

**BYLAWS**  
**of the**  
**SOUTHEAST MICHIGAN COUNCIL OF GOVERNMENTS**

**Preamble**

It is hereby declared and affirmed that the local units of government in Southeast Michigan, which include cities and villages, townships, counties, intermediate school districts and community colleges, have many common concerns transcending their individual borders; that the destiny of each unit rests with the interdependent actions of the family of local governments comprising the Southeast Michigan metropolitan area; that it is vital to retain local home rule while combining resources to meet areawide challenges beyond the capabilities of individual units; that expanding the concept of voluntary cooperation among local units of government is an effective means of achieving this vital goal; and that cooperation must be fostered in two ways, by strengthening the abilities of local governments to meet individual local needs and by developing a voluntary association of local governments to meet common regional concerns.

**ARTICLE I. PURPOSE**

The Southeast Michigan Council of Governments (the "Council") is a voluntary association of local units of government in Southeast Michigan ("Units") for the purpose of fostering cooperative efforts to resolve problems, and to formulate policies and plans that are common and regional, all with maximum efficiency and economy.

The Council shall have the power to:

- A. Adopt and amend Bylaws, pass upon questions relating to its membership, and propose amendments to the intergovernmental agreement creating the Council;
- B. Adopt an annual budget and membership fee schedule;
- C. Provide a mutual forum for the study, discussion, identification and definition of regional problems and opportunities;
- D. Serve as a vehicle to promote communication and cooperation among Units and between Units and other agencies;
- E. Foster, develop, review and approve plans for regional growth, development and conservation, and aid in coordinating plans, programs and activities among Units;
- F. Develop regional policies and proposals to meet regional needs;

- G. Maintain liaison with member Units and other Units, agencies or organizations relative to regional issues, and serve, when so directed, as spokesperson for Council members;
- H. Furnish, upon request of its members, aid in the development of forms of intergovernmental cooperation, and serve as a mediating party in the resolution of intergovernmental variances when called upon by member Units to do so;
- I. Make appointments to other bodies, agencies and authorities as provided by law;
- J. Appoint advisory committees or councils whose membership may consist of individuals whose experience, training or interest may qualify them to lend valuable assistance to the Council by acting in an advisory capacity in consulting with the Council on technical and special issues;
- K. Appoint, fix the salary of, and remove an Executive Director, whose responsibilities shall include appointment, compensation, supervision and removal of staff as provided for in the budget;
- L. Accept gifts, grants, assistance funds or bequests, and incur debts, liabilities or obligations which shall not constitute the debts, liabilities or obligations of any of the member Units or of any other agency or organization;
- M. Coordinate, administer and implement federal and State programs of regional impact or scope to most efficiently address regional needs, and enter into contracts, agreements or compacts with federal, State and local entities for such purpose; and
- N. Take such other action as may be found necessary or desirable in implementing the goals of the Council and authorized by law; provided, however, that no member Unit shall be bound by any action of the Council without its consent.

## **ARTICLE II. MEMBERSHIP**

- A. Eligibility. All cities and villages, townships, counties, intermediate school districts and community colleges included in the seven-county geographical area of Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw and Wayne (the “SEMCOG Region”) shall be eligible for membership on the Council, subject to the conditions hereinafter provided.
- B. Conditions. To become a member of, and retain membership in the Council, a Unit shall:
  - 1. Formally enter into the intergovernmental agreement creating the Council; and,
  - 2. Pay the annual membership fee as and when due.

C. Membership Fees.

1. Membership fees shall be due and payable annually. A Member Unit may determine to pay its membership fees either on the first day of the month following the anniversary date of its membership or on a date corresponding to the beginning of its fiscal year, but in the event that the member Unit does not notify the Council of its determination, then the membership fee shall be due and payable on January 1st of each year. An appropriate proration shall be made of the membership fees of any new member Unit electing to pay its dues on a date other than the first day of the month following its date of membership and of the membership fees of any member Unit electing to change the date on which it pays its dues.

2. A Unit may retain full rights of membership, even if its annual membership fees otherwise due and payable shall be and remain unpaid, if a satisfactory payment schedule has been agreed to in writing between the Unit and the Executive Director, subject to the approval of the Executive Committee.

D. Withdrawal. A member Unit may withdraw from the Council upon written notice to be effective ninety (90) days after receipt by the Council. No membership fees shall be returned to any member Unit in case of withdrawal.

E. Associate Membership. Public universities operating within the SEMCOG Region, including Eastern Michigan University, Oakland University, the University of Michigan, the University of Michigan-Dearborn, and Wayne State University, shall be eligible for associate membership in the Council upon payment of associate membership fees. Each associate member may appoint a delegate and an alternate delegate to serve in the absence of the delegate. The delegate or alternate may participate in all activities of the General Assembly with the exception of voting.

F. State of Michigan. The Governor of the State of Michigan shall have the right:

1. To serve as a delegate to the General Assembly with the power to vote on matters pertaining to the development of transportation plans and programs and the development and operation of transportation systems and facilities (collectively, "transportation matters"), but only on transportation matters, and
2. To serve as a delegate to the Executive Committee, with the power to vote on transportation matters.

The Governor shall not be eligible to serve as an officer of the General Assembly or the Executive Committee, but may serve on committees or subsidiary bodies formed to consider transportation matters. The Governor may designate an alternate delegate. In the absence of the Governor, the alternate delegate shall vote in the Governor's place and stead, but shall not exercise any other responsibilities of the Governor relating to the Council.

G. Regional Transit Authority. The Chair of the Regional Transit Authority shall have the right:

1. To serve as a delegate to the General Assembly with the power to vote on matters pertaining to the development of transportation plans and programs and the development and operation of transportation systems and facilities (collectively, “transportation matters”), but only on transportation matters, and
2. To serve as a delegate to the Executive Committee, with the power to vote on transportation matters.

