

Park Township
Ottawa County, MI



BOARD POLICY MANUAL

Revised September 12, 2024

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Chapter 1- Introduction

1. Purpose

This policy manual is adopted to provide for the efficient and uniform application of policies and procedures in Park Township, where law has not provided for such procedures. It is intended for policies / procedures specific to the Park Township Board of Trustees, which includes the Supervisor, Clerk, Treasurer and four Trustees.

2. Elected or Appointed Positions

When a Township Board member or other elected or appointed 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 elected or appointed 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 appointed 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.

3. Employee Handbook

Park Township has already prepared and adopted an Employee Handbook that provides an array of polices concerning our employees, their conditions of employment and responsibilities on the job. This policy manual is not intended to supplant any items within that Handbook.

4. Appointed Committees

Violations of township policy and procedures may be considered by the township board as just cause for removing members from 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 appointed official, township employee or volunteer.

5. Volunteers

A township volunteer who violates township policy may be subject to dismissal by the township board from township service, 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.

Chapter 2 - Township Board

1. Township Board Authority

The Township Board is empowered by the Michigan Constitution and state laws to govern Park 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. 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 by vote directed the individual, committee or organization to act on the Township Board's behalf in that matter.

3. Responsibilities of Township Board Members

Township Board members shall:

- Keep current on issues affecting the township
 - Physically attend all board meetings unless there is a conflict or unforeseen emergency
 - Vote upon all questions unless there is a legal conflict of interest present
 - Encourage the free expression of opinion by all board members and members of the general public.
 - Assist new members in understanding their role and responsibilities as board members
 - Take no individual action that will compromise the township or cast the township in a negative light
- Respect confidentiality of privileged information
- Conduct themselves in an ethical and moral manner

4. Board Consultants

The Township Board is the legislative authority of Park Township. It reserves to itself the authority to appoint the following "At Will" consultants, including but not limited to:

- Attorney
- Auditor
- Planner

While these consultants are appointed by the board (unless the board delegates that authority), they report to and are subordinate to the Township Manager.

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

- Term/length of the agreement
- Services to be provided
- Payment method (*retainer, hourly or by project*)
- Payment schedule
- Documentation of services provided for payment (*details to be included in scope of work*)
- Method of resolving disputes
- Township officials/employees authorized to direct work or assign tasks to consultant

All appointments shall be reviewed and confirmed annually by the Township Board, unless contractual arrangement stipulates otherwise.

5. Contracts

Administrative contracts are those contracts necessary for the proper administrative, day to day functions of the Township Offices and are already provided for in the budget. Examples include but are not limited to phone systems, IT, copy machines, utilities, etc. Administrative contracts are generally approved by the Township Manager. Legislative contacts are agreements that have a considerable effect on Township Policy and legislative action. These contracts include general legal services, planning consultant services, health insurance, liability insurance, etc. The Township Board reserves the right and has exclusive authority to approve legislative contacts. When in doubt, a board member shall request that the board determine if a contract is considered administrative or legislative.

Once a contract is approved by the board, the Township Manager shall have the authority to sign such a contract. In addition, the Supervisor also has statutory authority to sign a contract that the Township Board has approved.

6. Litigation

The initiation of any lawsuit, litigation, and claim for injunctive relief, writ of mandamus or other legal proceeding at the Circuit Court level or higher 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 and will notify the entire board immediately of action taken on behalf of the board. Litigation at the District Court level can be authorized by the Township Manager for code enforcement and zoning related issues. The Township Manager or Treasurer may also initiate small claims actions on delinquent outstanding bills. Small Claims actions related to collection of personal property taxes are authorized by the Treasurer, if less than \$10,000 in total. Any authorization over \$10,000 require a majority vote of the Board of Trustees. Any settlement shall be approved by the Township Board if an assessing case is appealed to the full Michigan Tax Tribunal. Small claims cases before the Michigan Tax Tribunal shall be resolved by authorization of the Township Assessor.

“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.

With regard to litigation claims against Township Elected Officials, staff and committee members while performing official duties, the Township is responsible to provide legal representation at no cost to the Elected Official, staff or Committee member while working within the scope of their township responsibilities.

Township Administration

7. 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. The Township Board shall commit itself, to a yearly Strategic Planning Session where the board's goals. The Strategic Plan should outline the boards goals for one to three years, as appropriate.

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.

8. Directions and Control of Administration

To promote efficient administration, the Township Board authorizes the Manager to provide direction and oversee day to day operations of all township activities and functions that are not assigned by state law to another official and or unless an elected official designates and transfers such statutory duties to the manager in writing. The manager will be a liaison between the board and the various township departments within the parameters established by the Township Board and its policies.

9. Board Member Concerns Regarding Township Employees

Township Board members should make all inquiries, requests or complaints about department heads or employees to the Manager. 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 Manager prior to initiating any response (as stated in the employee handbook).

Township Board Meetings

10. Regular Board Meeting Agenda

The Township Manager shall prepare the agenda items and review such items with the Township Supervisor. The Township Supervisor shall approve items on the agenda prior to the packet being distributed to the board/public. In the event there is a disagreement on items being included in the agenda/packet, the Township attorney will be consulted and his or her recommendation will be acted upon by the Board of Trustees at the next regular Board Meeting.

The Township Manager shall prepare the agenda and board packet within seven days prior to every

Township Board meeting. Business items intended for board action may be placed on the agenda by any board member by notifying the Manager at least 10 days prior to the meeting. Agenda items that will be placed before the board may include the manager's advice and/or recommendation 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 board members comments section of the meeting.

When a need to place an item on the agenda arises after the deadline, the item may be added to the agenda by majority vote of the full board at the board meeting, under the Approval of the Agenda item. To preserve credibility with residents and prevent fractioning on the board, it is best that any item added to the agenda be fully vetted with the Manager and or supervisor. Additions of items that will create division and or are of a controversial nature should be requested ahead of time so that both residents and board members have time to contemplate the issue.

11. 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.

12. Consent Agenda

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

13. Board Member Meeting Conduct

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.

In all cases, respect by board members toward the general public, staff and other board members must be observed both verbally and non-verbally.

14. 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 legal conflict of interest. If a Township Board member has a legal 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 themselves and refrain from participation in all deliberations, discussions and voting on that matter.

15. Public Participation

Members of the public shall have an opportunity, under Public Comment, to address the board. Time frames for each public comment section shall be determined by the Supervisor or in the case when the supervisor is absent, the Chairperson, and generally will be limited to up to 3 minutes. At the discretion of the Supervisor and or Chairperson, a second public comment period can be offered. Generally, a similar time frame will be allotted for additional public comment.

16. Minutes

The Township 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

A draft of the meeting minutes will be available in a timely manner as provided for in the Open Meetings Act, and also in a timely manner posted on the Townships website.

