

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD SPECIAL MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
853-4000, Town Hall Room
TUESDAY, FEBRUARY 24, 2015 **4:00 P.M.**

PRESENT: Supervisor LeGoff, Clerk Dreyfus, Treasurer Brixie, Trustees Scales, Styka, Veenstra
(4:01 P.M.), Wilson
ABSENT: None
STAFF: Township Manager Frank Walsh, Police Chief David Hall

1. CALL MEETING TO ORDER

Supervisor LeGoff called the meeting to order at 4:00 P.M.

2. PUBLIC REMARKS

Supervisor LeGoff opened Public Remarks.

Leonard Provencher, 5824 Buena Parkway, Haslett, spoke to the issue of transparency with regard to holding this special meeting and its notification process. He also believed this special meeting should have been televised.

Supervisor LeGoff closed Public Remarks.

3. COMMENCEMENT OF THE PROCESS TO OBTAIN NEW LEGAL COUNSEL

Township Manager Walsh spoke to the need for direction from the Board relative to obtaining new legal counsel. He indicated he has gone through a similar process three (3) other times during his career in government service. Township Manager Walsh stated the former Township attorney will not be available to serve as interim counsel for a variety of reasons. He believed it will take at least eight (8) weeks for this process to reach a conclusion, and interim counsel will be necessary.

Board and staff discussion:

- Possible use of Bodwin & Associates
- Preference not to retain the Bodwin firm, but keep Township prosecution separate
- Preference for the committee approach as recommended by the Township Manager
- Board member preference for the committee to vet the request for proposal (RFP) process and bring back two finalists to the Board
- Preference for the committee to contemplate possible special consideration to local firms
- Copy of the RFP used by the Township in 2001 to hire the Hubbard Firm
- Board member recollection from the previous meeting that a majority of the Board wanted all Board members involved in setting the direction and tone as well as assessing the needs of the Township prior to the committee being formed
- Board member request for information on the costs of legal services over the last 10-15 years, as well as the specialty legal services used, etc.
- Board member belief this meeting is premature as there is a need for the entire Board to have the necessary data
- Board member belief this special meeting should have been televised
- Need for investigation as to whether there is a cost savings for an in-house attorney
- \$120,000 annual retainer for previous legal counsel plus additional work on an hourly basis
- Special law firms have been hired in the past for cable law, labor law, environmental law, prosecutorial services, etc.
- Board member belief this topic is normal Board meeting business and could have been handled at a regular Board meeting
- Previous RFP process dated 2001 indicated the committee reviewed qualifications of the firms submitting proposals and then selected firms were interviewed by the entire Board
- Legal counsel needs summary may provide an opportunity to find a firm which will cover a majority of the issues
- Monthly retainer is not currently being paid out for legal representation and money could be used if there was a sudden need for legal services

Trustee Veenstra moved to authorize the Manager to hire on an ad hoc basis such legal counsel as he finds needed for Township business until there is a permanent legal arrangement. Seconded by Clerk Dreyfus.

Board and staff discussion:

- Possibility of including a six-month period not to exceed \$60,000
- Preference for the interim deadline not be for six months

Trustee Veenstra offered the following amendment to his motion:

- **This interim period will be up to four (4) months at not more than \$40,000.**

Seconded by Trustee Scales.

Continued Board and staff discussion:

- Motion is a reasonable approach as the Township Board has the authority to authorize an increase in legal bill expenditures in the event unexpected expenses arise
- Amendment enables the Manager to use the budgeted monthly retainer towards legal fees
- Amendment places a time limit on the Board
- Inquiry if the Michigan Townships Association has a list of attorneys

ROLL CALLVOTE: YEAS: Trustees Scales, Styka, Veenstra, Wilson, Supervisor LeGoff, Clerk Dreyfus
NAYS: Treasurer Brixie
Motion carried 6-1.