The Chair of the Regional Transit Authority shall not be eligible to serve as an officer of the General Assembly or the Executive Committee, but may serve on committees or subsidiary bodies formed to consider transportation matters. The Chair of the Regional Transit Authority may designate an alternate delegate. In the absence of the Chair of the Regional Transit Authority, the alternate delegate shall vote in the Chair’s place and stead, but shall not exercise any other responsibilities of the Chair relating to the Council.

### **ARTICLE III. ORGANIZATION**

The powers of the Council shall inhere in a General Assembly and an Executive Committee.

#### **A. The General Assembly**

1. Meetings; Actions. The General Assembly shall convene in regular session at least twice per year. One regular session shall be designated the Annual Meeting by resolution of the Executive Committee, adopted not less than sixty (60) days prior to the date of said Annual Meeting. The other regular session shall be convened upon the call of the Chairperson. Special sessions of the General Assembly also shall convene upon the call of the Chairperson, or at the request of ten percent (10%) of the member Units, or at the request of a majority of the Executive Committee. The General Assembly may act on any question within the scope of these Bylaws, and may override any action of the Executive Committee.
2. Representation; Voting Delegates.
  - a. Member Units are individually responsible for designating and removing their delegates and alternate delegates to the Council; provided, however, that a person so designated may serve only one member Unit on the Council; and provided further, that each delegate shall be an elected official of the designating Unit, but an alternate is not required to be an elected official of the designating Unit. In the absence of a delegate, his or her alternate shall vote in his or her place and stead, but shall not exercise any other responsibilities of the delegate.

b. Each member Unit shall have one voting delegate to the General Assembly, except that the County of Livingston, the County of Monroe, the County of St. Clair and the County of Washtenaw each shall have two voting delegates, the City of Detroit shall have three voting delegates, the County of Macomb shall have four voting delegates and the County of Oakland and the County of Wayne each shall have six voting delegates.

3. Quorum. A quorum of the General Assembly shall consist of a majority of the voting delegates (or alternates) of member Units and a majority of weighted votes.

4. Voting. The General Assembly may decide any question by the vote of delegates or voting alternates present at any meeting at which a quorum is assembled in accordance with the following procedures. Except as provided in Article III, Section A.5.c. below, no question shall be determined to be approved without receiving both a Majority and a Weighted Majority of votes cast.

a. Majority of Delegates or Voting Alternates: On any question presented to the General Assembly, each of the delegates or voting alternates present shall have 1 vote (a “nominal vote”), and the nominal votes cast for and against the question shall be recorded. If a question shall receive a number of nominal votes greater than half of the total number of nominal votes cast, the question shall be determined to have Majority approval. In case less than a quorum shall be assembled at any meeting of the General Assembly, a Majority may nonetheless be deemed to have approved of a question if the question shall have received the same absolute number of nominal votes as would be required for Majority approval at a meeting at which a quorum is assembled; and, as to any question subject to a supermajority voting requirement, a supermajority may nonetheless be deemed to have approved of a question if the question shall have received the same absolute number of nominal votes as would be required for supermajority approval at a meeting at which a quorum is assembled.

b. Weighted Majority. On any question presented to the General Assembly, each of the delegates or voting alternates present also shall have votes apportioned based upon the population of the Unit represented by the delegate or voting alternate (“weighted votes”), and the weighted votes cast for and against the question shall be recorded. The number of weighted votes apportioned to member Units shall be determined as follows:

1. Counties. 1,450 votes shall be apportioned among all counties within the SEMCOG Region based upon the proportion that each county’s population bears to the population of the SEMCOG Region. Each member Unit county shall be entitled to vote the number of votes so apportioned to it. The votes of each member county shall be assigned equally (or as equally as possible) among all of the member county’s

delegates, without right of assignment except to an alternate delegate, and no alternate may vote more than a single delegate's assigned votes.

2. Cities, Villages and Townships. 1,450 votes shall be apportioned among all cities, villages and townships within the SEMCOG Region based upon the proportion that each city's, village's or township's population bears to the population of the SEMCOG Region. Each member Unit city, village and township shall be entitled to vote the number of votes so apportioned to it. The votes of each member Unit city, village or township having more than 1 delegate shall be assigned equally (or as equally as possible) among all of the member Unit's delegates, without right of assignment except to an alternate delegate, and no alternate may vote more than a single delegate's assigned votes.

3. Governor. 50 votes shall be allocated to the Governor of the State of Michigan.

4. Regional Transit Authority. 50 votes shall be allocated to the Chair of the Regional Transit Authority.

5. Intermediate School Districts and Community Colleges. 150 votes shall be apportioned among all intermediate school districts and community colleges within the SEMCOG Region based upon the proportion that each unit's full time equivalent student enrollment bears to the full time equivalent enrollment for all units in the SEMCOG Region. Each member Intermediate School District or member Community College shall be entitled to vote the number of votes so apportioned to it.

For purposes of apportioning votes on the basis of population, "population" means the population reported in either the last federal decennial census or the Council's five-year population estimate, whichever is more recent.

For purposes of apportioning votes on the basis of full time equivalent enrollment the most recent counts available from the state will be used.

If a question shall receive a number of weighted votes greater than half of the total number of weighted votes cast, the question shall be determined to have received Weighted Majority approval. In case less than a quorum shall be assembled at any meeting of the General Assembly, a Weighted Majority may nonetheless be deemed to have approved of a question if the question shall have received the same absolute number of weighted votes as would be required for Weighted Majority approval at a meeting at which a quorum is assembled; and, as to any question subject to a weighted supermajority voting requirement, a weighted supermajority may nonetheless be deemed to have approved of a question if the question shall have received the same absolute number of weighted

votes as would be required for weighted supermajority approval at a meeting at which a quorum is assembled.

