



## Qualifications for Officials



**MICHIGAN ECONOMIC  
DEVELOPMENT CORPORATION**

### ***What you will learn:***

*How to draft qualifications  
for appointed officials*

*Benefits to having  
qualifications*

*Sample qualifications*

*Implementation techniques*

Good help can be hard to find. Especially, when it comes to finding able and willing volunteers to serve as planning commissioners or zoning board of appeals members. There often isn't a line of applicants for the job. Moreover, state and local law mandate the number of members a board or commission must have.

Given these realities, how does a community move from one that takes any warm body to fill the seat to one who is a committed community leader?

It doesn't happen overnight, but a thoughtful discussion (brainstorming session) among key staff and officials about what qualifications ought to be required is a good start.

Typically, a job posting includes required qualifications along with desired experience or background. Think of your official's job posting similarly.

The Michigan Planning Enabling Act and the Michigan Zoning Enabling Act set certain minimum requirements for filling the planning commission and zoning board of appeals positions. Excerpts from these and other laws are included below. Start with these minimum qualifications (eligible elector, ensuring that officials

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### ***Orientation and Training:***

Potential appointees must be willing to participate in an overall orientation about the position and its responsibilities, as well as on-going training that prepares them for all aspects of the position.

## **What the Law Says:**

### **The State Ethics Act (Act 196 of 1973):**

A public officer or employee shall not engage in a business transaction in which the public officer or employee may profit from his or her official position or authority or benefit financially from confidential information which the public officer or employee has obtained or may obtain by reason of that position or authority.

A public officer or employee shall not engage in or accept employment or render services for a private or public interest when that employment or service is incompatible or in conflict with the discharge of the officer or employee's official duties or when that employment may tend to impair his or her independence of judgment or action in the performance of official duties.

### **Michigan Planning Enabling Act:**

In a municipality, the chief elected official shall appoint members of the planning commission, subject to approval by a majority vote of the members of the legislative body elected and serving. A city, village, or township planning commission shall consist of five, seven, or nine members.

A member shall hold office until his or her successor is appointed.

The membership of a planning commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the local unit of government, in accordance with the major interests, as they exist in the local unit of government, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce.

The membership shall also be representative of the entire territory of the local unit of government to the extent practicable.

Most (but not all) planning commissioners must be eligible electors of the local unit of government; there are exceptions depending upon the population. Check the Michigan Planning Enabling Act for specifics.

The legislative body may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential

represent the entire geographic territory, aren't all employed in the same field) and then articulate what else may be important.

Here are some possibilities:

- Ability to commit 5-20 hours per month to review materials provided by staff.
- Ability to attend regular meeting held, say, on the second Tuesday of every month at 7 PM.
- Ability to read and understand plans, ordinances, and other municipal documents.
- Desire to learn new laws, tools, processes.
- Empathy and respect for fellow officials, staff, applicants and the public.
- Desire to move community forward in a positive manner.

As you go through this exercise, you may find that some qualities are more of a 'must have' and others are more of a 'like to have.'

### **TERMS:**

**Nonfeasance:** Failure to act

**Misfeasance:** The performance of a lawful action in an illegal or improper manner

**Malfeasance:** Wrongdoing or misconduct especially by a public official

conflict of interest to the planning commission. The member is disqualified from voting on the matter if so provided by the bylaws or by a majority vote of the remaining members of the planning commission. Failure of a member to disclose a potential conflict of interest as required by this subsection constitutes malfeasance in office. Unless the legislative body, by ordinance, defines conflict of interest for the purposes of this subsection, the planning commission shall do so in its bylaws.

### **Michigan Zoning Enabling Act:**

A zoning board of appeals shall be composed of not fewer than 5 members if the local unit of government has a population of 5,000 or more or not fewer than 3 members if the local unit of government has a population of less than 5,000. The number of members of the zoning board of appeals shall be specified in the zoning ordinance.

