



Board Meeting Agenda

Monday October 10, 2011 • 10:30 a.m. • Prince Conference Center – Calvin College

- 1. Call to Order by Chair**
- 2. Public Comment**
- 3. Approval of Minutes dated September 1, 2011 (attachment)**
- 4. Report of the Human Resources Committee**
 - a. Nominations of GVMC Officers for FY 2012**
- 5. Legislative Advocacy**
 - a. Resolution of support for New International Trade Crossing**
 - b. Issues Update**
 - c. Next meeting of the GVMC Legislative Committee – 8:30 a.m., Wednesday October 12, 2011**
- 6. Emerging Issues**
 - a. Proposal by Michigan Association of Planning to create the Michigan Regional Councils Act (discussion only)**
- 7. Other items of business and comments from GVMC members**
- 8. Adjournment**



Memorandum

To: Grand Valley Metropolitan Council
From: Donald J. Stypula, Executive Director
Date: October 4, 2011
Re: Agenda Items for our October 10, 2011 Board meeting

Attached are the agenda and support documents for the October 2011 GVMC Board of Directors meeting. This month, the meeting is scheduled for **10:30 am Monday October 10, 2011 at the Prince Conference Center on the campus of Calvin College in Grand Rapids**. We changed the date, time and location this month to accommodate those Board members who are attending the GVMC Quarterly Luncheon, featuring a presentation by Center for Michigan President Phil Power.

It's a lighter agenda this month, with a report from the GVMC Human Resources Committee (formerly the Nominating Committee) nominating GVMC Board officers for FY 2012. I also am bringing for your consideration a resolution in support of construction of the New International Trade Crossing over the Detroit River. In addition, staff from the GVMC Planning and Strategic Initiatives Department will present a briefing regarding a major, new proposal being put forth by the Michigan Association of Planning to create a new Michigan Regional Councils Act.

We'll start by reviewing and accepting the attached minutes from our September 1, 2011 GVMC Board meeting.

LEGISLATIVE ADVOCACY – RESOLUTION OF SUPPORT FOR THE NEW INTERNATIONAL TRDE CROSSING

One of the major issues that state lawmakers will address this fall is whether the State of Michigan (the Michigan Department of Transportation), working in partnership with the Federal Highway Administration (FHWA) the Federal Government of Canada and the Provincial Government of Ontario, Canada, should commit to building a New International Trade Crossing, linking Detroit with Windsor, Ontario. Pushed by Governor Rick Snyder and Lt. Governor Brian Calley, the new bridge that would directly link I-75 with Ontario Highway 401 would be built about one-mile south of the current, privately-owned, 83 year-old Ambassador Bridge. Construction of Michigan's portion of the bridge approaches and links to I-75 would be financed

through a \$550 million loan from the Government of Canada that would be repaid through toll revenue from the new bridge. The new span would ease traffic congestion from on-highway trucks that currently wait up to several hours on either side of the Ambassador Bridge to make the crossing.

Groups supporting the construction of the new bridge include the Grand Rapids Area Chamber of Commerce, The Right Place, Inc., Lakeshore Advantage, The West Michigan Chamber Coalition, The Michigan Chamber of Commerce and SEMCOG.

In addition to the draft GVMC Resolution of Support for the NITC, I have attached a document that looks at the various issues surrounding the bridge from the perspective of the proponents and opponents of the NITC.

The Legislative Committee and Executive Committee are recommending support for the resolution.

Proposed Action: Review and approve the proposed resolution of support for construction of the New International Trade Crossing.

LEGISLATIVE ADVOCACY – ISSUES UPDATE

I am closely following developments in Lansing on two major policy issues that will be moving through the Legislature this fall. These are the effort to replace the Personal Property Tax (PPT) and Governor Snyder's upcoming special message to the Legislature on Infrastructure – scheduled for October 24.

I will bring the latest on these two issues, plus any developments occurring on Capitol Hill in Washington, to our meeting on Monday morning.

LEGISLATIVE ADVOCACY – GVMC LEGISLATIVE COMMITTEE

The next meeting of the GVMC Legislative Committee is set for 8:30 a.m. Wednesday October 12 at the GVMC offices.

EMERGING ISSUES: PROPOSED NEW MICHIGAN REGIONAL COUNCILS ACT

For the past two months, GVMC staff has been reviewing, analyzing and participating in discussion regarding a proposed new Michigan Regional Councils Act that would supplant the current panoply of state laws under which Michigan's regional councils and planning agencies are organized – including the GVMC's own Metropolitan Councils Act.

This proposed new law was assembled by the Law Committee of the Michigan Association of Planning, chaired by a former SEMCOG staff member, and under the counsel of Mark Wyckoff,

the founder of the Lansing-based Planning and Zoning Center.

Under the proposed new Regional Councils Act:

- any two local units of government may create a Regional Council with any boundaries. Under the definitions section of the proposed law, "Local government unit" includes school districts, community colleges, special authorities, etc. "General-purpose local governmental units" includes cities and villages townships and counties;
- Members of Councils can drop out at any time at their discretion;
- The organizational structure of Councils can vary greatly
- a Regional Council can construct and operate many services and facilities including roads, zoos, and community foundations
- Every part of Michigan will be in a Regional Planning Council area • the governor will choose **one** of the Regional Councils within that area to be The Regional **Planning** Council
- For the first year the boundaries of state planning regions will correspond to the existing State Planning and Development Regions as established in 1991
- For the next five years the boundaries will be as defined by the governor and they cannot be changed for five years.
- Regions must consist of at least three contiguous counties; Regional Council boundaries cannot subdivide a County; There cannot be more than three regions in the Upper Peninsula; and there cannot be more than 16 regions in the entire state;
- If State Planning and Development Regions (SPDs) – like Region 8 – re-organize under this act, they **must** be the state designated Regional Planning Council for the first year;
- If the governor does not change the boundaries of the region after the first year, the previous Regional Planning Council will remain the Regional Planning Council;
- The state shall provide funding for required duties. The state **may** provide additional funding at the discretion of the Governor and Legislature;
- There is an emphasis placed on the regional economic development plan;
- Local government is under no obligation whatsoever to follow the regional framework plan.

Under the act, as currently drafted, GVMC would not be able to do regional planning. GVMC would need to reorganize as a “Regional Council” since the Metropolitan Councils Act would be rescinded. Kent County would be in a region with at least two other Counties. For at least the first year our region would be known as “Region 8”: Allegan, Ottawa, Kent, Ionia, Montcalm, Mecosta and Osceola Counties.

There are many other issues that we are examining with regard to this proposed legislation, which has not yet been introduced in either the House or Senate. At our meeting on Monday morning, GVMC Planning and Strategic Initiatives Director Andy Bowman and Senior Planner Jay Hoekstra will discuss the details of the proposed bill and answer your questions. It is my intent to continue the discussion on this proposed law at the next GVMC Legislative Committee on Wednesday October 12.

As always, we’re looking forward to seeing you and having a fruitful discussion. If you have any thoughts, comments, questions or suggestions you can reach me anytime on my cell phone at 616-450-5217, in the office at 776-7604, at home at 257-3372 or via email at stypulad@gvmc.org.

GRAND VALLEY METRO COUNCIL

Board Meeting

September 1, 2011

8:30 a.m.

Kent County Commission Chambers

MINUTES

1. Call to Order

The meeting was called to order at 8:30 a.m. by Chairman Jim Buck.

Members Present:

Dale Bergman	Sparta Township
Jim Buck	City of Grandville
Chris Burns	City of Cedar Springs
Tom Butcher	Grand Valley State University
Dan Carlton	Georgetown Township
Daryl Delabbio	Kent County
Mike DeVries	Grand Rapids Township
Jason Eppler	City of Ionia
Tom Fehsenfeld	At-Large Member
Rebecca Fleury	Village of Middleville
Cindy Fox	Cascade Township
Steve Grimm	Cannon Township
Doyle Hayes	At-Large Member
George Heartwell	City of Grand Rapids
John Helmholdt	At-Large
Carol Hennessey	Kent County
Don Hilton, Sr.	Gaines Township
Denny Hoemke	Algoma Township
Jim Holtrop	Ottawa County
Mark Howe	City of Lowell
George Meek	Plainfield Township
Cy Moore	Treasurer
Jack Poll	City of Wyoming
Chuck Porter	Courtland Township
Milt Rohwer	City of Grand Rapids
Rick Root	City of Kentwood
Jim Saalfeld	Kent County
Ken Snow	City of Greenville
Martin Super	Village of Sparta
Al Vanderberg	Ottawa County
Rob VerHeulen	City of Walker
Bill VerHulst	City of Wyoming
Patrick Waterman	City of Hudsonville
Roger Wills	City of Belding
Michael Young	City of Rockford

Members Absent:

Jerry Alkema	Allendale Township
Alex Arends	Alpine Township
Leon Branderhorst	GVMC
Brian Donovan	City of East Grand Rapids
Brian Harrison	Caledonia Township
Elias Lumpkins, Jr.	City of Grand Rapids
Robert May	City of Hastings
Mick McGraw	At-large Member
Jim Miedema	Jamestown Township
Audrey Nevins	Byron Township
Steven Patrick	City of Coopersville
Toby VanEss	Tallmadge Township
Chris Yonker	City of Wayland

Others Present:

Andy Bowman	Grand Valley Metro Council
Dennis Kent	MDOT
Abed Itani	Grand Valley Metro Council
Dharmesh Jain	GVMC / REGIS
Gayle McCrath	Grand Valley Metro Council
Don Stypula	Grand Valley Metro Council

2. Public Comment

None

3. Approval of Minutes

MOTION – To Approve the Minutes of the August 2011 GVMC Board Meeting. MOVE – Meek. SUPPORT – VerHeulen. MOTION CARRIED.

**4. GVMC FY 2011-2012 Budget Approval and Public Hearing
Open Public Hearing 8:35**

Don Stypula reported the GVMC FY2011-2012 budget has been reviewed at the August Board meeting as well as by the Finance and Executive committees and asked for questions.

Close Public Hearing 8:40

MOTION – To Approve the GVMC & REGIS Budgets. MOVE – Hilton. SUPPORT – Meek. MOTION CARRIED.

5. Strategic Initiatives: Report and Recommendations of the GVMC Task Force on Structure, Governance, and Operations

RESOLUTION

A Resolution Authorizing a Temporary Change in the GVMC Board of Directors Meeting Schedule

WHEREAS, the Grand Valley Metropolitan Council, as authorized under 1989 P.A. 292 (MCL 124.651) – the Metropolitan Councils Act, and Article VIII, of the GVMC Articles of Incorporation, desires to modify – on a temporary, trial basis – the meeting schedule and meeting procedures of the GVMC Board of Directors; and

WHEREAS, under this new meeting schedule and operational procedure, meetings of the GVMC Board of Directors conducted during even-numbered months shall be designated as “work” sessions (Committee of the Whole), where Council members can hear presentations on public policy topics, discuss and analyze policy issues and make recommendations to the Board of Directors for formal action; and

WHEREAS, meetings of the GVMC Board of Directors conducted during odd-numbered months shall be designated as formal “business” sessions where Council members formally vote on issues and business items that are properly before the Council Board of Directors; and

WHEREAS, the Chairman of the Board of the Grand Valley Metropolitan Council may, from time to time at his or her discretion, bring agenda items requiring Board approval for formal consideration and adoption at designated “work” sessions.

NOW THEREFORE BE IT RESOLVED, that the Grand Valley Metropolitan Council hereby affirms its desire to modify the meeting schedule and procedures of the GVMC Board of directors to provide for “work” sessions on even-numbered months and “formal “business” sessions on odd-numbered months. This meeting schedule shall remain in effect for a one-year period unless amended by the GVMC Board of Directors.

MOTION – To Approve Resolution on GVMC Board Meetings. MOVE – DeVries. SUPPORT – VerHeulen. MOTION CARRIED.

RESOLUTION

A Resolution Establishing Guidance on Officer’s Terms

WHEREAS, the Grand Valley Metropolitan Council, as authorized under Article XVII, of the GVMC Articles of Incorporation, desires to amend Section III the GVMC Bylaws to provide guidance on the terms of GVMC officers;

WHEREAS, the GVMC Board of Directors amends Section III of the GVMC Bylaws by adding a new Section 3.6 to read as follows:

Officer's Terms. It is preferred that officers serve no more than four consecutive one-year terms in the same position.

NOW THEREFORE BE IT RESOLVED, that the Grand Valley Metropolitan Council hereby approves the amendment to Section III of the Bylaws.

MOTION – To Approve the Resolution on Establishing Guidance on GVMC Officers Terms. MOVE – VerHeulen. SUPPORT – Heartwell. MOTION CARRIED.

RESOLUTION

A Resolution Establishing Protocols for Approval of GVMC Transportation-MPO Agenda Items

WHEREAS, the Grand Valley Metropolitan Council, as the federally-designated Metropolitan Planning Organization (MPO) and Transportation Management Area (TMA) for the Grand Rapids metropolitan region, desires to establish protocols governing formal approval of transportation planning-related agenda items recommended by the GVMC MPO committees; and

WHEREAS, the GVMC Board of Directors hereby declares that GVMC MPO-related items including the annual Unified Planning Work Program and Budget (UPWP); amendments to the UPWP; adoption of the GVMC Long-Range Transportation Plan; and each new, four-year Transportation Improvement Program (TIP) be considered and approved by the MPO Committees and presented for final review and approval by the GVMC Board of Directors; and

WHEREAS, the GVMC Board of Directors also declares that GVMC Policy Committee is authorized to review and give final approval to routine GVMC MPO-related agenda items, including amendments and administrative adjustments to the Transportation Improvement Program (TIP) and the Long Range Transportation Plan, and

NOW THEREFORE BE IT RESOLVED, that the Grand Valley Metropolitan Council hereby approves the new protocols governing final approval of GVMC MPO-related agenda items.

MOTION – To Approve the Resolution on Approval of Transportation Items. MOVE – Meek. SUPPORT – Holtrop. MOTION CARRIED.

RESOLUTION

A Resolution Establishing Standing Committees of the Grand Valley Metropolitan Council

WHEREAS, the Grand Valley Metropolitan Council, as authorized under Articles XIII and XV of the GVMC Articles of Incorporation and Sections IV and V of the GVMC Bylaws, desires to establish standing committees, with corresponding duties and responsibilities, to assist in the

administration of the GVMC and the analysis of issues that come before the GVMC Board of Directors;

NOW THEREFORE BE IT RESOLVED, that the Grand Valley Metropolitan Council hereby establishes the following Standing Committees with corresponding duties and responsibilities:

**Executive Committee
Committee Duties and Responsibilities**

1. Provide guidance and direction to management to improve the GVMC's operations and scope of services provided to members.
2. Review, approve and recommend to the Board of Directors the annual budgets for GVMC, the REGIS Agency and other GVMC agencies, budget amendments and quarterly financial statements, the contract with an outside financial auditing firm, and other financial matters that have been recommended by management and approved by the GVMC Finance Committee.
3. Review, approve and recommend to the Board of Directors the policies of the GVMC, consistent with the GVMC Articles of Incorporation and Bylaws.
4. Receive and review the executive director's annual performance evaluation completed by the Human Resources committee and recommend further action to the GVMC Board, including salary adjustments, termination or other actions.
5. Develop, discuss and recommend to the Board of Directors strategic objectives for GVMC designed to help GVMC-member counties and communities manage challenges and take advantage of opportunities.
6. Ensure that the Executive Director and staff are developing strategies, tactics, and accountability mechanisms for achieving GVMC's strategic objectives; track performance and report to the GVMC Board on a bi-monthly basis.
7. Make formal recommendations to the GVMC Board regarding updates to the GVMC Strategic Plan.
8. Develop and recommend to the GVMC Board topics for the Board to discuss, analyze and develop strategies for addressing during the Board Work Sessions scheduled for odd numbered months of the year.
9. Work with the Executive Director and staff to develop periodic training and educational opportunities for GVMC Board members that bring added value for GVMC membership.
10. Perform all other duties and assume all other responsibilities as may be required by law or by the direction of the GVMC Board of Directors.

**Finance Committee
Committee Duties and Responsibilities**

1. Periodically review the financial status of the GVMC, the REGIS Agency and other GVMC agencies and make recommendations to the Executive Committee and the Board to improve the financial performance of the Council.
2. Review, approve and recommend to the Executive Committee and the Board of Directors the annual budgets for GVMC, the REGIS Agency and other GVMC agencies, budget amendments, quarterly financial statements, and other financial matters that have been recommended by management.
3. Recommend to the Executive Committee, annually, the hiring of a financial auditing firm and periodically review the performance of that firm.
4. Review, approve and forward to the Executive Committee and the Board of Directors the GVMC, the REGIS Agency, and other GVMC Agencies annual financial audits.
5. Perform all other duties and assume all other responsibilities as directed by the GVMC Executive Committee and Board.

**Legislative Committee
Committee Duties and Responsibilities**

1. Develop, discuss and recommend to the Executive Committee and the GVMC Board legislative policy priorities for the Council to pursue during each two-year legislative session.
2. Oversee GVMC's legislative advocacy activities and provide direction to management and staff on GVMC's advocacy positions and approaches.
3. Review legislation, bill amendments, position papers and state and federal administrative rules and regulations, make recommendations to the GVMC Executive Committee and Board, and report – via a scorecard matrix on a quarterly basis – the status of GVMC Board Legislative Priorities.
4. Meet with legislators and their staffs and participate, as needed, in the legislative activities of GVMC, the Michigan Municipal League, the Michigan Townships Association, the Michigan Association of Counties, the Michigan Municipal Finance Officers Association and other groups.
5. Perform all other duties and assume all other responsibilities as directed by the GVMC Executive Committee and Board.

**Human Resources Committee
Committee Duties and Responsibilities**

1. On an annual schedule, review the performance of the GVMC Executive Director, offer advice and coaching to improve the performance of the Executive Director and recommend further action to the GVMC Executive Committee and Board, including termination and changes in the Executive Director's compensation.

2. At times when the Executive Director's position is vacated, work jointly with the Executive Committee to identify and interview qualified candidates for the Executive Director position and make a formal recommendation to the Board a candidate to serve as Executive Director of the GVMC.
3. Periodically review and recommend amendments to the GVMC Personnel Policies and Procedures together with position descriptions and the wage and benefit structure for GVMC employees.
4. On an annual schedule, recommend to the GVMC Board a slate of candidates to serve on the Executive Committee and as officers of the GVMC Board for the fiscal year.
5. Work with current and new Board members to familiarize them with GVMC operations, member services and the roles and responsibilities of the Board and the GVMC Committees.
6. Based on emerging issues and the strategic needs of the Metro Council, identify, interview and recommend to the GVMC Executive Committee and Board candidates to serve as At-Large members of the Grand Valley Metro Council.
7. Perform all other duties and assume all other responsibilities as directed by the GVMC Executive Committee and Board.

