



**FREQUENTLY ASKED QUESTIONS ON THE
DRAFT MICHIGAN REGIONAL COUNCILS ACT (MRCA)**
As of 11/02/2011

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three related statutory provisions into a single act for simplicity and consistency (the Regional Planning Act would be repealed along with a large part of the Metropolitan Councils Act and parts of the County or Regional Economic Development Commission Act),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?

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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. How will the Michigan Regional Councils Act, if adopted, improve, enhance, or assist the function and effectiveness of existing network of regional planning commissions and metro councils?

This legislation would greatly improve the foundation for regional planning in Michigan while providing new options for provision of new regional services, if local governments in a region wish them. The answer depends on what perspective is being applied. If you are a citizen or a businessperson who has a reason to interact with more than one regional planning commission in different parts of the state and the proposed RCA were presently the law, you would be more likely to find more similarity in the range of services provided from one regional planning commission to the next because all would be organized and function in generally the same fashion and they would all be providing some services that were prescribed by statute and others that were established by contracts with state or federal agencies. This greater uniformity will make them all more recognizable to the principal recipients of regional planning commission services.

Regional planning commissions would also still provide services that were identified locally as being important—there is no reason for that to change. More uniformity in service provision by a regional planning commission is a good thing for a number of reasons, not the least of which is that such entities are not constitutionally created, they are not a “level of government” and they are not typically taught in civics classes. As a result their existence is quite confusing to citizens and businesses and sometimes even to local and state officials. In reality however, they exist in Michigan because there is a real need for them that is recognized by state and local government, and they are created voluntarily by local governments and other local entities to meet those state and local needs. The dual recognition by the state and localities validates them, but ironically, none of the three existing regional planning enabling acts adequately recognizes this need for dual state and local validation. None of the three acts presently describes the critical role of the state in general and the governor in particular with regard to the roles and responsibilities of regional planning commissions. This is a serious flaw that has contributed to undervaluing regional planning commissions since their creation. The draft RCA would not only validate and institutionalize regional planning commissions for the first time, it would do so in a manner that puts them on par with other governmental entities. It would do this through creation and operation mechanisms that represent the essence of good governance. Most of those provisions come from the existing Metro Council Act (which was clearly drafted with great care when it was created). These benefits when taken together, along with others discussed in the White Paper and on webinar slides, should enhance the long term viability and value of regional planning commissions and give them long overdue recognition as sub-state entities providing critical services to the state’s businesses and citizens in regions across the state. Perhaps of equal importance, a clear procedure would be established in law for changing this base foundation and presently



there is none. By solidifying the basic foundation for regional planning in Michigan through the draft RPA, the MAP Law Committee is attempting to uniformly institutionalize this important function while creating a mechanism that should overtime, improve the effectiveness and hence the stature of regional planning commissions.

11. This discussion seems very focused on land use planning and zoning code enforcement. How does this draft recognize and facilitate the other sort of cooperative, developmental regional planning currently undertaken by regional councils and councils of government including transportation, environmental protection, parks and recreation, economic development planning, utilities and infrastructure planning?

We didn't mean for our discussion, or for the draft act, to focus on land use planning and zoning code enforcement. Rather, the act -- and particularly the portion of the act that enables state-designated regional planning councils -- is much more focused on the whole array of regional planning issues that a regional council might engage. These are laid out in Sec. xxx.309 of the draft act (State-designated regional planning council authorities), pp. 11-13 of the draft we distributed. In this section, a state-designated regional planning council is enabled/required to prepare a regional framework plan tailored appropriately to its region that addresses infrastructure, energy, public safety, environmental features, cultural and historic resources, etc.

12. Please address the language that suggests creation of new councils could be created within or surrounded by existing or other created regional councils.

These provisions are found mainly in Sec. xxx.201 of the draft act. This section, first, enables two or more local units of government to voluntarily establish a regional council (par. (1)), and second, to establish council boundaries that overlap with other regional council boundaries (par. (4)). The one exception is that a given state-designated regional planning council's boundaries may not overlap with another state-designated regional planning council's (see Sec. xxx.303). So it's possible, for example, that several local units might create a regional council to provide regional parks services, while another group of localities might create another regional council to provide infrastructure services, and that the boundaries of those two councils would overlap. In any case, those councils would also exist within the boundaries of one or more state-designated regional planning councils (which could, indeed, be one of the same councils just described or entirely different councils), and they would have to coordinate their activities with the planning functions of the state-designated regional planning councils.

This system is admittedly complex, but it was the only way we could conceive of striking a balance between enabling the voluntary creation of regional councils for local services, etc., with the state's interest in ensuring that regional planning functions are coordinated and meet state needs.

13. Please describe how this legislation recognizes the current functional roles of Councils of Governments and Regional Planning Commissions in the planning and administration of federally



designated and funded planning actions including Economic Development Districts for the EDA and MPO transportation planning for FHWA and FTA.

The state plays a relatively limited role in the federal government's decisions on how it will recognize its various regional planning entities, except to the extent that the feds look to the state to advise them on what those entities should be. The act provides for a pretty extended and thorough process of study in determining the appropriate boundaries for its state-designated regional planning authorities, including specifically consideration of the relationship between existing state-designated regional planning councils and "other local, state or federally established sub-state planning and service delivery entities..." (Sec. xxx.303(2)(a)(iv)). We expect that the issues you raise would be thoroughly addressed and sorted out through that review process.

14. What is the thinking in making existing functioning regional commissions and Councils of Government re-form, re-write articles of incorporation, and re-adopting their members?

If this act (or something like it) were adopted by the legislature, the current state laws that enable regional service commissions and regional planning would be repealed. At that point, the only act that would enable regional councils (including state-designated regional planning councils) would be this act. While the act would "grandfather" in the current state regional planning commissions as state-designated regional planning councils, we believe it would be necessary and appropriate for those entities to be constructed fully consistent with the organizational and incorporation requirements required in the act. Working with Matt, John, and several other regional directors who helped us review and revise our original draft, we made this transition a bit easier specifically for the regional planning commissions by providing specifically that an existing commission can adopt articles of incorporation required under the act by vote of the existing governing body rather than by votes of all of the legislative bodies of the current members of the commission (see Sec. xxx.205(1) and (2)).

15. How does the draft language distinguish between the powers of Local Units of Governments representatives and the state government voting members on an existing planning commission?

While the act enables only local governments to serve as the originators of regional councils (xxx.201(1)), it also enables the council to provide for membership by entities other than local governments (xxx.203(3)). If other entities are provided for, the articles must clearly state the voting privileges of those other entities. To be honest, we were not thinking of state governmental entities as members of a regional council, but I don't think the way the act is drafted would prohibit that. Hence, the language in 203 refers to local governmental units and "non-governmental units." Beyond that, the other clear distinction (between local units and non-governmental units) is that members of a council representing non-governmental units do not have a vote on whether a regional council decides to pursue the option of authorizing a tax levy (xxx.203(6)).



Michigan Association of Planning
A chapter of the American Planning Association

16. **Where can I go to find out more about the proposed act?** Contact the Michigan Association of Planning at:

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