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According to the Attorney General, interrupting a public meeting in Michigan with hate speech or profanity could result in criminal charges under several State statutes relating to Fraudulent Access to a Computer or Network (MCL 752.797) and/or Malicious Use of Electronics Communication (MCL 750.540).

According to the US Attorney for Eastern Michigan, Federal charges may include disrupting a public meeting, computer intrusion, using a computer to commit a crime, hate crimes, fraud, or transmitting threatening communications.

Public meetings are being monitored and violations of statutes will be prosecuted.

**COMPENSATION COMMISSION**

November 9, 2020

1. Call to Order - **1:00 P.M.** – City Hall Council Chambers and from remote locations
2. Roll Call
3. Miscellaneous Public Comments
4. Approval of Minutes – October 21, 2020 regular meeting
5. Old Business – Discuss and possibly approve salaries for the Mayor and Councilmembers
6. Adjournment



## COMPENSATION COMMISSION

October 21, 2020

A regular meeting of the City of Petoskey Compensation Commission was held in the City Hall Council Chambers, on Wednesday, October 21, 2020. This meeting was called to order at 1:00 P.M.; then, after a recitation of the Pledge of Allegiance to the Flag of the United States of America, a roll call then determined that the following were

Present: Gordon Bourland, Chairperson  
Deborah Cadieux  
Anne Chaffee  
John Holec

Absent: Anne Srigley

Also in attendance were City Manager Rob Straebel, Clerk-Treasurer Alan Terry and Executive Assistant Sarah Bek.

### **Elect Chairperson**

The City Manager reviewed that according to the Home Rule City Act a Chairperson needed to be elected.

Commissioner Cadieux moved that, seconded by Commissioner Holec to elect Commissioner Bourland as Chairperson.

Said motion was adopted by the following vote:

AYES: Bourland, Cadieux, Chaffee, Holec (4)

NAYS: None (0)

### **Discuss Salaries for Mayor and Councilmembers**

The City Manager reviewed that the City Council adopted Ordinance 779 establishing a Compensation Commission to consider a change in compensation for elected officials; reviewed ordinance highlights and duties of the Commission; that changes to compensation for elected officials is considered an amendment to the City Charter and does not require a vote of the people; that according to the Home Rule City Act the Commission shall make its determination within 45 calendar days after its first meeting; that the decision becomes final unless overturned by 2/3 Council vote; and that the Commission meets in odd numbered years, except 2020 since it is the first year.

Commissioners discussed ways to evaluate and determine compensation and agreed that Petoskey elected officials are significantly underpaid compared to other communities in the region; reviewed two surveys listing annual pay from 19 municipalities; concurred to base wage on top four community populations wage rate; and took average annual pay from total pay for Traverse City, Alpena, Sault Ste. Marie and Cadillac resulting in \$7,143 for the Mayor and \$4,955 for Councilmembers. Commissioners inquired on the date of the 45 day deadline to recommend to City Council and the City Manager responded that the deadline is Saturday, December 5, 2020.

Commissioners concurred to defer action until the next meeting which is tentatively scheduled for 1:00 P.M., November 17 or 18, 2020.

There being no further business to come before the Compensation Commission, this October 21, 2020, meeting of the City Council adjourned at 2:10 P.M.

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Gordon Bourland, Chairperson

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Alan Terry, Clerk-Treasurer

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**BOARD:** Compensation Commission

**MEETING DATE:** November 9, 1:00 P.M. **PREPARED:** November 5, 2020

**AGENDA SUBJECT:** Second Discussion with a Possible Decision Regarding Mayor and Councilmembers Salaries

**RECOMMENDATION:** Continued discussion with a possible vote on salaries for Mayor and City Councilmembers

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**Background** On October 21, the Compensation Commission discussed compensation for the Mayor and Councilmembers. See enclosed draft meeting minutes. Staff feels any additional compensation that may be approved by the Commission should be included in the 2021 City Budget that could be adopted by City Council on December 7, 2020. If the Compensation Commission makes a motion to increase salaries at this meeting, an agenda item would be scheduled for City Council discussion at the next City Council meeting on November 16, 2020. At that meeting, the public would be given opportunity to comment on the proposed increase in compensation and City Council could give direction to staff to include or not include in the draft 2021 Budget. We feel this approach allows for the greatest transparency and gives ample opportunity to comment on potential compensation increases.

