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# **BAINBRIDGE TOWNSHIP**

## **Board and Administrative Policies Manual**

The mission of Bainbridge Township is to provide services which enhance the quality of life, promote a clean, safe environment and preserve and maintain Bainbridge's unique character

### **Introduction**

#### **1.1 Purpose**

This policies manual is adopted to provide for the efficient and uniform application of policies and procedures in Bainbridge Township, where such procedures have not been provided for by law.

### **Compliance with and Enforcement of Township Policies**

#### **1.2 Elective or Appointive Positions**

When a township board member or other elective or appointive official questions the applicability of a provision of any township policy or procedure to a particular situation, they may apply to the township board for a decision. The township board member or other elective or appointive official will have the opportunity to present his or her interpretation of the facts at issue and the applicable provisions of the policy or procedure before such advisory decision is made. The board may modify policy in light of facts presented.

A township board member or other elective or appointive official whose conduct does not comply with any township policy or procedure, including its ethical code of conduct, may be subject to actions including, but not limited to, internal reprimand, formal board censure, loss of a non-statutory committee assignment, or budget restriction, where such restriction is not prohibited by statute.

Violations of township policy may also be considered by the township board as just cause for removing members of appointive township boards and commissions from office, where removal is authorized by law.

#### **1.3 Non-statutory committees**

Violations of township policy and procedures may be considered by the township board as just cause for removing members of non-statutory township committees. Other actions may be taken by the township board according to the other provisions of this policy, depending on whether the committee member is a township board member, other elective or appointive official, township employee or volunteer.

#### **1.4 Employees and Volunteers**

A township employee or volunteer who violates township policy may be subject to any of the following actions, depending on the severity of the policy violation, the number and frequency of policy violations, and the degree of adverse impact to the township or to the public:

- Counseling
- Verbal warning, accompanied by a written memo for the file
- Written reprimand
- Suspension without pay
- Termination of employment or termination of the volunteer position

#### **1.5 Approval**



The policies included in this manual were approved as official policy of Bainbridge Township on \_\_\_\_\_, 20\_\_\_. All township officials and personnel are bound by these policies, and any deviation from established policy is prohibited.

## **Township Board**

### **2.1 Township Board Authority**

The township board is empowered by the Michigan Constitution and state laws to govern Bainbridge Township. The township board has the exclusive authority, subject to applicable laws, to determine the scope, quality and quantity of township programs and services, to establish parameters and expectations of employee performance and conduct, to establish its own style of governance, and to require information from township personnel necessary and convenient to monitor township operations and compliance with board policies and directives.

The township board may authorize appointed officials and employees to take such actions and make decisions that are consistent with applicable federal and state laws, local ordinances, and township board policies.

### **2.2 Township Board Authority is Exercised by the Board**

The township board shall act only at a meeting held in compliance with the Open Meetings Act.

Township board authority shall be exercised only through official board decisions recorded as votes taken, directives given or consensus established by the township board at a township board meeting.

No individual, committee or organization shall represent its authority or action in a matter as that of the township board unless the township board has directed the individual, committee or organization to act on the township board's behalf in that matter.

### **2.3 Allocation of Resources**

The township board shall allocate township resources through the annual adoption of the township budget and periodic budget amendments. The board shall authorize the resources necessary to fulfill the township's mission as required by law and defined in the goals identified in the township budget.

### **2.4 Budgeting for Results and Outcomes**

The township board shall budget for results and outcomes by linking strategic planning, long-range financial planning, performance measures, budgeting, and evaluation. The use of resources shall be linked to objectives established or reaffirmed at the beginning of the budget development process. The township board shall routinely monitor, evaluate and adjust budget allocations to align township resources with goals and objectives identified in the budget appropriations resolution.

### **2.5 Multi-Year Budgeting**

The township board shall incorporate multi-year planning and budgeting in its budgeting process.

### **2.6 Long-Range Planning**

The township board shall identify long-range planning in the budget appropriations act.

The long-range plan shall:

- Define long-term outcomes that the township board wishes to achieve
- Be adjusted annually for changes in environment
- Be reviewed as part of the budget process to align township resources with goals and objectives

## **2.7 Evaluating Programs and Services**

The township board shall establish, monitor and evaluate measurable objectives that define when success has been achieved. The township board shall use (*surveys, forums, benchmarking, customer satisfaction surveys, complaint reporting, direct solicitation of stakeholder views and opinions, internal reviews, etc.*) to evaluate the township's programs and services.

## **2.8 Responsibilities of Township Board Members**

Township board members shall:

- Keep current on issues affecting the township
- Attend all board meetings unless there is a conflict or unforeseen emergency
- Vote upon all questions unless there is a conflict of interest present
- Encourage the free expression of opinion by all board members
- Assist new members in understanding their role and responsibilities as board members
- Take no individual action that will compromise the township and respect confidentiality of privileged information

## **2.9 Board Consultants**

The township board reserves to itself the authority to appoint the following consultants:

1. Attorney
2. Auditor
3. Engineer
5. Planner

A letter of agreement will be executed between the board and any consultant that identifies the:

1. Term/length of the agreement
2. Services to be provided
3. Payment method (*retainer, hourly or by project*)
4. Payment schedule
5. Documentation of services provided for payment (*details to be included in statements*)
6. Method of resolving disputes
7. Township officials/employees authorized to direct work or assign tasks to consultant

## **2.10 Contracts**

All contracts entered into on behalf of the township must be authorized by the township board. As the legal agent of the township, the supervisor has statutory authority to sign a contract that the township board has approved. The township board may direct another board member, as appropriate, to sign a contract that the board has authorized, in addition to or instead of, the supervisor.

## **2.11 Property**

A township board resolution adopted by a majority of the board members serving is required for the township to acquire property for public purposes by purchase, gift, condemnation, lease, construction or otherwise, or to convey or lease township-owned property or any part of township-owned property not needed for public purposes.

A “majority of the board members serving” is calculated by taking the total number of board members and subtracting vacant positions and any member(s) abstaining on the vote. Members who are absent are counted.

## **2.12 Stewardship**

The township board delegates to township officials and employees the responsibility to protect the township’s assets, through such means that include insurance, and which include its land, buildings and property, as well as protecting its image through positive public relations.

## **2.13 Litigation**

The initiation of any lawsuit, litigation, claim for injunctive relief, writ of mandamus or other legal proceeding requires a majority vote of the township board, except when there are extenuating circumstances. The Supervisor is authorized to remedy the circumstances as defined in this section.

“Extenuating circumstances” are defined as an emergency situation that cannot wait until a special or regular meeting of the board or a situation in which a violation of any state, federal or local ordinance constitutes a public nuisance or otherwise endangers the public and in which the continued existence of such a condition, emergency or violation is detrimental to the health, safety and welfare of the township.

“Extenuating circumstances” also include any situation where the continued existence of any condition, emergency or violation may jeopardize the legal position of the township in securing the intended remedy in any lawsuit, litigation, claim for injunctive relief, writ of mandamus or other legal proceeding.

The township board reserves the authority to authorize and direct the course and conduct of any lawsuit, litigation, claim for injunctive relief, writ of mandamus or other legal proceeding, notwithstanding its initiation for extenuating circumstances.

## **Township Administration**

### **2.14 Board Administration**

The township board shall govern township administration through the adoption of policies and procedures. Board policies and procedures shall define what the township is to accomplish, through the adoption of a mission statement, strategic plan, and other adopted policies and procedures, in compliance with applicable laws.

Board policies and procedures shall also define the manner in which the board will conduct its business, the relationship of the board to the township officials and employees, and limitations on the actions of township officials and employees.

### **2.15 Direction and Control of Administration**

To promote efficient administration, the township board authorizes the supervisor to provide direction and control over all township activities and functions that are not assigned by state law to another official, and to provide a liaison between the board and the various township departments within the parameters established by the township board.

### **2.16 Board Member Concerns Regarding Township Employees**

Township board members should make all inquiries, requests or complaints about department heads or employees to the supervisor. Any directives, complaints or requests made by a board member directly to a department head or employee, other than from a board member with statutory authority over the department head or employee, must be brought to the attention of the supervisor prior to initiating any response.

# Township Board Meetings

## 2.17 Board Meeting Notices

The clerk is responsible for all regular, special and rescheduled township board meeting notice requirements in conformance with the Open Meetings Act and other state laws.

The township clerk shall be responsible for seeing that notice of the time, place and reason(s) for any special meeting of the township is given to each township board member, at least 24 hours prior to the meeting time.

## 2.18 Regular Board Meeting Agenda

The township supervisor shall prepare the agenda and board packet at least four days prior to every township board meeting. Business items intended for board action may be placed on the agenda by any board member or department head by notifying the supervisor at least four days prior to the meeting. Agenda items shall normally be accompanied by a copy of the motion or resolution that will be placed before the board, along with background information helpful to board members for understanding the issue.

Board members who wish to bring an issue to the board's attention, but are not seeking board action, shall bring up such issues under the supervisor report sections of the meeting.

A copy of the proposed agenda shall be delivered or made available to every board member, along with all supporting documentation and correspondence addressed to the township board, at least four days prior to the board meeting.

When a need to place an item on the agenda arises after the deadline, the business item may be added to the agenda by general consent of the board.

The proposed agenda shall be approved by majority vote following the roll call of board members at each board meeting. The agenda shall conform to the following format:

1. Call to order
2. Pledge to flag
3. Roll call
4. Brief public comment
4. Approval of meeting agenda
6. Approval of consent agenda
7. Treasurer Report
8. Supervisor Report
9. Old business
10. New business
11. Extended public comment
12. Correspondence
13. Adjournment

## **2.19 Special Board Meeting Notice/Agenda Considerations**

The purpose(s) for which a special meeting is called shall be stated in the special meeting notice.

If all township board members are present at a special meeting of the township board, then the board may add any lawful business to the special meeting agenda.

If any township board member is not present at a special meeting of the township board, then the business shall be limited to the purpose(s) in the special meeting notice. No other agenda items may be added.

## **2.20 Board Correspondence**

Board members shall receive with the board packet a copy of any written correspondence that was addressed to the board requesting board action at a regularly scheduled meeting. A motion may be made to consider the correspondence request under new business. If no motion is made to consider the request, the correspondence will be received and filed.

Informational written correspondence that does not require board action shall be summarized on the agenda as correspondence received, and copies shall be available to board members at the board meeting.

## **2.21 Consent Agenda**

The clerk shall prepare a consent agenda for the board, which shall be provided to each board member prior to the meeting, as part of the meeting agenda. The consent agenda shall contain all routine items of business on which no disagreement or debate is anticipated, such as, but not limited to, the following:

1. Approval of the prior meeting minutes
2. Receiving committee reports
3. Receiving correspondence (where no board action is required)
4. Financial reports
5. Approval to pay bills

Upon the request of any board member, an item shall be removed from the consent agenda and be placed on the regular agenda under new business.

Approval of all of the items on the consent agenda shall be accomplished by a single majority vote to approve the items on the consent agenda.

## **2.22 Board Meeting Logistics**

The supervisor shall be responsible for determining that the township hall and the board meeting room is properly set up for a public meeting. This includes, but is not limited to, ensuring that:

- The parking lot, sidewalks, ramps and stairs are clear of snow and ice during winter weather.
- The meeting room temperature has reached 68 degrees.
- Audio-visual equipment that may be used during the meeting is set up and tested.
- Adequate seating is available for the anticipated audience.
- Nameplates of township board members are placed on the board table.

- Copies of the proposed agenda and any other public materials are placed on a table along with any sign-in sheet and pens.

### **2.23 Board Member Meeting Conduct**

All board meetings shall be conducted under Robert's Rules of Order.

If a quorum of the township board is present, a board meeting shall be called to order promptly at the time announced for the meeting.

Each board member shall fully participate in board meetings by doing the following:

- Prepare for board meetings by reading their packets ahead of time in order to fully participate in discussions
- Help the chair keep meeting moving
- Limit remarks to issue being considered
- Ask questions for clarification
- Respect colleagues' rights
- Refrain from interrupting other speakers
- Actively listen
- Listen courteously and attentively to all public discussions before the board
- Explain reasons behind significant decisions during the discussion before voting
- Raise concerns and objections at a meeting, rather than after
- Express disagreement verbally, rather than non-verbally
- Vote with a clear audible voice

### **2.24 Chairing Board Meetings**

All board members will be treated with equal dignity and respect, and board members shall have equal access to speak and to make motions.

The supervisor is charged with ensuring that the will of the board majority prevails on decisions, while giving board members who hold to a minority view an adequate opportunity to present their positions to the other board members.

The supervisor will keep discussions focused on the agenda items.

The supervisor will refrain when he or she has a personal conflict of interest or is sufficiently conflicted on an issue that impartiality cannot be assured.

The supervisor will maintain proper decorum among board members and the public audience.

## **2.24 Chairing Board Meetings (cont.)**

The supervisor will:

- Open the meeting at the specified time
- Explain meeting procedures and decision-making processes so that board members and the audience may appropriately participate
- Restate audience questions
- Apply time limits consistently
- Recognize and deal with procedural objections
- Protect members and staff from verbal attack unrelated to official duties
- Keep track of amendments to motions
- Restate motions before they are voted upon
- Call recesses during long meetings
- Reconvene at specified time
- Adjourn the meeting

## **2.25 Board Member Conflict of Interest**

A township board member shall vote upon all matters that require a vote of the township board unless the board member has a conflict of interest.

If a township board member has a conflict of interest regarding a matter on which the township board is required to vote, the board member will disclose that interest, and the township board member shall recuse him- or herself, and refrain from participation in all deliberations, discussions and voting on that matter.

## **2.26 Public Participation**

Members of the public shall have an opportunity, under Brief Public Comment, to address the board on items on the agenda for no more than three minutes.

Members of the public who wish to address the board on any matter shall address the board under Extended Public Comment. They may speak for up to five minutes during Extended Public Comment.

Upon the request of a board member, members of the public may address a specific agenda item for up to two minutes at the time the item is taken up by the board. The board may suspend the time limitation when warranted. Board discussion will precede public comment on specific agenda items. Prior to calling for the question, the supervisor shall ask any member of the public who wishes to speak on the agenda item to be recognized. When all persons who wish to address that agenda item have been heard, the supervisor shall announce that public comment on the agenda item is concluded, and no further public comment shall be entertained.



Members of the public who wish to address the board on an item not included on the agenda shall address the board under Extended Public Comment. They may speak for up to five minutes during Extended Public Comment.

## **2.27 Minutes**

The clerk shall ensure that minutes of board meetings record:

- Time, date and place of the meeting
- Board members present and absent
- Decisions made by the board at a meeting open to the public
- Roll-call votes taken at the meeting
- The purpose or purposes for which a closed session is held

The content of minutes shall reflect the collective will of the township board as expressed in official board decisions. Minutes shall not include personal comments or opinions of individuals unless authorized by a two-thirds vote of the township board members present.

The board shall make any corrections in the minutes at the next meeting after the meeting to which the minutes refer. Corrected minutes shall be available to the board at or before the next subsequent meeting after correction. The corrected minutes shall show both the original entry and the correction.

## **Ethics**

### **3.1 Code of Ethical Conduct**

The township board recognizes that to carry out its mission of service to the community, the township board, officials, employees and volunteers must earn the full confidence of the Bainbridge Township community. The residents and taxpayers expect, and are entitled to, a local government that conducts its affairs in a fair, ethical, transparent and accountable manner.

