
Frequently Asked Questions on the

Annual Meeting

of the

Township Electors



Prepared by the

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The Annual Meeting

For some of Michigan's townships, the end of the fiscal year means annual meeting time. The annual meeting is an event that is alternately perceived as being a worthwhile exchange of ideas among township residents, an unnecessary nuisance due to poor attendance or a controversial powderkeg because only those residents with complaints bother to show up. The variation among annual meetings is as great as the variation among townships.

However, the statutes governing the annual meeting are the same for all townships. Techniques for conducting an orderly meeting can also apply to all townships. The initial section of this publication consists of frequently asked questions and answers regarding the legal aspects of the annual meeting. The second section of this guide offers tips on conducting a successful annual meeting.

What is the annual meeting?

The annual meeting is different from other township meetings. It is a meeting of the township electors; not a meeting of the township board. Township board members participate at the annual meeting as electors. The electors at the annual meeting used to have extensive powers until the 1940s, when increasing demand for services from rural and suburban governments resulted in many of those powers being delegated to the township board.

Does my township have to hold an annual meeting?

According to Public Act 187 of 1988, a general law township is not required to hold an annual meeting unless a majority of the township board decides by resolution to do so, or the electors vote to establish the annual meeting at a primary or general election. According to Public Act 106 of 1984, in a charter township, an annual meeting of the electors is no longer held unless the township board resolves to hold one. (MCL 41.8)

When and where do we have to hold the annual meeting?

According to state law, the annual meeting has to be held on the last Saturday of the township's fiscal year unless a majority of the membership of the township board votes to hold it on another day during the last month of the fiscal year. The time of day and location of the meeting are determined by the township board. (MCL 41.8)

Can the electors force the township to hold an annual meeting?

Yes. Electors residing in a general law township can present a petition signed by not less than 5 percent of the registered electors who voted for township supervisor at the immediately preceding township supervisor election of the township that will require the township board to submit the question of re-establishing the annual meeting to the voters at the next primary or general election. The voters' decision at this election is binding and can only be abolished by a subsequent vote of the people. The township board can also place the question on the ballot. (MCL 41.8)

If there is no annual meeting, can the township board exercise the powers of the electors?

In a general law township that has abolished the annual meeting, the authority of the electors at an annual meeting is exercised by the township board. State law authorizes the township board to establish salaries of the township board when the annual meeting has been abolished, subject to referendum upon filing a lawful petition. (MCL 41.8)

A charter township board may exercise all powers granted to the electors at the general law township annual meeting.

Can we combine another meeting with the annual meeting?

Township board meetings cannot be combined with the annual meeting because the former is a board meeting and the latter is a meeting of the electorate. A special or regularly scheduled township board meeting can be held immediately before or after the annual meeting. (See chart on Page 6.)

How is notice of the annual meeting given?

Township boards must comply with the notice requirements of the Open Meetings Act, PA 267 of 1976. (MCL 15.265, et seq)

Who moderates the annual meeting, and how is the meeting conducted?

The township supervisor is required by law to moderate the annual meeting. If he or she isn't present, another moderator must be elected by voice vote, with the clerk serving as moderator pro tem until the moderator is chosen. (MCL 41.97) In the absence of the clerk, the deputy clerk fulfills the duties of the clerk. If the deputy clerk is not present, the electors select a person to fulfill the Open Meetings Act requirement that a public body record minutes of its meetings.

The moderator presides over the meeting, regulates the proceedings, decides all questions of order and makes public declarations of all votes passed. When any vote declared by the moderator is questioned, the moderator shall call for a poll or division, or rely on any other method provided for in the township bylaws or approved by a previous vote. (MCL 41.98)

The moderator grants authority to persons who wish to speak at the annual meeting and silences those who may be out of order or disruptive—with the exception of persons speaking during the public comment period required by the Open Meetings Act. (MCL 41.99)

The moderator may rely upon *Robert's Rules of Order* to decide procedural questions, though this book has no official status unless it has been officially adopted by the electorate at the annual meeting.

Who can vote at the annual meeting and how?

In order to participate in the annual meeting, Michigan law does not require a citizen to be a registered voter. Rather, the participant must be an elector, which is a person who is eligible to register to vote. He or she must be a citizen of the United States, at least 18 years of age, a resident of Michigan for at least 30 days, and a resident of the town-

ship on or before the 30th day prior to the upcoming meeting. The electors shall vote by voice vote. (MCL 41.102)

What actions can the electorate take at the annual meeting?