**Emerging Issues Committee
Draft Committee Duties and Responsibilities**

1. Meet as needed to review and discuss as a "Committee of the Whole" an issue or topic of regional significance.
2. Discuss region-wide approaches to policy issues and work with GVMC staff to analyze data and trends and develop position papers on issues and challenges.
3. Make formal recommendations to the GVMC Executive Committee and Board regarding policy positions for GVMC.
4. Perform all other duties and assume all other responsibilities as directed by the GVMC Executive Committee and Board.

**MOTION – To Approve the Resolution on GVMC Standing Committees as Amended.
MOVE – DeVries. SUPPORT – Fox. MOTION CARRIED.**

6. Oath of Office

Kent County Clerk, Mary Hollinrake, administered the Oath of Office to Mark Howe of the City of Lowell.

7. Legislative Advocacy

Rick Root reported GVMC's legislative priorities have been updated. The next Legislative committee meeting is September 14.

Rob VerHeulen questioned the wording of the PPT policy.

Rick Root said it is using similar language as what the MML & MTA are using.

Rob VerHeulen agreed with the decision to use comparable language.

John Helmholt asked how this policy was going to be communicated. GVMC needs to be very vocal in its communication so that the public understands the implications. We need to get the message out there. What is the plan for communication?

Don Stypula said the MML & MTA are conducting a campaign in Lansing. They are going to editorial boards, etc. to communicate through a variety of media. Don will send news releases on GVMC's position here, in Lansing, at social meetings and in one-on-one meetings with legislators.

John Helmholt offered his help.

Cindy Fox stated GVMC should take advantage of John's expertise.

Don Stypula stated he would do that.

George Heartwell suggested also adding support for the International Bridge to the priorities.

Don Stypula explained that issue has not yet been taken up by the committee.

Rick Root stated the Legislative committee could discuss it at the next meeting.

MOTION – To Approve GVMC Legislative Priorities and Approve any Necessary Language Change by the Executive Director. MOVE – Root. SUPPORT – Hoemke. MOTION CARRIED.

8. Transportation: TIP Amendments for ITP-The Rapid and the Kent County Road Commission

a. TIP Amendment for ITP – The Rapid

Due to an amendment being requested by ITP The Rapid to the FY2011-2014 TIP, staff is requesting approval of the following changes:

ITP The Rapid is requesting an Amendment to the FY2011-2014 TIP, specifically for FY2012.

b. TIP Amendment for Kent County Road Commission Regarding Trail Project

KCRC is requesting an Amendment to the FY 2011-2014 TIP. KCRC is requesting to phase a current FY2011 Trail project and move two phases to FY2012.

MOTION – To Approve the Amendment to the FY 2011-2014 TIP for KCRC and the TIP Amendment for ITP/The Rapid. MOVE – Meek. SUPPORT – VerHeulen. MOTION CARRIED.

9. Other

10. Adjournment – 9:50 a.m.

MOTION – To Adjourn. MOVE – Meek. SUPPORT – VerHeulen. MOTION CARRIED.



RESOLUTION

A Resolution in Support of the New International Trade Crossing

WHEREAS, the Grand Valley Metropolitan Council, as the Metropolitan Planning Organization (MPO) and Transportation Management Area (TMA) for the Grand Rapids metro region, has determined that the construction of a New International Trade Crossing (NITC) – linking Detroit, Michigan with Windsor, Ontario – is of vital strategic and economic interest to West Michigan, the entire State of Michigan and the United States; and

WHEREAS, sixty percent of all Michigan trade – \$44 billion per year – is with Canada; one in seven West Michigan jobs, generating an estimated \$2.4 billion in wages and taxes each year, are directly dependent on a well-functioning border with Canada; and

WHEREAS, the existing 83 year-old Ambassador Bridge, which handles 25 percent of all US-Canada trade totaling \$350 million each day, must be augmented by the NITC to ensure capacity and redundancy at the Detroit-Windsor border; and

WHEREAS, the Canadian government, ranking the construction of the NITC as that nation's #1 infrastructure priority, has pledged up to \$550 million to Michigan to connect the NITC to I-75, with the money to be repaid through toll revenues.

NOW THEREFORE BE IT RESOLVED, that the Grand Valley Metropolitan Council joins the Grand Rapids Area Chamber of Commerce, the West Michigan Chamber Coalition, the Right Place, Inc. and other West Michigan organizations in supporting construction of the New International Trade Crossing in Southwest Detroit; and

BE IT FURTHER RESOLVED, that the GVMC respectfully urges legislators throughout West Michigan and the entire state to support Senate Bills 410 and 411 to foster construction of the NITC.

This Resolution declared adopted by the Grand Valley Metropolitan Council on October 10, 2011.

Hon. James R. Buck
Chairman of the Board

Donald J. Stypula
Executive Director

Proposed New International Trade Crossing (NITC)

Arguments in support of the New Bridge to Span the Detroit River

Arguments for the new bridge

1. **Jobs:** Governor Rick Snyder and Lt. Governor Brian Calley argue that the \$4 billion bridge project would generate more than 10,000 construction jobs over the 7-year life of the construction project and hundreds of permanent jobs to staff bridge operations and maintenance activities after the span opens. Proponents also argue that the spinoff development near the Detroit-side approaches to the bridge could generate several thousand more permanent jobs in the future. The Grand Rapids Area Chamber of Commerce estimates that the New International Trade Crossing will support more than 100,000 jobs, tied to international trade, in West Michigan.
2. **No cost to Michigan taxpayers:** Proponents argue that there will be no up-front expense, or long-term obligation, for Michigan taxpayers. A \$550 million loan from Canada will pay for necessary roadwork on the Michigan side of the crossing, while Canada and the U.S. government will share the cost of a customs plaza on the Canadian side. Governor Snyder has worked with the Federal Highway Administration (FHWA) to use the \$550 million loan from Canada as “soft match” to secure more than \$2 billion in federal matching funds for road and bridge construction throughout the state. At the same time, protections will be built into the authorizing legislation to make sure that Michigan taxpayers are not on the hook should toll revenue – to retire the debt service on the bridge – fall short of projections.
3. **Easing traffic congestion at the border:** The Governor and other proponents argue that congestion on the approaches to the existing Ambassador Bridge causes a significant bottleneck for truck traffic and dramatically slows on-time delivery of critical parts and other manufactured goods to final assembly operations on both sides of the border. They also argue that tourist traffic has been affected by the slowdowns at the Customs booths on both sides of the border.
4. **Private/Public Partnerships:** Enabling legislation has been introduced in Lansing (Senate Bills 410 and 411) that would establish a public governing authority for the bridge, which would then be built by a private contractor and sub-contractors. Canada is moving ahead with its part of the project by buying more than 100 acres in a largely industrial area of Windsor, where the bridge would connect across the river in the Delray neighborhood of Detroit. The Ontario government has already begun the \$1.6 billion Windsor-Essex Parkway project that would extend Highway 401 to the site of the proposed new bridge. The parkway would bypass downtown Windsor and connect the highway to the bridge.

The Grand Rapids Area Chamber of Commerce, The West Michigan Chamber Coalition The Right Place, Inc., and Lakeshore Advantage have joined the Detroit Regional Chamber in supporting construction of the new bridge linking Detroit to Windsor, Ontario.

Proposed New International Trade Crossing (NITC)

Arguments in opposition the New Bridge to Span the Detroit River

Arguments against the new bridge

1. **The new bridge isn't needed:** Manual (Matty) Maroun, whose family owns the existing 83 year-old Ambassador Bridge, argues that traffic volumes have declined significantly and that the new international crossing is not necessary to meet anticipated traffic volumes going forward.
2. **Unfair competition:** Maroun and those opposed to the new bridge argue that the proposed, publicly-owned NITC would decrease traffic volumes on the existing Ambassador Bridge by 75% and impact the ability of the bridge company finance maintenance and improvements to the existing structure. Using taxpayer funding (through FHWA and the Canadian government), they argue, would place the bridge company in an unfavorable competitive position.
3. **Taxpayers could be on the hook:** Opponents believe that traffic volumes – both passenger vehicle and on-highway truck traffic – have declined significantly over the past several years; are unlikely to rebound to pre-recession levels; and render the new bridge unnecessary. Lower traffic volumes equate to lower toll revenue, which opponents say could leave the NITC with an \$85 million deficit that would have to be picked up by Michigan taxpayers.
4. **A new bridge built with private money:** Maroun's Detroit International Bridge Company owns hundreds o acres of land south of the existing Ambassador Bridge and has pledged to build – with private funds – a second span to link the two countries. While the Canadian government has rejected this plan, Maroun argues he can work with Canadian officials to address their concerns and build the second bridge in a timely manner.

The Maroun family, former Senate Majority Leader Mike Bishop, current House Appropriations Committee Chair Chuck Moss (R-Birmingham), Rep. Dave Agema (R-Grandville) and several government watchdog and taxpayer groups have expressed strong opposition to the NITC project.

***** Interesting fact: About 30 percent of the goods sold between the United States and Canada are trucked across the Detroit River.***

PROPOSED MICHIGAN REGIONAL COUNCILS ACT

Draft Legislation Circulated for Stakeholder Review & Comment

Prepared by the
MICHIGAN ASSOCIATION OF PLANNING
LAW COMMITTEE

With assistance from a subcommittee of the Michigan Association of Regions

And approved for release to interested stakeholders for review and comment
by the Board of Directors of the
MICHIGAN ASSOCIATION OF PLANNING

on
June 17, 2011

TABLE OF CONTENTS

Whitepaper on Regional Councils and State Planning & Development Regions
“The Case for Modernizing the Institutional Structure for Regional Councils
and State-Designated Planning & Development Regions in Michigan”

Overview of Proposed *Michigan Regional Councils Act*

Draft of Proposed *Michigan Regional Councils Act*

Frequently Asked Questions

For further information contact:

Andrea Brown, Executive Director
Michigan Association of Planning
219 S. Main Street
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Ann Arbor, MI 48104
(734) 913-2000
abrown@planningmi.org

Please Note: All of the documents in this package are in draft form and are likely to be changed, based on stakeholder input. *Please submit your suggestions for refinement, or questions ASAP to Andrea Brown above.* Any questions that relate to the Michigan Association of Regions can be directed to Matt McCauley at mccauley@nwm.cog.mi.us, (231) 929-5000; Phone toll-free at 1-800-692-7774. Thanks in advance for your review of this material.

A DRAFT White Paper On

THE CASE FOR MODERNIZING THE INSTITUTIONAL STRUCTURE FOR REGIONAL COUNCILS AND STATE-DESIGNATED PLANNING & DEVELOPMENT REGIONS IN MICHIGAN

Background & Analysis of Existing Enabling Legislation for Regional Councils and for Michigan's State-Designated Planning & Development Regions (SPDR)* **AKA: Regional Planning Commissions, Regional Planning & Development Commissions, and Councils of Government*

Prepared by the Law Committee of the Michigan Association of Planning
With assistance from a Committee of the Michigan Association of Regions
June 14, 2011

*Released for Stakeholder Review and Comment by the Board of Directors of the
Michigan Association of Planning on June 17, 2011*

Opportunity to Modernize Enabling Authority for Regional Service Provision in Michigan

Ten straight years of statewide economic struggles have resulted in greatly reduced property values, corresponding reductions in local property tax revenues, less revenue to run state government, and thus less money to share with local governments. In response, an increasing number of local governments are looking to intergovernmental service sharing as one option for continuing vital public services at a lower cost. Former Governor Granholm and new Governor Snyder have both focused on intergovernmental service sharing as an important underutilized opportunity for lower cost, more effective public service provision. Governor Snyder has also offered financial incentives for service sharing to those jurisdictions eligible for statutory revenue sharing. It appears likely that there will continue to be an emphasis placed on intergovernmental service sharing for the foreseeable future.

There is considerable intergovernmental service sharing going on in Michigan. The Southeast Michigan Council of Governments has published several documents over the past decade documenting local government service sharing. The Michigan Townships Association and Michigan Municipal League have also documented many examples of service sharing, as have school districts across the state. However, there remains significant potential for provision of more public services by regional planning commissions to some or all of the member communities that make up these regional commissions. To date, most of the existing services provided by these regional planning commissions are, not surprisingly, planning (e.g. regional plans for transportation or economic development) or planning related (e.g. data management, mapping, GIS services, etc). The two statutes generally relied upon to provide these services (the Regional Planning Act, 1945 PA 281, and the County or Regional Economic Development Commission Act, 1966 PA 46) offer very little guidance on how a region should be structured to do so, and generally other statutes must be consulted for service sharing on anything non-planning related. These other acts (such as Acts 7 and 8 of the extra session of 1967) are sometimes difficult to work with, and result in little predictability in service provision when used in different areas of the state. Another statute, the Metropolitan Councils Act (1989 PA 292),

which permits the formation of regional councils, is well suited for such service sharing but only one metro council has been formed under it, and that council is not one of the fourteen state-designated planning and development regional commissions.

For two decades there have been reports prepared by state blue ribbon commissions and national experts on the value and benefits of some public services being provided at a regional level. Newspaper editorials, business groups, and other stakeholders provide a steady drumbeat urging consideration of both a more consistent look at some public issues on a regional basis and for more serious examination of regional service provision. Unfortunately, even for those interested in considering more regional service provision, the existing statutory structure is not exactly welcoming, let alone easy to use to achieve this objective.

Added to these barriers are continuing challenges created by state agencies using a wide array of regional boundaries for the provision of particular state services. In some states, like Kentucky, state agencies provide services to the same geographic areas as regional planning commissions and the public has a common understanding of the same geography when the word “region” is used. That seemingly small consideration, greatly improves consistency and uniformity in communication, planning, and coordination—if the regional service boundaries are reasonable in the first place.

Should not every dollar spent at the state level be coordinated and, where possible, leveraged at the regional and local level when a particular service is delivered at that regional and local scale? Should not economies of scale be captured wherever possible? Should not regional plans connect with state plans, and local plans connect with regional plans so that we have coordinated and consistent planning for the future of transportation, economic development, and protection of sensitive environments and limited natural resources? Should not we leverage federal investments in regions with state and local dollars so we get the biggest return on the investment? There are many state, regional and local officials that have been frustrated for years at the disconnect between public entities at different levels of government and across a wide range of geographies. Perhaps the circumstances today lend themselves to rethinking these relationships and examining the critical role that regional planning commissions can play between state and local governments—on not just regional planning, but also on delivery of other regional services.

Further complicating the situation is the fact that existing acts authorizing regional entities make no attempt to coordinate authority or geography. This omission virtually guarantees the sort of overlapping service provision we frequently see today. Without clear legislative guidance, consistency in organizational structure, governance, service authority, or public access to decision making does not exist. Further, there is no common registry of those entities organized under the three regional planning and economic development statutes mentioned above making it difficult to cooperate, coordinate, or even study existing regional entities if they are not well known to exist.

The provision of some services on a regional basis may never be predictable, coordinated and effective if the statutory structure for provision of such services is not modernized. The importance, stature, and permanence of regional planning in Michigan could also be greatly improved by modernizing the enabling legislation authorizing regional planning commissions.

Now is an opportune time to modernize the institutional structure for regional service provision in Michigan given Michigan's recent economic struggles. Michigan's state-designated planning and development regions all voluntarily prepared regional economic development strategies last year as a part of the Michigan Prosperity Initiative. Twelve of the fourteen regions annually prepare or update regional economic development plans recognized by the federal Economic Development Administration. Opportunities exist to better coordinate such regional planning with state economic development plans and with the provision of economic development services by other regional economic development entities (often quasi-public entities). If Michigan is to effectively compete in the global New Economy, linking state and regional economic development planning, with state, regional and local economic development service delivery would seem to be an essential first step. Regional planning commissions could be a critical asset in the state's efforts to jumpstart Michigan's economy. Now is the time to take advantage of this opportunity and carefully think about the role of regional planning commissions vis à vis state and local government economic development.

This paper addresses five topics related to potential comprehensive reform of the institutional structure under which Michigan's regional councils generally, and state-designated planning and development regions (SPDRs) specifically, operate. The paper:

1. Identifies basic reasons why consolidation and modernization of the three regional council/regional planning commission enabling statutes is a good idea;
2. Outlines the existing structure of, and services provided by, regional councils generally and Michigan's SPDRs, specifically;
3. Summarizes the history of regional councils and SPDRs and summarizes the existing statutes under which they are organized and operated;
4. Identifies problems that exist with the present institutional structure;
5. Identifies benefits associated with consolidating the three existing enabling acts into a single statute.

While these topics are not all addressed in this paper in the order presented above, because many of the topics overlap one another, all will be discussed before the end of the paper. Let's begin with a review of the importance of regional planning in Michigan.

Importance of Regional Planning in Michigan

Regional planning is arguably the most important of the sub-state (regional) services, yet for a variety of reasons, it is the least recognized and least appreciated. Most regional planning commissions prepare transportation plans and economic development plans, and many provide a wide array of other planning services at the regional level (these are discussed in detail later). Yet these voluntary associations of local governments have carried the burden for regional planning without a guaranteed base of fiscal support since the early 1980s. In part as a result, there are tremendous differences in the way they are organized, the range and quality of services provided, and the size and capacity of their staffs. Yet despite the lack of recognition and appreciation for the benefit of their work, if these regional planning commissions had not prepared many of the regional plans they have, local governments would not have been eligible for federal and/or state financial assistance to implement local plans and projects, especially in the transportation and economic development arenas. In some cases, funds for private projects would also have been jeopardized. These services alone justify not only the existence of regional planning commissions, but their cultivation and continued support. But regional planning commissions have long provided far more services than these examples under an antiquated and

overlapping legal structure that does not ensure the continued relevance of their service to their constituents; the people, businesses and communities of the state of Michigan.

Michigan is not unique in having regional planning commissions. Most states have them. But the means of financing regional planning services, and the nature of state-regional relationships varies dramatically in other states compared to Michigan. A quick review of resources on the National Association of Regional Councils website and the National Association of Development Organizations website illustrates some of these differences.