To accomplish these ends, the township board expects compliance with the following Code of Ethical Conduct:

- In conducting their official duties, township officials and employees shall observe both the spirit and intent of all applicable laws, township ordinances, and township policies and procedures.
- Township officials shall act in a fair, impartial manner.
- Actions of officials and employees shall be consistent with the township's best interests, rather than for personal gain.
- The township shall practice transparency in its affairs, unless there is a legal necessity for confidentiality.
- Civility and respect will be demonstrated in all governance processes and in the delivering township programs and services.

### **3.2 Applicability**

The Code of Ethical Conduct includes the following policies that shall apply to all elected and appointed officials, employees and volunteers.

### **3.3 Implementation**

As an expression of the standards of conduct for elected and appointed officials, employees and volunteers expected by the township, the Code of Ethical Conduct is intended to be self-enforcing. It therefore becomes most effective when everyone is thoroughly familiar with it and embraces its provisions. For this reason, ethical standards shall be included in the regular orientation for township board candidates, board and commissions applicants, newly elected and appointed officials, employees and volunteers. Township officials, appointees, employees and volunteers shall sign a statement affirming they have read and understood the Code of Ethical Conduct. The township board shall consider recommendations for updates to the Code of Ethical Conduct and will update it as necessary.

### **3.4 Compliance and Enforcement**

The Ethical Code of Conduct expresses standards of ethical conduct expected for township board members, appointees, boards and commissions, employees and volunteers. Each person has the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

The chairs of boards and commissions, department heads, managers and the supervisor have the additional responsibility to intervene when an individual's actions that appear to be in violation of the Code of Ethical Conduct are brought to their attention. The township board may impose sanctions on those individuals whose conduct does not comply with the township's Ethical Code of Conduct standards, such as reprimand, formal

censure, loss of seniority or committee assignment, budget restriction, termination or other sanctions as identified by the board. The township board may also have the option to remove members of boards, commissions and committees as the law allows. A violation of this Ethical Code of Conduct shall not be considered a basis for challenging the validity of a township board or commission's decision-making authority.

### **3.5 Reporting Improper Actions of Elected and Appointed Officials**

Members of the township board shall intervene when actions of elected and appointed officials are brought to their attention and appear to be in violation of the Code of Ethical Conduct. A board official who is made aware of the alleged violation shall report the complaint to the Supervisor. The Supervisor will investigate the allegation and shall provide a report of their findings to the involved elected or appointed official. The report shall be presented to the township board at a public meeting. The township board will accept testimony on the matter and determine whether a violation of the code has occurred.

### **3.6 Conduct in Compliance with Laws**

Township officials, employees and volunteers shall comply with the applicable provisions of state law related to conflicts of interest and state laws regulating the conduct of public officials, employees and volunteers.

### **3.7 Uniformity of Enforcement**

Township ordinances, policies, procedures, rules and regulations shall be uniformly applied and enforced, unless consideration of extenuating circumstances, unintended consequences or undue hardship is explicitly authorized in the applicable ordinance, policy, procedure, rule or regulation.

### **3.8 Actions Not for Personal Gain**

The township board, appointees, boards and commissions, employees, and volunteers shall act in the best interest of the township, rather than for personal gain.

### **3.9 Conflict of Interest**

Township officials, appointees, boards and commissions, employees and volunteers shall not enter into any business relationships that would put them into conflict with their obligations to the township. Township officials, appointees, employees and volunteers shall avoid even the appearance of conflict between public duties and personal interests and activities in all township public forums, pursuant to state law and township policies and procedures.

### **3.10 Gifts and Special Benefits**

Gifts and special benefits will not be accepted from vendors or others who are in a position to benefit from township decisions.

### **3.11 Township Resources**

Township resources will be utilized efficiently and effectively, with waste avoided.

### **3.12 Personal or Political Benefit**

Township resources will not be used for personal or political benefit.

### **3.13 Maintaining the Integrity of Office**

A township board member who intends to enter into an office or position that is incompatible with his or her township board office shall resign from township board office by submitting a letter of resignation to the township board stating the effective date of his or her resignation.

A township board member who intends to reside permanently outside the township shall resign from township board office by submitting a letter of resignation to the township board stating the effective date of his or her resignation.

### **3.14 Truthfulness**

All information provided by township officials, appointees, boards, employees and volunteers will be truthful and complete. The township board, appointees, boards, employees and volunteers shall not knowingly make false or misleading statements, or use false or misleading information as the basis for making a decision.

### **3.15 Confidential Information**

Confidential information shall not be disclosed without legal authorization.

### **3.16 Information Acquired**

Information acquired in one's public position will not be used for personal advantage.

### **3.17 Community Decisions**

Community service is the prevailing role and responsibility in deciding matters of public policy and conducting township operations. All decisions shall consider the greater good of the entire community. The needs and concerns of the public, township officials and staff shall be monitored and considered in deliberations and decisions.

### **3.18 Community Role Models**

Township officials, appointees, boards, employees and volunteers shall conduct themselves as role models for residents, business people and other stakeholders involved in public debate. Township board members shall support the maintenance of a positive and constructive workplace environment for township employees, and for citizens and businesses dealing with the township. Officials shall recognize their special role in dealings with township employees and shall in no way create the perception of inappropriate direction to staff.

### **3.19 Quality of Life**

Township decisions and actions shall be intended to improve the quality of life in the community and shall consider the unique needs of the less fortunate.

### **3.20 Community Commitment**

The township's care for and commitment to its community members shall be conveyed through township decisions and actions.

### **3.21 Development of Public Policy**

Policy decisions of board officials and appointees will be based on the merits of the issues, will consider diversity of opinions and, whenever possible, shall reflect consensus of participants.

### **3.22 Transparency**

Board officials and appointees shall publicly share substantive information that is relevant to a matter under consideration by the board or boards, which they may have received from sources outside of the public decision-making process to provide the utmost transparency.

### **3.23 Participation in Decision-Making**

Participants to policy decisions shall listen carefully to other participants and shall ask questions to gain greater understanding of the positions, views and opinions of others.

### **3.24 Meeting Inclusion**

Relevant staff shall be included in all meetings that affect their respective departments.

### **3.25 Public Input**

Decisions made in an open meeting shall be accompanied by opportunities for public input as stated in policy and in compliance with the Open Meetings Act.

### **3.26 Public Involvement**

Expanded opportunities for public involvement in developing and evaluating township programs and services shall be actively considered by all boards and committees.

### **3.27 Public Interactions**

Interactions by the public with township processes shall be made as stress-free as possible.

### **3.28 Representation of Township Interests**

When representing the township on a regional or multijurisdictional board or commission and confronted with an issue that pits the township's interests against the greater interests of the broader jurisdiction, the township board shall be consulted for direction and guidance. When such guidance cannot be sought, representatives of the township must consider the broader regional or statewide implications of that body's decision and issues.

### **3.29 Interactions with Others**

Interactions with others shall demonstrate fairness, respect, impartiality and equitable treatment.

To provide an environment that is free from unlawful discrimination, including discrimination or harassment that is based on any legally protected status, township officials, appointees, employees, and volunteers shall not engage in any form of harassment defined by township policy. Any form of discrimination or harassment that violates policy will not be tolerated. This policy forbids any unwelcome conduct that is based on an individual's age, race, religion, sex, national origin, ancestry, marital status, veteran status, physical or mental disability, legally protected medical condition or association with anyone who has, or is perceived to have, any protected characteristic, or any other basis protected by state, federal or local law.

### **3.30 Interactions with Citizens**

Preferential consideration of the request or petition of any individual citizen or groups of citizens shall not be given. No person shall receive special advantages, consideration or treatment beyond those that are available to any other citizen under similar circumstances.

### **3.31 Responsibility of Actions**

Township officials, appointees, employees and volunteers will take responsibility for their own actions and decisions.

### **3.32 Promises**

Township officials, appointees, employees and volunteers shall not make promises that one would reasonably consider as unrealistic or which there are no intentions to ultimately honor.

### **3.33 Commitments**

Township officials, appointees, employees and volunteer commitments shall be followed through, they will keep others informed, and requests for information shall be promptly responded to.

### **3.34 Credit**

Township officials, appointees, employees and volunteers will give proper credit to those who contribute to the township's successes and accomplishments.

### **3.35 Discussions**

Township officials, appointees, employees and volunteers' discussions shall focus on the merits of positions, and shall not include attacks on the motives, character or personality of others.

The professional and personal conduct of township officials, appointees, employees and volunteers must be above reproach and avoid the appearance of impropriety. While recognizing First Amendment rights, all should refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the township board, other township boards, committees, employees and volunteers.

### **3.36 Board Communication of Township Positions**

Township board members shall represent the official policies or positions of the township boards or committee to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, officials shall explicitly state they do not represent the township board or the township.

### **3.37 Meeting Attendance**

Township officials, appointees, employees and volunteers shall come to meetings on time and be prepared to deliberate and make decisions.

### **3.38 Meeting Attendance—Decorum in Debate**

Township officials, appointees, employees and volunteers shall practice civility and decorum in discussions and debate. Difficult questions, tough challenges to a particular point of view, and criticism of the ideas and information are legitimate elements of a free democracy in action. Township officials, appointees, employees and volunteers will be respectful of diverse opinions.

### **3.39 Meeting Attendance—Respect for Moderator**

Board members shall honor the role of the presiding officer in maintaining order and ensuring equal opportunity to provide input on matters of public policy. Board members will respect the role of the supervisor as moderator to focus discussion on current agenda items. Objections to the supervisor's actions should be voiced politely and with reason.

## **Financial Administration**

### **4.1 Financial Administration**

The township adopts the Michigan Department of Treasury's Accounting Procedures Manual and shall comply to the extent possible with both the required policies and the best practices identified in that manual.

The following policies are intended to represent compliance with the Accounting Procedures Manual and Bainbridge Township's administrative structure and procedures. No policy manual can anticipate all possibilities that may be encountered when administering the finances of the township. The following policies establish a framework for adequate controls over the financial administration processes. When questions arise, the township board must refer to this manual and agree to a solution to the question, and add, delete or amend this manual.

# Budget

## 4.2 Development

The township shall use the following approaches to develop the budget, as recommended by the Government Finance Officers Association:

- The budget shall be based on expected revenues, including base revenues, any new revenue sources and the potential use of fund balance.
- The results or outcomes that matter most to citizens will be identified, and based on that, the township board shall determine what programs are most important to their constituents.
- The budget allocations shall be made in a fair and objective manner.
- The board shall budget available dollars to the most significant programs and activities to maximize the benefit of the available resources.

## 4.3 Timetable

The proposed budget shall be developed according to the following schedule:

<b>Date</b>	<b>Activity</b>
January	Budget policies developed by township board
January	Informational meeting for department heads
January	Department heads submit proposed revenue and expenditure plans to budget officer
January	Budget officer meets with department heads
February	Budget officer presents proposed budget to township board
February	Township board adopts tentative budget
March	Budget public hearing held by township board
March	General Appropriations Act adopted

## 4.4 Methods

The township board shall use the line item approach when developing the proposed budget.

The budget shall be adopted by activity level.

## 4.5 Format

The proposed and adopted budgets shall:

- Provide financial data on revenues, other resources and expenditures for at least a two-year period, including prior year actual, current year estimated actual, and proposed budget

The proposed and adopted budgets shall also include a narrative that:

- Summarizes the major changes in priorities or service levels from the current year and the factors leading to those changes
- Identifies the priorities and key issues for the new budget period
- Identifies and summarizes major financial factors and trends affecting the budget, such as economic factors; long-range outlook; significant changes in revenue collections, tax rates or other changes; current and future debt obligations; and significant use of or increase in fund balance or retained earnings.



## **Budget Adoption**

### **4.6 Adoption**

Prior to the beginning of each fiscal year, the township board shall annually adopt a budget using a department method of adoption unless otherwise directed in the General Appropriations Act.

The board shall monitor and amend the budget as needed to approve and control all expenditures.

### **4.7 Designation of Budget Officer**

The Supervisor shall be the township budget officer and shall be responsible for the development and administration of the township budget.

### **4.8 Transfer Authority**

The Supervisor and Clerk shall have the authority to make transfers a activities without prior board approval. The board shall be notified at its next meeting of any such transfers made, and reserves the right to modify, amend or nullify any such transfers made. Under no circumstances may the total general fund budget be changed without prior board approval.

### **4.9 Budget Monitoring**

The township shall use the following approaches to monitor the budget, as recommended by the Government Finance Officers Association:

- The board shall establish measures of annual progress. These measures should spell out the expected results and outcomes and how they will be measured.
- The board shall use periodic financial reporting and performance measures to compare actual versus budgeted results.
- The board shall communicate performance results so that township personnel and the public will be informed of the results in an understandable format.

## **Fund Balance**

### **4.10 Fund Balance**

The township board shall budget for a general fund balance that equals at least 100% of projected expenditures or 36 month(s) of operating revenues.

## **Audit**

### **4.11 Audit**

The township board shall contract with a certified public accountant to annually audit the financial systems of the township. The audit contract may be for a period up to three years but shall not exceed the current board's term of office.

## **Fiduciary Bonds**

### **4.12 Fiduciary Bonds**

The township shall provide a surety bond for all township officials required by law to be bonded.

The township shall provide a public employee dishonesty bond for all employees authorized to handle money.

## **Financial Reports**

### **4.13 Periodic Expenditure and Revenue Report**

The supervisor shall prepare a quarterly financial report for the board. The report will be current through the last day of the previous month and shall be presented to the board at its meeting. The financial report for each fund will show the following information for revenues and expenditures:

1. Account number
2. Description
3. Amended budget
4. Current period
5. Year to date
6. Budget balance

### **4.14 Periodic Balance Sheet Report**

The treasurer shall prepare a monthly balance sheet showing the assets, liabilities and equities for each fund.

### **4.15 Investment Performance Report**

The treasurer shall prepare a quarterly report of all interest-bearing activities, including the name of the financial institution, type of investment, anticipated yield and date of maturity.

### **4.16 Summary Report of Cash Activity by Fund**

The treasurer shall provide the township board with a monthly summary report of cash activity by fund and a summary report of cash activity by bank account, certificate of deposit and investment account.

### **4.17 Financial Reports Review**

The supervisor shall review the financial reports prior to the board meeting and shall recommend to the board any necessary budget amendments or fund transfers.

## **Internal Controls**

### **4.18 Financial Employee Training**

The township shall provide education and training for township officials and other personnel involved in financial administration on accounting procedures, investments, budgeting and fraud prevention as annually approved in the township budget.

### **4.19 Segregation of Duties**

The functions of authorizations, recordkeeping and processing financial transactions shall be segregated where possible.

### **4.20 Cross Training**

Bookkeeping duties shall be periodically shifted between two or more employees (e.g., during vacations, etc.).

### **4.21 Reconciliations**

The cash balances of the various fund ledgers shall be reconciled to the bank statements monthly. The treasurer must keep track of the total cash and investments allocable to each fund and must reconcile these amounts to each month's bank statements.

A listing of all cash and investments, along with a copy of the bank reconciliations, must be provided to the clerk each month.

The treasurer must reconcile the cash and investments recorded in the general ledger to the bank statements directly.

