

POLICIES & PROCEDURES COMMITTEE

Kimberly L. Murphy
County Administrator

301 N. Main St, Adrian, MI 49221
p: 517-264-4508 | f: 517-264-4512
lenawee.mi.us



MEMBERS

Nancy Jenkins-Arno, Kevon Martis, Karol "KZ" Bolton

MEETING LOCATION

Chambers
301 N. Main Street - Adrian, MI

*****AMENDED*****

Agenda: Monday, September 11, 2023 – **1:30 p.m.**

- I. **Approval of Minutes** – September 11, 2023
- II. **Old Business**
 - A. **Further Review / Recommendation:** Board of Commissioners Rules and Regulations Amendment - Protocol Regarding Legal Counsel
 - B. **Further Review / Recommendation:** Conflict of Interest Policy
- III. **New Business**
 - A. **Policy Review:** Corresponding with Legal Counsel Policy - County Departments
- IV. **Other Business**
- V. **Public Comment**
- VI. **Adjournment**

Policies are available: <http://www.lenawee.mi.us/639/County-Policies-Guidelines>

ADMINISTRATOR'S OFFICE

Kimberly L. Murphy
County Administrator

301 N. Main Street Adrian, MI 49221
p: 517-264-4508 | f: 517-264-4512
Lenawee.MI.US



TO: Policy and Procedures Committee

FROM: Kimberly L. Murphy, County Administrator

RE: Protocol Regarding Legal Counsel

DATE: August 1, 2023

I thought it would be helpful to provide an overview of where we are at on this particular topic along with some talking points for your consideration:

1. On February 14, 2023, Attorney John Gillooly submitted his engagement letter to all Commissioners and the Administrator advising of his firm's protocol and expectations upon becoming Lenawee County's corporation counsel. I have attached it for your reference as (1).
2. The terms of Attorney Gillooly's engagement letter were retyped and proposed as Addendum A to the Rules and Regulations that govern the Board of Commissioners. I have attached it for your reference as (2).
3. It was then suggested that the proposed Addendum A be amended. I have attached it for your reference as (3).
4. On June 9, 2023 I sent all Commissioners an email suggesting bringing up some additional items to consider. I also included in that correspondence samples of policies from Cass, Isabella, and Ogema Counties. There is language in each of these that you may want to consider for Lenawee County.

As you review the attached information, I think it is important to consider whether this should be an Addendum to the Commissioners Rules and Regulations, or if it should be a policy that will apply to all county employees and/or /departments, both appointed and elected.

①

**GARAN
LUCOW
MILLER P.C.**

GREAT LAKES LAW FIRM SERVOYS CLIENTS NATIONALLY

1155 BREWERY PARK BOULEVARD
SUITE 200
DETROIT, MI 48207-2641
TELEPHONE: 313.446.1530
FAX: 313.259.0450
www.garanlucow.com

JOHN J. GILLOOLY
DIRECT DIAL: 313.446.5501
E-MAIL: jgillooly@garanlucow.com

February 14, 2023

VIA E-MAIL:

Commissioner James Van Doren, Chair	comm.vandoren@lenawee.mi.us
Commissioner David Stimpson	comm.stimpson@lenawee.mi.us
Commissioner Dustin Krasny	comm.krasny@lenawee.mi.us
Commissioner Nancy Jenkins-Arno	comm.jenkins-arno@lenawee.mi.us
Commissioner Dawn Bates	comm.bates@lenawee.mi.us
Commissioner Karol "KZ" Bolton	comm.bolton@lenawee.mi.us
Commissioner Terry Collins	comm.collins@lenawee.mi.us
Commissioner Kevon Martis	comm.martis@lenawee.mi.us
Commissioner Ralph Tillotson	rebecca.borton@lenawee.mi.us
County Administrator Kimberly Murphy	Kim.Murphy@lenawee.mi.us

Re: Law Firm Protocol
Our File No.: 8043-2

Dear Chairman Van Doren, Commissioners and Administrator Murphy:

I write this unsolicited letter to each of you with thanks for the confidence that you have shown in me and our law firm in selecting us to serve as Corporate Counsel for Lenawee County.

As I indicated in my remarks to you and in a radio interview with WLEN, I believe that a good attorney is like a good sports official, the less you see or hear from them, the better. I went on to state in the interview that I am very grateful for the confidence you have placed in me and that I will deliver effective and efficient legal advice to each of you so that you can

GARAN LUCOW MILLER, P.C.

Re: Law Firm Protocol

February 14, 2023

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go about your business of doing what is in the best interest of everyone who lives, works and visits Lenawee County.