The following was included in first Compensation Commission meeting agenda materials.

On August 3, 2020, City Council adopted Ordinance 779 establishing a Compensation Commission to consider a change in compensation for elected officials. See attached ordinance. Typically, cities create a Compensation Commission appointed by the Mayor and confirmed by a majority of City Councilmembers to determine salaries of elected officials. See enclosed salary survey for the Mayor and City Council positions completed by staff in March of this year. We have also included the City Charter-see Section 4.7 Compensation.

Changes to compensation for elected officials is considered an amendment to the City Charter and therefore does not require a vote of the people.

Ordinance highlights are as follows:

- Principal duty of the Commission is to determine the salaries of all locally elected officials.
- Commission shall consist of five members who are registered electors in the City.
- Terms of Office include one member for one year, one for two years, one for three years, one for four years and one for five years.
- Eligibility of members shall not include any member or employee of the legislative, judicial or executive branch of any level of government or member of the immediate family of such member or employee.

- Duties of the Compensation Commission are established by PA 279 subsection 5(c). See enclosed Public Act. The Act states that the Commission will set the compensation of elected officials unless 2/3 of the Councilmembers reject it. If the Council rejects, the existing salary shall prevail.

**Action** That the Compensation Commission discuss and possibly set the salaries for the Mayor and Councilmembers. Staff recommends an effective date for the additional compensation of January 1, 2021 to align with the start of the City's 2021 Budget.

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Enclosures

**ORDINANCE NO. 779**

**COMPENSATION COMMISSION**

**AN ORDINANCE TO CREATE A COMPENSATION COMMISSION IN CITY OF PETOSKEY**

**THE CITY OF PETOSKEY ORDAINS**

Chapter 2, Article VII, Sections 2-115 through 2-119 of the Petoskey Code of Ordinances is hereby enacted as follows:

**Sec. 2-115. Establishment; Principal Duty.**

There is hereby established a Local Officers Compensation Commission. The principal duty of the Commission is to determine the salaries of all locally elected officials.

**Sec. 2-116. Members; Appointment; Confirmation.**

The Local Officers Compensation Commission shall consist of five members who are registered electors of the City. Such members shall be appointed by the Mayor and shall be subject to confirmation by a majority of the members elected and serving on Council.

**Sec. 2-117. Terms of Office.**

The terms of office of members of the Local Officers Compensation Commission shall be five years, except that the members first appointed shall each be individually appointed to the following terms: one for one year, one for two years, one for three years, one for four years and one for five years. The first members shall be appointed within thirty days after the effective date of this chapter. Thereafter, the members shall be appointed before October 1 of the year in which the vacancy occurs. When vacancies occur during the term, the appointment shall be for the unexpired term.

**Sec. 2-118. Eligibility of Members.**

No member or employee of the legislative, judicial or executive branch of any level of government, or member of the immediate family of such member or employee, shall be eligible to be a member of the Local Officers Compensation Commission.

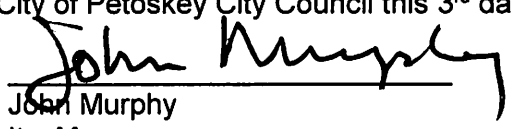
**Sec. 2-119. General Duties.**

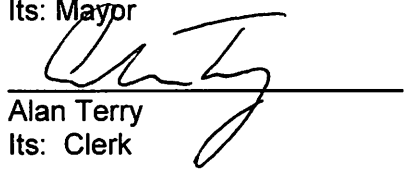
After the Local Officers Compensation Commission has been appointed and qualified according to law, it shall perform the duties imposed upon it by subsection 5(c) of Act No. 279 of the Public Acts of 1909, as amended.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

This Ordinance shall take effect fifteen (15) days following its enactment and shall be published once within seven (7) days after its enactment as provided by Charter.

