



# Torch Lake Township

Board of Trustees

Policy Manual

Approved December 21, 2021

Torch Lake Township  
2355 N US-31  
Kewadin, MI 49648

# Torch Lake Township Policy Manual

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**TORCH LAKE TOWNSHIP  
ANTRIM COUNTY, MICHIGAN  
RESOLUTION NO. 2021-38**

**A RESOLUTION ADOPTING TOWNSHIP POLICIES AND PROCEDURES**

At a regular meeting of the Board of Trustees of the Township of Torch Lake, located in the County of Antrim, State of Michigan, held in the Torch Lake Township Hall, 2355 N US-31 Kewadin, Michigan 49648, on December 21, 2021, at 7:00 p.m.

PRESENT: J. Merchant, B. Cook, K. Windiate, S. Schultz.

ABSENT: A. Martel.

The following preamble and resolution were offered by B. Cook and supported by S. Schultz:

**WHEREAS**, the Board of Trustees recognize that the safety and welfare of Township employees and visitors are important goals of the Board;

**WHEREAS**, the Board of Trustees recognize that the safe, effective, and efficient operation of local government works best when rules, policies, and procedures (collectively, “policies”) provide notice, guidance, and direction to its employees and those providing contracted services;

**WHEREAS**, the Board of Trustees has previously adopted relevant policies for the Township’s operations;

**WHEREAS**, the Board of Trustees has reviewed certain policies identified herein for the Township’s operations; and

**THEREFORE**, be it Resolved that the Township of Torch Lake Board of Trustees hereby resolves, approves, and adopts the following sixteen policies, and procedures contained therein:

- 1.0 Board and Administrative Policies Manual
- 2.0 Township Board Administration and Rules of Procedure
- 3.0 Code of Ethics and Conflict of Interest
- 4.0 Financial Administration
- 5.0 Personnel Administration
- 6.0 Records Management
- 7.0 Public Information Officer
- 8.0 Property Management
- 9.0 Computer; E-Mail; Cell Phones; Internet and Social Media



10.0 Substance Use and Alcohol/Drug and Testing Policy

11.0 Investment Policy

12.0 Freedom of Information Policies

13.0 Seat Belt Use Policy

14.0 Texting Prohibiting While Driving Policy

15.0 Illegal Drugs, Marihuana, Tobacco Use Prohibited

16.0 Video Surveillance

**THEREFORE**, let it be further Resolved that the Township Supervisor and Clerk, with the review of the Township Attorney, may amend the policies identified herein from time to time.

**THEREFORE**, that all previously adopted policies and procedures in conflict with the provisions of the policies identified herein shall be and hereby repealed.

**THEREFORE**, that all Resolutions or parts of Resolutions, in conflict with the provisions of this Resolution shall be and hereby are rescinded.

AYES: S. Schultz: yes, K. Windiate: yes, B. Cook: yes, J. Merchant: yes.

ABSENT: A. Martel.

The foregoing Resolution declared adopted on the date written above.



Kathy Windiate, Clerk  
Township of Torch Lake

STATE OF MICHIGAN }  
                                  }ss  
COUNTY OF ANTRIM }

**CERTIFICATE**

I hereby certify that the foregoing constitutes a true and complete copy of a Resolution adopted at a regular meeting of the Torch Lake Township Board held at the Township Hall on the 21st day of December 2021, that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being 1976 PA 267; that a quorum of the Board was present and voted in favor of said Resolution; and that minutes of said meeting were kept and will be or have been made available as required by said Open Meetings Act.



Kathy Windiate, Clerk  
Township of Torch Lake

**TORCH LAKE TOWNSHIP  
ANTRIM COUNTY, MICHIGAN  
BOARD AND ADMINISTRATIVE POLICIES MANUAL**

**1.0 Introduction**

**1.1 Purpose**

This policies manual is adopted to provide for the efficient and uniform application of policies and procedures in Torch Lake Township (TLT), Antrim County, Michigan, where such procedures have not been provided for by law.

**Compliance With and Enforcement of Township Policies**

**1.2 Elective or Appointive Positions**

When a Township Board member or other elective or appointive 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 elective or appointive 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 appointive 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.

Violations of Township policy may also be considered by the Township Board as just cause for removing members of appointive Township Boards and commissions from office, where removal is authorized by law.

**1.3 Non-statutory committees**

Violations of Township policy and procedures may be considered by the Township Board as just cause for removing members of non-statutory 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 appointive official, Township employee or volunteer.

**1.4 Employees and volunteers**

A Township employee or volunteer who violates Township policy may be subject to any of the following actions, 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:

- Counseling
- Verbal warning, accompanied by a written memo for the file
- Written reprimand
- Suspension without pay

- Termination of employment or termination of the volunteer position

## **1.5 Approval**

The policies included in this manual were approved as official policy of Torch Lake Township on December 21, 2021. All Township officials and personnel are bound by these policies, and any deviation from established policy is prohibited.

## TORCH LAKE TOWNSHIP POLICY MANUAL

### **2.0 Township Board Administration and Rules of Procedure**

#### **2.1 Township Board Powers**

The Board of Trustees of Torch Lake Township retains all authority and power to determine the administrative policies and procedures for Torch Lake Township, except where the laws of the State of Michigan have assigned such authority and power to a specific elected Township official. The authority to adopt any administrative policy or determine appropriate procedures not provided for in this manual or provided for by state law shall be retained by the Board of Trustees. The Board also reserves the right to alter, modify, amend, or repeal any or all provisions of this manual of administrative policies and procedures, and has the authority to interpret ambiguous provisions of Township policy manuals.

This policy and the Rules of Procedure (“Rules”) shall be considered pursuant to the Michigan Open Meetings Act, PA 267 of 1976, MCL 15.261, *et seq.*

#### **2.2 Authority Delegated from the Board**

In the interest of promoting the efficient operation of the Township and pursuant to the implied powers of the Board may, from time to time, assign to various Township elected and appointed officials, the authority to exercise non-statutory administrative responsibilities in accordance with the specific policies and procedures contained herein.

#### **2.3 Authority to Interpret the Provisions of this Manual**

The Township Supervisor shall provide interpretations to implement the provisions of the administrative policies and procedures manual to department heads and employees. These interpretations shall be considered authoritative and binding unless the interpretation is appealed to the Township Board. Any such appeal shall be made at the next regular meeting of the Board. The Township Board may uphold, overturn or alter all or a part of any interpretations made pursuant to this section.

#### **2.4 Board Meetings**

##### **A. Meeting Schedule**

The Township Board shall meet on the third Tuesday of each month in regular session. Regularly scheduled meetings shall begin at 7:00 p.m. at the Community Services Building (CSB), unless the Board, by majority vote, sets a different starting time, date and/or place. The dates, time, and location of regular meetings for the ensuing calendar year shall be approved by a resolution of the Township Board at the December regular meeting for posting by January 1.

If any regularly scheduled meeting falls on one of the following legal holidays, New Year’s Day, Martin Luther King’s Birthday, President’s Day, Memorial Day, Fourth of

July, Labor Day or Christmas Day, the regular meeting shall be held on the next business day that is not a holiday. Changes in the regular schedule shall not be made except upon the approval of a majority of the Board members in session.

#### B. Quorum

Three (3) members shall constitute a quorum for the transaction of business at all meetings of the Township Board.

#### C. Public Notice of Meetings

The Township Clerk shall be responsible for posting all regular, special and rescheduled meeting notices of the Township Board and of the various Township Boards and commissions that are required to be in conformance with Michigan's Open Meetings Act and other applicable state laws.

The Board shall comply with all Open Meeting Act requirements. Further, the Board decrees that all public bodies, including sub-committees, advisory committees and liaison committees shall comply with the posting requirements of the Michigan Open Meetings Act, unless otherwise stated at the time the committee is appointed.

All meeting/hearing notices must be posted on the message Board located at the Community Services Building (CSB). Except for the yearly list of regular scheduled meetings, it is up to the Supervisor or his or her designee for the Board and, the Chair or his or her designee for each committee or Board to determine which message Boards will be used for meeting noticing. Under these Rules, all regularly scheduled meetings for the year will be posted on two of the message Boards and on the Township's website.

The locations of the Township message Boards are as follow:

- Community Services Building, 2355 N. US 31, Kewadin, Michigan 49648. Located on both sides of the main entrance.
- US Post Office, 12037 Baker Street, Eastport, Michigan 49627 (across from the old Township Hall). Located inside the entry on the right-hand side.

#### D. Regular Meetings

The Clerk shall post a notice within ten (10) days after the first meeting of the Board in each calendar year indicating the dates, times and places of the regular meeting schedule.

#### E. Schedule Change

Whenever the Board shall change its regular scheduled meeting, the Clerk shall post a notice of the change within three (3) days following the meeting in which the change was made.

#### F. Emergency and Special Meetings

If the Board shall reschedule a meeting or call a special meeting under the provisions of these rules, the Clerk shall post a notice of such a change immediately, and no meeting except an emergency meeting shall be held until the notice shall have been posted 18 hours at the Township office and on the website. An emergency meeting shall be held only upon the consent of a majority of the members and only if a delay would threaten severe and imminent danger to the health, safety and welfare of the public.

#### G. Public Bodies and Committees

The Board decrees that all public bodies, including sub-committees, advisory committees and liaison committees are to comply with the posting requirements of the Michigan Open Meetings Act.

### **2.5 Meeting Agenda**

The Township Supervisor, or designee, shall prepare the agenda and finalize it with the Township Clerk at least four (4) days prior to every regular Township Board meeting. Any Board member or department head who desires to have a business item placed on the agenda shall notify the Supervisor and provide supporting documentation at least seven (7) days prior to the meeting. When a need to place an item on the agenda arises after this deadline, the business item may be added to the agenda by general consent of the Board.

The Township Supervisor shall deliver, or make available to every Board member, a copy of the proposed agenda, along with all supporting documentation and correspondence addressed to the Township Board, at least three (3) days prior to the Board meeting.

The proposed agenda shall be set as written or adjusted as discussed by general consent of the Board. The agenda may conform to the following general format:

- A. Call to Order/Pledge of Allegiance
- B. Set/Adjust Meeting Agenda
- C. Declaration of Conflict of Interest
- D. Approval of Minutes of prior meeting(s)
- E. Public Comment on Agenda Items. Any person shall be permitted to address a meeting of the Township Board. Public comment shall be carried out in accordance with the following Board rules and procedures:
  - 1. Comments shall be directed to the Board, with questions directed to the chair.

2. Any person wishing to address the Board speak from the lectern/microphone and shall state his or her name and address.
3. No person shall be allowed to speak more than once on the same matter, excluding the time needed to answer Board member's questions. The chair shall control the amount of time each person shall be allowed to speak, which shall not exceed four (4) minutes.

F. Correspondence

G. Consent Agenda

1. Clerk's Monthly Expenditure Report
2. Treasurer's Monthly Report
3. Zoning Administrator's Monthly Report
4. Ambulance Director's Monthly Report
5. Fire Chief's Monthly Report
6. Antrim County 911 Central Dispatch Monthly Report
7. Additional Items

H. Items for information, Board discussion and/or Board action

I. Township Board member Comment

J. Public Comment

K. Adjournment

## 2.6 Conduct of Meetings

A. Chairperson

The Township Supervisor, if present, shall moderate and chair all meetings of the Township Board. If the Supervisor is not present, the Township Board, under direction of the Township Clerk, shall elect by voice vote, a member of the Township Board as a moderator of the meeting. The Township Clerk has the same powers and duties as the moderator until a moderator is chosen. If the Clerk is also not present, a Board member who is present would lead the vote of a moderator (assuming there is a quorum present).

The Chair shall state each agenda item and present a brief overview of each business item to come before the Board.

Board members wishing to speak shall first obtain the approval of the chair and each person who speaks shall address the chair. Other persons at the meeting shall not speak unless recognized by the Chair.

A motion made and seconded shall be stated by the chair before discussion or voting.

Whenever a motion is before the Board, every member present shall consider and vote unless a conflict of interest or incompatibility. No member present shall abstain from voting unless excused by majority consent of the other members present because he/she has disclosed a conflict of interest or incompatibility. A member shall state prior to an issue being discussed of his/her conflict of interest

and shall not participate in the discussion or vote upon on the matter. The member citing a conflict of interest or incompatibility should be seated away from the bench while the matter is under consideration.