Bank statements and reconciliations shall be retained for audit purposes.

### **4.22 Deputies**

The township board will approve appointments of deputies for the supervisor, clerk and treasurer. Deputies may perform any duties assigned by the supervisor, clerk and treasurer up to the budget amount, with any further compensation to be approved by the board.

All checks issued for all funds, by Bainbridge Township shall include two signatures, that of the clerk and the treasurer or their deputies in their absence.

All savings and CD accounts are to have the clerk, deputy clerk, treasurer, and deputy treasurer listed on the signature cards; how ever it will only require the signature of the treasurer for action to be taken.

## **Cash Handling and Receipting**

### **4.23 Authorization to Receive Cash**

The following employee positions are authorized to receive cash:

- Building Official
- Secretary
- Clerk
- Deputy Clerk
- Treasurer
- Deputy Treasurer

### **4.24 Petty Cash**

The township treasurer shall maintain a petty cash fund of \$100.00 to provide for the immediate purchase of emergency materials, supplies or service only. Routine or other non-emergency purchases shall not be made from the petty cash fund.

Loans, cash advances, making change and personal check cashing are prohibited.

The township treasurer shall maintain a petty cash fund from the tax collection account to provide change when collecting property taxes.

### **4.25 Receipting of Cash Receipts**

The treasurer (or other position, if authorized by the treasurer) is responsible for all cash receipts. There must be a record of all individual cash transactions, including receipts in triplicate form. All cash transactions must be recorded using a sequentially pre-numbered document. The receipt shall include the amount received, method of payment, name of the payer, purpose and name of staff receiving payment.

All remittance advices received shall be attached to a duplicate pre-numbered document. Checks must be stamped for "deposit only" at the point and time of collection. Checks returned for insufficient funds or closed accounts should be forwarded to the treasurer for reconciling.

On a daily basis, authorized individuals who receive cash shall turn over all cash and a copy of all issued receipts to the treasurer (or other position, if authorized by the treasurer) intact. The amount turned over should equal the total of the cash receipts for the day. The treasurer shall issue a receipt to the clerk for all cash received.

### **4.26 Posting of Cash Receipts**

The treasurer (or other position, if authorized by the treasurer) shall provide the clerk a record of all money received, and the purpose of the amount received (i.e., the budgeted revenue account or the receivable account). The clerk shall be provided with a copy of voided or canceled receipts marked "voided."

The clerk will post each receipt to the receipts journal in numerical order to the proper bank account, fund and revenue account.

### **4.27 Cash Receipt Report**

A cash receipt report shall be run of each day's activity batched by deposit. A cash receipt report shall contain the detail of all daily transactions and a summary by general ledger line item, and shall agree with the week's deposits.

### **4.28 Deposit Procedures**

Total cash collected shall be reconciled to the sum of the pre-numbered receipts. Deposits shall be made intact, with no reductions to deposits made for expenditures, and must be reconciled to official receipts. Deposit tickets shall list checks by name or number, and amount. Total cash collected shall be deposited once a week in the appropriate township bank account. Undeposited funds shall be secured in the locked fire proof file cabinet.

## **Depositories**

### **4.29 Bank Accounts**

All bank accounts shall be in the name of the township and the township treasurer. The use of the township's tax ID number shall be strictly controlled by the treasurer, and it shall not be used to open non-township bank accounts.

Tax collections shall be deposited in a separate bank account in the name of the treasurer.

Bank signature cards shall be kept current and the authorized signers limited to the township clerk, deputy clerk, treasurer and deputy treasurer.

### **4.30 Authorized Depositories**

This policy is applicable to all public funds belonging to the township and in the custody of the township treasurer. The treasurer is authorized to deposit funds in approved financial institutions and administration of investments in conformance with state and federal law and policies as set forth in this resolution.

The township board authorizes the financial institutions as depositories of township funds listed in the Bainbridge Township Investment Resolution.

The treasurer shall recommend financial institutions for approval for the safekeeping of township funds based on an evaluation of the performance and solvency of the institution, as well as past performance in exercising due care and prudence in managing the custody of township funds held in trust, if applicable. The treasurer shall periodically evaluate approved and potential financial depositories and shall make recommendations as to appropriate changes in approved depositories when warranted.

In determining safekeeping and custody qualifications, financial institutions document a minimum capital requirement of at least \$10,000,000 and at least five years of operation. All financial institutions and brokers/dealers shall be pre-qualified by supplying the following:

- Audited financial statements
- Proof of NASD certification, or FDIC or NCUA insurance
- Proof of state registration
- Certification of having read, understood and agreement to comply with the Bainbridge Township Investment Resolution.

The treasurer shall annually examine the financial condition and registrations of qualified financial institutions and brokers/dealers by obtaining annual updates of the information listed above.

### **4.31 Control of Cash and Investments**

All cash and investments shall be under the control of the township treasurer. No other individual shall hold cash of the township or open a bank account to hold township cash or investments.

### **4.32 Authority to Make Bank Deposits**

The township treasurer or deputy treasurer is responsible for making all bank deposits.

## Investments

### 4.33 Notice of Investment Policy

The senior management of any firm, dealer, broker or financial institution shall be given a copy of the Bainbridge Township Investment Resolution prior to the treasurer investing or depositing any township funds in such institution.

### Depositories

The township board authorizes the financial institutions as depositories of township funds listed in the Bainbridge Township Investment Resolution

### Investments

The treasurer may invest township funds in certificates of deposit, savings accounts, deposit accounts or depository receipts of a bank, but only if the bank, savings and loan association, or credit union meeting all criteria as a depository of public funds contained in state law. The standard of prudence to be used shall be the "fiduciary" standard and shall be applied in context of managing an overall portfolio.

The prior approval of the township board shall be required for the treasurer to invest in any other lawful investment instruments. The township board's standard of prudence shall be the "fiduciary" standard, which shall be applied in context of managing an overall portfolio.

The township board may authorize the treasurer to invest in the following:

(a) Bonds, securities, and other obligations of the United States or an agency or instrumentality of the United States.

Commercial paper rated at the time of purchase within the 2 highest classifications established by not less than 2 standard rating services and that matures not more than 270 days after the date of purchase.

(b) Repurchase agreements consisting of instruments listed in subdivision (a).

(c) Bankers' acceptances of United States banks.

(d) Obligations of this state or any of its political subdivisions that at the time of purchase are rated as investment grade by not less than 1 standard rating service.

(e) Mutual funds registered under the Investment Company Act of 1940, Title I of chapter 686, 54 Stat. 789, 15 U.S.C. 80a-1 to 80a-3 and 80a-4 to 80a-64, with authority to purchase only investment vehicles that are legal for direct investment by a public corporation. However, a mutual fund is not disqualified as a permissible investment solely by reason of either of the following:

(i) The purchase of securities on a when-issued or delayed delivery basis.

(ii) The ability to lend portfolio securities as long as the mutual fund receives collateral at all times equal to at least 100% of the value of the securities loaned.

(iii) The limited ability to borrow and pledge a like portion of the portfolio's assets for temporary or emergency purposes.

(f) Obligations described in subdivisions (a) through (g) if purchased through an interlocal agreement under the Urban Cooperation Act of 1967, Public Act 7 of 1967 (Ex Sess), MCL 124.501, *et seq.*

(g) Investment pools organized under the Surplus Funds Investment Pool Act, Public Act 367 of 1982, MCL 129.111, *et seq.*

(h) The investment pools organized under the Local Government Investment Pool Act, Public Act 121 of 1985, MCL 129.141, *et seq.*

### Levels of Risk

Decisions and actions involving the township's investment portfolio shall meet the following criteria:

**Safety:** Safety of principle is the foremost objective of the township's investment practices.

**Diversification:** The investments shall be diversified by avoiding over concentration in securities from a specific issuer or business sector (excluding U.S. Treasury securities and insured certificates of deposits).

**Liquidity:** The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated.

**Return on Investment:** Return of investment is of secondary importance compared to safety and liquidity objectives. Investments shall be selected to obtain a market average rate of return. The core of investments is limited to relatively low-risk securities.

The treasurer may elect to have certificates and other evidence of investments held by a financial institution, provided that the financial institution presents to the township treasurer on a quarterly basis, sufficient documentation and acknowledgment of the investment instruments held on behalf of the township.

The treasurer shall provide on a quarterly basis a written report to the township board concerning the investment of township funds.

**Compliance with State and Federal Laws**

The township shall comply with all applicable statutes related to public fund investments. Any provisions of this resolution in conflict with applicable statutes is void.



## **Accounts Receivable**

### **4.34 Accounts Receivable**

The clerk shall be responsible for preparing invoices for revenues due to the township:

- Cemetery lots and grave openings
- Freedom of Information Act requests
- Miscellaneous income
- Ordinance Violations
- Public Safety Fees
- Intergovernmental contracts

### **4.35 Invoice Preparation**

The Building/Zoning Administrator shall be responsible for preparing invoices for revenues due to the township:

- Construction code (building, electrical, plumbing, mechanical)
- Zoning-related activities: special use permits, site plan reviews, rezoning requests, variances

All invoices shall include a remittance advice or invoice to be returned to the township with payment. The remittance advice or invoice shall include the name, amount invoiced, purpose and that payment is to be made to the township and mailed to the township treasurer.

### **4.36 Posting and Distribution of Accounts Receivable**

A copy of all invoices or bills for money owed the township shall be given daily to the clerk.

The clerk will use the invoice copy as verification when payment is received.

The clerk will use the invoice copy to record the receivables in the general ledger. Invoices are to be reconciled to the general ledger control on a monthly basis.

### **4.37 Accounting for Accounts Receivable**

For all payments received, the clerk shall credit the receivable. A monthly listing of all amounts invoiced but not yet received shall be prepared and reconciled to the general ledger.

## **Accounts Payable**

### **4.38 Accounts Payable**

The township clerk shall be responsible for processing all accounts payable. The clerk may designate other township personnel to process accounts payable if the township board has agreed to incorporate that function in the job description of that position.

### **4.39 Processing of Claims**

Requests for payments to vendors shall be documented in writing by a vendor invoice or, in the few instances where no invoice is forthcoming, by a written request by the department head requesting payment. Except for rare exceptions, only original invoices shall be processed for payments, as statements or copies of invoices may result in duplicate payments. Appropriate documentation (supporting invoices) shall be attached for all disbursements. Original bills, not copies, must be used for documentation.

Employee expense reimbursements shall be documented on an expense voucher prepared by the employee. All invoices, departmental check requests and expense vouchers shall include the following:

1. Vendor name
2. Purpose of payment request
3. Unit price and units delivered (if applicable)
4. Date goods delivered or services rendered
5. Township Board Minutes approving expenditure (if applicable)

All requests for payments shall be approved by the department to which the expense shall be posted by initialing the document.

All requests for payment shall be submitted to the clerk at least 14 days prior to the board meeting at which claims will be approved.

The clerk shall verify the payee, amount, purpose and the disbursing fund of each request. After verification, the clerk shall prepare a warrant, enter it into the general ledger and make a copy for township records.

### **4.40 Claims Reports**

The clerk shall prepare a warrant report to the board showing the fund, vendor name and nature of the expense. Any items paid prior to board audit shall be noted on the warrant report.

Invoices and bills supporting the warrant report shall be available for board member review. Board members are responsible for scrutinizing the bills prior to board approval.

### **4.41 Board Approval Required for all Claims**

All claims shall be approved by the township board prior to payment, with the exception of tax collection disbursements and claims authorized by policy for post-auditing by the township board.

### **4.42 Board Post-Audit Authorized for Certain Claims**

Only the following types of claims may be paid by disbursements made prior to board audit and approval:

1. Payroll
2. Utility bills
3. Invoices with penalties that would be incurred if payment is not received prior to the board meeting where claims will be approved
4. The supervisor may authorize emergency expenditures when deemed essential due to the imminent threat to the health, safety and welfare of the township.

Any claims authorized under this policy prior to board approval shall be post-audited at the next board meeting.

#### **4.43 Check Controls**

Numerically controlled, pre-numbered checks shall be used. Checks shall not be signed prior to being completely filled out. Cleared checks must be returned to the township or electronically stored.

#### **4.44 Authorized Check Signers**

The following officials are the only persons authorized to sign checks:

- Clerk or deputy clerk (to signify board approval)
- Treasurer or deputy treasurer (to make it a check)

#### **4.45 Check Processing**

Each check shall be signed by the clerk or deputy clerk to document board authorization of that payment and forwarded to the treasurer. If payment is made in compliance with the board-adopted post audit policy, the signed check, shall be forwarded to the treasurer not later than the next business day after the check, is signed by the clerk or deputy clerk.

The treasurer or deputy treasurer shall verify that the funds are available, sign the check and distribute it. Checks shall not be returned to the clerk or the originating office for distribution.

#### **4.46 Credit Card Use Policy**

The clerk is responsible for issuing, accounting for, monitoring, retrieving and generally overseeing compliance with the township's credit card policy.

Township credit cards may be used only by an officer or employee of the township for the purchase of goods or services for the official business of the township.

The use of credit card is limited to the following circumstances:

- Purchase of capital outlays up to \$ 500.00
- For travel, meals and accommodations while on township business (excluding expenses incurred in operating a privately owned automobile)
- Purchase office and election supplies

Township officers and employees who use a township credit card shall, as soon as possible, submit a copy of the vendor's credit card slip to the clerk. If no credit card slip was obtained that described the transaction, the employee shall submit a signed voucher that shows the name of vendor or entity from which goods or services were purchased, the date and the amount of the transaction, the official business that required the transaction. All credit card slips shall include this information as well. Vouchers shall also include a statement why a credit card slip was not obtained.

The credit card will stay in the office in the locked fire proof safe. When an official or employee who is authorized by the clerk or supervisor to use the credit card, they are then responsible for its protection and custody. If a credit card is lost or stolen, the clerk shall be notified. The entity issuing the lost or stolen credit card shall be immediately notified to cancel the card.

The clerk shall review each credit card statement as soon as possible to ensure that transactions comply with this policy. Any transactions that appear on the statements that are not documented with a credit card slip or a signed voucher shall be immediately investigated. Transactions that do not appear to comply with this policy shall be reported to the township board.

The township board shall not approve a payment to the entity issuing the credit card until all transactions have been verified, including the approval of all transaction invoices if issued.

The balance shall be paid for within not more than 30 days of the initial statement date.

Officers and employees who use a township credit card in a manner contrary to this policy shall be subject to disciplinary action, including possible termination of employment, reimbursement to the township for unauthorized expenditures, legal action or criminal liability.

## **Tax Account Disbursements**

### **4.47 Tax Account Disbursements**

The township treasurer shall create a separate bank account in the name of the treasurer and shall account for the tax fund separately from other township funds. The treasurer shall provide the clerk with summaries of tax receipts from the tax account so the clerk can enter the information into the township's accounting system.

## **Expense Reimbursements**

### **4.48 Expense Reimbursements**

The township shall reimburse all officials and employees for necessary expenses incurred in performing their duties. Authorization for any travel or business expense shall be obtained prior to incurring the cost.

### **4.49 Expense Documentation and Requests**

Expenses requested for reimbursement shall be substantiated with actual detailed receipts or other documentation such as a mileage log. All requests for expense reimbursement shall be made on the proper expense reimbursement form.