Adopted, enacted and ordained by the City of Petoskey City Council this 3<sup>rd</sup> day of August, 2020.

  
John Murphy  
Its: Mayor

  
Alan Terry  
Its: Clerk

# Mayor Compensation

Municipality	County	Population	Annual Pay	2019 Taxable Value	2019 General Fund Revenues	How is Salary Set
Traverse City	Grand Traverse	14,674	\$9,747	\$917,201,145	\$18,040,700	Compensation Commission
Alpena	Alpena	9,963	\$8,000	\$239,773,284	\$9,583,071	Compensation Commission
Elk Rapids	Antrim	1,642	\$6,480	\$128,392,934	\$1,291,164	Ordinance
Sault Sainte Marie	Chippewa	14,144	\$6,426	\$285,840,936	\$11,857,678	Compensation Commission
Cadillac	Wexford	10,355	\$4,400	\$223,187,761	\$7,561,100	Compensation Commission
Bellaire	Antrim	1,086	\$3,600	\$33,987,782	\$529,075	Council/Board
Gaylord	Otsego	3,645	\$3,500	\$179,902,992	\$3,508,180	Compensation Commission
Mancelona	Antrim	1,390	\$3,500	\$17,959,984	\$480,600	
Boyne City	Charlevoix	3,735	\$3,250	\$198,691,591	\$6,126,910	Compensation Commission
Charlevoix	Charlevoix	2,513	\$2,640	\$257,621,453	\$3,614,410	Compensation Commission
Otsego	Allegan	3,956	\$2,500	\$91,894,049	\$1,756,510	Compensation Commission
Mackinaw City	Emmet	806	\$2,160	\$97,179,519	\$2,079,366	Ordinance
Kalkaska	Kalkaska	2,020	\$1,963	\$51,232,576	\$913,119	Ordinance
Grayling	Crawford	1,874	\$1,800	\$41,699,931	\$1,813,366	Compensation Commission
Frankfort	Benzie	1,286	\$1,796	\$93,491,295	\$1,625,245	Compensation Commission
Cheboygan	Cheboygan	4,876	\$1,545	\$107,220,093	\$2,203,695	Compensation Commission
Rogers City	Presque Isle	2,827	\$1,500	\$70,114,706	\$2,157,220	Compensation Commission
East Jordan	Charlevoix	2,350	\$650	\$56,500,000	\$975,000	Charter - vote of people
Harbor Springs	Emmet	1200	\$130	\$266,097,731	\$2,796,500	Charter - vote of people
Mean (Average)		4,439	\$3,452	\$176,736,303	\$4,153,311	
<b>Petoskey</b>	<b>Emmet</b>	<b>5,670</b>	<b>\$575</b>	<b>\$506,283,360</b>	<b>\$9,011,300</b>	