The services provided by regional planning commissions cannot (for the most part) be provided at a lower level of government, such as a county, because the geographic area is too small for the issue being considered (e.g. transportation, economic development, affordable housing, etc.). With that said though, in an era when every level of government is under scrutiny as to its purpose and function, the MAP Law Committee believes it is time to examine regional planning more critically and consider a new statute to enable regional planning services in ways that are more adaptable to changing social, environmental and economic circumstances.

Reasons for Examination of the Statutory Structure for Regional Planning in Michigan

In 1989, the then Michigan Chapter of the American Planning Association (now Michigan Association of Planning – abbreviated MAP), started its examination of options for modernizing the role and structure of planning at all levels of government in Michigan with the creation of a Planning Law Committee. That volunteer Committee worked for a decade to draft omnibus legislation to consolidate all planning enabling acts (Municipal Planning Act, Township Planning Act, County Planning Act and the Regional Planning Act) into the proposed Coordinated Planning Act. The draft was completed and released in November 1999. This lengthy draft legislation proposed clear roles for state, regional, county and local planning with a hierarchy of responsibility and coordination requirements. It was considered by the Legislature from 1999-2001, but only the coordination elements were enacted as part of amendments to the three local planning enabling acts in 2003, along with new but, separate joint planning commission legislation.

At that point, the MAP Law Committee made the decision to strategically separate legislative efforts to consolidate regional planning from efforts to consolidate city, village, township and county planning. Consolidation of city, village, township and county planning enabling legislation occurred in 2008 in the form of the Michigan Planning Enabling Act (MPEA, PA 33 of 2008), two years after successful consolidation of the three zoning enabling acts in the form of the Michigan Zoning Enabling Act (MZEA, PA 110 of 2006).

In 2009, the MAP Law Committee circled back to address modernization of regional planning commission legislation, and determined that three statutes should be targeted for consolidation. Beyond modernization, some of the other purposes for this effort include:

- Providing a common mechanism for regional service delivery of non-regional planning services.
- Providing a common mechanism for regional planning in Michigan.
- Creating a structure for more predictable and consistent delivery of regional planning services in Michigan. This is in light of concern about wide disparities in funding and

capacity of regional planning agencies across the state and a desire to make the playing field more uniform and predictable.

- Clarifying the roles, responsibilities and structure of regional planning commissions in Michigan.
- Spelling out the state role and the governor's responsibility for support of regional planning in Michigan.
- Extending the different authorities that exist in each of the three regional planning statutes to all regional planning commissions, not just to those organized under one of the regional planning statutes.
- Enabling regional planning commissions to do more than planning, if their constituents want them too. This is especially important in light of rising costs and the declining ability of state and local governments to provide services at reasonable costs with declining revenues. Regional planning commissions could provide some of those services.
- Improving state and local planning by linking them better with some regional plans (especially regional framework plans and regional economic development plans).
- Improving the ability of regional planning commissions to help communities in their region to better compete in the global New Economy.
- Positioning Michigan to be better able to adapt to changing economic, fiscal and political circumstances.

Background on Regional Planning Commissions in Michigan

Over the past 65 years the Michigan legislature has created three separate, but different statutory approaches to addressing regional planning through voluntary sub-state units of government known variously as *state-designated planning and development regions*, *regional planning commissions*, *regional planning and development commissions*, and *councils of government* (these terms are used interchangeably in this report). These Acts are:

- Regional Planning Act, 1945 PA 281 (hereafter abbreviated as RPA).
- The regional planning portion of the County or Regional Economic Development Commission Act, 1966 PA 46 (hereafter abbreviated as CREDCA).
- The regional planning portion of Metropolitan Councils Act, 1989 PA 292, (hereafter abbreviated as MCA).

The second of these Acts also authorizes county economic development commissions, and the third, regional service provision through regional councils.

The statutory approaches in each of these three Acts are quite different, they arguably do not result in a predictable or uniform service delivery, and they fail to address contemporary and emerging planning, economic and other sustainable development needs of the 21st Century. Only one of the Acts addresses the potential for a wide range of public services to be provided on a regional basis (MCA).

A growing concern among regional planners is that failure to modernize the regional planning structure will reduce the ability of Michigan to effectively compete at the regional level in the global New Economy and to not fully capitalize on the opportunity to provide some public services more cost effectively and efficiently at the regional level. Since regions are the geographic unit of global economic activity, this is no small concern.

State Planning & Development Commissions

What are the SPDRs?

SPDRs are voluntary organizations comprised of local governments dedicated to serving the regional planning needs of multi-county areas in all parts of Michigan. They are a form of local government voluntarily created by their members, which are largely persons appointed to represent local governments in the region; although membership also includes road authorities, nonprofit organizations, private citizens, and representatives of the business community in many regions. There is no state or federal constitutional acknowledgement of SPDRs (under any name) unlike specific provisions in the state constitution for counties, townships, cities and villages. But that doesn't make them a non-governmental entity, it just clouds how citizens might view them. For example, at the federal level some regional planning commissions are specifically recognized as official public entities providing valuable regional services (e.g. the U.S. Department of Commerce, Economic Development Administration of Economic Development Districts (EDDs), and MPOs by the U.S. Department of Transportation). Additionally, regional planning commissions are also recognized under Presidential Executive Order A-12372 as the sub-state regional clearinghouses for a variety of projects seeking federal funding.

The oldest of today's regions, the Tri-County Regional Planning Commission (Region 6 in Lansing, formed in 1956), and the three-county Detroit Metropolitan Area Regional Planning Commission (formed in 1947 and subsequently replaced by the Southeast Michigan Council of Governments in 1968) SEMCOG (which covers seven counties in SE Michigan), originated out of a desire by local officials to coordinate transportation infrastructure planning and to serve as a forum for other regional issues.

In the late 1960s, Governor Romney asked the Dept. of Management and Budget to undertake an analysis and determine the appropriate boundaries for SPDRs in all parts of Michigan. After a thorough study that considered dozens of variables (trip to work data, newspaper readership, population characteristics, common land characteristics, business types, etc.), thirteen regions were identified and given official status by Executive Directive of the Governor. Since then, the counties that originally comprised Region 8 were reorganized and Region 14 was established out of Region 8.¹ Subsequently, a number of state and federal departments have officially recognized the regional planning commissions as official partners in the delivery of a variety of services (this has occurred across the nation, not just in Michigan). The strongest of these federal partnerships are related to transportation planning and economic development. In these areas, the services of SPDRs are critical in helping state and federal agencies allocate resources such as road repair and improvement funds, traffic safety improvement funds, economic development implementation funds and other similar funds. This is not done by arbitrarily picking and choosing projects to support, rather it is accomplished by applying standards and principles contained in regional transportation and economic development plans to local needs and projects identified by local governments and businesses in the region as critical to the long term viability of the region. This model could also be applied for other service areas, through recreation plans, watershed plans, environmentally sensitive area plans, heritage route plans, etc.

¹ For additional background on the history of regions in Michigan, see **Regionalism**, by the League of Women Voters of Michigan, 1981, 111 pages.

Regional planning commissions have been around in some parts of the country since near the start of the last century (notably, the Regional Plan Association of New York). SPDRs look at planning issues from a larger geography than that examined by counties or local units of government in the region. That allows regional planning commissions to identify issues and opportunities that are not apparent at a smaller level. In that regard, they are generally less parochial. They also can help local governments resolve issues of overlapping services, help fill gaps in services through service sharing arrangements, and help find resources from the federal and state governments to address unmet needs.

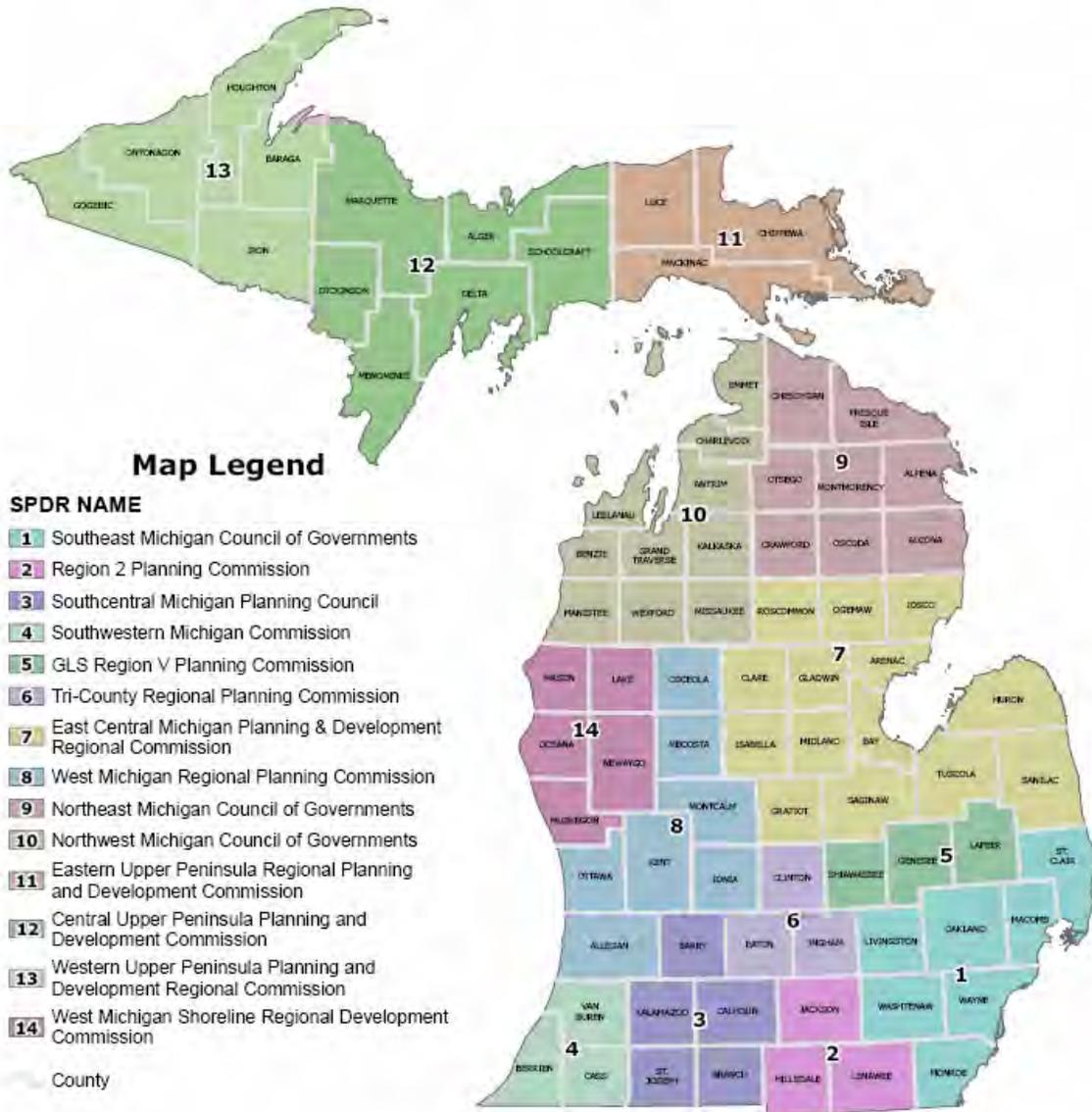
SPDRs are financed by dues paid by member communities and organizations, as well as from state, federal and foundation grants, from contracts with local governments and from some fee for service activities like training programs and temporary staffing arrangements they make with local governments within the region, or with adjacent regions.

Where are the SPDRs located?

The land area of Michigan is divided into 14 SPDRs (see Map 1) with counties as the organizing unit. They range widely in size as illustrated in Table 1. Five have only three counties, while one has fourteen counties. The two smallest are only 1,711-13 square miles each in size, while the largest is 8,735 square miles in size. Population served varies from 57,510 persons to 4,833,493 based on Census estimates in 2000. Population density ranges from under 14 persons/square mile in Region 13 (Western U.P.), to over 1,043 persons/square mile in Region 1 (Southeast Michigan).

Map 1

MICHIGAN STATE PLANNING & DEVELOPMENT REGIONS (SPDRs)



Produced by
Michigan Center for Geographic Information
Department of Information Technology
January 2006



Note: Region 7 has been renamed East Michigan Council of Governments, since this map was created.

Table 1 -- Size Characteristics of Michigan's SPDRs

Region Number & Name	Number of Counties	Land Area 2000 Sq. Miles	Population 2000 Persons	Largest Jurisdictions	General Location
1 – SEMCOG	7	4,632.25	4,833,493	Detroit & metro area	SE MI
2 – Region 2 PC	3	2,090.27	303,839	Jackson	Southern MI
3 – SCMPC	5	2,914.53	541,552	Battle Creek & Kalamazoo	Southern MI
4 – SWMPC	3	1,711.38	289,820	Benton Harbor & St. Joseph	SW MI
5 – GLS Reg. V PC	3	1,852.22	595,732	Flint	Flint & I-69
6 – TCRPC	3	1,713.35	447,728	Lansing	Capital area
7 – EMCOG	14	8,734.94	796,595	Saginaw, Midland, Bay City	Saginaw Basin
8 – WMRPC	7	4,733.20	1,104,848	Grand Rapids	W. Central MI
9 – NEMCOG	9	4,991.70	141,199	Gaylord & Alpena	NE Lower Pen.
10 – NWMCOG	10	4,950.51	281,468	Traverse City	NW Lower Pen.
11 – EUPRP&DC	3	3,798.63	57,510	St. Ignace & Sault Ste. Marie	Eastern UP
12 – CUPP&DC	6	7,032.90	174,717	Escanaba & Marquette	Central UP
13 – WUPP&DRC	6	6,204.47	85,389	Houghton	Western UP
14 – WMSRDC	5	3,017.79	284,554	Muskegon	W. Central MI

Who do the SPDRs serve?

Regional planning commissions serve all the communities that exist within the region. Some SPDRs make no distinction between “member” and “non-member” communities when it comes to service provision, whereas others provide service only to communities that are formal dues-paying members. Many regions have a policy that “qualifies” communities as members if the county in which the community is located is a dues-paying member of the regional planning commission.

What do the SPDRs do?

The overwhelming bulk of the services provided by SPDRs are planning and planning-related activities (e.g. data collection, mapping, various types of analyses and regional plan preparation.) These include the preparation of regional transportation plans, watershed protection plans, county solid waste plans and a host of other possibilities. There are also grant development and

grant administration activities and some regions are active as forums for discussion of a wide range of regional issues. Table 2 lists the programs and services offered by each of the SPDRs as of May 2011.

Missing among these services are any core services required by statute, because the enabling acts do not list specific services, except for a regional economic development plan in the two regions operating under the CREDCA. At a minimum, it should be appropriate to require that regional planning commissions all prepare: a regional land resource, transportation and other important infrastructure (such as public sewer and water) plan, and a regional economic development plan.

Other critical services provided by regional planning commissions are responses to unique local community needs. For example, community X calls and relies on the regional planning commission for Y information or analysis. Effectively in these cases, the regional planning commission is serving as an extension of the local government's own staff capacity. This frequent scenario is often part of the reason that local governments value regional planning commissions, but may not be recognized by the community at large. This is because regional planning commissions rarely take credit for their services and allow the local governments to take the credit instead. This is a double-edged sword, it helps cement local government support, but puts the regional planning commission at such a low profile, that citizens often don't know about them.

How have the SPDR functions changed over time?

Throughout the 1970s the regions received annual funding from state government through a redistribution of federal "701" funds. This resulted in the regions having a more common set of services from one to the next and more flexibility in responding to local dues collection issues and general economic ups and downs. Early in the 1980s, these funds were discontinued as the federal funding dried up. Regions became more entrepreneurial in order to cover staffing costs, but also became more different from one another in terms of service provision, culture, personality, and local significance. Federal transportation and economic development agencies became more rigid in their requirements related to multi-jurisdiction service areas and some regional planning commissions began to carry several banners, such designations as Metropolitan Planning Organizations (MPOs), and/or Economic Development Districts (EDDs). Some of the boundaries for these service areas were smaller than the geography of the entire region. Not all regions sought or received designation to provide these specialized planning services and they are in some cases provided by other regional entities (especially some MPOs which operate independent of a regional planning commission, but within an existing regional planning commission boundary). Map 2 illustrates some of these overlapping boundaries as relates just to transportation.

Over time, the SPDRs have settled into a service set, culture and financing arrangement that typically does not vary markedly over a 3-4 year period. Nevertheless, the level of staffing and funding varies tremendously from one region to the next. Table 3 illustrates some of these differences.