### **4.50 Allowed Expenses**

All expenses requested for reimbursement shall be for amounts that a reasonable, prudent person would conclude benefits the township. Personal expenses that are unnecessary in conducting township business, such as entertainment and alcohol consumed, shall not be eligible for reimbursement. Commuting from residence to the township hall or the official or employee's official work location shall not be eligible for reimbursement. Board members shall not receive mileage to attend board meetings that are a statutory duty of their office/position.

### **4.51 Travel Reimbursement**

Travel shall be reimbursed at the IRS mileage rate when the employee uses his or her own vehicle to conduct township business. Commuting from residence to the township hall or the employee's official work station shall not be eligible for reimbursement.

Meals will only be paid if travel is greater than 50 miles from the township hall. Breakfast expenses will be paid only if travel commences before 6:30 a.m. and dinner will be paid only if travel extends beyond 7 p.m.

Reasonable meals and lodging expenses shall be reimbursed as approved by the township board.

### **4.52 Travel Advances**

Travel advances are not permitted.

# Identity Theft Prevention

## Social Security Number Privacy Policy

### 4.53 Social Security Number Privacy Policy

It is the policy of the township to protect the confidentiality of Social Security numbers obtained in the ordinary course of township business from employees, vendors, contractors, customers or others. No person shall knowingly obtain, store, transfer, use, disclose or dispose of a Social Security number that the township obtains or possesses except in accordance with the Michigan Social Security Privacy Act (Public Act 454 of 2004) and this privacy policy.

Social Security numbers shall be collected only where required by federal and state law or as other-wise permitted by federal and state law for legitimate reasons consistent with this privacy policy.

Legitimate reasons for collecting a Social Security number include, but are not limited to:

- Applicants may be required to provide a Social Security number for purposes of a pre-employment background check.
- Copies of Social Security cards may be obtained for purposes of verifying employee eligibility for employment.
- Social Security numbers may be obtained from employees for tax reporting purposes, for new hire reporting or for purposes of enrollment in any township employee benefit plans.
- Social Security numbers may be obtained from creditors or vendors for tax reporting purposes.

### 4.54 Public Display

The township shall not place more than four sequential digits of a Social Security number on identification cards, badges, time cards, employee rosters, bulletin boards, permits, licenses, or any other materials or documents designed for public display.

Documents, materials or computer screens that display all or more than four sequential digits of a Social Security number shall be kept out of public view at all times.

### 4.55 Account Numbers

The township shall not use all or more than four sequential digits of a Social Security number as a primary account number for an individual.

### 4.56 Computer Transmission

The township shall not use or transmit all or more than four sequential digits of a Social Security number on the Internet or on a computer system or network unless the connection is secure or the transmission is encrypted.

### 4.57 Mailed Documents

Township documents containing all or more than four sequential digits of a Social Security number shall be sent only in cases where state or federal law, rule, regulation, or court order or rule authorizes, permits or requires that a Social Security number appear in the document. Documents containing all or more than four sequential digits of a Social Security number that are sent through the mail shall not reveal the number through the envelope window or otherwise be visible from outside the envelope or package.

### 4.58 Freedom of Information Act

Where all or more than four sequential digits of a Social Security number are contained within a document subject to release under the Freedom of Information Act, the Social Security number shall be redacted (blacked out) or otherwise rendered unreadable before the document or copy of a document is disclosed.

### 4.59 Storage

All documents containing Social Security numbers shall be stored in a physically secure manner. Social Security numbers shall not be stored on computers or other electronic devices that are not secured against unauthorized access.

#### **4.60 Access to Social Security Numbers**

Only personnel who have legitimate business reasons to know shall have access to records containing Social Security numbers. The department heads having access to records containing Social Security numbers shall determine which other personnel within their departments have a legitimate reason in the township's ordinary course of business to have access to such Social Security numbers. Personnel using records containing Social Security numbers must take appropriate steps to secure such records when not in immediate use.

#### **4.61 Disposal**

Documents containing Social Security numbers shall be retained in accordance with the requirements of state and federal laws. At such time as documents containing Social Security numbers may be disposed of, such disposal shall be accomplished in a manner that protects the confidentiality of the Social Security numbers, such as shredding.

#### **4.62 Unauthorized Use or Disclosure of Social Security Numbers**

The township shall take reasonable measures to enforce this privacy policy, and to correct and prevent the reoccurrence of any known violations. Any employee who knowingly obtains, uses or discloses Social Security numbers for unlawful purposes or contrary to the requirements of this privacy policy shall be subject to discipline up to and including discharge. Additionally, certain violations of Public Act 454 of 2004, the Michigan Social Security Privacy Act, carry criminal and/or civil sanctions. The township will cooperate with appropriate law enforcement or administrative agencies in the apprehension and prosecution of any person who knowingly obtains, uses or discloses Social Security numbers through the township for unlawful purposes.

#### **Red Flags Rule Policy**

#### **4.63 Purpose**

To establish an Identity Theft Prevention Program designed to detect, prevent and mitigate identity theft in connection with the opening of a covered account or an existing covered account and to provide for continued administration of the program in compliance with the Federal Trade Commission's Red Flags Rule (Part 681 of Title 16 of the Code of Federal Regulations) implementing Sections 114 and 315 of the Fair and Accurate Credit Transactions Act (FACTA) of 2003.

#### **4.64 Definitions**

"Identifying information" means any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including: name, address, telephone number, Social Security number, date of birth, government-issued driver's license or identification number, alien registration number, government passport number, employer or taxpayer identification number, unique electronic identification number, computer's Internet Protocol address, or routing code.

"Identify theft" means fraud committed or attempted using the identifying information of another person without authority.

A "covered account" means:

- An account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes that involves or is designed to permit multiple payments or transactions. Covered accounts include credit card accounts, mortgage loans, automobile loans, margin accounts, cell phone accounts, utility accounts, checking accounts and savings accounts; and
- Any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation or litigation risks.

A "red flag" means a pattern, practice or specific activity that indicates the possible existence of identity theft.



#### **4.65 Identification of Red Flags**

The township identifies the following red flags, in each of the listed categories:

##### **Suspicious Documents**

- Identification document or card that appears to be forged, altered or inauthentic
- Identification document or card on which a person's photograph or physical description is not consistent with the person presenting the document
- Other document with information that is not consistent with existing customer information (such as if a person's signature on a check appears forged)
- Application for service that appears to have been altered or forged

##### **Suspicious Personal Identifying Information**

- Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates)
- Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on a credit report)
- Identifying information presented that is the same as information shown on other applications that were found to be fraudulent
- Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address)
- Social Security number presented that is the same as one given by another customer
- An address or phone number presented that is the same as that of another person
- A person fails to provide complete personal identifying information on an application when reminded to do so (however, by law Social Security numbers must not be required)
- A person's identifying information is not consistent with the information that is on file for the customer

##### **Suspicious Account Activity or Unusual Use of Account**

- Change of address for an account followed by a request to change the account holder's name
- Payments stop on an otherwise consistently up-to-date account
- Account used in a way that is not consistent with prior use (example: very high activity)
- Mail sent to the account holder is repeatedly returned as undeliverable
- Notice to the township that a customer is not receiving mail sent by the township
- Notice to the township that an account has unauthorized activity
- Breach in the township's computer system security
- Unauthorized access to or use of customer account information

##### **Alerts from Others**

- Notice to the township from a customer, identity theft victim, law enforcement or other person that it has opened or is maintaining a fraudulent account for a person engaged in identity theft

#### **4.66 Detecting Red Flags**

**New Accounts:** In order to detect any of the Red Flags identified above associated with the opening of a new account, township personnel shall take the following steps to obtain and verify the identity of the person opening the account:

- Require certain identifying information, such as name, date of birth, residential or business address, principal place of business for an entity, driver's license or other identification
- Verify the customer's identity (for instance, review a driver's license or other identification card)
- Review documentation showing the existence of a business entity
- Independently contact the customer

**Existing Accounts:** In order to detect any of the Red Flags identified above for an existing account, township personnel shall take the following steps to monitor transactions with an account:

- Verify the identification of customers if they request information (in person, via telephone, via facsimile, via e-mail)
- Verify the validity of requests to change billing addresses
- Verify changes in banking information given for billing and payment purposes

#### **4.67 Preventing and Mitigating Identity Theft**

In the event township personnel detect any identified Red Flags, such personnel shall take one or more of the following steps to prevent and mitigate identity theft, depending on the degree of risk posed by the Red Flag:

- Continue to monitor an account for evidence of identity theft
- Contact the customer
- Change any passwords or other security devices that permit access to accounts
- Not open a new account
- Close an existing account
- Reopen an account with a new number
- Notify the supervisor for determination of the appropriate step(s) to take
- Notify law enforcement
- Determine that no response is warranted under the particular circumstances

#### **4.68 Protect Customer Identifying Information**

In order to further prevent the likelihood of identity theft occurring with respect to township accounts, the township shall take the following steps with respect to its internal operating procedures to protect customer identifying information:

- Ensure that its website is secure or provide clear notice that the website is not secure
- Ensure complete and secure destruction of paper documents and computer files containing customer information
- Ensure that office computers are password protected
- Keep offices clear of papers containing customer information
- Request only the last four digits of Social Security numbers (if any)

- Ensure computer virus protection is up to date
- Require and keep only the kinds of customer information that are necessary for utility purposes

#### **4.69 Program Updates**

This program shall be periodically reviewed and updated to reflect changes in risks to customers and the soundness of the township from identity theft. The supervisor shall consider the township's experiences with identity theft situation, changes in identity theft methods, changes in identity theft detection and prevention methods, changes in types of accounts the township maintains and changes in the township's business arrangements with other entities. After considering these factors, the supervisor shall determine whether changes to the program, including the listing of Red Flags, are warranted. If warranted, the supervisor shall present the township board with his/her recommended changes and the board shall make a determination of whether to accept, modify or reject those changes to the program.

#### **4.70 Program Administration**

Responsibility for developing, implementing and updating this program lies with the supervisor. The supervisor will be responsible for the program administration, for ensuring appropriate training of township staff on the program, for reviewing any staff reports regarding the detection of Red Flags and the steps for preventing and mitigating identity theft, determining which steps of prevention and mitigation should be taken in particular circumstances, and considering periodic changes to the program.

#### **4.71 Staff Training and Reports**

Township personnel shall provide reports to the supervisor on incidents of identity theft, the township's compliance with the program and the effectiveness of the program.

#### **4.72 Specific Program Elements and Confidentiality**

For the effectiveness of identity theft prevention programs, the Red Flags Rule envision a degree of confidentiality regarding the township's specific practices relating to identity theft detection, prevention and mitigation. Therefore, under this program, knowledge of such specific practices are to be limited to the supervisor and those employees who need to know them for purposes of preventing identity theft. Because this program is to be adopted by a public body and thus publicly available, it would be counterproductive to list these specific practices here. Therefore, only the program's general Red Flag detection, implementation and prevention practices are listed in this document.

## **Expenditure Authorization**

### **4.73 Expenditure Authorization**

The township shall not be responsible for any obligations incurred by an official or employee that is contrary to the provisions of these administrative policies and procedures or any other financial administration policies adopted by the township board.

Department heads shall not consider appropriations contained in the budget as a mandate to expend township funds. No obligations shall be incurred against, and no payment shall be made from, any appropriation account unless there is a sufficient unencumbered balance in the appropriation and sufficient funds are or will be available to meet the obligation.

The supervisor shall exercise supervision and control to ensure that expenditures are within appropriations, and shall not issue authorization for any purchase that exceeds appropriations.

Expenditures must follow the procedures set forth in the township's expenditure control, purchasing or bidding policies.

Department heads shall obtain authorization from the township board before obligating the township for expenditures of the following nature:

1. Seminars and conferences
2. Memberships
3. Out-of-state travel
4. Professional services

### **4.74 Purchase Orders**

The Clerk is authorized for expenditures under \$500.00 and the Supervisor for under \$1,500.00, for postage, office supplies, printing, sundry supplies and repairs and maintenance to township officials and department heads, provided that the nature of the purchase is indicated, the account number is provided, the need for the purchase is documented and the account has a sufficient balance.

### **4.75 Contracts**

Contracts approved by the township board shall be signed by the supervisor and one other elected official.

## **Bids and Quotes**

### **4.76 Dollar Threshold Requiring Written Quotations**

Any purchase for goods or services exceeding a cost of \$5,000.00 shall require the supervisor to obtain at least three written quotes, unless waived by the township board.

Separating the work of vendors into smaller invoices is a violation of this policy.

### **4.77 Dollar Threshold Requiring Sealed Bids or Request for Proposals (RFPs)**

The solicitation of advertised sealed bids, will be implemented upon motion by the township board or any purchase for goods or services exceeding an estimated cost of \$15,000.00 shall require the solicitation of sealed bids. The supervisor in consultation with the township board, shall develop bid specifications. The township board by majority vote, may waive the bidding requirements when there is only one known supplier or there is some other compelling reason to waive the bid procedures.

Separating the work of vendors into smaller invoices is a violation of this policy.

### **4.78 Exceptions**

Quotes and competitive bids are not required for postage, office supplies, printing, sundry supplies and repairs and maintenance.

### **4.79 Request for Sealed Bids or RFPs**

The invitation to bid or the request for proposals for services shall be published in Tri City newspaper, posted on the township's website and posted in the township posting board, at least once, 30 days prior, and shall be (mailed, e-mailed) to known vendors or other parties who have notified the township of their interest in submitting bids on the goods or services being purchased.

### **4.80 Specifications for Requests for Proposals**

In order to receive comparable and informative bids and proposals, the township shall prepare comprehensive specifications for prospective candidates.

The request should state the following items:

- The length of the contract period
- Any required qualifications, such as a certified public accountant license
- If attendance is required at township board or other meetings, and the number of meetings per year
- The amount of anticipated consultation time
- The anticipated nature and number of the activities required, such as the average number of ordinance enforcement prosecutions for an attorney, the number and type of funds to be audited for an accountant, or the number of parcels for an appraiser
- The titles of the township official(s) authorized to direct or request services
- Whether the activity, such as auditing or appraisal, is to be performed at the township hall
- That all documents and records created in a governmental function are property of the township and will be subject to the Freedom of Information Act

As appropriate, a request for proposals will ask each candidate to describe:

- The individual or firm's municipal and township experience
- Specific experience with the service or project
- The names, credentials and references of the specific individuals who will be assigned to work with the township
- Specific certification, such as certified public accountant, or memberships in an appropriate association, such as the Public Law Section of the Michigan Bar Association

- Potential conflicts of interest, such as township property owned, interest owned in businesses located in the township, or other clients who may have interests that are potentially adverse to the township

#### **4.80 Specifications for Requests for Proposals (cont.)**

- Services to be billed above the retainer amount, including the amount charged per hour, with a maximum amount for specific types of services such as additional meetings not covered under the retainer or whether the meetings are to be billed on a per diem or hourly basis
- The individual or firm's policy regarding reimbursement for travel time, phone bills, mileage, copying, postage and other incidental expenses
- The services the township requires and if those services are to be included in a retainer

#### **4.81 Opening of Bids or RFPs**

Sealed bids or RFPs shall be opened by person(s) identified in the invitation to bid or the request for proposals at the stated time and place, and any interested party may be present for the bid or RFP opening.