In a county or township, one of the regular members of the zoning board of appeals shall be a member of the zoning commission or of the planning commission if the planning commission is functioning as the zoning commission. In a city or village, one of the regular members of the zoning board of appeals may be a member of the zoning commission or of the planning commission if the planning commission is functioning as the zoning commission, unless the legislative body acts as the zoning board of appeals under subsection

The remaining regular members of a zoning board of appeals, and any alternate members under subsection, shall be selected from the electors of the local unit of government residing within the zoning jurisdiction of that local unit of government or, in the case of a county, residing within the county but outside of any city or village.

The members selected shall be representative of the population distribution and of the various interests present in the local unit of government.

One regular or alternate member of a zoning board of appeals may be a member of the legislative body. Such a member shall not serve as chairperson of the zoning board of appeals. An employee or contractor of the legislative body may not serve as a member of the zoning board of appeals.

The legislative body may appoint to the zoning board of appeals not more than two alternate members for the same term as regular members.

A member of the zoning board of appeals may be removed by the legislative body for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or

Once key staff and officials agree on the “job qualifications”, include it with the application for board and commission appointments.

Placing the qualifications and application on the clerk’s webpage and having copies available at the municipal or township offices will yield some applications, but recruiting qualified volunteers will take more work.

Appointing members to the planning commission and zoning board of appeals is one of the responsibilities of elected officials. If you wait until June (when the terms are expiring), you have waited too long to find new officials. Recruitment should be a year-round pursuit.

As you meet with constituents throughout the year, be on the lookout for folks who may make good officials. Good officials can be anywhere: it may be that person you meet in the grocery store who has an opinion about the downtown (they desire to move the community forward); or that great PTA president who ran the successful new fundraiser (desire to learn new processes); or that person who always attends the board meetings (has time to read the packet and attend meetings); or that other person who wrote the articulate post on Facebook (empathy and respect for fellow readers).

When you ask someone if they would be interested in serving, be sure to tell them why you think they would

herself from a vote in which the member has a conflict of interest.

Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

### **Contracts of Public Servants with Public Entities (Act 317 of 1968):**

A contract involving a public entity and a public servant described shall meet all of the following requirements:

The public servant promptly discloses any pecuniary interest in the contract to the official body that has power to approve the contract, which disclosure shall be made a matter of record in its official proceedings.

Unless the public servant making the disclosure will directly benefit from the contract in an amount less than \$250.00 and less than 5% of the public cost of the contract and the public servant files a sworn affidavit to that effect with the official body or the contract is for emergency repairs or services, the disclosure shall be made in either of the following manners:

The public servant promptly discloses in writing to the presiding officer, or if the presiding officer is the public servant who is a party to the contract, to the clerk, the pecuniary interest in the contract at least 7 days prior to the meeting at which a vote will be taken. The disclosure shall be made public in the same manner as a public meeting notice.

The public servant discloses the pecuniary interest at a public meeting of the official body. The vote shall be taken at a meeting of the official body held at least 7 days after the meeting at which the disclosure is made. If the amount of the direct benefit to the public servant is more than \$5,000.00, disclosure must be made as provided under this subparagraph.

The contract is approved by a vote of not less than 2/3 of the full membership of the approving body in open session without the vote of the public servant making the disclosure.

make a good official. If they say no, understand that a 'no' may mean 'no' right now, but not forever. Perhaps there is a board or committee that would be a better fit for them right now? Or perhaps they just need to get through soccer season or tax season, and then they will have time? Check back with them later. Continuing to mentor potential leaders will make it easier to recruit when the time is right. Keep a list and keep it updated.

Drafting an official's qualification posting like a job posting helps both the community and the new officials. By articulating what makes a good appointed official, you let existing and prospective officials know

that you take this job seriously. They know they will be respected and valued and know precisely what type of commitment is necessary. In turn, current leaders have a clear list of qualifications and can be on the lookout for potential new leaders in their community.

This tear sheet was developed by the Michigan Association of Planning (MAP) for the Michigan Economic Development Corporation (MEDC). The Michigan Association of Planning is a 501 c 3 organization, dedicated to promoting sound community planning that benefits the residents of Michigan. MAP was established in 1945 to achieve a desired quality of life through comprehensive community planning that includes opportunities for a variety of lifestyles and housing, employment, commercial activities, and cultural and recreational amenities.