With that understanding, I have undertaken a thorough review of the website of Lenawee County and the rules and regulations pertaining to the Board of Commissioners and the County Administrator. I could not find any direct reference to the interaction between the Board of Commissioners, the County Administrator and legal counsel. Accordingly, I would offer the following as my thoughts with regard to how to best serve each of you in our firm's role as Corporate Counsel.

I begin with the fundamental principle that the Lenawee County Board of Commissioners are the elected representatives of those who live within Lenawee County and whose primary purpose is to set policy for the activities to be conducted by County government.

It is also a fundamental principle that the County Administrator is generally responsible for implementing the policies set by the Lenawee County Board of Commissioners and ensuring that employees of County government work toward fulfilling the policies. The job description of the County Administrator does state that the work is to be performed under the general supervision of the Board of Commissioners and, as noted on the County website, the Administrator's office has three primary functions:

"Provision of staff assistance to the County Commission and it's various Committees, communicating between the Commission and it's various program areas, and direction of county internal central services."

I would also add that while the County Administrator works under the guidance of the Board of Commissioners, the Administrator must be given some leeway or latitude without being micromanaged or discouraged from taking progressive actions to implement policies and procedures established by the Board of Commissioners.

LEGAL OPINIONS

From time to time, it will inevitably be requested of me by either a sole Commissioner, the Commission as a whole or the County Administrator's office to provide a legal opinion on one or more issues. I am always happy to do so with the following understanding.

It is my general rule that any requests for a legal opinion be made through the County Administrator and the Chair of the County Commission in order that each and every person within the County Commission together with the County Administrator knows exactly when

GARAN LUCOW MILLER, P.C.

Re: Law Firm Protocol

February 14, 2023

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and what type of opinion was requested of me. I will then advise how long I expect it would take to provide such an opinion and, when the opinion is prepared, it will be forwarded to the entire Board of Commissioners and the County Administrator.

Although everyone might not agree with the legal opinion requested or the ultimate legal opinion received, individuals may have his or her own reasons for requesting an opinion that should not require approval of the full Board before requesting such an opinion. The same holds true for legal opinions requested by the County Administrator. These are very important protocols for me in making sure, again, that everyone is aware of the legal opinion being sought and receives a copy of the legal opinion at the same time as everyone else.

MEETINGS

Given the broad responsibility on the shoulders of the Board of Commissioners, there will be times when one or more Commissioners might request to meet with me on a given issue. I do not view that as a problem as long as there is not a quorum present. Rest assured, that I will not provide any formal legal opinions during the course of those meetings. If I am requested to provide a legal opinion as a result of a meeting with one or more County Commissioners, I will promptly advise the entire County Commission of that request while also notifying the County Administrator.

The same holds true with regard to anticipated meetings with the County Administrator, staff members and possibly even including requested meetings with those outside of Lenawee County government. Given that the County Administrator is responsible for carrying out the policies and procedures made by the Board of Commissioners, the County Administrator has a wide variety of duties to fulfill with numerous departments under the County Administrator with which the County Administrator must interact, monitor and work closely with to ensure that policies and procedures of the Board of Commissioners are implemented.

Whenever I am requested to meet with the County Administrator, whether it be alone or in tandem with others, a detailed report will be provided to all summarizing the purpose of the meeting so that each of you know why I was asked to participate in that meeting and the legal consequences thereof.

Again, I know of no prohibition in allowing me to meet individually with Commission members or the County Administrator, or with others, in order to assist the Lenawee County Board of Commissioners in accomplishing its mission on behalf of those who live, work and travel to Lenawee County.

GARAN LUCOW MILLER, P.C.

Re: Law Firm Protocol

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In fact, I would welcome the opportunity to meet with each of the Commissioners in the very near future to discuss any legal issues that might be on their minds in how I might be able to assist the County going forward.

I hope that this correspondence puts forth an acceptable protocol between my offices and yours going forward. I have followed this protocol with numerous other municipalities over the past thirty years and it seems to lay out an appropriate framework for interaction between policymakers, those who implement policy and those called upon to render legal advice.

Very truly yours,

GARAN LUCOW MILLER, P.C.

A handwritten signature in black ink, appearing to read "John J. Gillooly", is written over the printed name.

John J. Gillooly

Direct Dial: 313.446.5501

JJG/dms/5702762

cc: Shannon Elliott (via e-mail: shannon.elliott@lenawee.mi.us)

**RULES AND REGULATIONS
BOARD OF COMMISSIONERS
LENAWEE COUNTY**

ADDENDUM A (proposed)

Protocol between Legal and Board of Commissioners

Fundamental Principle - Commission

The Lenawee County Board of Commissioners are the elected representatives of those who live within Lenawee County and whose primary purpose is to set policy for the activities to be conducted by County government.

