

HOUSE BILL NO. 6463

October 11, 2022, Introduced by Rep. Steven Johnson and referred to the Committee on Local Government and Municipal Finance.

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

1 membership of the county board.

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

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

25 (4) Members of a planning commission shall be qualified
26 electors of the local unit of government. ~~except that~~ **However,**
27 the following number of planning commission members may be
28 individuals who are not qualified electors of the local unit of
29 government but are qualified electors of another local unit of

1 government:

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

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

7 (c) 1, in **a** local ~~units~~**unit** of government ~~other than those~~
8 **not** described in subdivision (a) or (b).

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

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

28 (b) The term of a chief administrative official shall expire
29 with the term of the chief elected official that appointed ~~him or~~

1 ~~her as~~ **the** chief administrative official.

2 (c) The term of a member of the legislative body shall expire
3 with ~~his or her~~ **the member's** term on the legislative body.

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

13 (7) Subject to subsection (8), a city or village that has a
14 population of less than 5,000, and that has not created a planning
15 commission by charter, may by an ordinance adopted under section
16 11(1) provide that 1 of the following boards serve as its planning
17 commission:

18 (a) The board of directors of the economic development
19 corporation of the city or village created under the economic
20 development corporations act, 1974 PA 338, MCL 125.1601 to
21 125.1636.

22 (b) The board of a downtown development authority ~~created~~
23 ~~under 1975 PA 197, MCL 125.1651 to 125.1681,~~ **under part 2 of the**
24 **recodified tax increment financing act, 2018 PA 57, MCL 125.4201 to**
25 **125.4230**, if the boundaries of the downtown district are the same
26 as the boundaries of the city or village.

27 (c) ~~A board created under the~~ **The board of a** tax increment
28 finance authority ~~act, 1980 PA 450, MCL 125.1801 to 125.1830,~~ **under**
29 **part 3 of the recodified tax increment financing act, 2018 PA 57,**

1 **MCL 125.4301 to 125.4329**, if the boundaries of the authority
2 district are the same as the boundaries of the city or village.

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

7 (9) **The chief elected official or county board authorized to**
8 **appoint members of the planning commission under subsection (1) may**
9 **appoint to the planning commission, including a board under**
10 **subsection (7) for purposes of its service as a planning**
11 **commission, not more than 3 alternate members. Any alternate**
12 **members shall be appointed for the same term as regular members of**
13 **the planning commission who are not ex officio members, subject to**
14 **subsection (2). An alternate member may be called as specified in**
15 **the zoning ordinance to serve on the planning commission in the**
16 **absence of a regular member if the regular member will be unable to**
17 **attend 1 or more meetings. An alternate member may also be called**
18 **to serve for the purpose of reaching a decision on a matter in**
19 **which a regular member has abstained for reasons of conflict of**
20 **interest. The alternate member shall serve in the matter until a**
21 **final decision is made. An alternate member serving on the planning**
22 **commission has the same voting rights as a regular member.**

23 (10) ~~(9)~~—The legislative body may remove a member of the
24 planning commission for misfeasance, malfeasance, or nonfeasance in
25 office upon written charges and after a public hearing. Before
26 casting a vote on a matter on which a member may reasonably be
27 considered to have a conflict of interest, the member shall
28 disclose the potential conflict of interest to the planning
29 commission. The member is disqualified from voting on the matter if

1 so provided by the bylaws or by a majority vote of the remaining
2 members of the planning commission. Failure of a member to disclose
3 a potential conflict of interest as required by this subsection
4 constitutes malfeasance in office. Unless the legislative body, by
5 ordinance, defines conflict of interest for the purposes of this
6 subsection, the planning commission shall do so in its bylaws.

7 **(11)** ~~(10)~~—An ordinance creating a planning commission may
8 impose additional requirements relevant to the subject matter of,
9 but not inconsistent with, this section.

10 **(12)** As used in this section, "regular member" means a member
11 who is not an alternate member.