While certain questions shall be by roll call vote as required by state law, any Township Board member may request a record roll call vote whenever a question is put by the chair. The chair shall direct the Clerk to call the roll.

#### B. Purpose of Board meetings and Public Participation

Meetings of the Board are for the purpose of conducting the Township's business in public; such are not community public meetings. Members of the public shall have an opportunity to address the Board as outlined under public comment section of the agenda.

#### C. Public Commentary

Members of the public, both residents of the Township and others, are invited to address the Board during two sections of the regular Board agenda. Prior to the Board discussion of regular agenda items, members of the public are invited to provide comment upon those agenda items. Comments related to any other matters will be welcomed during a second "public comment" time noted later on the agenda. The Chair will first recognize any member of the public wishing to address the Board. Individuals will speak from the podium or a hand-held microphone, state their name and address and limit their comments to a total of four (4) minutes during each of these "public comment" sections. Members of the public will not routinely be involved in Board discussion or deliberation upon agenda items unless called upon by the Chair.

#### D. Chair's Discretion regarding Public Commentary

The chair may, at his/her discretion, extend the amount of time any person is allowed to speak. Whenever a group wishes to address the Board, the chair may require that the group designate a spokesperson; the chair shall control the amount of time the spokesperson shall be allowed to speak, which shall not exceed fifteen (15) minutes.

#### E. Meeting Decorum and Code of Conduct

Persons attending meetings of the Board of Trustees, Planning Commission, Zoning Board of Appeals, or any other public meeting of the Township, will, at all times, exhibit orderly behavior and be respectful of others. A person exhibiting disorderly behavior may be asked by the Chair to be seated and refrain from further comment, or may be asked to leave the meeting.

All of those who present issues and all who comment will be expected to adhere to a code of conduct established by the Township Board, as follows:



1. No name calling or personal attacks of the Board members or Employees of the Township, members of the audience in attendance or any other kind of personal attack will be tolerated.
2. No shouting. All parties wishing to comment must wait their turn and must be called upon/recognized by the Chairman before making comments.
3. Discuss issues, not personalities. Comments should be clear, concise, relevant and to the point. Comments relating to personalities will not be tolerated.
4. The use of profane, vulgar, inflammatory, threatening, abusive or disparaging language or racial or ethnic slurs directed at anyone will not be tolerated.

If the person shall continue to be disorderly and disrupt the meeting, the Supervisor may ask that the Sheriff remove the person from the meeting. No person shall be removed from a meeting except for an actual breach of the peace committed at the meeting. Breach of peace constitutes seriously disruptive conduct involving abusive, disorderly, dangerous, aggressive, or provocative speech and behaviors tending to threaten or incite violence.

The chair may also, at his/her discretion, allow members of the public to address a specific agenda item at the time that the item is taken up by the Board. When all persons who wish to address that agenda item have been heard, the chair shall announce that public comment on the agenda item is concluded. Board members shall then discuss the agenda item and no further public comment shall be entertained. The Board reserves its right to further limit the time for public comment.

## **2.7 Public Hearings**

- A. The Chair shall follow the following format for public hearings:
  1. Open public hearing and state the time.
  2. Request those attending sign attendance sheet.
  3. State dates(s) and newspaper of public hearing notice publication.
  4. State purpose(s) of the public hearing.
  5. Introduce any presentations to be given.
  6. Read any written comments received.
  7. Receive public comment.
  8. Close public hearing and state the time.
- B. Questions may be addressed to the chair during the public hearing; however, Board discussion and/or action shall take place following the public hearing.

## **2.8 Special Presentations at Meetings**

No more than one (1) special presentation per meeting, with a time limit of fifteen (15) minutes.

## **2.9 Board Correspondence**

Each Board member shall receive a copy of written correspondence addressed to the Board requesting Board action with the Board meeting agenda. This correspondence will be received and filed unless a motion is made and approved to consider the request. Informational written correspondence that does not require Board action shall be summarized on the agenda and copies shall be available to Board members at the Board meeting.

## **2.10 Record of Meetings**

The Clerk shall not be responsible for maintaining a written record or summary written record of discussion or comments of the Board members nor of comments made by members of the public. The Clerk, however, shall be responsible for making an audio and/or video recording of each entire meeting of the Board; and each such recording shall be maintained in the office of the Clerk until Board approval of the written minutes of the meeting.

Any member of the Board may request to have his or her comments printed as part of the record. If there are no objections by any member of the Board, the comments may be included. If there is an objection to such printing of the comments, the Board shall decide the matter by majority vote. Such comments to be included as part of the official record, shall be transcribed exactly by the Clerk from the audio and/or video recording of them.

## **2.11 Length of Meetings**

Meetings shall not exceed three (3) hours in length unless a motion is approved to extend the time. Matters on the agenda not yet acted upon at the time of adjournment will be placed on the agenda of the next regular meeting or special meeting if one is to be called.

## **2.12 Study/Work Sessions**

From time to time, as needed, the Township Board may schedule study/work sessions for the purpose of strategic planning or to consider matters that may require lengthy review. Study/Work Sessions are subject to the requirements of the Open Meetings Act.

## **2.13 Closed Sessions**

### **A. Procedure**

The Board may meet in closed session, closed to the public, as permitted under the Open Meetings Act, PA 267 of 1976, as amended. The vote shall be recorded in the minutes of the meeting at which the decision to hold a closed session was made.

## B. Purpose

The Board may hold closed sessions, upon motion of any Board member, only for the following purposes, as permitted under the Open Meetings Act:

1. To consider the dismissal, suspension or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, employee, staff member, or individual agent if the named person requests a closed hearing. A person requesting a closed hearing may rescind the request at any time, in which case the matter at issue shall be considered after the rescission only in open sessions.
2. For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if either negotiating party requests a closed hearing.
3. The Board may hold closed sessions, upon motion of any Board member and 2/3 roll call vote of Council members elected or appointed and serving, for the following purposes:
  - a. To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.
  - b. To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body.
  - c. To review and consider the contents of an application for employment or appointment to a public office if the candidate requests that the application remain confidential. However, except as provided in this subdivision, all interviews by a public body for employment or appointment to a public office shall be held in an open meeting pursuant to the Open Meetings Act.
  - d. To consider material exempt from discussion or disclosure by state or federal statute. (E.g., Confidential Attorney-Client Written Communication.)

## C. Minutes of a Closed Session

At each closed session, the Clerk or designee shall keep a separate record. This record of minutes shall not be disclosed to the public except upon court order. The Clerk or designee may destroy said minutes after one year and one day have passed following the approval of the minutes of the meeting at which the Board approved the closed session.

## D. Approving Closed Session Minutes

Minutes of closed sessions will be distributed to the members of the Board immediately prior to the meeting at which they are to be approved. The Clerk shall collect the copies of the minutes given to the members at the end of the meeting at which they are approved.

## **2.14 Motions and Resolutions**

### **A. Statement by Chair**

No motion or resolution shall be adopted until the motion or resolution is restated by the person chairing the meeting.

### **B. Order of Motions**

Whenever a question is under debate, no motion shall be received except a motion to:

1. Set the time of the next meeting
2. Adjourn
3. Recess
4. Vote immediately
5. Lay on the table
6. Postpone to a certain time
7. Postpone indefinitely
8. Amend
9. Approve abstention from voting.

The above motions shall take precedence in the order in which they are stated above.

### **C. Non-Debatable Motions**

Motions to adjourn, to recess, to lay on the table and to vote immediately shall be ordered and voted upon without debate.

### **D. Chairperson**

Regarding business brought before the Township Board for consideration by its members, the Township Supervisor shall be allowed to make a motion or to be the supporter of any motion.

## **2.15 Voting**

- A. Whenever a motion is before the Board, every member present shall consider and vote unless a conflict of interest or incompatibility exists. No member present shall abstain from voting unless excused by majority consent of the other members present because he/she has disclosed a conflict of interest or incompatibility.

A member shall state prior to an issue being discussed of his/her conflict of interest and shall not participate in the discussion or vote upon on the matter. The member citing a conflict of interest or incompatibility should be seated away from the bench while the matter is under consideration.

B. Roll Call Vote

1. Roll call votes will be taken on any ordinance or any action involving money.
2. On demand by any member the vote on any pending question shall be taken by a roll call vote.
3. In all roll call votes, the names of the members of the Board shall be called in alphabetical order and the name called first on any roll call shall be called last on the next roll call vote.
4. As required under the Open Meetings Act.

**2.16 Parliamentary Practice/Authority**

The rules of Parliamentary Practice as contained in Robert's Rules of Order, most recent edition, shall govern the Board in all cases to which they are applicable, provided they are not in conflict with these rules, resolutions, Township ordinances, or the laws of the state of Michigan.

**2.17 Ordinance Adoption**

A. Introduction

Every proposed ordinance shall be introduced in writing. Following introduction of a proposed ordinance, the Board may accept the proposed ordinance and set a date for the Public Hearing on the proposed ordinance, as applicable.

B. Publication

Following introduction of a proposed ordinance, the Clerk shall publish a summary of the proposed ordinance in a local newspaper of general circulation in the Township. The Public Hearing may not be held sooner than fifteen (15) business days after the publication.

C. Addition

After the Public Hearing, as applicable, the Board may consider enacting the proposed ordinance. The enactment of the ordinance shall require a majority vote of the entire Board.

D. Changes

If there are any substantive changes in an ordinance after the Public Hearing as determined by Board, the Board must set another Public Hearing.

E. Publication After Adoption

An ordinance summary or full text of the ordinance shall be published in a local newspaper of general circulation in the Township at least one time within fifteen (15) business days after its adoption by Board. A “business day” typically refers to any day in which normal business operations are conducted. In the United States, this is generally considered to be Monday through Friday from 9 a.m. to 5 p.m. local time and excludes weekends and public holidays.

## **2.18 Appointments**

Where no appointment procedure is defined by law or ordinance, such appointments will be made by the Supervisor and shall be subject to the approval of a majority of the Board.

## **2.19 Rules of Procedure for Electronic/Remote Meetings**

A. PA 228 of 2020 amended the Open Meetings Act, PA 267 of 1976, section 3 and added section 3a, to allow for the following:

1. Between January 1, 2021 and December 31, 2021:

- a. Any member of an elected or appointed Board may choose to attend a meeting of that Board electronically due to military duty, a medical condition (i.e., an illness, injury, disability or other health-related condition), or a statewide or local state of emergency or state of disaster declared pursuant to law or charter by the governor or a local official or local governing body that would risk the personal health or safety of members of the public or the public body if the meeting were held in person.
- b. Upon a vote requiring such by the Board, all members of an elected or appointed Board may be required to attend a meeting of that Board electronically if a statewide or local state of emergency or state of disaster is declared pursuant to law or charter by the governor or a local official or local governing body that would risk the personal health or safety of members of the public or the public body if the meeting were held in person.
- c. Upon a vote requiring such by the Board, all members of the media and public wishing to attend a meeting of any of the Board’s elected or appointed Boards must do so electronically if a statewide or local state of emergency or state of disaster declared pursuant to law or charter by the governor or a local official or local governing body that would risk the personal health or safety of members of the public or the public body if the meeting were held in person.

2. After December 31, 2021, only members of public bodies who are absent due to military duty may participate remotely in public meetings.

B. Procedures:

1. A meeting of a public body held electronically must be conducted in a manner that permits 2-way communication so that members of the public body can hear and be heard by other members of the public body, and so that public participants can hear members of the public body and can be heard by members of the public body and other participants during a public comment period.
2. For each member of the public body attending the meeting remotely, a public announcement at the outset of the meeting by that member, to be included in the meeting minutes, that the member is in fact attending the meeting remotely. If the member is attending the meeting remotely for a purpose other than for military duty, the member's announcement must further identify specifically the member's physical location by stating the county, Board, Township, or village and state from which he or she is attending the meeting remotely.
3. A public body shall not, as a condition of participating in an electronic meeting of the public body, require a person to register or otherwise provide his or her name or other information or otherwise to fulfill a condition precedent to attendance, other than mechanisms established and required by the public body necessary to permit the person to participate in a public comment period of the meeting.
4. Closed Session during remote meeting. Members of the general public otherwise participating in a meeting of a public body held electronically are excluded from participation in a closed session held electronically during that meeting if the closed session is convened and held in compliance with the requirements of the Open Meetings Act applicable to a closed session. For closed sessions, each Board member and authorized attendee of the closed session shall not allow anyone else to hear, view or record the closed session. Except the person designated to keep minutes of the closed session, individual Board members and authorized attendees shall not record or cause to be recorded the closed session. A separate call-in number or other electronic means of remotely participating shall be available for the Board or Commission to utilize for closed session that is not available to the public, and that shall not be recorded other than closed session meeting minutes. A Board or Commission member or Staff shall clearly indicate during the agenda when the closed session will occur and that the general public will not be able to hear or participate or provide comment during the closed session. The Board or Commission shall return to the public meeting following closed session to adjourn the meeting or take other action as necessary.

