

Chapter 2

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***Cross references**-Any ordinance authorizing or approving any contract, deed, or agreement saved from repeal, § 1-12(4); any ordinance making or approving any appropriation or budget saved from repeal, § 1-12(6); community development, ch. 22; administration and enforcement of fire prevention code, § 30-102; administration of subdivision regulations, § 34-69; law enforcement, ch. 38; utilities, ch. 66.

State law references-Townships generally, MCL 41.1a et seq.; open meetings act, MCL 15.261 et seq.; freedom of information act, MCL 15.231 et seq.

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ARTICLE I. IN GENERAL

Secs. 2-1-2-25. Reserved.

ARTICLE II. TOWNSHIP BOARD*

Secs. 2-26-2-50. Reserved.

ARTICLE III. OFFICERS AND EMPLOYEES†

Secs. 2-51-2-80. Reserved.

ARTICLE IV. EMPLOYEE BENEFITS

DIVISION 1. GENERALLY

Secs. 2-81-2-105. Reserved.

DIVISION 2. DEFERRED COMPENSATION

Sec. 2--106. Nonqualified deferred compensation plan.

The township hereby establishes a nonqualified deferred compensation plan under section 457 of the Internal Revenue Code of 1954, as amended, whereby an officer, official or employee of the township may be eligible to defer that individual's compensation or a portion thereof, such amounts deferred to be paid by the township or its agent to such officer, official or employee or the individual's beneficiary according to the terms of the agreement with the individual at a later date; such agreement shall be entered into by the township supervisor and the township clerk in the name of the township; such deferred compensation shall be for the purpose of providing for the payment of the compensation in a different manner and at different times thereby more effectively providing for the officer, official or employee's

***State law references**-Township board, MCL 41.70 et seq.; township meetings, MCL 41.8 et seq.; standards of conduct and ethics, MCL 15.341 et seq.; open meetings act, MCL 15.261 et seq.; freedom of information act, MCL 15.231 et seq.

†**Cross references**-Any ordinance providing for the duties of township officers or employees not codified in this Code saved from repeal, § 1-12(7); any ordinance providing for salaries or other employee benefits saved from repeal, § 1-12(8); ordinance enforcement officer, § 38-66 et seq.

State law references-Township officers, MCL 41.61 et seq.; standards of conduct and ethics, MCL 15.341 et seq.

retirement or death; such agreement shall be for the purpose of deferring federal and state income tax liability on the deferred compensation to the time of receipt by the officer, official or employee or such individual's beneficiary. (Comp. Ords. 1987, § 12.051)

Sec. 2-107. Individuals covered.

All township officers, officials and employees who are employed for more than 30 hours per week on a regular basis shall be eligible to participate in the nonqualified deferred compensation plan established hereunder and may elect to participate in the plan by entering into a written deferred compensation agreement with the appropriate officials of the township, which agreement shall be as set forth in exhibit A, which is on file in the office of the township clerk and incorporated herein by reference. (Comp. Ords. 1987, § 12.052)

Sec. 2-108. Administration and interpretation of plan.

The plan shall be administered by the township board. The board shall represent the township in all matters concerning the administration of the plan. The board or its authorized agent or official shall investigate, review and approve any insurance company seeking to sell insurance, annuity or mutual fund contracts under this plan. The board shall have full power and authority to adopt rules and regulations for the administration of the plan, provided that they are not inconsistent with the provisions of this division, and to interpret, alter, amend or revoke any rules or regulations so adopted. (Comp. Ords. 1987, § 12.053)

Sec. 2-109. Tax ramifications.

(a) It is the intention of the township board that this nonqualified deferred compensation plan and the agreement provided thereunder for the deferral of compensation complies with section 457 of the Internal Revenue Code of 1954, as amended, pertaining to state deferred compensation plans. The participant's compensation which is deferred hereunder is intended to be nontaxable until actually received by such officer, official or employee or such individual's beneficiary. The administration of this nonqualified deferred compensation plan and the operation and interpretation of the agreement provided thereunder shall be done in such a manner so as not to result in the compensation deferred thereunder becoming taxable before actual receipt thereof by the officer, official or employee or such individual's beneficiary. Any provision contained in this division which causes such deferred compensation to be taxed prior to receipt thereof shall be deemed null and void. However, although it is the opinion of the township that the nonqualified deferred compensation plan and the agreement provided thereunder accomplishes the deferral of federal and state income tax for compensation deferred thereunder, no guarantee is given to any officer, official or employee or such individual's beneficiary as to its tax status and the township hereby assumes no responsibility in the event of any adverse tax determination to any officer, official or employee or such individual's beneficiary.

