



MEMORANDUM

TO: Planning Commission

FROM: Brett Lenart, Planning Manager

DATE: June 16, 2023

SUBJECT: **Planning Commission – Alternate Member Appointments**

Recently, Planning Commissioners have inquired about the potential for Alternate Members being appointed to the Planning Commission. This action would not be supported by State law.

Background

The Planning Commission is established under the authority granted to the City of Ann Arbor by the Michigan Planning Enabling Act (Act 33 of 2008, as amended) (“Planning Act.”) This act provides for the establishment, appointment of members, and requirements for members serving on a Planning Commission. The Planning Act stipulates that Planning Commissions consist of 5, 7, or 9 members. The City Charter requires a nine-member commission. There is no provision for alternate members in state law, nor the City Charter.

It is a valid question to be raised, as there are other laws that explicitly enable alternate members. For example, the Zoning Enabling Act (Act 110 of 2006, as amended) (“Zoning Act”) requires that any zoning ordinance establish a Zoning Board of Appeals. In MCL 125.3601 of the Zoning Act, the state legislature explicitly provides for alternate members. The equivalent provision is not included in the Planning Act.

Alternative

If the primary basis for this relates to absences and recusals, the ordinance requirement that six affirmative votes are required to enact a land use decision could be reviewed. This ordinance could be considered for modification by the City Council to a different standard, such as “the majority of members present,” or another standard. This would not actually be a UDC amendment, but rather an amendment to Title I, Chapter 8 of the City Code.

If there is any additional information I can provide, please contact me at blenart@a2gov.org.