

HOUSE BILL No. 4034

January 8, 1997, Introduced by Rep. Middaugh and referred to the Committee on Local Government.

A bill to amend 1931 PA 285, entitled

"An act to provide for city, village and municipal planning; the creation, organization, powers and duties of planning commissions; the regulation and subdivision of land; and to provide penalties for violation of the provisions of this act,"

by amending section 3 (MCL 125.33), as amended by 1986 PA 5.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) Except as provided in subsections (2), ~~and~~
2 (3), AND (4), the PLANNING commission shall consist of 9 members
3 who shall represent insofar as is possible different professions
4 or occupations, and who shall be appointed by the mayor, if the
5 mayor is an elective officer, otherwise by the officer as the
6 ~~council~~ LEGISLATIVE BODY may in the ordinance creating the com-
7 mission designate as the appointing officer. ~~, but~~ HOWEVER, an
8 appointment shall always be subject to the approval by a majority
9 vote of the members elect of the legislative body of the

1 municipality. All members of the PLANNING commission may be
2 compensated at a rate to be determined by the appointing or leg-
3 islative body and shall hold no other municipal office, except
4 that 1 of the members may be a member of the zoning board of
5 adjustment or appeals or a member of a joint fire administrative
6 board. The term of each member shall be 3 years, except that 3
7 members of the first PLANNING commission to be so appointed shall
8 serve for the term of 1 year, 3 for a term of 2 years, and 3 for
9 a term of 3 years. ~~All members~~ A MEMBER shall hold office
10 until ~~their successors are appointed. Members~~ HIS OR HER SUC-
11 CESSOR IS APPOINTED. A MEMBER may, after a public hearing, be
12 removed by the mayor for inefficiency, neglect of duty, or mal-
13 feasance in office.

14 (2) If considered desirable by the ~~council~~ LEGISLATIVE
15 BODY, the PLANNING commission may consist of the mayor, 1 ~~of~~
16 ~~the~~ administrative ~~officials~~ OFFICIAL of the municipality
17 selected by the mayor, and 1 member of the ~~council~~ LEGISLATIVE
18 BODY to be selected by the ~~council~~ LEGISLATIVE BODY as members
19 ex officio, and 6 other persons who shall be appointed by the
20 mayor as provided in this section. ~~All~~ AN appointed ~~members~~
21 MEMBER of the PLANNING commission may be compensated at a rate to
22 be determined by the appointing or legislative body. An
23 appointed member shall not hold another municipal office except
24 that 1 ~~of the~~ appointed ~~members~~ MEMBER may be a member of the
25 zoning board of adjustment or appeals or a member of a joint fire
26 administrative board. The terms of ex officio members shall
27 correspond to their respective official tenures, except that the

1 term of the administrative official selected by the mayor shall
2 terminate with the term of the mayor. The term of each appointed
3 member, if 6 members are appointed, shall be 3 years or until his
4 or her successor takes office, except that the respective terms
5 of 2 of the members first appointed shall be for 1 year and 2 for
6 2 years. After A public hearing, a member other than the member
7 selected by the ~~council~~ LEGISLATIVE BODY may be removed by the
8 mayor for inefficiency, neglect of duty, or malfeasance in
9 office. The ~~council~~ LEGISLATIVE BODY may for like cause remove
10 the member selected by the ~~council~~ LEGISLATIVE BODY. All ex
11 officio members appointed under this subsection shall have full
12 voting rights.

13 (3) If considered desirable by the ~~council~~ LEGISLATIVE
14 BODY, the PLANNING commission may consist of 9 members, 1 of whom
15 shall be a member of the ~~council~~ LEGISLATIVE BODY to be
16 selected by resolution of the ~~council~~ LEGISLATIVE BODY to serve
17 as a member ex officio, and 8 of whom shall be appointed by the
18 mayor as provided in this section. An appointment by the mayor
19 shall be subject to approval of the ~~council~~ LEGISLATIVE BODY by
20 majority vote. All appointed members of the commission may be
21 compensated at a rate to be determined by the appointing or leg-
22 islative body. An appointed member shall not hold another munic-
23 ipal office, except that 1 ~~of the~~ appointed ~~members~~ MEMBER
24 may be a member of the zoning board of adjustment or appeals.
25 The term of the ex officio member shall be determined by the
26 ~~council~~ LEGISLATIVE BODY and shall be stated in the resolution
27 selecting the ex officio member, but the term shall not exceed

1 the member's term of office as a ~~council~~ member OF THE
2 LEGISLATIVE BODY. The term of each appointed member shall be 3
3 years or until his or her successor takes office, except that the
4 respective terms of 2 of the members first appointed shall be for
5 1 year and 3 for 2 years. After A public hearing, a member other
6 than the member selected by the ~~council~~ LEGISLATIVE BODY may be
7 removed by the mayor for inefficiency, neglect of duty, or mal-
8 feasance in office. The ~~council~~ LEGISLATIVE BODY may for like
9 cause remove the member selected by the ~~council~~ LEGISLATIVE
10 BODY. All ex officio members appointed under this subsection
11 shall have full voting rights.

