

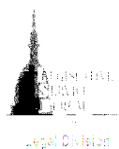
HOUSE BILL NO. 5119

October 16, 2019, Introduced by Reps. Glenn, Yarocho, Sabo, Elder, Whiteford, Rendon, Vaupel, Slagh, Hoitenga, Berman, Filler and Leutheuser 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 sections 3 and 15 (MCL 125.3803 and 125.3815), section
3 as amended by 2010 PA 306 and section 15 as amended by 2010 PA
105.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 3. As used in this act:
- 2 (a) "Chief administrative official" means the manager or other
- 3 highest nonelected administrative official of a city or village.



1 (b) "Chief elected official" means the mayor of a city, the
2 president of a village, the supervisor of a township, or, subject
3 to section 5, the chairperson of the county board of commissioners
4 of a county.

5 (c) "County board of commissioners", subject to section 5,
6 means the elected county board of commissioners, except that, as
7 used in sections 39 and 41, county board of commissioners means 1
8 of the following:

9 (i) A committee of the county board of commissioners, if the
10 county board of commissioners delegates its powers and duties under
11 this act to the committee.

12 (ii) The regional planning commission for the region in which
13 the county is located, if the county board of commissioners
14 delegates its powers and duties under this act to the regional
15 planning commission.

16 (d) "Ex officio member", in reference to a planning
17 commission, means a member, with full voting rights unless
18 otherwise provided by charter, who serves on the planning
19 commission by virtue of holding another office, for the term of
20 that other office.

21 (e) "Legislative body" means the county board of commissioners
22 of a county, the board of trustees of a township, or the council or
23 other elected governing body of a city or village.

24 (f) "Local unit of government" or "local unit" means a county
25 or municipality.

26 (g) "Master plan" means either of the following:

27 (i) As provided in section 81(1), any plan adopted or amended
28 before September 1, 2008 under a planning act repealed under
29 section 85.



(ii) Any plan adopted or amended under this act. This includes, but is not limited to, a plan prepared by a planning commission authorized by this act and used to satisfy the requirement of section 203(1) of the Michigan zoning enabling act, 2006 PA 110, MCL 125.3203, regardless of whether it is entitled a master plan, basic plan, county plan, development plan, guide plan, land use plan, municipal plan, township plan, plan, or any other term.

(h) "Medical first responder" means that term as defined in section 20906 of the public health code, 1978 PA 368, MCL 333.20906.

(i) ~~(h)~~—"Municipality" or "municipal" means or refers to a city, village, or township.

(j) "Paid on-call" means employment during which an individual works on an on-call basis, is paid for all hours he or she works, does not work scheduled shifts more than occasionally, and is not classified as a full-time employee.

(k) ~~(i)~~—"Planning commission" means either of the following, as applicable:

(i) A planning commission created pursuant to section 11(1).

(ii) A planning commission retained pursuant to section 81(2) or (3), subject to the limitations on the application of this act provided in section 81(2) and (3).

(l) ~~(j)~~—"Planning jurisdiction", for a county, city, or village, refers to the areas encompassed by the legal boundaries of that county, city, or village, subject to section 31(1). Planning jurisdiction, for a township, refers to the areas encompassed by the legal boundaries of that township outside of the areas of incorporated villages and cities, subject to section 31(1).

(m) ~~(k)~~—"Population" means the population according to the



1 most recent federal decennial census or according to a special
 2 census conducted under section 7 of the Glenn Steil state revenue
 3 sharing act of 1971, 1971 PA 140, MCL 141.907, whichever is the
 4 more recent.

5 **(n)** ~~(l)~~—"Public transportation agency" means a governmental
 6 entity that operates or is authorized to operate intercity or local
 7 commuter passenger rail service in this state or a public transit
 8 authority created under 1 of the following acts:

9 (i) The metropolitan transportation authorities act of 1967,
 10 1967 PA 204, MCL 124.401 to 124.426.

11 (ii) The public transportation authority act, 1986 PA 196, MCL
 12 124.451 to 124.479.

13 (iii) 1963 PA 55, MCL 124.351 to 124.359.

14 (iv) The home rule city act, 1909 PA 279, MCL 117.1 to 117.38.

15 (v) The revenue bond act of 1933, 1933 PA 94, MCL 141.101 to
 16 141.140.