Table 2 – Services Provided by SPDRs

	1 SEMCOG	2 Region 2	4 SWMPC	5 GLS	6 TCRPC	7 EMCOG	8 WMRPC	9 NEMCOG	10 NWMCOG	11 EUPRPDC	12 CUPPAD	13 WUPDR
Federal/State Programs¹												
BRAC Military Base Closure or Expansion	3	3	3	3	3	2	3	3	3	2	2	3
CDBG Administration	3	2	2	2	2	2	3	1	2	2	1	1
Census Depository	1	1	1	2	1	1	1	1	1	2	1	1
Commuter Rail	1	2	1	2	3	2	3	3	3	3	2	3
EDA Planning	1	1	1	2	1	1	1	1	1	1	1	1
FEMA Fires Assistance Grants	3	2	3	2	2	2	3	2	2	2	2	2
Heritage Route Planning	3	2	1	2	2	1	2	1	1	1	1	1
HOME Program	3	3	3	2	3	3	3	3	3	3	3	1
Homeland Security Grant Administration	3	2	3	3	3	3	3	1	2	2	1	2
Metropolitan Planning Organization (MPO)	1	1	1	1	1	3	3	3	2	3	3	3
Public Transportation Coordination Planning	1	1	1	2	1	2	3	3	2	1	3	1
Regional Transit District	1	1	3	2	1	3	3	3	3	3	3	2
Regional Water Planning	1	2	1	2	1	1	3	1	1	2	2	2
Rideshare Facilitation	1	2	1	1	3	2	3	2	1	3	2	2
Rural Transit Funds	3	1	1	2	1	3	3	3	3	2	2	2
Rural Transportation Planning	3	1	1	2	1	1	1	1	1	1	1	1
State Clean Energy Grants	2	2	2	2	2	2	3	1	2	2	3	2
State Data Center/Affiliate of State Library	3	1	1	2	1	2	1	1	1	1	1	2
State Special Needs Projects	2	3	2	2	3	2	2	3	2	2	2	2
Transportation Asset Management	1	1	1	1	1	1	1	1	1	1	1	1
Urban Transit Funds	3	1	1	2	1	3	2	3	3	3	2	2
Workforce Investment Board	3	2	3	3	3	3	3	3	1	1	3	3
Business Loan Programs²												
EDA Revolving Loan Fund	2	2	3	3	3	1	3	3	2	3	3	1
SBA Small Business Development Center	3	3	3	3	3	2	3	2	1	3	3	3
Micro Loan Fund	3	3	3	3	3	2	3	1	1	3	3	3
Regional/Local Programs³												
Code and Ordinance Writing	2	1	3	2	2	2	3	1	2	2	1	2
Comprehensive Planning	3	1	1	2	1	1	1	1	1	1	1	1
Criminal Justice	3	2	3	3	3	2	3	1	1	3	1	3
Economic Profiles	1	1	3	2	1	1	1	1	1	1	2	1
Facilitation of Joint Public Services	1	2	2	2	1	2	2	1	1	2	2	2
G.I.S	1	1	1	2	1	1	1		1	1	1	1
Grant Administration	3	1	2	2	1	1	2	1	1	1	1	1
Grant Writing	3	2	1	2	1	1	1	1	1	1	1	1

Table 2 – Services Provided by SPDRs

	1 SEMOG	2 Region 2	4 SWMPC	5 GLS	6 TCRPC	7 EMCOG	8 WMRPC	9 NEMCOG	10 NWMCOG	11 EUPRPDC	12 CUPPAD	13 WUPDR
Historic Preservation Grants	3	2	2	2	2	3	3	2	2	2	2	2
Housing Outreach and Homebuyer's Education	3	3	3	2	3	3	3	3	3	3	3	2
Land Use/Zoning Ordinances	2	1	3	2		1	1	1	2	1	1	1
Local Land Use Education (Local Planning Board, etc.)	2	1	2	2	1	2	2	1	1	2	1	2
Public Administration	3	2	3	2	3	2	2	1	1	2	2	2
Public Works/Solid Waste	1	2	3	2	1	2	3	1	2	2	2	1
Recreational Planning	3	1	1	2	1	1	1	1	1	2	1	1
Regional Population Projections	1	1	2	2	1	1	1	2	1	2	2	2
Strategic Planning	1	2	1	2	1	1	2	1	1	1	1	2
Tourism	3	3	2	3	3	2	2	1	2	2	1	1
Transportation Modeling	1	1	3	2	1	2	3	3	1	3	2	2
Transportation Access Management	1	1	2	2		2	1	1	1	1	1	1
Water Associations	1	2	2	2	1	2	3	1	2	2	2	2
Watershed & Water Quality Education	1	2	1	2	1	2	3	1	1	2	2	2
Watershed Planning	1	2	1	2	1	2	3	1	1	2	2	2
Coastal Zone Management Grants	2	3	2	3	3	1	2	1	1	2	1	1
Community Surveys	2	1	1	2	2	1	1	1	1	2	2	1

1 = Core Function 2= In-house Capacity 3= No Capacity

FOOTNOTES

¹ **Is your agency involved in any other Federal/State programs? If so, explain.**

EMCOG	Coastal Zone Management projects, Sub-state regional clearinghouse review (A-12372), EDA RLF (2-counties), Economic Gardening (USDA), Local/Regional Food Systems (USDA)
WUPDR	MSHDA Voucher Program
EUPRPDC	FEMA Pre-Disaster mitigation planning, USDA Solid Waste Management Planning, State Solid Waste Management Planning (unfunded mandate), Michigan Council for the arts and cultural affairs mini re-granting administrator, Scenic Byways grant administration
CUPPAD	MDEQ & EPA Great Lakes Restoration Initiative, MDOT Emergency Management planning, Heritage Route and Arts Minigrant administration
TCRPC	Stormwater NPDES management; USDA and USGS programs, hazard mitigation planning
WMRPC	Michigan Coastal Management Program; Michigan Natural Resources Trust Fund/MDNR Recreation Plans
SEMOG	Air and water quality planning agency
GLS	We operate a multitude of federal and state programs, but only for Genesee County. Wasn't completely sure how to answer the questions where we clearly have expertise but do not currently do those tasks for the other two counties. We also are the Energy Efficiency Block Group administrators for Genesee County, and have administered Emergency Shelter grant and are administering HPRP monies. Our office has also participated in leveraging MSHDA LIHTC to construct senior housing with our HOME funds. We have constructed or rehabbed over 1000 units. Currently our large HUD housing project is the Neighborhood Stabilization program. We have demolished approximately 300 homes and are currently rehabbing 70. We have sold 15 to date.
Region 2 PC	EDA CEDS Grant; OHSP Safety Grants
NEMCOG	Community Corrections, Juvenile Delinquency Prevention Program, Solid Waste, Heritage Route, Scenic Byways, Ecotourism Planning.

² Does your agency participate in any other Business Loan programs? If so, explain.

EMCOG	Not yet - anticipating IRP designation (USDA).
SEMCOG	In-process of becoming EDA District.
GLS	The counties of Genesee, Shiawassee and Lapeer all have separate economic development entities located in their Chambers of Commerce.

³ Does your agency participate in any other Regional/Local programs? If so, explain.

TCRPC	Regional economic development; consortium of social services providers
GLS	Currently our agency provides the above services only for Genesee County. We do have the expertise in our staffing to provide for the other two counties, it is something that is currently being looked at.
Region 2 PC	Multi-jurisdictional recreation and master plans

Table 3 – Staffing and Funding Levels of SPDRs

	1 SEMCOG	2 Region 2	4 SWMPC	5 GLS	6 TCRPC	7 EMCOG	8 WMRPC	9 NEMCOG	10 NWMCOG	11 EUPRPDC	12 CUPPAD	13 WUPDR
Total Staff	65	6	12	24	14	4	3	10	26	3.5	6	10
Professional Staff	65	4	8	20	11	3	2	8	16	3.5	4	8
Support Staff	3	2	8	4	3	1	1	2	10	0	2	2
Total Funds	\$9,600,000	\$786,507	\$907,679	\$70,000 ¹	-	\$500,000	\$220,000	\$1,015,671	\$1,100,000	\$289,000	\$541,000	\$800,000
% Funds from Local Dues/Fees	2	4	1	1	-	1	1	1	1	1	2	1
% Funds from State Funds	6	1	3	1	-	7	6	4	6	1	1	6
% Funds from Federal Funds	2	5	5	8	-	1	3	2	3	7	1	2
% Funds from MPO Status	N/A	5	3	4	-	N/A	N/A	N/A	N/A	3	N/A	N/A
% Funds from WIB Status	N/A	N/A	N/A	N/A	-	N/A	N/A	N/A	9	N/A	N/A	N/A
% Funds from Other Sources ²	N/A	N/A	1	N/A	-	1	N/A	3	N/A	N/A	6	1
How many members are on your agency's governing body?	47	81	42	30	-	35	35	21	10	19	30	43
How many members are on your agency's CEDS advisory committee?	50	17	20	N/A	-	15	18	20	27	27	8	23

Legend for % of Funds by Source

1 = 10%, 2 = 20%, 3 = 30%, 4 = 40%, 5 = 50%, 6 = 60%, 7 = 70%, 8 = 80%, 9 = 90%

FOOTNOTES

¹ Approximately \$4 million for Genesee County Planning Commission, GLS Region V is approximately \$70,000

² Do you have any other stable funding sources? If so, explain.

EMCOG	RLF administration funds
SWMPC	Other-private foundation funding (probably does not qualify as stable however)
NWMCOG	Private foundation funding

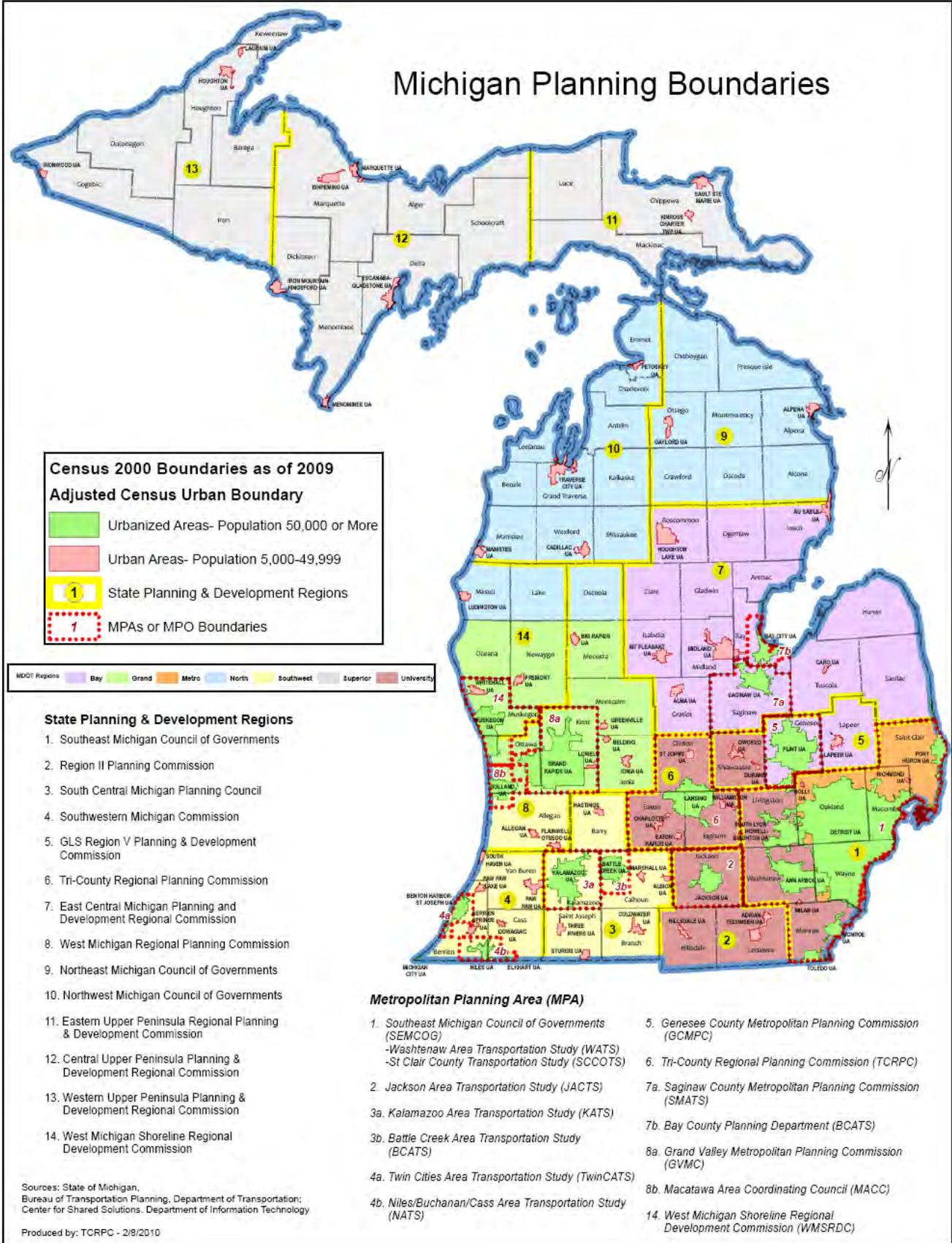
Summary of Existing Statutory Options

All of the SPDRs are believed to be organized under the Regional Planning Act, PA 281 of 1945, as amended. At least two are also organized under the County or Regional Economic Development Commission Act, PA 46 of 1966, as amended. At least one region was reorganized in the early 1980s under the Intergovernmental Transfer of Functions and Responsibilities Act, PA 8 of 1967, in order to combine regional planning with workforce development activities (Region 10 headquartered in Traverse City).

Both PA 281 of 1945 and PA 46 of 1966 are very simply structured enabling acts permitting regional planning activities. In the case of the Regional Planning Act (RPA), a broad range of planning activities is permitted. In the case of the County or Regional Economic Development Commission Act (CREDCA) the focus is on planning and implementing various economic development and expansion activities. No other types of planning activities are specifically mentioned in the RPA or the CREDCA.

To add to the complexity, a third statute authorizes regional planning and provision of a broad range of other services as well. This is the Metropolitan Councils Act (MCA), P.A. 292 of 1989. The Grand Valley Metropolitan Council (GVMC) is organized under this statute. The GVMC serves about three dozen communities in the Grand Rapids area (including communities in Allegan, Kent and Barry Counties). It is NOT recognized by the state as an SPDR, but is recognized by the Michigan Department of Transportation (MDOT) and the Federal Highway Administration (FHWA) as an MPO. As such it does the transportation planning for the Grand Rapids metro area. It also operates a geographic information system (REGIS); engages in metropolitan land use, green infrastructure, and watershed planning; and prepares model regulations (notably a model Form-Based Code) for use by local governments in the metro area. The West Michigan Regional Planning Commission (Region 8) also provides regional planning services for the same geographic area, as well as for quite a bit more area than the GVMC, but does not provide the same services as GVMC within the GVMC service area. See Map 3 for the GVMC service area and compare to the Region 8 service area on Map 1. Note also on Map 3, the cities in Barry County (which is in Region 3) that belong to the GVMC, but that are not within Kent or Ottawa County (Region 8). Despite the authority in the Metropolitan Councils Act, the GVMC does not appear to provide any regional services beyond a set of services similar to those provided by many of the SPDRs.

Map 2



Map 3 – Service Area of the Grand Valley Metropolitan Council

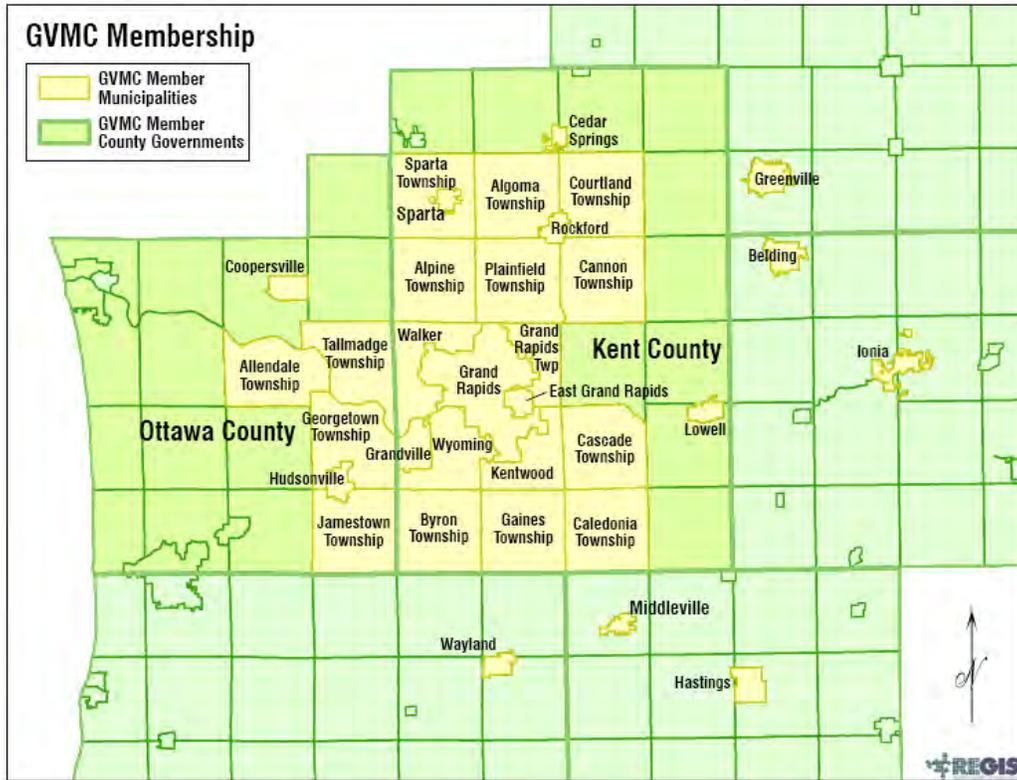


Table 4 illustrates the principal focus of each of these three regional planning enabling acts.

Table 4 – Comparison of the Three Regional Planning Enabling Acts

Key Provisions	RPA PA 281 of 1945 MCL 125.11 et seq	CREDCA PA 46 of 1966 MCL 125.1231 et seq	MCA PA 292 of 1989 MCL 124.651 et seq
Number of Regions Organized Under or Utilizing the Act	Believed to be 14 SPDRs	Perhaps 2 SPDRs	1 (not an SPDR; can be a metropolitan area council, a metropolitan region council, or a metro arts council—different provisions for each one; only the metropolitan area council is a general regional planning entity, but it can also provide other regional services, the other two metro councils enabled under the Act are for establishing and running regional cultural facilities, like a stadium or art museum). The following summary in this column applies to a metropolitan area council.

Key Provisions	RPA PA 281 of 1945 MCL 125.11 et seq	CREDCA PA 46 of 1966 MCL 125.1231 et seq	MCA PA 292 of 1989 MCL 124.651 et seq
Basic Purpose & Scope of Authority	May conduct all types of research studies, collect and analyze data, prepare maps, charts, and tables, and conduct all necessary studies for the accomplishment of its other duties; may make and coordinate the development of plans for the physical, social, and economic development of the region, and may adopt, by resolution of its governing body, a plan ... for the development of the region;	Plan and direct the carrying out of an economic development and expansion program for the county or region; including promotion, marketing, research and implementation	(1) The articles (<i>of incorporation</i>) may authorize a metropolitan area council to propose standards, criteria, and suggested model ordinances to regulate the use and development of land and water within the council area. (2) To the extent authorized in the articles, a metropolitan area council may plan, promote, finance, issue bonds for, acquire, improve, enlarge, extend, own, construct, replace, or contract for public improvements and services including, but not limited to, the following: (a) Water and sewer public improvements and services. (b) Solid waste collection, recycling, and disposal. (c) Parks, museums, zoos, wildlife sanctuaries, recreational facilities. (d) Special use facilities. (e) Ground and air transportation and facilities, including airports. (f) Economic development and planning for the metropolitan area council area. (g) Higher education public improvements and services. (h) Community foundations as that term is defined in section 261 of the income tax act of 1967, 1967 PA 281, MCL 206.261.
Who Creates	2 or more legislative bodies of any local governmental units by resolution.	County Board of Commissioners of two or more contiguous counties. County	2 or more local governmental units in a metropolitan area (MSA under 1.5 million persons) may form a

Key Provisions	RPA PA 281 of 1945 MCL 125.11 et seq	CREDCA PA 46 of 1966 MCL 125.1231 et seq	MCA PA 292 of 1989 MCL 124.651 et seq
	Commission once formed makes its own rules. Can be converted to a regional council of governments after first created.	Boards make the rules, but additional rules may be established by the commission.	metropolitan area council by adopting articles of incorporation. May adopt bylaws.
Basic Membership Options	Local units of government, which includes counties, cities, villages, townships, school districts and special authorities like road commissions or sewer and water authorities.	Not less than 3 nor more than 35 members	Established in articles of incorporation.
Funding	May accept aid, gifts or grants and (apparently) enter into contracts; may establish a budget and ask local governments to contribute funds to its operations	Allowed to apply for and implement grants, contracts and accept other sources of funding	May accept aid, gifts or grants and enter into contracts; may impose taxes in jurisdictions served with approval of the jurisdiction members (detailed provisions in act)
Express Statutory Limitations	Can not impose costs on local governments without their approval. May be restricted in providing some services that are available from the private sector.		A council established under this act may not contract for the operation by another person of a public improvement or service acquired by the council pursuant to this act.