## Elected Official Compensation

Municipality	County	Population	Annual Pay	2019 Taxable Value	2019 General Fund Revenues	How is Salary Set
Traverse City	Grand Traverse	14,674	\$6,437	\$917,201,145	\$18,040,700	Compensation Commission
Alpena	Alpena	9,963	\$6,000	\$239,773,284	\$9,583,071	Compensation Commission
Sault Sainte Marie	Chippewa	14,144	\$4,284	\$285,840,936	\$11,857,678	Compensation Commission
Elk Rapids	Antrim	1,642	\$3,240	\$128,392,934	\$1,291,164	Ordinance
Cadillac	Wexford	10,355	\$3,100	\$223,187,761	\$7,561,100	Compensation Commission
Boyne City	Charlevoix	3,735	\$3,000	\$198,691,591	\$6,126,910	Compensation Commission
Gaylord	Otsego	3,645	\$2,500	\$179,902,992	\$3,508,180	Compensation Commission
Otsego	Allegan	3,956	\$1,900	\$91,894,049	\$1,756,510	Compensation Commission
Kalkaska	Kalkaska	2,020	\$1,718	\$51,232,576	\$913,119	Ordinance
Mancelona	Antrim	1,390	\$1,500	\$17,959,984	\$480,600	
Cheboygan	Cheboygan	4,876	\$1,324	\$107,220,093	\$2,203,695	Compensation Commission
Charlevoix	Charlevoix	2,513	\$1,320	\$257,621,453	\$3,614,410	Compensation Commission
Frankfort	Benzie	1,286	\$1,296	\$93,491,295	\$1,625,245	Compensation Commission
Rogers City	Presque Isle	2,827	\$1,200	\$70,114,706	\$2,157,220	Compensation Commission
Grayling	Crawford	1,874	\$1,200	\$41,699,931	\$1,813,366	Compensation Commission
Mackinaw City	Emmet	806	\$1,200	\$97,179,519	\$2,079,366	Ordinance
East Jordan	Charlevoix	2,350	\$650	\$56,500,000	\$975,000	Charter - vote of people
Bellaire	Antrim	1,086	\$600	\$33,987,782	\$529,075	Council/Board
Harbor Springs	Emmet	1200	\$130	\$266,097,731	\$2,796,500	Charter - vote of people
Mean (Average)		4,439	\$2,242	\$176,736,303	\$4,153,311	
<b>Petoskey</b>	<b>Emmet</b>	<b>5,670</b>	<b>\$330-\$345</b>	<b>\$506,283,360</b>	<b>\$9,011,300</b>	



## **PREAMBLE**

We, the people of Petoskey, Michigan, committed to the principles of citizen participation in framing public policy, the accountability of municipal service as a public trust, and the mutual effort for the well-being of our residents in a unique environment, do ordain this Charter.

## **CHAPTER 1. INCORPORATION AND POWERS**

### **Section 1.1. Incorporation.**

The municipal corporation now existing and known as the "City of Petoskey" as its limits now are or may be established shall continue as a municipal corporation under the laws of the State of Michigan.

### **Section 1.2. Boundaries.**

The City shall be comprised of the territory constituting the City of Petoskey on the effective date of this Charter (January 1, 1985) as described in Appendix A attached. Any lawful changes in these boundaries shall not require amendment of this section.

### **Section 1.3. Form of Government and Powers.**

The form of government provided for in this Charter is the "council-manager" form. The City has the powers granted to any city by the constitution and laws of the State of Michigan including the power to own and operate public utilities and services. The mention of specific powers in this Charter is not meant to exclude other powers.

### **Section 1.4. Powers Regarding Property.**

The City shall have power to acquire, use, and dispose of property for any lawful purpose by any lawful means, however, all public grounds used for park purposes shall be inalienable and in no event shall the city council sell, lease,

encumber, trade, or divert to another public use any public park grounds without first securing the approval of a majority of the voters of the City voting on the question in any general or special election.

### **Section 1.5. Intergovernmental Cooperation.**

The City shall have power to join with any other unit of government, by contract or in any way permitted by law, in the financing and ownership of any property or facility, or in the performance of any service, which each would have the power to own, operate, or perform separately.

## **CHAPTER 2. REPRESENTATION**

### **Section 2.1. Wards.**

The City of Petoskey shall be divided into four (4) wards. The boundaries of these wards shall be fixed by ordinance and shall be as nearly equal as possible in population based on the decennial census.

### **Section 2.2. Elected Councilmembers.**

Each ward shall be represented by one (1) councilmember elected for a two-year term under the provisions of this Charter.

## **CHAPTER 3. ELECTIONS**

### **Section 3.1. Qualifications for Voters.**

Residents of the City of Petoskey who qualify as voters under the constitution and laws of the State of Michigan shall be the voters in the City.

### **Section 3.2. Supervision of Elections.**

Under the general supervision of the city clerk, the registration of voters, preparation of ballots or machines, and the conduct of elections shall be in accordance with this Charter and with state election laws.

