

SENATE BILL No. 726

August 5, 2009, Introduced by Senators BIRKHOLZ, HARDIMAN and JANSEN and referred to the Committee on Local, Urban and State Affairs.

A bill to amend 2008 PA 33, entitled
"Michigan planning enabling act,"
by amending section 15 (MCL 125.3815).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

8 (2) A city, village, or township planning commission shall
9 consist of 5, 7, or 9 members. A county planning commission shall

1 consist of 5, 7, 9, or 11 members. Members of a planning commission
2 other than ex officio members under subsection (5) shall be
3 appointed for 3-year terms. However, of the members of the planning
4 commission, other than ex officio members, first appointed, a
5 number shall be appointed to 1-year or 2-year terms such that, as
6 nearly as possible, the terms of 1/3 of all the planning commission
7 members will expire each year. If a vacancy occurs on a planning
8 commission, the vacancy shall be filled for the unexpired term in
9 the same manner as provided for an original appointment. A member
10 shall hold office until his or her successor is appointed.

11 (3) The membership of a planning commission shall be
12 representative of important segments of the community, such as the
13 economic, governmental, educational, and social development of the
14 local unit of government, in accordance with the major interests as
15 they exist in the local unit of government, such as agriculture,
16 natural resources, recreation, education, public health,
17 government, transportation, industry, and commerce. The membership
18 shall also be representative of the entire ~~geography~~ **TERRITORY** of
19 the local unit of government to the extent practicable.

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

24 (a) 3, in a city that on ~~the effective date of this act~~
25 **SEPTEMBER 1, 2008** had a population of more than 2,700 but less than
26 2,800.

27 (b) 2, in a city or village that has, or on ~~the effective date~~

1 ~~of this act~~ **SEPTEMBER 1, 2008** had, a population of less than 5,000,
2 except as provided in subdivision (a).

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

5 (5) In a township that on ~~the effective date of this act~~
6 **SEPTEMBER 1, 2008** had a planning commission created under former
7 1931 PA 285, 1 member of the legislative body or the chief elected
8 official, or both, may be appointed to the planning commission, as
9 ex officio members. In any other township, 1 member of the
10 legislative body shall be appointed to the planning commission, as
11 an ex officio member. In a city, village, or county, the chief
12 administrative official or a person designated by the chief
13 administrative official, if any, the chief elected official, 1 or
14 more members of the legislative body, or any combination thereof,
15 may be appointed to the planning commission, as ex officio members,
16 unless prohibited by charter. However, in a city, village, or
17 county, not more than 1/3 of the members of the planning commission
18 may be ex officio members. Except as provided in this subsection,
19 an elected officer or employee of the local unit of government is
20 not eligible to be a member of the planning commission. The term of
21 an ex officio member of a planning commission shall be as follows:

22 (a) The term of a chief elected official shall correspond to
23 his or her term as chief elected official.

24 (b) The term of a chief administrative official shall expire
25 with the term of the chief elected official that appointed him or
26 her as chief administrative official.

27 (c) The term of a member of the legislative body shall expire

1 with his or her term on the legislative body.

2 (6) For a county planning commission, the county shall make
3 every reasonable effort to ensure that the membership of the county
4 planning commission includes a member of a public school board or
5 an administrative employee of a school district included, in whole
6 or in part, within the county's boundaries. The requirements of
7 this subsection apply whenever an appointment is to be made to the
8 planning commission, unless an incumbent is being reappointed or an
9 ex officio member is being appointed under subsection (5).

10 (7) Subject to subsection (8), a city or village that has a
11 population of less than 5,000, and that has not created a planning
12 commission by charter, may by an ordinance adopted under section
13 11(1) provide that 1 of the following boards serve as its planning
14 commission:

15 (a) The board of directors of the economic development
16 corporation of the city or village created under the economic
17 development corporations act, 1974 PA 338, MCL 125.1601 to
18 125.1636.

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

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

27 (8) Subsections (1) to (5) do not apply to a planning

1 commission established under subsection (7). All other provisions
2 of this act apply to a planning commission established under
3 subsection (7).

4 **(9) TO BE ELIGIBLE TO BE A MEMBER OF A PLANNING COMMISSION, AN**
5 **INDIVIDUAL SHALL BE AT LEAST 18 YEARS OF AGE.**

6 **(10)** ~~(9)~~—The legislative body may remove a member of the
7 planning commission for misfeasance, malfeasance, or nonfeasance in
8 office upon written charges and after a public hearing. Before
9 casting a vote on a matter on which a member may reasonably be
10 considered to have a conflict of interest, the member shall
11 disclose the potential conflict of interest to the planning
12 commission. The member is disqualified from voting on the matter if
13 so provided by the bylaws or by a majority vote of the remaining
14 members of the planning commission. Failure of a member to disclose
15 a potential conflict of interest as required by this subsection
16 constitutes malfeasance in office. Unless the legislative body, by
17 ordinance, defines conflict of interest for the purposes of this
18 subsection, the planning commission shall do so in its bylaws.

19 **(11)** ~~(10)~~—An ordinance creating a planning commission may
20 impose additional requirements relevant to the subject matter of,
21 but not inconsistent with, this section.