

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.