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PLANNING COMMISSION MEMBERS: FEWER IN SMALL MUNICIPALITIES

House Bill 4034 (Substitute H-1) First Analysis (3-19-97)

Sponsor: Rep. James M. Middaugh
Committee: Local Government

THE APPARENT PROBLEM:

Public Act 285 of 1931, which deals with municipal planning, generally requires a nine-member planning commission and specifies the various ways such a commission can be structured and the nature of the appointment of members. In some small communities, it can be difficult to recruit and retain planning board members. Legislation enacted 10 years ago recognized this and permitted cities and villages with populations under 5,000 to have certain specified other boards do double duty and also serve as the planning commission; the boards of an economic development corporation, a downtown development authority, or a tax increment finance authority would qualify. Legislation has been proposed to provide another alternative for smaller communities: allow planning commissions to be composed of fewer than nine members at the discretion of the local legislative body.

THE CONTENT OF THE BILL:

House Bill 4034 would amend Public Act 285 of 1931 to permit a planning commission of five, seven, or nine members in a municipality (city, village, or township) with a population of less than 5,000, with the number to be determined by the local legislative body.

Under the bill, one of the commission members would be a member of the legislative body selected by resolution of that body to serve as an ex officio member with full voting rights. The remainder of the members would be appointed by the mayor, subject to the approval of the local legislative body by majority vote. An appointed member could not hold another municipal office, except he or she could serve on the zoning board of appeals or adjustment. Members would serve three-year terms or until a successor took office, and could be removed, after a public hearing, for insufficiency, neglect of duty, or malfeasance in office. The legislative body's ex officio member could be removed by the legislative body for the same reasons. (The ex officio member's term would be set out in the appointment resolution but could not exceed the member's term on the legislative body.) Initial terms would be staggered: for a seven-member commission,

two members first appointed would serve for one year and two members would serve for two years; for a five-member commission, one member first appointed would serve for one year and two for two years.

The term "mayor" in the act is defined as the chief executive of the municipality, whether the official designation of his or her office be mayor, city manager, or otherwise. The term "population" would be added by the bill so that it would refer to the most recent federal decennial census or according to a special census conducted for state revenue sharing purposes, whichever was the more recent.

(Note: Public Act 65 of 1987 permits a city or village with a population under 5,000 that has not established a planning commission by charter to have one of the following boards serve as its planning commission: the board of directors of the economic development corporation; the board of a downtown development authority; or a board of a tax increment finance authority. In the latter two cases, the border of the authority must be the same as the border of the city or village. When one of those three boards serves as the planning committee, the usual requirements regarding the number of members and method of appointment do not apply.)

MCL 125.33

FISCAL IMPLICATIONS:

The House Fiscal Agency reports that the bill would have no fiscal impact on the state and could result in cost savings to local units in reduced compensation costs for planning commission members. (Fiscal Note dated 1-16-97)

ARGUMENTS:

For:

Recruiting and retaining planning commission members can be difficult in smaller communities. The tasks would be made easier if the planning commissions had

fewer slots to fill. The bill would let a local unit decide to have a planning commission of five or seven members instead of nine. It would be permissive. The municipal planning law already allows an exception from the usual membership requirements for planning commissions; other specified boards can serve the function rather than having a separate body. This would provide another alternative.

POSITIONS:

The Michigan Municipal League supports the bill. (3-18-97)

The Michigan Townships Association supports the bill. (3-18-97)

Analyst: C. Couch

■ 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.