

**GENESEE COUNTY
METROPOLITAN PLANNING COMMISSION**

RULES AND PROCEDURES/BY-LAWS

Revised/Approved January 2025

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*N.R. – No Reference

SECTION I

HISTORY

The Genesee County Metropolitan Planning Commission (the Planning Commission) was organized in 1963 by resolution of the Genesee County Board of Supervisors and reorganized under Act 282 of the Michigan Public Acts of 1945, as amended. The reorganization was necessary, since the legislation required organization of the county planning commission by ordinance which was adopted in 1965. This ordinance was updated in 1985. A copy of the revised ordinance is included as Appendix A.

The Genesee County Metropolitan Planning Commission's primary responsibility, to which it directed its staff's efforts, was the development of a county comprehensive plan. This plan was adopted by the Planning Commission on September 27, 1971, and by the Genesee County Board of Commissioners on October 12, 1971.

As part of the comprehensive planning effort, the Genesee County Metropolitan Planning Commission carried out extensive research efforts which led to the development of several background studies which formed the basis of the plan. The results of these studies were published as Conclusion Reports in the late 1960's and early 1970's. These reports include:

- Flint-Genesee County PROSPECTUS, Comprehensive Land Use-Transportation Planning Study
- Government and Finance
- Economic Conditions
- Demography and Community Attitudes
- Land Use
- Environmental Health Facilities
- Public Utilities
- Community Facilities
- Educational Facilities
- Open Space and Recreation
- Visual Forms

- Transportation Facilities
- Travel Patterns – Origin and Destination Study
- Genesee County Density Study
- Housing-Genesee County: Identifying Housing Needs
- Default Housing-Flint and Genesee County

In addition to those efforts directed toward the development of the county plan, the Genesee County Metropolitan Planning Commission initiated extensive mapping efforts resulting in the development of one of the finest map series in the United States.

The Planning Commission also was responsible for the administration of and/or participation in several programs. Some of these have included:

- Administration of the Genesee County Community Shelter Planning Program
- Development of County Capital Improvements Program
- Development of Model Zoning Ordinances for Cities and Villages
- Development of Model Township Zoning Ordinance
- Development of Genesee County Management Study
- Administration of Genesee County Targeted Jobs Program
- Administration of Genesee County's Emergency Employment Act, Public Employment and Public Service Employment Programs
- Establishment of Genesee County Economic Development Commission
- Establishment and provision of staff services to GLS Region V Planning and Development Commission
- Development of U.S. Bureau of Census DIME File

SECTION II

AUTHORITY

The Genesee County Metropolitan Planning Commission (the Planning Commission) is an independent commission of county government with full direct authority conferred by statute over the planning department and its information-gathering and planning programs. To aid in the foregoing, the Commission has authority to obtain information from state, county, and municipal officials who are directed by law to furnish such information, advice, and assistance as they may have available. As a Metropolitan Planning Commission, the Genesee County Metropolitan Planning Commission may apply for federal or other grants. As a result of the fact that there is a county plan, all county boards, departments, and agencies have the obligation to submit for review and comment to the Planning Commission any specific program of expenditure of funds for physical improvements prior to initiating work thereon; this requirement is deemed to be waived if the Planning Commission has not made its required comments within thirty days of receiving the description of the project. The Planning Commission has power to do all things necessary to disseminate information and engage in educational activities respecting county planning. The Planning Commission may create advisory committees or councils to assist in consideration of and solutions to problems of the county. A copy of the state enabling legislation is included as Appendix B.

SECTION III

MEMBERSHIP, FUNCTIONS, MEETINGS, AND CONFLICT OF INTEREST

MEMBERSHIP

Appointment

Membership and method of appointment are governed by ordinance. The Planning Commission consists of eleven (11) members who shall be generally representative of important segments of economic, governmental, social life, and development of the county. Members shall be appointed by the Chairperson of the Genesee County Board of Commissioners. Members shall serve for three years and may be reappointed. Appointment to fill vacancies shall be done by the Chairperson of the County Board of Commissioners.

Commissioner Responsibilities

Members of the Planning Commission are, at a minimum, required to attend meetings regularly throughout the year; inform the Commission of a change in address or County residency; create, review and approve the Commission's annual budget; and review and act upon Commission contracts, vouchers and bills. Any member of the Planning Commission who misses three regularly scheduled meetings in a row without prior notice to the Director will be deemed to have resigned.

Removal of Members

The County Board of Commissioners may remove any member of the Planning Commission for non-performance of duty or misconduct upon public hearing. A formal notice of charges shall be served on the accused at least one (1) month prior to the date of said hearing. Said hearing shall be conducted in accordance with the requirements of due process of law.

OFFICERS

The officers of the Planning Commission shall consist of a Chairperson and Vice-Chairperson. Officers shall be elected annually at the regular Planning Commission meeting in September and shall serve for a period of one (1) year. The Planning Commission shall also appoint a Secretary at its regular September meeting. The Secretary may be the Director or their designee.

Chairperson – The Chairperson shall be the chief elected officer of the Planning Commission and shall preside at all meetings of the Commission. The Chairperson shall appoint all committees or advisory committees established and provided by the Planning Commission and shall be an ex-officio member of all committees. He/she shall have a vote on all resolutions as a member of the Commission. The Chairperson shall sign all contracts and legal documents required to be signed by the Planning Commission. No such contracts or documents shall be signed by the Chairperson on behalf of the Planning Commission unless the same shall have been previously approved by the Commission. The Chairperson shall approve and sign all travel vouchers and may approve any overnight and/or out-of-state travel which due to timing constraints cannot be brought before the entire Planning Commission.

Vice-Chairperson – The Vice-Chairperson shall have the authority and shall perform all duties and functions of the Chairperson in the absence or disability of the Chairperson. If the office of the Chairperson becomes vacant by resignation or otherwise, the Vice-Chairperson shall serve as Chairperson until a new Chairperson is elected.

Secretary – The Secretary or his/her designee shall perform the usual duties of the office and such other duties as the Planning Commission may direct. The Secretary (designee) shall attend all meetings of the Planning Commission and maintain the official minutes and records of the

Commission. The Secretary (designee) shall be responsible for all correspondence and notice pertaining to meetings and official acts of the Planning Commission.

Removal of Officers

Any officer elected by the Planning Commissioners may be removed by the Planning Commission whenever in its judgment the best interest of the County would be served thereby, but such removal shall be without prejudice to the action of the officer so removed. No officer shall be removed except by an affirmative vote of at least six members of the Planning Commission.

Vacancy of Officer

A vacancy in any office because of death, resignation, removal, disqualification or otherwise, may be filled by the Planning Commission for the unexpired portion of the term.

COMMITTEES

The Planning Commission Chairperson shall have the authority to appoint committees as he/she, or the Commission, feels necessary. Appointments to committees shall be made at any regular or special meetings of the Planning Commission. All Commission members shall be notified of the date, time, and place of any committee meetings by email prior to such meeting. All Committee meetings shall be posted in accordance with P.A. 267, 1976, the Open Meetings Act.

Election Committee

The Planning Commission Chairperson shall appoint an Election Committee at the regular meeting preceding the September meeting when officer elections will be held. The committee shall consist of at least three (3) members of the Commission. The purpose of the committee shall be to place in nomination persons to serve as officers for the following year. This shall not preclude nominations from the floor at the September meeting.

Budget Committee

The Planning Commission Chairperson shall appoint a Budget Committee to meet with staff and recommend a budget for the Commission's annual operations. The Committee shall consist of at least three (3) members of the Commission.

Rules and Procedures Committee

The Planning Commission Chairperson shall appoint a Rules and Procedures Committee to review and make recommendations regarding the Rules, Procedures, and By-Laws of the Planning Commission. The Committee shall consist of at least three (3) members of the Commission.

Consultant Selection Committee

The Planning Commission Chairperson shall appoint a Consultant Selection Committee to review staff recommendations for competitively bid project consultant activities. The Committee shall consist of at least three (3) members of the Commission.

Local Unit Committee

The Planning Commission Chairperson shall appoint a Local Unit Committee to discuss and make recommendations regarding miscellaneous issues with local unit of government or program area concerns that require further discussion and review. The Committee shall consist of at least three (3) members of the Commission.

Personnel Committee

The Planning Commission Chairperson shall appoint a Personnel Committee to review recommendations regarding personnel hiring or staff restructuring. The Committee shall consist of at least three (3) members of the Commission.

Special Committees

As the need arises, the Planning Commission Chairperson shall appoint special committees to review specific issues. These committees shall consist of at least three (3) members of the Commission.

FUNCTIONS

The functions and responsibilities of the county planning commission are outlined in the Michigan Planning Enabling Act (P.A. 33, 2008) and the Genesee County Metropolitan Planning Commission Ordinance (Appendices A and B). Other important functions of the planning commission are outlined below:

Rule Making

The Genesee County Metropolitan Planning Commission shall make rules necessary for the orderly and efficient conduct of its business. Said rules shall conform, but not be limited to, the provisions of the Michigan Planning Enabling Act and Genesee County Board Resolution and Ordinance.