C. Notice:

Notice of the electronic meeting must be posted at least 18 hours in advance of the meeting to be held electronically on the Board's website on the homepage. The notice shall include:

1. A statement as to why the public body is meeting electronically.

2. How members of the public may participate in the meeting electronically. If a telephone number, internet address, or both are needed to participate, that information must be provided specifically.
3. How members of the public may contact members of the public body to provide input or ask questions on any business that will come before the public body at the meeting.
4. How persons with disabilities may participate in the meeting.
5. If an agenda exists, the agenda shall be available to the public on the Board website homepage at least 2 hours before the electronic meeting begins.

## **2.20 Board Consultants**

The Township Board reserves to itself the authority to appoint consultants such as attorney, auditor, engineer, planner, risk manager, and to execute an agreement between the Board and the consultant for such services.

## **2.21 Contractual Services**

The Township Board reserves to itself the authority to receive bids for contractual services such as, but not limited to: assessing, cemetery sexton, lawn maintenance, snowplowing and janitorial services, and to execute a contract for such services.

## **2.22 Litigation**

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.

The initiation of any lawsuit, litigation, claim for injunctive relief, or writ of mandamus or other legal proceeding shall require a majority vote of the Township Board, except when there are extenuating circumstances. "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 shall be detrimental to the health, welfare and/or safety of the Township and/or its constituents. "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.

Such situations may also include any case in which the continued existence of any condition, emergency or violation may jeopardize the legal position of the Township in securing an intended remedy in any lawsuit, litigation, claim for injunctive relief, writ of mandamus or other legal proceeding. In the event that such action is taken, the matter shall be brought to the Board's attention at the next meeting.



The Board may meet in closed session to discuss such litigation, including the reasons for its initiation without the full Board's prior review and approval.

### **2.23 Direction and Control of Day-to-Day Administration**

To promote efficient administration, the Township Board authorizes the Supervisor to provide day-to-day direction and control over all Township activities that are not assigned by state law to another official and to serve as a liaison between the Board and the various Township departments.

Adopted: October 2, 2008

Revised: January 19, 2021

Revised: December 21, 2021

## TORCH LAKE TOWNSHIP POLICY MANUAL

### 3.0 Code of Ethics and Conflict of Interest

#### 3.1 Statement of Purpose

Every citizen in the Township is entitled to have complete confidence in the integrity of the process of local government. Each representative of the people of the Township, whether elected or appointed, paid or unpaid, serving on a Board, committee, commission or as an employee, shares the responsibility for earning and retaining the public's trust. The Township's public officials must faithfully discharge the duties of their office in the best interest of the Township, recognizing the public interest must be primary and their behavior above reproach. Even the appearance of a public official's personal gain or benefit at the expense of the Township may undermine the public's confidence in the fairness of the process of Township government.

The provisions of this policy are intended to provide guidance to the public officials of the Township by establishing standards of conduct, both expected and prohibited. The public officials of the Township are expected to comply with both the requirements of this Policy and applicable Michigan law, including, but not limited to, the Contracts of Public Servants With Public Entities Act, PA 317 of 1968 (MCL 15.321 *et seq*); Standards Of Conduct For Public Officers And Employees Act, PA 196 of 1973 (MCL 15.341 *et seq*); and Section 7 of the Township Act, PA 359 of 1947 (MCL 42.7) as amended, and 2 CFR § 200.318(c) - General procurement standards.

#### 3.2 Definitions

Benefit	Anything reasonably regarded as a monetary or financial gain or advantage, including any gain or advantage to any other person in whose welfare the public official has a direct and substantial interest. A public official has a direct and substantial interest in the welfare of the official's family members and employer.
Business	A sole proprietorship, partnership, firm, corporation, holding company, receivership, trust, unincorporated association, or any other entity recognized by law.
Conflict of Interest	A "conflict of interest" arises anytime one's actions as a public official may have a deferential, monetary or financial impact on said official or his or her family, as opposed to the public at large, or when the independence of one's actions as a public official could in any way be compromised by the individual's outside interests.
Employee	Any person listed on the payroll of the Township, whether part or full time.

Immediate Family Member	<p>A public servant’s spouse or domestic partner, or</p> <p>A public servant’s relative by marriage, lineal descent, or adoption who receives, directly or indirectly, more than one-half of his or her support from the public servant, or from whom the public servant receives, directly or indirectly, more than one-half of his or her support; or</p> <p>An individual claimed by a public servant or a public servant’s spouse as a dependent under the United States Internal Revenue Code, being 26 USC 1 et seq.</p>
Family Member	A spouse, domestic partner, parent, child, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent or grandchild.
Gift	A voluntary transfer of property (including money) or the conferral of a benefit having monetary or financial value, unless consideration of equal or greater value is received by the donor.
Official Action	<p>Includes:</p> <p>Any affirmative act, including making a recommendation within the scope of a public official’s duties; and</p> <p>Any failure to act when the public official is under a duty to act.</p>
Public Official	“Public officials” of the Township include all members of the Township Board, members of all other Boards, committees and commissions of the Township, the Township Supervisor and all other Township employees and appointees.
Relative	A person who is related to a public servant as spouse or as any of the following, whether by marriage, blood or adoption: parent, child, brother, sister, uncle, aunt, nephew, niece, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, brother-in-law, or sister-in-law.
Township	The Township of Torch Lake, Antrim County, Michigan

### **3.3 Standards of Conduct**

1. No employee, officer, or agent of the Township may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict

of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the Township may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. The Township shall disclose in writing any potential conflict of interest to the Federal awarding agency or pass-through entity in accordance with applicable Federal awarding agency policy.

2. **Disclosure of Confidential Information.** A public official shall not divulge to an unauthorized person confidential information acquired in the course of public service in advance of the time prescribed for its release to the public.
3. **Suppression of Information for Personal Gain.** A public official shall not, for personal gain or benefit, suppress or attempt to suppress public documents or information otherwise available to the general public.
4. **Mischaracterization of Opinions.** A public official shall not represent his or her views or personal opinions as being those of the Township Board.
5. **Internet and E-mail Use, Social Media.** The provisions of the Township's policies pertaining to internet, e-mail use, and social media, applies to Public Officials of the Township.
6. **Public Employment for Personal Gain.** A public official shall not use the personnel, property or other resources of the Township, or the prestige of their office, for personal benefit or gain.
7. **Gifts and Gratuities.** A public official shall not solicit or accept a gift or a loan of money, goods, or other thing of value which is intended to influence the way the public official performs official duties. This rule shall not be construed to prohibit political campaign contributions made in accordance with applicable Michigan statutes.
8. **Prohibition of Certain Private Business Transactions.** A public official shall not engage in a business transaction in which they may profit from their official position or authority, or benefit financially from confidential information which the public official has or may obtain by reason of that position or authority.
9. **Incompatible Offices or Employment.** A public official shall not engage in, accept, or continue employment when that employment is incompatible or in conflict with the public official's discharge of official duties or may impair the independence of judgment or actions in the performance of those duties.

This rule does not apply and the public official may participate in official action if:

- a. The requisite quorum for official action would not be available without the participation of the public official; and
- b. The public official is not paid for working more than twenty-five (25) hours per week for the Township; and
- c. The public official promptly discloses on the public record of the official action any personal, financial, business or employment interest the official may have in a decision; and
- d. The official action does not concern a contract in which the public official has a financial interest.

**10. Solicitation of Contracts.** A public official shall not be a party to, directly or indirectly, or solicit a contract between the Township and the public official, a business entity of which the public official is an employee, partner, or member, a trust of which the public official is a beneficiary, or with any corporation in which the public official is a director, officer, employee or stockholder with ownership of more than one percent (1%) of the outstanding stock or a present value in excess of Twenty-Five Thousand and no/100 Dollars (\$25,000.00). Exception: A public servant who is paid for working an average of 25 hours per week or less for a public entity.

A public official must promptly disclose in writing to the Township Board any interest in the contract for the public record seven (7) days before the contract is considered, and the contract must be approved by a vote of at least two-thirds (2/3) of the members of the Board without the vote of the public official making the disclosure. In the event a 2/3 quorum cannot be satisfied, the public official may be counted for a quorum and vote on a contract, if the benefit to the public official is less than Two Hundred Fifty and no/100 Dollars (\$250.00) and less than five percent (5%) of the public cost of the contract, and the public official files a sworn affidavit to that effect as part of the public proceedings regarding the official action to be taken.

**11. Prohibited Representation.** A public official of the Township shall not represent:

- a. Any person, group or other entity before the body of which the public official is a member.
- b. Any person, group or other entity before the Township Board.

**12. Misuse of Public Position to Obtain Information.** Public officials of the Township shall not use their positions to obtain official information about any person or entity for any other purpose than the performance of official

duties. This section shall not be construed to prohibit a public official from obtaining information which is available to the general public.

**13. Preferential Treatment.** All Township activities shall be conducted fairly and impartially. Township public officials shall not for any reason show favoritism in carrying out the Township's business. No public official shall use their employment or position to secure or attempt to secure advantages, privileges, exceptions or preferential treatment for themselves or others, directly or indirectly.

**14. Avoidance of Appearance of Impropriety.** To avoid the appearance and risk of impropriety, a Township public official or employee shall not take any official action that is likely to affect the economic interests of:

- a. The public official;
- b. Immediate Family Members, Family Members, Relatives;
- c. An outside client;
- d. A member of the official's household;
- e. The employer of the official, or the official's spouse, parent or child;
- f. A business entity in which the official or family member has a financial interest;
- g. A person with whom the public official has a relationship which is sufficiently close or antagonistic so as to impede the official's ability to make an unbiased decision.

**15. 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.

**16. Maintaining the Integrity of Office.** A Township Board member who intends to enter into an office or position that is incompatible with his or her Township Board office 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 (i.e., the last day he or she will hold Township office).

**17. Residency.** 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 (i.e., the last day he or she will hold Township office).

- 18. 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.
- 19. 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.
- 20. Discussions.** 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 abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the Township Board, including members of other Township Boards, commissions and committees, employees and volunteers
- 21. Board Member 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 that these positions do not represent those of the Township Board members or the Township.
- 22. Meeting Attendance and Demeanor.** Township officials, appointees, employees and volunteers shall come to meetings on time and be prepared to deliberate and make decisions. 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.
- 23. Misconduct in Office by Public Officers.** Misconduct in Office applies only to public officers, as distinguished from public employees. Misconduct in Office is a common law offense subject to the provisions of MCLA 750.505; MSA 28.773. The offense of Misconduct in Office includes malfeasance, which is doing a wrongful act; misfeasance, which is doing a lawful act in a wrongful manner; and, nonfeasance, which is failure to perform an act required by the duties of the office. Public censure and/or public reprimand are possible actions that can be taken by public Boards against public officials who demonstrate evidence of corrupt intent.

### **3.4 Recusal and Disclosure**

From the time a conflict with these Standards of Conduct is or should have been recognized, the public official shall:

1. Immediately refrain from further participation in the matter, including discussion with any persons likely to consider the matter; and
2. Promptly disclose to the appropriate Township Board, committee, commission or supervisor, in the case of an employee, the nature and extent of the conflict.

A public official's disclosure of the conflict of interest shall be made either orally on the record at or before a meeting of the Township Board, committee or commission involved or in a writing filed with the Township Clerk. That disclosure must include, at a minimum:

1. The identities of all involved parties;
2. The nature of any monetary or financial interest;
3. The terms of any contract or arrangement between the parties and the Township;
4. A narrative description of the conflict.

A public official who is recorded as present shall vote on all questions to be decided by the Board, commission, committee, or body unless recusal is required by law or this Code and Policy. In all other instances, said official's participation may be excused only by the consent of two-thirds (2/3) of the other members present.