5. Additional Voting Requirements

- a. An affirmative vote of two-thirds (2/3) of the General Assembly present and voting, both on a Majority and Weighted Majority basis, is required for passage of the following matters:
  1. To override any action of the Executive Committee;
  2. To amend the Bylaws;
  3. To propose amendments to the intergovernmental agreement.
- b. A motion to table a matter brought before the General Assembly requires support by a delegate or voting alternate representing a unit of government other than the one making the motion.
- c. The Chairperson, in the exercise of his or her discretion, may ask for approval of questions by consent or by voice vote, and the Chairperson may declare the question approved or not approved, provided that any delegate or voting alternate may ask for a division, in which case the question shall be subject to the formal voting requirements of Article III, Section A.4. above.

6. Bloc Caucuses.

- a. The membership of the General Assembly shall be organized into four membership bloc caucuses: one bloc for the delegates from cities and villages, one bloc for the delegates from counties, one bloc (to be known as the “education bloc”) for the delegates from intermediate school districts and community colleges, and one bloc for the delegates from townships. At or prior to each Annual Meeting of the General Assembly, each membership bloc caucus shall elect a chairperson, referred to as a Bloc Chairperson, to serve until the next Annual Meeting of the General Assembly.
- b. Whenever the General Assembly shall be called upon to amend the Bylaws, to propose amendments to the intergovernmental agreement, or to override any action of the Executive Committee, or at any meeting of the General Assembly upon the request of three (3) members of a membership bloc or ten percent (10%) of the members of any membership bloc, whichever number shall be greater, provision shall be made for Bloc Caucuses prior to voting.

7. At-Large Delegates. The General Assembly, upon the recommendation of the Nominating Committee, may elect for terms of one year, not more than ten (10)

citizens who reside in the SEMCOG Region as at-large non-voting delegates to the General Assembly. Citizens should be considered for these seats in recognition of their civic or public interests and accomplishments as “regional statespersons.”

8. Notice of Meetings. Notice of all meetings of the General Assembly shall be given in the manner required by the Michigan Open Meetings Act, Act 267, Public Acts of Michigan, 1976, as amended (“Act 267”). In addition, at least three (3) days prior to the date set for the holding of any meeting of the General Assembly, written notice of the time and place of such meeting shall be sent by email or other electronic means to each delegate and to each alternate delegate at the email or other appropriate address of such delegate appearing on the records of the Council. Every notice by email or other electronic means shall be deemed duly served as of 5:00 p.m., prevailing Eastern time, next following the actual time when the notice is transmitted, as recorded by the Council’s communication system. The Executive Director or his or her designee may, but shall not be required to, cause additional written notice to be provided to a delegate or delegates by mailing such notice via regular U.S. mail not less than seven (7) days prior to the date set for the holding of the meeting to the address of such delegate or delegates appearing on the records of the Council. Mailed notice shall be deemed duly served on the second business day following the day when the same has been deposited in the United States mail with postage fully prepaid and addressed to the sendee as provided above.
9. Minutes and Agendas. Minutes of the proceedings of the General Assembly shall be kept and made available to the public in the manner required by Act 267. Proposed minutes of previous meetings shall be submitted to the members of the General Assembly not less than seven (7) days prior to the next succeeding meeting of the General Assembly for approval at such meeting. An agenda for the next succeeding meeting shall be submitted to the members of the General Assembly at the time of submitting proposed minutes.
10. Committees. The General Assembly shall establish a Finance and Budget Committee and a Bylaws and Legal Committee as its standing committees, but action on matters considered by said committees, with the exception of those finance items which have been delegated to the Executive Committee in Article III, Section B.8., shall be taken only by the General Assembly.

## **B. The Executive Committee**

1. Meetings. The Executive Committee shall meet at least once in each calendar quarter, and also shall meet upon call of the Chairperson or of not less than five (5) of its members, or at the direction of the General Assembly.
2. Membership. Subject to the conditions hereinafter provided, voting delegates in the General Assembly shall be seated on the Executive Committee on the



following basis: Member Units of each of the following three kinds, (i) cities and villages, (ii) counties, and (iii) townships, which are located within the geographical area of each separate county within the SEMCOG Region, shall constitute an area bloc, and member Units of each of the following two kinds, (i) intermediate school districts and (ii) community colleges, which are located within the geographical area of the SEMCOG Region, shall constitute an area bloc; and each area bloc shall be allocated delegates to the Executive Committee according to the following table; provided that the City of Detroit shall not be included in the cities and villages area bloc within Wayne County for the purposes of this Article III, Section B.2., but instead shall be allocated three (3) separate delegates to the Executive Committee.

### Executive Committee Delegates

	Cities & Villages	County Governments	Intermediate School District	Community Colleges	Townships	Other	Total
Livingston	1	2			1		4
Macomb	2	4			1		7
Monroe	1	2			1		4
Oakland	2	6			1		9
St. Clair	1	2			1		4
Washtenaw	1	2			1		4
Wayne	2 <sup>†</sup>	6			1		9
Detroit	3						3
SEMCOG Region			1	1			2
Governor of Michigan						1	1 <sup>††</sup>
Regional Transit Authority						1	1 <sup>††</sup>
<b>TOTALS</b>	<b>13</b>	<b>24</b>	<b>1</b>	<b>1</b>	<b>7</b>	<b>2</b>	<b>48</b>

Note:   †   Excluding the City of Detroit  
          ††   Permitted to vote on transportation matters only.

