

Revised Statutes of 1846 (EXCERPT)
Compensation to Township Officers.

41.95 Salary for officers composing township board; procedures.

Sec. 95.

(1) In a township that holds an annual meeting of the electors of the township as provided in section 8, the officers composing the township board are entitled to the salary as determined by resolution adopted by the township board at least 30 days prior to the annual meeting of the township electors. The resolution shall establish the effective date of the salary, which shall be during the next fiscal year. The electors at the subsequent annual meeting of the electors may alter the amount of salary fixed by the resolution. If the electors fail to act on the salary resolution, the officers are entitled to the salary set in the resolution.

(2) A trustee may receive, in addition to the annual salary for his or her service to the township, a sum for each meeting of the board actually attended by the trustee, as established by the township board, to be paid upon authorization of the township board. The supervisor, clerk, and treasurer shall receive no additional compensation for attending meetings of the township board. Members of the township board may be reimbursed for reasonable expenses actually incurred on behalf of the township. An official appointed to fill a vacancy of an elective township office shall be entitled to the same compensation as that established for the official who previously held that office. The salary of an elected township official or an official appointed to fill a vacancy shall not be decreased during the official's term of office unless the responsibilities and requirements of that office are diminished and the official consents in writing to the reduction in salary. However, if a township in setting a township supervisor's salary has designated a portion of the supervisor's salary to be paid the supervisor for directly performing the property tax assessing function within the township and the supervisor subsequently fails to perform that function, the salary of the supervisor may be reduced by that portion of the supervisor's salary designated for the direct performance of the property tax assessment function. Nevertheless, that portion of a supervisor's salary designated for nonassessment functions shall not be decreased during the supervisor's term of office without the supervisor's written consent.

(3) In a township that, pursuant to section 8, does not hold an annual township meeting and in a charter township created under Act No. 359 of the Public Acts of 1947, as amended, being sections 42.1 to 42.34 of the Michigan Compiled Laws, the salary for officers composing the township board shall be determined by the township board. If a petition is filed within 30 days after the township board votes the salary signed by 10% of the qualified electors of the township requesting that the question be submitted to the electorate, the township board shall call a special election and submit the question of salary to the electors. The vote upon the question of approving the resolution shall be by a ballot which shall be in substantially the following form:

"Vote on proposition of approving a resolution of the township board providing a salary of dollars, per annum, to the, in place of all per diem charges for services.

Make a cross in the appropriate square.

To approve the resolution. Yes []

To approve the resolution. No []"

If a majority of the electors voting upon the resolution disapprove the resolution, then, effective on the date of the certification of the election results by the board of canvassers, the officer's salary shall revert to the salary for that office in effect before the adoption of the resolution. If a majority of the electors voting upon the resolution approve the resolution, the officer shall receive the salary set forth in the resolution.

(4) In place of the procedures in subsections (1), (2), and (3) for determining salaries of elected officials, the township board may by ordinance establish the procedure described in this subsection. The ordinance shall provide as follows:

(a) A local officials compensation commission is created. The commission shall determine the salary of each township elected official. The commission shall consist of 5 members who are registered electors of the township, appointed by the supervisor subject to confirmation by a majority of the members elected and serving on the township board. The terms of office shall be 5 years, except that of the members first appointed, 1 each shall be appointed for terms of 1, 2, 3, 4, and 5 years. The first members shall be appointed within 30 days after the effective date of the ordinance. Subsequent members shall be appointed within 30 days after a term expires or a vacancy occurs. Vacancies shall be filled for the remainder of an unexpired term. An officer or employee of a government agency or unit or member of the immediate family of an officer or employee shall not be appointed to the commission.

(b) The commission shall determine the salary of each member of the township board, which shall be effective at the beginning of the next fiscal year. The determination of the commission shall be the salary unless the township board by resolution adopted by 2/3 of the members elected to and serving on the board rejects the determination. The determination of the commission shall be effective 30 days following filing of the determination with the

township clerk unless rejected by the township board. If the determination is rejected, the existing salary shall prevail. An expense allowance or reimbursement paid to elected officials in addition to salary shall be for expenses incurred in the course of township business and accounted for to the township.

(c) The commission shall meet for not more than 15 session days in each odd numbered year and shall make its determination within 45 calendar days of its first meeting. A majority of the members of the commission constitutes a quorum for conducting the business of the commission. The business that the commission may perform shall be conducted at a public meeting of the commission held in compliance with the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976. The commission shall not take action or make a determination without a concurrence of a majority of the members appointed and serving on the commission. The commission shall elect a chairperson from among its members. As used in this section, "session days" means calendar days on which the commission meets and a quorum is present. The members of the commission shall not receive compensation, but shall be entitled to actual and necessary expenses incurred in the performance of official duties.

(5) The township board may implement the ordinance by resolution including the date for convening the commission.

(6) Not more than 60 days after the effective date of the ordinance, a petition for a referendum on the ordinance may be filed with the township clerk containing the signatures of not less than 5% of the registered electors of the township on the effective date of the ordinance in which case the election shall be conducted in the same manner as an election on a resolution under subsection (3). If a petition for referendum is filed, a determination of the commission shall not be effective until the ordinance has been approved by the electors.

(7) The salary of an elected township official shall not be decreased during the official's term of office.

History: R.S. 1846, Ch. 16 ;-- CL 1857, 587 ;-- Am. 1867, Act 179, Imd. Eff. Mar. 27, 1867 ;-- CL 1871, 741 ;-- How. 774 ;-- CL 1897, 2374 ;-- Am. 1907, Act 98, Eff. Sept. 28, 1907 ;-- Am. 1911, Act 260, Imd. Eff. May 1, 1911 ;-- Am. 1915, Act 248, Eff. Aug. 24, 1915 ;-- CL 1915, 2154 ;-- Am. 1917, Act 89, Eff. Aug. 10, 1917 ;-- Am. 1921, Act 57, Eff. Aug. 18, 1921 ;-- Am. 1923, Act 291, Imd. Eff. May 25, 1923 ;-- Am. 1925, Act 197, Imd. Eff. May 6, 1925 ;-- Am. 1929, Act 61, Imd. Eff. Apr. 18, 1929 ;-- CL 1929, 1030 ;-- Am. 1933, Act 97, Imd. Eff. May 31, 1933 ;-- Am. 1937, Act 24, Imd. Eff. Apr. 30, 1937 ;-- Am. 1941, Act 284, Eff. Jan. 10, 1942 ;-- Am. 1943, Act 126, Eff. July 30, 1943 ;-- CL 1948, 41.95 ;-- Am. 1949, Act 25, Imd. Eff. Mar. 29, 1949 ;-- Am. 1956, Act 223, Eff. Aug. 11, 1956 ;-- Am. 1966, Act 94, Imd. Eff. June 16, 1966 ;-- Am. 1974, Act 176, Imd. Eff. June 23, 1974 ;-- Am. 1975, Act 21, Imd. Eff. Apr. 4, 1975 ;-- Am. 1977, Act 159, Imd. Eff. Nov. 8, 1977 ;-- Am. 1989, Act 77, Imd. Eff. June 20, 1989

Compiler's Notes: MCL 41.95 of Chapter 16 of the Revised Statutes of 1846 was amended by 1911 PA 260 to adopt a township compensation plan. The House of Representatives added enacting section 2 to provide that "This act shall not take effect until ratified by the electors of said township." The act was approved May 1, 1911. On September 8, 1911, the Attorney General (p. 99, 1912 Attorney General Report) opined that the act could not become effective because it provided no adequate machinery for its adoption. Enacting section 2 was subsequently repealed by 1915 PA 248.