### **3.5 Procedure for Questions or Complaints**

Any person who believes there has been a violation of, or who would like an advisory opinion regarding the interpretation of, the provisions of this policy shall transmit their written question or complaint to the Township Supervisor. The Township Clerk shall substitute for the Township Supervisor in the event the Supervisor is the subject of the complaint or reason for requesting an advisory opinion. The Supervisor or Clerk may then consult with the Township Attorney as necessary. Every effort shall be made to achieve resolution of a complaint or the rendering of an advisory opinion within thirty (30) days of its submission.



### **3.6 Violation, Penalty**

Violation of this Policy by a non-elected Township public official shall constitute grounds for discipline, dismissal or removal from appointed office unless otherwise governed by statute or contract.

### **3.7 Revisions**

The Township may, from time to time, revise this policy. The policy may also be repealed by the Township Board.

Adopted December 21, 2021  
Torch Lake Township  
Board of Trustees

## TORCH LAKE TOWNSHIP POLICY MANUAL

### 4.0 Financial Administration

#### 4.1 Budgeting

##### 4.1(a) Designation of Chief Administrative and Budget Officer

The Supervisor shall be the Township chief administrator and shall be responsible for the development of the Township budget and the annual General Appropriations Act.

##### 4.1(b) Timetable

The proposed budget shall be developed according to the following schedule:

- Budget procedures developed by the Supervisor.
- Department heads submit proposed revenue and expenditure plans to the Supervisor or an official designated by the Supervisor.
- Supervisor prepares proposed budget.
- Supervisor prepares budget worksheet which includes, Chart of Accounts number, Account description, prior year Actual Revenues and Expenses, anticipated year-end Revenues and Ex, proposed new Fiscal Year Budget and Annual Fund Balance.
- Treasurer prepares fund balance report which includes prior year actual, current year projected (to be replaced with actual at year end).
- Proposed budget presented to Township Board by the Supervisor.
- Township Board approves tentative budget, wage rates and optional salary resolutions.
- Public hearing on budgets held by Township Board.
- Salary resolutions, if applicable, adopted or modified by electors at Annual Meeting of Electors in March of each year.
- Budget approved by Township Board.

#### 4.2 Cash Receipts

##### 4.2(a) Authorization to Receive Cash

The following positions are authorized to receive cash:

Clerk	Deputy Clerk
Treasurer	Deputy Treasurer
Supervisor	Zoning Administrator and Assistant Zoning Administrator

##### 4.2(b) Fiduciary Bonding and Insurance Coverage for loss of Township Funds/Property

For tax collection the Township will participate in the Antrim County bonding coverage for both Summer and Winter County taxes and for Township tax collections. The Township shall provide appropriate bonding coverage for Summer and Winter tax collections. In addition, the Township will have a bonding blanket amount of \$155,000 for each occurrence of theft, malicious destruction and or accidental loss for all officials and employees authorized to receive cash, use Township equipment or have general access to Township records. The need and the amount of individual coverage will be determined at the time of insurance coverage and will be reviewed as a part of regular Township budgeting.

The Township will also have additional coverage in the amount of \$250,000 for the accidental or purposeful destruction of Township records. For theft of equipment, the Township shall insure for replacement value for any theft or malicious destruction of miscellaneous equipment, such as tools and yard care equipment, and \$115,000 per occurrence for theft or the malicious destruction of EMS and fire-fighting equipment not attached to an fire-fighting or EMS vehicle, such as “turn-out gear,” portable radios, medical equipment, etc. The Township will have a minimum of \$250,000 coverage for the loss, damage or destruction of Township records This includes damage caused by a power surge and is applicable to any location where the Township EDP equipment is being used.

#### 4.2(c) Receipts

A pre-numbered Township receipt shall be issued for all cash, including checks, received by a Township official or employee, except for tax collections and Township boat ramp revenue. The receipt shall include the date, amount received, name of payer and purpose.

#### 4.2(d) Deposits

Total cash collected shall be reconciled to the sum of the pre-numbered receipts and shall be deposited in the appropriate Township bank account by the Treasurer according to a schedule established by the Treasurer.

#### 4.2(e) Bank Reconciliations

Cash balances of all funds shall be reconciled to the bank statements on a monthly basis by the Treasurer. The cash balances shall be the result of the cash receipts and disbursement activities and shall be derived from the same accounting records used in preparing the financial reports discussed in section 4.9 Financial Reporting.

After the bank reconciliation is complete, the Treasurer shall prepare a cash-balances report for the Board meeting. The treasurer’s cash balance report is verified by the Clerk with the cash balance reported on a monthly basis and reconciled to the General Ledger (BS&A). A Trustee chosen by the Board shall verify the reconciliation documents and initial the summary review page.

### **4.3 Accounts Receivable**

#### 4.3(a) Invoice Preparation

The Treasurer and/or Clerk is/are responsible for preparing and sending invoices for non-EMS revenues due to the Township. Invoices shall include the name, amount invoiced and the purpose. The Clerk and Treasurer shall each have a copy of invoices (from third-party vendor) to cross-balance. The EMS billing clerk, or contract billing company, is responsible for preparing and sending EMS invoices for funds due the Township for ambulance services, as to the proper protocols mandated.

#### 4.3(b) Method of Accounting

For all remittances received in accordance with section 4.2(c), the Treasurer shall credit the receivable and reconcile the General Ledger (BS&A).

## **4.4 Accounts Payable**

### 4.4(a) Requests for Payment

All requests for payment (e.g., invoices or expense vouchers), shall be processed in accordance with sections 4.6 Expense Reimbursement, 4.7 Expenditure Control and 4.8 Credit Cards. All authorized bills must be submitted to the Township Clerk at least seven (7) days or less prior to the Township Board meeting at which claims will be reviewed.

### 4.4(b) Warrant Reports

The Clerk shall provide a warrant report (BS&A) check list to the Township Board showing the vendor name, invoice number, chart of accounts number or check number if the unsigned check represents the warrant. A Trustee shall receive the warrant report prior to its submission to the Board. Any items paid prior to Board review, as discussed in section 4.7(d) Board Audit, shall be noted on the warrant report. The Clerk/Deputy Clerk and Treasurer/Deputy Treasurer shall sign the warrant for all claims approved by the Township Board. Checks shall be issued to the vendor by the Treasurer. The Treasurer shall keep a copy of the warrant and a copy of the warrant shall be filed with the claim in the Clerk's office.

### 4.4(c) Petty Cash

The Clerk and Treasurer shall maintain petty cash in the amount of \$250.00 for small emergency. Petty Cash will not be used for large purchases. A copy of each receipt and a receipt signed by the recipient of a Petty Cash disbursement shall accompany all disbursements. A ledger shall be maintained by the Treasurer recording all Petty Cash transactions and the current fund balance. A Petty Cash Balance Audit report is to be available annually for all Township audits.

### 4.4(d) Electronic Transfers

#### 1. Definitions

"Automated clearing house" or "ACH" means a national and governmental organization that has authority to process electronic payments, including, but not limited to, the national automated clearing house association and the federal reserve system.

An "ACH arrangement" means the agreement between the originator of the ACH transaction and the receiver of an ACH transaction.

An "ACH transaction" means an electronic payment, debit, or credit transfer processed through an automated clearinghouse.

An "ACH policy" means the procedures and internal controls as determined under this written policy developed and adopted by the Township Treasurer.

#### 2. Authority to Enter into ACH Arrangements and Electronic Transfers of Public Funds

The Township Treasurer may enter into an ACH arrangement as provided by Public Act 738 of 2002, effective December 30, 2002.

Torch Lake Township shall not be a party to an ACH arrangement unless the Torch Lake Township Board has adopted a resolution to authorize electronic transactions and the Torch Lake Township Treasurer has presented a written ACH policy to the Township Board.

An ACH arrangement under PA 738 of 2002 is not subject to the Revised Municipal Finance Act, Public Act 34 of 2001 (MCL 141.2101, et seq.), or to provisions of law or charter concerning the issuance of debt by a local unit.

### 3. Responsibility for ACH Agreements

The Torch Lake Township Treasurer or Deputy Treasurer is responsible for Torch Lake Township's ACH agreements, including payment approval, accounting, reporting, and generally for overseeing compliance with the ACH policy.

The Treasurer shall submit to the Township Board documentation detailing the goods or services purchased, the cost of the goods or services, the date of the payment, and the department levels serviced by each payment of public funds made by electronic transfer. This report may be contained in the Township's electronic general ledger software system or in a separate report to the Township Board.

### 4. Internal Accounting Controls to Monitor Use of ACH Transactions Made by Township

The following system of internal accounting controls will be used to monitor the use of ACH transactions made by Torch Lake Township:

- a. The Treasurer shall prepare a list of vendors authorized to be paid by ACH transaction and provide that list to the Clerk.
- b. The Clerk initiates the transaction upon receipt of an invoice included on the authorized ACH list approved by the appropriate Township official. ACH invoices must be approved before payment. The Clerk signs the ACH invoice, which then acts as the warrant.
- c. The Clerk presents the warrants, a list of bills for payment, and a separate list of the electronic payments for Township Board approval. The Board approves all transactions prior to disbursement.
- d. Following Board approval, the Treasurer signs the ACH warrant, initiates the electronic transaction with the vendor, and makes the actual transfer of funds.
- e. The Treasurer shall retain all ACH transaction documents for audit purposes.
- f. The Clerk shall retain all invoices for audit purposes.

## 4.5 Payroll

### 4.5(a) Salaries/Wages

Salaries/wages shall be paid on a biweekly or monthly basis as established by the Township Board. For purposes of calculating overtime compensation, work week shall be defined as starting and ending at 6:00 AM Sunday.

#### 4.5(b) Time Sheets

All time worked shall be recorded in 1/10-hour increments by the employee on an appropriate department time sheet. Time sheets will be signed by both the preparer and the department head. All completed time sheets shall be submitted to the Treasurer in accordance with the Treasurer's payroll processing schedule.

#### 4.5(c) Deductions and Withholdings

The Treasurer shall be notified in accordance with the Treasurer's payroll processing schedule of any changes in voluntary deductions or withholding allowances desired by an employee. All voluntary deductions shall be authorized by the employee in writing.

#### 4.5(d) Pay Advances

Pay advances shall not be authorized under any circumstances.

#### 4.5(e) Payroll Problems

Employees shall immediately notify the Treasurer of any problems or errors on their paychecks. A written account of the problem and its resolution shall be created by the Treasurer.

#### 4.5(f) Lost Time Pay

When an ambulance or Fire Department employee has an agreement with his or her employer to be able to respond to an emergency, but loses job pay as a result, the Township will reimburse the employee for any net loss in pay (for example: Job pay is \$12 per hour and average run pay is \$8 per hour, the Township will reimburse an employee \$4 per hour for the time lost on a run). EMS and Fire personnel may also request lost time pay if they miss work while attending a training session that cannot be scheduled at any other time. A request for lost-time pay must be accompanied by employer verification of the length of time lost on the job and amount of pay received. The request shall be submitted to the Township Treasurer within 30 days of the lost time and within seven (7) days prior to the Township Board meeting at which the request will be authorized.

### **4.6 Expense Reimbursement**

#### 4.6(a) Request Form

The Township shall reimburse all officials and employees for necessary and legal expenses incurred in performing their job-related duties. All requests for expense reimbursement shall be made on a Township expense reimbursement form, signed and authorized by a department head or Supervisor, and shall be submitted on a bi-weekly or monthly basis to the Township Clerk and Treasurer.

#### 4.6(b) Travel, Meals, Lodging and Related Personal Expenses

Travel shall be reimbursed at the current IRS mileage rate. Travel from an employee's residence to the Township Hall or employee's official work station shall not be eligible for reimbursement. Reimbursable mileage, while working or attending a work-related event outside the Township or obligated duty, shall be the shortest of the distance (a) from the Township Hall to the event, or, (b) from the employee's home to the event.

Board committee members shall not receive mileage to attend Board meetings which are a statutory duty of their office.

Receipts shall accompany any expense reimbursement request. Reasonable meal and lodging expenses will be reimbursed, if approved by the Board at a regular meeting. Personal expenses which are unnecessary in conducting Township business such as entertainment and purchases of alcohol shall not be eligible for reimbursement. (Refer to current "Pay Schedule" for additional details).