There are substantial differences across the three statutes in terms of what is authorized and, which topics are addressed. The oldest of the three statutes, the RPA, is the most general and enables largely just planning and related services, but there are a few limitations. It is also extremely sensitive in the way it treats local financing of the regional planning commission activities. This puts regional planning commissions at risk of losing funding and/or a membership in any given year. That also makes it difficult for them to budget with any confidence from year to year. However, while the vagueness does not restrict the regional planning commission from doing much, and there is considerable flexibility in how a regional planning commission functions and what it does for local governments, it also does not explicitly

permit them to do much, and this could result in litigation over their authority to provide regional services that may be outside the direct scope of regional planning.

The CREDCA only authorizes economic development planning and implementation activities, but it leaves support for them completely at the discretion of the member county boards of commissioners. While the statute is very short, it otherwise covers the most elementary issues associated with its purpose. Many rural counties have created economic development commissions under this act. When used by a regional planning commission, the commission serves as the regional economic development commission.

The Metropolitan Councils Act authorizes not only planning, but also provides specific authority to implement various public services at a regional, or (presumably) sub-regional level. It permits development of model land use regulations, but does not specifically permit the development of regional land use plans. Specific services that may be provided at a regional level that are spelled out include water and sewer, solid waste, parks and recreation, transportation, economic development and higher education improvements.

None of these statutes clearly establishes whether regional planning commissions are equivalent to local governments, or as arms of state government. In every case, regional planning commissions are established voluntarily by local units of government (and sometimes other stakeholders) in each region. As such, the federal government considers them local units of government, and the state considers them "political subdivisions of the State of Michigan."

Another statute, the Joint Planning Act, P.A. 226 of 2003, MCL 125.131 et seq authorizes planning (and zoning) on a multi-jurisdictional basis. However, it is not included in this analysis because it only applies to cities, villages and townships (not counties or other governmental entities), and it is tied to implementation of local master plans and zoning ordinances pursuant to the Michigan Planning Enabling Act, and Michigan Zoning Enabling Act, respectively. It does not authorize a broader range of services. The Urban Cooperation Act, PA 7 of 1967 and the Intergovernmental Transfer of Functions and Responsibilities Act, PA 8 of 1967 mentioned earlier, could also be used to engage in regional planning and regional service provision, but it is an awkward and cumbersome tool to use for more than two entities and would result in very different arrangements across the state instead of a common structure for regional planning. Thus, it is not considered in this analysis.

Problems with the Present Institutional Structure

The Regional Planning Act has served regional planning commissions in Michigan well since 1945. Despite the RPA being 65 years old and showing some rust around the edges compared to the more contemporary Metropolitan Councils Act (MCA), one might ask "*why consider making any changes?*" There are many reasons. Some of the most frequently cited reasons are briefly discussed below.

1. There is a general lack of understanding among citizens and local officials as to why regional service provision is important, what regionalism is, and why it is important to Michigan's future. Until this general attitude is changed, regional service provision will remain a limited service sharing choice, but education must continue until we get to get a critical mass of

people that understand the value and importance of regional service provision as another important option in maximizing cost effective service provision.

2. Uneven ability to provide key services on a regional basis depending on which statute regions are organized under. As long as regions can organize under different statutes, there will be a difference in the services provided, and hence less uniformity in terms of what services are available at each regional planning commission. Michigan's citizens, businesses and communities all deserve a core set of services from their regional planning commission. These core services should be specified in the enabling statute. While all 14 SPDRs appear to be organized under the RPA at this time, the GVMC is not. Since the GVMC is organized under the MCA, it has the authority to provide a much wider range of services than Region 8 can. The overlapping geography does not appear to be much of a distraction at the present time, probably because of close staff coordination between the two entities, but that could be an issue in the future. It is a needless issue if all SPDRs were organized under a single statute that authorizes a broad range of regional services, not just planning, and if there were not more than one state-designated planning and development regional commission in each region. The same is true with MPOs. If all MPOs were within designated SPDRs and the transportation planning services were provided by the SPDR, there would be fewer separate sub-state planning entities. It is fine to have multiple regional councils in a region providing different regional services, but there should be only one state-designated regional council authorized to do regional planning tied to transportation, economic development and other functions specified in enabling legislation or requested by the state.
3. Not all regions provide the same services. This is probably a good thing where the services provided are a response to local needs. However, there are a core set of planning services that probably should be provided by every regional planning commission. Core services could include: regional land resource, transportation and other important infrastructure (such as public sewer and water) plan, and a regional economic development plan. Periodic audits by the state tied to review of spending of state support to the regions would ensure adequate provision of core services. This is already done with regard to transportation planning and EDA supported regional economic development plans (CEDDS plans). By not listing these core regional plans as requirements in the statute, they may or may not be provided in a given region, and if not, then the communities and residents of that region are denied the benefits of those planning services. Only a few regions provide comprehensive regional land use planning, and regional infrastructure planning (other than transportation). Some regional planning commissions provide a variety of affordable housing planning services, and environmental protection and groundwater planning services, but it is very uneven. In a few cases, some of these services are provided by individual counties or cities, villages or townships in those regions (but only for the geographic area of the community affected). If regional planning is to have a chance to be uniformly effective, many of these services should be uniformly provided across the state. This would require a statutory change and a change in the means of financing, as regions presently provide only those services for which they have funding. This issue is also somewhat confounded by the fact that there is not a state agency with responsibility in all of these functional areas as well. Without a state agency connection, there is no way to coordinate all the regions to prepare a regional plan that readily fits into a state scheme, like is presently done with the MDOT recognized regions, the

transportation plans they prepare and their role in helping to create and implement a state transportation plan. The same should be done or at least enabled and facilitated, with regional economic development plans (i.e. helping to serve as the basis for a state strategic economic development plan).

4. Uneven geography of the area included in the regional planning commission boundaries, and uneven geography in the provision of state services. As noted earlier, Michigan's SPDRs differ widely in terms of number of counties served, total land area served, and population served. It is much easier to provide a uniform level of service to a smaller area and a smaller number of local units of government than to a larger one (either in area, number of local governments or population). It should not be a surprise then, that veteran planners who have worked with many regional planning commissions report a wide variation in the level of service provided by regions, not simply in the number and type of services offered. There are of course many reasons for this (e.g. level of base funding, training and experience of staff, number of staff, etc.). However, geography also plays a role. Large geographic regions put staff on the road for long time periods. This affects the cost and quantity of service that can be provided. Citizens do not readily associate with SPDRs based on their geography in part because that geography is not used by any other entities. When the SPDRs were first created, Governor Milliken issued an Executive Directive for state agencies to use the boundaries of the SPDRs when setting up regional offices of the state agencies. However, this was never implemented and state agencies all now have different geographies for their sub-state/field offices. But a uniform geography for state agencies and SPDRs is the norm in some other states (and other nations). If regions were organized around economic characteristics and/or cultural/geographic characteristics, and if the same boundaries were used for many different public service agencies, it would be much easier to identify with the region, and there would be new synergistic opportunities created if state agencies were to co-locate in or near the same location as SPDRs and other regional state offices.
5. Uneven politics of geography at different levels of government. Realistically, there is also a political dimension to regional service boundaries. Local governments need to agree with the service area and rationale behind it, or they are unlikely to provide financial and political support to the regional planning commission over time. This suggests careful study and dialogue between local governments, the regional planning commission and the state, prior to establishing or changing regional boundaries. Also, on some issues that may legitimately transcend even a region's boundaries, but are still less than the state as a whole, the issues should be addressed at a mega-region level. That requires a mechanism for regions without strict borders on some issues. Region 14 and Region 4 are both involved in projects with jurisdictions outside of their regional boundaries (see February 2011 issue of *Planning & Zoning News*). Last, changing regional planning commission boundaries cannot be done without involvement of the federal agencies that have been the most consistent financial support for regional planning commissions: the federal Dept. of Transportation (specifically FHWA) and the federal Dept. of Commerce (specifically EDA). Each of these entities has studied and specifically designated the boundaries to be served by regional planning commissions in Michigan for provision of those specific regional services. So any attempt to change regional boundaries must also directly involve at least these federal agencies.

6. Uneven financing. As voluntary membership organizations created under the RPA, with different bylaws and organizational structures, there are different financing mechanisms for membership dues. In addition, there is no authority to levy taxes to support the region's activities and some regions find themselves frequently in the position of "chasing grants." This results in up and down staffing levels, depending on success with grant chasing. Being heavily reliant on membership dues also places each region at risk of sudden or arbitrary action by communities that drop out of membership. In a fiscally unstable period for local governments, this is especially problematic for regional planning commissions. This is no way to run a government entity. If the service provided is not valued, then it should be eliminated. But if it has value, and MAP believes it has substantial value, then it should be institutionalized. That begins first with a stable source of financing. If the state establishes core regional planning services, and identifies other services it wants from regional planning commissions, then it should provide adequate funding for those services. The state has done so with funding for regional transportation planning for decades, and this model has worked well. Without base funding support from the state, it is unlikely that all regions could provide a core set of regional planning services.
7. Uneven staffing. With uneven financing comes uneven staffing. With uneven staffing comes uneven capacity and uneven ability to provide services between regions. Do communities in one region deserve better regional planning services than another? If the reason for uneven capacity is because of lack of funding/staffing, rather than a conscious decision not to provide the service, then there is a potentially serious inequity, especially if the service in question is key to the region's future (such as for regional transportation planning or regional economic development planning). If a new consolidated regional planning act provided for a base level of required regional services and an improved structure for financing, then staffing levels would be more uniform for the required services and service provision should be more uniform. Hasn't regional planning in Michigan progressed to a point that it should be a fundamental part of the state planning scheme that is better funded and staffed?
8. Uneven local government, business and NGO representation on regional planning commissions and consequent concern over how well balanced regional plans are from a broad public interest perspective. Over the last 20 years it has become apparent that for regional economic development and regional infrastructure planning there needs to be broad input both when commissions engage in the regional planning process AND when it comes time to make regional policy decisions. The federal Economic Development Administration (EDA) requires government, business and nongovernmental organizations (NGO) to sit on the decision body responsible for preparing and adopting an economic development plan at the county or regional level. This is a good structure for all regional planning activities. There is no uniform approach as to how to achieve this objective among the SPDRs and the situation is complicated by the fact that federal transportation authorities have requirements for representation on the regional planning policy body of all the transportation entities in the region (road commissions, city transportation offices, MDOT, transit authorities, etc.). Trying to accommodate these requirements, while also meeting the requirements of all the member organizations for representation creates a strange "dance" that is worth exploring in new consolidated legislation. Sometimes the regional planning agency ends out with a policy body that is too large to be effective; other times it is small enough to be effective, but is just

a rubber stamp to advisory committees that are dominated by the interests involved in special planning studies. Something in-between, that still provides some flexibility to address legitimate local concerns, should be provided while still ensuring greater uniformity in the structure. Perhaps the most complicating factor comes from the MCA which permits limited taxation, because it raises the argument that the policy body should be a regionally elected body, rather than an appointed body—or at least a body comprised of elected officials from other local units of government in the region. Then we are back to not having business and NGO representation, unless seats are reserved for election to address those interest areas. This is a difficult issue, but it should not be avoided simply because it is difficult. New legislation should balance representation while still maintaining flexibility to adapt to changing federal, state, and local circumstances. It should also provide a more robust structure for the mechanics of organizing and operating a regional planning commission.

9. Role of regional planning commissions needs to be very clear in enabling legislation. Local government officials and citizens sometimes view regions as a political threat. One of the likely reasons that regions have continued to successfully plug away at preparing regional plans and assisting communities with state and federal grants is probably because they often lie “below the radar.” The residents of most communities in Michigan probably do not even know there is a regional planning commission that serves them, let alone knowing what those commissions do. If they did, they may well view regions as simply another layer of government, creating the potential for more government intrusion into their lives. Regions have fought these attitudes from the beginning. Requiring regions to undertake certain types of regional planning and to have more certain funding lines will neither reduce nor eliminate these concerns. Indeed, these requirements will likely exacerbate such concerns in some cases. To avoid this problem from becoming larger than it already is, it is necessary for state policy makers to be clear about what they want regional planning commissions to do, why, how to pay for it, and what the relationship of regional planning commissions to both the provision of state services and of local services should properly be. The role of regional planning commissions needs to be clearly defined in the legislation vis à vis the role of other governmental entities (including state agencies), not merely as that role relates to the responsibilities of the regional commission alone.

Major Benefits of Consolidating and Updating Regional Planning Statutes

Based on the above observations, it is clear there are at least seven major benefits of consolidating and modernizing the regional planning statutes. These include:

1. Creating a uniform structure for regional planning commissions so that everyone interacting with them is dealing with a like entity that provides similar services.
2. Creating an opportunity for restructuring not only the functions of regional planning commissions, but also rationally changing the geographic area they serve in order to keep them continuously relevant to global economic conditions. This also involves using regional planning commission boundaries as the basis for providing a variety of state services.
3. Creating a uniform structure for regional planning commissions that enhances their ability to secure base and long term funding on more stable terms than at the present time, and to therefore also have more uniformity in staffing.

4. Creating a more robust structure for organizing regional planning commissions while maintaining flexibility to accommodate requirements of federal funding agencies.
5. Creating a predictable structure for regional planning that can guide local planning by having regional planning commissions prepare regional framework plans for land resources and infrastructure, and regional economic development plans.
6. Establishing a structure for the state to engage with regions to address issues of greater than local concern, to link to and provide input into development of state plans, and to reflect relevant parts of state plans in regional plans.
7. Creating an opportunity for regional service provision by regional planning commissions where citizens and local governments permit the region to do so, or the state mandates (and pays for) such service.

Conclusions

Regional planning commissions operate under a mixed bag of largely old statutes that need to be modernized if Michigan is to take advantage of the benefits of approaching some public service challenges on a regional basis. Regional planning commissions are voluntary associations of local governments, with a base of funding that is largely locally sourced. State and federal support, as limited as it is, is contractual and not tied to any annual base funding. As a result, the characteristics of and services provided by regional planning commissions varies dramatically across the state.

Regional planning commissions have been able to adapt, evolve and survive in widely changing circumstances over time. This demonstrates their basic utility to local governments. But beyond the local scale, they are underused and not part of a broader state strategy for the coordinated provision of state, regional and local services. If Michigan is to seriously explore service sharing and both prepare and execute coordinated state, regional, and local plans to be more globally competitive, then we should seize the present opportunity to revisit and modernize the institutional structure for provision of regional planning and other regional services in Michigan.

OVERVIEW OF PROPOSED MICHIGAN REGIONAL COUNCILS ACT

A proposed act to consolidate enabling authority for regional planning and other regional service provision into a single statute and to repeal the Regional Planning Act (1945 PA 281), the regional portions of the County or Regional Economic Development Commission Act (1966 PA 46), and Sections 1- 63 of the Metropolitan Councils Act (1989 PA 292) which would also be renamed the “Metropolitan Arts Councils Act.”

Prepared by the Law Committee of the Michigan Association of Planning

With assistance from a Committee of the Michigan Association of Regions

June 14, 2011

Released for Stakeholder Review and Comment by the Board of Directors of the Michigan Association of Planning on June 17, 2011

Purposes

The purposes of the proposed Michigan Regional Councils Act (MRCA) include:

- Provide clear and contemporary authority for BOTH regional councils AND state-designated regional planning councils as voluntary associations of local governments. And more particularly to:
 - Provide clearer authority, with better checks and balances for the creation of regional councils that could provide regional services (beyond regional planning), if their members so desire; AND
 - To more clearly authorize and establish a contemporary structure for the operation of state-designated planning and development regions (AKA regional planning commissions) by specifying certain responsibilities of such councils, the governor and state government with regard to their operations; AND please note that
 - All state-designated regional planning councils would be formed and organized as regional councils and subject to all regional council requirements and authorities in the proposed act, and would be official state-designated regional planning councils only by act of the governor, pursuant to procedures in the proposed act.
- Continue the efforts of the Michigan Association of Planning to consolidate related statutes into one. In this case: the Regional Planning Act (1945 PA 281), the regional portions of the County or Regional Economic Development Commission Act (1966 PA 46), and Sections 1- 63 of the Metropolitan Councils Act (1989 PA 292).
- Provide clear authority for the governor to periodically change boundaries of state-designated regional planning councils, as well as add regional service responsibilities when accompanied by adequate financial resources.

What is Different from Existing Regional Planning Commission Functions

The following provisions are included in the proposed MRCA:

- Provides a structure for the creation and operation of regional councils made up largely of local governments (but which may also include membership of private and nonprofit groups) with authority to provide a wide range of services on a regional basis – as determined by their members. These services include regional planning, but may also include other services such as a regional zoo, or regional park system, or regional waste disposal, etc. – any number of services.
- Would require state-designated regional planning councils to prepare certain regional framework plans (addressing at the regional scale, land resources and environmental features, infrastructure and economic development), whereas presently, no such plans are required to be prepared.

- Provides authority for taxation to pay for specific regional services if the members of the regional council 1) permit taxation by the regional council in the articles of incorporation; and 2) if the members of the regional council agree to provide a service regionally that requires public tax dollars to operate only after the taxes are adopted by a public vote as provided in the draft legislation. The proposed taxation process is the same process as presently exists in the Metropolitan Councils Act.