Fundamental Principle - Administrator

The County Administrator is generally responsible for implementing the policies set by the Lenawee County Board of Commissioners and ensuring that employees of County government work toward fulfilling the policies. The job description of the County Administrator does state that the work is to be performed under the general supervision of the Board of Commissioners and, as noted on the County website, the Administrator's office has three primary functions:

“Provision of staff assistance to the County Commission and **its** various Committees, communicating between the Commission and **its** various program areas, and direction of county internal central services.”

While the County Administrator works under the guidance of the Board of Commissioners, the Administrator must be given some leeway or latitude without being micromanaged or discouraged from taking progressive actions to implement policies and procedures established by the Board of Commissioners.

LEGAL OPINIONS

From time to time, it will inevitably be requested by either a sole Commissioner, the Commission as a whole or the County Administrator's office to provide a legal opinion on one or more issues. The general rule shall be any requests for a legal opinion be made through the Chair of the County Commission and Administrator in order that each and every person within the County Commission together with the County Administrator knows exactly when and what type of opinion was requested. **LEGAL** will then advise how long it would take to provide such an opinion and, when the opinion is prepared, it will be forwarded to the entire Board of Commissioners and the County Administrator. Although everyone might not agree with the legal opinion requested or the ultimate legal opinion received, individuals may have his or her own reasons for requesting an opinion that should not require approval of the full Board before requesting such an opinion. The same holds true for legal opinions requested by the County Administrator. These are very important protocols assuring that everyone is aware of the legal opinion being sought and receives a copy of the legal opinion at the same time as everyone else.

MEETINGS

Given the broad responsibility on the shoulders of the Board of Commissioners, there will be times when one or more Commissioners might request LEGAL to meet on a given issue. That is not a problem as long as there is not a quorum present. LEGAL will not provide any formal legal opinions during the course of those meetings.

If LEGAL is requested to provide a legal opinion as a result of a meeting with one or more County Commissioners, LEGAL will promptly advise the entire County Commission of that request while also notifying the County Administrator. The same holds true with regard to anticipated meetings with the County Administrator, staff members and possibly even including requested meetings with those outside of Lenawee County government. Given that the County Administrator is responsible for carrying out the policies and procedures made by the Board of Commissioners, the County Administrator has a wide variety of duties to fulfill with numerous departments under the County Administrator with which the County Administrator must interact, monitor and work closely with to ensure that policies and procedures of the Board of Commissioners are implemented.

Whenever LEGAL is requested to meet with the County Administrator, whether it be alone or in tandem with others, a detailed report will be provided to all summarizing the purpose of the meeting so that each Commissioner knows why LEGAL was asked to participate in that meeting and the legal consequences thereof.

There is no prohibition in allowing LEGAL to meet individually with Commission members or the County Administrator, or with others, in order to assist the Lenawee County Board of Commissioners in accomplishing its mission on behalf of those who live, work and travel to Lenawee County.

RULES AND REGULATIONS
BOARD OF COMMISSIONERS
LENAWEE COUNTY

Original Language
with proposed
changes (3)

ADDENDUM A (proposed amendments included)

Protocol between Legal and Board of Commissioners

Fundamental Principle - Commission

The Lenawee County Board of Commissioners are the elected representatives of those who live within Lenawee County and whose primary purpose is to set policy for the activities to be conducted by County government.

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“Provision of staff assistance to the County Commission and **its** various Committees, communicating between the Commission and **its** various program areas, and direction of county internal central services.”

While the County Administrator works under the guidance of the Board of Commissioners, the Administrator must be given some leeway or latitude without being micromanaged or discouraged from taking progressive actions to implement policies and procedures established by the Board of Commissioners.

LEGAL OPINIONS

From time to time, it will inevitably be requested by either a sole Commissioner, the Commission as a whole or the County Administrator's office to provide a legal opinion on one or more issues. ~~The general rule shall be any requests for a legal opinion be made through the Chair of the County Commission and Administrator in order that each and every person within the County Commission together with the County Administrator knows exactly when and what type of opinion was requested.~~ **Any requests for a legal opinion be made through the Administrator in order that each and every person within the County Commission know exactly when and what type of opinion was requested.** LEGAL will then advise how long it would take to provide such an opinion and, when the opinion is prepared, it will be forwarded to the entire Board of Commissioners and the County Administrator. Although everyone might not agree with the legal opinion requested or the ultimate legal opinion received, individuals may have his or her own reasons for requesting an opinion that should not require approval of the full Board before requesting such an opinion. The same holds true for legal opinions requested by the County Administrator. These are very important protocols assuring that everyone is aware of the legal opinion being sought and receives a copy of the legal opinion at the same time as everyone else.