17 (vi) The charter township act, 1947 PA 359, MCL 42.1 to 42.34.

18 (vii) The urban cooperation act of 1967, 1967 (Ex Sess) PA 7,
 19 MCL 124.501 to 124.512.

20 **(o)** ~~(m)~~—"Public transportation facility" means that term as
 21 defined in section 2 of the metropolitan transportation authorities
 22 act of 1967, 1967 PA 204, MCL 124.402.

23 **(p)** ~~(n)~~—"Street" means a street, avenue, boulevard, highway,
 24 road, lane, alley, viaduct, or other public way intended for use by
 25 motor vehicles, bicycles, pedestrians, and other legal users.

26 **(q)** "Volunteer" means an appointment or employment for which
 27 an individual receives no compensation for work provided, or an
 28 appointment or employment for which an individual receives
 29 compensation in the form of reasonable expenses incurred during the



1 course of his or her appointment or employment or other reasonable
2 benefits, including, but not limited to, length of service awards
3 or nominal fees.

4 Sec. 15. (1) In a municipality, the chief elected official
5 shall appoint members of the planning commission, subject to
6 approval by a majority vote of the members of the legislative body
7 elected and serving. In a county, the county board of commissioners
8 shall determine the method of appointment of members of the
9 planning commission by resolution of a majority of the full
10 membership of the county board.

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

23 (3) The membership of a planning commission shall be
24 representative of important segments of the community, such as the
25 economic, governmental, educational, and social development of the
26 local unit of government, in accordance with the major interests as
27 they exist in the local unit of government, such as agriculture,
28 natural resources, recreation, education, public health,
29 government, transportation, industry, and commerce. The membership



1 shall also be representative of the entire territory of the local
2 unit of government to the extent practicable.

3 (4) Members of a planning commission shall be qualified
4 electors of the local unit of government, except that the following
5 number of planning commission members may be individuals who are
6 not qualified electors of the local unit of government but are
7 qualified electors of another local unit of government:

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

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

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

15 (5) In a township that on September 1, 2008 had a planning
16 commission created under former 1931 PA 285, 1 member of the
17 legislative body or the chief elected official, or both, may be
18 appointed to the planning commission, as ex officio members. In any
19 other township, 1 member of the legislative body shall be appointed
20 to the planning commission, as an ex officio member. In a city,
21 village, or county, the chief administrative official or a person
22 designated by the chief administrative official, if any, the chief
23 elected official, 1 or more members of the legislative body, or any
24 combination thereof, may be appointed to the planning commission,
25 as ex officio members, unless prohibited by charter. However, in a
26 city, village, or county, not more than 1/3 of the members of the
27 planning commission may be ex officio members. **Volunteer or paid**
28 **on-call police officers, fire fighters, or medical first responders**
29 **of the local unit of government are eligible to be members of the**



planning commission. Except as provided in this subsection, an elected officer or employee of the local unit of government is not eligible to be a member of the planning commission. The term of an ex officio member of a planning commission ~~shall be~~ **is** as follows:

(a) The term of a chief elected official ~~shall correspond~~ **corresponds** to his or her term as chief elected official.

(b) The term of a chief administrative official ~~shall expire~~ **expires** with the term of the chief elected official that appointed him or her as chief administrative official.

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

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

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

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

(b) The board of a downtown development authority created



under ~~1975 PA 197, MCL 125.1651 to 125.1681,~~ **part 2 of the recodified tax increment financing act, 2018 PA 57, MCL 124.4201 to 124.4230**, if the boundaries of the downtown district are the same as the boundaries of the city or village.

(c) ~~A~~ **The board created under the** ~~of a tax increment finance authority created under part 3 of the recodified tax increment financing act, 1980 PA 450, MCL 125.1801 to 125.1830,~~ **2018 PA 57, MCL 125.4301 to 125.4329**, if the boundaries of the authority district are the same as the boundaries of the city or village.

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

(9) The legislative body may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the planning commission. The member is disqualified from voting on the matter if so provided by the bylaws or by a majority vote of the remaining members of the planning commission. Failure of a member to disclose a potential conflict of interest as required by this subsection constitutes malfeasance in office. Unless the legislative body, by ordinance, defines conflict of interest for the purposes of this subsection, the planning commission shall do so in its bylaws.

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