This is the most common, confusing and misunderstood question about the annual meeting. Electors at an annual meeting can only take binding actions when state law authorizes them to do so. The following powers are the significant remaining powers designated to electors at the annual meeting:

1. Increasing the number of trustees to be elected

General law townships with a population of 5,000 or more, or having 3,000 registered voters, may expand the size of the township board to four trustees. Following the township's qualifying for additional trustees, the township board shall place the question of electing four trustees before the voters at the next township election or before the electors at the annual meeting. If approved, the township elects four trustees at the next general election at which township officials are elected. (MCL 168.358)

2. Altering salaries as established in a prior township board resolution

The electors at the annual meeting have the authority to alter salary resolutions adopted for each of the offices at least 30 days prior to the annual meeting. Each year that the township holds an annual meeting, the township board must tentatively set the salary of each board office (supervisor, clerk, treasurer, and trustee, if trustees are paid by salary) by a separate resolution adopted at least 30 days prior to the annual meeting. Each resolution must also fix the date in the next fiscal year on which the salary will take effect. (MCL 41.95)

See the **Sample Resolution to Establish Township Officer Salary** on Page 7.

Getting the Most Out of the Annual Meeting

We've all seen it happen on occasion. A meeting that starts out as a calm professional affair gradually deteriorates into an angry shouting match. This battle of wills takes on personal overtones, with participants attacking each other's integrity and motives. Very little productive activity is accomplished, and the meeting ends up being an unpleasant waste of time.

How can the annual meeting be structured to ensure a productive and beneficial session for all who attend? And how can unavoidable personality conflicts be prevented from escalating into full-scale warfare?

Rules to regulate rather than restrict

Structuring a meeting so discussion flows smoothly and calmly can make the difference between a highly productive exchange of views and a total disaster. It is important for the moderator to be well-prepared, courteous and businesslike, and willing to inform electors of the rules by which the meeting will be conducted. Here are a few suggestions for accomplishing these goals:

1. Agenda. A meeting agenda can be a valuable tool for keeping the annual meeting on track. The following items should be included on the agenda:

- a) **Call to order.**
- b) **Clerk reads the previous year's minutes.** Citizens may offer corrections or additions to the minutes. Reading the minutes may be waived with the participants' approval.
- c) **Relevant reports.**
- d) **Public comment.**
- e) **Unfinished business.**
- f) **New business.** Includes such issues as the salary resolutions.
- g) **Adjourn.**

The agenda can be distributed to all electors who attend the meeting so they will have an idea of the plan of action. Supporting documents can also assist the electors in communication and decisionmaking activities. The agenda should spell out the items to be considered at the meeting, as well as the order in which they are to be discussed.

2. Moderator. State law clearly places the annual meeting moderator in a position to regulate discussion. The electors should be informed of the moderator's role before the meeting gets underway.

3. Procedure. The annual meeting should adopt bylaws for conducting its meetings. Some version of parliamentary procedure should also be adopted to govern the meeting. *Robert's Rules of Order* or other rules can be used. Regardless of which system is adopted, the major procedural rules should be highlighted to make sure participants are aware of how the meeting will be conducted.

4. Summarize electors' authority. If there is a concern that electors attending the annual meeting aren't aware of their authority and legal bounds, the powers of the electorate can be summarized at the meeting's outset. By presenting this information up front, the electors will be able to distinguish between binding and advisory actions.

Conclusion

Conducting an effective annual meeting is truly an art. It is important to understand the legal framework so the meeting doesn't go beyond its statutory limitations. However, it is equally important to understand the social framework of the annual meeting in an effort to ensure participants work cooperatively and productively for the township's good.

For more information on conducting an annual meeting, contact MTA's Member Information Services at (517) 321-6467, or email: information@michigantownships.org.

Three Options for Scheduling the Annual Meeting and Township Board Meeting to Hold Budget Public Hearing:

Option 1

Hold both meetings the same day, with the annual meeting first

Annual Meeting

Call to order. Supervisor chairs the meeting and Clerk keeps minutes of meeting. All present are electors.

Deal with issues such as public relations, department or committee reports, etc.

Address the salary resolution for each office (if applicable and passed by township board 30 days prior to Annual Meeting)

All electors may vote to alter or accept the recommendation of township board as presented in resolution.