MEETINGS

Given the broad responsibility on the shoulders of the Board of Commissioners, there will be times when one or more Commissioners might request LEGAL to meet on a given issue. ~~That is not a problem as long as there is not a quorum present.~~ All requests to meet with LEGAL should be made through the County Administrator to ensure that the entire board knows that the meeting is taking place, and can participate if desired. If the commissioners desiring to meet with LEGAL represents a quorum of the board, the County Administrator will inform LEGAL and the Commission so it can be added to a public meeting agenda. LEGAL will not provide any formal legal opinions during the course of those meetings.

If LEGAL is requested to provide a legal opinion as a result of a meeting with one or more County Commissioners, LEGAL will promptly advise the entire County Commission of that request while also notifying the County Administrator. The same holds true with regard to anticipated meetings with the County Administrator, staff members and possibly even including requested meetings with those outside of Lenawee County government. Given that the County Administrator is responsible for carrying out the policies and procedures made by the Board of Commissioners, the County Administrator has a wide variety of duties to fulfill with numerous departments under the County Administrator with which the County Administrator must interact, monitor and work closely with to ensure that policies and procedures of the Board of Commissioners are implemented.

Whenever LEGAL is requested to meet with the County Administrator, whether it be alone or in tandem with others, a detailed report will be provided to all summarizing the purpose of the meeting so that each Commissioner knows why LEGAL was asked to participate in that meeting and the legal consequences thereof.

~~There is no prohibition in allowing LEGAL to meet individually with Commission members or the County Administrator, or with others, in order to assist the Lenawee County Board of Commissioners in accomplishing its mission on behalf of those who live, work and travel to Lenawee County.~~

A member of the Board of Commissioners shall not meet individually with LEGAL, or with others, so important information can be shared with the Board as a whole, in order to assist the Lenawee County Board of Commissioners in accomplishing its mission on behalf of those who live, work, and travel in Lenawee County.

Please vote NO on the motion to amend the Rules and Regulations Addendum – Legal Consultation policy dated May 26, 2023.

Why is there suddenly a problem allowing Commissioners to meet individually with legal counsel, when there was no problem allowing this in the past???

The county commissioners were elected by the people of their district to represent them as their county commissioners' and are responsible to the people in their respective districts. Removing the commissioners' freedom and ability to request an opinion from or meet with the county's legal counsel prior to bringing an issue before the full board is removing their ability to represent their constituents by obtaining legal opinions valuable to issues concerning their district, possibly the whole county.

The county administrator is a person appointed by the commissioners to be the administrative manager of the county, whose job is to oversee the day-to-day activities of the county and make sure operations are running smoothly and efficiently. The administrator's responsibility is to work with the commissioners who represent the people; not decide how the commissioners can represent their constituents and when they can seek legal counsel on issues pertinent to their district/county.

Please consider the consequences of this amendment; giving control to an appointed administrator to decide if legal counsel can be consulted, removing the freedom and the ability of the commissioners to represent their constituents by denying access to legal counsel unless the administrator approves.

Please vote NO.

Carol Knoblauch

7506 Riga Hwy

Riga, MI 49276

517-902-1814



LENAWEE COUNTY
MICHIGAN

Action Request Form

To: Policies & Procedures

Date of meeting: October 9, 2023

FROM: Kim Murphy

Title: Conflict of Interest Disclosure

DEPT: County Administrator

Description of request	Summary: At the last Policy & Procedures meeting I was asked to follow up with Corporation Counsel to review the "Recusal from Voting and Deliberation" section of this proposed policy. More specifically, the concern was that if a member has to recuse themselves from voting, and by doing so there is a loss of a quorum, can the vote still take place with the remaining members or does the Rule of Necessity apply? Upon review, Attorney Gillooly indicated that if there was a loss of a quorum due to a proposed conflict of interest which would prevent deliberation and decision, then the Rule of Doctrine of Necessity shall apply. Therefore, the proposed Conflict of Interest Disclosure has been updated to include Attorney Gillooly's language. I believe this policy now meets with the intent of the Committee and is ready for recommendation to the Board of Commissioners. Request: To recommend the Conflict of Interest Disclosure to the Board of Commissioners for adoption.
Amount Requested:	N/A
Account Number:	N/A
List Attachments:	Conflict of Interest Disclosure

Prepared by klm

Upcoming agenda items shall be reported to the Administrator at least ten (10 **days prior** to the meeting. All supporting information shall be submitted to the Administrator's Office no later than seven (7) days prior to the meeting.