12 (4) IF CONSIDERED DESIRABLE BY THE LEGISLATIVE BODY OF A
13 CITY OR VILLAGE THAT HAS A POPULATION OF LESS THAN 5,000, THE
14 PLANNING COMMISSION SHALL CONSIST OF 5, 7, OR 9 MEMBERS, 1 OF
15 WHOM SHALL BE A MEMBER OF THE LEGISLATIVE BODY TO BE SELECTED BY
16 RESOLUTION OF THE LEGISLATIVE BODY TO SERVE AS A MEMBER EX OFFI-
17 CIO, AND THE REMAINDER OF WHOM SHALL BE APPOINTED BY THE MAYOR AS
18 PROVIDED IN THIS SECTION. AN APPOINTMENT BY THE MAYOR SHALL BE
19 SUBJECT TO APPROVAL OF THE LEGISLATIVE BODY BY MAJORITY VOTE.
20 ALL APPOINTED MEMBERS OF THE COMMISSION MAY BE COMPENSATED AT A
21 RATE TO BE DETERMINED BY THE APPOINTING OR LEGISLATIVE BODY. AN
22 APPOINTED MEMBER SHALL NOT HOLD ANOTHER MUNICIPAL OFFICE, EXCEPT
23 THAT 1 APPOINTED MEMBER MAY BE A MEMBER OF THE ZONING BOARD OF
24 ADJUSTMENT OR APPEALS. THE TERM OF THE EX OFFICIO MEMBER SHALL
25 BE DETERMINED BY THE LEGISLATIVE BODY AND SHALL BE STATED IN THE
26 RESOLUTION SELECTING THE EX OFFICIO MEMBER, BUT THE TERM SHALL
27 NOT EXCEED THE MEMBER'S TERM OF OFFICE AS A MEMBER OF THE

1 LEGISLATIVE BODY. EXCEPT AS PROVIDED IN SUBSECTION (5), THE TERM
2 OF EACH APPOINTED MEMBER SHALL BE 3 YEARS OR UNTIL HIS OR HER
3 SUCCESSOR TAKES OFFICE EXCEPT THAT THE RESPECTIVE TERMS OF 2 OF
4 THE MEMBERS FIRST APPOINTED SHALL BE FOR 1 YEAR AND 3 FOR 2
5 YEARS. AFTER A PUBLIC HEARING, A MEMBER OTHER THAN THE MEMBER
6 SELECTED BY THE LEGISLATIVE BODY MAY BE REMOVED BY THE MAYOR FOR
7 INEFFICIENCY, NEGLECT OF DUTY, OR MALFEASANCE IN OFFICE. THE
8 LEGISLATIVE BODY MAY FOR LIKE CAUSE REMOVE THE MEMBER SELECTED BY
9 THE LEGISLATIVE BODY. ALL EX OFFICIO MEMBERS APPOINTED UNDER
10 THIS SUBSECTION SHALL HAVE FULL VOTING RIGHTS.

11 (5) FOR A PLANNING COMMISSION DESCRIBED IN SUBSECTION (4)
12 THAT CONSISTS OF 5 MEMBERS, THE RESPECTIVE TERMS OF 1 OF THE MEM-
13 BERS FIRST APPOINTED SHALL BE FOR 1 YEAR AND 2 FOR 2 YEARS. FOR
14 A PLANNING COMMISSION DESCRIBED IN SUBSECTION (4) THAT CONSISTS
15 OF 7 MEMBERS, THE RESPECTIVE TERMS OF 2 OF THE MEMBERS FIRST
16 APPOINTED SHALL BE FOR 1 YEAR AND 2 FOR 2 YEARS.

17 (6) ~~-(4)-~~ A vacancy on the PLANNING commission occurring
18 otherwise than through the expiration of term shall be filled for
19 the unexpired term by the mayor in the case of a member selected
20 or appointed by the mayor, by the ~~-council-~~ LEGISLATIVE BODY in
21 the case of the member appointed by the ~~-council-~~ LEGISLATIVE
22 BODY, and by the appointing officer designated by the ~~-council-~~
23 LEGISLATIVE BODY in municipalities in which the mayor is not an
24 elective officer.