Adjourn the annual meeting (announce time)

Township board members proceed to head table for start of Township Board Meeting

Budget Public Hearing

Call to order the township board meeting (announce time and quorum of board required, seated for typical board meeting)

Supervisor announces the opening of the budget public hearing (announce time)

Explain the budget

Hear the comments of the public on budget

Close public hearing portion of the meeting (announce time)

Township Board may vote to adopt the General Appropriations Act (budget) today or in any case prior to the beginning of the fiscal year after making required amendments, if applicable

Adjourn board meeting

Option 2

Hold both meetings the same day, with the township board meeting first

Township Board Meeting

Call to order the township board meeting (quorum of the board required, seated at head table)

Supervisor announces time for opening of the budget public hearing

Explain the budget

Hear comments from the public on budget

Close public hearing portion of the meeting (announce time)

Township Board may vote to adopt the General Appropriations Act (budget) today or in any case prior to the beginning of the fiscal year after making required amendments, if applicable

Adjourn board meeting (announce time)

Supervisor and clerk remain at the head table. The other board members sit in audience for start of Annual Meeting of Electors

Annual Meeting

Call to order. Supervisor chairs the meeting and Clerk keeps minutes of meeting. All present are electors.

Deal with issues such as public relations, department or committee reports, etc.

Address the salary resolution for each office (if applicable and passed by township board 30 days prior to Annual Meeting)

All electors may vote to alter or accept the recommendation of township board as presented in resolution.

Adjourn the annual meeting

Option 3

Hold the two meetings on different days

Annual Meeting

The Annual Meeting is held on the last Saturday or other date in the last month of the fiscal year chosen by the township board.

Call to order. Supervisor chairs the meeting and Clerk keeps minutes of meeting. All present are electors.

Deal with issues such as public relations, department or committee reports, etc.

Address the salary resolution for each office (if applicable and passed by township board 30 days prior to Annual Meeting)

All electors may vote to alter or accept the recommendation of township board as presented in resolution.

Adjourn the annual meeting (announce time)

Regular or Special Township Board Meeting

The Budget Public Hearing is held as part of the regular monthly or special meeting scheduled by the township board.

Call to order the township board meeting (quorum of the board required, seated at head table)

Supervisor announces time for opening of the budget public hearing

Explain the budget

Hear comments from the public on budget

Close public hearing portion of the meeting (announce time)

Township Board may vote to adopt the General Appropriations Act (budget) today or in any case prior to the beginning of the fiscal year after making required amendments, if applicable

Adjourn board meeting

RESOLUTION TO ESTABLISH TOWNSHIP OFFICERS SALARY

This resolution is used when **HOLDING AN ANNUAL MEETING**.

A separate resolution must be adopted for each office (Attorney General Opinion 6422).

WHEREAS, MCL 41.95 authorizes the township board of _____ Township to determine the salaries for the offices of supervisor, clerk, treasurer, and trustee for fiscal year _____ by adopting a resolution at least 30 days prior to the township annual meeting of the electors, and

WHEREAS, the township board deems that an adjustment in the salary of the office of (*supervisor, clerk, treasurer OR trustee*) is warranted since township board members' salaries were last adjusted, now

BE IT RESOLVED, that as of (*effective date in next fiscal year*), the salary of the office of (*supervisor, clerk, treasurer OR trustee*) shall be as follows:

Supervisor: \$ _____ salary (not directly performing assessing)
\$ _____ salary if properly certified as assessor and directly performing assessing

OR:

Clerk: \$ _____ salary

OR:

Treasurer: \$ _____ salary

OR:

Trustee: \$ _____ (*If paid by salary. Per diem/per meeting compensation is NOT subject to the annual meeting.*)

BE IT ALSO RESOLVED, that this resolution shall be submitted to the electors at the annual meeting to be held on _____, at which time the electors may modify these amounts. Pursuant to MCL 41.95(7), such modification(s) that may be made by the electors cannot result in a reduction of salary during an official's term of office unless the responsibilities and requirements of that office are diminished, and the official agrees in writing to that reduction. In the event that the electors fail to act on this resolution, the officer shall be entitled to the salary as established in this resolution, in accordance with state law.

BE IT FURTHER RESOLVED, that this resolution, adopted on _____, is properly adopted by _____ Township Board at least 30 days prior to the annual meeting, as required by law.

The foregoing resolution offered by board member _____.

Supported by board member _____.