LENAWEE COUNTY BOARD OF COMMISSIONERS

301 N. Main St. Courthouse ~ Adrian, MI 49221

(517) 264-4508

www.lenawee.mi.us

CHAIR

James Van Doren

VICE-CHAIR

Dustin Krasny



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Karol "KZ" Bolton

Terry Collins

Nancy Jenkins-Arno

Kevon Martis

David Stimpson

Ralph Tillotson

POL#2023-0xx

Conflict of Interest Disclosure

Date of Adoption _____

Elected officials and county employees must be solely committed to the best interests of the citizenry. This is a foundational principle of effective government. To that end, Lenawee County attempts to avoid situations in which an employee's business or personal interests may unduly influence a decision-making process that involves real or apparent conflicts of interest. Both elected and appointed officials are individually responsible for evaluating their affiliations and interests, and those of their close relatives and professional associates, which relate to their duties to Lenawee County before they review any monetary proposals. For purposes of this policy, reference to "employee" shall refer to both elected and appointed officials. Further, it is in the public interest for employees to report to their immediate supervisor or the County Administrator any conduct on the part of any other employee that appears to be a conflict of interest.

Scope: This policy shall apply to all departments, administrative units, and elected officials of the Lenawee County Government.

Conflict of Interest Definition: A conflict of interest shall include, but is not limited to, any matter in which:

- a. An employee has a direct pecuniary interest in the matter or the outcome of the matter. Such an interest results in an incompatibility between the employee's private interests and the employee's fiduciary duties to the public and shall not be permitted. "Pecuniary interest" for purposes of this policy means that an employee has a reasonable likelihood or expectation of direct appreciable and immediate financial gain or loss. An employee does not have a direct pecuniary interest in the matter or the outcome of the matter if the interest is *so remote or insignificant* that it could not reasonably be regarded as likely to influence any decision of a member; or
- b. A person in the employee's immediate family has a direct pecuniary interest in the matter or the outcome of the matter. Such an interest results in an incompatibility between the employee's private interests and the employee's fiduciary duties to the public and shall not be permitted. "Immediate family" means an employee's spouse, children, stepchildren, grandchildren, parents, brothers, sisters, grandparents, parents-in-law, or any individual living in the employee's household.

Specific situations include but are not limited to, the following: An employee may not participate in the review or award of a contract or transaction in which any of the following has an interest:

1. The employee or the employee's spouse, children, stepchildren, grandchildren, parents, brothers, sisters, grandparents, parents-in-law, or any individual living in the employee's household.;
2. Any organization (including a parent or subsidiary) in which the employee or the employee's spouse, parent, child, or partner serves as an officer, director, trustee, partner, or is otherwise similarly associated;
3. Any organization (including a parent or subsidiary) in which the employee or the employee's spouse, parent, child, or partner is negotiating for or has an arrangement concerning prospective employment or other similar association; or
4. Any organization (including a parent or subsidiary) in which the employee or the employee's spouse, parent, child, or partner has an interest with respect to any pending contract or transaction competing under the same program as any other application to be reviewed by the committee.

Failure to Disclose: Any conflict or potential conflict of interest must be disclosed to the County. Failure to do so will result in discipline, up to and including termination of non-elected employees.

Recusal from Voting and Deliberation: Any voting employee having a conflict of interest shall disclose the conflict and request to abstain from conversation and voting on the item of conflict.

- The employee shall not attempt to exert his or her influence with respect to the matter, either at or outside the meeting.
- Any member who recuses themselves from a vote due to a conflict of interest would not be considered a "voting member" for purposes of a quorum on the matter that they recused themselves from. Simply stated, the employee's presence at the meeting shall not be counted in determining the presence of a quorum for the vote on the matter presenting the conflict of interest.
- In the event that a majority of the Board members present and constituting a quorum declare that they have a conflict of interest which would otherwise prevent them from deliberating toward or rendering a decision on a matter before them, then the Rule of Doctrine of Necessity shall apply allowing the otherwise conflicted Board members to deliberate toward and render a decision on such a matter.

PASSED BY ROLL CALL VOTE of the Lenawee County Board of Commissioners at a regular meeting held Wednesday, _____, 2023, in the Old County Courthouse, Adrian, Michigan.

James E VanDoren, Chair

Roxann Holloway, County Clerk

Conflict of Interest Disclosure Policy Acknowledgement Form

I have read and understand the definition of conflict of interest.

I have evaluated my affiliations and interests, and those of my close relatives and professional associates, as relating to my duties to Lenawee County.