How the Proposed MRCA was Prepared

The Michigan Association of Planning (MAP) Law Committee undertook this project initially to follow-up on two prior successful efforts to consolidate related statutes. In 2006, with the support of many other stakeholder groups, the Michigan legislature passed and the governor signed the Michigan Zoning Enabling Act, PA 110 of 2006 which consolidated three zoning enabling acts into one. In 2008, again with the support of many other stakeholder groups, the Michigan legislature passed and the governor signed the Michigan Planning Enabling Act, PA 33 of 2008 which consolidated three local planning enabling acts into one statute. Initially consolidating the regional planning commission legislation into PA 33 was considered as a part of that project, but it was rejected as the RPA has little in common with the local government planning legislation.

The effort to address regional planning legislation was rekindled when a MAP inventory of the region planning commissions revealed they were not all organized under the Regional Planning Act. Some were organized under two acts (RPA and County or Regional Economic Development Act (CREDA)), and one was organized under the Metropolitan Councils Act. The decision was then made to attempt to consolidate and modernize all three regional planning/regional council acts into one.

The MAP Law Committee began by simultaneously:

- 1) preparing a large table comparing all provisions of the three enabling acts sought to be consolidated (available to interested stakeholders upon request to Andrea Brown, MAP Executive Director); and
- 2) preparing a rough draft of a white paper detailing what was sought to be accomplished by consolidation of the statutes (that paper was periodically updated as work on the draft legislation progressed and additional background information was gathered).

Since the Metropolitan Councils Act was the newest and the most comprehensive of the three acts, it was decided that it was the best to use as the “base” for the new legislation. However, after several months of meetings, this approach failed because the statutory structure for regional councils under that act is not flexible enough to address organizational issues associated with federal agency requirements that are critical to the day-to-day functioning of regional planning commissions. In addition, none of 14 state-designated regional planning commissions are presently organized under the Metropolitan Councils Act (MCA) 20 years after its passage, suggesting that it has some deficiencies as an independent enabling act for regional planning purposes.

The effort then shifted to drafting a consolidated statute based on the Regional Planning Act (RPA). The initial effort here was only partially successful. As a base statute, the RPA was more flexible in places, but too vague in others. The end result embodied in the draft MRCA used the RPA as the base with large parts from the MCA and all the economic development parts of the CREDA. To most readers familiar with the three existing statutes, however, the proposed MRCA will read like a completely new act.

After a year of work, the MAP Law Committee presented its consolidated draft legislation to the Michigan Association of Regions (MAR) Executive Directors for review and comment. A subcommittee comprised of Law Committee representatives and MAR representatives convened periodically over several months to review and refine the draft legislation and to answer various questions MAP had raised

of MAR members. The committees also provided comments to refine a draft companion white paper describing the rationale for modernizing the structure for regional planning and regional service provision in Michigan.

Desired Process for Finalizing a Draft Consolidated Statute

MAP desires to vet the draft statute by seeking specific comments from the following stakeholder groups:

- Michigan Townships Association,
- Michigan Municipal League,
- Michigan Association of Counties
- Governor and various state agencies
- State Chamber of Commerce,
- Michigan Association of Realtors,
- Michigan Association of Homebuilders,
- Business Leaders of Michigan,
- Michigan Environmental Council,
- Michigan Farm Bureau,
- and other interested groups.

Following this input, which can hopefully be accomplished over a few months in the summer 2011, the MAP Law Committee expects to revise the draft legislation and send it back out to stakeholders. MAP would then begin to find legislative sponsors and have the bill introduced. At that point it would likely be further refined, prior to adoption.

The MAP Law Committee welcomes comments on the draft legislation. Comments are MOST USEFUL when accompanied with specific proposed revisions (including actual draft language that says something like “change section ___ from X to Y”). That way there is no confusion about what was meant by a comment.

Please send written comments on the draft legislation to:

Andrea Brown, Executive Director
Michigan Association of Planning
219 S. Main Street
Suite 300
Ann Arbor, MI 48104
Or by email to abrown@planningmi.org.

Parameters for Consolidation of the Statutes

Many considerations went into the process the MAP Law Committee used in drafting a consolidated statute authorizing both regional councils (per the Metropolitan Councils Act), as well as regional planning commissions. Some of the most significant of these considerations are listed below:

- Retain at least the existing level of regional planning and service provision in all parts of Michigan, and expand with the addition of requirements for two regional framework plans (one for regional land resources and infrastructure, and the other for regional economic development).
- Enable and encourage consistency in regional planning service provision between regions.
- Provide a fair mechanism and incentives for moving from the existing statutory structure to the new one (e.g. phase in over time and allocate state funds for certain types of planning and/or service provision if organized under the new statute).
- Provide an easy means for doing things across multiple regions.
- Clarify the structure and opportunity for public and stakeholder input into regional planning and decision making on provision of other regional services requested by local governments.

- Improve the structure for local, state and other financing of regional planning commissions.
- Provide a clear and simple means when moving regions under the existing RPA to the new statute to change the geography of the regional service area, if justified by prior study, supported by member units of local government and by the governor.
- Provide a clearer role for regional planning commissions relative to state planning and related service activities.
- Identify the basic contents of two regional framework plans (for regional land resources and infrastructure, and for regional economic development).

Specific Challenging Issues to Address in Consolidated Statute

In the process of drafting the proposed statute, there were a number of challenging issues that arose. These included:

- Providing a structure that worked for both regional councils (ala the Metropolitan Councils Act) and for regional planning commissions, since a regional planning commission is empowered to provide both sets of services.
- Composition options for the regional council (and hence regional planning commission as well) that allowed for a variety of advisory bodies in a way that met federal FHWA/MDOT and EDA requirements.
- How members are appointed and who they are.
- Financing of the regional council (especially providing for a local tax option if new regional services are offered).
- Mechanism(s) for regional service provision (other than regional planning).
- A mechanism for changing the boundaries of regions, once the functions of regions are established.
- State role vis à vis the regions.

Most of the drafting time was spent on these issues, and it is hoped that stakeholders reviewing the draft legislation will pay close attention in these areas and advise MAP as to any changes that are needed, consistent with the parameters used to create the new statute.

Organization of Proposed Act

The proposed Michigan Regional Councils Act is organized into four Parts:

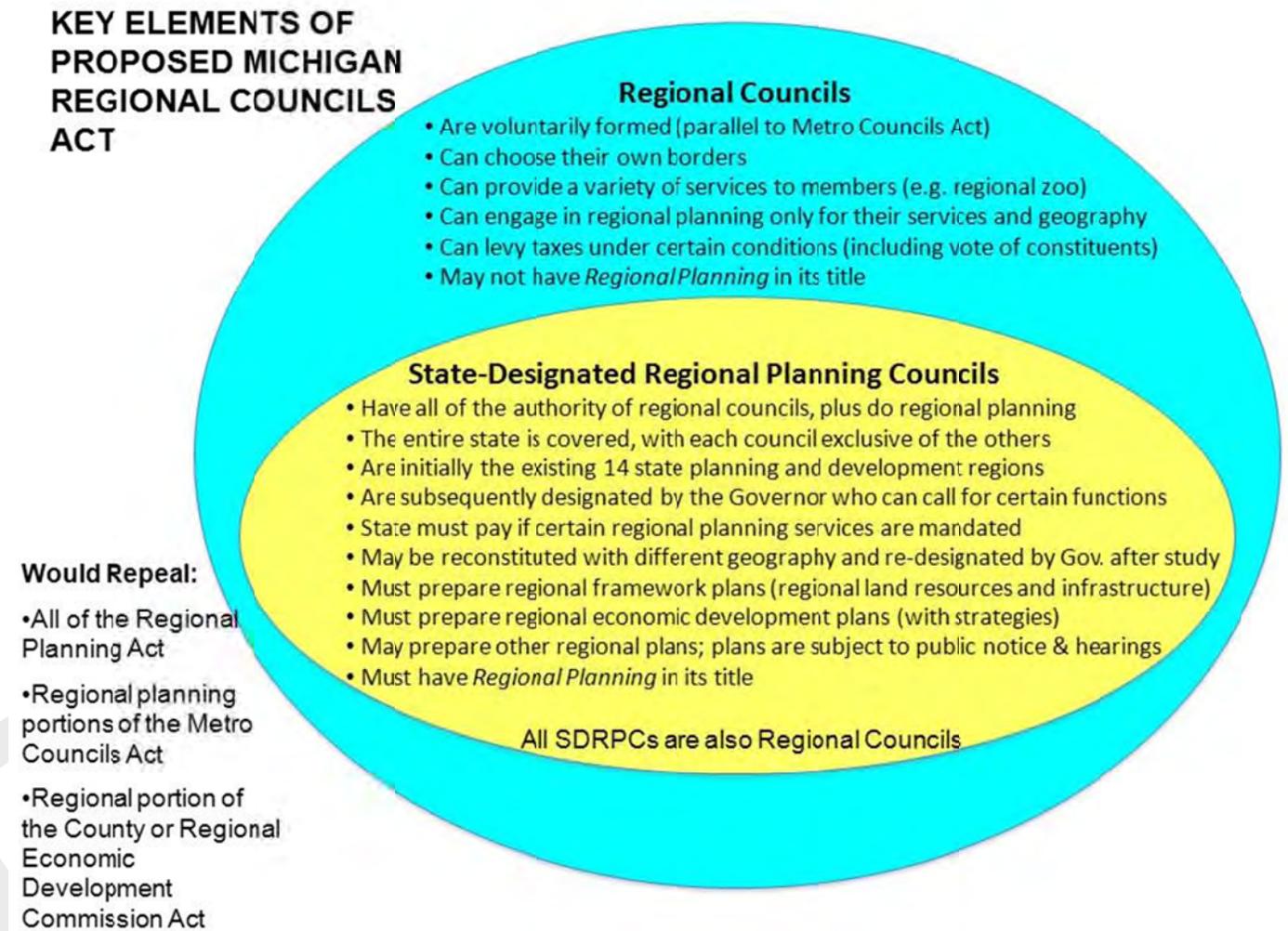
- **Part I:** Short title and definitions.
- **Part II:** Creation of a regional council; addition and withdrawal of participating local governmental units.
- **Part III:** Creation of state planning regions; adjustment of region boundaries; designation of state-designated regional planning councils; and authorization of regional planning.
- **Part IV:** Effective date and repealer.

The most important structural element to keep in mind in reading the draft statute is that it not only addresses regional planning commissions, but also authorizes other regional councils that are providing other regional services. Structurally, the proposed MRCA does so by first authorizing regional councils which are service delivery entities at the regional level (and whose boundaries may or may not (probably not) conform with the boundaries of regional planning commissions). Thus all regional planning commissions are also regional councils under the proposed statute. See Figure 1.

Second, the initial boundaries of regional planning commissions are the same as they exist today. The boundaries may be changed by the governor after study and an opportunity for regions, citizens, and stakeholders to review and comment on the proposed boundaries. Before changing the boundaries, the governor has to first decide what functions/services he/she wants the regions to provide. After the

functions and boundaries are set, regional planning commissions (which are still voluntarily created) may be designated as “state-designated regional planning councils.” Once so designated, no other regional council can perform regional planning services in the delineated “state planning region.” Initially all fourteen existing regional planning commissions would continue to have the state-designation, but as described above that could change, as could the geographic boundaries of the regional service area.

Figure 1



Following are key elements in each of the Parts of the proposed MRCA to pay particular attention to:

Part I

- Key definitions to pay attention to:
 - Distinction between *general purpose local governmental units* and *local governmental units*
 - *Regional council,*
 - *State designated regional planning council,*
 - *State planning region.*

Part II

- Organizational elements:

- Creation of a regional council
- Articles of incorporation must address:
 - Membership (adding/subtracting members)
 - Officers
 - Dues and other revenues
 - Committees (flexible structure to meet FHWA and EDA requirements)
 - Creation and dissolution of a regional council
- Must also be bylaws
- Must also be rules of procedure.
- Authority to tax to pay for regional services under certain circumstances including vote of citizens.

Part III

- Provides for creation of state planning region boundaries by governor.
- Provides for designation of state-designated regional planning councils by the governor – initially shall be the 14 existing regional planning commissions.
- Authorizes governor to adjust boundaries of regions after one year, after study and after an opportunity for review and comment by each affected region.
- Requires that the state must fund mandated regional services.
- Authorizes certain data collection, technical assistance services and planning functions.
- Requires preparation of a regional framework plan addressing regional land use and infrastructure.
- Requires preparation of a regional economic development plan.
- Permits creation of other regional plans.
- Establishes a process for public notification and review of draft regional plans.
- Includes a provision to encourage local governments to make local master plans consistent with adopted regional plans.

Part IV

- Repeals all or part of the following:
 - Regional Planning Act -- regions have one year to come into compliance with the act.
 - Regional planning portions of the Metropolitan Councils Act (leaves Metro Arts Councils provisions intact).
 - Regional portions of the County or Regional Economic Development Commission Act (leaves the county portions intact).

Issues Raised in White Paper that are Not Specifically Addressed in the Proposed MRCA

There are three largely executive (gubernatorial) issues that could be addressed by an Executive Directive, and may also be addressed quite differently from one administration to the next. The policy issue then becomes, should the legislature address these issues in the MRCA? They are not fully addressed in the draft MRCA as of June 13, 2011. Observations by stakeholders on these issues is appreciated.

1. How state departments will interact with regional councils and vice versa in promoting and fostering regional cooperation and collaboration in Michigan; as well as the extent to which regional councils should act as sub-state entities providing state services on behalf of the state (probably to achieve a cost saving or better service delivery).
2. How to resolve potential conflicts between the MRCA and requirements of various federal programs as relates to state-designated regional planning councils (e.g. Economic Development Districts as designated by the federal Economic Development Administration and Metropolitan Planning Organizations as designated by the federal Department of Transportation).

3. Provision of regional services beyond the boundaries of a particular region, presumably with the support of the other regions within which the services are provided and probably with federal or state funding support and probably for cost efficiency reasons.

DRAFT

1 **Michigan Regional Councils Act**

2
3 *Prepared by the*
4 **Michigan Association of Planning, Law Committee**
5 *With assistance from a Subcommittee of the Michigan Association of Regions*
6 **Draft June 13, 2011**

7
8 AN ACT to consolidate certain regional planning, metropolitan regional council, and economic
9 development acts; to provide for the creation, organization, powers and duties of regional
10 councils; to authorize regional councils established under this act to levy a property tax under
11 certain circumstances; to provide for the creation of state planning regions; to provide for state-
12 designated regional planning councils; and to repeal certain public acts and parts of acts.

13
14 **PART I: Short title; definitions.**

15
16 **xxx.101 Short title.**

17 Sec. 101. This act shall be known and may be cited as the “Michigan Regional Councils
18 Act” (MRCA).

19
20 **xxx.103 Definitions.**

21 Sec. 103. For the purpose of this act certain terms are defined as provided in this section.
22 Wherever appropriate the singular includes the plural and the plural includes the singular. As
23 used in this act:

24 (1) “Articles” refers to the articles of incorporation adopted by the participating units of
25 government comprising a regional council pursuant to Section 201.

26 (2) “Bylaws” refers to the rules of conduct adopted by the councilors of a regional
27 council pursuant to Section 219.

28 (3) “Councilor” means a person appointed to the governing body of a regional council by
29 a participating local governmental unit or other entity to represent that governmental unit or
30 entity on the regional council.

31 (4) “General purpose local governmental units” or “general purpose units of local
32 government” includes cities, villages, townships, and counties.

33 (5) “Governing body,” however described by the regional council, refers to the policy-
34 making body of the regional council, comprised of the councilors appointed by participating
35 entities on the regional council.

36 (6) “Governor” refers to the Governor of the State of Michigan or his or her designee.

37 (7) “Largest” means, if used in reference to a county, the county having the greatest
38 population residing in participating cities, villages, and townships. “Largest”, if used in reference
39 to a participating local governmental unit, means the participating local governmental unit
40 having the greatest population.

41 (8) “Local governmental units” or “local units of government” includes cities, villages,
42 townships, counties, other incorporated political subdivisions, school districts, community
43 colleges, public universities, special authorities, or any other legally constituted governing body
44 responsible for the exercise of governmental functions within a political subdivision of the state.

45 (9) “Regional council” means a regional council created under Part II of this act.

1 (10) “Rules of procedure” refers to the rules for the administration of council business as
2 adopted by the councilors of a regional council pursuant to Section 219.

3 (11) “State-designated regional planning council” means a regional council designated by
4 the Governor as the regional planning council for a specified state planning region pursuant to
5 Part III of this act.

6 (12) “State planning region” means the geographic boundaries of a planning region
7 established under Part III of this act.

8
9 **PART II: Creation of a regional council; addition and withdrawal of participating local**
10 **governmental units.**

11
12 **xxx.201 Creation of a regional council; general powers; designation of state-designated**
13 **regional planning councils.**

14 Sec. 201. (1) Subject to subsection (2), the legislative bodies of two or more local units of
15 government may create a voluntary association of local governments, referred to hereafter as a
16 regional council, to perform any of the functions and services enabled by this act.

17 (2) The creation of a regional council shall be effected by the legislative bodies of all of
18 the participating local governmental units adopting by resolution the articles of incorporation of
19 the regional council pursuant to Sections 203 and 205.

20 (3) Upon adoption of the articles by all of the participating local governmental units:

21 (a) The regional council will exist as an authority under section 6 of article IX of the state
22 constitution of 1963.

23 (b) The regional council will exist as a public corporate body with power to sue and be
24 sued in any court of the state.

25 (c) The regional council will possess all of the powers necessary for carrying out the
26 purposes of its formation. The enumeration of specific powers in this act shall not be construed
27 as a limitation on the general powers of a regional council, consistent with its articles of
28 incorporation and the provisions of this act.

29 (4) Local units of government may establish regional councils the boundaries of which
30 may overlap with or vary from the boundaries of a state planning region and the corresponding
31 service area of a state-designated regional planning council if those units of government desire to
32 provide additional services not provided by the state-designated regional planning council, but
33 those regional councils shall not duplicate the services provided by the state-designated regional
34 planning council or provide regional planning functions reserved to state-designated regional
35 planning councils pursuant to Part III of this act.

36 (5) A regional council may adopt a unique name, except that a regional council that is not
37 a state-designated regional planning council shall not include the phrase “regional planning” as
38 part of its name. A state-designated regional planning council may include the phrase “regional
39 planning” as part of its name, however, a state-designated regional planning council that does not
40 include the phrase “regional planning council” as part of its primary name shall indicate through
41 a secondary title that it is a state-designated regional planning council.