#### **4.82 Award of Bids**

Bids or requests for proposals for services shall be awarded by the township board.

The criteria for awarding bids or requests for proposals shall be as follows:

- Cost
- Experience
- Reliability
- Sufficiency of equipment
- Insurance
- References
- Good communication

#### **4.83 Board Member Interest in Bidder**

Any board member or department head who has any ownership or other interest in a company submitting a bid shall disclose the conflict of interest to the board, and that official shall not participate in awarding the bid.

## **Personnel Administration**

### **5.1 Authority for Personnel Matters**

To provide for efficient and uniform administration of personnel matters, the township board appoints, the supervisor as the personnel officer. The personnel officer reserves all authority to hire, supervise, provide direction, discipline and terminate employees as collectively determined by the township board of trustees.

### **5.2 Personnel Officer's Duties**

The personnel officer shall do all of the following:

1. Develop job descriptions for all township positions
2. Update job descriptions as needed, and review the accuracy and currency of all job descriptions at least once every three years
3. Recruit applicants for position vacancies
4. Provide all new employees with a current copy of the township policy and employee handbook
5. Monitor changes in state and federal law that impact on township personnel practices
6. Recommend to the township board necessary changes in policies and employee handbook, and provide all employees with copies of amendments to the policies and employee handbook
7. Provide interpretations of the township personnel policies and procedures when requested by department heads or employees. The interpretation of the supervisor shall be considered final, unless an appeal of the interpretation is filed with the township board.
8. Recommend appropriate pay grade or compensation for all employees, subject to board policies and appropriations
9. Authorize department heads to impose employee sanctions that exceed the severity of a verbal or written warning
10. Develop and implement a standard employee evaluation form for use by department heads in periodically evaluating the performance of employees under their supervision
11. Authorize the use of extended leave by employees pursuant to the township policies and employee manual
13. Conduct exit interviews of all terminating employees following a voluntary separation from township employment

### **5.3 Policy Manuals**

The supervisor shall develop, periodically update and implement a employee handbook to help guide the board in the implementation of all employee workplace issues.

The provisions of the policies and employee handbook may be changed by the township board. Township board members, officials and employees may submit any suggested changes or additions to these policies and procedures to the township board.

### **5.4 Authorized Work Force**

The township board shall determine the number of employees assigned to the various township offices.

The following procedure shall be used to authorize new positions:

The department head shall discuss the need for the new position with the supervisor.

#### **5.4 Authorized Work Force (cont.)**

If the supervisor agrees that the proposed position should be recommended to the township board, the department head shall submit a draft job description and written position justification to the township board, who may approve, modify or reject the draft job description or position justification.

The township board may accept or reject the implementation of the new position. The board shall not create any new position without prior adoption of any necessary budget amendments.

#### **5.5 Independent Contractors**

The township board may hire independent contractors to provide specialized or requested services on a project or as-needed basis. All independent contractors will have the following:

- A written contract between the township and the contractor
- A federal identification number or Social Security number if a sole proprietor
- Proof of liability and worker's compensation insurance
- A completed W-9 form
- Evidence of a business (e.g., business card or current advertisement)

#### **5.6 Volunteers**

The township board may hire volunteers to provide services for civic, charitable or humanitarian reasons without promise, expectation or receipt of compensation for the services rendered.

#### **5.7 Equal Opportunity Employment**

The township is an equal opportunity employer and shall employ, promote and transfer all employees and job applicants without regard to religion, race, national origin, ancestry, sex, disability, age, marital status, height, weight, arrest record, genetic information, medical condition, requests for a protected leave, or any other protected characteristic under local, state or federal law.

#### **5.8 Employee Selection**

The township shall employ, promote and transfer all employees and job applicants on the basis of merit, qualifications and competence in compliance with all applicable employment laws.

The township board shall utilize the following procedures in filling any vacant employment positions:

- A notice of position vacancy shall be developed, based on the current job description and discussions with the department head. The posting shall provide the position title, brief description, education and experience requirements, current pay grade, application deadline, and the township's Equal Employment Opportunity policy.
- The position vacancy notice shall be published on the township web site and published in a local newspaper.
- The applications or resumés submitted will be reviewed by the department head, and a list of qualified candidates will be developed.
- At least three non-related references shall be contacted by the supervisor and written summary of the references shall be presented to the board.
- Interviews will be conducted by the township board, with the department head's participation.

#### **5.9 Employment of Relatives**

The township permits the employment of qualified relatives of officials and employees.



The township board is responsible for, and will exercise sound business judgment in the placement of related employees.

### **5.10 Employee Classification**

Each employee will be assigned to a particular job with its corresponding job description, pay grade, pay range, and classification as follows: Exempt or Nonexempt; Full-time, Part-time, Temporary or Seasonal.

### **5.11 Employee Compensation**

The township board shall establish an equitable compensation system for township employees. The board shall determine a pay range for all township positions. The township shall use a compensation system that will determine the value of all jobs based on the skills, knowledge and behaviors required. The system will be designed to maintain control over compensation costs and to be objective and non-discriminatory in application and practice.

Each employee shall be entitled to the annual salary or hourly wage determined by the township board and as appropriated in the township budget.

### **5.12 Benefits**

The township board, in its sole discretion, will determine what employment benefits may be provided to township officials or employees.

### **5.13 Employee Supervision**

Department heads shall provide direction to employees in a manner that complies with the provisions of the township's policies and employee handbook, as well as all federal and state laws, and township ordinances.

### **5.14 Employee Recognition**

Department heads shall bring to the attention of the township board any conduct of merit by any township employee, volunteer or appointed official that deserves recognition. The township board, at its discretion, shall recognize meritorious conduct through the adoption of a resolution of tribute.

### **5.15 Employee Safety**

The township shall provide a workplace free from recognized hazards that may cause or are likely to cause death or serious physical harm to employees. The township shall provide an effective safety management program that includes both leadership and employee involvement, will conduct worksite analysis, and will provide employee training as necessary.

The supervisor is hereby appointed as the township safety officer. It shall be the duty of the safety officer to assess the general working conditions of the township on a continual basis. Any conditions that create a safety hazard shall be corrected immediately. The safety officer shall report to the township board any unsafe condition that will require a modification of any board-adopted policy or procedure or the expenditure of funds exceeding \$1,500 to eliminate that condition.

### **5.16 Non-Retaliation**

The township shall not tolerate retaliation against any employee or other person who, in good faith, reports a violation or perceived violation of township policies, or retaliation against any employee or other person who participates in any investigation as a witness or otherwise. Retaliation is a serious violation of this policy and is subject to discipline up to and including discharge. An employee must promptly report any acts of retaliation to his or her department head or to the supervisor.

## **Payroll**

### **5.17 Payroll**

The township shall comply with Michigan wage and hour laws that regulate the method of payment of wages, the payment of wages upon termination of employment, allowable deductions, income tax withholding and payment of employment taxes, wage garnishments, recordkeeping and maintenance of payroll records.

### **5.18 Payment on Termination**

An employee who voluntarily terminates employment will be paid all wages earned and due as soon as the amount can be determined, or at the latest, on the next regularly scheduled payday.

Discharged employees will be paid as soon as the correct amount is determined, or within four days of termination.

### **5.19 Time Cards**

All completed time cards for non-exempt employees shall be submitted to the clerk on the day following the end of each pay period. Time cards will be signed by the employee.

### **5.20 Deductions and Withholdings**

The township shall comply with federal and state laws regarding income tax and Social Security deductions. All voluntary deductions shall be authorized in writing. The clerk shall be notified at least four days prior to the end of the pay period of any changes in voluntary deductions or withholding allowances desired by an employee.

The township shall make appropriate deductions to satisfy any court orders for garnishments or for child or spousal support orders.

### **5.21 Payroll Changes**

A payroll change to deductions or to add a new employee to payroll shall one or all of the following:

New Hire Reporting Form

Michigan Withholding

I-9 Form

W-4 Form

### **5.22 Pay Advances**

Pay advances shall not be authorized under any circumstances.

### **5.23 Payroll Problems**

Employees shall immediately notify the clerk of any problems or errors on their paychecks. A written account of the problem and its resolution shall be created by the clerk.

## **Personnel Recordkeeping**

### **5.24 Personnel Files**

The township clerk shall maintain a permanent personnel record of each township employee. The personnel records shall be kept complete and accurate in compliance with federal and state laws and any applicable general record retention schedules adopted by the State of Michigan.

Each employee's personnel file shall contain the following:

1. Personnel data, including full name, Social Security number, current address, resumé or application submitted and physical examination (if required)
2. Performance evaluations
3. Use of authorized leaves
4. Commendations or disciplinary actions
5. Tax withholding information
7. Record of positions held
8. Record of trainings.

A personnel file shall *not* include:

1. Employee references supplied to an employer if the identity of the person making the reference would be disclosed.
2. Medical reports and records made or obtained by the employer if the records or reports are available to the employee from the doctor or medical facility involved.
3. Information of a personal nature about a person other than the employee if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
4. Information that is kept separately from other records and that relates to an investigation of the employee by the employer regarding criminal activity that may result in loss or damage to the employer's property or disruption of the employer's business operation.
5. Records limited to grievance investigations that are kept separately and are not used for the purposes provided in this subdivision.
6. Records kept by an executive, administrative or professional employee that are kept in the sole possession of the maker of the record, and are not accessible or shared with other persons. But a record concerning an occurrence or fact about an employee may be entered into a personnel record if entered not more than six months after the date of the occurrence or the date the fact becomes known.

### **5.25 Employee Access to Personnel File**

Upon written request that describes the personnel record, any employee may examine the contents of his or her personnel file under the direct supervision of the clerk. If an employee demonstrates that he or she is unable to review his or her personnel record at the township, then the township, upon that employee's written request, shall mail a copy of the requested record to the employee.

An employee may obtain a copy of the information or part of the information contained in the employee's personnel record.

### **5.26 Employer Access to Personnel Files**

Board members shall be allowed to view any personnel file when necessary within the scope of their authority and responsibility. Confidential information contained in a personnel file shall be released to others only with written authorization of the employee.

The contents of an employee's personnel file shall not be removed from the township hall by anyone.

The contents of the employee personnel files shall be considered confidential.

### **5.27 Release of Personnel Records to a Third Party**

The clerk shall review an employee or former employee's personnel record before releasing information to a third party and, except when the release is ordered in a legal action or arbitration to a party in that legal action or arbitration, shall delete disciplinary reports, letters of reprimand or other records of disciplinary action that are more than four years old.

When notice is required by law, the clerk shall provide written notice to an employee or former employee of a release of the employee's personnel records.

### **5.28 Freedom of Information Requests for Personnel Records**

Copies of documents contained in the personnel files that are requested pursuant to the Freedom of Information Act may be released only after information that is exempt from FOIA disclosure that may be contained on the document is redacted (deleted or edited out). The FOIA coordinator may contact the township attorney for advice in responding to a FOIA request involving personnel records.

# Records Management

## 6.1 Applicability

This records management policy shall apply to all officials, appointees, employees, agents, independent contractors and volunteers of the township. Each individual who creates, sends or receives official records is responsible for retaining those records in accordance with this policy.

## 6.2 Records Management Responsibilities

The clerk shall be responsible for coordinating all records management procedures and activities for township offices, departments or services. Duties include the:

- Distribution of approved general record retention schedules
- Development, review and approval of township-specific record retention schedules
- Distribution of policies, guidelines and standards published by the State of Michigan, the township and other parties
- Arranging the destruction of confidential records with a vendor
- Coordinating all litigation holds to prevent the destruction of records that are relevant to a Freedom of Information Act request, investigation or litigation

## 6.3 Responsibility to Enforce

The clerk shall ensure that township officials, appointees and employees are aware of and implement the township's record management policies. They shall ensure that the township has the most updated record retention schedules that cover all records (regardless of form or format) that are created and used by the township.

The clerk shall ensure that the digital files and e-mail (and other records) of former officials, appointees, employees, volunteers and consultants are retained in accordance with approved record retention schedules.

## 6.4 Separation from Township

Township officials, appointees, employees, volunteers and consultants/contractors shall not take public records with them when they terminate office, employment or contract with the township, and they shall not destroy records that have not yet fulfilled their approved retention period. The clerk is responsible for ensuring that the records, including e-mail and other digital records, of employees who are separating from the township are retained in accordance with the township's record retention policies.

## 6.5 Failure to Adhere to This Records Management Policy

Failure to adhere to the township's records management policies may result in applicable discipline, up to and including discharge from employment, termination of the contractor status, or termination of the volunteer relationship. Further, the removal, mutilation or destruction of public records may result in civil and criminal liability, up to and including a penalty of not more than two years in state prison or a fine of not more than \$1,000.

## 6.6 Records Are Maintained and Stored to Ensure Township Compliance with Law

Township officials, appointees, employees, volunteers and consultants/contractors shall create, develop, organize, maintain, retain and store all township records to accommodate public inspection, FOIA compliance, record retention requirements, and minimize the township's exposure to litigation and risk.

The clerk shall develop procedures to accommodate access for the purpose of public inspection of records, FOIA requests, and discovery or other litigation-related requests, when:

- Specific records are required by law or township policy to have limited access
- Specific records contain information exempt from disclosure
- Township records are kept or used in home offices

## **6.7 Record Retention Schedules**

All township records shall be retained in accordance with an approved record retention schedule. Records not listed on an approved record retention schedule are considered permanent records and may not be disposed of until a schedule is approved.

## **6.8 Litigation, Investigations and Freedom of Information Act Requests**

The FOIA coordinator (clerk) shall keep a copy of all written requests for public records on file for no less than one year.

No records that are the subject of litigation, a pending investigation request or a pending FOIA request shall be destroyed until the legal action or activity has ended, even if the records are otherwise scheduled for destruction pursuant to a relevant record retention schedule.

Any individual with knowledge of pending litigation, a pending investigation or a FOIA request shall immediately inform the FOIA coordinator. In consultation with the township attorney, the FOIA coordinator shall direct all relevant individuals to immediately cease disposal of all records relevant to the pending litigation, pending investigation or FOIA request. If the relevant records are in electronic form (including e-mail), the FOIA coordinator shall notify personnel for retrieval procedures.

If questions arise as to what records are relevant to a pending litigation, pending investigation, or FOIA request, the FOIA coordinator shall direct the immediate cessation of the disposal of *all* records. The moratorium on the disposal of all records relevant to the pending litigation, pending investigation or FOIA request shall remain in effect for the duration of the litigation or investigation, or until the FOIA request has been fully processed.

## **Digital Files and E-mail Retention**

### **6.9 E-mail Defined**

Electronic mail (e-mail) is a means of exchanging messages and documents using telecommunications equipment and computers. A complete e-mail message not only includes the contents of the communication, but also the transactional information (dates and times that messages were sent, received, opened, deleted, etc., as well as aliases and names of members of groups), and any attachments.

### **6.10 Digital Files and E-mail Messages May Be Public Records**

A digital file or e-mail message is a public record if it is prepared, owned, used, in the possession of or retained by a public body in the performance of an official function, from the time it is created.

### **6.11 Digital Files and E-mail Messages Are Public Property**

All digital files and e-mail messages that are created, received or stored by the township are the property of the township. They are not the property of the township officials, appointees, employees, volunteers, consultants/contractors, vendors or customers. E-mail accounts are provided to township staff for conducting public business. No one should have an expectation of privacy when using the township's computer resources.