**Section 3.3. Nominations for Councilmembers and City Convention Delegates.**

There shall be an annual nonpartisan convention in each ward of the City at a time to be set by city council in accordance with state law. Convenient places for the ward conventions will be determined by the city council. Each convention shall nominate two (2) candidates for councilmember (in the year in which a vacancy occurs from that ward). The voters present may determine to nominate only one (1) candidate for councilmember.

Each ward convention shall select fifteen (15) delegates and five (5) alternates to the annual city convention. The city clerk shall give notice of ward conventions in a newspaper of general circulation in the City during the week preceding and on the day of the ward conventions. The notice shall state the time, place, and purpose of each ward convention.

**Section 3.4. Conducting the Ward Convention.**

Each ward convention shall open at 8:00 p.m. and may be called to order by any voter of that ward present. The voters present shall select eligible voters to be chairperson and clerk of that convention.

**Section 3.5. Certifying Nominees.**

The names of the candidates for city councilmember chosen by the convention, and the names of delegates and alternates to the city convention shall be certified by the chairperson and clerk of the convention and filed with the office of the city clerk before 5:00 p.m. of the following day. The names of candidates for councilmember so filed shall be placed on the ballot of the next general city election. The certified delegates and alternates shall be the representatives from each ward to the city convention and entitled to vote on all questions before that convention.

**Section 3.6. City Convention.**

An annual nonpartisan city convention shall be held at a time to be set by city council in accordance with state law. The city council shall determine the convenient place and it shall be opened at 8:00 p.m. The city clerk shall give notice of the time, place, and purpose of the city convention in a newspaper of general circulation in the City on at least one (1) day prior to and on the day of the convention. The convention may be called to order by any city officer or certified delegate present and shall proceed to select a chairperson and a clerk. Each delegate shall have one (1) vote.

**Section 3.7. Nomination of Mayor.**

Two (2) candidates for mayor shall be selected by the delegates to the city convention. The delegates may agree to choose only one (1) candidate for the office of mayor. A candidate for mayor shall not at the same time be a candidate for councilmember.

**Section 3.8. Certification of Candidates.**

The names of the candidates for mayor shall be certified by the chairperson and clerk of the city convention and shall be filed with the city clerk before 5:00 p.m. on the day following the convention. The city clerk shall place them on the ballot of the next general city election.

**Section 3.9. Other Convention Business.**

While convened, the delegates to the city convention, along with any other qualified voters of the City present, may hear reports, inquire of city officers or candidates for office, and may conduct advisory votes on any issues and questions affecting the welfare of the City and its citizens.

**Section 3.10. Nominating Petitions.**

Legally qualified persons may have their names placed on the general election ballot for the office of mayor or councilmember by filing

nominating petitions with the city clerk before 5:00 p.m. on the Monday following the city convention. A petition for the office of mayor shall be signed by not less than fifty (50) and not more than seventy-five (75) registered voters of the City. A petition for councilmember shall be signed by not less than fifty (50) and not more than seventy-five (75) registered voters in the petitioner's ward. If the city clerk determines the petition to be valid, that name shall be placed on the ballot.

#### **Section 3.11. Nominating Petition Forms.**

The city clerk shall have forms for nominating petitions available for use. Completed and filed petitions shall be available for public inspection.

#### **Section 3.12. General Elections.**

Nonpartisan general elections shall be held in the City on the Tuesday following the first Monday in November each year. The city council shall designate a convenient place in each ward for voting. Each voter shall vote in the ward in which the voter resides.

#### **Section 3.13. Special Elections.**

By resolution the city council may call for a special election in the City. Voters shall have no less than thirty (30) days notice and the resolution shall state clearly the purpose of the election and the question to be decided.

#### **Section 3.14. Qualifications for City Office.**

A candidate for the office of mayor or councilmember shall be a qualified voter and a resident of the City for no less than one (1) year. A candidate for the office of councilmember shall be a resident of the ward that the candidate seeks to represent. If a councilmember moves from a ward, that seat on the council shall be declared vacant. No member of the city council shall be employed by the City during the councilmember's term of office.

