

Proposal Number: 8

Name of Proposed Section: Compensation of Officers and Employees

Suggested Article: In General

Introduced by: Commissioner Cherry

Date Introduced: 10/8/2015

Date Reported for Second Reading: 5/12/2016

Date of Second Reading: 5/26/2016

Date Reported for Third Reading:

Date Passed:

Text:

~~The Local Officers' Compensation Commission previously established pursuant to law shall continue under this Charter to determine the salaries of all elected officials of the City. The compensation of all other officers and employees shall be set in the manner determined by law.<sup>1</sup>~~

**A. A LOCAL OFFICERS COMPENSATION COMMISSION IS CREATED WHICH SHALL DETERMINE THE TOTAL COMPENSATION SALARIES<sup>2</sup> OF EACH LOCAL ELECTED OFFICIAL. THE COMMISSION SHALL CONSIST OF 7 MEMBERS. THE MEMBERS SHALL BE REGISTERED ELECTORS OF THE CITY, APPOINTED BY THE MAYOR SUBJECT TO CONFIRMATION BY A MAJORITY OF THE MEMBERS ELECTED AND SERVING IN THE LEGISLATIVE BODY. THE TERMS OF OFFICE SHALL BE 7 YEARS, EXCEPT THAT OF THE MEMBERS FIRST APPOINTED, 1 EACH SHALL BE APPOINTED FOR TERMS OF 1, 2, 3, 4, 5, 6, AND 7 YEARS. THE FIRST MEMBERS SHALL BE APPOINTED WITHIN 30 DAYS AFTER THE EFFECTIVE DATE OF THE CHARTER. MEMBERS OTHER THAN THE FIRST MEMBERS SHALL BE APPOINTED BEFORE OCTOBER 1 OF THE YEAR OF APPOINTMENT. VACANCIES SHALL BE FILLED FOR THE REMAINDER OF THE UNEXPIRED TERM. A MEMBER OR EMPLOYEE OF THE LEGISLATIVE, JUDICIAL, OR EXECUTIVE BRANCH OF GOVERNMENT OR A MEMBER OF THE IMMEDIATE FAMILY OF A MEMBER OR EMPLOYEE OF THE LEGISLATIVE, JUDICIAL, OR EXECUTIVE BRANCH OF GOVERNMENT SHALL NOT BE A MEMBER OF THE COMMISSION. INDIVIDUALS WHO WORK FOR BUSINESSES OR**

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<sup>1</sup> Amended in Committee of the Whole 12/17/2015

<sup>2</sup> Amended in Committee of the Whole 5/12/2016 to strike salary or salaries and replace with total compensation

**ORGANIZATIONS THAT HAVE A CONTRACT WITH THE CITY OR HAVE RECEIVED PAYMENT FROM THE CITY FOR SERVICES OR GOODS IN THE PAST 12 MONTHS MAY NOT BE APPOINTED OR MAINTAIN MEMBERSHIP IN THE LOCAL OFFICERS COMPENSATION COMMISSION.**

- B. THE COMMISSION SHALL DETERMINE THE TOTAL COMPENSATION SALARY<sup>3</sup> OF EACH LOCAL ELECTED OFFICIAL. THE DETERMINATION SHALL BE THE TOTAL COMPENSATION SALARY<sup>4</sup> UNLESS THE LEGISLATIVE BODY, BY RESOLUTION ADOPTED BY 2/3 OF THE MEMBERS ELECTED TO AND SERVING ON THE LEGISLATIVE BODY, REJECTS IT. THE DETERMINATION OF THE COMMISSION SHALL BE EFFECTIVE 30 DAYS FOLLOWING ITS FILING WITH THE CITY CLERK UNLESS REJECTED BY THE LEGISLATIVE BODY. IF THE DETERMINATION IS REJECTED, THE EXISTING TOTAL COMPENSATION SALARY<sup>5</sup> SHALL PREVAIL. THE EXPENSE ALLOWANCE OR REIMBURSEMENT PAID TO ELECTED OFFICIALS IN ADDITION TO TOTAL COMPENSATION SALARY<sup>6</sup> SHALL BE FOR EXPENSES INCURRED IN THE COURSE OF CITY BUSINESS AND ACCOUNTED FOR TO THE CITY.**
- C. WHEN FILING A DETERMINATION WITH THE CITY CLERK THE LOCAL OFFICERS COMPENSATION COMMISSION SHALL ALSO REPORT ON THE TOTAL COMPENSATION SALARY<sup>7</sup> OF SIMILAR POSITIONS IN CITIES OF SIMILAR POPULATION.**
- D. 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 AFTER ITS FIRST MEETING. A MAJORITY OF THE MEMBERS OF THE COMMISSION CONSTITUTES A QUORUM FOR CONDUCTING THE BUSINESS OF THE COMMISSION. 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 DAY" MEANS A CALENDAR DAY ON WHICH THE COMMISSION MEETS AND A QUORUM IS PRESENT. THE**

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<sup>3</sup> Amended in Committee of the Whole 5/12/2016 to strike salary or salaries and replace with total compensation

<sup>4</sup> Amended in Committee of the Whole 5/12/2016 to strike salary or salaries and replace with total compensation

<sup>5</sup> Amended in Committee of the Whole 5/12/2016 to strike salary or salaries and replace with total compensation

<sup>6</sup> Amended in Committee of the Whole 5/12/2016 to strike salary or salaries and replace with total compensation

<sup>7</sup> Amended in Committee of the Whole 5/12/2016 to strike salary or salaries and replace with total compensation

**MEMBERS OF THE COMMISSION SHALL NOT RECEIVE COMPENSATION, BUT SHALL BE ENTITLED TO ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF OFFICIAL DUTIES.**

- E. THE BUSINESS WHICH THE COMMISSION MAY PERFORM SHALL BE CONDUCTED AT A PUBLIC MEETING OF THE COMMISSION HELD IN COMPLIANCE WITH 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 OF THE COMMISSION SHALL BE GIVEN IN THE MANNER REQUIRED BY ACT NO. 267 OF THE PUBLIC ACTS OF 1976.**
- F. A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR RETAINED BY THE COMMISSION IN THE PERFORMANCE OF AN OFFICIAL FUNCTION SHALL BE MADE AVAILABLE TO THE PUBLIC IN COMPLIANCE WITH ACT NO. 442 OF THE PUBLIC ACTS OF 1976, BEING SECTIONS 15.231 TO 15.246 OF THE MICHIGAN COMPILED LAWS.<sup>8</sup>**

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<sup>8</sup> Amended in Committee of the Whole 12/17/2015