Employment of Staff

The Genesee County Metropolitan Planning Commission shall have the authority to appoint a Director. Upon approval of the Planning Commission, the Director may employ staff as necessary to carry out the responsibilities of the Genesee County Metropolitan Planning Commission. Such employment shall be carried out through the Genesee County Human Resources Department and shall be in accordance to applicable collective bargaining agreements and policies

established by the Genesee County Board of Commissioners. The Director may be removed from his/her position by a majority vote of the total membership (six votes). Such removal may occur only after written notice of reasons for such removal is delivered to the Director. The Director, at his/her discretion, may request a public hearing conducted in accordance with due process of law. If requested, said hearing shall be held within 30 days of the Commission's action. At the Planning Commission's discretion, the duties and responsibilities of the Director may be delegated to another person during this period. However, the Director shall receive their normal compensation to the date of such public hearing.

Approval of Contracts, Vouchers and Bills

The Planning Commission shall formally approve the nature and amount of any contracts entered into for the staff's performance of work or for performance of a service by another party for the Commission. Exceptions to this are contracts or agreements necessary for day-to-day operations of the Commission. In these instances, the Director shall have discretion to enter into such agreements. Examples of day-to-day operational expenditures may include printing, purchase of supplies, website services, equipment rental/purchase, etc.

The Planning Commission shall act on all travel vouchers and shall authorize all expenditures for any overnight travel. The Director may authorize overnight travel expenses only in cases where notice of meetings or workshops does not permit action on the part of the Planning Commission and only after consultation with the Chairperson or Vice-Chairperson in the Chairperson's absence.

The Director shall have the discretion to approve the payment of bills for services and supplies prior to action by the Planning Commission. Such discretion shall not include the payment of travel vouchers or payments on contracts which have formally been approved by the Commission.

Area-wide Clearinghouse for Federal Project Review

The Genesee County Metropolitan Planning Commission, under an agreement with the GLS Region V Planning and Development Commission, serves as a clearing house for Federal Project Review. In this capacity it is responsible for advising interested agencies as to any federal applications for projects within Genesee County. The Commission reviews submitted applications to ensure that the project does not duplicate or conflict with other federally funded projects and takes endorsing or non-endorsing action accordingly. The recommendations are then sent to the federal funding agency and the applicant. Further discussion relative to the clearinghouse function is included under Section IV.

Local Master Plan Review

The Michigan Planning Enabling Act (P.A. 33, 2008) designates the county Planning Commission as a review agency for local master plans developed under Act 33. The county Planning Commission reviews the plan as to its conformity with the plans and programs identified in Act 33. The Genesee County Metropolitan Planning Commission has a period of sixty-three (63) days after receipt to review and comment on a local master plan.

MEETINGS

Regular Meetings

Meetings of the Genesee County Metropolitan Planning Commission will be held on the first Tuesday of each month at 8:00 a.m. in the County Administration Building. When the regular meeting day falls on a legal holiday, the planning commission shall select a suitable alternate day. All regular meetings shall be posted in accordance with P.A. 267, 1976, the Open Meetings Act.

Special Meetings

Special meetings or change in regular meeting time and/or place may be called at the request of the Planning Commission Chairperson, or of six (6) members of the Planning Commission. Notice of special meetings, or a change in regular meeting time and/or place, shall be given by the Secretary to the members of the Planning Commission at least 48 hours prior to such meeting and shall state the purpose, place, and time of the meeting. All special meetings shall be posted in accordance with P.A. 267, 1976, the Open Meetings Act.

Public

All regular and special meetings, hearings, records, and accounts shall be open to the public.

Quorum

Six (6) members shall constitute a quorum for the transaction of business and the taking of official action for all matters, except the adoption of a Master Plan. The affirmative vote of eight (8) members shall be necessary for the adoption of a Master Plan, or any part of a Master Plan. Whenever a quorum is not present at a regular or special meeting, those present shall adjourn the meeting to another day.

Motions

Motions shall be restated by the Chairperson before a vote is taken. The name of the maker and supporter of a motion shall be recorded.

Voting

Voting shall be by voice and shall be recorded by yeas and nays. Any person having an objection shall be recorded. Roll Call votes will be only upon request by a member of the Planning

Commission or unless required by law, ordinance, or regulation. A member may abstain from voting, which will neither count as a yea or nay vote.

Minutes

The Director or his/her designee shall be responsible for taking the official minutes of the Planning Commission meetings. The minutes shall be compiled regularly and made available to any interested person upon request.

Parliamentary Procedure

Parliamentary procedure in Commission meetings shall be governed by Robert's Rules of Order, as amended.

Order of Business: Agenda

The Secretary shall prepare an agenda for each meeting and the order of business therein shall be as follows:

- I. Roll Call
- II. Minutes
- III. Opportunity for Individuals to Address the Commission
- IV. Communications
- V. Committee Reports
- VI. New Business
 - A. Federal Project Reviews
 - B. Other
- VII. Finances
 - A. Contracts, Vouchers and Bills
 - B. Commission Expenses and Per Diem

- C. Financial Update
- VIII. Old Business
 - A. Project Status
 - B. Commissioner Comment
- IX. Adjournment

CONFLICTS OF INTEREST

Declaration of Conflict

Planning Commission members shall declare a conflict of interest when any one or more of the following occur:

- 1) A relative or other family member is involved in any request for which the Planning Commission is asked to decide.
- 2) The Planning Commission member has a business or financial interest in the property involved in the request, or has a business or financial interest in the applicant's company, agency, or association.
- 3) The Planning Commission member owns or has a financial interest in neighboring property. For purposes of this Section, a neighboring property shall include any property falling within the notification radius for the proposed development, as required by the Zoning Ordinance, or other applicable Ordinance. The Planning Commission shall make a determination regarding the presence of a conflict of interest.
- 4) There is a reasonable appearance of a conflict of interest, as determined by the Planning Commission member declaring such conflict.

Requirements

When declaring a conflict, the Planning Commission member shall do all the following prior to the agenda item in which the conflict of interest exists:

- 1) Announce a conflict of interest and state its general nature.

- 2) Abstain from any discussion or votes relative to the matter which is the subject of the conflict.

- 3) If the identification of a conflict of interest causes a quorum not to be reached, the agenda item will be postponed to the following meeting.

UPDATING

The Genesee County Metropolitan Planning Commission Rules and Procedures / By-laws must be reviewed every three (3) years and updated as necessary.

SECTION IV

STAFF ORGANIZATIONAL STRUCTURE AND FUNCTIONS

The Genesee County Metropolitan Planning Commission employs a staff of 18 persons. The staff organizational structure is illustrated below in FIGURE I. As indicated, the organization is comprised of three planning divisions and two support divisions. All divisions perform under the administrative direction of the Director. All staff, except for the Director, are covered under collective bargaining agreements. The personnel policies are covered under the bargaining agreements. The Planning Commission is also guided by the County's Equal Opportunity Policy. The purpose, staff support, and functions of each of the divisions are described in the following sections.

GENESEE COUNTY METROPOLITAN PLANNING COMMISSION

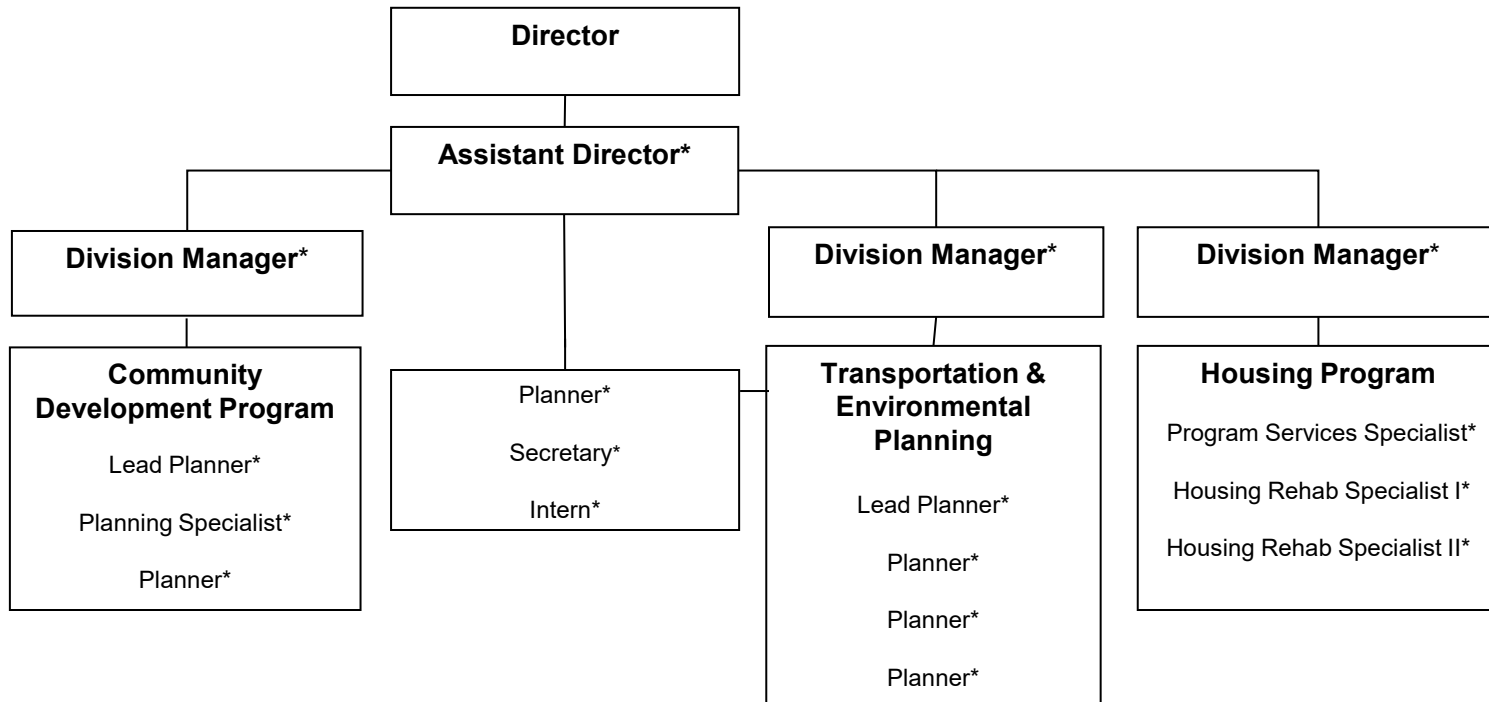
**11 Board Members that include
a Chairperson, Vice Chairperson and Secretary**

