

R E S O L U T I O N

Amendment to Resolution 58-92

WHEREAS, The Legislation and Administration Committee met in regular session on May 13, 1992 and reviewed proposed language change in the Legal Representation Policy and Procedures; and,

WHEREAS, It is the recommendation from County Administrator that the wording through the policy and procedures of "All Elected Officials" be changed to read "All Elected Officials, Officers, and Employees" throughout the entire Legal Representation Policy and Procedures; and,

WHEREAS, It is the recommendation of the Legislation and Administration Committee to approve of language change,

NOW, THEREFORE, BE IT RESOLVED BY THIS BOARD OF COMMISSIONERS, THAT, Attached Legal Representation Policy and Procedures is hereby approved as amended with language change being: "All Elected Officials, Officers, and Employees".

Dated: May 27, 1992

GRAND TRAVERSE COUNTY

LEGAL REPRESENTATION POLICY AND PROCEDURE

GOALS

To define a clear policy and procedure for the Elected Officials, Officers, and Employees with respect to legal representation and to identify when Grand Traverse County will be paying for such legal representation, to avoid conflicts and needless disputes between the various branches of government when such a situation may arise, and to determine when the Prosecuting Attorney cannot provide representation.

POLICY

As required by the laws of the State of Michigan the Grand Traverse County Board of Commissioners (Board) shall provide legal representation for Elected Officials, Officers and Employees when they are named defendant in any litigation in any State or Federal Court. If the Elected Official, Officer, or Employee is not a named defendant, the Board, at its discretion, may authorize counsel but it is not mandatory. It is the sole discretion of the Board to determine the terms and conditions of employment of legal representation and action to be taken on any claim under State and Federal Law.

PROCEDURE

All Elected Officials, Officers, and Employees, including District, Circuit and Probate Court Judges, must submit a request for legal representation to the County Administrator's Office. In that request, the Official shall explain the need for retaining counsel and, if they wish outside counsel, why the Grand Traverse County Prosecutor's Office (Prosecutor) cannot handle this particular matter. The Administrator shall meet with the Prosecutor to determine whether the Prosecutor will be able to handle the legal problem. If it appears that the Prosecutor will not handle the matter, and there is a definite need for outside legal counsel, the Administrator shall take appropriate action based upon the time constraints placed by statute.

If the Board approves the retention and compensation of counsel the Administrator is authorized to pay the attorney. If, however, the Board does not approve retention of counsel, any attorney employed by the Elected Official, Officer, or Employee shall be paid by the respective Elected Official, Officer, or Employee.

An Elected Official, Officer, or Employee 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.