#### **Section 3.15. Election Commission.**

The city election commission shall consist of the city clerk as chairperson, the city attorney, and one other registered voter appointed by the council who is not a councilmember nor a candidate for election. To maintain a membership of three (3) on this commission, the city council shall have power to fill vacancies if the city clerk or city attorney are disabled or if that office is vacant.

#### **Section 3.16. Duties of Election Commission.**

The election commission shall have those duties prescribed by state law. Unless otherwise provided, they shall determine disputes as to adequacy of petition, appoint election inspectors, and prescribe procedures to be followed in tallying the votes of the people. The rate of compensation for election inspectors shall be fixed by the city council. The polls shall be open between 7:00 a.m. and 8:00 p.m.

#### **Section 3.17. Recall.**

The citizens of the City are assured by this Charter as to the responsiveness of public officials to the duties of their office, to the democratically determined will of the people, and to the importance of public trust. Any elected official may be removed from office by the voters of the City in the manner prescribed by state law.

#### **Section 3.18. Vacancies.**

Any vacancy in the office of mayor or councilmember shall be filled within thirty (30) days by a majority vote of the remaining councilmembers. If a mayor is chosen from among the councilmembers, the council shall appoint another voter from that ward to represent that ward on the city council. A vacancy need not be filled if it occurs less than sixty (60) days before a city election. A vacancy of office shall be determined to have taken place upon the death, resignation, recall, moving from the

ward, conviction of a felony, conflict-of-interest disqualification, or the finding of mental incompetency by a court of competent jurisdiction.

#### **Section 3.19. Oath of Office.**

Before assuming the office of mayor or councilmember, an elected or appointed person shall publicly subscribe an oath in writing, promising to uphold and defend the constitutions and laws of the United States and the State of Michigan and to faithfully discharge the duties of such office.

### **CHAPTER 4. THE CITY COUNCIL**

#### **Section 4.1. Composition and Powers.**

The City of Petoskey shall be governed by a council composed of five (5) members: the mayor and four (4) councilmembers, one (1) representing each ward. Except as provided elsewhere in this Charter or by general law, the city council shall exercise all the powers conferred upon cities by state law, to adopt all ordinances and resolutions and to otherwise govern. The city council shall provide through the city manager for the public peace and health and for the safety of persons and property.

#### **Section 4.2. Terms of Office.**

The mayor shall be elected for a term of one (1) year. The councilmembers shall be elected for a term of two (2) years and the terms shall be arranged so that two (2) wards elect a councilmember each year. Terms shall begin on January 1 of the year following the election.

#### **Section 4.3. Duties of the Mayor.**

The mayor shall preside at the meetings of the city council and shall be considered the executive of the City for all ceremonial purposes. The mayor shall have voice and vote in all deliberations of the city council and no power of veto. The mayor shall appoint the members of all commissions and committees. The mayor,

along with the city clerk, and under the authority of the city council shall sign all deeds, bonds, contracts, leases, and other legal papers in which the City is made a party. The Mayor shall supervise the contracts, agreements, and obligations of the City and serve to protect the interests of the City.

#### **Section 4.4. City Council Meetings.**

The city council shall meet regularly, preferably in the city council chambers in the city hall, on the first and third Mondays of each month. The city council shall provide for special meetings as its duties require. All meetings shall be in compliance with the Michigan Open Meetings Act, and a written journal of its proceedings shall be kept in the English language. All records of the City shall be made available to the general public in compliance with state law.

#### **Section 4.5. Quorum.**

Three (3) members of the city council shall constitute a quorum. The affirmative vote of three (3) members shall be necessary to adopt any motion, resolution, or ordinance unless a greater number is provided for elsewhere in this Charter. Every vote shall be taken by roll call and shall be recorded by the city clerk. The city clerk shall read the written version of any motion or resolution before it is voted upon.