Audiotapes of all township meetings will only be preserved until such time as the minutes by the Board of Trustees are approved.

Videos of all Township Board Meetings will be preserved for one year (rolling twelve months) on the Townships website and or within the Townships electronic files.

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 subsequent meeting following the correction.

Filling a Vacancy on the Township Board

17. Process of filling a vacancy on the Board

When a vacancy on the Board occurs due to death, resignation or recall, the current board has 45 days to appoint a person to fill the vacancy (MCL 168.370(4)).

18. Posting

Within 10 days of the vacancy the board must place a notice in one or more local newspaper advertising the vacancy. A moderate description of statutory duties accompanied by the statutory requirement of being a qualified elector in the Township should be included in the notice. Postings should also be made on the Township website.

Any questions or comments regarding the vacancy should be directed to the Clerk's office or the chair of the search committee if the board establishes one.

19. Resumes and Qualifications

Resumes must be gathered within 15-20 days of the vacancy. The Clerk's office must check the status of the applicants as qualified electors of the Township. If more than 5 resumes are submitted to fill the vacancy the Board may establish a selection committee of not more than 3 board members to review applications. If established, this committee, subject to all provisions of the Open Meetings Act, will then examine the resumes and submit no more than 3 finalists to go before the board for a public interview.

A brief summary of their recommendation must be submitted to the board along with the names of the candidates. The board must pay close attention to confidentiality of the applicant if requested and transparency of the proceedings.

If a current board member applies for the vacancy, the member cannot be chosen as part of the committee or be involved in the selection process, but should receive all correspondence afforded to the entire board.

20. Interviews

Interviews must be conducted within 30 days of the vacancy. All interviews of candidates to fill the vacancy will be done in accordance with the Open Meetings Act. Interviews can be conducted at a special meeting called by the Supervisor (or meeting chair) or a regular board meeting with proper notice. The board will agree on questions to ask each candidate. If a selection committee is formed, this committee will be charged with the duty of formatting interview questions. The interview must comply with applicable employment law. Each candidate must be asked the same questions.

21. Deliberation

Deliberation will take place immediately following the final interview. This will be done in accordance with the Open Meetings Act. Public Comment must begin this portion of the proceedings. After Public Comment, each Board member will have the opportunity to comment. Board members will focus on the positive attributes of the candidate they prefer for the vacancy.

If a board member has applied for the vacancy he/she can be present at the deliberation, however, should not comment until a vote is called.

22. Decision

A decision by majority vote of the entire board (4 out of 7) must be made within 40 days of the vacancy. If a board member abstains or is not present at the meeting there must still be 4 positive votes to appoint a successor to fill the vacancy.

A current board member applying for the vacancy shall be asked to not participate in the board vote out of fairness to all applicants who do not have this privilege.

23. Oath

An oath of office must be given in accordance with election law. The Clerk's office must give the oath unless unavailable to do so. If this occurs a Notary Public is able to administer the oath to the new board member.

Chapter 3 - Ethics

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, consultants, contractors, and volunteers are agents of the Township when acting on the Township's behalf, and that in such capacity all such agents must comply with the following code of conduct. Residents and taxpayers expect, and are entitled to, a local government that conducts its affairs in a fair, impartial, ethical, transparent and accountable manner with integrity.

To accomplish these ends, the Township Board expects compliance with the following Code of Ethical Conduct by all Township agents:

- Observe both the spirit and intent of all applicable laws, township ordinances, and township policies and procedures.
- Act in a fair, impartial manner with integrity.
- Actions shall be consistent with the township's best interests, rather than for personal gain.
- 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 delivering township programs and services.

2. Applicability and Conduct in Compliance with Laws

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

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. Compliance and Enforcement

The Ethical Code of Conduct expresses standards of ethical conduct expected for all agents of the Township, as noted in section 3.1. Each agent 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. When a violation of the Code of Ethical conduct is identified, the Township Board may impose sanctions or formal censure on members of the Board of Trustees as the law allows. The Township Board may impose additional sanctions for appointees to boards and commissions, committees and volunteers as the law allows.

For employees whose conduct is regulated by the Park Township Employee Handbook, the Township board may impose additional sanctions as allowed by law, including but not limited to reprimand, formal censure, loss of seniority or committee assignment, budget restriction,

termination or other sanctions as identified by the board.

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.

4. Reporting Improper Actions of Elected and Appointed Officials to Boards and Commissions

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 Township Supervisor who will investigate the allegation. The Supervisor may designate investigations to the Township Manager or third-party impartial investigator, especially when the complaint involves allegations against the Supervisor. The Supervisor shall provide a report of findings to the involved elected or appointed officials and the Township Board. The Supervisor will provide the Township Board with appropriate updates of the resolution of the complaint in a timely manner.

5. 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.

6. 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.

7. Actions on Behalf of Third Parties

As stewards of the public interest, members of the Township Board, appointees, members of boards and commissions, employees and volunteers shall not appear on behalf of the private interests of third parties before the Township Board, or any board, commission, committee or proceeding of the township, nor shall members of boards and commissions, or committees appear before their own board or before the Township Board on behalf of the private interests of third parties on matters related to the areas of service of their boards or commissions.

8. Disclosure of Conflict of Interest

When a decision or action could create a personal financial impact, the official, appointee, employee or volunteer shall promptly disclose the potential conflict of interest and shall not, directly or indirectly, participate in the decision or in any manner influence others who participate in the decision or action.

When a legal conflict of interest is disclosed, the official, appointee, employee or volunteer should be excused from deliberation and decision-making authority as agreed to by the remainder of the members of the board or committee. It is highly recommended the official, appointee, employee or volunteer exit the proceeding to a non-visible area while deliberation and decision-making take place to ensure indirect influence is not unwittingly exercised.

9. Conflict of Interest

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.

10. Gifts and Special Benefits

Gifts and special benefits (other than de minimus items) will not be accepted from vendors or others who are in a position to benefit from township decisions. Township officials, appointees, employees and volunteers shall refrain from accepting any gifts (including meals), favors or promises of future benefits that might compromise their independence of judgment or action, or give the appearance of being compromised.

11. Use of Township Resources

Township officials, appointees, employees and volunteers shall not use public resources that are not available to the public in general, such as township staff time, equipment, supplies or facilities, for private gain, private purposes or personal purposes and township resources will not be used for personal or political benefit. It is understood that some minor ancillary use of equipment by staff for non-township functions is unavoidable in today's office environment (i.e. email, internet use, etc.). The Township Manager shall determine what is considered "minor ancillary use of equipment by staff", in his or hers discretion and professional judgment.

Use of public time, resources and/or personnel by an elected official for campaign purposes is a violation of Michigan Campaign Finance Law (MCL 169.257).