Staff Services

**Genesee County
Board of Commissioners**

GLS Region V

**Genesee County
Metropolitan Alliance**



*Grant Funded

GENESEE COUNTY COMMUNITY DEVELOPMENT PROGRAM

Purpose

The Genesee County Community Development Program is authorized under the provisions of Title I of the Housing and Community Development Act of 1974, as amended, which entitled Genesee County, as an urban county, to plan and carry out a Community Development Program throughout Genesee County, outside the City of Flint.

The intent of the Genesee County Community Development Program is threefold:

- 1) to develop and maintain viable urban communities,
- 2) to provide decent housing, and
- 3) a suitable living environment for the residents of Genesee County – principally for persons of low and moderate income.

The program is designed to allow the County and the County's 29 participating local units of government to carry out priority Community Development activities essential to meeting the program objectives. Through an involved process of citizen participation, local input, planning, and coordination, Community Development needs are identified, prioritized, and placed in the context of annual activities or projects.

In addition to the administration of the Community Development Block Grant, staff also administers HUD programs: HOME Program, Emergency Solutions Grant Program.

The HOME Program provides funds for provision of affordable housing in Genesee County, outside the City of Flint. These funds are used to provide new construction of homes, elderly housing, and substantial rehabilitation of existing housing.

The Emergency Solutions Grant Program provides funds to area homeless agencies on a competitive basis. The funds help offset the costs of providing temporary housing for homeless individuals and families.

Functions

Local Projects

The Genesee County Community Development Program receives an annual allocation of federal funds from the U.S. Department of Housing and Urban Development (HUD). These Community Development Block Grant (CDBG) entitlement funds are used primarily for Local Projects in the County's 29 participating communities.

Typical local projects include street improvements, water and sewer lines, senior citizen centers, fire equipment, and other physical activities benefiting low- and moderate-income neighborhoods. Public services, such as crime prevention and senior citizen services have also been funded. A complete list of current local CD projects is included in Genesee County's Five-Year Consolidated Plan and Annual Action Plan. The Plan is for the Community Development Block Grant Program, the Emergency Solutions Grant Program and the HOME Program, which can be obtained from the CD staff.

The Genesee County CD and HOME Programs are required by HUD to calculate annual housing goals. The Consolidated Plan specifies the numbers and general locations of assisted housing units to be constructed or rehabilitated. All federal funds spent on housing in Genesee County must be consistent with the Consolidated Plan.

Historic Preservation

The CD Program has surveyed the entire County (outside the City of Flint) for historic resources and has listed five districts and 43 sites on the National Register of Historic Places. The CD Program continues to encourage historic preservation and adaptive reuse projects.

HOUSING DIVISION

Purpose

The Housing Division is responsible for carrying out owner-occupied, single family housing rehabilitation activities. The program is primarily funded by the Department of Housing and Urban Development CDBG and HOME funds. When grants are available through the State of Michigan, the program does apply for additional funds through those programs. The Housing Division is also responsible for carrying out substantial rehabilitation of vacant, foreclosed properties which are then sold to eligible households. The goal of the Housing Division is to stabilize the current housing stock to keep homeowners in safe, affordable homes.

TRANSPORTATION and ENVIRONMENTAL DIVISION

Transportation

In 1962, the Congress of the United States passed the Federal Aid Highway Act, which mandated the development and implementation of a continuing, coordinated and comprehensive (3-C) transportation planning process in urban areas of more than 50,000 population as a condition to continued support for highways. The participation of local units of government is a condition to the continued availability of federal highway funds in the urbanized area of the County.

Upon establishment and staffing of the Genesee County Metropolitan Planning Commission, its staff was designated as project staff for the transportation planning process. The process and policy organization is broadly based to permit maximum citizen and public official participation.

Functions

The Transportation Division receives an annual allocation of federal funds from the U.S. Department of Transportation. These funds are used primarily for Local Projects in the County's 33 participating communities.

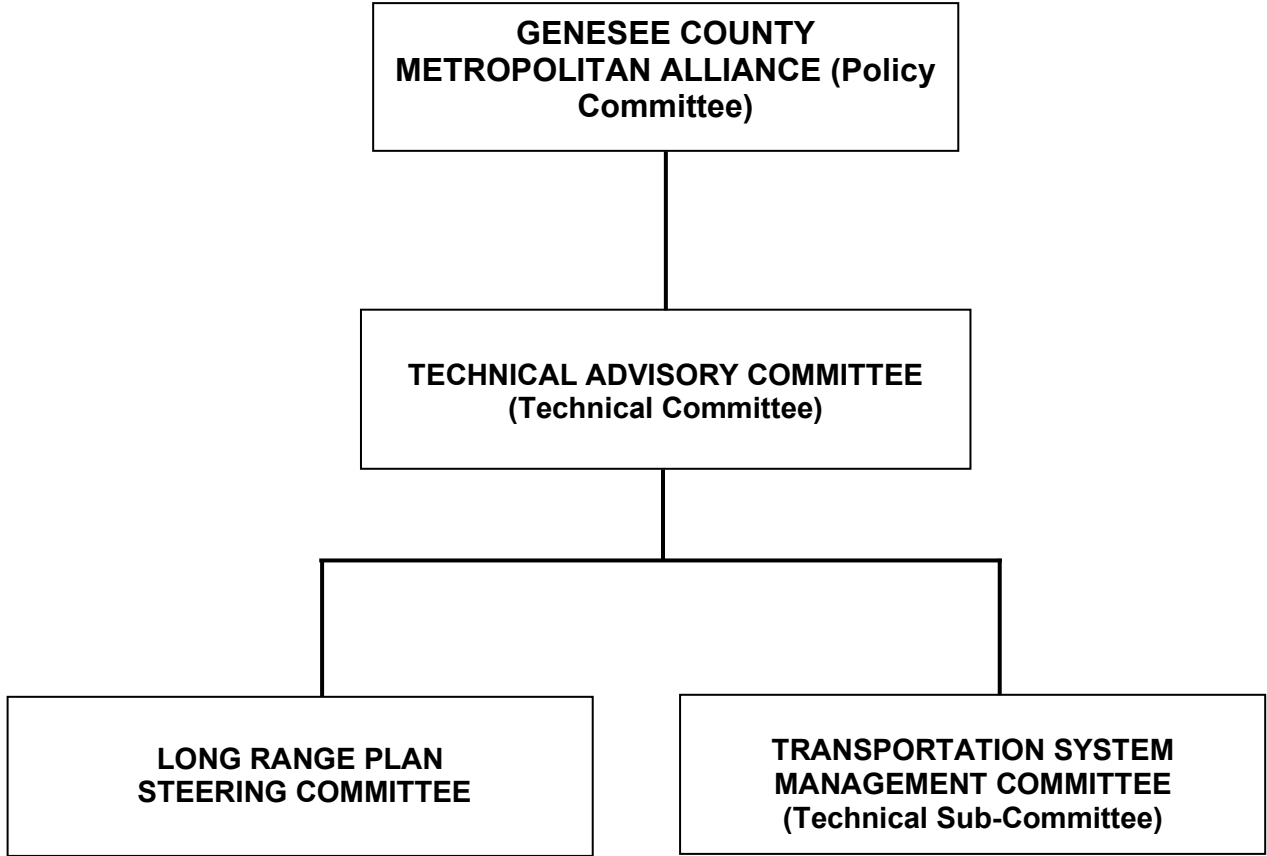
Typical local projects include new road construction, road widening, road resurfacing and various other enhancements to the transportation system. A complete list of current projects is included in Genesee County's Transportation Improvement Program (TIP).

Planning for all elements of the Genesee County transportation system is carried out through the Flint-Genesee County Long Range Transportation Plan process. Figure II shows the organization of the committees guiding the transportation planning process as it has evolved in order to carry out the Flint-Genesee County Long Range Transportation Plan.

The Genesee County Metropolitan Alliance (Metro Alliance) is the policy committee for the study and makes final decisions regarding the direction of the study pursuant to a series of agreements with the Genesee County Metropolitan Planning Commission, the State of Michigan Department of Transportation, and the U.S. Department of Transportation.

