenue Change	Expense Change	Net Org Key Change
101670 Home Care	-2,579	-4,315	-1,736
101671 Senior Centers		-1,959	-1,959
101672 Case Coord., MMAP, Chore, Adm.	7,100	200	-6,900
101673 Meals on Wheels	-5,000	6,161	11,161
101674 Congregate Meals	2,500	-1,289	-3,789
101678 Geriatric Mental Health	-2,423	800	3,223
	-402	-402	0

Summary:

101670 and 101673 reduced requests for Medicaid Waiver services
 101672 one-time additional revenue for Medicare Medicaid Assistance Program (MMAP)
 USDA per-meal revenue increase for Meals on Wheels and Congregate
 101670 and 101678 less respite cost-share then expected

**COUNTY OF JACKSON
DEPT. ON AGING BUDGET ADJUSTMENT
REVENUE
2012**

[illegible]

REASONING:

More Medicaid Waiver Revenue for Personal Care
Less Medicaid Waiver Revenue for Homemaker due to change in Medicaid criteria
Increase in program income from client cost-share for Caregiver Supplemental (respite)
Increase in Miscellaneous Revenue- Payments from the State of Michigan DHS for Homecare Services
Increase in Respite Donations

DEPT HEAD *[Signature]*, Dep. Director DATE 11/5/12

BUDGET DIR _____ DATE _____

COMMITTEE	_____	DATE	_____
ADMIN	_____	DATE	_____
BOARD OF COMM	_____	DATE	_____

COUNTY OF JACKSON
DEPT. ON AGING BUDGET ADJUSTMENT
EXPENSE
2012

[illegible]

REASONING:	
Increase Printing Budget (regular printing and Home Care Worker Job Ads)	
Bad Debt for Non-sufficient fund cost-share check return	
Decrease in Mileage reimbursement for Home Care Workers closer to 2011 level	

DEPT HEAD

Mace Wandell

DATE _____

DATE 11/21/2

COMMITTEE

DATE _____

BUDGET DIR

DATE _____

ADMIN

DATE _____

BOARD OF COMM

DATE _____

COUNTY OF JACKSON
DEPT. ON AGING BUDGET ADJUSTMENT
EXPENSE
2012

[illegible]

REASONING:

Lower Professional Services Expense due change from paying Health Department employee to Exercise Instructors

Increase Service Contracts for AOS Copy Machine Cost

Lower Respite which is cost of RSVP bus tickets for seniors

Senior Activities cost increase; offering more programs

DEPT HEAD

Marc Wandler

DATE _____

11/2/12

COMMITTEE

DATE _____

BUDGET DIR

DATE _____

ADMIN

DATE _____

BOARD OF COMM

DATE _____

**COUNTY OF JACKSON
DEPT. ON AGING BUDGET ADJUSTMENT
REVENUE
2012**

[illegible]

REASONING:	
HCFA-MMAP-Increase in Grant Revenue for Medicare & Medicaid Assistance Program (MMAP)	
Increase Purchase of Service due to more Medicare Medicaid Assistance Program (MMAP) MIPPA funds. (MIPPA ends in 2012)	

DEPT HEAD Maurice Wandell

BUDGET DIR _____

DATE 11/2/12

DATE _____

COMMITTEE	_____	DATE _____
ADMIN	_____	DATE _____
BOARD OF COMM	_____	DATE _____

COUNTY OF JACKSON
DEPT. ON AGING BUDGET ADJUSTMENT
EXPENSE
2012

[illegible]

REASONING:
Increase Part Time Wage; more hours spent in MMAP program during Medicare D Enrollment
Decrease Casual Wage; less hours paid for Casual Senior Home Repair Worker
Increase Printing for remainder of 2012

DEPT HEAD

BUDGET DIR

DATE _____

DATE _____

COMMITTEE

ADMIN

BOARD OF COMM

DATE _____

DATE _____

DATE _____

**COUNTY OF JACKSON
DEPT. ON AGING BUDGET ADJUSTMENT
REVENUE
2012**

[illegible]

	REASONING:
	Increased USDA per-meal rate for grant year end.
	Meals on Wheels Donations lower than usual