#### **4.7 Expenditure Control**

##### 4.7(a) Purchase Orders

Any purchase of goods, services, repairs or maintenance, shall require the issuance of a purchase order signed by the Township Clerk, or Board designee, except for the following:

1. Utilities and other regular, ongoing expenses
2. Postage
3. Payroll
4. Petty Cash purchases
5. Travel, meals, lodging related personal expense reimbursements
6. Insurance
7. Dues
8. Board approved contractual obligations
9. Professional services authorized by the Board

In case of an emergency, the Clerk or Township Supervisor may, independently, authorize a purchase order and/or agreement not to exceed \$15,000.00. A complete report to the Township Board explaining the emergency shall be prepared by the authorizing person and be placed in the minutes of the Board.

Any purchase order request exceeding \$1,500.00 shall require the signature of either the Township Clerk or the Township Supervisor, unless previously approved by Township Board action.

Department heads shall make a request in writing and obtain authorization from the Township Board prior to obligating the Township for expenditures of the following nature:

1. Contractual obligations
2. Capital expenditures
3. Insurance

##### 4.7(b) Written Quotations and Sealed Bids

Any purchase for goods or services exceeding a contract cost of \$5,000.00 shall require the department head to obtain Township Board approval prior to being issued a purchase order. Three (3) written quotes shall be obtained unless there is only one known supplier; the Township Board approves a single supplier; or, there is some other compelling reason not to do so.

Any purchase for goods and services exceeding an estimated contract cost of \$5,000.00 shall require the solicitation of sealed bids except for professional services or emergency

repairs or services. The Supervisor, in consultation with the department head, shall develop bid specifications which shall be approved by the Township Board. A department head may request permission from the Township Board to waive the bidding procedures when there is only one known supplier or there is some other compelling reason to do so (e.g. – the Township Board approves a single supplier).

The invitation to bid or request services shall be published at least once in a local newspaper such as, but not limited to: Antrim Review, Elk Rapids News or Traverse City Record Eagle newspaper, and shall be sent to known vendors or other parties who have notified the Township of their interest in submitting bids on the goods or services being purchased. Sealed bids shall be opened at the office of the Township Supervisor or at one of the Township meeting rooms at a pre-announced date and time. The Supervisor and/or another Board member, along with the department head, shall be present for the bid opening. Any interested party may also be present for the bid opening.

Bids shall be awarded by the Township Board. The Township Board retains the right to accept or reject any or all bids. Selected bids shall be formally approved by a contract signed by both (or all) parties. Any Board member or department head who has any ownership or other interest in a company submitting a bid shall disclose the conflict of interest to the Board, and that official shall not participate in any discussion or vote involving the awarding of a bid.

#### 4.7(c) Processing of Claims

Requests for payments to vendors shall be documented in writing by a vendor invoice. Except for rare circumstances, only original invoices, including those electronically communicated, shall be processed for payments, as statements or copies of invoices may result in duplicate payments.

The Department Heads, or assigned person, shall sign or initial the Payment Request, indicating that all of the following are true: The goods have been delivered or the services have been rendered to the Township; the expense complies with the procedures outlined in this policy in sections 4.6 Expense Reimbursements; 4.7 Expenditure Control; and, 4.8 Credit Cards; all prices and units agree with the purchase order, if applicable, or any differences have been reconciled; the payment request is mathematically correct; and the account number being charged is the appropriate budgetary allocation.

Employee expense reimbursements shall be documented on an expense voucher prepared by the employee.

The Township Clerk's office shall verify the account number assigned to the invoice exists and includes matching the payment request expense to the account description and budgeted line item.

#### 4.7(d) Board Audit

All claims shall be approved by the Township Board prior to payment, except for the following:

1. Payroll
2. Utilities and other regular ongoing expenses (e.g., MERS; TAA; all 1<sup>st</sup> of month payments – Listed by Township Treasurer)



3. Postage
4. Petty Cash purchases
5. Invoices with penalties that would be incurred if payment is not received prior to the Board meeting where claims will be approved. These claims shall be post-audited at the next regular Board meeting.

The Clerk or Treasurer, with agreement of the Township Supervisor, may authorize emergency expenditures when deemed essential due to the imminent threat to the health, safety and welfare of the Township.

#### **4.8 Credit Cards**

The following policy, based upon Public Act 266 of 1995, shall govern the use of Township credit cards:

1. The Clerk is responsible for issuing, accounting for, monitoring, retrieving and overseeing compliance with the Township's credit card policy.
2. A Township credit card may only be used by an official or employee of the Township for the purchase of goods or services for the official business of the Township.
3. Township officials and employees who use a Township credit card shall, as soon as possible, submit a copy of the vendor's credit card slip to the Clerk. All credit card slips shall include a description of the official business that required the transaction, indicating the line item to which the transaction is to be charged.
4. Any official or employee who is authorized by the Board to use a credit card is responsible for its protection and custody and must sign a receipt of taking custody of the issued card.
5. If a credit card is lost or stolen, the Clerk shall be immediately notified. The entity issuing the lost or stolen credit shall be immediately notified to cancel the card.
6. Any official or employee issued a credit card shall return the credit card to the Clerk upon termination of his or her employment or service with the Township.
7. The Clerk shall maintain a list of all credit cards owned by the Township, along with the name of the official or employee who has been issued the credit card, the credit limit established, the date issued and the date returned. Each official or employee shall initial the list beside his or her name to indicate agreement that the credit card has been issued and that the official/employee has received and read a copy of this policy.
8. The Clerk and Treasurer shall review each credit card statement as soon as possible to ensure that transactions comply with this policy. Any transactions that appear on the statements that are not documented with a credit card slip shall be immediately investigated. Transactions that do not appear to comply with this policy shall be reported in writing to members of the Township Board.
9. The Township Board shall not approve a payment to the entity issuing the credit cards until all transactions have been verified, including the approval of all transaction invoices, if issued.
10. The balance, including interest due of an extension of credit on the credit card arrangement, shall be paid within not more than sixty (60) days of the initial statement date.

11. An official or employee who uses a Township credit card in a manner contrary to this policy may be subject to disciplinary action, including one or more of the following:
  - i. Counseling
  - ii. Written reprimand
  - iii. Termination of credit card usage
  - iv. Censure
  - v. Reimbursing the Township for unauthorized expenditures
  - vi. Suspension, and/or
  - vii. Termination of employment

## **4.9 Financial Reporting**

### 4.9(a) Monthly Revenue and Expenditure Report

At the end of each month, the Clerk's office shall prepare a financial report for the Township Board and each Department Head and person responsible for a cost center budget. The report will be current through the last day of the previous month. The report shall be distributed to Board members and Department Heads by the fourth day after the end of the month and at its regular monthly meeting. The financial report for each fund will show the following information for revenues and expenditures:

1. Chart of Accounts
2. Description
3. Amended Budget
4. Current Month
5. Current Month Budget
6. Year-to-Date
7. Year-to-date Budget

### 4.9(b) Cash Balances Report

The Treasurer shall prepare a monthly report for the Township Board showing the cash balance in each Township fund. The report will be current through the last day of the previous month and shall be presented to the Board at its regular monthly meeting.

### 4.9(c) Investment Performance Report

If funds are invested in other than NOW public funds or MM public funds, the Treasurer shall prepare a monthly report of the other interest-bearing activities, including the name of the financial institution, type of investment, anticipated yield and date of maturity.

### 4.9(d) Financial Reports Review

The Treasurer shall review the financial reports and shall recommend to the Supervisor any necessary budget amendments or fund transfers. When necessary, the Treasurer shall present to the Township Board recommendations to prevent expenditures from exceeding available revenues or appropriations, increasing revenues, or both.

The Clerk's Office personnel shall send the Financial Reports to each individual responsible for budgeting specific cost centers, as indicated below:

<b><u>Budgetary Line Item</u></b>	<b><u>Description</u></b>	<b><u>Responsible Position</u></b>
101-101	General Fund	Treasurer

101-756	Parks & Recreation	Parks Committee
101-101	Governing Body	Supervisor
101-171	Supervisor	Supervisor
101-215	Clerk	Clerk
101-247	Board of Review	Treasurer
101-253	Treasurer	Treasurer
101-257	Assessor	Assessor/Treasurer
101-262	Elections	Clerk
101-265	Bldgs. & Grounds	Supervisor
101-276	Cemetery	Supervisor
101-301	Ord. Enforcement	Supervisor
101-446	Roads	Supervisor
101-446	Street Lighting	Supervisor
101-651	Ambulance	Supervisor
101-721	Planning	Planning Commission Chair
101-722	Zoning	Zoning Board of Appeals – Chair

<b><u>Budgetary Line Item</u></b>	<b><u>Description</u></b>	<b><u>Responsible Position</u></b>
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101-723	Zoning Administration	Zoning Administrator
101-756	Parks & Recreation	Park Committee
101-757	Misc. Rec. Facilities	Park Committee
101-790	Area Comm. Support	Supervisor
101-851	Insurance	Clerk
101-861	Pensions	Clerk
101-901	Capital Outlay	Supervisor

<b><u>Fund</u></b>	<b><u>Description</u></b>	<b><u>Responsible Position</u></b>
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750	Cemetery	Clerk
204	Roads	Supervisor
206	Fire Department	Fire Chief
210	Ambulance	Ambulance Director
212	Liquor Enforcement	Supervisor
508	Parks & Recreation	Supervisor
701	Trust & Agency	Treasurer
703	Tax Collection Fund	Treasurer

For individuals responsible for cost centers or funds, the following is required on a monthly basis:

1. Review entries booked against each account for accuracy. Any questions should be addressed to the Clerk's office.
2. Evaluate future expenditures per budgets submitted to ensure sufficient funds.

#### **4.10 Inventory of Fixed Assets**

##### **4.10(a) Responsibility**

The Clerk shall maintain an inventory of the Township's fixed assets. For accounting of capital assets, assets shall be tangible, have an expected useful life of at least one year and have a value of at least \$5,000.00

For inventory control purposes, assets shall be tangible, have an expected useful life of at least one year and have a value of at least \$5,000.00

#### 4.10(b) Updating

The Clerk or the Township's Auditor shall add or remove fixed assets from the inventory at the time of acquisition or disposal. The inventory shall include information as required by GASB 34 or subsequent standards and shall be recorded in the general ledger.

#### 4.10(c) Inventory Responsibility

Department Heads shall inventory all assets assigned to their department annually and submit the updated inventory to the Clerk.

#### 4.10(d) Disposal of Fixed Assets

Department Heads shall make note on the annual inventory, or shall notify the Clerk of any equipment that would be appropriate for disposal, if desired sooner. The Clerk shall prepare a list of all such equipment recommended for disposal and shall submit the recommended disposal of fixed assets list to the Township Board for approval. The Board shall determine the method of disposal, which may include sealed bids, auction, negotiated sale, gift or disposal. 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 not vote on any negotiated sale involving the elected official.

### **4.11 Investments and Depository Designation**

Refer to Appendix A for Resolution Authorizing Investment of Township Funds and Approving Township Investment Policy and Depository Designation Resolution.

### **4.12 Audits**

The Board will engage a certified public accountant to annually audit the financial systems of the Township.

Adopted December 21, 2021  
Torch Lake Township  
Board of Trustees

## TORCH LAKE TOWNSHIP POLICY MANUAL

### 5.0 Personnel Administration

#### 5.1 Purpose - Authority for Personnel Matters

To provide for efficient and uniform administration of personnel matters, the Township Board of Trustees appoints the Supervisor as the Township Personnel Officer/Human Resource Director to develop, implement, and enforce all personnel-related policies within the parameters established by the Township Board. The Township Board delegates authority to the Supervisor to hire, supervise, provide direction, discipline, accept resignations from, and terminate employees pursuant to Board policies and state and federal law.

#### 5.2 Personnel Officer's Responsibilities

The Supervisor, or designee, shall do all of the following:

- a. Develop job descriptions for all Township position
- b. Update job descriptions as needed, and review the accuracy and currency of all job descriptions at least once every three years
- c. The Supervisor shall oversee the appointment of members to Boards, Commissions and Committees. Where procedure is not specified by State statute, the Supervisor shall recommend appointments to the Township Board for its approval. In that process the Supervisor can recruit applicants for position vacancies.
- d. Provide all new employees with a current copy of the Township personnel policies and procedures manual
- e. Monitor changes in state and federal law that impact Township personnel practices
- f. Recommend to the Board necessary changes in Personnel Manual, and provide all employees with copies of amendments to the Personnel Manual
- g. Provide interpretations of the Township Personnel Manual and policies and procedures when requested by department heads or employees. The interpretation of the Supervisor shall be considered final, unless an appeal of the interpretation is filed with the Township Board.
- h. Recommend appropriate pay grade or compensation for all employees, subject to Board policies and appropriations
- i. Authorize department heads to impose employee sanctions that exceed the severity of a verbal or written warning
- j. Develop and implement a standard employee evaluation program for use by department heads in periodically evaluating the performance of employees under their supervision
- k. Authorize employee extended leave pursuant to the Township Personnel Manual and policies and procedures
- l. Monitor Township and union compliance with collective bargaining agreements
- m. Conduct exit interviews of all terminating employees following a voluntary separation from Township employment

### **5.3 Collective Bargaining**

The Township Board delegates to the Supervisor, or designee, the authority to represent the Township Board in collective bargaining negotiating sessions. Prior to beginning negotiations, the Township Board may meet in closed session as permitted under the Open Meetings Act to develop negotiation strategy regarding wages, hours, and conditions of employment. Any proposed agreement shall be brought to the Township Board for its ratification or rejection.