12. Personal or Political Benefit

A member or candidate for the Township Board shall not solicit contributions or endorsements from township appointees, employees or volunteers. This provision is not intended to interfere with an employee's right to endorse or contribute on his/her own, or to prohibit soliciting contributions or endorsements from employee bargaining units. The Township expects all elected officials, appointees, employees, and volunteers to adhere to federal and state campaign finance rules

13. Maintaining the Integrity of Office

If a Township Board member is elected or appointed to a different public office that is incompatible with his or her Township Board office they shall resign from the 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.

14. Truthfulness

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

15. Confidential Information

Township officials, appointees, boards and commissions, employees and volunteers, shall respect the confidentiality of information concerning the property, personnel or affairs of the township. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

16. Information Acquired

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

17. Avoiding Undue Influence on Other Township Boards and Commissions

Because of the value of the independent advice of boards, commissions and committees to the public decision-making process, members of the Township Board shall refrain from using their position to unduly influence the deliberations, outcomes or recommendations of board, commissions and committee proceedings.

18. 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.

19. Interactions with Others

To provide an environment that is free from unlawful discrimination, 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.

20. Interactions with the Public

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.

21. Personal Conduct

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 vulgar language, abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the Township Board, other Township boards, commissions and committees, employees, volunteers, and the public at large.

22. Communication of Township Positions

Township officials, appointees, employees and volunteers shall represent the official policies or positions of both previous and current Township Boards, commissions or committees to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, it should be explicitly stated that they do not represent their board, commission or committee or the township, nor will it be inferred that they do.

23. Board Communication of Township Positions

Township Board members shall represent the official policies or positions of the Township Board, commission 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.

The official spokesperson for the Township Board regarding policy is the Supervisor or his/her designee. All media requests should be channeled through the Supervisor except as it relates to specific statutory duties.

24. Meeting—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.

Board members shall keep current on official rules and parliamentary procedures adopted by the Board to maintain order at public meetings.

25. Business Related Meal Expenses by Township Officials and Employees

Employees who are required to travel for work commitments, are attending conferences or otherwise would not have access to normal meal options; the township will provide a per day per diem for reimbursement. The township will reimburse up to \$85 for a full day off site for meals, excluding any liquor beverages. It is the employee's responsibility to allocate accordingly between breakfast, lunch and dinner. The Township will only reimburse on a legitimate receipt which includes food itemization. For morning and afternoon stipends only, the Township will pay up to \$25 dollars each. For evening commitments, the Township will pay up to \$35 dollars per day. The Township acknowledges that on occasion an employee will

be dining with colleagues or consultants at a higher end eating establishment for work purposes. Since it is the policy not to allow any gifts (including meals) to Township employees, the Township Manager can increase these amounts on a case by case basis. If the Township Manager needs to have per diem amounts increased, that will be at the discretion of both the Supervisor and Treasurer.

Chapter 4 - Financial Administration

All Internal procedures will follow generally accepted accounting principles.

1. 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.

2. Board Approval required for all Claims

All claims shall be approved by the township board prior to payment, with the exception of the following:

1. Payroll
2. Utility bills
3. Payments that occur on a regular basis, where costs are consistent and have been prior authorized by the budget.
4. Any expenditures that board has approved and discussed in detail in an open public meeting.
5. Invoices with penalties that would be incurred if payment is not received prior to the board meeting where claims will be approved.
6. The Manager may authorize emergency expenditures when deemed essential to the efficient operations of the Township. In such cases, the Manager shall approve said payment and report same to the board along with the next regular accounts payable report.
7. Return of good faith deposits where the requirements for repayment has been met.
8. Employee reimbursements on items purchased or expended that comply with Township policies.

3. Bank Accounts

All bank accounts shall be in the name of the township. 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. All requests for credit accounts shall be approved and applied for by the Treasurer.

Tax collections shall be deposited in a separate bank account in the name of the township. Bank signature cards shall be kept current and the authorized signers limited to the Supervisor, Clerk, Deputy Clerk, Treasurer and Deputy Treasurer. All checks shall require signatures from the Treasurer and the Clerk or their appointed deputies with authorization.

The Finance Director may be added as a signer at the bank/credit card company if this is required for administrative purposes (e.g., managing users and access levels). This should not be construed as authorization of Township expenditures unless the Clerk or Treasurer grants their permission.

4. 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 Board 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 shall annually authorize financial institutions as depositories of township funds, as per applicable state statute.

5. Notice of Investment Policy

The senior management of any firm, dealer, broker or financial institution shall be given a copy of the township's investment policies prior to the treasurer investing or depositing any township funds in such institution.

The township treasurer is authorized to manage funds belonging to the township, including depositing funds in approved financial institutions and administration of investments in conformance with MCL 41.77, P.A. 20 and the township investment policy.

The treasurer shall annually recommend for approval by the Township Board financial institutions 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.

The procedure for identifying approved depositories shall be in conformance with applicable state statute and Township policy.

6. Credit Card Use/Credit Purchasing Policy

It is the policy of Park Township that the issuance and usage of Credit Cards be limited. There shall be two office credit cards authorized for use: one issued jointly in the name of the Township Manager and Park Township, and the other issued jointly in the name of the Township Clerk and Park Township. Credit Cards are only allowed to be used for items that are authorized in the budget and or by majority vote of the board. Credit card purchases must adhere to the Township's purchasing policy.

Authorized Uses:

1. When a credit card is required for purchase (e.g., online registrations)
2. When use of a credit card facilitates use of the Michigan Sales Tax Exemption (e.g., conference travel)
3. When no local source is available, or an online vendor price is significantly lower than local sources (including staff time to retrieve the purchases from vendor)
4. To expedite the completion of critical Township business; Township Manager is authorized to determine if the need is critical.

Responsibilities:

Cardholders must exercise due diligence when selecting online vendors to ensure that purchases are made from reputable, secure and reliable sources. Before making a purchase, cardholders should:

- Verify the legitimacy of the vendor by checking reviews and ratings from other customers.
- Ensure that the vendor's website is secure, indicated by a URL that begins with <https://> and displays a padlock icon
- Prefer vendors that have a proven track record of delivering quality goods and services on time
- Avoid vendors that have frequent complaints about fraud, poor customer service, or delayed deliveries

Failure to use due care in selecting online vendors may result in disciplinary action and personal liability for any resulting financial losses or damages.

Restrictions:

1. Personal use of the credit card is strictly prohibited. Should the card be accidentally used

- for personal items, reimbursement must be made by the user as soon as it is discovered.
2. The card should not be used for purchases that can be planned and procured through the normal purchasing process
 3. Cash advances are not permitted

Documentation

1. Itemized receipts for purchases must include a signature and an account number to charge the items to and returned to the Finance Director
2. Monthly credit card statements will be reconciled by the Finance Director

The Township board may authorize the use of the Credit Card for other approved items, but only after unanimous approval of the Supervisor, Clerk and Treasurer.