#### **Section 4.6. Notice of Special Meetings.**

Special meetings of the city council shall be called by the city clerk on the written request of the mayor, or of any three (3) councilmembers. Written notice of the meeting shall be served personally to each councilmember or left at his place of residence no less than twenty-four (24) hours before the time the meeting is to begin. The notice shall include the purpose of calling the meeting, and no other business shall be considered.

**Section 4.7. Compensation.**

The mayor shall receive the sum of twenty-five dollars (\$25.00) for each city council meeting attended, regular or special, provided that the compensation does not exceed the sum of seven hundred fifty dollars (\$750.00) per year. Councilmembers shall receive a sum of fifteen dollars (\$15.00) for each meeting attended, regular or special, provided that the compensation does not exceed four hundred fifty dollars (\$450.00) per year. The mayor and councilmembers may be reimbursed for reasonable expenses actually incurred in the course of their official duties. An itemized statement of such expenses shall be submitted to the city council and payment authorized by its vote.

**Section 4.8. Appointments.**

The city council shall appoint a city manager, a city attorney, and a city assessor and such other officials as general law may require.

**Section 4.9. City Council and Personnel.**

Neither the city council, nor any of its members shall dictate the appointment of any person to office or employment by the city manager, or in any manner interfere with the city manager in the city manager's control over the administrative service. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the city manager, and neither the council nor any member shall give orders to any of the subordinates of the city manager.

**Section 4.10. Mayor Pro tempore.**

The city council shall elect from among its members a mayor pro tempore who shall act in the absence or incapacity of the mayor.

**CHAPTER 5. ADMINISTRATIVE SERVICES****Section 5.1. City Manager.**

The city council shall, by a majority vote, appoint a city manager for an indefinite term, fix

the compensation, and execute an employment contract. The city manager shall be appointed solely on the basis of executive and administrative qualifications. The city manager need not be a resident of the City at the time of appointment, but shall become a resident within six (6) months. Before entering the duties of office, the city manager shall subscribe the official oath.

**Section 5.2. Powers and Duties.**

The city manager shall be the chief administrative officer of the City, responsible to the city council for the administration of all city affairs placed in the city manager's charge by or under this Charter including, but not limited to the following:

- (a) Appoint, suspend, or remove all city employees except as otherwise provided for by this Charter, law, or personnel rules adopted in accordance with this Charter. The city manager may authorize any administrative officer subject to the city manager's supervision to exercise these powers with respect to subordinates;
- (b) Attend all meetings of the city council with the right of voice, but not vote;
- (c) Provide for the execution and enforcement of laws, provisions of this Charter, and acts of the city council;
- (d) Prepare and submit the annual budget and capital program to the city council;
- (e) Submit to the city council and make available to the public a complete report of finances and administrative activities at the end of each fiscal year;
- (f) Make such reports as the city council shall require regarding the operation of the City, its departments, and agencies;
- (g) Keep the city council fully advised as to the financial condition and future needs of the City and make recommendations as to courses of action; and



- (h) Perform the duties prescribed by this Charter or required by the city council.

### **Section 5.3. Acting City Manager.**

The city manager shall designate by letter filed with the city clerk a qualified city administrative officer to serve as acting city manager in case of the city manager's absence or disability. This appointment shall be approved by the city council.

### **Section 5.4. City Attorney.**

The city council shall appoint a city attorney who shall serve as chief legal advisor to the city council, the city manager, and all departments and agencies of the City. The city attorney shall represent the City in any legal proceedings. The city attorney shall be licensed to practice law in the State of Michigan. The city council may engage one (1) or more attorneys with expertise for particular cases. The salary shall be fixed by city council.

### **Section 5.5. City Assessor.**

The city council shall appoint a city assessor meeting statutory qualifications, who shall possess all the powers vested in, and shall be charged with all the duties imposed [upon] assessing officers by statute, or by ordinance of the City, or by resolution of the council. The salary shall be fixed by city council.

