

**TOWNSHIP OF SCIO
WASHTENAW COUNTY, MICHIGAN**

RESOLUTION #2024-27

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 November 12, at 7:00pm.

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

Members Absent: None.

The following preamble and resolution were offered by Reiser and supported by Hathaway.

WHEREAS, Deputy Treasurer Sandy Egeler 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 and,

WHEREAS, MCL691.1408 states in part, "... (2) If a criminal action is commenced against an officer or employee of a governmental agency based on 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 or she was acting within the scope of his or her authority at the time of the alleged conduct, the governmental agency may 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. An officer or employee who has incurred legal expenses after December 31, 1975 for conduct described in this subsection may obtain reimbursement for those expenses under this subsection.

(3) A governmental agency may pay for, engage, or furnish the services of an attorney to advise an officer, employee, or volunteer of the governmental agency, and to appear for and represent the officer, employee, or volunteer, in connection with civil or criminal litigation or an investigation or proceeding if the litigation, investigation, or proceeding involves the officer, employee, or volunteer as a result of his or her conduct in the course of employment with or actions taken on behalf of the governmental agency..." and,

WHEREAS, Scio Township Code Sec. 2-42 states, Pursuant to section 8 of Public Act No. 170 of 1964 (MCL 691.1408), the township authorizes the indemnification of past and present public officers and past and present employees while acting on behalf of the township within the scope of their authority as stated below:

1. Whenever a claim is made or a civil action is commenced against any past or present officer or past or present employee of the township for injuries to persons or property allegedly caused by the officer or employee while acting within the scope of his authority, the township shall pay for, engage, or furnish the services of an attorney to advise the officer or employee as to the claim and to appear for and represent the officer or employee in the action. The board of trustees may compromise, settle, and pay the claim before or after the commencement of a civil action. Whenever a judgment for damages is awarded against an officer or employee of the township as a result of a civil action for personal injuries or property damage caused by the officer or employee while in the course of employment and while acting within the scope of his authority, the township shall indemnify the officer or employee or pay, settle, or compromise the judgment.
2. 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.

WHEREAS, Sandy Egeler was appointed deputy treasurer in November 2021 and has been employed by Scio Township since November 1991; and,

WHEREAS, The alleged crime for which Deputy Treasurer Egeler was investigated was submitting her time sheets, a task that occurred as a required part of her duties as a Township officer and employee, and that Ms. Egeler completed this task according to instructions and at the direction of her supervisors at the Township; 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, Deputy Treasurer Egeler incurred legal fees as a result of a sheriff investigation arising from the allegations and has requested reimbursement of these past expenses;

NOW THEREFORE BE IT RESOLVED that the Scio Township Board of Trustees finds that the allegations made against Deputy Treasurer Egeler and the resulting investigation by the Washtenaw County Sheriff arose from her actions as a Township officer and employee; and,

BE IT FURTHER RESOLVED that the Board of Trustees finds that Deputy Treasurer Egeler had a reasonable basis for believing that she was acting within the scope of her authority in the course of her employment 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 Deputy Treasurer Egeler in defending herself; and,

BE IT FINALLY RESOLVED that the Board of Trustees approves payment of \$4,000 of such attorney fees incurred, as detailed in the October 31 memo and accompanying attorney letter submitted by Deputy Treasurer Egeler.

ROLL CALL VOTE:

YES: Hathaway, Palmer, Reiser, Brazeau

NO: Kerry, Knol, Flintoft

ABSENT: None

ABSTAIN: None

RESOLUTION DECLARED ADOPTED.

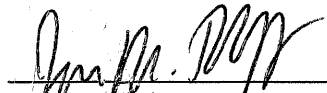


Jessica M. Flintoft, Clerk
Scio Township

DATED: November 12, 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 November 12, 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.



Jessica M. Flintoft, Clerk
Scio Township

DATED: November 15, 2024