FIGURE II

COMMITTEES GUIDING THE FLINT-GENESEE COUNTY TRANSPORTATION PLAN*



***GENESEE COUNTY METROPOLITAN PLANNING COMMISSION PROVIDES TECHNICAL STAFF SUPPORT FOR THE METROPOLITAN ALLIANCE AND ITS COMMITTEES.**

Every 4 years the transportation planning division must update the County’s Long Range Transportation Plan. In 2020, the Genesee Our County, Our Future Plan was developed which acts as the master plan for the county and includes the goals and requirements of the Long-Range Transportation Plan.

Each year the division collects information and investigates transportation problems to facilitate the update of the Long-Range Plan. This includes areas such as: analysis of accident location information, pavement conditions and maintenance of the urban travel demand model. In addition, the study has worked very closely with the transportation providers in Genesee County. These include the Mass Transportation Authority, Bishop Airport Authority, the Road Commission and the Cities and Villages.

The Long-Range Transportation Plan is a prerequisite to the receipt of over \$ 40 million a year from Federal Transportation funds. These funds are distributed annually after an in-depth, technical analysis of transportation applications from the local units of government within the Flint Urbanized area.

This system is unique in the County in that it allows for citizen input at the top policy levels, in addition to the representation of local elected officials and other state and local governmental agencies. At the technical level, the system has professions from all levels of the public and private sectors.

Taken altogether, these committees form the guide for staff in administering the transportation planning program.

Environmental

Solid Waste Planning

The Natural Resources and Environmental Protection Act, 1994 PA 451, Part 115, Solid Waste Management, requires that each county have a Solid Waste Management Plan approved by the Michigan Department of Environmental Quality. Amendments to Part 115, approved in 2023,

require each County in Michigan to submit a Materials Management Plan that focuses on sustainable practices including recycling and composting, along with safe disposal options.

The Genesee County Metropolitan Planning Commission is the Designated Planning Agency for the County's solid waste planning and works with the Genesee County Solid Waste Implementation Committee to implement the goals of the plan.

Air Quality

The environmental division is responsible for providing information regarding local air quality and provides information to the public to help improve air quality in the community. The impact on air quality is an important component of GCMPC's transportation planning program. Currently, Genesee County is considered a low maintenance plan area and meets, or is cleaner than, national air quality standards.

An air quality awareness program was developed that brings attention to local air quality and what Genesee County residents can do to enhance it in our community. In 2021, the Genesee County Air Quality Awareness program began, and staff are working to expand outreach and education around this important issue.

SUPPORT SERVICES

Purpose

This is the Genesee County Metropolitan Planning Commission's key support, responsible for accounting, minutes, agendas, data entry, filing and other normal types of clerical functions.

The clerical staff is comprised of a total of one Secretary. The Secretary is responsible for preparing for meetings and taking minutes, general clerical duties, ordering supplies, and

providing general administrative duties related to the Housing Division. The Secretary aids each division within the office.

The Program Services Specialist has the primary responsibility to carry out homeowner intake and program eligibility for the Housing Division. The position also carries out some clerical duties, including agendas and minutes associated with Planning Commission meetings.

Accounting duties are assigned to two Accountants who are employed in the Financial Services department of the County, under the supervision of the County CFO. They are directly funded by grants awarded to the Planning Commission and carry out duties directly related to those grants.

OTHER FUNCTIONS

The Genesee County Metropolitan Planning Commission carries out several other activities and programs. This section will describe the involvement of staff and the Planning Commission in those programs.

Federal Project Review

Since the early 1970's the Genesee County Metropolitan Planning Commission has been designated as the agency responsible for reviewing applications for federal assistance. The applications are generated from public, quasi-public, or private agencies within the County. The Planning Commission's responsibilities as part of its review are to ensure that the proposed project or program for which the funds are sought do not duplicate or conflict with other projects or programs within the County. In its role as the Clearinghouse for Federal Project Review, the Planning Commission carries out the following process:

1. Upon receipt of the pre-application or application, a staff member is assigned review responsibility.

2. The staff member sends a letter of notification to any agencies or parties which may have an interest in the project, requesting them to notify the Planning Commission if interested in further information.
3. Staff reviews the proposed project and develops memorandum for review by the Planning Commission. Staff's assessment includes the following:
 - a. Type and purpose of the project.
 - b. Existing and proposed land use considerations.
 - c. Zoning implications.
 - d. Availability of community facilities and public utilities.
 - e. Highway and public transit considerations.
 - f. Segments of population to be served.
 - g. Relationship to existing plans and policies.
 - h. Environmental considerations (noise, air, water, soils, topography, vegetation, etc.).
 - i. Relationship to prior or current Planning Commission actions.
4. A copy of staff's review is sent to any agencies or individuals which have expressed an interest in the project. If staff or any other agency or individuals have concerns regarding the project, a meeting may be called with the applicant to discuss and attempt to resolve the concerns.
5. The Planning Commission, acting in its capacity as clearinghouse, takes action to endorse, endorse with conditions, or not endorse the project.
6. Notification of the Planning Commission's action is sent to the applicant agency and the federal agency from which the assistance has been sought.

Farmland and Open Space Review

The Farmland and Open Space Act (P.A. 116 of 1974) was signed into law by Governor William Milliken in 1974. This program is designed to encourage the preservation of unique natural open space areas and prime agricultural areas by providing income or property tax benefits to landowners who enroll their property into the program. Benefits from the natural open space preservation portion of the program is a relief from taxation on the development rights of a parcel as determined by a certified assessor. Benefits of enrolling land in the farmland portion of the Act are as follows:

1. Land signed up is exempt from special tax assessments, such as sanitary sewers, water, lights, and non-farm drainage, unless this assessment is imposed prior to the agreement being signed.
2. The landowner is entitled to a credit on his/her Michigan income tax for the amount on their enrolled property that exceeds 7% of their income.

The County Planning Commission maintains records of areas designated under this program.

Local Zoning Review

The Genesee County Planning Commission provides staff assistance upon request (a fee of \$100 is required) to local governmental units in the review of zoning ordinance text and map amendments. When petitions are made to local units for zoning changes, most units submit the approved changes to the Planning Commission staff for its records, however, some local units request staff to perform a technical review. When a technical review is requested, staff assesses the proposed changes in accordance with the following factors:

1. Relation to existing county and local plans.
2. Relation to existing zoning patterns.
3. Impact on existing land use around the change.

4. Adequacy of transportation facilities to serve the potential uses.
5. Adequacy of public utilities to serve the potential uses.
6. Soil characteristics of the site.

As part of staff's review process, a memorandum is prepared indicating the pertinent factors assessed by staff and concluding with a staff recommendation for approval, approval with conditions or modifications, or disapproval. This memorandum is then transmitted back to the local government officials for their use in the decision-making process.

P.A. 33 Review

The Planning Commission must review and comment on all capital improvements proposed by Genesee County.

Special Projects

The activities which have been previously described represent the bulk of Genesee County Metropolitan Planning Commission staff involvement. However, there are times when staff participation is requested. These have included:

1. Participation in the jail planning process.
2. Participation with the Genesee County Road Commission in the development and updating of the Genesee County Street and Road Map.
3. Research and development of a tax mapping program for Genesee County.
4. Participation with the Genesee County Parks and Recreation Commission and private consultants in the development of a Golf Course Feasibility Study for the Genesee Recreation area.
5. Development of a Parking Needs Study for the Genesee County Administration Building in the Flint CBD.

6. Development of a space needs study for the entire Genesee County Governmental Operation.

SECTION V

BUDGET AND FINANCING

REVENUES

The Genesee County Metropolitan Planning Commission's operations are financed from a variety of sources. Funding agencies and amounts vary from year-to-year depending upon the programs being carried out by staff.

Federal Funds

Historically, a large percentage of the Planning Commission's budget has been financed through federal sources. Although federal funds still make up a substantial portion of the budget, federal funding programs have been significantly reduced. Following is a list of those federal agencies which have funded Genesee County Metropolitan Planning Commission programs in the past.

- Department of Housing and Urban Development (HUD)
- Federal Transit Administration (FTA)
- Federal Highway Administration (FHWA)

State Funds

The amount of state funds the Genesee County Metropolitan Planning Commission receives does not make up a significant portion of its budget. State funds are primarily used for plans and special studies such as Materials Management Planning, regional plans, Asset Management, Access Management, and Hazard Mitigation.

Solid Waste Ordinance

The Genesee County Metropolitan Planning Commission receives funds to administer the Solid Waste Program, under the Environmental Division, from revenues collected through the Genesee County Solid Waste Ordinance.

Professional Services

The Genesee County Metropolitan Planning Commission receives funds through professional service contracts with outside agencies. The Planning Commission provides staff services under contract with GLS Region V Planning and Development Commission and is reimbursed for costs associated with the provision of these services. The Planning Commission has also contracted with local units of government in the past for the provision of staff services for specific projects such as the development of maps, zoning ordinances, park and recreation plans, or master plan studies.

County General Fund

A portion of Genesee County Metropolitan Planning Commission's operation is financed through the County General Fund. As part of the annual budget process, the Planning Commission is required to develop a detailed budget outlining all projected revenues and costs. The difference between anticipated revenues and cost forms the basis for the Planning Commission's request for County General Funds.

STAFF FUNCTION AND RESPONSIBLE POLICY-MAKING AGENT

The following table lists the various projects that are carried out by the Planning Commission staff. Then, in the right-hand column, the responsible policy-making agent or body is listed.