Upon a roll call vote, the following voted: ___Aye ___No.

The supervisor declared the resolution adopted.

_____, Clerk

NOTE: *This resolution uses **optional two-part salary language** that a board may choose to adopt for the office of supervisor. If a board does not use the two-part salary format, it should adopt a single, fixed salary per office.*

This resolution assumes that there is no salary compensation commission established by MCL 41.95(4).

Pursuant to MCL 41.95(7), such modification(s) that may be made by the electors cannot result in a reduction of salary during an official's term of office unless the responsibilities and requirements of that office are diminished, and the official agrees in writing to that reduction.

Drafted by MTA Staff

Revised Statutes of 1846 (EXCERPT)
Township Meetings.

41.8 Annual meeting of electors of township; time and place; conducting business at public meeting; public notice; majority vote; resolution or petition submitting question of reestablishment of annual meeting to electors; signatures; abolishment of annual meeting; township not required to hold annual meeting; exception; exercise of powers.

Sec. 8.

(1) Except as otherwise provided in this section, an annual meeting of the electors of each township shall be held on the last Saturday in the last month of each fiscal year, at the time and place selected by the township board. However, the annual meeting may be held on an alternate date if the alternate date is approved by a majority of the township board and is in the last month of the township's fiscal year.

(2) The business performed at a meeting of the electors of a township shall be conducted at a public meeting held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of the meeting shall be given by the township clerk in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275, and as provided by section 2 of 1963 (2nd Ex Sess) PA 43, MCL 141.412, except as provided in subsection (3).

(3) In a township having less than 200 registered electors, the township board may provide that notice need not be given as provided in section 2 of 1963 (2nd Ex Sess) PA 43, MCL 141.412, but shall be posted in 3 of the most public places of the township.

(4) The electors meeting at the place designated shall transact lawful business by majority vote.

(5) In a township other than a charter township, the township board, by resolution, may, or on the filing of petitions signed by a number of registered electors of the township equal to not less than 5% of the electors who voted for township supervisor at the immediately preceding township supervisor election of the township, shall, submit the question of the reestablishment of the annual meeting of the electors to the electors of the township at the next regular primary election or general election. The resolution or petitions shall be filed with the township clerk not later than 4 p.m. on the twelfth Tuesday before the election at which the question is submitted. If a majority of the electors of the township voting on the question votes to reestablish the annual meeting of the electors, the annual meeting of the electors is reestablished for that township, and the electors at the annual meeting shall reassume powers conferred by statute. Once the annual meeting has been reestablished by a vote of the people, the annual meeting may only be abolished by a resolution of the township board submitting the question of the abolition of the annual meeting to the electors of the township at the next regular primary or general election.

(6) Except as provided in subsection (5), a township is not required to hold an annual meeting of the electors of the township unless the township board, by resolution, elects to hold an annual meeting.

(7) In a township that does not hold an annual meeting, powers that could have been exercised by the electors at an annual meeting may be exercised by the township board.

History: R.S. 1846, Ch. 16 ;-- CL 1857, 500 ;-- CL 1871, 643 ;-- Am. 1875, Act 42, Imd. Eff. Mar. 20, 1875 ;-- Am. 1881, Act 158, Eff. July 1, 1881 ;-- How. 677 ;-- CL 1897, 2275 ;-- Am. 1909, Act 66, Eff. Sept. 1, 1909 ;-- CL 1915, 2054 ;-- CL 1929, 963 ;-- Am. 1944, 1st Ex. Sess., Act 16, Imd. Eff. Feb. 19, 1944 ;-- CL 1948, 41.8 ;-- Am. 1956, Act 105, Eff. Aug. 11, 1956 ;-- Am. 1977, Act 159, Imd. Eff. Nov. 8, 1977 ;-- Am. 1978, Act 596, Imd. Eff. Jan. 4, 1979 ;-- Am. 1980, Act 378, Imd. Eff. Jan. 2, 1981 ;-- Am. 1982, Act 363, Eff. Mar. 30, 1983 ;-- Am. 1984, Act 106, Imd. Eff. May 24, 1984 ;-- Am. 1988, Act 187, Imd. Eff. June 27, 1988 ;-- Am. 1989, Act 77, Imd. Eff. June 20, 1989 ;-- Am. 1990, Act 101, Imd. Eff. June 14, 1990 ;-- Am. 2013, Act 254, Eff. Apr. 26, 2014