### **Section 5.6. City Clerk.**

A city clerk shall be appointed by the city manager with approval of the city council solely on the basis of administrative qualifications. The salary shall be fixed by the city manager in accordance with budget appropriations. The city clerk shall be clerk of the council and shall, with the mayor, sign all ordinances. The city clerk shall keep a permanent journal of all council proceedings and ordinances; shall keep and preserve the corporate seal and all official documents; and shall administer oaths of office. In

addition, the city clerk shall perform all other duties prescribed by law, this Charter, and as directed by the city manager.

### **Section 5.7. City Treasurer.**

A city treasurer shall be appointed by the city manager with approval of the city council solely on the basis of administrative qualifications. The salary shall be fixed by the city manager in accordance with budget appropriations. The city treasurer shall have custody of all monies of the City and shall perform all other duties prescribed by law, this Charter, and as directed by the city manager.

### **Section 5.8. Clerk-Treasurer.**

The city council may at any time by resolution combine, or separate from combination, the office of city clerk and the office of city treasurer.

## **CHAPTER 6. LEGISLATION**

### **Section 6.1. Existing Legislation.**

All ordinances, resolutions, rules, and regulations of the City of Petoskey that are consistent with the provisions of this Charter shall continue in full force at the adoption of this Charter unless repealed or amended.

### **Section 6.2. Resolutions and Ordinances.**

All actions of the city council shall be by resolution or ordinance. Resolutions shall be official actions of the city council in the form of a motion pertaining to internal affairs or concerns of the City. Acts that carry a penalty for violation shall be by ordinance.

### **Section 6.3. Enactment of Ordinances.**

All legislation of the City of Petoskey shall be by ordinance. Each ordinance shall be identified by a number and a short title. Each proposed ordinance shall be introduced in written or printed form. The style of all ordinances passed by the city council shall be: "The City of Petoskey or-

**THE HOME RULE CITY ACT (EXCERPT)**  
**Act 279 of 1909**

**117.5c Local officers compensation commission; creation; purpose; appointment, qualifications, and terms of members; vacancies; determination of salaries; expenses; meetings; quorum; concurrence of majority required; election of chairperson; compensation of members; conducting business at public meeting; notice of meeting; availability of certain writings to public; resolution; changing procedure; petition for referendum.**

Sec. 5c. In place of a charter provision existing on December 31, 1972 establishing the salaries or the procedure for determining salaries of elected officials, the governing body may establish, by ordinance, the procedure described in this section, in which case the restriction contained in a charter provision with respect to changing salaries during term shall be inapplicable. The ordinance shall provide the following:

(a) A local officers compensation commission is created which shall determine the salaries of each local elected official. The commission shall consist of 5 members in a city of 20,000 population or less and 7 members in a city of over 20,000 population. 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. In the case of a 5-member commission, 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. In the case of a 7-member commission, 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 ordinance. 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.

(b) The commission shall determine the salary of each local elected official. The determination shall be the salary 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 salary shall prevail. The expense allowance or reimbursement paid to elected officials in addition to salary shall be for expenses incurred in the course of city business and accounted for to the city.

(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 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 members of the commission shall not receive compensation, but shall be entitled to actual and necessary expenses incurred in the performance of official duties.

(d) 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.

(e) 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.

(f) The governing body shall implement this section by resolution. After 1 year following the date the ordinance goes into effect the procedure for establishing the compensation of elected officials may be changed by charter amendment or revision.

(g) Not more than 60 days after the effective date of the ordinance, a petition for a referendum on the ordinance may be filed pursuant to the procedure provided in the charter or otherwise by filing a petition with the city clerk containing the signatures of at least 5% of the registered electors of the city on the effective date of the ordinance. The election shall be conducted in the same manner as an election on a charter amendment. 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.

**History:** Add. 1972, Act 8, Imd. Eff. Feb. 17, 1972;— Am. 1977, Act 204, Imd. Eff. Nov. 17, 1977;— Am. 1978, Act 106, Imd. Eff.