<u>Project or Program</u>	<u>Policy-Making Agent</u>
Genesee County Community Development Program, including Housing Programs	Genesee County Board of Commissioners
Transportation Planning Program	Genesee County Metropolitan Alliance
Solid Waste Program	Genesee County Board
Federal Project Review	Genesee County Metropolitan Planning Commission
Local Planning Zoning Review	Local Units of Government
P.A. 33 Reviews	Genesee County Metropolitan Planning Commission

APPENDIX A

Genesee County Board Resolution and Ordinance

GENESEE COUNTY BOARD RESOLUTION
AND ORDINANCE

BE IT ORDAINED AND RESOLVED, by this Board of Commissioners of Genesee County, Michigan, that the Genesee County Metropolitan Planning Commission Ordinance, adopted on April 6, 1965, as subsequently amended, is hereby amended to read in its entirety as set forth in the within Genesee County Metropolitan Planning Commission Ordinance, which Ordinance hereby is incorporated herein by reference.

BE IT FURTHER ORDAINED AND RESOLVED, that said within Ordinance hereby is fully adopted, and that such present adoption shall apply both to any previously adopted portions, by way of reenactment, and to any portions not adopted previous to this present action.

BE IT FURTHER RESOLVED, that the method of appointment and the terms of office and filling of vacancies shall be as provided in said Ordinance.

BE IT FURTHER RESOLVED, that the Genesee County Clerk shall publish a copy of this Ordinance at least once in a newspaper of general circulation in Genesee County, and shall cause said proposed Ordinance to be signed by the Chairperson of the Genesee County Board of Commissioners and shall certify same, prior to transmitting said Ordinance to the Governor for approval.

GENESEE COUNTY METROPOLITAN PLANNING ORDINANCE

AN ORDINANCE to provide a Metropolitan Planning and County Metropolitan Planning Commission as authorized and empowered by Act 282 of the Public Acts of 1945, as amended (MCLA 125.101 et seq.), with the powers and duties as therein set forth, for the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the County which will be in accordance with present and future needs for best promoting the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants, as well as for efficiency and economy in the process of development, having consideration of existing conditions and probable growth of the territory of the County of Genesee, such Planning Commission to function in cooperation with other constituted authorities of incorporated and unincorporated areas within the County of Genesee and to serve as a coordinating agency for all planning activities and commissions within the County.

*see
MCL 125.101 et seq*

*00-2
CC*

*Carried
4-9-85*

THE PEOPLE OF GENESEE COUNTY DO ORDAIN:

Section 1. Under the authority of Act 282 of Public Acts of 1945, as amended, (MCLA 125.101 et seq.) there is hereby established and designated the Genesee County Metropolitan Planning Commission, hereinafter referred to as the Planning Commission, with the powers and duties as therein set forth and as hereinafter provided and in which is vested the general administration, management and responsibility to make and maintain an efficient and economic Metropolitan and Regional Plan for the development of the County of Genesee in cooperation with the constituted authorities for incorporated and unincorporated areas within said County as best serves the present and future health, safety, morals, prosperity and general welfare of the inhabitants of the County of Genesee. This Ordinance shall be officially known and described as the "Genesee County Metropolitan Planning Ordinance."

COMMISSION MEMBERSHIP

Section 2. The Planning Commission shall consist of eleven (11) members, designated, as follows:

(1) Membership shall generally be representative of important major segments of economic, governmental, social life, and development, such as agriculture, recreation, education, government, transportation, health, housing industry and commerce, labor, economic development and environmental control within the County of Genesee, and that any one (1) member may represent more than one (1) interest, provided that the majority may not hold any other positions in Genesee County government. All references to County Commissioners or County Board of Commissioners shall be deemed to mean the Board of Commissioners of the County of Genesee.

(2) No more than eight (8) members may be elected and serving officials of county or local government, of which no more than three (3) may be members of the Genesee County Board of Commissioners. Appointments of persons who are such county or local officials at the time of their appointment shall be made by virtue of their respective offices. In the event such a person shall cease to hold his other non-Commission office prior to the regular expiration of the term for which that person was appointed to the Commission, that person's membership on the Commission shall cease.

(3) A minimum of three (3) members shall be persons representing interests other than those expressed in subparagraph (2) above.

METHOD OF APPOINTMENT AND TERM OF OFFICE OF COMMISSIONERS

Section 3. The Chairperson of the Board of Commissioners of Genesee County, Michigan, is hereby delegated the authority to appoint members and to fill vacancies on the Planning Commission.

(1) The term of each appointed member, as defined in Subsection 2(2) and Subsection 2(3) above, shall be for three (3) years except as limited in said Subsection 2(2), and except upon first appointment of the membership upon adoption of this Ordinance in the form adopted on April 9, 1985, the terms are to be varied as follows to permit the establishment of overlapping terms of office:

3 Terms Expiring March 28, 1986

4 Terms Expiring March 28, 1987

4 Terms Expiring March 28, 1988

(2) The members of the Planning Commission may be reappointed.

OATH OF OFFICE

Section 4. Each member of the Planning Commission, shall, before assuming the duties of Commissioner, qualify by taking the oath of office which shall be administered by the County Clerk.

VACANCY ON COMMISSION

Section 5. A vacancy in the membership of the Commission shall be filled within sixty (60) days after the date of the vacancy, for the unexpired term, in the same manner as the position was previously filled.

REMOVAL OF MEMBER

Section 6. The Genesee County Board of Commissioners may remove any member of the Planning Commission for non-performance of duty or misconduct upon public hearing. A formal notice of charges shall be served on the accused at least one (1) month prior to the date of said hearing. Said

hearing shall be conducted in accordance of the requirements of due process of law.

APPROPRIATIONS FOR COMMISSION AND
REIMBURSEMENT OF MEMBERS

Section 7. (1) The County Board of Commissioners may appropriate funds for reimbursement of the members of the Commission for such reasonable and necessary expenses as may be deemed necessary for carrying out the powers herein conferred and the duties herein prescribed.

(2) All members of the Planning Commission shall receive the same compensation for their services; provided however, that ex-officio members, if any, shall serve without compensation. All members of the Planning Commission may receive mileage, at the same rate, for personal automobile use occasioned by their service as members. The compensation and mileage provided for herein shall be at the rates determined by, and established by resolution of, the Genesee County Board of Commissioners. All members of the Planning Commission may be reimbursed for actual, reasonable and necessary expenses incurred in the discharge of their duties. The amount of reimbursement shall be in accordance to the Genesee County Travel Regulations manual.

COMMISSION CHAIRMAN - SECRETARY - MEETINGS

Section 8. The Planning Commission shall elect at its regular September meeting, a Chairperson and Vice-Chairperson from its appointive members as defined in Sec. 2 (1), above, and appoint a Secretary (who is normally the Director-Coordinator of the Planning Commission); and create and fill such other offices as it may determine advisable. A member of the Genesee County Board of Commissioners shall not serve as an Officer of the Planning Commission. The Commission shall hold meetings as often as is determined necessary, but not less than four (4) regular meetings shall be held each year. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record. All meetings of the Planning Commission shall be public.

QUORUM -- VOTING

Section 9. A majority of the Planning Commission shall constitute a quorum for the transaction of the ordinary business of said Commission and all questions which shall arise at their meetings shall be determined by a vote of a majority of the members of the Planning Commission present, except that the allowance of a claim against the Planning Commission or the adoption of a plan for the development of the County, Metropolitan area or Regional district or area, or of any such part, amendment, extension or addition shall by resolution be approved by the affirmative vote of not less than a majority of the full membership of the Planning Commission.

PERSONNEL

Section 10. The Planning Commission may appoint a Director who shall serve at the pleasure of said Commission and may employ such other personnel as it may deem necessary, contract for the part-time or full-time services of planning and other technicians, and pay such other expenses within total funds provided for the Commission as it may deem necessary.

The appointment of employees shall be subject to the same provisions of law and County Policy (i.e., affirmative action and equal employment opportunity) as govern other corresponding employees of the County.

USE OF PUBLIC INFORMATION

Section 11. The Planning Commission is authorized and directed to make use of the expert advice and information which may be furnished by appropriate Federal, State, County, and Municipal officials, department and agencies having information, maps, and data pertinent to the functions carried out by the Planning Commission.

FUNCTIONS OF GENESEE COUNTY PLANNING COMMISSION

Section 12. The functions of the Genesee County Metropolitan Planning Commission shall include, but not necessarily be limited to the following:

(1) The development and maintenance of plans relating to the County's physical, economic and social development.

- (a) The plans may include planning in cooperation with the constituted authorities for incorporated areas in whole or to the extent to which, in the Commissioners' judgment, they are related to the planning of the unincorporated territory or of the County as a whole.
 - (b) The plans with accompanying maps, plats, charts and all pertinent and descriptive explanatory matter, shall show the Planning Commission's recommendation for the development of the County.
 - (c) In the preparation and maintenance of a County development plan, the Planning Commission shall make careful and comprehensive studies of the existing conditions and probable growth of the territory within its jurisdiction. Such plan shall be made with the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the county which will be in accordance with present and future needs for best promoting the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants, as well as for efficiency and economy in the process of development.
 - (d) It shall be the duty of the county planning commission to:
 - (1) make studies, investigations, and surveys relative to the economic, social and physical development of the county;
 - (2) formulate plans and make recommendations for the most effective economic, social and physical development of the county;
 - (3) cooperate with all departments of the state and federal governments and other public agencies concerned with programs directed towards the economic, social and physical development of the county, and seek the maximum coordination of the county programs of these agencies;
 - (4) consult with representatives of adjacent counties in respect to their planning so that conflicts in over-all county plans may be avoided.
- (2) The county planning commission may serve as a coordinating agency for all planning committees and commissions within the county.

