

HOUSE BILL No. 4968

September 14, 2017, Introduced by Rep. Glenn and referred to the Committee on Energy Policy.

A bill to amend 2008 PA 33, entitled "Michigan planning enabling act," by amending section 15 (MCL 125.3815), as amended by 2010 PA 105.

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
10 consist of 5, 7, 9, or 11 members. Members of a planning commission
11 other than ex officio members under subsection (5) shall be

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

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

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

23 (a) 3, in a city that on September 1, 2008 had a population of
24 more than 2,700 but less than 2,800.

25 (b) 2, in a city or village that has, or on September 1, 2008
26 had, a population of less than 5,000, except as provided in
27 subdivision (a).

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

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

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

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

25 (c) The term of a member of the legislative body shall expire
26 with his or her term on the legislative body.

27 (6) For a county planning commission, the county shall make

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

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

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

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

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

25 (8) Subsections (1) to (5) do not apply to a planning
26 commission established under subsection (7). All other provisions
27 of this act apply to a planning commission established under

1 subsection (7).

2 (9) The legislative body may remove a member of the planning
3 commission for misfeasance, malfeasance, or nonfeasance in office
4 upon written charges and after a public hearing. Before casting a
5 vote on a matter on which a member may reasonably be considered to
6 have a conflict of interest, the member shall disclose the
7 potential conflict of interest to the planning commission. The
8 member is disqualified from voting on the matter if so provided by
9 the bylaws or by a majority vote of the remaining members of the
10 planning commission. **A MEMBER SHALL DISQUALIFY HIMSELF OR HERSELF**
11 **FROM A VOTE IN WHICH THE MEMBER HAS A DIRECT FINANCIAL INTEREST.**
12 Failure of a member to disclose a potential conflict of interest **OR**
13 **TO DISQUALIFY HIMSELF OR HERSELF** as required by this subsection
14 constitutes malfeasance in office. Unless the legislative body, by
15 ordinance, defines conflict of interest for the purposes of this
16 subsection, the planning commission shall do so in its bylaws.

17 (10) An ordinance creating a planning commission may impose
18 additional requirements relevant to the subject matter of, but not
19 inconsistent with, this section.

20 Enacting section 1. This amendatory act takes effect 90 days
21 after the date it is enacted into law.