
Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 4034 (Substitute H-1 as reported without amendment)
Sponsor: Representative James M. Middaugh
House Committee: Local Government
Senate Committee: Local, Urban and State Affairs

Date Completed: 5-16-97

RATIONALE

Public Act 285 of 1931, which provides for the creation and organization of city, village, and municipal planning commissions, requires that a planning commission consist of nine members. Evidently, recruiting people to serve on commissions frequently is a problem in smaller communities. For example, officials in Lawton, a village located in southwest Michigan, note that due to the difficulty in recruiting residents to serve on village boards, many of the persons who volunteer serve on more than one board. Consequently, the membership of these groups sometimes consists of the same people, making it difficult for the various bodies to schedule meetings and have a quorum of the members to conduct business. Some people believe that the Act should permit local legislative bodies in small communities to determine the size of their planning commissions.

CONTENT

The bill would amend Public Act 285 of 1931 to permit a planning commission to consist of five, seven, or nine members in a municipality (city, village, or township) with a population of less than 5,000. The size of the commission would be determined by the local legislative body. One member of the commission would have to be a member of the legislative body, and would serve as an ex officio member.

Currently, a planning commission is required to consist of nine members. Under the bill, the planning commission of a municipality with a population of less than 5,000 could consist of five, seven, or nine members, as determined by the municipality's legislative body. One of the members would have to be a member of the legislative body to be selected by resolution of that body to serve as an ex officio member. The

remainder of the members would have to be appointed by the mayor, subject to the approval of the legislative body by majority vote. The bill specifies that all ex officio members appointed under the bill would have full voting rights. All appointed members of the commission could be compensated at a rate to be determined by the appointing or legislative body.

An appointed member could not hold another municipal office, except that one appointed member could be a member of a zoning board of adjustment or appeals. The term of office for the ex officio member would have to be determined by the legislative body and stated in the resolution that selected this member. The term, however, could not exceed the member's term of office as a member of the legislative body. Except as otherwise provided, the term of each appointed member would be three years, or until his or her successor took office, except that the respective terms of two of the members first appointed would be one year, and two years for three of the appointed members.

After a public hearing, a member other than the member selected by the legislative body could be removed by the mayor for inefficiency, 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.

For a five-member planning commission, the term of office of one of the members first appointed would be one year and two years for two of the members. For a seven-member planning commission, the terms of two of the members first appointed would be one year and two years for two of the members.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Recruiting people to serve on planning commissions frequently is a problem in smaller communities. The task would be made easier if a planning commission had fewer positions to fill. The bill would permit the local government of a small community to decide to have a planning commission of either five or seven members, instead of nine as currently required. The Legislature previously recognized a similar recruitment problem that affected planning commissions in municipalities with populations of 5,000 or less. Public Acts 65 through 68 of 1987 amended various laws to allow certain specified boards, such as economic development corporation boards, to serve as planning commissions or to permit planning commissions to serve as those boards. The bill would provide another alternative for these communities.

Legislative Analyst: L. Arasim

FISCAL IMPACT

The bill would reduce local unit costs associated with a planning commission to the degree that local units with a population less than 5,000 reduced the number of planning commission members. The bill would have no State fiscal impact.

Fiscal Analyst: R. Ross

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.