METROPOLITAN AND REGIONAL PLANNING

Section 13. (1) The Planning Commission shall perform Metropolitan and Regional Planning whenever necessary or desirable. The Commission may engage in comprehensive planning, including but not limited to the following, to the extent directly related to urban needs.

(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 determination of relative urgency, together with definite financing plans for the improvements to be constructed in the earlier years of the program.

(c) Coordination of all related plans of the departments or subdivision of the government concerned.

(d) Intergovernmental coordination of all related planned activities among the State and local governmental agencies concerned.

(2) In addition to the powers conferred by other provisions of this act, the Commission may apply for, receive and accept grants from any governmental agency, or from the Federal Government, and agree to and comply with such terms and conditions as may be necessary, convenient or desirable. The Commission may do any and all things necessary or desirable to secure the financial aid or cooperation of the Federal Government in carrying out the functions of the Commission, when approved by a 2/3 vote of the County Board of Commissioners.

DUTY OF PLANNING COMMISSION

Section 14. It shall be the duty of the Planning Commission to:

(1) Make studies, investigations and surveys relative to the economic, social, and physical development of the County.

(2) Formulate plans and make recommendations for the most effective economic, social, and physical development of the County.

(3) Cooperate with all Departments of the State and Federal Government and all public and private agencies concerned with programs directed toward the economic, social, and physical development of the County and seek the maximum coordination of the County programs of these agencies.

(4) Consult with representatives of adjacent counties in respect to their planning so that conflicts in over-all county plans may be avoided.

(5) Assist and coordinate all planning efforts of all constituent units of government of the County of Genesee.

(6) Develop and maintain a central data bank of planning information for the use of all interested public and private agencies.

ADOPTION OF PLAN -- AMENDMENT

Section 15. It shall be the duty of the Genesee County Metropolitan Planning Commission to adopt a plan for the development of the County.

(1) The Planning Commission may adopt the plan as a whole by single resolution, or may by successive resolutions adopt successive parts of the plan, said parts corresponding to major geographical sections of the County and/or to functional divisions of the subject matter of the plan, and may adopt any amendments or extension thereof or addition thereto.

(2) The Metropolitan County Plan with accompanying maps, plats, charts, and descriptive and explanatory matter shall show the Commission's recommendations for the development of the County.

VOTE ON ADOPTION -- PUBLIC HEARING

Section 16. The adoption of the plan, or of any such part, amendment, extension or addition shall by Resolution be carried by the affirmative votes of not less than a majority of the full membership of the Commission after duly advertised public hearing. The Resolution shall refer expressly to the maps, plats, charts, and descriptive and explanatory matter intended by the Commission to form the whole or part of the plan, and the action taken shall be recorded on the maps, plats, charts, and descriptive and explanatory matter by the identifying signature of the Chairperson of the Commission.

CERTIFICATION OF PLAN/APPROVAL OF PROJECT BY COMMISSION

Section 17. Following adoption of the plan by the Planning Commission or any part thereof and the certification by the Commission to the

Genesee County Board of Commissioners of a copy of such plan, no work shall be initiated on any project involving the expenditure of funds by the County Board, department or agency for the acquisition of land, the erection of structures, the extension, construction or improvement of any physical facility by the County Board, department or agency unless a full description of the project, its proposed location and extent thereof shall have been submitted to the Planning Commission and the report and advice of the Commission shall have been received by the County Board of Commissioners and by the County Board, department or agency submitting the proposal.

WAIVER OF REVIEW

Section 18. The requirement for the Planning Commission's review shall be deemed to be waived if within thirty (30) days after the proposal has been filed with the Commission, the Commission fails to furnish in writing, its report and advice upon the proposal.

ADOPTION OF PLAN BY MUNICIPALITY

Section 19. Any plan describing the recommended development of an incorporated area shall not be recognized as an official plan for that area unless adopted by the municipality in the manner prescribed for the adoption of said plans by municipalities under the provisions of State statutes or local Charter.

PUBLICITY AND EDUCATION

Section 20. The Commission is hereby empowered to promote public interest in an understanding of the plan and to that end may publish and distribute copies of the Metropolitan County Plan or of any report thereon and may employ such other means of publicity and education as it may determine advisable. The Planning Commission, as part of its duties, shall consult and advise with public agencies, other planning commissions or committees, private organizations and agencies, and citizens of the County to develop adequate support and understanding of the objectives of the County Plan.

ATTENDANCE OF CONFERENCES -- EXPENSES

Section 21. Members of the Commission, when duly authorized by the Commission, may attend conferences and meetings dealing with planning problems and techniques and any hearings on pending planning legislation, and the Commission may, by resolution, pay all the reasonable traveling expenses incident to such attendance. Such reimbursement shall be in accordance to the Genesee County Travel Regulations.

GIFTS

Section 22. The Planning Commission shall have the right to accept and use gifts to be used for the purposes herein contained.

APPOINTMENT OF ADVISORY COMMITTEES

Section 23. The Planning Commission may appoint advisory committees or councils which may be composed of individuals qualified by experience, training, or interests to assist in the consideration and solution of County problems and representatives of the governmental subdivisions within the County, such as townships or incorporated places and other functional groups and agencies.

SAVING PROVISIONS

Section 24. If any section, sub-section, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such holding shall not be construed as affecting the validity of any of the remaining sections, sub-sections, paragraphs, sentences, clauses or phrases of this Ordinance or the Ordinance as an entirety; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any section or part of any section.

This Ordinance shall not impair or affect any act done, authority granted, agency created, or right accruing, accrued or acquired, or liability, or contractual obligation enjoyed or incurred under previous Resolution, to

the time this Ordinance takes effect, but the same may be enjoyed, asserted or enforced as fully and as to the same extent as if this Ordinance has not been passed.

ADOPTION AND AMENDMENTS TO ORDINANCE

Section 25. The amendments to the Genesee County Metropolitan Planning Ordinance shall be recorded in the minutes of the meetings of the Board of Commissioners of the County of Genesee, Michigan, at which it was adopted, which record shall be authenticated by the Clerk of said County and shall be published in the Flint Journal, a newspaper of general circulation within the said County.

A certified copy of this Ordinance, as amended, shall be promptly transmitted by the County Clerk, to the Governor of the State of Michigan for approval.

This Ordinance, as amended, shall become effective sixty (60) days after its adoption.

EFFECTIVE DATE

Section 26. The effective date of the Genesee County Metropolitan Planning Ordinance shall be the 8th day of June A.D. 1985.

APPENDIX B

Michigan Planning Enabling Act

P.A. 33 of 2008, eff. Sept. 1, 2008

The People of the State of Michigan enact:

ARTICLE I. GENERAL PROVISIONS

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

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 the effective date of this act 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) "Street" means a street, avenue, boulevard, highway, road, lane, alley, viaduct, or other way intended for use by automobiles.

Sec. 5. The assignment of a power or duty under this act to a county officer or body is subject to 1966 PA 293, MCL45.501 to 45.521, or 1973 PA 139, MCL 45.551 to 45.573, in a county organized under 1 of those acts.

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 the following criteria:

(a) Is coordinated, adjusted, harmonious, efficient, and economical.

(b) Considers the character of the planning jurisdiction and its suitability for 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.

(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.

ARTICLE II. PLANNING COMMISSION CREATION AND ADMINISTRATION

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.

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.

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 geography 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:

(a) 3, in a city that on the effective date of this act had a population of more than 2,700 but less than 2,800.

(b) 2, in a city or village that has, or on the effective date of this act 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 the effective date of this act 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.

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.

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.

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 PA442, MCL 15.231 to 15.246.

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 non-reverting 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.

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.

ARTICLE III. PREPARATION AND ADOPTION OF MASTER PLAN

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 territory or of the county as a whole.

(b) For a township that on the effective date of this act had a planning commission created under former 1931 PA285, 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 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.

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, 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 streets, railroads, airports, bicycle paths, pedestrian ways, bridges, waterways, and waterfront developments; sanitary sewers and water supply systems; facilities for flood prevention, drainage, pollution prevention, and maintenance of water levels; and 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, the means for implementing the master street plan 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).

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.

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.

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 and railroad company owning or operating a public utility or railroad 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.

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 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 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 and railroad company owning or operating a public utility or railroad 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.

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).

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.

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.

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.

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.

ARTICLE IV. SPECIAL PROVISIONS, INCLUDING CAPITAL IMPROVEMENTS AND SUBDIVISION REVIEW

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.

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.

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.

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.

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.

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, MCL560.172, 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.

ARTICLE V. TRANSITIONAL PROVISIONS AND REPEALER

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.

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 PA183, or the former township zoning act, 1943 PA 184, and under the Michigan zoning enabling act, 2006 PA 110, MCL125.3101 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.

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).

Enacting section 1. This act takes effect September 1, 2008.