### **5.4 Personnel Manual; Policies and Procedures**

The Township Board shall develop, periodically update, and implement a Personnel Manual and employment policies and procedures to establish rules for employee conduct and guide the Board or its designated personnel officer, employee supervisors and managers in the implementation of all employee workplace issues.

The provisions of the Personnel Manual and Board policies and procedures 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 Township Board.

The Township Board shall also develop and periodically update an employee handbook to answer employees' questions and to advise of Township policies.

The provisions of the employee handbook may be changed at the sole discretion of the Township Board. Employees may submit any suggested changes or additions to these policies and procedures to the Township Board and/or Supervisor.

### **5.5 Authorized Work Force**

The Township Board shall determine the number of employees assigned to the various Township offices.

The following procedure shall be used to authorize new positions:

- a. A department head shall discuss the need for the new position with the Supervisor.
- b. If the Supervisor agrees that the proposed position should be recommended to the Board, the department head shall submit a draft job description and written position justification to the supervisor who may approve, modify or reject the draft job description or position justification.
- c. If the Supervisor does not agree to recommend creating the proposed position, the department head may appeal the decision to the Township Board. The Board may concur with the recommendation of the Supervisor, or may approve creating the new position and direct the supervisor to develop a job description for the position.
- d. The Township Board may accept or reject the implementation of the new position. The Board shall not create any new position without prior adoption of any necessary budget amendments.

## **5.6 Independent Contractors**

The Township Board may hire independent contractors to provide specialized or requested services on a project or as-needed basis. The following is required of all independent contractors:

- a. A written contract between the Township and the contractor
- b. A federal identification number or Social Security number, if a sole proprietor
- c. Proof of liability and worker's compensation insurance
- d. A completed W-9 form
- e. Evidence of a business (e.g., business card or current advertisement)

## **5.7 Volunteers**

The Township Board may utilize volunteers to provide services for civic, charitable or humanitarian reasons without promise, expectation, or receipt of compensation for the services rendered. Township volunteers may be reimbursed for nominal expenses, such as: mileage, reasonable expenses incurred, other, at the expense reimbursement rates and expense reimbursement policies adopted by the Township Board – with advanced Supervisor approval.

## **5.8 Equal Opportunity Employment**

The Township is an equal opportunity employer and shall employ, promote, and transfer all employees and job applicants without regard on the basis of race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), parental status, weight, height, marital status, national origin, age, disability, genetic information (including family medical history), political affiliation, military service, or other non-merit-based factors. These protections extend to all management practices and decisions, including recruitment and hiring, appraisal systems, promotions, training, and career development programs. Consistent with these obligations, the Township also provides reasonable accommodations to employees and applicants with disabilities and for sincerely held religious beliefs, observances, and practices, as required by law.

Township employees and applicants are also protected against retaliation. Consistent with state and federal laws, acts of retaliation against an employee who engages in protected activity, such as reporting discrimination or harassment or participating in an investigation, whistleblowing, or the exercise of any appeal or grievance right provided by law will *not* be tolerated at the Township. The Township will take prompt action when a Township employee, agent of the Township, or non-employee is found to have engaged in discrimination, retaliation, or harassment (including sexual harassment).

## **5.9 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 Supervisor, or designee, shall utilize the following procedures in filling any vacant employment positions:

- a. 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.

- b. The position vacancy notice shall be published on Township website, other websites, in local newspaper(s), in applicable trade journal(s), other.
- c. The applications or resumés submitted will be reviewed by the department head, and a list of qualified candidates will be developed.
- d. Interviews will be conducted with the department head's participation. Any additional screening procedures, such as employment testing, shall require prior Board approval. At least three non-related references shall be contacted.
- e. The Supervisor shall select the candidate who best meets the job prerequisites for education, experience and management style, if appropriate.
- f. The selected candidate shall be submitted to the Township Board. The Board may schedule an interview with the candidate at a Board meeting.
- g. Following Board concurrence, the candidate will be offered the position, pending the satisfactory completion of a physical examination, drug screen, and background check, as bona fide qualified requirements for the position.

### **5.10 Employment of Relatives**

The Township permits the employment of qualified relatives of officials and employees.

For purposes of this policy, "relative" is defined as the following: A spouse, domestic partner, parent, child, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent or grandchild.

The Township Board shall be responsible for, and will exercise sound business judgment in, the placement of related employees in accordance with the following guidelines:

Relatives are permitted to work in the same facility, provided no direct reporting or supervisory/management relationship exists. No employee is permitted to work within the chain of command or supervision of a relative such that one relative's work responsibilities, salary, discipline or career progress could be influenced by the other relative.

No relatives are permitted to work in the same department or any other positions in which the Board believes an inherent conflict of interest may exist.

Employees who marry while employed are treated in accordance with these guidelines. If, in the opinion of the Board a conflict or apparent conflict arises as a result of the marriage, one of the employees will be transferred at the earliest practical time.

An applicant for Township employment shall notify the Township on the application for employment, and a current employee, shall notify the Board in writing if a relationship identified in this policy exists.



### **5.11 Employee Classification**

Each employee will be assigned to a particular job with its corresponding job description, pay grade assignment (if applicable), pay range, and classification as follows: Exempt or Nonexempt; Full-time, Part-time, Temporary or Seasonal.

### **5.12 Employee Compensation**

The Board shall establish an equitable compensation system for Township employees. The Board shall determine a pay range for all Township positions. The Township shall use a compensation system that will determine the value of all jobs based on the skills, knowledge and behaviors required. The system will be designed to maintain control over compensation costs and to be objective and non-discriminatory in application and practice.

If the Township assigns salaries on an employee-by-employee basis: each employee shall be entitled to the annual salary or hourly wage determined by the Board and as appropriated in the Township budget.

### **5.13 Benefits**

The Board, in its sole discretion, will determine employment benefits that may be provided to Township officials or employees. Board members, officials, department heads or employees may submit suggested changes or additions to the benefits to the Board and/or Supervisor.

### **5.14 Employee Supervision**

Department heads shall provide direction to employees in a manner that complies with the provisions of the Township's Personnel Manual, Township policies and procedures, employee handbook, as well as all federal and state laws, and Township policies and ordinances.

### **5.15 (a) Employee Recognition**

Department heads shall advise the Township Board of any conduct of merit by any Township employee, volunteer or appointed official that deserves recognition. The Township Board, at its discretion, shall recognize meritorious conduct through the adoption of a resolution of tribute.

### **5.15 (b) Employee Discipline**

#### **(1) Warnings**

The Personnel Director and Department Head(s) may administer verbal or written warnings pursuant to policies adopted by the Township Board. All relevant facts that give rise to an Employee suspension shall be documented in writing, shall be signed by both the Personnel Director and the Employee, and shall be placed in the Employee's personnel file.

## (2) Suspensions

The application of suspension shall be authorized by the personnel director after consultation with the department head, pursuant to guidelines adopted in the Township Personnel Policies. All relevant facts that gave rise to a suspension shall be documented in writing, shall be signed by both the Personnel Director and the Employee, and shall be placed in the Employee's personnel file.

A suspension may be appealed within three (3) days or at the next Township Board meeting, whichever comes first. An appeal shall be requested in writing to the Personnel Director, who shall promptly notify the Board of the appeal and all relevant facts that gave rise to the suspension. The appeal shall be heard at the next Township Board meeting or at a special meeting called for that purpose.

## (3) Discharge or Dismissal

The application of Discharge or Dismissal shall be authorized by the Personnel Director after consultation with the department Head(s), pursuant to guidelines adopted in the Township Personnel policies. All relevant facts that give rise to an Employee discharge or dismissal shall be documented in writing, shall be signed by both the Personnel Director and the Employee, and shall be placed in the Employee's personnel file.

A discharge of dismissal may be appealed within three (3) days or at the next Township Board meeting, whichever comes first. An appeal shall be requested in writing to the Personnel Director, who shall promptly notify the Board of the appeal and all relevant facts that gave rise to the dismissal or discharge. The appeal shall be heard at the next Township Board meeting or at a special meeting called for that purpose.

## **5.16 Employee Safety**

The Township shall provide a workplace free from recognized hazards that may cause or are likely to cause death or serious physical harm to employees. The Township shall provide an effective safety management program that includes both leadership and employee involvement, will conduct worksite analysis, and will provide employee training as necessary.

The Supervisor, or designee, is hereby appointed as the Township Safety Officer. It shall be the duty of the Safety Officer to assess the general working conditions of the Township on a continual basis. Any conditions that create a safety hazard shall be corrected immediately. The Safety Officer shall report to the Township Board any unsafe condition that will require a modification of any Board-adopted policy or procedure or the expenditure of funds exceeding \$6,800 to eliminate that condition.

### **5.17 Non-Retaliation**

The Township shall not tolerate retaliation against any employee or other person who, in good faith, reports a violation or perceived violation of Township policies, or retaliation against any employee or other person who participates in any investigation as a witness or otherwise. Retaliation is a serious violation of this policy and is subject to discipline up to and including discharge. An employee must promptly report any acts of retaliation to his or her department head or to the Township Supervisor and/or the members of the Township Board. (See also, Section No. 5.8.)

### **5.18 Payroll**

The Township shall comply with Michigan wage and hour laws that regulate the method of payment of wages, the payment of wages upon termination of employment, allowable deductions, income tax withholding and payment of employment taxes, wage garnishments, recordkeeping and maintenance of payroll records.

### **5.19 Payment on Termination**

An employee who voluntarily terminates employment will be paid all wages earned and due as soon as the amount can be determined, or at the latest, on the next regularly scheduled payday. Discharged employees will be paid as soon as the correct amount is determined, or within four days of termination, as practical.

### **5.20 Timecards**

Payroll timecards for non-exempt employees shall be submitted to the Payroll Clerk on the day following the end of each pay period. Timecards will be signed by both the individual employee and the employee's department head.

### **5.21 Deductions and Withholdings**

The Township shall comply with federal and state laws regarding income tax and Social Security deductions. All voluntary deductions shall be authorized in writing. The Payroll Clerk shall be notified at least ten (10) days prior to the end of the pay period of any changes in voluntary deductions or withholding allowances desired by an individual employee.

The Township shall make appropriate deductions to satisfy any court orders for garnishments or for child or spousal support orders.

### **5.22 Payroll Changes**

A payroll change order or other documentation shall be used to make any employee changes (e.g., setting or changing compensation, and deductions or withholdings) or to add a new employee to payroll. A payroll change order or other documentation must be signed by the Payroll Clerk and Treasurer.

A new employee change order shall also be accompanied by the following:

- a. New Hire Reporting Form
- b. I-9 Form
- c. W-4 Form
- d. Direct deposit authorization and any other voluntary deduction forms

### **5.23 Pay Advances**

Pay advances shall not be authorized under any circumstances.

### **5.24 Payroll Problems**

Employees shall immediately notify the Township Payroll Clerk of any problems or errors on their paychecks. A written account of the problem and its resolution shall be created by the Clerk.

### **5.25 Personnel Recordkeeping- Personnel Files**

The Township Payroll Clerk shall maintain a permanent personnel record of each Township employee. The personnel records shall be kept complete and accurate in compliance with federal and state laws and any applicable general record retention schedules adopted by the State of Michigan.