3.   Selection of Voting Delegates. The member Units in each area bloc shall constitute a caucus for the purpose of electing voting delegates to the Executive Committee, and vacancies shall be filled by election in the same manner. Alternate delegates to the General Assembly shall not serve as delegates to the Executive Committee but may serve as alternate delegates to the Executive Committee. In the absence of a delegate, his or her alternate shall vote in his or her place and stead, but shall not exercise any other responsibilities of the delegate. Delegates to the Executive Committee shall be elected not less than thirty (30) days prior to the date of the Annual Meeting of the General Assembly in each year, or as soon thereafter as may be, and shall serve from the date of said Annual Meeting until the Annual Meeting of the General Assembly in the succeeding year, or until a successor is duly elected.
  
4.   Quorum. A quorum of the Executive Committee shall consist of a majority of its total voting membership and a majority of weighted votes.

5. Voting. The Executive Committee may decide any question within the scope of its responsibilities by the vote of delegates or voting alternates present at any meeting at which a quorum is assembled in accordance with the following procedures. Except as provided in Article III, Section B.5.c. below, no question shall be determined to be approved without receiving both a Majority and a Weighted Majority of votes cast.

a. Majority of Delegates or Voting Alternates: On any question presented to the Executive Committee, each of the delegates or voting alternates present shall have 1 vote (a “nominal vote”), and the nominal votes cast for and against the question shall be recorded. If a question shall receive a number of nominal votes greater than half of the total number of nominal votes cast, the question shall be determined to have Majority approval. In case less than a quorum shall be assembled at any meeting of the Executive Committee, a Majority may nonetheless be deemed to have approved of a question if the question shall have received the same absolute number of nominal votes as would be required for Majority approval at a meeting at which a quorum is assembled; and, as to any question subject to a supermajority voting requirement, a supermajority may nonetheless be deemed to have approved of a question if the question shall have received the same absolute number of nominal votes as would be required for supermajority approval at a meeting at which a quorum is assembled.

b. Weighted Majority. On any question presented to the Executive Committee, each of the delegates or voting alternates present also shall have votes apportioned based upon the population of the area bloc represented by the delegate or voting alternate (“weighted votes”), and the weighted votes cast for and against the question shall be recorded. The number of weighted votes apportioned to area bloc delegates shall be determined as follows:

1. Counties. 1,450 votes shall be apportioned among all counties within the SEMCOG Region based upon the proportion that each county’s population bears to the population of the SEMCOG Region. Each area bloc member representing a member Unit county shall be entitled to vote the number of votes so apportioned to that county. The votes of each member county shall be assigned equally (or as equally as possible) among all of the member county’s delegates, without right of assignment except to an alternate delegate, and no alternate may vote more than a single delegate’s assigned votes.

2. Cities, Villages and Townships. 1,450 votes shall be apportioned among all cities, villages and townships within the SEMCOG Region based upon the proportion that each city’s, village’s or township’s population bears to the population of the SEMCOG Region. Each area bloc delegate representing cities and villages shall be entitled to vote the aggregate number of votes apportioned to member Unit cities and villages comprising that area bloc. Each area bloc delegate representing townships

shall be entitled to vote the aggregate number of votes apportioned to member Unit townships comprising that area bloc. The votes of each member Unit city, village or township having more than 1 delegate shall be assigned equally (or as equally as possible) among all of the member Unit's delegates, without right of assignment except to an alternate delegate, and no alternate may vote more than a single delegate's assigned votes.

3. Governor. 50 votes shall be allocated to the Governor of the State of Michigan.

4. Regional Transit Authority. 50 votes shall be allocated to the Chair of the Regional Transit Authority.

5. Intermediate School Districts and Community Colleges. 150 votes shall be apportioned among all intermediate school districts and community colleges within the SEMCOG Region based upon the proportion that each unit's full time equivalent student enrollment bears to the full time equivalent enrollment for all units in the SEMCOG Region. The area bloc delegate representing intermediate school districts shall be entitled to vote the aggregate number of votes allocated to all member unit intermediate school districts comprising that area bloc. The area bloc delegate representing community colleges shall be entitled to vote the aggregate number of votes allocated to all member Unit community colleges comprising that area bloc.

For purposes of apportioning votes on the basis of population, the same method shall be applied to apportioning Executive Committee votes as is applied to apportioning General Assembly votes under Article III, Section A.4.b.

If a question shall receive a number of weighted votes greater than half of the total number of weighted votes cast, the question shall be determined to have received Weighted Majority approval. In case less than a quorum shall be assembled at any meeting of the Executive Committee, a Weighted Majority may nonetheless be deemed to have approved of a question if the question shall have received the same absolute number of weighted votes as would be required for Weighted Majority approval at a meeting at which a quorum is assembled; and, as to any question subject to a weighted supermajority voting requirement, a weighted supermajority may nonetheless be deemed to have approved of a question if the question shall have received the same absolute number of weighted votes as would be required for weighted supermajority approval at a meeting at which a quorum is assembled.

c. The Chairperson, in the exercise of his or her discretion, may ask for approval of questions by consent or by voice vote, and the Chairperson may declare the question approved or not approved, provided that any delegate or

voting alternate may ask for a division, in which case the question shall be subject to the formal voting requirements of this Article III, Section B.5.