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(b) Any provision of this nonqualified deferred compensation plan, the agreement of any township rules or regulations pertaining thereto adopted thereunder which are contrary to the Internal Revenue Code of 1954 or regulations adopted thereunder shall be deemed to be superseded by such Internal Revenue Code of 1954 or regulations adopted thereunder.

(Comp. Ords. 1987, § 12.054)

Sec. 2-110. Validity of previous agreements.

The validity of any nonqualified deferred compensation agreements made by township officers, officials or employees pursuant to any previous plan shall not be affected by this division and plan, but such previously executed nonqualified deferred compensation agreements shall be subject to the terms of this division and plan.

(Comp. Ords. 1987, § 12.056)

Secs. 2-111-2-130. Reserved.

DIVISION 3. GROUP INSURANCE

Sec. 2-131. Plan established; authorization to contract with companies.

Pursuant to section 110b of Public Act No. 77 of 1989 (MCL 41.110b), the township hereby creates and establishes a group insurance plan covering health, hospitalization, medical and surgical service and expense, accident insurance, and shortterm and longterm disability income insurance coverage for its officers and employees. For such purposes, the township board hereby authorizes the township supervisor and the township clerk to contract, in the name of the township, subject to approval of the township board, with any company or companies authorized to transact such business within the state for such group insurance policies.

Sec. 2-132. Types of insurance; persons covered.

(a) Insurance for township officers and employees is of five types described as follows:

(1) Group health, hospitalization, medical and surgical service, and expense insurance.

(2) Group life and accident insurance.

(3) Group dental insurance.

(4) Group vision insurance.

(5) Group shortterm and longterm insurance.

(b) The types of group insurance described in subsection (a) may be contracted separately and the plans created, established and contracted for under this division shall cover all members of the township board, all permanent full-time employees and the dependents of such persons.

Sec. 2-133. Township contribution; written notice to request noncoverage.

The township shall monthly contribute 100 percent of the portion of the premium or charges arising under such group insurance contracts described in section 2-132. Such township contribution shall be secured from the general fund of the township, which may be reimbursed from other funds in the same proportion as wages are paid from the same funds. Any person desiring not to be so covered shall give written notice to the township clerk that he desires not to be insured or covered, and if the notice is received before the person has become insured or covered under the contract, he shall not be covered thereunder. If the notice is received after the individual has become insured or covered, his coverage under the contract shall cease as provided for in the contract.

Sec. 2-134. Validity of existing insurance.

The township hereby ratifies and confirms the validity of any life, health, hospitalization, medical and surgical service and expense, accident insurance, shortterm and longterm disability income insurance coverage, or anyone or more of stich forms of insurance in existence on the effective date of this division.

Secs. 2-135-2-160. Reserved.

ARTICLE V. BOARDS AND COMMISSIONS*

Secs. 2-161-2-210. Reserved.

ARTICLE VI. FINANCE†

DIVISION 1. GENERALLY

Sec. 2-211. Fiscal year established.

Commencing in 1979, the fiscal year of the township shall extend from April 1 of each year until March 31 of the following year.

(Comp. Ords. 1987, § 12.001)

State law reference-Authority to establish fiscal year, MCL 41. 72.

***Cross references**-Construction board of appeals, § 14-28; downtown development authority, § 22-51 et seq.; sidewalk board, § 58-32.

State law references-Standards of conduct and ethics, MCL 15. 41 et seq.; open meetings act, MCL 15.261 et seq.; freedom of information act, MCL 15.231 et seq.

†Cross reference-Any ordinance promising or guaranteeing the payment of money or authorizing the issuance of bonds or other instruments of indebtedness saved from repeal, § 1-12(3).

State law references-Municipal finance act, MCL 131.1 et seq.; local government fiscal responsibility act, MCL 141.1201 et seq.; uniform budgeting and accounting act, MCL 141.421 et seq.

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Secs. 2-212--2-235. Reserved.

DIVISION 2. COST RECOVERY FOR FIRE SERVICES

Sec. 2-236. Definitions.

The following words or phrases, when used in this division, are defined as follows:

Emergency fire services means those fire services typically provided by a fire department on an emergency basis and include, but are not limited to, fire and smoke suppression activities as well as rescue services but excluding hazardous materials incidents.

Nonresident means any person who does not have a principal residence or domicile in the township on the date any such emergency fire service is provided. For the purposes of this division, any person, including any spouse, child or immediate family member thereof, whose name is on the real property tax assessment roll for the township on the date any such emergency fire service is provided shall not be considered a nonresident. (Ord. No. 96-05, § 1, 7-23-1996)

Cross reference-Definitions generally, § 1-2.

