

**TOWNSHIP OF SCIO
WASHTENAW COUNTY, MICHIGAN
RESOLUTION #2024-26**

Resolution to Approve Claim for Payment for Attorney Fees

At a Regular Meeting of the Township Board of Scio Township, Washtenaw County, Michigan, Held at the Scio Township Hall, 827 N Zeeb Road, in said Township on October 22, 2024, at 7 pm.

Members Present: Hathaway, Flintoft, Palmer, Kerry, Knol, Reiser

Members Absent: Brazeau

The following preamble and resolution were offered by Clerk Flintoft and supported by Trustee Reiser.

WHEREAS, Trustee Kerry has submitted a claim for payment to Scio Township for reimbursement of her attorney fees pursuant to Scio Township Code of Ordinances 2-42 incurred in Case #2024-24F3-0828-FY *State of Michigan v Kerry*; and,

WHEREAS, MCL691.1408 authorizes Sec. 2-42 of the Scio Township Code of Ordinances which states “Whenever a criminal action is commenced against a past or present officer or past or present employee of the township based upon the conduct of the officer or employee in the course of employment, if the employee or officer had a reasonable basis for believing that he was acting within the scope of his authority at the time of the alleged conduct, the township shall pay for, engage, or furnish the services of an attorney to advise the officer or employee as to the action and to appear for and represent the officer or employee in the action;” and,

WHEREAS, Trustee Jillian Kerry is an elected officer of Scio Township, having been elected on November 8, 2022 and taking office on November 20, 2022, and also serves as the Chair of the Scio Township Road Advisory Committee (RAC); and

WHEREAS, Trustee Kerry has been charged with a crime which allegedly occurred during the scope of her duties as a Township Trustee and member of the RAC; the alleged conduct occurring at Township Hall, immediately before a Township meeting, carrying out an authorized responsibility to enable remote meeting access on Township equipment following Township procedures; and,

WHEREAS, the Township has furnished, engaged, or paid for the services of attorneys when prior claims and actions have been brought against Township officials; and,

WHEREAS, to date the Township has not furnished or engaged the services of an attorney for this action, obligating the Township to pay for the attorney services; and,

WHEREAS, Trustee Kerry has incurred legal fees as a result of the charges arising from the allegations and has requested reimbursement of past expenses and payment of future expenses;

NOW THEREFORE BE IT RESOLVED that the Scio Township Board of Trustees finds that the charges filed against Trustee Kerry by the Washtenaw County Prosecutor arose from her actions as a Township Trustee and member of the RAC; and,

BE IT FURTHER RESOLVED that the Board of Trustees finds that Trustee Kerry had a reasonable basis for believing that she was acting within the scope of her authority at the time of the alleged conduct; and,

BE IT FURTHER RESOLVED that the Board of Trustees determines to pay attorney fees for the representation of Trustee Kerry in defending the charges; and,

BE IT FINALLY RESOLVED that the Board of Trustees approves payment of \$91,945.75 of such attorney fees incurred through September 30, as detailed in the October 2 invoice submitted by Trustee Kerry, and that any future approval or other action shall be made by resolution of the Board of Trustees.

ROLL CALL VOTE:

YES: Palmer, Flintoft, Knol, Reiser

NO: None

ABSENT: Brazeau

ABSTAIN: Hathaway, Kerry

RESOLUTION DECLARED ADOPTED.

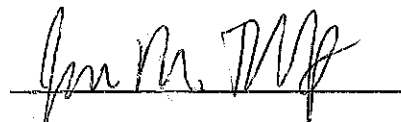


Jessica M. Flintoft, Clerk
Scio Township

DATED: October 22, 2024

CERTIFICATE

I, Jessica M. Flintoft, hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board of Scio Township, County of Washtenaw, State of Michigan, at a Regular Meeting held on October 22, 2024 and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

A handwritten signature in cursive script, appearing to read 'Jessica M. Flintoft', is written over a horizontal line.

Jessica M. Flintoft, Clerk
Scio Township

DATED: October 23, 2024