7. Tax Account Disbursements

The township treasurer shall create a separate bank account and shall account for the tax fund separately from other township funds, as per state statute and accepted accounting principles.

8. Expense Reimbursements

The township shall reimburse officials for necessary expenses incurred in performing their duties, but only when such expenses are appropriated in the budget and or authorized by a majority vote of the Board of Trustees. In the case where dollars are appropriated, Authorization for any travel or business expense for conferences, continuing education, seminars, events, membership organizations or similar function may be authorized by either the Manager and or Supervisor. All reimbursement for elected or appointed officials shall confirm to the policies and procedures identified in the Township's Personnel Policy Manual.

9. Expenditure Authorization

The township shall not be responsible for any obligations incurred by an official that is contrary to the provisions of these administrative policies and procedures or any other financial administration policies adopted by the township board. 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 Manager shall exercise supervision and control to ensure that expenditures are within appropriations, and shall not permit expenditures that exceed appropriations.

10. Debt Management Policy

Purpose. A debt management policy establishes and communicates objectives and guidelines for responsibly issuing and administering the Township's debt. Careful debt management is critical to ensure the Township's credit rating and overall financial health.

Debt Manager and Disclosure Agent. The Finance Director is the Debt Manager for all items involving debt management. The Debt Manager is the Disclosure Agent and is the person authorized to speak externally on behalf of the Township concerning debt. Their duties include the filing of all public records to meet federal and state legislation.

Objectives

- The Township will exhibit restraint in incurring debt and strive to maintain a low level of debt and debt service payments. Debt will be confined to capital expenditures that cannot be financed from current revenue.
- Debt will not be used for operating or maintenance activities.
- The payback period of the debt will not exceed the expected useful life of the capital asset.
- Total debt will not exceed five percent of the state equalized valuation (SEV) of property within the Township (not including special assessments).
- The Township shall review each debt issuance or refunding on a case-by-case basis to determine the most appropriate method of sale (i.e. competitive, negotiated, private placement). The Township will engage a municipal advisor and bond counsel to assist in the issuance of debt.
- The Township will issue fixed rate debt to help manage interest rate and other financial risks.
- Effectively utilize debt capacity in relation to Township growth and the tax base to keep debt in line with available resources.
- All debt related transactions for capital improvements shall be reviewed by the Township Board. The Township Board shall comply with all public hearing/ballot requirements applicable to the specific type of debt being issued.

Types and Purposes of Debt

The Township may utilize several types of municipal debt obligations to finance long-term capital projects.

Assessment Bonds - Proceeds from assessment bonds may be used to finance local public improvements, provided that the improvements benefit the parcels of land to be assessed. Local streets, street lights, and sidewalks are examples of local improvements commonly financed by assessment bonds. The Township has not historically used assessment bonds to finance local projects.

General Obligation Bonds – A general obligation bond is a common type of municipal bond that is secured by a state or local government's pledge to use legally available resources, including tax revenues, to repay bond holders:

A limited-tax general obligation pledge requires a local government to levy a property tax sufficient to meet its debt service obligations but only up to the statutory limit.

An unlimited-tax general obligation pledge must follow a voter authorization in which local residents agree to raise property taxes by an amount equal to debt service requirements over the life of the bonds.

Financing Leases (Capital Leases) – The Township may finance a capital asset by leasing it directly from the vendor or leasing company if it is financially beneficial.

Refunding Obligations – The Township will refund debt when it is in the best financial interest of the Township to do so. When a refunding is undertaken to generate interest rate cost savings, the minimum aggregate present value savings will be at least three percent of the refunded bond principal amount.

Other Obligations – There may be special circumstances when other forms of debt are appropriate and may be evaluated on a case-by-case basis.

Ongoing Debt Administration

Continuing Disclosure – The Township will submit its annual continuing disclosure requirements along with annual audited financial statements to EMMA (Electronic Municipal Market Access) no later than 180 days following the end of the fiscal year. The Township will follow a policy of full disclosure on the annual continuing disclosure and annual audited financial report. The Finance Director is responsible for adherence to continuing disclosure requirements.

Material Event Disclosure – When necessary, the Township will issue a material event notice in accordance with the provision of SEC Rule 15c2-12. Prior to the issuance of any material event, the Finance Director will convene with the Supervisor, Township Manager, Township Attorney and outside professionals (as appropriate) to discuss the materiality of any event and the process for a timely and appropriate disclosure to the marketplace.

Arbitrage Rebate Compliance - Arbitrage is the interest earned on the investment of the bond proceeds above the arbitrage rate on the debt. If arbitrage occurs, the Township will be required to rebate or pay the amount of the arbitrage to the Federal Government unless it qualifies for an exemption. If not exempt, the Township shall have prepared and filed on the fifth anniversary of the bond issuance, the final arbitrage rebate calculation and submit to the federal government any rebate owed.

Ratings - The Township shall secure bond ratings on all newly issued obligations from at least one national rating agency. The Township will maintain good communication with bond rating agencies about its financial condition and will comply with all requests to review its ratings.

Investment of Bond Proceeds – Investments of bond proceeds will be segregated from other Township investments and limited to instruments approved in the Township’s investment policy unless further limited or restricted in bond documents.

Chapter 5 – Personnel Administration

1. Authority for Personnel Matters

To provide for efficient and uniform administration of personnel matters, the township board appoints the Township Manager as the township personnel officer to implement and enforce all personnel-related policies within the parameters established by the Township Board.

2. Policy Manuals

The township has developed and implemented a personnel policies and procedures manual to help guide the Township Manager, employee supervisors and other managers in the implementation of all employee workplace issues. This manual, entitled the Employee Handbook, may be changed at the sole discretion of the Township board. Township board members, officials and employees may submit any suggested changes or additions to these policies and procedures to the Manager.

3. Authorized Work Force

The Township Board, by means of the annual budgetary appropriations shall determine the number of employees assigned to the various township offices. The Manager shall recommend changes to staffing levels to the board for its approval.

The Board authorizes the Township Manager to add temporary staff (full or part time) for short duration assignments to fill in for a regularly employed staff person who is out on extended leave or specific to a special project or assignment needing additional staffing. Temporary employee is defined in the Employee Handbook.

4. 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)
- Any other form or information as required by the township.

5. Volunteers

The township board may utilize the services of volunteers for civic, charitable or humanitarian reasons without promise, expectation or receipt of compensation for the services rendered. Township volunteers may be reimbursed for out of pocket costs at the expense reimbursement rates and expense reimbursement policies adopted by the township board.

6. 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, medical condition or any other protected characteristic under local, state or federal law.