Sec. 2-237. Fees-Imposition.

The township shall charge nonresidents for emergency fire services provided upon private or public property located within the township at the rate of \$300.00 per hour with a minimum charge of one hour per incident. (Ord. No. 96-05, § 2, 7-23-1996)

Sec. 2-238. Same-Billing; date due.

The township clerk shall mail a billing to the recipient of the emergency fire services by first class mail after being provided a copy of the billing by the fire chief and such bill shall be due and payable in full after 30 days from the date of mailing such bill. (Ord. No. 96-05, § 3, 7-23-1996)

Sec. 2-239. Same-Collection.

If the fee has not been paid within 60 days after the date of mailing the bill, the amount due and owing shall constitute a debt collectible through proceedings instituted by the township in the county district court or in any other court of competent jurisdiction. (Ord. No. 96-05, § 4, 7-23-1996)

Sec. 2-240. Same-Use.

Any and all fees paid or collected pursuant to this division shall be deposited in the township's general fund. (Ord. No. 96-05, § 5, 7-23-1996)

Secs. 2-241-2-265. Reserved.

DIVISION 3. COST RECOVERY FOR EMERGENCY SERVICES

Sec. 2-266. Purpose.

The purpose of this division is to enable the township to require reimbursement from those individuals and property owners receiving direct benefits from emergency police, fire, ambulance, and inhalator services provided by the township. It is the further purpose of this division to provide for full funding of emergency service operations which remain, in part, an at-large governmental expense of the township based upon the general benefits derived by all individuals and property owners within the township and having the availability of such services. (Ord. No. 01-03, § 2, 3-13-2001)

Sec. 2-267. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Emergency response means the providing, sending and/or utilizing of police, firefighting, ambulance/medical and rescue services, including inhalator service, by the township or by a private individual or corporation operating at the request or direction of the township.

Expense of emergency response means the costs associated with the occurrence of an emergency response. The expenses shall include the costs connected with the administration of the emergency services. (Ord. No. 01-03, § 3, 3-13-2001)

Cross reference-Definitions generally, § 1-2.

Sec. 2-268. Presumptions of liability.

- (a) The owner, lessor, or operator of a fixed facility to which there is an emergency response by the township shall be presumed liable for the costs of an emergency response.
- (b) Any person, vehicle owner, or lessee who owns or operates a motor vehicle or other transporter, which operation results in an emergency response, shall be responsible and liable for the expenses of the emergency response.
- (c) Any individual who is the object of an emergency response by the township shall be presumed liable for the expenses of the emergency response. (Ord. No. 01-03, § 4, 3-13-2001)

Sec. 2-269. Civil liability.

This division shall be construed to create responsibility and liability of a civil nature on the part of the individual to whom emergency response has been provided or, in the event such emergency response involves a motor vehicle or property, responsibility and liability of a civil nature on the part of the operator and/or owner, as well as to the appropriate insurance carrier. (Ord. No. 01-03, § 5, 3-13-2001)

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Sec. 2-270. Schedule of costs.

The township board shall by resolution adopt a schedule of the costs included within the expense of an emergency response. This schedule shall be available to the public at the township offices. (Ord. No. 01-03, § 6, 3-13-2001)

Sec. '2-271. Billing, collection of fees.

(a) *Submitting bill; payment due date.* The township shall, within a reasonable time of receiving the itemized costs incurred for the emergency response, submit a bill for the itemized costs by first class mail to a person or entity liable for these expenses as enumerated under this division. Such bill shall require full payment within 30 days from the date of billing.

(b) *Court action for nonpayment.* If the fee has not been paid within 30 days from the date of billing, the amount due and owing shall constitute a debt collectible through proceedings instituted by the township in a court of appropriate jurisdiction. Such debt shall accrue interest at the rate of seven percent per annum. The township shall also have the right to reimbursement of costs and attorneys' fees incurred in collecting the debt.

(c) *Costs added to tax roll of property owner.* In addition, if any person or entity fails to reimburse the township as provided and such person or entity is the owner of the affected property, the township shall have the right and power to add any and all costs of emergency_ response to the tax roll as to any such property, and to levy and collect such costs in the same manner as provided for the levy and collection of real estate taxes against such property. This remedy is in addition to any other remedy available to the township as allowed by law. (Ord. No. 01-03, § 7, 3-13-2001)

Chapters 3-5

RESERVED

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