

University of Missouri Extension

DM7110, Reviewed October 1993

Regional Planning in Missouri: The Legal Authorization

Robert J. Bevins

Department of Agricultural Economics

The authorization for Missouri regional planning commissions was established by Missouri law in 1966. The following information specifies the procedure for finding and understanding this law.

Where to look

Most libraries, every courthouse, and probably every attorney will have a copy of Missouri Revised Statutes, usually abbreviated RSMo. This is where you look for copies of the general laws of Missouri. Look for the latest edition of *Missouri Revised Statutes Cumulative Supplement 20??*, which records recent changes or additions to the law.

Both books are organized by chapters and both are well indexed. To find Missouri regional planning law, look at Chapter 251, "Community Affairs, Planning and Development." In fact, we urge you to read this law from the statute book at least once. You will be pleasantly surprised at what the layperson can dig out.

Chapter 251 — What will you find?

1. The conditions under which the governor was authorized to create regional planning commissions:
A regional planning commission may be created by the governor upon petition in the form of a resolution by the governing body of a local governmental unit and the holding of a public hearing on such petition. If the petition shall be joined in by the governing bodies of all the local units in the proposed region, including the county court of any county, part or all of which is in the proposed region, the governor may dispense with the hearing. Notice of any public hearing shall be given by the governor by mail at least ten days in advance to the clerk of each local unit in the proposed region. If the governor finds that there is a need for a regional planning commission, and if the governing bodies of local units within the proposed region which include over fifty percent of the population as determined by the last decennial census of the United States, shall consent to the formation of such regional planning commission, the governor may create the regional planning commission by order and designate the area and boundaries of the commission's jurisdiction, taking into account the elements of homogeneity based upon, but not limited to, such consideration as topographic and geographic conformations, extent of urban development, the existence of special or acute agricultural, forestry, conservation or other rural problems, uniformity of social or economic interests and values, park and recreational needs, civil defense, or the existence of physical, social and economic problems of a regional character. 251.160 RSMo 1969
2. Explicit declaration that formation of regional planning commissions does not require a referendum:
Notwithstanding the provisions of section 64.530, RSMo, the creation of a regional planning commission and a local unit's participation in and adoption of plans prepared by the regional planning commission shall not require a referendum; provided, however, that this provision shall not extend to the adoption of county zoning laws or regulations under sections 64.620 to 64.690, RSMo. 251.160 RSMo 1969
Missouri now has twenty regional planning commissions. These cover the entire state.

3. Some suggestions as to what comprehensive planning means:

Projects covered

Comprehensive planning, state and regional, shall include, but not be limited to, the planning for the following:

- Public water systems;
- Stormwater drainage and flood control systems;
- Sanitary sewerage systems;
- Integrated transportation systems;
- Orderly land-use arrangements for residential, commercial, industrial and public and other purposes;
- Local, area-wide and state governmental services coordinated with federal governmental services insofar as may be feasible;
- Solid waste disposal systems or facilities;
- Educational facilities;
- Open space, park and recreational areas;
- Improved standards of community aesthetics and facilities design;
- General living conditions and environmental health;
- Community health and hospital needs and related facilities; and
- The coordination of planning activities for all federal assistance and grant-in-aid programs, which require comprehensive planning as prerequisites for eligibility. 251.180 RSMo 1969

4. Membership on a regional planning commission and remuneration:

Regional commissions — membership — terms — qualifications

- The membership composition of a regional planning commission shall be in accordance with resolutions approved by the governing bodies of the local units in the region representing in the aggregate at least half of the population of the region. For the purposes of this determination, a county shall be as one local unit and the population of such county shall be based upon the inhabitants residing in the unincorporated area of such county as determined by the last decennial census of the United States.
- Terms of office for regional planning commission members shall be as prescribed in the resolutions of approval; all regional planning commission members shall be electors of the state and reside within the region. 251.250 RSMo 1969

251.250 clearly leaves who shall be a member of the regional planning commission a matter to be decided by the local governing bodies. This authority was in the law and has not been repealed. However, in 1973 the legislature added an inconsistent proviso in 251.038.