I hereby certify that, based on the information provided to me,

- ☐ **I do not have a conflict** of interest with any current contracts or pending transactions
or
- ☐ **I have identified and listed below any potential conflict of interest**

I understand that should a situation involving a real or apparent conflict of interest arise, I will complete a Conflict of Interest Disclosure Form and submit it to the County Administrator.

Signature:

Printed Name:

Title:

Date:

Conflict of Interest Disclosure Form
Request to Abstain
(Board of Commissioners)

I have identified and am submitting the following potential conflict of interest

Motion/Resolution abstaining from: _____

Reason for Request: _____

Name of Committee Meeting: _____

Date of Meeting: _____

Signature: _____

Printed Name: _____

Title: _____

Date: _____

PA 196 of 1973; 15.342a MCL 15.301 to 15.310 and 15.321 to 15.330



LENAWEE COUNTY
MICHIGAN

Action Request Form

To: Policies & Procedures

Date of meeting: October 9, 2023

FROM: Kim Murphy

**Title: Requirements For All County
Departments When Corresponding with
Legal Counsel**

DEPT: County Administrator

Description of
request

Summary: At the last Policy & Procedures meeting, it was discussed that having a policy for the county departments to follow regarding contact with legal counsel was necessary. Therefore, we have drafted the attached Policy for your consideration.

This does not impact the policy you are currently working on for the Board of Commissioners as it relates to corresponding with legal counsel. That policy will actually be attached to the Rules and Regulations for the Commissioners once it has been finalized and adopted.

The proposed draft policy attached is for internal controls and budgetary considerations.

Please review and let us know of your comments.

Amount Requested: N/A

Account Number: N/A

List Attachments: Draft – Requirements For All County Departments When Corresponding with Legal Counsel

Prepared by klm

Upcoming agenda items shall be reported to the Administrator at least ten (10) **days prior** to the meeting. All supporting information shall be submitted to the Administrator's Office no later than seven (7) days prior to the meeting.

LENAWEE COUNTY BOARD OF COMMISSIONERS

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*Dawn Bales
Karol "KZ" Bolton
Terry Collins
Nancy Jenkins-Arno
Kevon Martis
David Stimpson
Ralph Tillotson*

POL#2023-00x

Requirements For All County Departments When Corresponding with Legal Counsel

General

It is the policy of the Lenawee County Board of Commissioners to have the governmental business of the County conducted within the bounds of Federal, State, and local law as defined by statute and also as defined by court interpretation of the statute. To this end, it will be necessary, from time to time, to consult with legal counsel regarding specific matters.

Policy/Procedure

A. There are three avenues for the conduct of the County's governmental legal affairs:

1. Risk management legal matters are handled through the County's risk management insurance carrier. Any and all matters requiring assigned legal counsel through our insurance carrier will be immediately forwarded to the Administrator's office.
2. Personnel matters such as collective bargaining and labor hearings are handled through a private law firm. Costs for legal services are billed at an hourly rate. Because of this and in order to minimize costs, contact with Counsel is limited to the following County officials:
 - a. County Administrator
 - b. Other County officials as designated from time to time as described in this policy.
3. All other legal affairs not previously identified are handled through a private law firm (referred to as "Corporation Counsel"). Costs for legal services are billed at an hourly rate. Because of this and in order to minimize costs, contact with Corporation Counsel is limited to the following County officials:
 - a. County Administrator
 - b. Other County officials as designated from time to time as described in this policy.

B. Requests for Counsel Regarding Personnel Matters. Appointed department heads shall refer all requests for legal service assistance to the Administrator. Elected department heads who act as a co-employer with the Board of Commissioners are authorized to contact Counsel to discuss sensitive personnel issues. Such contact shall not exceed two billing hours for a single issue and the County Administrator shall be notified of the contact and any resulting recommendation. If additional assistance is needed, the elected department head shall meet with the Administrator about the request. If it is determined that additional time is warranted, the Administrator shall take appropriate action to secure the assistance of Counsel.

C. Requests for Corporation Counsel Assistance. Any county department in need of assistance from Corporation Counsel shall submit a written request to the Administrator. In that request, the department head should explain the need for retaining the assistance of corporation counsel. The Administrator shall take appropriate action to secure the assistance of Corporation Counsel.

PASSED BY ROLL CALL VOTE of the Lenawee County Board of Commissioners at a regular meeting held Wednesday, , 2023, in the Old County Courthouse, Adrian, Michigan.

James E. Van Doren, Chair

Roxann Holloway, County Clerk

CIVIL COUNSEL ACCESS

The Board of Commissioners shall be responsible for determining the designation of civil counsel for the County.

