



WASHTENAW COUNTY  
OFFICE OF STRATEGIC PLANNING

MEMORANDUM

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DATE: February 27, 2009

TO: Manchester Community Joint Planning Commission Communities

FROM: Brett Lenart, AICP, Community Planning Supervisor

RE: **Joint Planning Commission Composition**

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Upon passage of Act 33 of 2008, the Michigan Planning Enabling Act (MPEA), I was among those that believed the provisions of this Act that relate to the number of commissioners that must comprise a planning commission needed to be reflected in the Manchester Community Joint Planning Commission (MCJPC). I now believe I was wrong in the assertion, and would like to provide you with the basis for this opinion.

The MCJPC is formed by authority specified in Act 226 of 2003, the Joint Municipal Planning Act, as amended (Act 226), which explicitly states:

*. . .the legislative bodies of 2 or more municipalities may each adopt an ordinance approving an agreement establishing a joint planning commission. The agreement shall specify at least all of the following:*

*1. The composition of the joint planning commission, including any alternate members.*

*. . .*  
*7. For situations in which the powers, duties, or procedures of a planning commission under the [MPEA] depend on [the authority under which planning commissions were originally established]. . .*

Based on advice of Kurt Schindler of MSU Extension Land Use Policy Institute and my own interpretation, I believe that the first numbered item above empowers the MCJPC to specify the composition of a Joint Planning Commission as desired, without regard to the ex-officio, elected officials, or number of members that is specified in the MPEA.

The powers, duties, or procedures of a Planning Commission specified under MPEA are inherently transferred to a legally-established joint planning

commission, and accordingly the joint planning commission is still governed by the procedures specified in that act for drafting a master plan and other duties.

Another issue has been brought to my attention through my contact with Mr. Schindler that I am grateful he highlighted. Based on the incompatible office act opinions by the Attorney General, it would be inappropriate for members of the Joint Planning Commission to vote the same action twice. Accordingly, members of the MCJPC that vote on the eventual final master plan as a MCJPC commissioner would appropriately abstain from future votes as a member of their jurisdiction's elected body.

In conclusion, I believe that MCJPC communities still need to re-adopt the ordinance and agreement to ensure that the ordinance is adopted and appropriately published by all communities. It is my opinion however, that the Joint Planning Commission's current membership of 8 commissioners can continue so long as it is specified in the agreement approved by all jurisdictions.

Accordingly, I have attached a revised draft ordinance and agreement to this effect. I look forward to the discussion with you on this issue. If you have any questions prior to the meeting, please do not hesitate to contact me.

Attachments