42
43 **xxx.203 Articles of incorporation generally.**

44 Sec. 203. (1) The articles of a regional council established under this act shall state the
45 name of the regional council; the names of the initial participating local governmental units; the
46 purposes for which the regional council is formed; the powers, duties, and limitations of the

1 regional council and its officers in general; the qualifications, method of selection and terms of
2 office of councilors sitting on the governing body of the regional council and of regional council
3 officers; the powers, duties and limitations of the regional council with regard to the hiring and
4 compensation of contractors, consultants, and regular employees; the manner in which
5 participating local governmental units shall take part in the governance of the regional council;
6 the general method of amending the articles; the method of amending the articles to reflect the
7 addition of a local governmental unit, which shall require the adoption of a resolution by a vote
8 of not less than a majority or 2/3 of the councilors serving on the regional council, as established
9 by the articles; and any other matters that the participating local governmental units consider
10 advisable.

11 (2) The articles shall specify the minimum and maximum number of councilors; whether
12 councilors will have a single vote or proportional voting rights based on population or some
13 other criterion; and whether the regional council shall include an executive committee and, if so,
14 the method of determining membership on the executive committee.

15 (3) The articles may include provisions for membership in the regional council by non-
16 governmental entities. The articles shall specify the voting privileges, if any, of non-
17 governmental councilors, subject to subsection (6). All governmental and non-governmental
18 entities shall contribute financially to the regional council as specified by the articles.

19 (4) The articles shall establish the boundaries of the regional council area, which define
20 the limit of jurisdiction of the regional council. Subject to Section 303 of this act regarding the
21 boundaries of a state-designated regional planning council, the boundaries of this area need not
22 be coincident with the boundaries of any single governmental subdivision or group of
23 subdivisions that are to be included in the area, but may include all or such portions of any
24 governmental subdivision.

25 (5) The articles shall specify the method or methods by which the regional council shall
26 raise revenues for the general administration of the regional council's functions, pursuant to
27 subsection (6) and to Section 231.

28 (6) The articles may authorize the governing body of the regional council, by affirmative
29 vote of a majority of the councilors representing governmental members of the council, to levy
30 an ad valorem property tax on the taxable real property located within the council boundaries to
31 carry out the activities authorized by this act and by the articles, subject to Section 237. The tax
32 shall not exceed X.Y mills of the taxable value of the taxable property. Councilors representing
33 non-governmental members of the regional council shall not have a vote on whether to authorize
34 a tax.

35 (7) The regional council shall maintain a list of the current participating local
36 governmental units on a web site and by other methods easily accessible by the general public.
37

38 **xxx.205 Articles of incorporation adoption; amendment; dissolution; public notice.**

39 Sec. 205. (1) For a regional council formed after the effective date of this act, the articles
40 of the regional council shall be adopted by an affirmative vote of a majority of the legislators
41 elected to and serving on the legislative body of each local governmental unit seeking to join the
42 council. If the legislative body of a local governmental unit fails to approve the adoption of the
43 articles, then the regional council established shall consist only of the local governmental units
44 voting affirmatively.

1 (2) For an entity existing under [one of the acts repealed by this act] and seeking to
2 become a regional council authorized by this act, the articles of a regional council shall be
3 adopted by an affirmative vote of a majority of the governing body of the existing entity.

4 (3) The articles of a regional council may be amended by an affirmative vote of a
5 majority of the legislators elected to and serving on the legislative bodies of not less than two-
6 thirds of the participating local governmental units.

7 (4) A regional council may be dissolved by rescinding the articles by an affirmative vote
8 of a majority of the legislators elected to and serving on the legislative bodies of each
9 participating local governmental unit. The resolution to rescind the articles shall include the
10 method for discharging all obligations and assets of the regional council and the effective date of
11 the rescission.

12 (5) Not less than 45 days before a participating local governmental unit votes to adopt,
13 amend, or rescind the articles, the governmental unit shall make available a description of the
14 proposed action to the public for review and comment, and notice of its availability shall be
15 made by posting on a web site, publication in a newspaper of general circulation, or other similar
16 method easily accessed by the general public.

17 (6) Upon adoption of the articles and any subsequent amendments thereto, the regional
18 council shall make available to the general public copies of the original articles and any and all
19 subsequent amendments on a web site and by other method easily accessed by the general public.
20

21 **xxx.207 Addition of local governmental unit; requirements.**

22 Sec. 207. (1) A local governmental unit that exists within the established boundaries of a
23 regional council may join the regional council after the regional council's creation by majority
24 vote of the legislative body of the local governmental unit elected and serving, subject to
25 affirmative vote of existing councilors provided by subsection 203(1). In voting to join the
26 regional council, the legislative body must affirm its intention to abide by the regional council's
27 articles of incorporation, bylaws, and rules of procedure, and must specify the effective date of
28 its membership. The local governmental unit joining must notify the regional council of its vote
29 to join the council no later than the effective date of the membership.
30

31 **xxx.213 Withdrawal from membership in regional council; conditions; unpaid obligations;
32 evidence of withdrawal.**

33 Sec. 213. (1) Except as otherwise provided in subsection (2), a local governmental unit
34 participating in a regional council under this act may withdraw from membership in the regional
35 council if all of the following conditions are met:

36 (a) The legislative body of the local governmental unit requesting withdrawal from
37 membership votes to do so and notifies the regional council of the effective date of its
38 withdrawal according to provisions established by the articles.

39 (b) Payment or the provision for payment is made regarding any obligations of the local
40 governmental unit to the regional council or its creditors.

41 (2) If, upon withdrawal of a local governmental unit, the local governmental unit has
42 unpaid obligations to the regional council, the local governmental unit shall continue to pay fees
43 or other dues owed to the regional council until all obligations are met. A local governmental
44 unit that withdraws from a regional council shall continue to receive services from the regional
45 council until all service obligations paid for by the local governmental unit prior to its
46 withdrawal are fulfilled.

1
2 **xxx.215 Transfer of functions to a reconstituted regional council; vote required; grants-in-**
3 **aid.**

4 Sec. 215. (1) Subject to subsection (2), a regional council constituted under this act may
5 transfer by intergovernmental agreement or contract its activities, functions, programs, staff,
6 moneys, properties, and any other liabilities or assets to a reconstituted regional council
7 thereafter created under this act. This transfer must be authorized by a majority vote of the
8 councilors of the regional council making the transfer and submitted to each local governmental
9 unit participating on that regional council. The legislative body of each local governmental unit
10 participating on the original regional council and on the reconstituted regional council must
11 affirm the transfer by majority vote. In the event of such transfer, the reconstituted regional
12 council shall be entitled to receive and disburse all grants-in-aid, contract revenues, and other
13 revenues that would otherwise be available to the original regional council.

14 (2) A regional council designated by the Governor as a state-designated regional planning
15 council may not transfer by intergovernmental agreement under subsection (1) that designation
16 to a reconstituted regional council except as approved by the Governor, consistent with the
17 provisions of Part III of this act. A state-designated regional planning council may not transfer or
18 contract by intergovernmental agreement the regional planning functions reserved to it pursuant
19 to Part III of this act to another regional council that is not a state-designated regional planning
20 council.

21
22 **xxx.217 Chairman; regional council officers; executive director; employees and**
23 **committees.**

24 Sec. 217. (1) The governing body of a regional council shall elect its own chair, and it
25 may create and fill such other regional council offices, as it deems necessary, pursuant to the
26 regional council articles adopted under section 203 and the bylaws adopted under section 219.

27 (2) The governing body of a regional council shall employ an executive director. The
28 executive director shall be selected on the basis of appropriate training and experience and shall
29 serve as a non-voting, ex-officio councilor of the regional council. The governing body shall
30 provide for an annual review of the performance of the executive director. The governing body
31 of a regional council shall specify the authorities and responsibilities of the executive director,
32 which may include the authority to hire contractors, consultants, and regular employees for the
33 regional council, pursuant to the regional council articles adopted under section 203 and bylaws
34 adopted under section 219.

35 (3) The governing of a regional council, or an executive director acting pursuant to
36 authority delegated by the governing body, may hire such attorneys, accountants, and other
37 professional staff, as regular employees, contractors, or consultants, for part time or full time
38 service, as the governing body of the regional council may deem necessary for exercising its
39 authorities and carrying out its responsibilities, subject to the regional council articles adopted
40 under section 203 and bylaws adopted under section 219.

41 (4) The governing body of a regional council may appoint advisory committees whose
42 membership may consist of individuals whose experience or training qualify them to lend
43 valuable assistance to the regional council by acting in an advisory capacity. Members serving
44 on such advisory bodies shall receive no compensation for their services but may be reimbursed
45 for actual and reasonable expenses incurred in the performance of their duties.

1 (5) The governing body of a regional council, or an executive director acting pursuant to
2 authority delegated by the governing body, may make appointments to other governmental
3 agencies, if requested by the other governmental agency and authorized by law or not prohibited
4 otherwise. The governing body of a regional council, or an executive director acting pursuant to
5 authority delegated by the governing body, may make appoints to other nongovernmental
6 agencies.

7 (6) A councilor or an executive director shall be removed, terminated, or otherwise
8 sanctioned by the governing body of a regional council for malfeasance, misfeasance, or
9 nonfeasance, including conflicts of interest, as provided by the bylaws adopted under Section
10 219.

11
12 **xxx.219 Bylaws; rules of procedure; policies, budgets; records.**

13 Sec. 219 (1) The governing body of a regional council shall establish its own bylaws
14 regarding: the frequency of regular meetings; circumstances for convening special meetings;
15 actions that constitute malfeasance, misfeasance, and nonfeasance, including conflicts of interest,
16 and corresponding sanctions; incompatible offices; election, titles and responsibilities of officers;
17 appointment of an executive director and council staff; indemnification of officers and staff;
18 establishment of standing committees; rules of procedure required pursuant to subsection (2);
19 policies required pursuant to subsection (3); and other topics as it deems appropriate, consistent
20 with its articles established under section 203 and subject to subsection (4).

21 (2) The governing body of a regional council shall establish its own rules of procedure
22 for the proper administration of the regional council and the conduct of regular council meetings,
23 special council meetings, committee meetings, and advisory committee meetings, consistent with
24 its articles established under Section 203 and its bylaws established under subsection (1), and
25 subject to subsection (4).

26 (3) The governing body of a regional council shall establish policies to guide the
27 executive director in the administration of the regional council according to appropriate best
28 practices for nongovernmental and governmental entities, consistent with its articles established
29 under Section 203 and its bylaws established under subsection (1), and subject to subsection (4).

30 (4) Pursuant to the regional council's rules of procedure, bylaws, and policies, the
31 governing body of a regional council, or the executive director acting on behalf of the governing
32 body, shall do all of the following:

33 (a) Prepare budgets and appropriations in the manner required of local governmental
34 units under the uniform budgeting and accounting act, 1968 PA 2, MCL 141.421 to 141.440a.

35 (b) If ending a fiscal year with a deficit, where at the end of the fiscal year total
36 expenditures, including an accrued deficit, exceed total revenues for the fiscal year, including
37 accrued surplus carried forward, file a financial plan to correct the deficit with the legislative
38 bodies of the governmental units comprising the regional council and with the Michigan
39 department of treasury.

40 (5) The business that a regional council performs shall be conducted at a public meeting
41 of the regional council held in compliance with the open meetings act, 1976 PA 267, MCL
42 15.261 to 15.275, and the regional council shall keep a record of its resolutions, transactions,
43 findings and determinations.

44 (6) A writing prepared, owned, used, in the possession of, or retained by a regional
45 council in the performance of an official function shall be made available to the public in
46 compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

1
2 **xxx.221 Compensation of regional councilors; compensation of employees, contractors, and**
3 **consultants; per diem compensation; reimbursement for expenses.**

4 Sec. 221. (1) If a councilor is not compensated by the government or entity that the
5 councilor represents, the regional council may pay that councilor per diem compensation for
6 each regional council meeting attended and for other designated services performed by the
7 regional councilor, or the regional council may reimburse that councilor for not more than the
8 actual and reasonable expenses incurred in attending regional council meetings and for other
9 designated services performed by the regional councilor.

10 (2) The governing body of a regional council shall determine the rate of compensation of
11 the executive director, according to provisions established under sections 203 and 219.
12 Consistent with the policies and the budget adopted by the governing body, the executive
13 director shall determine the compensation of contractors, consultants, and regular employees,
14 other than the executive director's compensation, according to provisions established under
15 sections 203 and 219.

16 (3) The budget of a regional council prepared pursuant to section 219 shall provide as a
17 separate account anticipated expenditures for per diem compensation or expense reimbursement
18 for the chairperson, other councilors, and any advisory committee members receiving
19 reimbursement. Compensation or reimbursement shall be paid to the chairperson, councilors, and
20 advisory committee members only if budgeted.

21
22 **xxx.223 [reserved]**

23
24 **xxx.225 Acquisition of property; public improvements and services; intergovernmental**
25 **agreements.**

26 Sec. 225. (1) A regional council may acquire and hold, by purchase, lease, grant, gift,
27 devise, land contract, installment purchase contract, bequest, or other legal means except
28 condemnation, real and personal property within or outside of the boundaries of the participating
29 local units of government. The property may include franchises, easements, or rights of way on,
30 under, or above any property. The regional council may pay outright for, or it may pledge for the
31 payment of the property from, the revenue of the regional council. A regional council shall not
32 have the authority to condemn private property.

33 (2) Subject to subsection (3), a regional council may plan, promote, finance, issue bonds
34 for, acquire, improve, enlarge, extend, own, construct, replace, or contract for public
35 improvements and services including, but not limited to, the following:

36 (a) Water and sewer public improvements and services.

37 (b) Solid waste collection, recycling, and disposal.

38 (c) Parks, museums, zoos, wildlife sanctuaries, recreational facilities.

39 (d) Special use facilities.

40 (e) Transportation facilities.

41 (f) Higher education public improvements and services.

42 (h) Community foundations as that term is defined in section 261 of the income tax act of
43 1967, 1967 PA 281, MCL 206.261.

44 (3) If the regional council is also a state-designated regional planning council, then the
45 activities undertaken pursuant to subsection (2) shall be made in conjunction and consistent with
46 the planning activities of that state-designated regional planning council. If the regional council

1 is not a state-designated regional planning council, then activities undertaken pursuant to
2 subsection (2) shall be conducted in conjunction and consistent with the state-designated regional
3 planning council(s) that encompass all or some portion of the regional council's boundaries.

4 (4) A regional council may enter into an intergovernmental agreement pursuant to 1967
5 PA 7 (special session) or 1967 PA 8 (special session) to perform any of the activities duly
6 authorized to it by this act.

7
8 **xxx.227 [reserved]**

9
10 **xxx.229 Access to records and information.**

11 Sec. 229. A regional council shall be given reasonable access to all studies, reports,
12 surveys, records, and all other information and material in the possession of governmental
13 agencies, as shall be required by the regional council for the accomplishment of its objectives.

14
15 **xxx.231 Regional council revenues.**

16 Sec. 231. (1) A regional council may seek and acquire funds for executing its duties and
17 functions by any or all of the following:

18 (a) Funds appropriated by participating governmental and non-governmental members of
19 the council. The proportion of the total amount of funds to be so provided by each participating
20 member may be suggested by the regional council or prepared as a proposed budget by the
21 regional council and submitted to the participating member.

22 (b) Grants, contracts, or gifts from public or private individuals, agencies, foundations, or
23 other entities, including non-governmental organizations, if the conditions under which those
24 funds are accepted are consistent with the accomplishment of the objectives of the regional
25 council.

26 (c) Interest income on investments.

27 (d) Tax revenues authorized under this act pursuant to Sections 237 through 243.

28 (2) The services of personnel, the use of equipment and office space, and the provision of
29 special services, may be accepted by the regional council and considered a part of the financial
30 support of the regional council.

31
32 **xxx.233 Conveyance of regional council funds.**

33 Sec. 233. A regional council may lend, grant, transfer, or convey funds received from all
34 sources authorized under Section 231, as permitted by law, subject to applicable restrictions
35 affecting the use of those funds.

36
37 **xxx.235 [reserved]**

38
39 **xxx.237 Tax; manner of levy and collection.**

40 Sec. 237. (1) A tax authorized to be levied on behalf of a regional council under this act
41 shall be levied and collected at the same time and in the same manner as provided by the general
42 property tax act, 1893 PA 206, MCL 211.1 to 211.157.

43 (2) A tax shall not be levied on behalf of a regional council except upon the approval by
44 the a majority of the qualified and registered electors residing in the regional council area and
45 voting collectively on the question pursuant to Section 239.

1 **xxx.239 Tax election generally.**

2 Sec. 239. (1) A proposal for a tax authorized to be levied by a regional council under this
3 act shall be adopted by resolution. The proposal shall not be placed on the ballot later than 70
4 days before the election to the county clerk of each county in which all or part of a participating
5 general purpose local governmental unit is located for inclusion on the ballot. The proposal shall
6 state the amount and duration of the millage and shall be certified for inclusion on the ballot at
7 the next general election or the next state primary immediately preceding the general election, as
8 specified by the regional council's resolution.

9 (2) The county election commission shall provide ballots for an election for a tax
10 proposal for each participating general purpose local governmental unit located within the
11 county.

12 (3) An election for a tax shall be conducted by the clerks and election officials of the
13 participating general purpose local governmental units within which the tax would be levied.

14
15 **xxx.241 Tax election; notices; canvass; certification of results; limitations.**

16 Sec. 241. (1) If an election for a tax is to be held in conjunction with a general election or
17 a state primary election immediately preceding a general election, the notices of close of
18 registration and election shall be published as provided for by the state election laws. Otherwise,
19 the county clerk of the largest county within the regional council area shall publish the notices of
20 close of registration and election. The notice of close of registration shall include the ballot
21 language of the proposal.

22 (2) The results of an election for a tax shall be canvassed by the board of county
23 canvassers of each county in which all or part of a city, village, or township participating in a
24 regional council under this act is located. If the county is not the largest county, the board of
25 county canvassers shall certify the results of the election to the board of county canvassers of the
26 largest county. The board of county canvassers of the largest county shall make the final canvass
27 of an election for a tax based on the returns of the election inspectors of the participating cities,
28 villages, and townships in that county and the certified results of the board of county canvassers
29 of every other county in which a city, village, or township participating in the regional council is
30 located. The board of county canvassers of the largest county shall certify the results of the
31 election to the regional council and issue certificates of election. If a majority of the votes cast on
32 the question of a tax is in favor of the proposal, the tax levy is authorized. No more than 2
33 elections shall be held in a calendar year on the question of a tax.

