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COUNTY EXECUTIVE AS MEMBER OF PARKS AND RECREATION COMMISSION

House Bill 5843 as introduced First Analysis (10-3-00)

Sponsor: Rep. John Pappageorge
**First Committee: Local Government and
Urban Policy**
**Second Committee: Conservation and
Outdoor Recreation**

THE APPARENT PROBLEM:

Public Act 261 of 1965, which regulates county and regional parks, specifies that a county board of commissioners may create a county parks and recreation commission, whose membership is to consist of the chair of the county road commission (or another road commissioner so designated), the county drain commissioner, the chair of the county planning commission (or another planning commissioner so designated), and seven members appointed by the commissioners. In a county that does not have a county planning commission, then the chair of the regional planning commission serves, if that person is a county resident. If not, then the board of commissioners must appoint another member of the regional planning commission who is a county resident.

Oakland County does not have a planning commission, but is a member of the regional planning commission (SEMCOG, the Southeast Michigan Council of Governments). However, the chair of that commission is appointed for only a one-year term. Consequently, in order to avoid confusion and a lack of continuity, the board of commissioners has adopted the practice of designating its County Executive -- or his designee -- as a member of the county regional planning agency, to fill the position on the parks and recreation commission. Moreover, the board of commissioners recently adopted a resolution (Miscellaneous Resolution 108) which incorporates these facts, and which also urges that Public Act 261 be amended to require that the county executive be designated as a member of parks and recreation commissions in a county such as theirs -- one with a population of more than one million, and that also elects a county executive.

THE CONTENT OF THE BILL:

House Bill 5843 would amend Public Act 261 of 1965, which prescribes the powers and duties of county and regional parks and recreation commissions. The bill would require that the county executive be a member of the parks and recreation commission in a county that has a population of more than one million and that elects a county executive.

Currently a county board of supervisors can create a county parks and recreation commission if a resolution is adopted by a two-thirds vote of its members. The bill would update the term 'supervisors', changing it to 'commissioners'.

Further and under the law, the parks and recreation commission consists of the chair of the county road commission (or another road commissioner so designated), the county drain commissioner, the chair of the county planning commission (or another planning commissioner so designated), and seven members appointed by the commissioners, at least one and not more than three of whom must be members of the county board of commissioners. In a county that does not have a county planning commission, then the chair of the regional planning commission serves, if that person is a resident of that county. If not, then the board, by a two-thirds vote, appoints a member of the regional planning commission who is a county resident.

Under House Bill 5843, a county parks and recreation commission would retain these 10 members, except that in a county that had a population of more than one million and that elected a county executive, the county executive (or a designee) would serve instead of the chair of the county planning commission. However, in

a county with a population one million or less, the chair of the planning commission (or another planning commissioner so designated) would serve as a member.

MCL 46.351

FISCAL IMPLICATIONS:

The House Fiscal Agency (HFA) estimates that the bill would have no impact on state funds. (9-20-00)

ARGUMENTS:

For:

As the only county in Michigan with a population of more than one million which falls under the provisions of Public Act 261 of 1965, the provisions of the bill would apply only to Oakland County. (Wayne County also has a population of more than one million, but doesn't fall under the provisions of Public Act 261, since it was organized under a county charter. Like Oakland County, Bay County also has an elected elective, and is controlled by Public Act 261, but its population is less than one million.)

Current law places no distinction, based on population, on how any county may appoint a member to the parks and recreation commission. Oakland County, which doesn't have a planning commission, recently adopted a resolution stating that, since the position of president of its regional planning commission is for a one-year term, it has adopted the practice of appointing its county executive to the county parks and recreation commission, in order to avoid confusion and a lack of continuity. The bill simply would establish in statute the county's current practice of designating its county executive as a member of the county parks and recreation commission.

POSITIONS:

The Oakland County Executive Office supports the bill. (9-29-00)

The Michigan Association of Counties (MAC) has no position on the bill. (9-29-00)

Analyst: R. Young

#This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.