

Chapter 2: Elected Township Officials

The approval of the budget does not constitute a salary resolution.

These board-established salaries are subject to a referendum only if a petition requesting a referendum is signed by 10 percent of the qualified electors of the township and filed within 30 days following the township board's vote on the salaries. If a salary resolution is not approved at the referendum election, the official's salary reverts to the salary for that office in effect before the township board adopted the resolution. The salary is adjusted, where necessary, as of the date the board of canvassers certifies the election results (MCL 41.95(3)).

3. Salary compensation commission—By ordinance, the township board may create a five-member compensation commission of registered township electors, appointed by the supervisor with township board approval (MCLs 41.95(4) and 42.6a). The members serve five-year terms except those initially appointed, who serve one- to five-year staggered terms. No officer or employee of the township is eligible for such an appointment.

The commission determines the salaries of elected township officials, and they are final, unless the township board rejects them by a resolution adopted by two-thirds of its members. If the commission's proposed salaries are rejected, the existing salaries continue. The compensation commission cannot decrease the salary of an elected township official during his or her term of office (MCLs 41.95(7) and 42.6a(6)). The salary determined by the commission becomes effective at the beginning of the township's next fiscal year. The commission is only permitted to meet in odd-numbered years.

See page 188 for additional information on the salary compensation commission.

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the township board. The term of office is the same as the township board term.

A proposition to raise a tax of between .1 mill and five mills for park purposes may be voted on at any regular or special election (MCLs 41.421-41.425).

Where recreational trailways are regulated by the township ordinance, the regulation must be posted at each entryway to be effective. Violation of these regulations is a civil infraction. Under MCL 257.1504(d), the township can apply to the Michigan Department for Natural Resources for money for the cost of signs at the entryways.

Recreation board

MCLs 123.51-123.54 provide for the appointment of a recreation board to operate a system of public recreation and playgrounds; to acquire, equip and maintain land, buildings and other recreational facilities and to employ a superintendent of recreation and assistants. The board may be appointed jointly by two or more municipalities that share a recreation program. The board can conduct its activities on property under its custody and management, other public property under the custody of another municipal corporation or on private property with the consent of the owners.

The township board may act as a recreation board if it does not wish to delegate this function to a separate commission. The township board may also delegate these duties to its elected park board.

Salary compensation commission

By ordinance, the township board may create a five-member compensation commission of registered township electors, appointed by the supervisor with township board approval. The members serve five-year terms except those initially appointed,

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who serve one- to five-year staggered terms. No officer or employee of the township is eligible for an appointment.

The commission determines the salaries of elected township officials, and they are final, unless the township board rejects them by a resolution adopted by two-thirds of its members. If the commission's proposed salaries are rejected, the existing salaries continue. The compensation commission cannot decrease the salary of an elected township official during his or her term of office (MCL 41.95). The salary determined by the commission becomes effective at the beginning of the next fiscal year of the township.

The commission must meet for not more than 15 session days in every odd-numbered year and must make its determination within 45 calendar days of its first meeting. A majority of its members constitute a quorum. No action is valid unless supported by a majority of the total commission membership. The commission does not receive compensation, but is entitled to reimbursement of expenses.

The ordinance establishing the compensation commission is subject to a referendum election if a petition is filed within 60 days after the ordinance's effective date with the signatures of not less than 5 percent of the registered township electors existing on the effective ordinance date. If a referendum petition is filed, no determination of the commission is effective until the ordinance has been approved at an election.

Because of the inflexible nature of the commission's recommendation, the author recommends using an ad hoc citizen committee appointed by the supervisor with township board approval, whose recommendation is advisory only in lieu of a compensation commission.

In lieu of a salary compensation commission, and where a township does not conduct an annual meeting

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of the inhabitants, the township board may establish the salaries of the township elected and other officials. These board-established salaries are subject to a referendum only if a petition requesting a referendum is signed by 10 percent of the qualified electors of the township and filed within 30 days following the township board's vote on the salaries. Salaries cannot be decreased during a term of office after they have been established by the township board, unless the duties of the official are decreased and the official consents to the decrease in writing. Where the assessing function, however, has been designated a separate salary, and the assessing is not being performed by the supervisor, that separate assessor's salary can be used to retain a certified assessor without the supervisor's consent. It is the author's opinion that this same reduction could be applied to a treasurer whose compensation has been separately determined for a summer tax collection where the summer tax collection is not initiated.

In a **charter township**, the procedure for establishing compensation can be changed by ordinance after one year, following the adoption of the compensation commission ordinance. No similar provision applies to **general law townships**, but this author is of the opinion the commission can be eliminated by an ordinance repealing the compensation commission ordinance. This repealing ordinance would be subject to referendum as in the initial ordinance.

Water, sewer or solid waste authority

MCLs 124.281-124.294 provide for the incorporation by two or more municipalities of an authority that can acquire, own, improve, enlarge, extend and operate a sewage disposal system, water supply system or solid waste disposal system.