7. 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 Manager 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 in locations and/or publications that will attract the attention of the best potential candidates. All position openings will be posted on the Township website and Township Staff will be informed of the posting. The applications or résumés submitted will be reviewed by the Manager and the department head, and a list of qualified candidates will be developed.
- Interviews will be conducted with the department head's participation.
- The candidate selected shall be who best meets the job prerequisites for education, experience, and management style, if appropriate.

In the event that an individual is needed for a short-term assignment, these requirements can be waived by the Township Manager. By no means may a short-term assignment be greater than the equivalent of two full months of full-time employment within a twelve-month cycle.

8. Employment of Relatives

The township prohibits the employment into regular full-time and part time positions, the relatives of officials and employees. For purposes of this policy, "relative" is defined as the following, including in-law, step or adopted relations:

- Spouse
- Child
- Parent
- Sibling
- Grandparent, grandchild
- Aunt, uncle
- First cousin, niece, nephew

In the event the township requires specialized skills for temporary and seasonal employment from a potential employee that is offered by a relative of an employee or official the individual may be hired with manager notification to the board. Additionally, there are occasions where casual labor is required within the Township, and were a family relation may provide a positive benefit to the position. In this case, the Township Manager shall have the ability to grant a waiver prohibiting nepotism. Under no circumstances shall the employment period be greater than the equivalent of two months of full time employment within a twelve month cycle.

The Manager is responsible for, and will exercise sound business judgment in the placement of related employees in accordance with the following guidelines:

1. No relatives are permitted to work in any positions in which the one person will oversee financial information, including approving invoices, billings, time sheets, or the issuance of checks related to the relative's activities.

2. No relatives are permitted to work in the same department or any other positions in which the Manager believes an inherent conflict of interest may exist.
3. Employees who marry while employed will be treated in accordance with these guidelines. If, in the opinion of the Manager a conflict or apparent conflict arises as a result of the marriage, one of the employees will be transferred at the earliest practical time.
4. An applicant for township employment shall notify the township on the application for employment, and a current employee shall notify the Manager in writing if a relationship identified in this policy exists.
5. Should a relative of an employee be elected to the Township Board, the Manager, after determining the potential for conflicts of interest, may transfer the employee to another position or require the termination of the employee if an alternative position is not available.

9. Interviewing and Appointments for Boards and Commissions

1. Appointments

When an appointment to a board or committee becomes available, either due to resignation or expiration, the Township Supervisor will solicit interest from the public in serving on such board or committee. The Township shall advertise the appointment for a period of no less than 2 weeks to provide time for the public to be aware of the appointment and generate interest from the citizenry. The appointment shall be posted on the Township Website, identified in the Township E-Newsletter, and a press release provided to the local press.

The Supervisor will determine the specific process for evaluating the candidates who submit applications for the appointment and may delegate that authority to the respective committee chairperson or to staff. Regardless of the specific process to fill the appointment, all candidates who have timely submitted an application and expressed interest in the appointment will have their application reviewed. Interviews will be conducted, but the number of individuals interviewed will be determined based on a multitude of factors, including but not limited to the number of individuals who have submitted an application and the nature of the appointment.

Interviews will be conducted in teams, with at least two, but preferably three, individuals involved in the recommendation-making process.

The interview team will provide a report to the Supervisor on the results of the interviews and the interview team's recommended candidate. Unless otherwise provided by statute, the Supervisor will make a recommendation to the Board of Trustees for the Board of Trustees to act to fill the appointment.

2. Qualifications, Terms of Service, Forms

Persons wishing to be considered for an appointment must submit to the Supervisor and/or Manager's office an application on a form provided by that office. Applications will be reviewed, and appointments made according to the application process determined by the Supervisor or the Supervisor's designee. If a current board member or committee member's term is finished and that individual desires to be reappointed, that individual must contact the respective chairperson. If the chairperson desires to have that individual continue to serve in that capacity, then the chairperson will communicate this to the Supervisor. The Supervisor will bring this recommendation from the committee chairperson to the Township Board for approval. If the respective chairperson does not desire to have that individual continue to serve in that capacity, then the Township shall follow the process in Section A above for filling an appointment.

It is the policy of the Township Board to evaluate each recommended appointment based on the following criteria:

- a. Residency – The Board will review and consider any residency requirements required by law or as the Board deems advisable.

- b. Sectional Composition –The Board will generally consider maintaining an equitable balance of community representation on all boards and committees. The Township Board will not appoint or reappoint multiple members from the same family or household to a single board or committee, in order to avoid the reality or appearance of improper influence or favor. The Township Board will not appoint or reappoint members of Board members’ families or households to single boards or committees to avoid the appearance of favor and to increase or broaden community representation.
- c. Occupational Background – The Board will attempt to maintain a broad mix of occupational backgrounds on all boards and committees.
- d. Community Representation – The Board will evaluate the potential contribution that each recommended appointment may make if appointed or reappointed to a board or committee, including but not limited to the individual’s:
 - a. Ability to express ideas, concepts, or philosophies.
 - b. Past or present leadership experience (within current or past employment, special interests’ organizations, etc.)
 - c. Past or present participation in community services and organizations
 - d. Subject matter expert and or technical expertise related to the board or committee.
- e. Attendance and Availability –All appointees to boards and committees must be able to be physically present for at least 2/3 of the yearly meetings. The following criteria will be used in evaluating appointees;
 - i. Ability to attend regular meetings.
 - ii. Ability to attend regular trainings.
 - iii. Availability (currently serving on other boards or in other roles does not disqualify appointment to township boards or committees but may impact appointment decisions).

10. Term Limit Policy

Park Township has multiple boards and committees to assist in policy ideation and Township decisions. Some of those boards are authorized by state statute and in such case governed by those laws. The State of Michigan has not imposed any term limits on those respective boards (i.e. Planning Commission, Board of Zoning appeals, etc.). The Park Township Board of Trustees feels that term limits allow more residents to be involved in local government and facilitate boards / committees that are more representative of community values / culture. As such the Board of Trustees requires that all boards and committees set term limits as part of the board or committees by-laws, which shall be reviewed and affirmed annually. Other than the Board of Trustees, no individual shall be permitted to serve more than 9 consecutive years on a board or committee.

11. Employee Compensation

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

12. Park Township Employee Handbook

This existing policy manual for employees is considered part of the Park Township Board Policy manual. All changes to policies contained within the Employee Handbook require board action and approval.

Chapter 6 - Records Management

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. The township shall comply with all applicable state statutes for the retention and inspection of public records.

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 off-site storage facilities for inactive records
- Arranging microfilm and/or digital imaging services
- 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

3. Responsibility to Enforce

The Clerk and or designee 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 and or designee 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. The Clerk and or designee shall create a system of ensuring the digital protection of records in the case of a potential disaster.

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.

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 as per applicable state statute.

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 and or Manager 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

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.

8. Freedom of Information act Requests; Statement of Principles

It is the policy of Board of Trustees that a public summary of procedures and guidelines for freedom of information act requests are available online, along with forms and any detailed guidelines.