6. Non-Voting Delegates. An addition to voting delegates, non-voting delegates to the Executive Committee from the following categories may be seated as determined from time to time by the General Assembly:
  - a. Governmental entities and legislative bodies.
  - b. At-large delegates to the General Assembly elected pursuant to Article III, Section A.7. above.
  - c. Each Bloc Chairperson, each Chairperson of the standing committees of the General Assembly, and each Chairperson of a subsidiary body to the Executive Committee not otherwise a voting delegate to the Executive Committee. If a Chairperson of a standing committee or subsidiary body to the Executive Committee or other person not otherwise a voting delegate to the Executive Committee is charged with making a report of a committee or subsidiary body to the Executive Committee, such reporting person may make any necessary or appropriate motion in regard of the report, but may not vote on the motion.
7. Notice of Meetings. Notice of all meetings of the Executive Committee shall be given in the manner required by Act 267. In addition, at least three (3) days prior to the date set for the holding of any meeting of the Executive Committee, written notice of the time and place of such meeting shall be sent by email or other electronic means to each delegate and to each alternate delegate at the email or other appropriate address of such delegate appearing on the records of the Council. Every notice by email or other electronic means shall be deemed duly served as of 5:00 p.m., prevailing Eastern time, next following the actual time when the notice is transmitted, as recorded by the Council's communication system. The Executive Director or his or her designee may, but shall not be required to, cause additional written notice to be provided to a delegate or delegates by mailing such notice via regular U.S. mail not less than seven (7) days prior to the date set for the holding of the meeting to the address of such delegate or delegates appearing on the records of the Council. Mailed notice shall be deemed duly served on the second business day following the day when the same has been deposited in the United States mail with postage fully prepaid and addressed to the sendee as provided above.
8. Responsibilities. The Executive Committee shall have general supervision of the business of the Council between meetings of the General Assembly. In recess of the General Assembly, the Executive Committee may act upon any question which is subject to determination by a majority of the General Assembly (excepting the filling of a vacancy in the office of First Vice Chairperson), but shall not act upon any question which is subject to determination by two-thirds (2/3) of the General Assembly present and voting. In addition, it shall be the responsibility of the Executive Committee to take action on any question of:

- a. Appointment, compensation or removal of the Executive Director;
- b. Execution of contracts between the Council and other bodies, organizations or entities;
- c. Disbursement of funds for purposes approved in the budget and in such amounts, and for such other purposes as may be deemed necessary;
- d. Acceptance of gifts, grants, assistance funds or bequests, and the incurring by the Council of debts, liabilities or obligations which shall not constitute the debts, liabilities or obligations of any of the member Units or of any other agency or organization;
- e. Approval of regional plans and studies, the implementation of which remains with the appropriate local Units; and
- f. Creation, organization and delegation of duties of subsidiary bodies to the Council from time to time, as provided by law.

In all of the foregoing cases, the action of the Executive Committee shall be the action of the Council and shall be reported by written minutes to the General Assembly at the next succeeding meeting of the General Assembly. The Executive Committee shall also review and recommend action on an annual budget and schedule of membership fees, which shall be subject to approval by the General Assembly as provided under Article IV, Section B.

- 9. Minutes. Minutes of the proceedings of the Executive Committee shall be kept and made available to the public in the manner required by Act 267. In addition, the Executive Committee shall submit minutes of its proceedings at each meeting to the General Assembly at the next succeeding meeting of the General Assembly.
- 10. Subsidiary Bodies. The Executive Committee may establish subsidiary bodies in accordance with law. No such subsidiary body, except as expressly provided by these Bylaws or as otherwise expressly authorized by the Executive Committee, shall take dispositive action on any question, such powers being reserved to the Executive Committee or the General Assembly.
  - a. Regional Clearinghouse Review Committee. The Executive Committee shall establish a permanent Regional Clearinghouse Review Committee. Membership of the Regional Clearinghouse Review Committee shall consist of local elected officials who need not be members of the Executive Committee but who shall be selected according to membership guidelines determined by the Executive Committee. The Regional Clearinghouse Review Committee may act on behalf of the Executive Committee for purposes of reviewing grant applications and projects in the regional review process. Action of the Regional Clearinghouse Review Committee shall be subject to review by the Executive Committee.
  - b. Councils. The Executive Committee shall establish ongoing subsidiary councils to advise the Executive Committee in designated substantive

areas. Membership of such councils shall not be limited to elected officials or members of the Executive Committee, and shall be appointed by the Chairperson of the Council and reported annually to the Executive Committee.

- c. Advisory Committees; Task Forces. The Executive Committee may establish ongoing advisory committees and ad hoc task forces to provide technical services to the respective subsidiary councils or to report directly to the Executive Committee. Qualifications and appointment of members of such advisory committees and task forces shall be as in the case of the subsidiary councils.

## C. **Officers**

1. Officers; Eligibility; Duties. The officers of the Council shall be a Chairperson, a First Vice Chairperson, four Vice Chairpersons, and the Immediate Past Chairperson of the Council. Officers, with the exception of the Immediate Past Chairperson, if he or she continues to be seated as a delegate or alternate to the Executive Committee, shall be elected from among the delegates and alternates to the Executive Committee. Among the seven officers, all four membership blocs (cities and villages; counties; townships; and intermediate school districts and community colleges) shall be represented, and no more than two of the seven officers shall represent the same membership bloc. The Chairperson shall be the presiding officer of the General Assembly and of the Executive Committee and otherwise shall perform only the duties prescribed by these Bylaws or as directed by the Executive Committee. The officers shall perform only the duties prescribed by these Bylaws or as directed by the Executive Committee.
2. Selection. The First Vice Chairperson and four Vice Chairpersons shall be elected at the Annual Meeting by delegates and voting alternates of the General Assembly present and voting. The First Vice Chairperson shall automatically succeed to the office of Chairperson at the next Annual Meeting following his or her election as First Vice Chairperson. The Chairperson, if then eligible, shall become Immediate Past Chairperson at the Annual Meeting ending his or her term as Chairperson; but if the Chairperson is not then eligible, the office of Immediate Past Chairperson shall be vacant.
3. Terms of Office. Officers shall serve for 1-year terms or until their successors are elected. The Chairperson and First Vice Chairperson shall serve no more than one term in each of those capacities. For purposes of this limitation, a “term” shall not include service in completing an unexpired portion of a term resulting from a vacancy in office. The four Vice Chairpersons may serve more than one term in that capacity and are eligible for re-election. The Immediate Past Chairperson shall serve no more than one 1-year term in that capacity.
4. Vacancies; Succession.