### **6.12 Digital Files and E-mail Retention and Disposal Schedules**

Digital files and e-mail shall be retained according to the applicable record retention schedule for the type of record the digital file or e-mail represents.

Individual employees or consultants are responsible for deleting digital files and e-mail messages in accordance with the appropriate record retention schedule. The clerk shall ensure that messages deleted in compliance with the appropriate record retention schedule are rendered unrecoverable within one week of deletion.

### **6.13 Digital Files and E-mail Storage and Maintenance**

The township shall retain its digital files and e-mail by:

- Filing the digital file or e-mail in a Document Management System repository where it will be organized and automatically disposed of at the end of its retention period.
- Storing e-mail online in the active e-mail system for its entire retention period. E-mail account holders are encouraged to establish folders for arranging e-mail according to their content, and they are responsible for disposing of e-mail that has met all of its retention requirements.
- Creating online e-mail archives for storing messages that are accessible by the active e-mail system, but are not stored on the active e-mail server. E-mail account holders are encouraged to establish folders for arranging e-mail according to their content, and they are responsible for disposing of e-mail that has met all of its retention requirements.
- Storing digital files or e-mail on hard drives or peripheral drives. E-mail account holders are encouraged to establish folders for arranging digital files or e-mail according to their content, and they are responsible for disposing of digital files or e-mail that has met all of its retention requirements.
- Printing digital files or e-mail and related transactional information, and filing the paper in a manual filing system.

## **Record Storage and Maintenance**

### **6.14 Record Storage**

Township officials, appointees, employees, volunteers, consultants/contractors and departments shall organize records to promote fast and efficient retrieval of information. Appropriate and cost-effective office equipment, indexes and tools shall be used to maintain records.

The township clerk shall periodically evaluate and make recommendations to the township board on the method(s) to be used to maintain and store records for their minimum retention periods. Records that will be retained for more than 10 years shall be stored in an environment that facilitates the security and stability of the storage media.

The clerk shall work in conjunction with the information technology consultant to determine the most cost-effective and reliable method of maintaining digital and electronic records for their full retention period, so technology changes do not render them inaccessible and unusable.

When reproducing township records for storage purposes, the township shall comply with the applicable State of Michigan standards and best practices for record reproduction, as authorized by the Records Reproduction Act, MCL 24.401, *et seq.*

Records containing sensitive or confidential information shall be protected against unauthorized access, especially records that are protected by state or federal laws, records containing private information, financial information, background checks, medical information and Social Security numbers. Individuals and offices shall employ appropriate locks, passwords and other devices to protect the privacy of this information.

### **6.15 Record Disposal**

Public records that have reached their minimum retention period, and which are no longer required for the efficient operation of the township, may be disposed of. All township offices shall routinely review all records (regardless of format) to identify those that have fulfilled their retention requirements.

Disposal shall be made by a method that is guaranteed to ensure the privacy of sensitive or confidential information. Records that contain confidential information will be disposed of in a manner that ensures they cannot be reconstructed.

- The township shall destroy sensitive or confidential information by on-site or vendor shredding.
- The township shall destroy open records by recycling or regular trash disposal.

Some records possess permanent or historical value. These records may be designated for eventual transfer to the Archives of Michigan for permanent preservation. The township shall follow the Archives' procedures for transferring records.

### **6.16 Disaster Prevention and Recovery**

Township records, books and papers shall not be kept where they will be exposed to an unusual hazard of fire or theft or other damage.

In the event of damage to township records, township personnel, at the direction of the clerk shall:

- Determine the type of damage to records (fire, smoke, chemical, clean water, dirty water, heat, humidity)
- Determine which records have been damaged
- Determine the types of materials that have been damaged (paper, film/microfiche, computer files, CDs/DVDs, etc.)
- Begin salvage according to applicable State of Michigan standards and best practices for document salvage



## **Public Information Officer**

### **7.1 Public Information Officer**

The supervisor shall be the public information officer for the township.

The public information officer shall be responsible for supervising the content disseminated as approved by the township board through the township newsletter, website, public service announcements and press releases on township government events, and responding to inquiries from the media or referring contact to other appropriate township officials. The public information officer shall review the content of these materials for:

- potential violations of the Campaign Finance Act
- political preference or support
- promotion of private interests
- misrepresentation of township board actions or policy
- statements that could expose the township to legal liability

The public information officer is authorized to determine in his or her sole discretion, whether such content will be removed or edited out, submitted to the township legal counsel for a further opinion, directed to the township board for a final determination, or returned to the author for revision.

The public information officer shall advise township board members and other appropriate staff of all press releases and other media contacts at the time of release.

Township officials and employees will notify the public information officer of all media contacts made in their township capacity.

Township officials and department heads will notify the public information officer of all media contacts made in their township capacity. Other township employees and volunteers will notify the public information officer prior to making any statements to the news media in their township capacity.

## **Public Notice**

### **7.2 Public Notice**

The clerk shall be responsible for giving public notice of all meetings of all public bodies of the township in conformance with the Open Meetings Act and other state laws.

The clerk shall also be responsible for publishing and mailing all public notices required by state law including:

- Board of review meetings
- Budget public hearings
- Planning commission hearings
- Board of appeals hearings
- Special assessment district hearings
- Election notices
- Zoning amendments
- Truth-in Taxation notice
- Board meeting synopsis

## **Mail**

### **7.3 Incoming Mail**

The clerk shall receive all incoming mail. Correspondence shall be sorted and distributed immediately to the various township offices. Mail addressed to the township board shall be forwarded to the clerk, who shall provide a copy to each board member.

Correspondence addressed to the board, but requiring action typically handled by a particular official (such as a Freedom of Information Act request or subpoena), shall be immediately forwarded to that official, as well.

### **7.4 Township Letterhead**

The township board shall approve the design of all letterhead stationery. Statements made on township stationery may be construed as the official position of the township, so all officials, appointees and employees shall make written statements representing the township only within the scope of their authority when using township stationery.

### **7.5 Outgoing Correspondence**

All correspondence should be considered a public document, unless the contents are specifically excluded from disclosure by state law. Copies of correspondence will be provided to any board member or the public on request.

Department heads shall provide the township board, via the clerk, with a copy of all correspondence that addresses a citizen complaint or when the content may result in a lawsuit against the township. Where a department head is unsure of the necessity to provide the board with a copy of correspondence, department heads should err on the side of caution.

## **Public Contacts**

### **7.6 Courtesy and Customer Service**

The primary goal of the township is to serve the public. All officials and employees will respond to requests for township information from members of the public with courtesy and efficiency.

All officials and employees shall communicate with the public in such a way as to portray the image of the township government as friendly, courteous and efficient.

All visitors to the township hall shall be greeted in a friendly, helpful manner. Under the day-to-day supervision of the supervisor, the receptionist shall assist the public by directing them to the appropriate official, employee or department.

Township officials and employees shall make every effort to see visitors who need their assistance. When workload or other commitments do not allow for an immediate meeting, the visitor will be asked to make an appointment at a mutually convenient time.

Board members and other key officials shall post office hours or contact information to arrange appointments.

### **7.7 Complaints and Problems**

If an official or employee receives a citizen complaint that is outside their authority or responsibility, the official or employee shall direct the citizen to the appropriate official, employee or department.

Complaints or other concerns received from a citizen shall be received with courtesy. The official or employee will make every effort to resolve a complaint or problem, within the official's or employee's scope of authority. Department heads will be notified of all complaints.

The township board shall also be notified in writing of any citizen complaint arising from official or employee conduct or the administration of a department or township board policy or procedure. The notice shall include the name and address of the citizen, the nature of the complaint and how the complaint was resolved. The township board may make a subsequent inquiry with the citizen to determine whether the issue was resolved and whether any additional action is required.

### **7.8 Confidential Information**

Officials and employees shall not release any information, which would be a violation of a citizen's right to privacy to the media or to members of the general public except as required by the Freedom of Information Act.

## **Property Management**

### **8.1 Identifying Township Assets**

The Township of Bainbridge will regard fixed assets as capitalized when all of the following criteria are met:

- (1) Assets purchased, built or leased have useful lives of one year or more.
- (2) The cost of the asset (including installation) is \$5,000 or more. Multiple assets whose cost is less than \$5,000 but the aggregate requestor total is \$5,000 or more are capitalized.
- (3) The cost of repairing or renovating the asset is \$5,000 or more and prolongs the life of the asset.

The township will regard the purchase software programs as fixed assets subject to the above capitalization policy, and will amortize over an estimated useful life of 3 years. Costs associated with software maintenance and customer support are considered expenditures and will not be capitalized.

#### **Other Considerations:**

- (1) REPAIR is an expenditure that keeps the property in ordinary efficient operating condition. The cost of the repair does not add to the value or prolong the life of the asset. All repair expenditures are charged to the appropriate department and fund.
- (2) IMPROVEMENTS are expenditures for additions, alterations and renovations that appreciably prolong the life of the asset, materially increase its value or adapt it to a different use. Improvements of the nature are capitalized.

### **8.2 Inventory of Assets**

The clerk shall maintain an inventory of the township's assets, and shall add or remove assets from the inventory at the time of acquisition or disposal. The inventory of assets shall include the following information on each asset:

- Class code
- Acquisition date
- Name and address of vendor
- Description of asset
- Acquisition cost (if gift, estimated fair value at time of donation)
- Fund or cost center (from which it was purchased)
- How acquired (purchase, lease/purchase, construction, condemnation, tax foreclosure, gift)
- Estimated life
- Date and method of authorized disposition

### **8.3 Lost or Damaged Township Property or Equipment**

Any lost or damaged equipment shall be reported immediately to the clerk.

### **8.4 Disposal of Fixed Assets**

Department heads shall make note on the annual inventory, or shall notify the clerk sooner if desired, of any equipment that would be appropriate for disposal. The clerk shall prepare a list of all such equipment recommended for disposal and shall submit the recommended disposal of fixed assets list to the supervisor for approval.

The township shall not make a gift or donation of township property with any remaining value.

The supervisor shall determine, on a case-by-case basis, the method of disposal, which may include sealed bids, public auction, negotiated sale or disposal.

## **Intellectual Property**

### **8.5 Intellectual Property**

Documents and files written or otherwise created by township officials, appointees, employees, volunteers and consultants/contractors in connection with performing their township duties, or for the township's use, are the creative and intellectual property of the township.

## **Property Maintenance**

### **8.6 Responsibility for Maintenance**

The township supervisor shall be responsible for monitoring the need for repairs and improvements to township property.

The supervisor shall use the township purchasing and bidding procedures for procuring the following services as applicable:

- Cleaning
- Lawn maintenance
- Snow removal
- Fire extinguisher inspections
- Non-emergency repairs to township buildings, land, equipment and vehicles
- Other as determined by the township board

### **8.7 Emergency Repairs**

The supervisor is authorized to contract for emergency repairs up to a cost of \$1,500.00 without prior board approval, when a delay in initiating a repair will have a significant impact on township operations or finances.

## **Township Facilities**

### **8.8 Township Board Authority for Township Facilities**

Township facilities are public property, but they are not open to public use unless the township board has so directed. The township board shall determine which township facilities will be open to public access and use, and the degree of public access and use. The supervisor shall establish procedures for opening, closing and the security of township facilities.

### **8.9 Hours of Business**

The township office shall be open to the public at 7:30 am and shall be closed at 12:30 pm on Monday, Tuesday and Thursday of every normal business day. The township office will be closed anytime the county offices are closed.

### **8.10 Emergency Closing**

The supervisor, with concurrence from the clerk, shall have the authority to close the township office in an emergency situation. Emergency situations include, but are not limited to, severe weather, failure of heating/mechanical systems, electrical failure, or any unusual situation that would either prohibit the normal operation of the township offices, or jeopardize the safety of the officials, employees or public.

If a closing is deemed necessary prior to normal business hours, the supervisor shall notify the officials and employees by telephone at least one-half hour prior to the usual starting time, or as soon as possible. The township board members shall also be notified of any closing.

### **8.11 Building Opening and Closing Procedures**

The secretary should make sure that:

- The security system is deactivated
- All public access doors are unlocked

Prior to leaving, each employee will make his or her work station secure by checking that computers, typewriters, calculators and lights are turned off, filing cabinets and cash drawers are locked, and windows and doors are locked.

The last person to leave the township hall at night shall check to see that:

- Office machines are turned off
- All doors and common area windows are locked
- All lights are turned off, except for designated security lights
- The security system is activated

Persons working after hours are responsible for turning off the lights and office machines used, and checking that all doors and windows are secure.

Outside lights shall be turned on prior to any evening meeting and shall be turned off by the last person leaving the meeting.

### **8.12 Smoking**

Smoking indoors is prohibited at all township buildings and facilities. An individual shall not smoke at a meeting of a township body, or in any enclosed, indoor area owned or operated by the township, including township facilities not open to the public or available only to township staff. There is no exception for private functions held at township facilities.

Township staff shall inform individuals smoking in violation of this act that they are in violation of state law and subject to penalties.



Persons wishing to smoke on township property shall smoke outside. Cigarette butts and packaging shall not be left on the grounds.

### **8.13 Alcohol and Substance Abuse Policy**

Bainbridge Township is dedicated to maintaining a safe and drug-free workplace. To do so, employees must comply with the following rules:

- Controlled substances or alcohol are not permitted on the property.
- Employees may not use, distribute, manufacture, dispense, or possess controlled substances or alcohol while on work time or in the workplace.
- Employees may not come to work under the influence of any controlled substances or alcohol. While on call, employees are expected to remain free from influence of controlled substances or alcohol.
- Bainbridge Township encourages any employee with a chemical dependence problem or concern about chemical dependence to seek professional treatment before the problem becomes a deterrent to job performance.
- Possession, use or being under the influence of alcohol or a controlled substance while on work time or in the workplace is grounds for disciplinary action up to and including immediate termination

## **Security**

### **8.14 Keys**

If a key is lost, the clerk shall be informed immediately. A replacement key shall be issued. If the supervisor has reason to believe that the missing key may be used for unauthorized entry, new locks will be installed.

Upon termination of employment, the employee shall return his or her office keys to the township clerk.

No person shall duplicate a key without authorization from the township supervisor or make a key available to any unauthorized person.

Each department head shall determine who shall be issued a key to the department's door or any secured facilities, such as a safe, cash drawer or filing cabinet, within the department.

### **8.15 Security System**

The supervisor shall be the administrator of the camera and security systems. The supervisor shall maintain all pass codes, record keeping and maintenance records.

### **8.16 Valuables**

Township officials, appointees, employees, volunteers and consultants/contractors shall not keep money or other valuables in their desks or at their work stations. The township shall not be responsible for the loss of any personal property.

### **8.17 Safety**

All township facilities will be maintained for compliance with OSHA and liability insurance standards as they apply to fire hazards, flammable materials and other safety hazards as established by board policy and procedures.

No boxes, files and other items shall be stored in hallways, stairs and landings. Flammable liquids and power equipment shall not be stored in the township hall. Other flammable materials will not be stored in the utility/furnace room.

In the event of a fire, all employees will immediately exit the building.

## **Public Use of Township Facilities**

### **8.18 Availability**

Township facilities that are open to public use shall be used only in compliance with township policies and procedures.