DEPT HEAD

Mace Wandell

DATE _____

u/2/2

COMMITTEE

DATE _____

BUDGET DIR

DATE _____

ADMIN

DATE _____

BOARD OF COMM

DATE _____

COUNTY OF JACKSON
DEPT. ON AGING BUDGET ADJUSTMENT
EXPENSE
2012

LINE ITEM								
FUND	DEPT.	ACCOUNT		ACCOUNT DESCRIPTION	CURRENT BUDGET	INCREASE	DECREASE	AMENDED BUDGET
								0
101	673	730	000	Office Supplies	1,700	300		2,000
								0
101	673	741	000	Food Charges	378,000	9,761		387,761
								0
101	673	776	000	Cleaning Supplies	70,000		8,000	62,000
								0
101	673	861	000	Mileage	1,700		300	1,400
								0
101	673	863	000	Vehicle Repair & Maint.	11,000	3,000		14,000
								0
101	673	864	000	Gasoline Usage	25,000	2,000		27,000
								0
101	673	933	000	Maintenance of Office equip	4,100		600	3,500
								0
								0
								0
						15,061	8,900	6,161

REASONING:
Increase Food Cost and Decrease Cleaning Supply
Decrease Mileage; less travel for conferences in 2012
Increase Vehicle Repair Cost
Increase Meals on Wheels Gasoline Cost
Less Maintenance of Office Equipment Cost related to kitchen equipment

DEPT HEAD Mare Wandell

BUDGET DIR _____

DATE 11/2/12

DATE _____

COMMITTEE _____ DATE _____

ADMIN _____ DATE _____

BOARD OF COMM _____ DATE _____

COUNTY OF JACKSON
DEPT. ON AGING BUDGET ADJUSTMENT
REVENUE
2012

[illegible][illegible]

DEPT HEAD Mance Wandell

BUDGET DIR _____

DATE 11/2/12

DATE _____

COMMITTEE _____ DATE _____

ADMIN _____ DATE _____

BOARD OF COMM _____ DATE _____

COUNTY OF JACKSON
DEPT. ON AGING BUDGET ADJUSTMENT
EXPENSE
2012

[illegible]

REASONING:

Increase Congregate Food Cost and Decrease Cleaning Supply Cost

Lower Professional Services: paying Senior Health Promotion/Exercise Class cost from 101671

Increase Telephone Usage Cost for Verizon- Nutrition Sites with cell phone service

DEPT HEAD

DATE _____

COMMITTEE

DATE _____

BUDGET DIR

DATE _____

ADMIN

DATE _____

BOARD OF COMM

DATE _____

**COUNTY OF JACKSON
DEPT. ON AGING BUDGET ADJUSTMENT
REVENUE
2012**

[illegible]

REASONING:

Client Co-Pay (including Misc. revenue) lower than anticipated.
Increase Counseling Medicaid Waiver revenue to anticipated 2012 amount
Counseling Medicare revenue less than expected
Increase Geriatric Mental Health Reimbursement

DEPT HEAD

DATE _____

BUDGET DIR

DATE _____

COMMITTEE

DATE _____

ADMIN

DATE _____

BOARD OF COMM

DATE _____

COUNTY OF JACKSON
DEPT. ON AGING BUDGET ADJUSTMENT
EXPENSE
2012

[illegible]

REASONING:

Increase in Mileage reimbursement for Counseling staff in 2012	
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DEPT HEAD

BUDGET DIR

DATE 11/2/12

DATE _____

COMMITTEE

DATE _____

ADMIN

DATE _____

BOARD OF COMM

DATE _____

Commissioner Board Appointments – November 2012

<u>BOARD</u>	<u>NEW TERM EXPIRES</u>	<u>CURRENT MEMBER</u>	<u>APPLICANTS</u>	<u>COMMITTEE RECOMMENDED APPOINTMENTS</u>
<u>Land Bank Authority</u> 1) One City representative	10/2016	Andrew Frounfelker	Andrew Frounfelker	Andrew Frounfelker

For next meeting

Office of Mayor
Martin J. Griffin

CITY OF JACKSON



MICHIGAN



161 W. Michigan Ave.
Jackson, MI 49201
Phone: (517) 788-4028
Facsimile (517) 768-5820

October 25, 2012

Mr. Steve Shotwell, Chairman
Jackson County Board of Commissioners
120 W. Michigan Avenue
Jackson, MI 49201

Dear Mr. Shotwell:

This letter is to advise you that the City of Jackson recommends to the Jackson County Board of Commissioners the reappointment of Andrew Frounfelker, 5th Ward City Councilmember, to the Jackson County Land Bank Authority for a four-year term beginning November 1, 2012, and ending October 31, 2016. Please see his attached application.

Your consideration and approval of this recommendation is appreciated.

