

TOWNSHIP OF BIRCH RUN
ORDINANCE NO. 89-4

AN ORDINANCE TO CREATE A LOCAL OFFICIAL'S COMPENSATION COMMISSION UNDER THE PROVISIONS OF MICHIGAN PUBLIC ACT 176 OF 1974, AS AMENDED; TO PROVIDE GUIDANCE AND DIRECTION FOR THE ACTIVITIES AND ORGANIZATION OF SAID COMMISSION; TO PROVIDE FOR THE RIGHT OF REPEAL OF SAID ORDINANCE AND THE ELIMINATION OF SAID COMMISSION AND THE RIGHT OF REFERENDUM UPON SAID ORDINANCE.

THE TOWNSHIP OF BIRCH RUN, SAGINAW COUNTY, MICHIGAN, ORDAINS:

Section 1: TITLE

This Ordinance hereafter shall be known and cited as the "Birch Run Township Compensation Commission Ordinance."

Section 2: CREATION OF COMMISSION

A local official's Compensation Commission is hereby created pursuant to the provisions of Michigan Public Act 176 of 1974, as amended, to determine the salaries of elected township officials who are paid a salary. The Compensation Commission shall consist of five (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 five (5) years, except that of the members first appointed, one (1) each shall be appointed for terms of one (1), two (2), three (3), four (4), and five (5) years. The first members shall be appointed within thirty (30) days after the effective date of the within ordinance. Thereafter, members shall be appointed before October 1st of each year of appointment. Vacancies shall be similarly filled for the remainder of the unexpired term. An officer or employee of a government agency or unit or member of the immediate family of such an officer or employee shall not be eligible to be appointed to the Compensation Commission. Terms shall expire on September 30th, notwithstanding that such expiration date may cause the terms of the first members appointed to be less than a normal beginning term.

Section 3: DETERMINATION OF SALARIES

The Compensation Commission shall determine the salaries of the elected township officials who are paid on a salary basis, which determination shall be such salaries unless the Township Board, by resolution adopted by two-thirds (2/3rds) of the members elected to and serving on the Township Board, rejects any one or more of such determinations. A determination of the Compensation Commission shall be effective thirty (30) days following the filing of the same with the Township Clerk unless rejected by the Township Board. In case of a rejection, the existing salary shall prevail. Any expense allowance or reimbursement paid to elected officials in addition to the official's salary shall be for expenses incurred in the course of township business and shall be accounted for to the township.

Any such salary determination should be calculated to cover the period from the date of its commencement, as determined by the Compensation Commission, until the next legal determination of the same by the Compensation Commission and may, in the discretion of the Compensation Commission, include interim increases of fixed amounts during said period.

Section 4: MEETINGS OF THE COMMISSION, ORGANIZATION AND PROCEDURE

The Compensation Commission shall meet for not more than fifteen (15) session days in every odd-numbered year and shall make its determination within forty-five (45) days of its first meeting. A majority of the members of the Compensation Commission shall constitute a quorum for conducting the business of the Compensation Commission. The Compensation Commission shall not take action or make a determination without a concurrence of a majority of the members appointed and serving on the Compensation Commission. The Compensation Commission shall elect a chairman, vice-chairman, and secretary from among its members. The terms of such offices shall continue until a successor or successors are elected in the succeeding odd-numbered years. The vice-chairman shall conduct the meeting in the absence of the chairman. The secretary shall conduct the meeting in the absence of the chairman and vice-chairman. In the absence of the secretary, the chairman shall appoint a temporary secretary to record the minutes of the meeting. "Session Days" means any calendar day on which the Compensation Commission meets and a quorum is present. The members of the Compensation Commission shall not receive compensation, but shall be entitled to actual and necessary expenses incurred in the performance of their duties. Meetings shall be conducted in accordance with Roberts Rules of Order and any meeting at which a final determination is made shall be open to the public and preceded by notice prominently posted at the Township Hall at least 12 hours before the convening of the meeting.

Section 5: IMPLEMENTATION OF THE ORDINANCE

The Township Board shall implement the provisions of the within ordinance by resolution including the date for the convening of the Compensation Commission for its initial meeting and during subsequent odd-numbered years.

Section 6: REFERENDUM

Within sixty (60) days after the effective date of the within ordinance, a petition for a referendum on the same may be filed with the Township Clerk containing the signatures of not less than five percent (5%) of the registered electors of the township on the effective date of the ordinance. Upon receipt of any such properly-filed petition, the Township Board shall call a special call on the question of the continuance of the ordinance within a period of three (3) months from the receipt of such petition, in accordance with the general election laws of the state. If a primary or general election is to be held within said three (3) month period, such question shall be included for determination at such election and a special election shall not be necessary. Upon the proper filing of a qualified petition, a determination of the Compensation Commission shall not be effective until the ordinance has been approved at such election.

Section 7: LIMITATION

As provided in 1975 PA 21, the salary of an elected township official shall not be decreased during the official's term of office.

Section 8: SEVERABILITY

If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of such ordinance. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 9: EFFECTIVE DATE

A true copy of the within ordinance shall be published in a newspaper of general circulation within the township as provided by law. Such ordinance shall take effect upon the date of its publication.

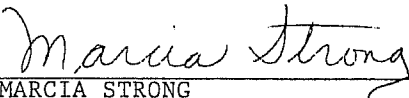
Section 10: AMENDMENT OR REPEAL

The within ordinance may be amended or repealed and/or the local Compensation Commission terminated by ordinance adopted by the Township Board in similar manner as provided by statute for the adoption of the within ordinance and subject to the right of the same referendum.

This Ordinance adopted this 9 day of May, 1989, at a regular meeting of the Birch Run Township Board held on the 9 day of May 1989.



JAMES TOTTEN
Supervisor, Township of Birch Run



MARCIA STRONG
Clerk, Township of Birch Run

| | AYE | NAY | NOT VOTING |
|---------------------------|---------------|---------------|---------------|
| James Totten, Supervisor | <u> x </u> | <u> </u> | <u> </u> |
| Marcia Strong, Clerk | <u> x </u> | <u> </u> | <u> </u> |
| Edgar Scharrer, Treasurer | <u> </u> | <u> x </u> | <u> </u> |
| Thomas Totten, Trustee | <u> x </u> | <u> </u> | <u> </u> |
| Maria Foerster, Trustee | <u> x </u> | <u> </u> | <u> </u> |

I, MARCIA STRONG, Clerk of the Township of Birch Run, do hereby certify that the foregoing is a true copy of the ordinance duly adopted by the Birch Run Township Board on the 9 day of May, 1989.

This ordinance was given publication in the Bridgeport-Birch
Run Weekly News, on May 16, 1989.

Marcia Strong

MARCIA STRONG
Clerk, Township of Birch Run