

Introduced by the County Services and Finance Committees of the

INGHAM COUNTY BOARD OF COMMISSIONERS

**RESOLUTION ESTABLISHING A POLICY REGARDING LITIGATION
BETWEEN INGHAM COUNTY ENTITIES**

RESOLUTION #11-038

WHEREAS, there have been several occasions where one Ingham County entity has sued another Ingham County entity; and

WHEREAS, as a result, multiple legal fees and other expenses were incurred at the expense of the Ingham County taxpayer; and

WHEREAS, the Board of Commissioners wishes to adopt a policy limiting the County's financial exposure in the event it is necessary for such a lawsuit; and

WHEREAS, MCL 49.73 provides in part:

The Board of Commissioners of a County shall employ an Attorney to represent Elected County Officers, including the Sheriff, Prosecuting Attorney, Clerk, Treasurer, County Surveyor, County Executive, Register of Deeds, Drain Commissioner, Mine Inspector, Public Works Commissioner, and Judges of the County District, Probate, and Circuit Courts in civil matters, as a defendant, when neither the Prosecuting Attorney or County Corporation Counsel is able to represent the particular officer. 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.

THEREFORE BE IT RESOLVED, that the Ingham County Board of Commissioners hereby adopts the following procedures to be used in the event it is inevitable for one Ingham County entity to sue another.

- 1) An Ingham County entity must exhaust all efforts to resolve an issue with another Ingham County entity prior to initiating any formal legal proceedings or lawsuits.
- 2) Funds for outside Counsel shall not be incurred or expended without prior approval of the Board of Commissioners.
- 3) In emergency situations, Board Leadership and the Controller/Administrator are authorized to approve legal expenditures as long as the Liaison Committee, County Services and Finance Committees are notified immediately.

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- 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) Any of the officials in stated MCL 49.73 must first meet with the County Services and Finance Committees of 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.

BE IT FURTHER RESOLVED, that 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.

BE IT FURTHER RESOLVED, that copies of this resolution will be forwarded to Ingham County department heads, elected officials, and appointed boards and commissions.

COUNTY SERVICES: Yeas: De Leon, Copedge, Celentino, Schor, Vickers, Dragonetti
Nays: None **Absent:** None **Approved 2/1/11**

FINANCE: FINANCE: FINANCE: Yeas: Schor, Tsernoglou, Bahar-Cook, McGrain, Dougan
Nays: None **Absent:** Nolan **Approved 2/3/11**