It is the policy of Park 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.

Park 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. General Policies

The Township Board, acting pursuant to the authority at MCL 15.236, designates the Township Manager 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.

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: www.parktownship.org, so a link to those documents will be provided in lieu of providing paper copies of those documents.

10. 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, the person requesting 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 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 Park 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.

11. 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: www.parktownship.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
- 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 Ottawa 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.

12. 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 sixty five (365) days have passed since the person made the request for which full payment was not remitted to the Township.

13. 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 records 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.
- 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.

14. 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.

15. 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.

16. 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.

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 Ottawa 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.

17. Appeal of a 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.

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 Ottawa 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.

18. 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.

Digital Files and E-mail Retention

19. Email Defined

Electronic mail (e-mail) is a means of exchanging messages and documents using telecommunications equipment and computers.

20. 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.

21. 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.

22. 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

23. Digital Files and E-Mail Storage and Maintenance

The township shall retain its digital files and e-mail as required by applicable state statute.

Record Storage and Maintenance

24. 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 township may utilize low-cost storage facilities for inactive records that have not fulfilled their retention requirements.

The Clerk shall work in conjunction with the appropriate staff, consultants and contractors 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 in accessible 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.

25. 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.

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.

26. 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 and Manager shall:

- Contact the township's risk manager and insurance agent
- 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

Chapter 7 - Public Information

1. Public Information Officer

The Township Supervisor and Manager shall both be considered the public information officer for the township. At his/her discretion, the Township Supervisor can designate certain specific items listed below to other board members and/or township staff.

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 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. Other township employees and volunteers will notify the public information officer prior to making any statements to the news media in their township capacity.

2. Public Notices

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 will post all public notices on the Township's website in a timely manner.

The Clerk shall also be responsible for publishing and mailing all public notices required by state law. The appropriate staff person responsible for the function/activity requiring the public notice shall notify the clerk when a public notice is required to be mailed or published with sufficient lead-time for the notice to be provided in compliance with applicable laws.

3. Incoming Mail

A staff member designated by the Manager 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 the Manager, as well. There may be some mail that the Township Manager directs the staff to date stamp.

4. Township Letterhead

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. All correspondence should be considered a public document, unless the contents are specifically excluded from disclosure by state law.

Public Contacts

5. Courtesy and Customer Service

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

6. 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, or to the Manager. 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.

Chapter 8 - Property Management

1. Identifying Township Assets

Assets that have a value of at least \$5,000 shall be identified and inventoried, and safeguarded to prevent loss. However records for IT equipment under \$5,000 are maintained by the contracted IT service provider.

2. Inventory of Assets

The Finance Director 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. Department heads shall inventory all assets assigned to their department, at least bi-annually and at the time of acquisition, and shall submit the inventory to the Finance Director.

- The inventory of assets shall include the following information on each asset:
- Acquisition date
- Name and address of vendor
- Description of asset
- Responsible department
- Location
- Acquisition cost
- Fund or cost center (from which it was purchased)
- Estimated life
- Date and method of authorized disposition
- Permanent identification number

3. Lost or Damaged Township Property or Equipment

Any lost or damaged equipment shall be reported immediately to the employee's department head.

4. Disposal of Fixed Assets

Department heads shall make note on the annual inventory, or shall notify the Finance Director *sooner* if desired, of any equipment that would be surplus and /or appropriate for disposal, replacement, or trade. The Finance Director shall prepare a list of all such equipment recommended for disposal, replacement, or trade. For items with a value of less than \$250, the Manager shall be authorized to solicit bids or quotes from the public for purposes of selling said asset. For items valued at more than \$250 the Manager shall submit the recommended disposal of fixed assets list to the Township board for approval. The items the Manager shall recommend and the township board shall determine, on a case-by-case basis, the method of disposal, which may include sealed bids, public auction, negotiated sale or disposal.

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

Township officials and employees are not eligible to purchase township fixed assets by negotiated sale without the approval of the board. An elected official shall refrain from voting on any negotiated sale involving the elected official.

Intellectual Property

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

6. Responsibility for Maintenance

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

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

- Cleaning
- Lawn maintenance
- Snow removal
- Non-emergency repairs to township buildings, land, equipment and vehicles
- Other services as specified in the Township Purchasing policy

7. Emergency Repairs

The Manager is authorized to contract for emergency repairs up to a cost of \$10,000 without prior board approval, when a delay in initiating a repair will have a significant impact on township operations or finances.

8. Emergency Closing

The Manager 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 Manager 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 shall also be notified of any closing.

9. 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.

The township shall clearly and conspicuously post “no smoking” signs or the international, “no smoking” symbol at the entrances to and in every township building, and shall remove all ashtrays and other smoking paraphernalia from indoor township facility.

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

Security

10. Keys

The Manager shall designate which officials, employees or others are authorized to receive a key (including electronic key cards) to the main door.

If a key is lost, the Manager 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 manager.

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

Each department head, in consultation with the Manager 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.

11. 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.

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

Public Use of Township Facilities

13. Availability

Township facilities are public property. Township facilities that are open to public use shall be used only in compliance with township policies and procedures. Township buildings are available for rent and or use in accordance with the Townships Rental Agreements, as amended from time to time.

Any board authorized subcommittee, standing committee, or affiliated organization has access to all township facilities as available.

14. Denial of Facilities

The township board reserves the right to refuse use of the facilities at any time for any reason. Such refusal shall be made by a majority vote of the Board of Trustees.

15. Reservations

Township facilities are available for use by any individual or organization on a first-come, first-served basis. The staff member designated by the Manager shall record each reservation on a facility calendar, on a first-come, first-served basis.

Reservations forms and rental agreements shall be used to secure use of township facilities and to establish the terms such reservations are subject to. The forms shall include a waiver that will hold the township harmless for any actions related to the event. This agreement may be amended from time to time as determined appropriate by the township attorney. Reservation forms and rental agreements are available at the Township Hall.

16. Fees and Deposits

The township board reserves the right to establish a fee schedule and periodically adjust the fees as necessary for use of township facilities by township board resolution.

17. Damages

A damage deposit shall be required as per the terms of rental as established by the township board. If damage to the facility has occurred, the township shall use the deposit to repair the damage. If damage has occurred, the renter shall be notified. The township shall repair the damage, and if damages exceed the deposit, an invoice covering the cost of the repairs shall be submitted to the renter for payment.

Failure to reasonably clean the facility after use shall result in forfeiture of a portion of the damage deposit to pay for cleaning expenses.

18. 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.
- Kitchen equipment and utensils must be washed and returned to their original storage.
- Other rules as contained in the rental agreement forms.

19. Alcoholic Beverages

Alcoholic beverages are not permitted in any township facility.