Commissioners, elected officials, and appointed department heads shall have access to the designated civil counsel, in accordance with the following procedure:

1. Requests will be made to the County Administrator. Such requests must be approved before civil counsel is contacted.
2. The County Administrator shall document and keep record of all approved requests.
3. Conflict resolution and alternative solutions may be proposed by the County Administrator whenever feasible.
4. Should the requesting party reject alternative solutions and proposals, he or she will forward the request to the Chairperson of the Board for further consideration.

Civil Counsel shall not accept requests for service without approval from the County Administrator.

ADOPTED: 01/21/2009

REVISED: 11/17/2022

General Administrative,
Management, and Operations
Policy No. 230

**Communication
with Legal Counsel**

Approved: January 18, 2005

Amended: June 3, 2008

- A. **General.** It is a policy of the Isabella County Board of Commissioners to have the governmental business of the County conducted within the bounds of Federal, State and local law as defined by statute and also as defined by court interpretation of the statute. To this end, it will be necessary, from time to time, to consult with legal counsel regarding specific issues in order to ensure that County officials act within the letter and/or the spirit/intent of the law.
- B. **Policy/Procedures.**
1. There are four avenues for the conduct of the County's governmental legal affairs:
 - a. Risk management legal matters are handled through the County's risk management insurance carrier. Costs for legal services by the risk management insurance carrier are paid through a flat annual administrative fee. Contact with the insurance carrier by County personnel is not restricted.
 - b. Various legal matters pertaining to governmental operations fall under the purview of the County Prosecutor. There are no restrictions on department heads pertaining to contact with the County Prosecutor.
 - c. Personnel matters such as collective bargaining and labor hearings are handled through a private labor law firm (referred to in the following paragraphs as "Labor Counsel"). Costs for legal services are billed at an hourly rate. Because of this and in order to minimize costs, contact with Labor Counsel is limited to the following County officials:
 - 1.) Chairman, Board of Commissioners.
 - 2.) County Administrator
 - 3.) Other County officials as designated from time to time as described in this policy.
 - d. All other legal affairs not previously identified are handled through a private law firm (referred to in the following paragraphs as "Corporation Counsel"). Costs for legal services are billed at an hourly rate. Because of this and in order to minimize costs, contact with Corporation Counsel is limited to the following County officials:

- 1.) Chairman, Board of Commissioners.
 - 2.) County Administrator
 - 3.) Other County officials as designated from time to time as described in this policy.
2. Requests for Labor Counsel Assistance. Appointed department heads shall refer all requests for labor counsel assistance to the Administrator. Elected department heads who act as a co-employer with the Board of Commissioners are authorized to contact Labor Counsel to discuss sensitive personnel issues. Such contact shall not exceed two billing hours for a single issue and the Administrator shall be notified of the contact and any resulting recommendation. If additional assistance is needed, the elected department head shall meet with the Administrator about the request. If it is determined that additional time is warranted, the Administrator shall take appropriate action to secure the assistance of Labor Counsel.
3. Requests for Corporation Counsel Assistance. Any county department in need of assistance from Corporation Counsel shall submit a written request to the Administrator. In that request, the department head should explain the need for retaining the assistance of corporation counsel and why the Prosecuting Attorney can not handle this particular matter. The Administrator shall meet with the Prosecuting Attorney to discuss the request. If it is determined that Prosecuting Attorney will not handle the matter, the Administrator shall take appropriate action to secure the assistance of Corporation Counsel. The Board may determine that any specific matter be referred directly to Corporation Counsel.
4. Legal Counsel for Elected County Officials. State statute provides the Board of Commissioners with the sole authority to retain legal counsel for elected officials. (MCL 49.73) The Board shall employ an attorney to represent elected county officers, including the Sheriff, Prosecuting Attorney, Clerk, Treasurer, County Surveyor, Register of Deeds, Drain Commissioner, and Judges of the District, Probate, and Circuit Courts in civil matters, as a defendant, when neither the Prosecuting Attorney nor Corporation Counsel is able to represent the particular officer.
 - a. Legal advice, counsel, or court action shall be required under this section only in a case which involves an official act or duty of the office of the county officer.
 - b. The attorney shall receive reasonable compensation as shall be determined by the Board of Commissioners.

- c. The Board of Commissioners shall set the terms and conditions of employment of legal representation for elected county officials. The Board shall provide legal representation when an elected official is a named defendant in any State or Federal Court. If the elected official is not a named defendant, the board, at its discretion, may authorize counsel.
- d. If the Board of Commissioners approves the retention of counsel, the Administrator is authorized to pay the attorney a reasonable fee. If, however, the Board does not approve retention of counsel, the Attorney shall be paid by the respective requesting elected official. An elected official may recommend to the Board which legal counsel they would prefer to represent them, however, the final decision as to legal representation rests with the Board of Commissioners.