Regional planning commission to include certain state senators and representatives — expenses, how paid

The regional planning commissions shall include the state representatives and state senators of their region who shall serve without pay but who shall be reimbursed for their necessary and actual expenses incurred from the senate or house contingent fund and shall be invited to all meetings in writing by the regional planning commission where the meetings involve the discussion of the expenditure of state funds. 251.038 RSMo Supp 1973

Obviously 251.038 can't be carried out at the same time. 251.250 explicitly places no limits on members beyond requiring they be electors and residents. However, in situations like this the courts sometimes try to reconcile and apply both. This seems the reasonable approach here and would suggest the local units determine membership on regional planning commissions., subject to the naming of the appropriate state senators and representatives.

The language of 251.038 appears to make the senators and representatives voting members, not just ex-officio members when budget is considered, although special notice is mandated when the expenditure of state funds is under discussion.

251.38 specifies remuneration for the state senate and state representative members and the remaining committee members are taken care of in 251.260.

Expenses of regional commission members

No compensation shall be paid members of regional planning commission provided that this shall not affect in any way remuneration received by any state or local official who, in addition to his responsibilities and duties as a state or local official, serves also as a member of the regional planning commission. All members may be reimbursed for actual expenses incurred as members of the commission in carrying out the work of the commission. 251.260 RSMo 1969

1. Regional planning commission officer and meeting requirements:

Regional commission officers — meetings — records

Each regional planning commission shall elect its own chairman and executive committee and shall establish its own rules of procedure, and may create and fill such other offices as it may determine necessary. The commission may authorize the executive committee to act for it on all matters pursuant to rules adopted by it. The commission shall meet at least once each year. It shall keep a record of its resolutions, transactions, findings, and determinations, which shall be a public record. 251.270 RSMo 1969

2. Authority for regional planning commissions to appoint advisory groups. 251.290 RSMo 1969

3. Limitation on powers of regional planning commission:

Regional commission, powers and duties — functions advisory only

The 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; it may make plans for the physical, social and economic development of the region, and may adopt by resolution any plan or the portion of any plan so prepared as its official recommendation for the development of the region; it may publicize and advertise its purposes, objectives and findings and may distribute reports thereon; it may provide advisory services on regional planning problems to the local government units within the region and to the other public and private agencies in matters relative to its functions and objectives, and may act as a coordinating agency for programs and activities of such local units and agencies as they relate to its objectives. All public officials shall, upon request, furnish to the regional planning commission, within a reasonable time, such available information as it requires for its work. In general, the regional planning commission shall have all powers necessary to enable it to perform its functions and promote regional planning. The functions of the regional planning commission shall be solely advisory to the local governments and local government officials comprising the region. 251.300 RSMo 1969

4. Procedural rules for planning by regional planning commissions:

In 251.310 through 251.420 and in 251.032 through 251.036, procedural rules for annual reports, plan approval, hearings and fiscal matters are set forth.

Provision is made to allow appropriation of state funds to help finance regional planning commissions, but distribution is to be "on matching basis of one-half state funds for one-half local funds." 251.034 RSMo Supp 1973. This means, of course, local funding is necessary before state funding is possible.

5. How local units of government may withdraw from a regional planning commission:

"A local unit may withdraw from a regional planning commission at the end of any fiscal year by a two-thirds vote of the members of the governing body," 251.430 RSMo 1969. Apparently this is the only time withdrawal is now permitted. There was another withdrawal rule authorized for within the first ninety days after the governor created a regional planning commission, but that time is long past for all Missouri regional planning commissions.

6. Procedure to dissolve a regional planning commission:

Dissolution of regional commission, procedure

Upon receipt of certified copies of resolutions recommending the dissolution of a regional planning commission adopted by the governing bodies of a majority of the local units in the region, including the county court of any county, part or all of which is within the region, and upon a finding that all outstanding indebtedness of the commission has been paid and all unexpended funds returned to the local units which supplied them, or that adequate provision has been made therefor, the governor shall issue a certificate of dissolution of the commission which shall thereupon cease to exist. 251.440 RSMo 1969

Related MU Extension publications

- DM7005, The Planning Process and People
<http://extension.missouri.edu/p/DM7005>

Order publications online at <http://extension.missouri.edu/explore/shop/> or call toll-free 800-292-0969.



■ Issued in furtherance of the Cooperative Extension Work Acts of May 8 and June 30, 1914, in cooperation with the United States Department of Agriculture. Director, Cooperative Extension, University of Missouri, Columbia, MO 65211
■ an equal opportunity/ADA institution ■ 573-882-7216 ■ extension.missouri.edu