Use of Township Property by Township Personnel

20. Personal Use of Township Property

The personal use of the township premises, equipment, machines, tools, supplies, postage or personal use of township labor, is prohibited. This is not to prevent township employees or officials from renting township facilities as per the policy regulating public rentals.

21. Personal Mail

The township is a business address. 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. 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.

22. Office Supplies

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

23. Vehicles

Employees may be directed by a department head to take a township vehicle to their residence due to the nature of their work, such as responding to emergency calls. Department heads may also authorize a township vehicle to be driven to and from work because of the lack of a secure place to store the vehicle during hours the office is closed. The use of a township vehicle is not an employee fringe benefit, and personal use is prohibited.

Cell Phone Use

24. Cell Phone Use

The purpose of this policy is to provide a set of guidelines governing the use by township officials or employees of township-owned or leased cellular telephones. The Manager shall be responsible for oversight of cell phone usage and shall monitor and review such usage on a monthly basis to ensure that use is appropriate and that prudent fiscal management guidelines are followed. Department heads shall be responsible for enforcing this policy and taking corrective action where there is a violation of the policy.

25. Type of Cell Phone

The make and model of cell phones furnished for official or employee use shall be as determined by the Manager.

26. Ownership of Phone

Cell phones leased, purchased or operated under a township account, and any accessories, manuals or equipment, shall be the property of the township. Prior to an official or employee's last day of office or employment, the phone and all accessories, manuals or equipment must be returned to the township.

27. Damaged or Lost Phone

The theft, damage to or loss of a phone must be reported to the department head or Manager within 24 hours of the event. In the first instance of phone loss or damage, the township will pay for the cost of replacement or repair. Should there be any subsequent loss or damage to the phone due to negligence of the employee, the employee shall be responsible for the cost.

28. Personal Use

The phone is provided to the official or employee because of a business need and as such it is reserved for official township business. Personal use of the phone is to be limited, but the Township recognizes that some ancillary personal use is unavoidable.

Computer and E-mail Use

29. 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 and as per the terms included in the Employee Handbook.

30. 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.

31. 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.

Employees should not have any expectation of privacy regarding the websites accessed through the computer system. Computer systems may “leave tracks” at websites visited.

32. 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.

33. 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. Employee internet use shall conform to the standards and rules contained in the Employee Handbook.

34. 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.
- 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:
 - Cost analysis
 - Resource allocation
 - Optimum technical management of information resources
 - 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.

35. 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 Manager. All outside software or documents must be virus-scanned before being installed or run on township equipment.

36. Passwords and Encryption

All passwords shall be disclosed to the staff member designated by the Manager as the System Administrator. Security passwords do not imply confidentiality. Employees may use encryption software supplied to them by the township for purposes of safeguarding sensitive or confidential business information. Employees who use encryption on files stored on a township computer must provide the system administrator with a sealed hard copy record, to be retained in a secure location, of all of the passwords and/or encryption keys necessary to access the files.

37. 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 Manager.

38. 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

39. 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.

The prohibited uses are contained with the Employee

Chapter 9 - Township Manager Evaluation

1. Process Description

It is the intent of the Park Township Board to evaluate the performance of the Township Manager on an annual basis.

The Board using evaluation criteria and forms as reviewed in advance with the Manager will conduct this evaluation. One criterion will include an assessment of progress toward specific goals agreed to each year.

The process will also include a self-evaluation component where the Manager reviews his/her management and leadership skills using the same rating instrument that will be used by the Board.

2. Schedule

By no later than the October Board meeting each year an Evaluation Committee will be appointed by the Board to oversee the Manager's Evaluation. The Evaluation Committee will include the Supervisor and two additional Board members.

The following timeline and process will guide the Evaluation Committee:

November 1 -15

- a). Input will be provided from each board member using a Rating Instrument b). The Manager will complete a self-evaluation using the same Rating Instrument

November 16-30

The input received from all board members and the Manager's self-evaluation will assist the Evaluation Committee as they draft the performance report.

December 1-7

The Evaluation Committee will review the performance evaluation with the Manager and discuss it in detail. The Manager and the Supervisor will sign the document. A copy will be provided to the Manager and to each board member. A copy will be placed in the Managers personnel file. The Manager has the right to receive the performance evaluation and subsequent discussion in closed session.

December Board meeting

A summary of the performance review will be discussed at the December board meeting and copies will be made available to the media and the public, if requested. The Manager has the right to receive the performance evaluation and subsequent discussion in closed session.

January Board meeting

The Evaluation Committee will recommend to the Board any changes in wages, benefits or other contract language as it pertains to the Manager. Any compensation changes approved by the Board will be included in the budget for the fiscal year commencing April 1.

Chapter 10 - Purchasing Policy and Procedures

1. General Statement

Purchasing is an administrative function requiring an awareness of good procedures providing proper accountability and use of public funds. The following outlines the established policy and procedures concerning purchasing authorization, awarding of contracts, and receiving of goods.

2. Purchasing Procedures

The procedures outlined are intended to be followed by Park Township and its Board, supervisory staff and employees. The responsibility for administration falls within the scope of each department's general responsibilities. Grant funded procurements will follow all grant procurement requirements and guidelines that are more restrictive than the procedures herein.

3. Authorization to Purchase

Department heads, supervisors and their designated employees are authorized to purchase supplies, materials, equipment and services within the provisions of the budgeted appropriations and these specific purchasing procedures. Staff and employees shall not consider budgeted appropriations as a directive or mandate to expend township funds.

Elected Officials, department heads, supervisors, employees, and appointees shall obtain prior authorization and/or budget confirmation from the Manager before obligating the township for expenditures of the following nature:

- Memberships
- Seminars, conferences and out-of-state travel
- Professional and contractual services
- Property, plant and major equipment

4. Duties of Staff and Employees

- To adhere to the purchasing procedures outlined in this policy.
- To purchase or contract for supplies, materials, equipment and services to the overall best advantage of the township, procuring the highest quality and contractual services at the least expense to the township.
- To seek to obtain as full and open competition as possible on all purchases.
- To seek volume, cash and other discounts when available.
- To timely process all invoices for payment for which materials and/or services have been received, so that cash discounts may be received.
- To use due diligence to obtain sales tax exemption status for goods and services for township use.
- To not structure purchases in such a manner as to circumvent these purchasing procedures.
- To purchase from local vendors when evaluation criteria are deemed to be equal among

two or more providers.

5. Budgeted Purchases

The department heads and supervisors, subject to approval by the Manager and approved budgetary appropriations, are authorized to make purchases for supplies, materials, equipment and services up to \$5,000. At least two written price quotations shall be obtained for such purchases between the costs of \$3,000 and \$5,000. There may be some materials or services for which there is only one known supplier or which are effectively purchased from one supplier for consistency of replacement parts or for ongoing maintenance. In such cases, the requirement for written price quotations may be waived with approval of the Manager.