### **8.19 Denial of Facilities**

The township board reserves the right to refuse use of the facilities for cause. The township facilities are not available for the use of non-commercial events.

### **8.20 Reservations**

Any request for use of the township facilities shall be approved by the township board.

The township board reserves the right to refuse use of the facilities for cause. Refusal shall include use for any purpose or activity which is illegal, immoral, and obscene or which may subject the township to liability.

### **8.21 Fees and Deposits**

The township board reserves the right to set a fee for rental on a case by case basis.

In the case of a cancellation, the fee shall be returned.

### **8.22 Damages**

Damages to township property shall be the responsibility of the renting party.

### **8.23 Facility Use Rules**

- No smoking is allowed within any part of the building.
- Chairs and other equipment must be returned to their place of storage by the renter.
- Floors must be swept.
- Counters and tabletops must be wiped clean.
- Any trash must be deposited in the dumpster.

### **8.24 Alcoholic Beverages**

Alcoholic beverages will not be permitted on township property.

## **Use of Township Property by Township Personnel**

### **8.25 Personal Use of Township Property**

The personal use of the township premises, equipment, machines, tools, supplies, postage or personal use of township labor, shall be prohibited.

### **8.26 Personal Mail**

The township is a business address, and all mail and deliveries received at township facilities are subject to township policies regarding how mail and deliveries will be received and whether mail or deliveries will be opened by the township.

The township is a public entity, and mail and deliveries received at township facilities may be subject to public disclosure if they constitute public records. Township officials, appointees, employees, volunteers and consultants/contractors have no expectation of privacy regarding personal mail or deliveries at township facilities.

### **8.27 Office Supplies**

Township office supplies shall not to be used for non-township purposes.

### **8.28 Lobby**

The township board shall establish policies and procedures governing the use of the township lobby for public notices, township business, citizen requests and other notices. Employees who wish to post notices in the township lobby must have the prior approval of the clerk.

### **8.29 Township Facility Phone Use**

Employees are permitted to make brief personal local phone calls.

## **Computer and E-mail Use**

### **8.30 Computer Use**

The township's computer systems (including all hardware and software) are the exclusive property of the township and are provided for creating and transmitting business-related information. The township treats all computer files, including e-mail sent or received, as business information belonging to the township. In that regard, the township has the capability and reserves the right, with or without notice, to access, monitor, review, copy or delete any computer files, including e-mail sent or received, and all website communications and/or transactions. All computer users have the responsibility to use these resources in a professional, ethical and lawful manner.

### **8.31 E-mail Use**

Some employees may have access to the township's e-mail system for township-related purposes. When transmitting messages via e-mail, employees should consider that e-mail messages can be read by persons other than the addressee and that the message may be later disclosed to outside parties or a court in connection with litigation. The public may have a right to request a copy of e-mail sent or received via the township e-mail system. Because of these concerns, employees shall maintain the highest standards of courtesy and professionalism when transmitting e-mail.

### **8.32 Internet**

Some employees may have access to the township's Internet connection for township-related purposes. Any incidental use of the Internet for personal use must be conducted with the highest levels of professionalism.

The public may have a right to request a record of the sites an employee has visited. The township has the capability to review website access. Employees should not have any expectation of privacy regarding the websites accessed through the computer system. Computer systems may "leave tracks" at websites visited.

### **8.33 Online Forums**

The township recognizes that participation in some forums might be important to the performance of an employee's job. For instance, an employee might find the answer to a technical problem by consulting members of a news group devoted to the technical area. However, any messages or information sent on township-provided facilities to one or more individuals via an electronic network—for example, Internet mailing lists, bulletin boards and online services—are statements identifiable and attributable to the township. The public may have a right to request a record of messages or information sent on township-provided facilities.

### **8.34 Personal Use**

Limited, occasional or incidental use of township computer systems for sending or receiving e-mail for personal, non-business purposes is understandable and acceptable, but such personal use shall be kept to a minimum and shall not interfere with work responsibilities or work time.

Employees should not expect personal files or e-mail to be protected from review by other employees. As a result, employees should not use the township computer system to create or transmit any information they wish to keep private.

### **8.35 Township Access to Employee Communications**

Generally, electronic information created and/or communicated by an employee using e-mail, word processing, utility programs, spreadsheets, voicemail, telephones, Internet and bulletin board system access, and similar electronic media is not reviewed by the township. However, the following conditions should be noted:

Electronic communications generated by township resources are potentially subject to Freedom of Information Act requests.

### **8.35 Township Access to Employee Communications (cont)**

The township reserves the right to gather logs for most electronic activities or monitor employee communications directly, e.g., telephone numbers dialed, websites accessed, call length, and time at which calls are made, for the following purposes:

1. Cost analysis
2. Resource allocation
3. Optimum technical management of information resources
4. Detecting patterns of use that indicate employees are violating township policies or engaging in illegal activity

The township reserves the right, at its discretion, to review any employee's electronic files and messages to the extent necessary to ensure electronic media and services are being used in compliance with the law, this policy and other township policies.

Employees should not assume electronic communications are completely private. Accordingly, if they have sensitive information to transmit, they should use other means.

### **8.36 Software**

The unauthorized use of township software is prohibited. Employees shall not make or use unauthorized copies of software programs. Employees shall not install or run outside software on township computers unless approved by the clerk. All outside software or documents must be virus-scanned before being installed or run on township equipment.

### **8.37 Passwords and Encryption**

All passwords shall be disclosed to the clerk. Security passwords do not imply confidentiality.

Employees may use encryption software supplied to them by the clerk for purposes of safeguarding sensitive or confidential business information. Employees who use encryption on files stored on a township computer must provide the clerk with a sealed hard copy record of all of the passwords and/or encryption keys necessary to access the files.

### **8.38 Procedure for Reporting Abuse of Computer Privileges or Violation of This Policy**

A township official, employee or volunteer who is harassed or discriminated against through the use of the township computer system must immediately report this to the supervisor.

### **8.39 Violations**

Any township official, employee or volunteer who abuses the privilege of their access to e-mail or the Internet in violation of this policy will be subject to corrective action, including possible termination of employment, legal action and criminal liability.

## **Prohibited Uses of Township Property**

### **8.40 Prohibited Uses of Township Property**

An official or employee shall not use township facilities, property or equipment including, but not limited to, township mail, township websites, bulletin boards, offices, cellular or other phones, computers, e-mail, wired or wireless networks or the Internet, for the following prohibited uses:

- Visiting pornographic sites, or acquiring, possessing or transmitting pornographic, obscene or sexually harassing material
- Knowingly creating, transmitting, retrieving, circulating, publishing or storing any communication that is:
  - o Discriminatory, harassing or offensive. Offensive messages include any messages that contain sexual implications, racial slurs, gender-specific derogatory or demeaning comments, or other comments that offensively address race, age, sexual orientation, religious or political beliefs, national origin, height, weight, marital status or disability. Any unprofessional or harassing comments, regardless of whether they are covered by legally protected classifications, are prohibited.
  - o Derogatory to any individual or group
  - o Obscene, sexually explicit or pornographic
  - o Defamatory or threatening
  - o In violation of any license governing the use of software
  - o Engaged in for any purpose that is illegal or contrary to the township's policy or public interests
- Violating copyright
- Unlawfully soliciting or promoting commercial ventures, religious or political causes, or outside organizations
- Transmitting information to individuals who are not authorized to receive it
- Engaging in dialogue about confidential, proprietary or non-public information involving the township or any employee, citizen or vendor
- Except in cases in which the township board has granted explicit authorization, employees are prohibited from engaging in, or attempting to engage in:
  - o Monitoring or intercepting the files or electronic communications of other employees or third parties
  - o Hacking or obtaining access to systems or accounts they are not authorized to use
  - o Using other people's log-ins or passwords
  - o Breaching, testing or monitoring computer or network security measures
- Sending e-mail or other electronic communications that attempt to hide the identity of the sender or represent the sender as someone else
- Using electronic media and services in a manner that is likely to cause network congestion or significantly hamper the ability of other people to access and use the system

## FOIA Procedures and Guidelines

### 9.1 Statement of Principles

It is the policy of Bainbridge Township that all persons, except those incarcerated, consistent with the Michigan Freedom of Information Act (FOIA), are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees. The people shall be informed so that they fully participate in the democratic process.

The Township's policy with respect to FOIA requests is to comply with State law in all respects and to respond to FOIA requests in a consistent, fair, and even-handed manner regardless of who makes such a request.

The Township acknowledges that it has a legal obligation to disclose all nonexempt public records in its possession pursuant to a FOIA request. The Township acknowledges that sometimes it is necessary to invoke the exemptions identified under FOIA in order to ensure the effective operation of government and to protect the privacy of individuals.

Bainbridge Township will protect the public's interest in disclosure, while balancing the requirement to withhold or redact portions of certain records. The Township's policy is to disclose public records consistent with and in compliance with State law.

The Township Board has established the following written procedures and guidelines to implement the FOIA and will create a written public summary of the specific procedures and guidelines relevant to the general public regarding how to submit written requests to the public body and explaining how to understand a public body's written responses, deposit requirements, fee calculations, and avenues for challenge and appeal. The written public summary will be written in a manner so as to be easily understood by the general public.

### 9.2 General Policies

The Township Board, acting pursuant to the authority at MCL 15.236, designates the Township Clerk as the FOIA Coordinator. He or she is authorized to designate other Township staff to act on his or her behalf to accept and process written requests for the Township's public records and approve denials.

If a request for a public record is received by fax or email, the request is deemed to have been received on the following business day. If a request is sent by email and delivered to a Township spam or junk-mail folder, the request is not deemed received until one day after the FOIA Coordinator first becomes aware of the request. The FOIA Coordinator shall note in the FOIA log both the date the request was delivered to the spam or junk-mail folder and the date the FOIA Coordinator became aware of the request.

**The FOIA Coordinator shall review Township spam and junk-mail folders on a regular basis, which shall be no less than once a month. The FOIA Coordinator shall work with Township Information Technology staff to develop administrative rules for handling spam and junk-mail so as to protect Township systems from computer attacks which may be imbedded in an electronic FOIA request.**

The FOIA Coordinator may, in his or her discretion, implement administrative rules, consistent with State law and these Procedures and Guidelines to administer the acceptance and processing of FOIA requests.



The Township is not obligated to create a new public record or make a compilation or summary of information which does not already exist. Neither the FOIA Coordinator nor other Township staff are obligated to provide answers to questions contained in requests for public records or regarding the content of the records themselves.

## **9.2 General Policies (cont.)**

The FOIA Coordinator shall keep a copy of all written requests for public records received by the Township on file for a period of at least one year.

The Township will make this Procedures and Guidelines document and the Written Public Summary publicly available without charge. If it does not, the Township cannot require deposits or charge fees otherwise permitted under the FOIA until it is in compliance.

A copy of this Procedures and Guidelines document and the Township's Written Public Summary must be publicly available by providing free copies both in the Township's response to a written request and upon request by visitors at the Township's office.

This Procedures and Guidelines document and the Township's Written Public Summary will be maintained on the Township's website at: [bainbridgetownship.org](http://bainbridgetownship.org), so a link to those documents will be provided in lieu of providing paper copies of those documents.

## **9.3 Requesting a Public Record**

No specific form to submit a request for a public record is required. However the FOIA Coordinator may make available a FOIA Request Form for use by the public.

Requests to inspect or obtain copies of public records prepared, owned, used, possessed or retained by the Township may be submitted on the Township's FOIA Request Form, in any other form of writing (letter, fax, email, etc.), or by verbal request.

Verbal requests for records may be documented by the Township on the Township's FOIA Request Form.

If a person makes a verbal, non-written request for information believed to be available on the Township's website, where practicable and to the best ability of the employee receiving the request, shall be informed of the pertinent website address.

A request must sufficiently describe a public record so as to enable Township personnel to identify and find the requested public record.

Written requests for public records may be submitted in person or by mail to any Township office. Requests may also be submitted electronically by fax and email. Upon their receipt, requests for public records shall be promptly forwarded to the FOIA Coordinator for processing.

A person may request that public records be provided on non-paper physical media, emailed or other otherwise provided to him or her in digital form in lieu of paper copies. The Township will comply with the request only if it possesses the necessary technological capability to provide records in the requested non-paper physical media format.

A person may subscribe to future issues of public records that are created, issued or disseminated by Bainbridge Township on a regular basis. A subscription is valid for up to 6 months and may be renewed by the subscriber.

A person serving a sentence of imprisonment in a local, state or federal correctional facility is not entitled to submit a request for a public record. The FOIA Coordinator will deny all such requests.

#### **9.4 Processing a Request**

Unless otherwise agreed to in writing by the person making the request, the Township will issue a response within 5 business days of receipt of a FOIA request. If a request is received by fax, email or other electronic transmission, the request is deemed to have been received on the following business day.

The Township will respond to a request in one of the following ways:

- Grant the request.
- Issue a written notice denying the request.
- Grant the request in part and issue a written notice denying in part the request.
- Issue a notice indicating that due to the nature of the request the Township needs an additional 10 business days to respond for a total of no more than 15 business days. Only one such extension is permitted.
- Issue a written notice indicating that the public record requested is available at no charge on the Township's website.

#### ***When a request is granted:***

If the request is granted, or granted in part, the FOIA Coordinator will require that payment be made in full for the allowable fees associated with responding to the request before the public record is made available.

The FOIA Coordinator shall provide a detailed itemization of the allowable costs incurred to process the request to the person making the request.

A copy of these Procedures and Guidelines and the Written Public Summary will be provided to the requestor free of charge with the response to a written request for public records, provided however, that because these Procedures and Guidelines, and the Written Public Summary are maintained on the Township's website at: [Bainbridgetownship.org](http://Bainbridgetownship.org), a link to the Procedures and Guidelines and the Written Public Summary will be provided in lieu of providing paper copies of those documents.

If the cost of processing a FOIA request is \$50 or less, the requester will be notified of the amount due and where the documents can be obtained.

If the cost of processing a FOIA request is expected to exceed \$50 based on a good-faith calculation, or if the requestor has not paid in full for a previously granted request, the Township will require a good-faith deposit pursuant to Section 4 of this policy before processing the request.

In making the request for a good-faith deposit the FOIA Coordinator shall provide the requestor with a detailed itemization of the allowable costs estimated to be incurred by the Township to process the request and also provide a best efforts estimate of a time frame it will take the Township to provide the records to the requestor. The best efforts estimate shall be nonbinding on the Township but will be made in good faith and will strive to be reasonably accurate, given the nature of the request in the particular instance, so as to provide the requested records in a manner based on the public policy expressed by Section 1 of the FOIA.

#### ***When a request is denied or denied in part:***

If the request is denied or denied in part, the FOIA Coordinator will issue a Notice of Denial which shall provide in the applicable circumstance:

- An explanation as to why a requested public record is exempt from disclosure; or
- A certificate that the requested record does not exist under the name or description provided by the requestor, or another name reasonably known by the Township; or
- An explanation or description of the public record or information within a public record that is separated or deleted from the public record; and

#### **9.4 Processing a Request (cont.)**

- An explanation of the person's right to submit an appeal of the denial to either the office of the Township Supervisor or seek judicial review in the Berrien County Circuit Court;
- An explanation of the right to receive attorneys' fees, costs, and disbursements as well actual or compensatory damages, and punitive damages of \$1,000, should they prevail in Circuit Court.
- The Notice of Denial shall be signed by the FOIA Coordinator.

