

TO THE HONORABLE BOARD OF COMMISSIONERS OF BERRIEN COUNTY, MICHIGAN: Your Committee on Committees respectfully recommends the adoption of the following:

RESOLUTION

WHEREAS, at the September 26, 2019 Board of Commissioners' meeting, a motion was adopted appointing former Judge and private attorney John Dewane as Special Counsel ("Special Counsel") to the Board of Commissioners; and

WHEREAS, the Board is asking the Special Counsel to undertake a complete review and investigation of all matters and events that have transpired involving the allegations of Commissioner Teri Sue Freehling's conflict of interest and the alleged failure to fully disclose the same; and

WHEREAS, the Special Counsel is being asked to advise and assist the Board of Commissioners, if necessary, concerning a process for resolution of any further issues arising out of such allegations.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS: The Special Counsel is vested by the Board of Commissioners with, and delegated the full power and authority to review the Board's bylaws, to obtain and review records and documents and to interview persons who have information relevant to this inquiry; and

BE IT FURTHER RESOLVED that the Special Counsel shall have unrestricted access to all records and documents in the possession or under the control of any County employee, and shall have access to and the full cooperation of each Commissioner and all County employees, including but not limited to Corporate Counsel and the County Administrator, who shall direct his staff to provide whatever assistance is needed.

BE IT FURTHER RESOLVED that all County employees shall preserve and retain all records and documents in their possession or under their control, including all writings, drawings, graphs, charts, photographs, phone records, electronically stored information and other data compilations from which information can be obtained and / or translated if necessary, by the employee through detection devices into reasonably usable form; to the extent that any such records or documents are subject to such privilege, the County does not waive the attorney-client privilege following disclosure to Special Counsel as Special Counsel is serving the County's common interest along with Corporate Counsel and any other attorney representing the County.

BE IT HEREBY RESOLVED that the Berrien County Board of Commissioners approves the payment for legal services rendered by the Special Counsel at the hourly rate of \$215 per hour.

BE IT FURTHER RESOLVED that the timeframe for the investigation is expected to take three to six weeks.

**Respectfully submitted,
BERRIEN COUNTY COMMITTEE ON COMMITTEES**

R. McKinley Elliott, Board Chairman

William J. Chickering, Personnel & Human Services Committee Chairman

Jim Curran, Administration Committee Chairman

Robert P. Harrison, Finance Committee Vice Chairman

