

Approved: January 20, 2026
Resolution No. 26-357

1. **PURPOSE.** This policy shall guide the utilization of appointed legal counsel for Gratiot County. It is the intention of this policy to assure accurate communication between the County and its legal counsel and provide a mechanism for monitoring legal service costs
2. **AUTHORITY.** The County Civil Counsel Act grants authority to the Board of Commissioners to employ an attorney to represent the County in civil matters (MCL 49.71).
3. **APPLICATION.** This policy applies to all County elected officials, department heads, and employees of Gratiot County. This policy shall not apply in instances where legal services are funded by revenue sources outside the authority of the Board of Commissioners (e.g. Drain district legal services, funded by the district).
4. **RESPONSIBILITY.** The Board of Commissioners determine and approve by a majority vote the legal firms to be employed by the County. The County Administrator is responsible for implementation of this policy.
5. **DEFINITION.** “*County Counsel*” means the private firm designated by the Board of Commissioners to represent the County in all legal matters unless the Board authorizes other outside counsel for specific matters, including matters which the County Counsel is unable or unwilling to perform due to conflicts of interest.
6. **POLICY.**
 - 6.1. **Official Acts.** Legal advice, counsel, or court action shall be required only in a case which involves an official act or duty of the office of the County officer.
 - 6.2. **Contact with County Counsel.**
 - 6.2.1. All contact with County Counsel shall occur through the County Administrator. The County Counsel will not perform any legal work on behalf of the County without the authorization of the County Administrator.

- 6.2.2. Individual Commissioners (except the Chairperson and Vice-Chairperson) are not permitted to contact County Counsel without prior authorization from the Board of Commissioners.
 - 6.2.3. When legal services are needed, the respective department head, elected official or Administrator shall draft a concise “request for legal review.” All requests shall be reviewed by the Administrator and if the Administrator determines a legal review is necessary, the request shall be forwarded with the signature of both the department head/elected official and the Administrator.
 - 6.2.4. The Administrator shall be made aware of and shall have the opportunity to review, or request legal review, of any and all documents and proposed actions of boards or commissions which may legally or financially obligate the County, before any such documents are executed or any such proposed action is taken, if the Administrator determines that such review is in the best interest of the County. Exceptions shall be made for renewals of existing contracts that do not change the obligation of the County.
 - 6.2.5. County Counsel will not respond to calls from the general public or other organizations which may have a working relationship with the County, unless authorized to do so by the Administrator.
- 6.3. Representation. In the unlikely event a Gratiot County entity files suit against another, the procedure to determine legal representation shall be as follows:
- 6.3.1. A Gratiot County entity must exhaust all efforts to resolve an issue with another Gratiot County entity prior to initiating any formal legal proceedings or lawsuits.
 - 6.3.2. Expenditures for outside Counsel shall not be incurred or expended without prior approval of the Board of Commissioners.
 - 6.3.3. 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.
 - 6.3.4. 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 party’s existing County budget or the contingency expenditures line item.

- 6.3.5. 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.
- 6.4. Conflicts of Interest. It shall be the duty of the County Counsel to notify the County Administrator in the event a conflict of interest becomes apparent. 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.
7. **ADMINISTRATIVE PROCEDURES**. The Board of Commissioners will authorize changes to the Legal Services Policy, as it deems necessary from time to time.
8. **ADMINISTRATOR AND COUNTY COUNSEL REVIEW**. The Administrator shall approve all new and amended policies as to substance. County Counsel shall approve all new and amended policies as to legal content. These approvals shall accompany draft policies and amended policies submitted to the Board of Commissioners for consideration.