If a request does not sufficiently describe a public record, the FOIA Coordinator may, in lieu of issuing a Notice of Denial indicating that the request is deficient, seek clarification or amendment of the request by the person making the request. Any clarification or amendment will be considered a new request subject to the timelines described in this Section.

#### ***Requests to inspect public records:***

The Township shall provide reasonable facilities and opportunities for persons to examine and inspect public records during normal business hours. The FOIA Coordinator is authorized to promulgate rules regulating the manner in which records may be viewed so as to protect Township records from loss, alteration, mutilation or destruction and to prevent excessive interference with normal Township operations.

#### ***Requests for certified copies:***

The FOIA Coordinator shall, upon written request, furnish a certified copy of a public record at no additional cost to the person requesting the public record.

#### **9.5 Fee Deposits**

If the fee estimate is expected to exceed \$50.00 based on a good-faith calculation, the requestor will be asked to provide a deposit not exceeding one-half of the total estimated fee.

If a request for public records is from a person who has not paid the Township in full for copies of public records made in fulfillment of a previously granted written request, the FOIA Coordinator will require a deposit of 100% of the estimated processing fee before beginning to search for a public record for any subsequent written request by that person when all of the following conditions exist:

- The final fee for the prior written request is not more than 105% of the estimated fee;
- The public records made available contained the information sought in the prior written request and remain in the Township's possession;
- The public records were made available to the individual, subject to payment, within the time frame estimated by the Township to provide the records;
- Ninety (90) days have passed since the FOIA Coordinator notified the individual in writing that the public records were available for pickup or mailing;
- The individual is unable to show proof of prior payment to the Township; and
- The FOIA Coordinator has calculated a detailed itemization that is the basis for the current written request's increased estimated fee deposit.

The FOIA Coordinator will not require an increased estimated fee deposit if any of the following apply:

- The person making the request is able to show proof of prior payment in full to the Township;
- The Township is subsequently paid in full for the applicable prior written request; or
- Three hundred sixtyfive (365) days have passed since the person made the request for which full payment was not remitted to the Township.

## 9.6 Calculation of Fees

A fee may be charged for the labor cost of copying/duplication.

A fee will *not* be charged for the labor cost of search, examination, review and the deletion and separation of exempt from nonexempt information *unless* failure to charge a fee would result in unreasonably high costs to the Township because of the nature of the request in the particular instance, and the Township specifically identifies the nature of the unreasonably high costs.

Costs for the search, examination review, and deletion and separation of exempt from non-exempt information are “unreasonably high” when they are excessive and beyond the normal or usual amount for those services (Attorney General Opinion 7083 of 2001) compared to the costs of the township’s usual FOIA requests, not compared to the township’s operating budget. (*Bloch v. Davison Community Schools*, Michigan Court of Appeals, Unpublished, April 26, 2011)

The following factors shall be used to determine an unreasonably high cost to the Township:

- Volume of the public record requested
- Amount of time spent to search for, examine, review and separate exempt from non-exempt information in the record requested.
- Whether the public records are from more than one Township department or whether various Township offices are necessary to respond to the request.
- The available staffing to respond to the request.
- Any other similar factors identified by the FOIA Coordinator in responding to the particular request.

The Michigan FOIA statute permits the Township to charge for the following costs associated with processing a request:

- Labor costs associated with copying or duplication, which includes making paper copies, making digital copies, or transferring digital public records to non-paper physical media or through the Internet.
- Labor costs associated with searching for, locating and examining a requested public record, when failure to charge a fee will result in unreasonably high costs to the Township.
- Labor costs associated with a review of a record to separate and delete information exempt from disclosure, when failure to charge a fee will result in unreasonably high costs to the Township.
- The cost of copying or duplication, not including labor, of paper copies of public records. This may include the cost for copies of records already on the township’s website if you ask for the township to make copies.
- The cost of computer discs, computer tapes or other digital or similar media when the requester asks for records in non-paper physical media. This may include the cost for copies of records already on the township’s website if you ask for the township to make copies.

- The cost to mail or send a public record to a requestor.

Labor costs will be calculated based on the following requirements:

- All labor costs will be estimated and charged in 15-minute increments, with all partial time increments rounded down. If the time involved is less than 15 minutes, there will be no charge.
- Labor costs will be charged at the hourly wage of the lowest-paid Township employee capable of doing the work in the specific fee category, regardless of who actually performs work.

#### 9.6 Calculation of Fees (cont.)

- Labor costs will also include a charge to cover or partially cover the cost of fringe benefits.
- The Township may add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits, but in no case may it exceed the actual cost of fringe benefits.
- Overtime wages will not be included in labor costs unless agreed to by the requestor; overtime costs will not be used to calculate the fringe benefit cost.
- Contracted labor costs will be charged at the hourly rate of \$48.90 (6 times the state minimum hourly wage).

The cost to provide records on non-paper physical media when so requested will be based on the following requirements:

- Computer disks, computer tapes or other digital or similar media will be at the actual and most reasonably economical cost for the non-paper media.
- This cost will only be assessed if the Township has the technological capability necessary to provide the public record in the requested non-paper physical media format.
- The Township will procure any non-paper media and will not accept media from the requestor in order to ensure integrity of the Township's technology infrastructure.

The cost to provide paper copies of records will be based on the following requirements:

- Paper copies of public records made on standard letter (8 ½ x 11) or legal (8 ½ x 14) sized paper will not exceed \$.10 per sheet of paper. Copies for non-standard sized sheets of paper will reflect the actual cost of reproduction.
- The Township will provide records using double-sided printing, if it is cost-saving and available.

The cost to mail records to a requestor will be based on the following requirements:

- The actual cost to mail public records using a reasonably economical and justified means.
- The Township may charge for the least expensive form of postal delivery confirmation.
- No cost will be made for expedited shipping or insurance unless specified by the requestor.

If the FOIA Coordinator does not respond to a written request in a timely manner, the Township must:

- Reduce the labor costs by 5% for each day the Township exceeds the time permitted under FOIA up to a 50% maximum reduction, if **any** of the following applies:
  - The Township's late response was willful and intentional,

- The written request conveyed a request for information within the first 250 words of the body of a letter facsimile, email or email attachment, or
  - The written request included the words, characters, or abbreviations for “freedom of information,” “information,” “FOIA,” “copy” or a recognizable misspelling of such, or legal code reference to MCL 15. 231, et seq. or 1976 Public Act 442 on the front of an envelope or in the subject line of an email, letter or facsimile cover page.
- Fully note the charge reduction in the Detailed Itemization of Costs Form.

### **9.7 Waiver of Fees**

The cost of the search for and copying of a public record may be waived or reduced if in the sole judgment of the FOIA Coordinator a waiver or reduced fee is in the public interest because it can be considered as primarily benefitting the general public. The township board may identify specific records or types of records it deems should be made available for no charge or at a reduced cost.

### **9.8 Discounted Fees**

#### ***Indigence***

The FOIA Coordinator will discount the first \$20.00 of the processing fee for a request if the person requesting a public record submits an affidavit stating that they are:

- Indigent and receiving specific public assistance, or
- If not receiving public assistance, stating facts demonstrating an inability to pay because of indigence.

An individual is not eligible to receive the waiver if:

- The requestor has previously received discounted copies of public records from the Township twice during the calendar year; or
- The requestor requests information in connection with other persons who are offering or providing payment to make the request.

An affidavit is sworn statement. The FOIA Coordinator may make a Fee Waiver Affidavit Form available for use by the public.

#### ***Nonprofit organization advocating for developmentally disabled or mentally ill individuals***

The FOIA Coordinator will discount the first \$20.00 of the processing fee for a request from:

- A nonprofit organization formally designated by the state to carry out activities under subtitle C of the federal developmental disabilities assistance and bill of rights act of 2000, Public Law 106-402, and the protection and advocacy for individuals with mental illness act, Public Law 99-319, or their successors, if the request meets all of the following requirements:
  - Is made directly on behalf of the organization or its clients.
  - Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the mental health code, 1974 PA 258, MCL 330.1931.
  - Is accompanied by documentation of its designation by the state, if requested by the public body.

### **9.9 Appeal of a Denial of a Public Record**

When a requestor believes that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, he or she may appeal to the Township Board by filing an appeal of the denial with the office of the Township Supervisor.

The appeal must be in writing, specifically state the word "appeal" and identify the reason or reasons the requestor is seeking a reversal of the denial. The Township FOIA Appeal Form (To Appeal a Denial of Records), may be used.

The Township Board is not considered to have received a written appeal until the first regularly scheduled Township Board meeting following submission of the written appeal.

### **9.9 Appeal of a Denial of a Public Record (cont.)**

Within 10 business days of receiving the appeal the Township Board will respond in writing by:

- Reversing the disclosure denial;
- Upholding the disclosure denial; or
- Reverse the disclosure denial in part and uphold the disclosure denial in part; or
- Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the Township Board shall respond to the written appeal. The Township Board shall not issue more than 1 notice of extension for a particular written appeal.

If the Township Board fails to respond to a written appeal, or if the Township Board upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action in Circuit Court.

Whether or not a requestor submitted an appeal of a denial to the Township Board, he or she may file a civil action in Berrien County Circuit Court within 180 days after the Township's final determination to deny the request.

If a court that determines a public record is not exempt from disclosure, it shall order the Township to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Failure to comply with an order of the court may be punished as contempt of court.

If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in such an action, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or Township prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements.

If the court determines that the Township has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the Township to pay a civil fine of \$1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

### **9.10 Appeal of an Excessive FOIA Processing Fee**

Fee” means the total fee or any component of the total fee calculated under section 4 of the FOIA, including any deposit.

If a requestor believes that the fee charged by the Township to process a FOIA request exceeds the amount permitted by state law or under this policy, he or she must first appeal to the Township Board by submitting a written appeal for a fee reduction to the office of the Township Supervisor.

The appeal must be in writing, specifically state the word "appeal" and identify how the required fee exceeds the amount permitted. The Township FOIA Appeal Form (To Appeal an Excess Fee) may be used.

The Township Board is not considered to have received a written appeal until the first regularly scheduled Township Board meeting following submission of the written appeal.

### **9.10 Appeal of an Excessive FOIA Processing Fee (cont.)**

Within 10 business days after receiving the appeal, the Township Board will respond in writing by:

- Waiving the fee;
- Reducing the fee and issuing a written determination indicating the specific basis that supports the remaining fee;
- Upholding the fee and issuing a written determination indicating the specific basis that supports the required fee; or
- Issuing a notice detailing the reason or reasons for extending for not more than 10 business days the period during which the Township Board will respond to the written appeal. The Township Board shall not issue more than 1 notice of extension for a particular written appeal.

Where the Township Board reduces or upholds the fee, the determination must include a certification from the Township Board that the statements in the determination are accurate and that the reduced fee amount complies with its publicly available procedures and guidelines and Section 4 of the FOIA.

Within 45 days after receiving notice of the Township Board’s determination of an appeal, the requesting person may commence a civil action in Berrien County Circuit Court for a fee reduction.

If a civil action is commenced against the Township for an excess fee, the Township is not obligated to complete the processing of the written request for the public record at issue until the court resolves the fee dispute.

An action shall not be filed in circuit court unless *one* of the following applies:

- The Township does not provide for appeals of fees,
- The Township Board failed to respond to a written appeal as required, or
- The Township Board issued a determination to a written appeal.

If a court determines that the Township required a fee that exceeds the amount permitted under its publicly available procedures and guidelines or Section 4 of the FOIA, the court shall reduce the fee to a permissible amount. Failure to comply with an order of the court may be punished as contempt of court.

If the requesting person prevails in court by receiving a reduction of 50% or more of the total fee, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages.



If the court determines that the Township has arbitrarily and capriciously violated the FOIA by charging an excessive fee, the court shall order the Township to pay a civil fine of \$500.00, which shall be deposited in the general fund of the state treasury. The court may also award, in addition to any actual or compensatory damages, punitive damages in the amount of \$500.00 to the person seeking the fee reduction. The fine and any damages shall not be assessed against an individual but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

#### **9.11 Conflict with Prior FOIA Policies and Procedures; Effective Date**

To the extent that these Procedures and Guidelines conflict with previous FOIA policies promulgated by Township Board or the Township Administration these Procedures and Guidelines are controlling. To the extent that any administrative rule promulgated by the FOIA Coordinator subsequent to the adoption of this resolution is found to be in conflict with any previous policy promulgated by the Township Board or the Township Administration, the administrative rule promulgated by the FOIA Coordinator is controlling.

To the extent that any provision of these Procedures and Guidelines or any administrative rule promulgated by the FOIA Coordinator pertaining to the release of public records is found to be in conflict with any State statute, the applicable statute shall control. The FOIA Coordinator is authorized to modify this policy and all previous policies adopted by the Township Board or the Township Administration, and to adopt such administrative rules as he or she may deem necessary, to facilitate the legal review and processing of requests for public records made pursuant to Michigan's FOIA statute, provided that such modifications and rules are consistent with State law. The FOIA Coordinator shall inform the Township Board of any change these Policies and Guidelines.

These FOIA Policies and Guidelines become effective July 1, 2015.

#### **9.12 Appendix of Bainbridge Township FOIA Forms**

- Request for Public Records Form
- Notice to Extend Response Time Form
- Notice of Denial Form
- Detailed Cost Itemization Form
- Appeal of Denial of Records Form
- Appeal of Excess Fee Form

#### **9.13 Request for Assessing Records**

All requests for assessing records will be directed to the Township Web Site where BS&A is providing access to all township residents, their assessing and tax records. Records requested directly to the township assessor must be submitted in writing on the "Request for Public Records" form, approved by the township board, at no charge.

## RESOLUTION TO ADOPT THE BAINBRIDGE TOWNSHIP POLICY BOOK

WHEREAS, it becomes necessary to establish procedures that have not been provided for under State law.

WHEREAS, the Bainbridge Township Policy Book will provide for the efficient and uniform application of administrative policies and procedures in Bainbridge Township in a manner not inconsistent with the resolutions and ordinances of the Township, and will repeal all or parts of policies in conflict therewith.

WHEREAS the Township Board reserves the right to alter, modify, amend or repeal any or all provisions of this administrative policies and procedures manual.

**NOW THEREFORE BE IT RESOLVED** that the Bainbridge Township Policy Book is hereby adopted by the Bainbridge Township Board of Trustees.

The foregoing resolution is offered by B. Hodge

Second offered P. Hiler-Molter

Upon roll call vote the following voted:

	YES	NO	ABSENT
John Yetzke	X		
Don Baiers	X		
Nancy Weber	X		
Patty Hiler-Molter	X		
Bill Hodge	X		

The Supervisor declared the resolution adopted, this 9th day of July 2018.

Patty Hiler-Molter, Clerk

### **CERTIFICATE**

I, Patty Hiler-Molter, the duly elected and acting Clerk of Bainbridge Township, hereby certify that the foregoing resolution was adopted by the Township Board at a regular meeting of said Board held on July 9, 2018, at which

meeting a quorum was present by a roll call vote of said members as hereinbefore set forth; that said resolution was ordered to take immediate effect.

Patty Hiler-Molter, Clerk