a. Chairperson. Upon a vacancy occurring in the office of Chairperson, the First Vice Chairperson shall become Chairperson to complete the unexpired portion of the term.

b. First Vice Chairperson. Upon a vacancy occurring in the office of First Vice Chairperson, the office shall remain vacant until the next Annual Meeting of the General Assembly (the election of First Vice Chairperson being expressly reserved for the General Assembly so convened at the Annual Meeting), but an additional temporary office of Vice Chairperson shall be created, which office shall be filled according to the procedure applicable to filling a vacancy in the office of Vice Chairperson. The additional temporary office of Vice Chairperson shall be extinguished upon the expiration of the unexpired portion of the term of First Vice Chairperson.

c. Vice Chairperson. Upon an unanticipated vacancy occurring in the office of Vice Chairperson, or one month prior to an anticipated vacancy occurring in the office of Vice Chairperson, a Nominating Committee shall be established consisting of representatives selected in accordance with Article III, Section D of these Bylaws. The Nominating Committee shall promptly deliver notice of the vacancy to the General Assembly delegates and alternates and indicate those delegates and alternates from the Executive Committee eligible to be considered to fill the office. The Nominating Committee shall consider names of eligible persons on its own motion and who shall have been recommended in writing and whose recommendations have been received by the Committee chairperson within 10 days of the notice of vacancy, but the Nominating Committee shall not be bound to nominate any person so recommended. The Nominating Committee shall report its recommendation for filling the vacancy at the next regular meeting of the Executive Committee or General Assembly, whichever comes first, scheduled to occur not less than 10 days following delivery of a notice of election to fill the vacancy to the General Assembly delegates and alternates. At the next regular meeting occurring not less than 10 days following delivery of the notice of election, the Executive Committee or General Assembly shall then elect a person to fill the vacancy for the unexpired portion of the term.

d. Chairperson and First Vice Chairperson. In the event of simultaneous vacancies in both the offices of Chairperson and First Vice Chairperson, the Immediate Past Chairperson, if so serving, shall become Chairperson for the remainder of the unexpired term. In the event there is no Immediate Past Chairperson so serving, the Vice Chairperson having served in office for the longest period shall become Chairperson. The office of First Vice Chairperson shall remain vacant until the next Annual Meeting of the General Assembly, and an additional temporary office of Vice Chairperson shall be created and filled in accordance with Article III, Section C.4.b. above. A Chairperson and First Vice Chairperson thereafter shall be nominated and elected at the next Annual Meeting of the General Assembly.



#### **D. Nomination of Officers**

Not less than twenty-five (25) days prior to the date of the Annual Meeting, each Bloc Chairperson shall appoint one representative from his or her bloc to serve on the Nominating Committee, which shall nominate principal officers and at-large delegates as provided in these Bylaws. No more than two members of the Nominating Committee shall be from the same county. Not less than twenty (20) days prior to the date of the Annual Meeting, the Nominating Committee shall meet for the purpose of making nominations. The Nominating Committee shall consider for nomination the names of any and all eligible persons on its own motion or who shall have been recommended by writing received by the Chairperson within the preceding twenty (20) days, but shall not be bound to nominate any person so recommended; provided, however, that in case any such written recommendation for nomination shall have been subscribed to by not less than fifteen percent (15%) of the delegates to the General Assembly, the report of the Nominating Committee shall include the name of the person so recommended as a Nominee by Petition in addition to the names of other person or persons nominated by the Nominating Committee. In case the Nominating Committee shall be unable to reach a decision with respect to any nomination, it shall report the names of the persons under active consideration for such nomination, without favor. Thereafter a report of the Committee's nominations shall be included in the notice of the Annual Meeting provided to the delegates and alternates to the General Assembly pursuant to Article III, Section A.8 of these Bylaws.

### **ARTICLE IV. FINANCE**

#### **A. Fiscal Year**

The fiscal year of the Council shall commence each July 1.

#### **B. Budget Adoption and Membership Fees**

The Executive Director annually shall prepare a proposed Council budget and schedule of membership and associate membership fees under the direction of the Finance and Budget Committee and the Executive Committee. The Finance and Budget Committee and the Executive Committee shall review and recommend action on the proposed budget and schedule of membership fees. The Council budget shall be adopted by the General Assembly on or before July 1 of each year. Upon adoption of the annual budget, the General Assembly shall fix the membership fees and associate membership fees for all members and associate members in amounts sufficient to provide the local funds required by the budget.

#### **C. Annual Audit**

The Executive Committee shall cause an annual audit of the financial affairs of the Council to be performed by an independent Certified Public Accountant in accordance with law. A report of such audit shall be made available to the members of the Council.

#### **ARTICLE V. PARLIAMENTARY AUTHORITY**

The rules contained in Roberts' Rules of Order, Newly Revised, as the same is updated and in effect from time to time, shall govern the Council in all cases to which they are applicable, and in which they are not inconsistent with law, the Bylaws or any special rules of order of the Council.