Each employee's personnel file shall contain the following:

- a. Personnel data, including full name, Social Security number, current address, resumé or application submitted and physical examination (if required)
- b. Performance evaluations
- c. Use of authorized leaves
- d. Commendations or disciplinary actions
- e. Tax withholding information
- f. Beneficiary information
- g. Record of positions held
- h. Insurance carrier and pension records

A personnel file shall not include:

- a. Employee references supplied to an employer if the identity of the person making the reference would be disclosed.
- b. Materials relating to the employer's staff planning with respect to more than one employee, including salary increases, management bonus plans, promotions and job assignments.
- c. Medical reports and records made or obtained by the employer if the records or reports are available to the employee from the doctor or medical facility involved.
- d. Information of a personal nature about a person other than the employee if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy. (Clarify with Township legal counsel, as needed.)
- e. Information that is kept separately from other records and that relates to an investigation of the employee by the employer regarding criminal activity that

may result in loss or damage to the employer's property or disruption of the employer's business operation.

- f. Records limited to grievance investigations that are kept separately and are not used for the purposes provided in this subdivision.
- g. Records kept by an executive, administrative or professional employee that are kept in the sole possession of the maker of the record, and are not accessible or shared with other persons. But a record concerning an occurrence or fact about an employee may be entered into a personnel record if entered not more than six months after the date of the occurrence or the date the fact becomes known.

## **5.26 Employee Access to Personnel File**

Upon written request that describes the personnel record, any employee may examine the contents of his or her personnel file under the supervision of the Clerk, Supervisor or designee. If an employee demonstrates that he/she is unable to review his/her personnel record at the Township, then the Township, upon that employee's written request, shall mail a copy of the requested record to the employee.

An employee may obtain a copy of the information or part of the information contained in the employee's personnel record. The Township may charge a fee for providing a copy of information contained in the personnel record. The fee shall be limited to the actual incremental cost of duplicating the information.

If there is a disagreement with information contained in a personnel record, removal or correction of that information may be mutually agreed upon by the Township and the employee. If an agreement is not reached, the employee may submit a written statement explaining the employee's position. The statement shall not exceed 5 sheets of 8-1/2-inch by 11-inch paper and shall be included when the information is divulged to a third party and as long as the original information is a part of the file. If either the Township or employee knowingly places in the personnel record information which is false, then the Township or employee, whichever is appropriate, shall have remedy through legal action to have that information expunged.

## **5.27 Employer Access to Personnel Files**

The Supervisor, Clerk and Treasurer shall be allowed to view any personnel file, when necessary, within the scope of their authority and responsibility. Confidential information contained in a personnel file shall be released to others only with written authorization of the employee.

The contents of an employee's personnel file shall not be removed from the Township offices by anyone. The contents of the employee personnel files shall be considered confidential pursuant to Michigan law.

## **5.28 Release of Personnel Records to a Third Party**

The Clerk or Supervisor shall review an employee or former employee's personnel record before releasing information to a third party and, except when the release is ordered in a legal action or arbitration to a party in that legal action or arbitration,

shall delete disciplinary reports, letters of reprimand or other records of disciplinary action that are more than four (4) years old. When notice is required by law, the Clerk shall provide written notice to an employee or former employee of a release of the employee's personnel records.

#### **5.29 Freedom of Information Requests for Personnel Records**

Copies of documents contained in the personnel files that are requested pursuant to the Freedom of Information Act may be released only after information that is exempt from FOIA disclosure that may be contained on the document is redacted (deleted or edited out). The FOIA coordinator may contact the Township attorney for advice in responding to a FOIA request involving personnel records.

Adopted December 21, 2021  
Torch Lake Township  
Board of Trustees

## TORCH LAKE TOWNSHIP POLICY MANUAL

### **6.0 Records Management**

#### **6.1 Purpose; Policy and Applicability**

The purpose of this Records Management policy is to establish guidelines for the management and retention of records created or maintained by Township personnel.

The Township shall adhere to the State of Michigan Records General Retention Schedule, General Schedule # 10 – Michigan Township Record Retention, applicable retention schedules for specific records, and this policy. Notwithstanding, the Township will immediately cease the destruction of all relevant records (even if destruction is authorized by an approved Retention and Disposal Schedule) if it receives a FOIA request, an investigation or litigation is imminent, or if the Township is notified that an audit, investigation or litigation has commenced. Failure to cease the destruction of relevant records could result in penalties.

This 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.

#### **6.2 Records Management Responsibilities**

The Clerk shall be responsible for coordinating all records management procedures and activities for Township offices, departments or services. Duties shall include:

- 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.
- Arrange off-site storage facilities for inactive records, if needed.
- Arrange for digital imaging services.
- Arrange the destruction of confidential records with a vendor.
- Coordination of all litigation holds to prevent the destruction of records that are relevant to a Freedom of Information Act request, investigation, or litigation.

#### **6.3 Responsibility to Enforce**

The Clerk shall ensure that Township officials, appointees and employees are aware of and implement the Township's record management policies. The Clerk 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 shall ensure that the digital files and Email (and other records) of former officials, appointees, employees, volunteers and consultants are retained in accordance with approved record retention schedules.

#### **6.4 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 Email and other digital records, of employees who are separating from the Township are retained in accordance with the Township's record retention policies.

#### **6.5 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, up to and including a penalty of not more than two years in state prison or a fine of not more than \$1,000. (MCL 750.491)

#### **6.6 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. (Note: Refer to paragraph 6.22)

The Supervisor shall develop procedures to accommodate access by the Clerk and/or FOIA Coordinator 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 not to be used or kept off-site or in home offices

#### **6.7 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.



## 6.8 Litigation, Investigations and Freedom of Information Act Requests

The FOIA coordinator shall keep a copy of all written requests for public records on file for no less than one year.

No records that are the subject of litigation, a pending investigation request or a pending FOIA request shall be destroyed until the legal action or activity has ended, even if the records are otherwise scheduled for destruction pursuant to a relevant record retention schedule.

Any individual with knowledge of pending litigation, a pending investigation or a FOIA request shall immediately inform the FOIA coordinator. In consultation with the Township attorney, the FOIA coordinator shall direct all relevant individuals to immediately cease disposal of all records relevant to the pending litigation, pending investigation or FOIA request. If the relevant records are in electronic form (including Email), the FOIA coordinator shall notify Township elected and appointed officials, and other appropriate personnel of appropriate information retrieval procedures.

If questions arise as to what records are relevant to a pending litigation, pending investigation, or FOIA request, the FOIA coordinator shall direct the immediate cessation of the disposal of **all** records. The moratorium on the disposal of all records relevant to the pending litigation, pending investigation or FOIA request shall remain in effect for the duration of the litigation or investigation, or until the FOIA request has been fully processed.

## 6.9 Public Inspection of Records

Upon receiving a verbal request to inspect Township records, the Township shall furnish the requesting person with a reasonable opportunity and reasonable facilities for inspection and examination of its public records.

A person shall be allowed to inspect public records during usual business hours. The public does not have unlimited access to Township offices or facilities, and a person may be required to inspect records at a specified counter or table, and in view of Township personnel.

Township officials, appointees, staff or consultants/contractors assisting with inspection of public records **shall inform any person inspecting records that only pencils, and no pens or ink, may be used to take notes.**

In coordination with the official responsible for the records, the FOIA Coordinator shall determine on a case-by-case basis when the Township will provide copies of original records, to allow for redaction of exempt information, to protect old or delicate original records, or because the original record is a digital file or database not available for public inspection.

The FOIA coordinator is responsible for identifying if records or information requested by the public is stored in digital files or Email, even if the public does not specifically request a digital file or Email.

A person shall not remove books, records or files from the place the Township has provided for the inspection.

No documents shall be removed from the office of the custodian of those documents without permission of that custodian, except by court order, subpoena, or for audit purposes. The official shall be given a receipt listing the records being removed. Documents may be removed from the office of the custodian of those documents with permission of that custodian to accommodate public inspection of those documents.

#### **6.10 Copies May Be Required to Enable Public Inspection of Records**

In coordination with the official responsible for the records, the FOIA coordinator will determine (*on a case-by-case basis*) when the Township will provide copies of original records, to allow for redaction of exempt information, to protect old or delicate original records, or because the original record is a digital file or database not available for public inspection. A fee will be charged for copies made to enable public inspection of records, according to the Township's FOIA policy.

#### **6.11 Record Fees**

In all cases, Township personnel shall use the most economical means available to make copies of public records, including digital copies of documents or recordings. Email may be used to distribute records. Record fees are to be provided in the Township's Freedom of Information Act Policy and relevant Appendices and are set by Township Resolution.

#### **6.12 Digital Files and Email Retention**

#### **6.13 Email Defined**

Electronic mail (email) is a means of exchanging messages and documents using telecommunications equipment and computers. A complete email message not only includes the contents of the communication, but also the transactional information (dates and times that messages were sent, received, opened, deleted, etc., as well as aliases and names of members of groups), and any attachments.

#### **6.14 Digital Files and Email Messages May Be Public Records**

A digital file or email 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.

#### **6.15 Digital Files and Email Messages Are Public Property**

All digital files and email messages that are created, received or stored by the Township are the property of the Township and not the property of the Township officials, appointees, employees, volunteers, consultants/contractors, vendors or customers. Email 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.

## **6.16 Digital Files and Email Retention and Disposal Schedules**

Digital files and email shall be retained according to the applicable record retention schedule for the type of record the digital file or Email represents.

Individual employees or consultants are responsible for deleting digital files and email messages in accordance with the appropriate record retention schedule. The Clerk shall ensure that messages deleted in compliance with the appropriate record retention schedule are rendered unrecoverable within (*one week*) of deletion.

## **6.17 Digital Files and Email Storage and Maintenance**

The Township shall retain its digital files and Email by (select):

- Filing the digital file or Email in a Document Management System repository where it will be organized and automatically disposed of at the end of its retention period.
- Storing Email online in the active Email system for its entire retention period. Email account holders are encouraged to establish folders for arranging Email according to their content, and they are responsible for disposing of Email that has met all of its retention requirements.
- Creating online Email archives for storing messages that are accessible by the active Email system, but are not stored on the active Email server. Email account holders are encouraged to establish folders for arranging Email according to their content, and they are responsible for disposing of Email that has met all of its retention requirements.
- Storing digital files or Email on hard drives or peripheral drives (information technology staff or other Township designees must specify which drive to use; shared servers are recommended). Email account holders are encouraged to establish folders for arranging digital files or Email according to their content, and they are responsible for disposing of digital files or Email that has met all of its retention requirements.
- Printing digital files or Email and related transactional information, and filing the paper in a manual filing system.

## **6.18 Record Storage and Maintenance**

### **6.19 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 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 Deputy Clerk 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.

## **6.20 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. The Township shall destroy sensitive or confidential information by using methods or procedures approved by Township legal counsel.

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.

## **6.21 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 shall:

- Contact the Township's risk manager and/or insurance agent
- Determine the type of damage to records (fire, smoke, chemical, clean water, dirty water, heat, humidity, etc.)
- 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

## 6.22 Resource Information

Records Reproduction Act, PA 116 of 1992, MCL 24.401, *et seq.*

Department of Technology, Management and Budget General Schedules for Local Government; [https://www.michigan.gov/dtmb/0,5552,7-358-82548\\_21738\\_31548-56101--,00.html](https://www.michigan.gov/dtmb/0,5552,7-358-82548_21738_31548-56101--,00.html)

### Township Schedules

GS1 - [Nonrecord Material Defined \(approved 6-2-2015\)](#)

GS10 - [Townships \(approved 7-1-1997, updated 2009, 2014\)](#)

- This schedule covers the following Township departments: building, ordinance enforcement, planning and zoning, public works, and supervisor/assessing.

GS11 - [Local Law Enforcement \(approved 8-2-2005, revised 2017, 2018\)](#)

GS17 - [Public Libraries \(approved 1-18-2005, revised 3-16-2021\)](#)

GS18 - [Fire/Ambulance Departments \(approved 3-6-2007\)](#)

GS23 - [Elections Records \(approved 10-16-2007, revised 11-26-2013, revised 1-26-2016\)](#)

GS25 - [Township Clerks \(approved 6-17-2008\)](#)

GS26 - [Local Government Human Resources \(approved 10-7-2008\)](#)

GS29 - [Township Treasurers \(approved 9-1-2009\)](#)

GS30 - [Local Government Information Technology \(approved 12-1-2009\)](#)

GS31 - [Local Government Financial Records \(approved 4-7-2009\)](#)

GS32 - [Local Government Parks and Recreation Departments \(approved 4-20-2010\)](#)

GS34 - [Local 9-1-1 Call Centers \(approved 7-20-2010\)](#)

Michigan's Records Management Services (RMS):

**Contact Information**

P.O. Box 30026  
3400 N. Grand River Ave.  
Lansing, Michigan 48909  
Phone: 517-335-9132  
[recordscenter@michigan.gov](mailto:recordscenter@michigan.gov)  
[www.michigan.gov/recordsmanagement](http://www.michigan.gov/recordsmanagement)

Adopted December 21, 2021  
Torch Lake Township  
Board of Trustees

## TORCH LAKE TOWNSHIP POLICY MANUAL

### 7.0 Public Information

#### 7.1 Public Information Officer

The Township Supervisor shall be the public information officer for the Township.