For items which are include within the approved Township budget and where the estimated costs range from \$5,000 to less than \$10,000, the department heads shall solicit competitive bids and submit the same with a recommendation to the Manager. This section should not be construed as to prevent or preclude sealed bids for items less than \$5,000 if the Manager deems it to be in the best interest of the Township.

Occasionally, it may be difficult to obtain two quotes for certain purchases. In this case, the department head should document the vendor contacted and the date. Two business days is the minimum amount of time required to wait for a response. Absent a second quote, this documentation, with approval from the Township Supervisor, will be considered as in compliance with the purchasing policy.

For all items of an estimated cost of \$10,000 or greater, the Manager shall authorize either competitive bids or the procurement of sealed bids and submit said bids with a recommendation by the Manager for approval by the Board of Trustees, unless the board has specifically approved the expenditure previously (in this case, only the expenditure has to be approved, not the actual company / bid). Publication or communication of proper notice of the need for bids shall be arranged for in the manner which will bring the information to the attention of the greatest number of individual professionals, contractors or vendors.

The department heads and supervisors shall solicit bids from all responsible prospective suppliers who have requested their names to be added to the bidders' lists, by sending them a copy of the request for bids. In addition, requests for bids shall be sent to such prospective bidders as shall represent a sufficient number of qualified bidders. Bidders' lists should be maintained by the Clerk, Manager, or designated department supervisor or designee, and/or by a designated project consultant.

All bids must be sealed and submitted to the office or official designated in the bid document. The bids shall be opened in public at the time and place stated in the bid document. The township reserves the right to accept or reject any or all bids, to negotiate with any bidder, to waive any errors or irregularities in the bids, and to accept any bid deemed to be in the best interest of the township, including accepting a bid that is not the lowest price. The Manager may award any bid or contract that is for an amount less than \$10,000. Bids and contracts for goods and services of \$10,000 or greater shall be awarded by the Board of Trustees, unless the board has specifically approved the expenditure previously (in this case, only the expenditure has to be approved, not the actual company / bid)

It is understood that professional services are generally exempt from bidding requirements. This is not to imply that professional services are immune to financial review, but a recognition that the

Township uses various professionals on an ongoing basis.

6. Cooperative Purchasing

The Township may join in cooperative purchasing arrangements with other public entities in order to obtain the benefits of volume purchases and/or reduction in administrative costs. Examples include the Michigan Inter-governmental Trade Network (MITN), purchase of IT equipment through the County, and Fire Department collaboration for equipment purchases.

7. Non-Budgeted Purchases

Non-budgeted purchases, not included in the current budget, are to be reviewed and approved by the Manager. The Manager is responsible to process budgetary appropriation amendments to the Board of Trustees as necessary. Purchasing procedures detailed in Section 5 are to be followed.

8. Exceptions from Formal Bid/Board Approval

- Routine operational purchases provided they are within the approved budget. Recurring examples include fuel, routine operating supplies, postage, and the like.
- Routine contractual services provided they are within the approved budget. Recurring examples include utilities, telephone, and the like.
- Bids for professional and technical services, or insurance, shall be requested periodically either as required by law or at the request of the township board or township manager.
- Purchases and contractual services associated with emergency maintenance and repairs.
- For specialized vehicles and equipment, and services, the Manager may request approval from the Board of Trustees to solicit specific proposals as an exception to the formal bid process. Staff members and the Manager will then solicit, analyze and make a recommendation for purchase of a specific vehicle or equipment to the Board of Trustees for approval. Examples of specialized vehicles and equipment include those used for firefighting, emergency response, excavation, sewer cleaning, path and trail way maintenance and the like.

9. Contracts

All contracts shall be signed by the Supervisor and the Clerk, and/or other designated officials. For contracts that are of an administrative nature, the Township Manager shall be authorized to approve and sign said contracts if funds are appropriated in the budget or if the Board has made prior authorization of the expenditure.

Contracts and purchase agreements may be subject to legal review as recommended by the Manager or requested by the Board of Trustees.

No contracts are to be made for a period more than the useful life of the property, improvements or equipment to be acquired.

The Township may, at its discretion, require a bidder to tender a proposal guarantee, surety bond or letter of credit for the full amount or any partial amount of any prospective award.

10. Receipt of Goods and Inspection

The department head, supervisor or designated employee shall be responsible for the inspection of all delivery of supplies, materials, equipment, or services, to determine conformance with the specifications set forth in the order for purchase or contract. The request for payment shall be documented in writing by vendor invoice or contractor payment request and any related receiving documentation. The department head or supervisor who is responsible for the budgetary cost center(s) to which the expense will be charged shall initial the invoice document. Initialing the payment request shall indicate that all of the following are true.

- The goods have been delivered or the services have been rendered to the township.
- The expenditure complies with the procedures outlined in this policy.
- All prices and units agree with the order to purchase or contract.
- The payment request is mathematically accurate and correct.
- The general ledger expense account number(s) being charged have appropriate budgetary allocations for this expenditure. Either the Clerk, Township Manager or his/her designee prior to payment by the township shall approve all invoices, contract payment requests and other payment requests.

11. Miscellaneous

- Requests for reimbursement for purchases paid for by township employees shall be submitted with receipts showing pertinent information on the vendor, amount, date, and item purchased and departmental budgetary expense accounts. Such purchases should be for only minor, budgeted items for purposes of convenience or emergency needs.
- For change orders exceeding an authorized budget appropriation and if such a change order is \$10,000 or greater, then such change order shall require the approval of the Board of Trustees. Change orders that are the result of adjusting estimated quantities to final construction quantities upon completion and final inspection of a construction project do not require the approval of the Board of Trustees.
- If the Board of Trustees has prohibited a purchase for a specific good or service, then a future purchase of such a good or service shall only be authorized upon the approval of the Board of Trustees.
- Employees shall at all times conduct themselves in a professional manner which will avoid any conflict of interest with any vendor who is currently doing business with or for whom it is anticipated that they will be doing business with the township. In the event an employee has a conflict of interest, the conflict shall be disclosed to the Manager. In the event a Trustee has a conflict of interest, the conflict shall be disclosed to the Board of Trustees. The Manager or the Board of Trustees, as applicable, shall have the right to waive the said conflict if the best interest of the township will be served by such waiver.

12. Board Attendance

Attendance at Board meetings, work sessions, and workshops is expected as a responsibility of all elected Park Township Board members. It is required that all Park Township Board meetings have a quorum physically present.

It is the general policy of this Board not to allow board members to participate in meetings via electronic devices. It is the policy of the Board that on some rare instances, attorneys or consultants can be called for advice or consultation at the board meeting. Calling someone on the phone at a meeting for consultation should be done infrequently and only as a last option.