#### **ARTICLE VI. AMENDMENT OF BY LAWS**

- A. If a proposed amendment or amendments to the Bylaws has received 1) the recommendation of the Bylaws and Legal Committee, 2) the recommendation of the Executive Committee by a two-thirds (2/3) affirmative vote of the Executive Committee, 3) has or have been fully set out in a written report of the Bylaws and Legal Committee containing the text of this Section A of this Article VI, and 4) notice of the proposed amendment or amendments, including a copy of the written report of the Bylaws and Legal Committee, has been given to the delegates and alternate delegates to the General Assembly in the manner set forth Article III, Section A.8, of these Bylaws, excepting not less than thirty (30) days prior to the date of a meeting of the General Assembly, then such proposed amendment or amendments may be adopted by a two-thirds (2/3) affirmative vote of the voting members present at such meeting of the General Assembly.
- B. If a proposed amendment or amendments to the Bylaws has not received the recommendations of the Bylaws and Legal Committee and the Executive Committee, or has not been reported to the delegates and alternate delegates to the General Assembly, or has not been adopted by a two-thirds (2/3) affirmative vote of the voting members present at a meeting of the General Assembly, all as described in the foregoing Section A of this Article VI, then such proposed amendment or amendments may be presented at any meeting of the General Assembly, but shall not be considered for adoption until the next following meeting of the General Assembly.

Adopted June 29, 1967

Revised November 21, 1974

Revised November 18, 1976

Revised March 25, 1977

Revised December 7, 1978

Revised March 26, 1981

Revised June 23, 1983

Revised March 24, 1988

Revised March 23, 1989

Revised March 22, 1990

Revised June 25, 1992  
Revised June 9, 1994  
Revised June 26, 1997  
Revised October 23, 1997  
Revised October 26, 2000  
Revised March 20, 2003  
Revised June 21, 2007  
Revised October 25, 2007  
Revised March 27, 2014

**MICHIGAN’S REGIONAL PLANNING ENABLING STATUTE  
INCLUDING ALL AMENDMENTS THROUGH PA 682 OF 2006**

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**REGIONAL PLANNING**

**Act 281 of 1945**

AN ACT to provide for regional planning; the creation, organization, powers and duties of regional planning commissions; the provision of funds for the use of regional planning commissions; and the supervision of the activities of regional planning commissions under the provisions of this act.

**History:** 1945, Act 281, Eff. Sept. 6, 1945 ;-- Am. 1952, Act 194, Eff. Sept. 18, 1952

*The People of the State of Michigan enact:*

**125.11 Regional planning; definitions.**

Sec. 1.

For the purpose of this act certain terms are defined as provided in this section. Wherever appropriate the singular includes the plural and the plural includes the singular. The terms “local governmental units” or “local units” shall include cities, villages, other incorporated political subdivisions, counties, school districts, special authorities, townships, or any legally constituted governing body responsible for the exercise of governmental functions within a political subdivision of the state.

**History:** 1945, Act 281, Eff. Sept. 6, 1945 ;-- CL 1948, 125.11

**125.12 Regional planning commission; creation; service by members of county board of commissioners.**

Sec. 2.

Regional planning commissions may be created by resolution by 2 or more legislative bodies of any local governmental units desiring to create a regional planning commission. Members of county boards of commissioners shall not be prohibited from serving on a commission created hereby.

**History:** 1945, Act 281, Eff. Sept. 6, 1945 ;-- CL 1948, 125.12 ;-- Am. 1952, Act 194, Eff. Sept. 18, 1952 ;-- Am. 1976, Act 427, Imd. Eff. Jan. 11, 1977

### **125.13 Regional planning commissions; limit of jurisdiction.**

#### **Sec. 3.**

The boundaries of the area which are to define the limit of jurisdiction of the regional planning commission shall be established by the resolutions of the participating legislative bodies. The boundaries of this area need not be coincident with the boundaries of any single governmental subdivision or group of subdivisions which are to be included in the area, but may include all or such portions of any governmental subdivision.

**History:** 1945, Act 281, Eff. Sept. 6, 1945 ;-- CL 1948, 125.13 ;-- Am. 1952, Act 194, Eff. Sept. 18, 1952

### **125.14 Regional planning commission; per diem allowance and mileage; reimbursement for actual expenses.**

#### **Sec. 4.**

A member of the regional planning commission may receive a per diem allowance and mileage as is established and paid by the regional commission or, if a per diem allowance or mileage is not established and paid by the regional commission, as is established and paid by the local unit appointing that member for each meeting attended and may be reimbursed for not more than actual expenses incurred as a member of the commission in carrying out the work of the commission. The mileage and reimbursement for not more than actual expenses established under this section shall not exceed the standardized travel regulations of the department of management and budget.

**History:** 1945, Act 281, Eff. Sept. 6, 1945 ;-- CL 1948, 125.14 ;-- Am. 1952, Act 194, Eff. Sept. 18, 1952 ;-- Am. 1976, Act 427, Imd. Eff. Jan. 11, 1977 ;-- Am. 1989, Act 129, Imd. Eff. June 28, 1989

### **125.15 Regional planning commissions; chairman; rules of procedure; records.**

#### **Sec. 5.**

Each regional planning commission shall elect its own chairman and establish its own rules of procedure, and may create and fill such other offices as it may determine necessary. It shall keep a record of its resolutions, transactions, findings and determinations, which records shall be a public record.

**History:** 1945, Act 281, Eff. Sept. 6, 1945 ;-- CL 1948, 125.15 ;-- Am. 1952, Act 194, Eff. Sept. 18, 1952

### **125.16 Regional planning commissions; director and employees.**

#### **Sec. 6.**

The regional planning commission may appoint a director and such employees as it may deem necessary for its work and may hire such experts and consultants for part time or full time service as may be necessary for the prosecution of its responsibilities.

**History:** 1945, Act 281, Eff. Sept. 6, 1945 ;-- CL 1948, 125.16

#### **125.17 Aid from governmental agencies.**

Sec. 7.

Aid for the purpose of accomplishing the objectives of the regional planning commission may be accepted from all governmental agencies whether local, state or federal, if the conditions under which such aid is furnished are not incompatible with the other provisions of this act.