APPENDIX C

Genesee County Solid Waste Ordinance

GENESEE COUNTY SOLID WASTE ORDINANCE

The Genesee County Board of Commissioners, pursuant to authority granted by MCL 46.11(j) hereby adopts the following ordinance:

ARTICLE I TITLE, PURPOSE, ADMINISTRATION, AUTHORITY AND JURISDICTION

Section 1.01 - Title

This Ordinance shall be known as the Genesee County Solid Waste Ordinance.

Section 1.02 - Purpose

The purpose of this Ordinance is to implement the Genesee County Solid Waste Management Plan, as amended, and as adopted pursuant to Part 115 of 451 P.A. 1994, to protect and promote the public health, safety and welfare of the inhabitants of Genesee County by regulating the collection, transportation, delivery, and disposal of solid waste; to establish conditions for issuing waste hauler permits; to provide residents and businesses an incentive to recycle, thereby reducing the volume of solid waste; to preserve and improve the environment; to provide penalties for violations of the Ordinance; and to establish a county surcharge on solid waste collected in Genesee County, transported through a transfer facility in Genesee County, or disposed of in Genesee County, the funds collected by this Ordinance to be used to support the administration and solid waste planning and implementation programs described in the Genesee County Solid Waste Management Plan, as amended.

Section 1.03 - Authority

This Ordinance is enacted pursuant to Section 11(j) of Michigan Public Act 156 of 1851, being Michigan Compiled Law 46.11(j); Act 451 of 1994, Part 115, being Michigan Compiled Law 324.11501 et seq., and the Genesee County Solid Waste Management Plan, as amended.

Section 1.04 - Jurisdiction

The jurisdiction of this Ordinance shall be countywide, including all cities, villages and townships in Genesee County.

Section 1.05 - Administration

The Genesee County Metropolitan Planning Commission shall be the agency responsible for administering and enforcing this Ordinance.

ARTICLE II DEFINITIONS

Section 2.01 - Definitions

For purposes of this Ordinance, the words and phrases listed below shall have the following meanings.

1. "Part 115" means the Part 115 of the Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of Michigan 1994, as amended, being Michigan Compiled Law 324.11501 et seq.
2. "Administrator" means the Genesee County Metropolitan Planning Commission.
3. "Board" means the Genesee County Board of Commissioners.
4. "County" means the County of Genesee, Michigan, acting by and through the Genesee County Board of Commissioners.
5. "Demolition and Construction Debris" means a type of solid waste consisting of non-hazardous waste building materials and rubble resulting from construction, remodeling, repair, and demolition of houses, commercial buildings, and other structures. Construction and demolition debris includes trees, stumps, and brush removed from property during construction, maintenance, or repair. Construction and demolition waste does not include any of the following, which is defined under this Ordinance as solid waste even if it results from construction, remodeling, repair, and demolition of structures which includes: (a) garbage, (b) furniture, (c) solid waste resulting from a processing technique that render individual waste components unrecognizable, such as pulverizing or shredding. It also does not include any of the following which may require special disposal considerations: (a) asbestos waste, (b) drums and containers, (c) fuel tanks, (d) corrugated container board, and (e) appliances.
6. "Garbage" for all purposes of this Ordinance, shall have the same meaning as Solid Waste.
7. "Landfill" means a disposal area for solid waste which has been issued a permit and is regulated by the Michigan Department of Environmental, Great Lakes, and Energy (EGLE) pursuant to Part 115 of the Natural Resources and Environmental Protection Act, being Michigan Compiled Law 324.11501 et seq. and which is included in the Plan.
8. "Person" means any individual, firm, public or private corporation, partnership, trust, public or private agency, or any other entity, or any group of such persons.
9. "Plan" means the Genesee County Solid Waste Management Plan, as amended.
10. "Premises" means a parcel of land, including any building or structures, within Genesee County used for residential, commercial, industrial, or institutional purposes either separately or in combination to which a separate street address, postal address or box, tax roll description, or other similar identification has been assigned to or is in use by a person having control of the area.
11. "Refuse" for all purposes of the Ordinance, shall have the same meaning as Solid Waste.
12. "Residential and Commercial Recyclable Material" means newspaper, glass bottles or jars, tin or steel cans, cardboard boxes, and high density polyethylene (HDPE) plastic containers.

13. "Solid Waste" means all miscellaneous, non-hazardous waste materials and matter resulting from household or living conditions, business operations and enterprises, general routine property use and maintenance, and physical construction and installations related to general routine property use including garbage, rubbish, waste materials from industrial and/or commercial business operations, and waste materials from the construction or repair of buildings and structures. It also includes animal waste and all rejected food wastes.
14. "Special Refuse" means furniture, household appliances, brush, large tree limbs, and other bulky refuse items, with the exception of construction and demolition debris.
15. "Transfer Station" means a tract of land, a building and any appurtenances, or a container, or any combination of land, buildings, or containers that is used or intended for use in the rehandling or storage of solid waste incidental to the transportation of the solid waste, but is not located at the site of generation or the site of disposal of the solid waste, which has been issued a permit and is regulated by the Michigan Department of Environmental, Great Lakes, and Energy (EGLE), pursuant to Part 115 of the Natural Resources and Environmental Protection Act, being Michigan Compiled Law 324.11501 et seq. and which is included in the Plan.
16. "Waste Hauler" means any person primarily engaged in the business of collection, transportation, delivery, or disposal of solid waste within the County.

ARTICLE III PERMIT REQUIREMENT FOR WASTE HAULERS

Section 3.01 - Waste Hauler Permit

Subject to the penalties in Section 6.03, no waste hauler shall engage in the business of collecting, transporting, delivering, or disposing of solid waste generated by another person in Genesee County, without regard to the origin or disposal site of the waste, without first obtaining a waste hauler's permit.

Section 3.02 - Permit Application

Any person falling under Section 3.01 shall make written application to the Administrator on forms provided by or prescribed by the Administrator. The application shall require such information as will enable the Administrator to determine whether the applicant, if issued a permit, will serve the public in compliance with requirements of the Ordinance.

Section 3.03 - Permit Fee

Annual waste hauler application or renewal licensing fees must be paid by the applicant upon submittal of a permit application to the Administrator.

Waste Hauler Permit Fee: At the time of the application for a waste hauler permit, a non-refundable permit fee of \$20.00 for each vehicle to be used within Genesee County shall be paid to the Administrator.

The fee schedule shall continue in full force and effect until amended by the Board. The Board may, by resolution, decrease or increase any fee.

Provided: A waste hauler, transfer station operator or landfill operator may negotiate a contract with the County to waive or reduce permit fees, or to establish other terms or conditions relating to implementation of the Plan. The terms of such contract will control over the provisions of this section.

Section 3.04 - Approval or Denial of Permit

Upon receipt of a complete application and upon payment of the permit fee, the Administrator shall grant or deny the permit within forty-five (45) days of receipt by the Administrator.

The Administrator may deny the issuance of the permit for any of the following reasons:

1. Failure of the applicant to comply with this Ordinance.
2. Violations of this Ordinance or any other applicable federal, state, county, and local laws, statutes, rules and regulations, including but not limited to those pertaining to the collection, transporting, delivering, or its disposing of solid waste generated within Genesee County.
3. Prior criminal convictions (other than minor traffic offenses), when such bear on the ability of the applicant to serve the public as a waste hauler in a fair, honest, safe, and lawful manner, or any conviction in connection with solid waste collection, processing, and disposal activities in the last three (3) years by the applicant, its subsidiaries, or its parent company; or prior waste hauler permit revocation(s) by the applicant, its subsidiaries, or its parent company.
4. Misrepresentations of any material fact in the application for the permit.

If the waste hauler permit is denied, the Administrator shall not refund the application permit fee. Any waste hauler whose permit or conditional permit is denied has the right to an appeal hearing before the Waste Haulers Permit Board of Review.

Section 3.05 - Permit Expiration and Renewal

A permit issued under Section 3.04 shall be valid until the remaining of the fiscal year in which the permits were issued except in instances where the permits are renewed for the following fiscal year. Permits shall be renewed annually following the same procedures set forth in Section 3.03.

Section 3.06 - Non-Transferability of Permits

No permit shall be transferable unless approval is granted by the Administrator.

Section 3.07 - Exemptions

1. Persons who, upon request, can verify that they are performing one-time services for neighbors, family or friends, or individuals hauling materials from their own home are exempt from the requirements of this section. The Administrator may require appropriate proof that the solid waste was legally disposed of before an exemption is granted.
2. Publicly owned wastewater treatment plants operating within Genesee County that landfill sludge from their facilities are exempt from the requirements of this section.

ARTICLE IV CONDITIONS OF WASTE HAULER PERMIT

Section 4.01 - General Permit Conditions

It shall be a condition of each waste hauler permit that the waste hauler shall comply with all the following:

1. All provisions of this Ordinance, and the Rules adopted under the authority of this Ordinance.

2. All applicable federal, state, county, and local laws, statutes, rules and regulations, including but not limited to those pertaining to the collecting, transporting, delivering, or disposing of solid waste generated within Genesee County
3. All applicable provisions of the Plan, as required under Part 115, and any agreements regarding inter-county transport of solid waste authorized or restricted through the Plan.