Sincerely,

Martin J. Griffin
Mayor

MJG:skh

Attachment

cc: Karen Coffman, County Treasurer
Michael Overton, County Administrator
Dlaine Armstrong
City Council



City of Jackson Board/Commission Application

Name: ANDREW FROINFELDER
Address: 148 W. MICHIGAN AVE, BOX 11 Zip: 49204
Home Phone: 517-783-2011 Other Phone: _____
Occupation: 5TH WARD COUNCIL MEMBER

Community Involvement/Activity

CITY BEAUFIELD AUTHORITY SHARP PARK BOARD MEMBER
JACKSON CO LAND BANK CITY COUNCIL MEMBER

Are you a registered voter? YES Ward? 5

Which Board or Commission(s) are you interested in?

1. JACKSON CO. LAND BANK - REAPPOINTMENT

3. _____

List additional information you feel may be pertinent to board or commission

Feel free to attach any information. (Resume, press clippings)

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR

[Signature]
Signature of Applicant

OCT. 25, 2012
Date

Please return to Mayor's Office, City of Jackson, 161 W. Michigan Avenue, Jackson, MI 49201



Jackson County

Department of Human Resources

Crystal Y. Dixon, Director

To: Board of Commissioners

Date: November 1, 2012

From: Crystal Y. Dixon *CYD*
City/County Director of Human Resources

Re: Tentative Agreement with the
Attorney Referee/Magistrate's Association (ARMA)

Motion Requested: To approve the tentative agreement made between the County of Jackson and the Attorney Referee/Magistrate's Association for contract years January 1, 2012 – December 31, 2014.

I. Background

- a. The collective bargaining agreement between Jackson County and the Attorney Referee/Magistrate's Association expired on December 31, 2011. Negotiations on a new collective bargaining agreement began in August, 2012.

II. Current Situation

- a. After several weeks of negotiations, a tentative agreement was reached with the Attorney Referee/Magistrate's Association on October 23, 2012.

III. Analysis

- a. Strategic: The expiration of the collective bargaining agreement required the County to negotiate a new agreement.
- b. Financial: Through the negotiations process, the County was successful in reaching agreement on key financial issues including health insurance, wages and retiree health care.
- c. Legal: The County was legally required to negotiate a new collective bargaining agreement with this Association.
- d. Timing: It was important to reach a new agreement as quickly as possible due to the expiration of the previous agreement.

IV. Alternatives

There were no alternatives to negotiating a new collective bargaining agreement.

V. Recommendation

- a. It is recommended that the Board of Commissioners approve the tentative agreement made between the County of Jackson and the Attorney Referee/Magistrate's Association for contract years 2012 – 2014.

**ATTORNEY REFEREE/MAGISTRATE'S ASSOCIATION
TENTATIVE AGREEMENT SUMMARY
October 23, 2012**

1. Page 4. Insurance. b. Propose to replace section as follows: Replace the current health insurance options with a new health insurance option through Blue Cross Blue Shield called Healthy Blue Incentives (HBI) PPO. The HBI option will be bundled to a \$10/\$20/\$40 prescription plan, dental coverage (D1), and vision coverage (V1).

Premium co-pays for all employees as follows:

2012: 10% of the illustrated rates
2013: 15% of the illustrated rates
2014: 20% of the illustrated rates

Elimination of all IBP dollars.

2. Page 6. Revise end of section as follows: ~~Upon retirement all employees hired before 12/31/00 will have their premium co-pay capped at 3.0% of the illustrated rates paid monthly during retirement.~~ For all employees **hired prior to 1/1/2012 and hired on or after 1/1/2010 upon their retirement if eligible for traditional retiree health insurance benefits, those benefit options will be the same as for active employees with traditional health insurance benefits and will be subject to annual modifications after retirement.**
3. Page 6. Retiree Health Insurance. Add language at end of section as follows: **Retiree Health Savings Account: All employees hired on or after 1/1/2012 will not be eligible for health insurance in retirement. They will participate in the VantageCare Retiree Health Savings Plan (RHS) through ICMA-RC. Parameters of the plan are:**
- a. Employer contributes \$1,750.00 annually, to be increased \$100.00 every 5 years.
 - b. Employee contributes \$750.00 annually, to be increased \$50.00 every 5 years.
 - c. 3 year vesting
 - d. Eligible to receive medical benefit payments upon separation from service with no restrictions.
 - e. Permissible medical benefit payments are those eligible under IRC Section 213 other than direct long-term care expenses and including non-prescription medications allowed under IRS guidance.
 - f. In the event of the death of a participant, the surviving spouse and/or surviving dependents are immediately eligible to maintain the account and utilize it to fund eligible medical benefits.
4. Page 6. 4. Paid Time Off. Propose to revise the PTO schedule for employees as follows: New hires up to 1 year of service will have 5 days of PTO with 0 days of carryover. Remaining schedules as stated.
5. Page 10. G. Wages.

2012: 2% increase
2013: 2% increase
2014: 3% increase