34
35 **xxx.243 Tax election; reimbursement of costs.**

36 Sec. 243. (1) A county clerk shall charge the regional council and the regional council
37 shall reimburse the county for the actual costs the county incurs in an election for a tax proposal
38 of a regional council established under this act.

39 (2) If a township, city, or village participating in a regional council under this act
40 conducts an election for a tax, the clerk of that local governmental unit shall charge the regional
41 council and the regional council shall reimburse that local governmental unit for the actual costs
42 the local governmental unit incurs in conducting the election if the election is not held in
43 conjunction with a regularly scheduled election in that local governmental unit.

44 (3) The actual costs that a general purpose local governmental unit incurs shall be based
45 on the number of hours of work done in conducting the election, the rates of compensation of the
46 workers, and the cost of materials supplied in the election.

1
2 **PART III: Creation of state planning regions; adjustment of region boundaries;**
3 **designation of state-designated regional planning councils; authorization of regional**
4 **planning.**

5
6 **xxx.301 State planning regions created; delegation of authorities to state-designated**
7 **regional planning councils enabled.**

8 Sec. 301. (1) Subject to section 303, the entire geographic area of the State of Michigan
9 shall be divided into state planning regions, and no area of the state shall be located within more
10 than one state planning region.

11 (2)(a) Subject to paragraph (b) and section 305, the Governor may designate a regional
12 council created under Part II of this act with the responsibilities of administering state planning
13 grants and federal pass-through planning grants within the corresponding state planning region,
14 pursuant to and consistent with the planning activities enabled under section 309 of this act.

15 (b) One state-designated regional planning council shall be delegated authorities under
16 this act for a state planning region. If multiple associations of local units of government within a
17 state planning region seek recognition as the state-designated regional planning council, the
18 Governor shall determine which association shall be designated as the state-designated regional
19 planning council, consistent with the provisions of this Part.
20

21 **xxx.303 Establishment and adjustment of state planning region boundaries.**

22 Sec. 303. (1) On the effective date of this act, state planning regions shall be established.
23 The geographic boundaries of those state planning regions shall correspond to the existing State
24 Planning and Development Regional boundaries established by Executive Directive of the
25 Governor in 1991. These boundaries shall remain in effect for not less than 1 year following the
26 effective date of this act.

27 (2) At any time after 1 year following the effective date of this act, on his or her initiative
28 or in response to a request by an existing state-designated regional planning council, the
29 Governor may conduct a study on the appropriate boundaries of the state planning regions for the
30 entire state or a subarea of the state, subject to subsections (4) and (5). In conducting this study,
31 the Governor shall:

32 (a) Consult with the existing state-designated regional planning councils and the local
33 governmental units within and adjacent to the existing regional boundaries to determine the
34 appropriate boundaries of the state planning regions based on:

35 (i) The regional planning and service delivery functions to be performed by state-
36 designated regional planning councils;

37 (ii) The financing mechanisms to be used by those councils in performing their functions;

38 (iii) State agency services that are or may be delivered through though the state-
39 designated regional planning councils; and

40 (iv) The relationships between the state-designated regional planning council and other
41 local, state or federally established sub-state planning and service delivery entities including, but
42 not limited to, metropolitan planning organizations, economic development districts, and
43 workforce development regions; and

44 (b) Prepare and make available for review and comment to the existing state-designated
45 regional planning councils and the general public for a period of not less than 6 months a report
46 on the findings and recommendations from the study conducted under paragraph (a).

1 (3) Upon completing the study conducted pursuant to subsection (2), the Governor shall
2 issue a final decision by executive directive that identifies the adjusted boundaries of the state
3 planning regions if changed, establishes effective dates for the new boundaries if changed, and
4 re-designates the state-designated regional planning councils pursuant to section 305(2), if
5 necessary.

6 (4) The boundaries of state planning regions created by this act, or adjusted according to
7 the provisions of this act, shall correspond to the boundaries of contiguous counties, and shall not
8 subdivide a county, even though a county or other local unit of government included within the
9 boundary of the state planning region is not a member of the state-designated regional planning
10 council designated for the state planning region.

11 (5) State planning regions shall not encompass less than 3 contiguous counties. Not more
12 than 3 state planning regions shall be created for the Upper Peninsula of the state, and not more
13 than 16 state planning regions shall be created for the entire state.

14 (6) After an initial study conducted pursuant to subsection (2) and a corresponding
15 decision issued pursuant to subsection (3), the Governor shall not undertake a subsequent study
16 pursuant to subsection (2) to reconsider the boundaries of the state planning regions before the
17 expiration of 5 years following a decision issued pursuant to subsection (3).

18
19 **xxx.305 State-designated regional planning councils.**

20 Sec. 305. (1) State Planning and Development Regions established by Executive
21 Directive of the Governor in 1991 that have adopted articles and re-organized themselves as
22 required by this act pursuant to Sec. 205 no later than the effective date of this act shall be the
23 state-designated regional planning councils created by this act. Consistent with Sec. 303, these
24 state-designated regional planning councils shall remain in effect for not less than 1 year
25 following the effective date of this act.

26 (2) If the Governor exercises the authority to adjust the boundaries of the state planning
27 regions under section 303, and consistent with the study and determinations made under that
28 section, the Governor shall designate the new state-designated regional planning councils to
29 correspond to the newly adjusted state planning regions through the executive directive required
30 under subsection 303(3).

31 (3) If the Governor determines that the boundaries of the state planning regions under
32 section 303 do not require modification, the Governor shall re-designate the state-designated
33 regional planning councils consistent with the study and determinations made under that section.

34
35 **xxx.307 Provision of funding for state-designated regional planning councils.**

36 Sec. 307. The state shall provide funding to state-designated regional planning councils
37 for the performance of duties mandated by the Governor or the Legislature under law other than
38 the provisions specifically required by this act. Subject to the availability of state funds, the state
39 may provide additional general operating funding for a state-designated regional planning
40 council.

41
42 **xxx.309 State-designated regional planning council authorities.**

43 Sec. 309. (1) Subject to section 313, a state-designated regional planning council may
44 conduct all types of research studies, collect and analyze data, prepare maps, charts, and tables,
45 and conduct all necessary studies for the accomplishment of its duties; and it may make and
46 coordinate the development of plans for the physical, social, environmental, and economic

1 development of the region, including but not limited to transportation, infrastructure, housing,
2 commerce, industry, and natural resources.

3 (2) After appropriate study, analysis, and public input, and subject to subsection (4) and
4 section 313, a state-designated regional planning council shall prepare a regional framework plan
5 that addresses the following:

6 (a) Development of an inter-connected system for regional transportation, including but
7 not limited to vehicular, rail, marine, air, public transit, bicycle, and pedestrian transportation;

8 (b) Development of public systems for the provision of public sewer, water, and
9 stormwater;

10 (c) Development of adequate regional infrastructure for high-speed communications;

11 (d) Development of adequate regional infrastructure for the provision of reliable and
12 affordable energy;

13 (e) Development of adequate regional infrastructure for the provision of reliable and
14 efficient public safety, hazard mitigation, and other emergency services;

15 (f) Protection of regionally significant environmental features;

16 (g) Protection of regionally significant cultural and historic resources;

17 (h) Conservation of regionally significant farmland, forestland, and mineral resources;

18 (i) Protection of regionally significant surface and groundwater resources;

19 (j) Provision for a regional system of parks and recreation; and

20 (k) Provision of an adequate supply of workforce housing in appropriate locations, where
21 limited housing opportunities have been identified as a significant problem.

22 (3) The regional framework plan shall include a regional economic development action
23 plan, pursuant to section 311.

24 (4) Not more than two years after the effective date of this act, on a date established by
25 the Governor, each state-designated regional planning council shall adopt its regional framework
26 plan prepared under the section, including the regional economic development action plan, and
27 each state-designated regional planning council shall review and update its regional framework
28 plan every five years thereafter. The Governor may adjust the uniform schedule for plan
29 preparation under this section as necessary to reflect changes in state planning regions or state-
30 designated regional planning councils pursuant to sections 303 and 305.

31 (5) A state-designated regional planning council may propose guidelines, standards,
32 criteria, and suggested model plans and ordinances to local units of government for use in
33 regulating the use and development of land and water within the state planning region, consistent
34 with the regional framework plan and any other plans adopted by the state-designated regional
35 planning council.

36 (6) A state-designated regional planning council shall publicize and advertise its
37 purposes, objectives, and findings, and may distribute reports on its purposes, objectives, and
38 findings.

39 (7) A state-designated regional planning council may, by resolution of a majority of its
40 councilors and with the consent of the affected governmental units or other public or private
41 bodies, provide services to participating local governmental units, the state, and to other public
42 and private bodies and citizens in matters relative to its functions, plans, and objectives.

43 (8) In the exercise of its regional planning activities, a state-designated regional planning
44 council may act as a coordinating agency for programs and activities of public and private bodies
45 and citizens as they relate to its objectives within its boundaries. Where problems or
46 opportunities related to the purposes of this act exist beyond the regional boundaries, the state-

1 designated regional planning council may act, in collaboration with appropriate neighboring
2 state-designated regional planning councils, to address those problems or opportunities.

3 (9) In the exercise of its regional planning activities, a state-designated regional planning
4 council may charge the recipients of its services a reasonable fee for those services pursuant to a
5 contract between the state-designated regional planning council and the entities receiving the
6 services.

7 (10) A state-designated regional planning council shall make an annual report of its
8 regional planning activities to the legislative bodies of the participating local governmental units.
9 The regional council shall make a copy of the annual report available to the public for review
10 and comment by posting it on a web site and by other reasonable means, and it shall notify the
11 general public and the public officials of local governmental units within the state planning
12 region of the report's availability.

13
14 **xxx.311 Regional economic development action plan; activities.**

15 Sec. 311. (1) The regional economic development action plan required under section 309,
16 shall include, but need not be limited to, the following activities:

17 (a) Investigating the conditions affecting the economy of the region and preparing
18 technical studies necessary or useful for guiding the economic development of the region;

19 (b) Establishing strategies and priorities for regional economic development, based on
20 existing assets and opportunities within the state planning region, for the purpose of improving
21 the quality of life and prosperity of the region;

22 (c) Coordinating the economic development strategies of the region with those adopted
23 by the state, adjoining state-designated regional planning councils, and corresponding entities in
24 neighboring states; and

25 (d) Coordinating the economic development strategies of other economic development
26 entities acting within the state planning region.

27 (2) The regional economic development action plan shall incorporate implementation
28 strategies, which may include, but need not be limited to:

29 (a) Developing recommendations to the legislative bodies of local governmental units
30 and non-governmental entities engaged in economic development activities within the region for
31 the purpose of implementing the regional economic development plan;

32 (b) Providing assistance to the legislative bodies of local governmental units and non-
33 governmental entities engaged in economic development activities within the region in obtaining
34 financial and other support for implementing the economic development activities recommended
35 by the regional economic development plan;

36 (c) Promoting and encouraging the development of markets for products of the region;
37 and

38 (d) Publicizing the material, economic, and cultural advantages of the region.

39
40 **xxx.313 Notice and public input; adoption of plans; dissemination of plans.**

41 (1) Within not more than 30 days of initiating the preparation of a plan pursuant to
42 section 309, the state-designated regional planning council shall provide reasonable notice to the
43 general public and to the public officials of the local governmental units within the state planning
44 region of its intent to develop a plan, and it shall provide reasonable opportunity for the public
45 and officials to provide input into the issues to be addressed by the plan and the process to be
46 employed in preparing the plan.

1 (2) Prior to the adoption of a plan prepared pursuant to section 309, the state-designated
2 regional planning council shall hold a public hearing.

3 (3) Not less than 60 days prior to the public hearing held pursuant to subsection (2), the
4 state-designated regional planning council shall provide reasonable notice to the general public
5 and the public officials of the local governmental units within the state planning region of its
6 intent to adopt the plan and the place and time of the public hearing to be held, and it shall
7 provide reasonable opportunity for those officials and members of the general public to comment
8 on the proposed plan.

9 (4) A plan shall be adopted only by affirmative vote of a majority of the councilors of the
10 state-designated regional planning council serving.

11 (5) Upon adoption of a plan prepared pursuant to section 309, the state-designated
12 regional planning council shall make the plan available to the general public by posting it on a
13 web site and by other reasonable means, and it shall notify the general public and the public
14 officials of local governmental units within the state planning region of the plan's availability.
15

16 **xxx.315 Consistency of local master plans with regional plans; local adoption of regional**
17 **plans.**

18 Sec. 315. (1) The state-designated regional planning council shall encourage local
19 governmental units within the state planning region to create and update local master plans
20 prepared pursuant the Michigan Planning Enabling Act, 2008 PA 33, in a manner consistent with
21 the plans adopted by the state-designated regional planning council pursuant to this act.

22 (2) Local governmental units, whether or not they are active members of or participants
23 in the work of the state-designated regional planning council, may adopt all or any portion of the
24 plans prepared and adopted by the state-designated regional planning council by following those
25 procedures specified by act of the legislature or by local charter for the adoption of an official
26 master plan or subplan.
27
28

1 **PART IV – Effective Date and Repealer.**

2
3 Sec. 401. The effective date of this act shall be 6 months following the date of the
4 enactment of this act.

5 Sec. 403. The Regional Planning Act, 1945 PA 281, is repealed on the effective date of
6 this act.

7 Sec. 405. All references to “regions” and “regional” in the County or Regional Economic
8 Development Commission Act, 1966 PA 66, is repealed on the effective date of this act so that
9 the act only applies to County Economic Development Commissions.

10 Sec. 407. Sections 1 through 63 of the Metropolitan Councils Act, 1989 PA 292, are
11 repealed on the effective date of this act, and the remaining sections (65 through 79) are renamed
12 the “Metropolitan Arts Councils Act.”

13 Sec. 409. No regional councils, commissions, or other entities shall be created pursuant to
14 the authorities enabled under 1945 PA 281, 1966 PA 66, or 1989 PA 292 Sec. 1 through 63
15 following the enactment date of this act. Regional councils created under the enabling authorities
16 of 1989 PA 292 Sec. 65 through 79 shall now be governed by this act, but are not required to
17 reincorporate under this act. Future changes to articles of incorporation, bylaws or rules of
18 procedure by such regional councils however, shall conform with the requirements of this act.

FREQUENTLY ASKED QUESTIONS ON THE DRAFT MICHIGAN REGIONAL COUNCILS ACT (MRCA)

1. **Why do this in the first place? Why is the Act proposed?** There are many reasons for the proposed act outlined in a separate white paper entitled “The Case for Modernizing the Institutional Structure for Regional Councils and State-Designated Planning & Development Regions in Michigan.” The white paper is available from the Michigan Association of Planning (see question 10). Some of these reasons include:
 - Consolidating three related statutory provisions into a single act for simplicity and consistency (the Regional Planning Act would be repealed along with a large part of the Metropolitan Councils Act and parts of the County or Regional Economic Development Commission Act),
 - Providing local governments with more service sharing opportunities through regional councils,
 - Coordinating state, regional and local economic development planning (and related infrastructure and land resource planning) so that all parts of the state are more globally competitive,
 - Creating more uniformity in how regional councils and regional planning commissions are formed and operate in order to improve the quality and consistency of services provided,
 - Modernizing authority and responsibility of regional planning commissions,
 - Providing a rational process for changing the boundaries of state planning regions and for state-designation of regional planning councils,
 - Improve the stability of funding of regional councils and regional planning commissions.
2. **What’s the difference between a “region” and a “council.”** In the proposed act, a “region” defines the geographic area to be served by a regional council (which could be a regional planning commission, but also could be another type of regional council). The “council” is the institution created to provide services or planning within the region.
3. **What is the difference between a “regional council” and a “state-designated regional planning council?”** All state-designated regional planning councils (also presently known as regional planning commissions or councils of government), would have to be formed as regional councils under the proposed act. In order to be state-designated, a year after the effective date of the proposed act, the governor could either keep the existing designation of the fourteen regional planning commissions in place, or initiate a study to change the boundaries of a regional council and then later decide whether to re-designate or change the designation of the regional council providing the regional planning services.
4. **Why adopt articles of incorporation and what does it mean to do so?** All regional councils would be required to adopt articles of incorporation (like a city charter) consistent with the proposed act to ensure that the council is properly formed, and that the purposes, authorities, and responsibilities of the council are transparent. This is meant to ensure that the council functions properly, after it is created, and as specified in the act.
5. **Does this proposed act create a new layer of government like a county or super-township?** No. The core functions of local government established by the state constitution would not be changed

by this proposed act. However, some of the services that local governments currently provide could be provided on a regional basis by a regional council if the member local governments approved such an arrangement. Remember, the regional council providing the service may or may not be a state-designated regional planning council. Regional planning commissions have been authorized since 1945 (under the Regional Planning Act), and regional councils have been authorized since 1989 (under the Metropolitan Councils Act), so neither of these entities are new public entities. What this proposed act would do is provide a single statutory structure for all regional councils.

6. **Does the regional framework plan required by this act supercede local master plans?** No. This proposed act would require state-designated regional planning councils to prepare regional framework plans for land resources, infrastructure and economic development. Local governments would be encouraged to use the regional framework plan as guidance when preparing the local master plan and would be permitted to adopt regional plans if they choose to do so. The proposed act does not enable regional plans to supercede local plans or enable regional planning councils to dictate planning decisions to local governments.
7. **Does the proposed act create a new tax?** No. The proposed act would authorize regional councils to levy a tax to provide a regional service if 1) the articles of incorporation of the regional council permitted taxation, 2) the service was requested by regional council members (local governments), and 3) the tax was approved by voters. The taxing mechanism is the same as that already included in the Metropolitan Councils Act which was enacted in 1989 and applies to regional councils.
8. **If my organization was created under one of the acts being consolidated, will it have to reorganize under the new act?** Yes, most likely, if the proposed act were adopted. However, how much reorganization would be required depends on which act your organization was created under. If your regional organization was formed under the Regional Planning Act or the County or Regional Economic Development Commission Act, then it would have to adopt new articles of incorporation, bylaws, and rules of procedure consistent with the MRCA. If your organization was formed under the Metropolitan Councils Act, there may be little, if any change necessary to the articles of incorporation, but updated bylaws and rules of procedure would be needed. If your organization is a county economic development commission, then no change would be necessary as this proposed act would only affect regional economic development commissions.
9. **When is the MRCA proposed to go into effect?** Six months after adoption and signing by the Governor.
10. **Where can I go to find out more about the proposed act?** Contact the Michigan Association of Planning at:
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