**History:** 1945, Act 281, Eff. Sept. 6, 1945 ;-- CL 1948, 125.17

#### **125.18 Appointment of advisory committees or councils.**

Sec. 8.

The regional planning commission may appoint advisory committees or councils whose membership may consist of individuals whose experience, training or interest in the program may qualify them to lend valuable assistance to the regional planning commission by acting in an advisory capacity in consulting with the regional planning commission on technical and special phases of the program. Members of such advisory bodies shall receive no compensation for their services but may be reimbursed for actual expenses incurred in the performance of their duties.

**History:** 1945, Act 281, Eff. Sept. 6, 1945 ;-- CL 1948, 125.18

#### **125.19 Regional planning commission; powers; annual report; service charge to local governmental unit.**

Sec. 9.

(1) A regional planning commission 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 or the portion of a plan so prepared or any objective consistent with a plan as its official recommendation for the development of the region; may publicize and advertise its purposes, objectives, and findings, and may distribute reports on its purposes, objectives, and findings; may, by resolution of its governing body and with the consent of the affected governmental units, or other public or private bodies, provide services to participating local governmental units, the state, and to other public and private bodies and citizens in matters

relative to its functions, plans, and objectives provided those services are not available through the private sector at a competitive cost; may charge the recipients of its services a reasonable fee for those services; and may act as a coordinating agency for programs and activities of public and private bodies and citizens as they relate to its objectives. A regional planning commission shall make an annual report of its activities to the legislative bodies of the participating local governmental units.

(2) Notwithstanding subsection (1), a local governmental unit may not be charged for a service provided by a regional planning commission pursuant to subsection (1) unless the charge is accepted by a vote of the legislative body of that governmental unit.

**History:** 1945, Act 281, Eff. Sept. 6, 1945 ;-- CL 1948, 125.19 ;-- Am. 1952, Act 194, Eff. Sept. 18, 1952 ;-- Am. 1982, Act 156, Imd. Eff. May 18, 1982

### **125.20 Access to records and information.**

Sec. 10.

The regional planning commission shall be given access to all studies, reports, surveys, records, and all other information and material in the possession of such governmental agencies as shall be required by the regional planning commission for the accomplishment of its objectives.

**History:** 1945, Act 281, Eff. Sept. 6, 1945 ;-- CL 1948, 125.20

### **125.21 Local subdivisions; adoption of plans of regional commission.**

Sec. 11.

Local governmental subdivisions, whether active participants in the work of the regional planning commission or not, may adopt all or any portion of the plans prepared and adopted by the regional planning commission by following those procedures specified by act of the legislature or by local charter for the adoption of an official master plan.

**History:** 1945, Act 281, Eff. Sept. 6, 1945 ;-- CL 1948, 125.21

### **125.22 Local subdivisions; allocation of funds.**

Sec. 12.

For the purpose of providing funds to meet the expenses of a regional planning commission any local governmental unit participating in the formation, functioning and support of the regional planning commission or any other local governmental unit wishing to contribute thereto may allocate funds for the purpose by official act of its legislative body. The proportion of the total amount of funds to be so provided by each participating local governmental unit may be

suggested by the regional planning investigating committee or prepared as a proposed budget by the regional planning commission and submitted to the legislative bodies of the participating local governmental units. Each legislative body of the participating governmental units may appropriate its share of the funds to be apportioned for the use of the regional planning commission by the adoption of a legislative act which is identical with a similar act or acts as adopted by the other participating local governmental units. The services of personnel, the use of equipment and office space, and the provision of special services, may be accepted from any participating local governmental unit and may be considered a part of the financial support of that governmental unit.

**History:** 1945, Act 281, Eff. Sept. 6, 1945 ;-- CL 1948, 125.22 ;-- Am. 1952, Act 194, Eff. Sept. 18, 1952

### **125.23 Regional planning commission; acceptance of gifts and grants; disposition of funds received from governmental agencies; restrictions.**

Sec. 13.

(1) A regional planning commission may accept gifts and grants from public or private individuals or agencies if the conditions under which the grants are made are in accordance with the accomplishment of the objectives of the regional planning commission.

(2) A regional planning commission may lend, grant, transfer, or convey funds received from all federal, state, or local governmental agencies, as permitted by law, subject to applicable restrictions affecting the use of those funds.

**History:** 1945, Act 281, Eff. Sept. 6, 1945 ;-- CL 1948, 125.23 ;-- Am. 1952, Act 194, Eff. Sept. 18, 1952 ;-- Am. 1982, Act 156, Imd. Eff. May 18, 1982

### **125.24 Transfer of functions to regional council of government; vote required; grants-in-aid.**

Sec. 14.

The regional planning commission as constituted under this act may transfer by interlocal agreement or contract its activities, functions, programs, staff, moneys, properties, and any other liabilities or assets to a regional council of government hereinafter created. This transfer must be authorized by a majority vote of the governing body of the regional planning commission and submitted to each local governmental unit participating as a member of the regional planning commission. The local legislative body of each local governmental unit participating as a member of the regional planning commission must authorize and concur in the transfer by majority vote.

In the event of such transfer, the council shall be entitled to receive and disburse all grants-in-aid and other revenues that would otherwise be available to the regional planning commission.



**History:** Add. 1967, Act 87, Eff. Nov. 2, 1967

**Compiler's Notes:** Former § 125.24, a severability provision, was repealed by Act 129 of 1947.

### **125.25 Research studies and plans; review by office of planning coordination.**

Sec. 15.

Research studies and plans for the physical, social and economic development of the region which are prepared by the regional planning commissions pursuant to section 9 shall be forwarded as soon as is practical and prior to adoption in whole or in part to the office of planning coordination of the executive office of the governor for review and comment.

**History:** Add. 1967, Act 87, Eff. Nov. 2, 1967

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