

### Michigan Planning Enabling Act

The Michigan Planning Enabling Act (33 PA 2008, MCL 125.3801 et seq.) provides for the establishment of a planning commission by a local unit of government to prepare a master plan based on public and stakeholder input, and to independently advise the governing body on growth, development and/or redevelopment issues.

MCL 125.3815 provides for the appointment of the commission members by the chief elected official, with the approval of the legislative body. A city or village that has a population of fewer than 5,000 and has not established a planning commission by charter may, by ordinance, have the board of an economic development corporation, downtown development authority or tax increment finance authority serve as its planning commission.

MCL 125.3815 also provides that the members of the planning commission be

representative of important segments of the community, such as the economic, governmental, educational, and social development of the local unit of government, in accordance with the major interests as they exist in the local unit of government, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of the local unit of government to the extent practicable.

In addition,

Members of a planning commission shall be qualified electors of the local unit of government, except that the following number of planning commission members may be individuals who are not qualified electors of the local unit of government:

- (a) Three, in a city that on the effective date of this act had a population of more than 2,700 but less than 2,800.
- (b) Two, in a city or village that has, or on the effective date of this act had, a population of less than 5,000, except as provided in subdivision (a).
- (c) One, in local units of government other than those described in subdivision (a) or (b).

### Other Applicable Statutes

Section 3 of the **Vacancies in Office Act** (MCL 201.3) provides, in part, that the office shall become vacant on the happening of certain events, including:

... [the officer] ceasing to be an inhabitant of this state; or, if the office be local, of the district, county, township, city or village, for which [the office was] appointed.

The act seems to contemplate that an office in a local unit becomes vacant when the officer ceases to be an inhabitant of the local unit for which the officer was appointed.

The **Residency Act**, 1999 PA 212, does not apply to unpaid appointed officials.