Use of County Civil Counsel

Approved: February 25, 2021
Resolution No. 21-15

- A. The Board of Commissioners has determined that it is necessary to employ attorneys to represent the County or County officers in civil matters as permitted under the County Civil Counsel Act (Act 15, PA 1941, as amended, being MCL 49.71 et seq.). As such, the Prosecuting Attorney shall not act with respect to such matters, unless requested to do so by the Board of Commissioners (MCL 49.72). Attorneys employed in this capacity shall represent all elected county officers, including the Sheriff, Prosecuting Attorney, Clerk, Treasurer, Register of Deeds, Drain Commissioner, and judges of the District, Probate, and Circuit Courts in civil matters, as a defendant. Legal advice, counsel, or court action shall be required under this section only in a case which involves an official act or duty of the office of the County officer. The attorney shall receive reasonable compensation as shall be determined by the board of commissioners.
- B. All contact with County Civil Counsel shall occur through the County Administrator acting as representative of the Board of Commissioners. Expenditures for County Civil Counsel services shall not be incurred or expended without prior approval of the Board of Commissioners.
- C. In the unlikely event an Ogemaw County entity files suit against another, the procedure to determine legal representation shall be as follows:
 - 1. An Ogemaw County entity must exhaust all efforts to resolve an issue with another Ogemaw County entity prior to initiating any formal legal proceedings or lawsuits.
 - 2. Expenditures for outside Counsel shall not be incurred or expended without prior approval of the Board of Commissioners.
 - 3. In emergency situations, the County Administrator is authorized to approve legal expenditures as long as the members of the Board of Commissioners are notified immediately.
 - 4. In the event the County incurs a financial obligation, the Board of Commissioners will determine the appropriate funding source, including but not limited to either parties' existing County budget or the Contingency Fund.
 - 5. County Officials must first meet with the Board of Commissioners to determine the amount of compensation to be expended for any outside counsel and to ensure that all other avenues have been exhausted.
- D. The possibility of utilizing counsel from an adjacent governmental unit, or outside counsel, will be explored when necessary legal representation creates a conflict of interest for the County Attorney.

Policies Procedures

FINANCIAL POLICIES	Original Adoption	Notes
Accounts Payable	Jan-13	POL#2023-002
Automated Clearing House (ACH)	Jun-03	POL#2017-902
Bidding Policy	Jul-00	POL#2023-003
Bond and Annexations	Sep-99	POL#2023-004
Cash Handling Policy	Apr-21	POL#2023-007
Contracts: Authority/Designate Signatory	Sep-07	POL#2018-004
Credit Card Policies		
Acceptance Policy	Dec-97	
Issuance Policy	Jul-05	POL#2023-005
Federal Awards Administration	Dec-16	
Fixed Assets	Mar-06	POL#2018-005
Insurance Settlement	Apr-11	POL#2023-008
Investment	Feb-03	POL#2023-001
Tuition Reimbursement	Sep-07	POL#2018-006
Travel Reimbursement	Jun-23	POL#2023-006
PERSONNEL POLICIES	Original Adoption	Notes
Personnel Handbook		POL#2019-010
Anti -Harassment	Feb-02	POL#2018-002
Equal Employment Opportunity Resolution	Sep-76	POL#2018-012
Photo ID Badges	Apr-14	POL#2018-009
INFORMATION TECHNOLOGY	Original Adoption	Notes
IT & Security Policies (inclusive)		POL#2020-003
GENERAL/OTHER POLICIES	Original Adoption	Notes
Airport Driving Policy	May-06	POL#2019-008
CDBG-Citizen Participation Plan	Feb-19	POL#2019-003
CDBG-Economic Opportunities for Section 3	Feb-19	POL#2019-004
CDBG-Grievance Procedure	Feb-19	POL#2019-005
CDBG-Non-Discrimination based on handicap	Feb-19	POL#2019-002
Fair Housing Policy	Aug-88	<i>To be reviewed by legal counsel</i>
Flag Etiquette Policy	Oct-86	
Freedom of Information Act (FOIA) Policy	Mar-10	POL#2018-011
Green Initiative Policy	Mar-88	POL#2019-009
Hiring Freeze Policy	Jan-89	POL#2019-006
Parking Lot Policy	Mar-88	POL#2019-007
Record Retention		
Vehicle Use Policy	Mar-88	POL#2019-013