ROLL CALLVOTE ON THE MAIN YEAS: Trustees Scales, Styka, Veenstra, Wilson, Supervisor LeGoff, Treasurer Brixie, Clerk Dreyfus
MAIN MOTION: NAYS: None
Motion carried unanimously.

Continued Board and staff discussion:

- Board needs to provide the committee with direction
- Committee should use established selection criteria to vet the proposals based on clearly defined legal needs
- Need to add taxes, finances, contracts, election law, land use and environmental issues to the list of categories handed out to the Board
- Committee could assign a ranking to the items on the list in order of priority
- Ranking would be a tool used to compare proposals
- List handed out was not meant to be comprehensive

Treasurer Brixie moved to set up a committee comprised of the Manager, Supervisor LeGoff, Trustee Styka and Clerk Dreyfus to evaluate the RFP for legal services and carry out the search process, bringing to the Board three (3) finalists to interview. Seconded by Trustee Scales.

Continued Board and staff discussion:

- Board member belief the motion is premature as the plausibility of an in-house attorney has not yet been investigated
- Request for the Township Manager to provide data on the cost of legal services and a reasonable estimate on the cost of an in-house attorney for the next Board meeting
- Cost of legal services provided by the Hubbard Law Firm - \$120,000 annually
- Cost of legal services provided by Bodwin & Associates - \$80,000 annually
- Labor legal services provided by the Fahey Schultz Law Firm at \$200/hour
- Approximately \$35,000 in legal expenses related to the central fire station litigation
- Estimated cost of in-house legal counsel at approximately \$155,000-\$160,000 per year
- Legacy costs associated with hiring in-house counsel as an employee
- In-house attorney will not have expertise in all areas of the law needed by the Township
- Manager's research indicated very few communities the size of Meridian Township have in-house counsel

- Purpose of today's meeting was to provide needed information to the Board for use in its deliberation on how best to move forward
- Comprehensive list provided to Board members will aid in formulating questions posed to interested law firms
- Use of a law firm should provide availability of several lawyers with multiple disciplines
- Process handed out to the Board does not contain sufficient information to begin the selection process
- Need for the Board to provide direction to the committee in establishing comprehensive selection criteria

ROLL CALLVOTE: YEAS: Trustees Scales, Styka, Wilson, Supervisor LeGoff, Treasurer
Brixie, Clerk Dreyfus
NAYS: Trustee Veenstra
Motion carried 6-1.

Continued Board and staff discussion:

- List prepared by Trustee Styka should be prioritized prior to screening
- Board member preference to pass a motion at the next Board meeting with details regarding the committee's RFP process
- Department heads should be able to assist the committee in prioritizing legal service needs
- Importance of the Township Manager as a member on the committee as he is the individual who knows "best" about the daily operations of the Township
- Board consensus to exclude the highly specialized cable and the prosecutorial legal representation from the list of desired services included in the RFP
- Data and historical information regarding legal expenses based on usage will assist in prioritizing the Township's legal needs
- Data allows the Board to make an informed decision in creating a weighted set of criteria

[Clerk Dreyfus left the room at 5:13 PM]

- Criminal v. civil prosecutorial services
- Board member preference for firms with a presence in the greater Lansing area

[Clerk Dreyfus reentered the room at 5:15 PM]

- Update on the search process for Township legal services will be on the Board's agenda every meeting until a firm is selected

4. PUBLIC REMARKS

Supervisor LeGoff opened Public Remarks.

Leonard Provencher, 5824 Buena Parkway, Haslett, expressed appreciation for looking at legal counsel whose business is located within the township. He stated greater transparency should have been shown by having this meeting televised on HOMTV.

Supervisor LeGoff closed Public Remarks.

5. ADJOURNMENT

Supervisor LeGoff adjourned the meeting at 5:18 P.M.

ELIZABETH LEGOFF
TOWNSHIP SUPERVISOR

BRETT DREYFUS
TOWNSHIP CLERK

Sandra K. Otto, Secretary