Section 4.02 - Specific Permit Conditions

As a condition of a waste hauler permit issued pursuant to this Ordinance, the permit holder shall agree to:

1. File with the Administrator a permit application including each of the following:
 - a) A description of the number and types of equipment the applicant will use the types of collection services to be provided, and the geographic areas served by the permit holder for handling solid waste within the County.
 - b) Provide proof of minimum liability insurance as follows:

Commercial General Liability (including contractual liability, Independent contractors' coverage, and broad form general liability extensions)

Personal/Bodily Injury: \$1,000,000 each person
 \$1,000,000 each accident

Property Damage: \$1,000,000 each accident
 \$1,000,000 each aggregate

Motor Vehicle Liability (including hired cars and auto non-ownership)

Bodily Injury: \$1,000,000 each person
 \$1,000,000 each occurrence

Property Damage: \$1,000,000 each accident
 \$1,000,000 each aggregate

Further, the insurance policy shall include an endorsement stating that it is understood and agreed by the permit holder and its insurance company that thirty (30) days advance written notice of cancellation, non-renewal, reduction, and/or material change shall be sent to the Administrator.

2. **File quarterly reports** with the Administrator by the fifteenth day of January, April, July and October of each year containing the operations information from the previous full three-month period. This information shall include the quantities (in cubic yards loose or compact) of solid waste, including demolition and construction debris, and special refuse collected by the permit holder within the jurisdiction of this Ordinance. It shall also include either the names or addresses, or the number of accounts for all Genesee County commercial and residential accounts. The report shall also indicate where the waste was landfilled. Waste haulers shall retain billing and dumping receipts for a minimum of one year. The report shall also indicate the amounts (cubic yards or tonnage) of recyclables collected by the waste hauler.
3. Notify the Administrator in writing thirty (30) days prior to any substantive change in the information filed under Subsection (a) above.

ARTICLE V COUNTY SURCHARGE

Section 5.01 - County Surcharge

The county surcharge will be \$0.45 per cubic yard of solid waste collected in Genesee County, passed through a transfer station located in Genesee County or landfilled in Genesee County. PROVIDED, that any waste hauler, transfer station operator or landfill operator who has entered an agreement with the County which provides for alternate methods of payment of the surcharge, and which contract is in force, shall be exempt from the requirements of this Article. In instances of quarterly payments owed to the County totaling less than \$1.00, the amount owed will rollover to the following quarter until a \$1.00 threshold is reached. In instances where the total annual amount owed is less than \$1.00 the surcharge will be waived. Payments must be submitted with the quarterly report within 15 days following the end of the quarter.

Section 5.02 - Collection of County Surcharge by Landfill Operator

The county surcharge for waste which is disposed of in a licensed Genesee County landfill shall be collected by the landfill operator. A landfill operator shall pay to the Administrator the county surcharge on a quarterly basis. The payment shall be due within thirty days after each quarter of a calendar year has ended. A landfill operator shall maintain records of the collection of the county surcharge for a period of 5 years. Records pertaining to the volume of waste accepted by a landfill shall be made available for review by the Administrator.

Section 5.03 - Collection of County Surcharge by Transfer Station Operator

The county surcharge for waste which is disposed of outside Genesee County, and which passes through a transfer station shall be collected by a transfer station operator. A transfer station operator shall pay to the Administrator the county surcharge on a quarterly basis. The payment shall be due within thirty days after each quarter of a calendar year has ended. A transfer station operator shall maintain records of the collection of the county surcharge for a period of five (5) years. Records pertaining to the volume of waste passing through a transfer station shall be made available for review by the Administrator.

Section 5.04 - Collection of County Surcharge by Waste Hauler

The county surcharge for waste generated in Genesee County which is disposed of outside Genesee County, and which does not pass through a transfer station shall be collected by the waste hauler. A waste hauler shall pay to the Administrator the county surcharge on a quarterly basis. The payment shall be due within thirty days after each quarter of a calendar year has ended. A waste hauler shall maintain records of the collection of the county surcharge for a period of 5 years. Records pertaining to the volume of waste handled by a waste hauler shall be made available for review by the Administrator.

Section 5.05 - Independent Audit by Administrator

The Administrator shall have the right, at its own cost, from time to time at reasonable times, to hire an independent auditor to cause an audit to be made of landfill, transfer station and waste haulers' records for the purpose of verifying the accuracy of county surcharge payments made by the landfill, transfer station or waste hauler. The Administrator, through the independent audit, shall not record or abstract any information concerning landfill, transfer station or waste haulers' operations not necessary for that determination. Any overpayment or underpayment discovered as the result of such audit shall be refunded to the landfill, transfer station or waste hauler, in the case of overpayment; or paid to the Administrator, in the case of underpayment, within thirty (30) days of completion of the audit.

ARTICLE VI ENFORCEMENT

Section 6.01 - Enforcement

The Administrator shall enforce the provisions of the Ordinance.

Section 6.02 - Penalties

A person violating the provisions of this Ordinance shall be guilty of a misdemeanor punishable by a fine of up to \$500.00, or imprisonment not to exceed ninety days, or both. Each day a violation exists shall be considered a separate violation.

Section 6.03 - Limitation, Suspension or Revocation of Waste Hauler Permit

The Administrator shall have the right to limit or suspend a waste hauler's permit for violations of this Ordinance. Waste hauler permits may be revoked when a serious violation of this Ordinance is identified on a repeated basis. A waste hauler permit may be suspended or revoked as follows:

1. In the case of a first and single violation of this Ordinance, the waste hauler permit holder will be given notification, in writing, of provisions for permit suspension or revocation in the event of additional or further violations; and
2. In the case of two (2) violations within a single year, the permit may be suspended for thirty (30) days; and
3. In the case of three (3) violations within a single year, the permit may be suspended for ninety (90) days; and
4. In the case of four (4) violations within a single year, the permit may be revoked...

Except as otherwise herein provided, notice of a decision to deny, limit, suspend or revoke a waste hauler permit must be personally served on, or sent by first class mail to the last known address of, the permit holder or applicant for a permit.

The notice must state the reasons for the decision to deny, limit, suspend or revoke a permit. The statement of reasons shall include a citation to a specific violation of this Ordinance.

The notice must also advise the permit holder or applicant for permit of the right to seek review by the Waste Haulers' Permit Board of Review of the Administrator's decision and of the procedures for obtaining such review.

Following service of the notice as provided above and, except as otherwise herein provided, an aggrieved permit holder or applicant for permit shall have ten (10) business days in which to file a Petition for Review of the Decision.

Failure by the permit holder or applicant for permit to timely file a petition for review shall cause the decision to become a Final Order of Immediate Effect.

Section 6.04 - Establishment of Waste Haulers' Permit Board of Review

The Board of Commissioners shall appoint not less than three individuals to comprise a Waste Haulers' Permit Board of Review. The procedures which follow apply to persons who seek administrative review of a decision to deny, limit, suspend or revoke a waste hauler permit.

A quorum of the Waste Haulers' Permit Board of Review shall consist of one more than one-half the membership, one of whom is also a member of the Board of Commissioners.

A decision of the Waste Haulers' Permit Board of Review requires a vote of a majority of the quorum.

Section 6.05 - Waste Haulers' Permit Board of Review Procedures

Except as otherwise herein provided, hearings shall be scheduled not more than fourteen (14) days following the day on which a petition for review is filed. Notice of the date, time, and place of the hearing shall be personally served on, or sent by first class mail to, the permit holder or applicant for permit.

An aggrieved permit holder or applicant for permit shall not discuss details of the case with any member of the Waste Haulers' Permit Board of Review prior to the hearing or shall not attempt to influence Board of Review members in any way preparatory to release of a Final Order.

Section 6.06 - Conduct of Waste Haulers' Permit Board of Review Hearing

The conduct of a hearing before the Waste Haulers' Permit Board of Review shall conform as nearly as practicable to the Procedures in Contested Cases, Chapter 4, of the "Administrative Procedures Act," being Act 306, P.A. 1969, as amended [MCL 24.271 et seq].

The presiding officer shall perform the typical duties of a presiding officer in a contested case including, but not limited to, administering oaths and affirmations, and ruling on objections, motions and the admissibility of evidence.

The parties (i.e., the Administrator and the aggrieved applicant or permit holder) to a contested case before the Waste Haulers' Permit Board of Review shall, among other things, have the right to direct and cross-examine witnesses, submit documentary evidence, redirect or recross-examine witnesses and submit rebuttal evidence.

Section 6.07 - Final Order

A Final Order issued following a hearing shall be supported by and made in accordance with competent, material, and substantial evidence in accordance with Act 306, P.A. 1969, as amended [MCL 24.285 et seq]. The order may take the form of a decision to affirm, modify, or rescind the original decision. The Final Order may be issued before the Board of Review adjourns or within fifteen (15) calendar days following the hearing.

ARTICLE VII RULES

Section 7.01 - Adoption of Rules

The County Board of Commissioners may adopt Rules to carry out the provisions of this Ordinance including those pertaining to the establishment, administration, and enforcement of waste hauler licensing requirements and service specifications.

The Rules may be amended from time to time by the County Board of Commissioners.

ARTICLE VIII MISCELLANEOUS

Section 8.01 - Severability

Sections of the Ordinance shall be deemed severable, and should any section, clause, or provision of this Ordinance be declared invalid, it shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 8.02 - Effective Date

This Ordinance shall become effective immediately upon publication in a newspaper of general circulation in Genesee County.

Amended: August 1, 2021 – Resolution #2021-562