The public information officer shall be responsible for supervising the content disseminated as approved by the Township Board through the Township's newsletter, website, public service announcements, social media, 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 content of the following, but not limited to:

- Campaign Finance Act Violations
- Promotion of private interests
- Representation of Township Board actions or policy
- Statements that could expose the Township to legal liability
- Profanity, hate speech, discriminatory speech, or other unprotected speech

The public information officer is authorized to determine in his or her sole discretion, whether such content will be removed, edited or redacted, or 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, Department Heads and employees will notify the public information officer of all media contacts made in their Township capacity.

Township officials and department heads will notify the public information officer/Supervisor 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, for pre-release approval.

#### 7.2 Public Notice

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 Chair of each public body shall notify the Township Clerk of that body's regular meeting schedule within 7 days after it is adopted, and of any

special or rescheduled meeting at least 18 hours (at a minimum) prior to that meeting.

The Clerk shall be responsible for publishing and mailing all public notices required by state law. The Township Supervisor, the ZBA Chair and the Planning Commission Chair shall notify the Township 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. The Zoning Administrator shall coordinate with the Clerk so that the Township's efforts to properly notice its public meetings does comply with applicable laws.

### **7.3 Incoming Mail**

The Clerk's office shall receive all incoming mail and shall open and date-stamp the letter or cover letter of all correspondence. 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 that official, as well.

### **7.4 Township Letterhead Stationery**

The Township Board shall approve the design of all letterhead stationery. 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.

### **7.5 Outgoing Correspondence**

All correspondence should be considered a public document, unless the contents are specifically excluded from disclosure by state law. Copies of correspondence will be provided to any Board member or the public on request.

Department heads shall provide the Township Board, via the Clerk with a copy of all correspondence that addresses a citizen complaint or when the content may result in a lawsuit against the Township. Where a department head is unsure of the necessity to provide the Board with a copy of correspondence, department heads should err on the side of caution.

### **7.6 Public Contacts**



## **7.7 Courtesy and Customer Service**

The primary goal of the Township is to serve the public and represent the interests of the people of the Township. All officials and employees will respond to requests for Township information from members of the public with courtesy and efficiency.

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.

All visitors to the Township shall be greeted in a friendly, helpful manner. Under the day-to-day supervision of the Supervisor, Clerk or Treasurer, the receptionist shall assist the public by directing them to the appropriate official, employee or department.

Township officials and employees shall make every effort to see visitors who need their assistance. When workload or other commitments do not allow for an immediate meeting, the visitor will be asked to make an appointment at a mutually convenient time.

Board members and other key officials shall post office hours or contact information to arrange appointments.

## **7.8 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.

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.

The Township Board, Supervisor, Clerk and Treasurer shall also be notified in writing of any citizen complaint arising from official or employee conduct or the administration of a department or Township Board policy or procedure. The notice shall include the name and address of the citizen, the nature of the complaint and how the complaint was resolved. The Township Board, Supervisor, Clerk and Treasurer may make a subsequent inquiry with the citizen to determine whether the issue was resolved and whether any additional action is required.

Adopted December 21, 2021  
Torch Lake Township  
Board of Trustees

## TORCH LAKE TOWNSHIP POLICY MANUAL

### **8.0 Property Management**

#### **8.1 Identifying Township Assets**

Assets that have a value of at least \$5,000.00 shall be identified, inventoried, and safeguarded to prevent loss.

#### **8.2 Inventory of Assets**

The Clerk, or designee, 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. The Clerk shall annually solicit an Inventory of Assets recommendation from the Township Auditor and use it to modify the Township's Inventory of Assets. Department heads shall inventory all assets assigned to their department, at least annually and at the time of acquisition, and shall submit the inventory to the Clerk or Deputy Clerk.

The inventory of assets shall include the following information on each asset:

- Voucher number
- Acquisition date
- Name and address of vendor
- Description of asset
- Responsible department
- Location
- Acquisition cost (if gift, estimated fair value at time of donation)
- Fund or cost center (from which it was purchased)
- How acquired (purchase, lease/purchase, construction, condemnation, tax foreclosure, gift)
- Estimated life
- Date and method of authorized disposition
- Permanent identification number

#### **8.3 Inventory Tagging**

All assets shall be tagged with a label that includes the permanent identification number.

#### **8.4 Lost or Damaged Township Property or Equipment**

Any lost or damaged equipment shall be reported immediately to the Clerk or designee.

#### **8.5 Disposal of Fixed Assets**

Department heads shall make note on the annual inventory, or shall notify the Clerk or designee sooner if desired, of any equipment that would be appropriate for disposal.

The Clerk shall prepare a list of all such equipment recommended for disposal and shall submit the recommended disposal of fixed assets list to the Township Board and Supervisor for approval. The Township shall not make a gift or donation of Township property with any remaining value.

The Township Board and Supervisor shall determine, on a case-by-case basis, the method of disposal, which may include sealed bids, public auction, negotiated sale or disposal.

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 not vote on any negotiated sale involving the elected official.

### **8.6 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.

### **8.7 Property Maintenance**

### **8.8 Responsibility for Maintenance**

The Township Supervisor, or designee shall be responsible for monitoring the need for repairs and improvements to Township property.

The Supervisor, or designee, shall use the Township purchasing and bidding procedures for procuring the following services as applicable:

- Cleaning and pest control
- Lawn maintenance
- Snow removal
- Fire extinguisher inspections
- Non-emergency repairs to Township buildings, land, equipment and vehicles
- *(Other as determined by the Township Board)*

### **8.9 Emergency Repairs**

The Supervisor, or designee, is authorized to contract for emergency repairs up to a cost of \$15,000.00 without prior Board approval, when a delay in initiating a repair will have a significant impact on Township operations or finances.

### **8.10 Township Facilities**

### **8.11 Township Board Authority for Township Facilities**

Township facilities are public property, but they are not open to public use unless the Township Board has so directed. The Township Board shall determine which Township

facilities will be open to public access and use, and the degree of public access and use. The Township Board and Supervisor shall establish procedures for opening, closing and the security of Township facilities.

### **8.12 Hours of Business**

The hours during which the Township offices shall be open to the public shall be posted in public view on the Community Services Bulletin Board and on the Township's website.

### **8.13 Emergency Closing**

The Supervisor, or designee, with concurrence from one other Board member, 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 Supervisor, or designee, 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 members, and the local radio/television stations shall also be notified of any closing.

### **8.14 Security**

#### **8.15 Keys**

The following positions are authorized to receive a key to the main door: Supervisor, Clerk, Treasurer, Deputies, and employees as designated by the Board.

If a key is lost, the Supervisor 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 supervisor.

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

Each department head 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.

## **8.16 Valuables**

Township officials, appointees, employees, volunteers and consultants/contractors shall not keep money or other valuables in their desks or at their workstations. The Township shall not be responsible for the loss of any personal property.

## **8.17 Safety**

All Township facilities will be maintained for compliance with OSHA, MIOSHA, 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 Community Services Building. Other flammable materials shall not be stored in the utility/furnace room.

In the event of a fire, all employees will immediately exit the building. All employees shall gather at the south entrance drive for a head count.

## **8.18 Public Use of Township Facilities**

### **8.19 Availability**

Township facilities that are open to public use shall be used only in compliance with Township policies and procedures.

The Township Board authorizes limited public access to and use of the following Township facilities:

- Conference room
- Community center multi-purpose room and kitchen facility
- Park pavilion

### **8.20 Denial of Facilities**

The Township Board reserves the right to refuse use of the facilities, per meeting room policy.

### **8.21 Reservations**

Township facilities are available for use by any individual or organization on a first-come, first-served basis. The Clerk, or designee, shall record each reservation on a facility calendar, on a first-come, first-served basis.

Reservation forms, rental agreements, facility lease contracts shall be used to secure use of Township facilities and to establish the terms such reservations are subject to. The Reservations form, rental agreement, facility lease contracts 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, rental agreements, and facility lease contracts shall be made available at the Township office or the Township's website.

## **8.22 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 as indicated by Township Board Resolution. Fees shall be paid at the time of reservation and refunded if the reservation is cancelled, per meeting room policy.

## **8.23 Damages**

A damage deposit shall be required.

No later than the day prior to the scheduled use, a Township staff member and a representative of the renter shall complete an inventory form recording the current condition of the facility. The condition inventory shall be compared to the facility on the business day following the scheduled event. The deposit will be returned after the Clerk, or designee, determines that damage to the facility has not occurred.

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.

## **8.24 Facility Use Rules**

- No illegal drugs, marijuana use nor possession, nor tobacco use (e.g., smoking, vaping, chewing) is allowed within any part of the CBS building and grounds.
- 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 location.

## **8.25 Alcoholic Beverages**

Alcoholic beverages are not permitted in the Community Services Building or in the South Fire Department Building (Fire Station #2).

## **8.26 Use of Township Property by Township Personnel**

### **8.27 Personal Use of Township Property**

The personal use of the Township premises, equipment, machines, tools, supplies, postage or personal use of Township labor, shall be prohibited.

### **8.28 Personal Mail**

The Township is a business address, and 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, and 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.

### **8.29 Office Supplies**

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

### **8.30 Bulletin Boards**

The Township Bulletin Boards shall only be used for posting public notices relating to Township business.

### **8.31 Township Access to Employee Communications**

Generally, electronic information created and/or communicated by an employee using email, 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.

### **8.32 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 Information Technology (IT) Coordinator and the Supervisor. All outside software or documents must be virus-scanned before being installed or operated on Township equipment.

### **8.33 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 any incident to "Justus," as referenced in the Employee Handbook.

### **8.34 Violations**

Any Township official, employee or volunteer who abuses the privilege of their access to email or the Internet in violation of Township policies will be subject to corrective action, including possible termination of employment, legal action and criminal liability, as spelled out in the Employee Handbook.

Adopted December 21, 2021  
Torch Lake Township  
Board of Trustees



## TORCH LAKE TOWNSHIP POLICY MANUAL

### 9.0 Computer, Email, Cell Phones, Internet, and Social Media

#### 9.1 Purpose

This Computer, Email, Cell Phones, Internet, and Social Media policy ("Policy") establishes the requirements to ensure proper use of the Township's computers, email, cell phone resources, internet and social media. The Policy describes the Township's rules with regard to internet access and disclosure of mail messages sent or received by Township employees with the use of the Township's email system.

This Policy is intended for all employees, Board members, appointees, or volunteers. For convenience, the term employees will represent all members of that group within this policy.

#### 9.2 Policy – Computers and Email

- A. Computers used by employees in the workplace are the property of the Township and, as such, they, and electronically stored data, may be inspected at any time without notice. Employees shall not access the Township's information technology system except in the performance of their employment duties or for limited personal use. In addition, no download of any data or software into a Township-owned computer or server shall be accomplished without prior approval of the employee's supervisor.

Township business by email, text messaging, tweeting, etc., is subject to FOIA disclosure. Additionally, officials are required to retain copies of such correspondence as an official public record under FOIA. FOIA does not exempt those using private computers, phones etc., from its requirements; thus, such public records must be retained by Township officials in accordance with a properly approved retention and disposal schedule.

Any use of the Township's information technology system in violation of any of the prohibited uses described herein is prohibited and will subject the Employee to discipline.

- B. The Township respects the individual privacy of its employees. However, employee privacy does not extend to the employee's work-related conduct or the use of Township-provided equipment or supplies. The following guidelines may affect employee privacy in the workplace.
- **SECURITY & LEGAL PRECAUTIONS** - The electronic mail system has been installed by the Township to facilitate business communications. Although each employee may have an individual password to access this system, it belongs to the Township and the contents of the email communications are accessible at all times by Township administration for any business purpose.

These systems may be subject to periodic unannounced inspection, and should be treated like any other shared filing system. All system password or encryption keys must be available to the Township Supervisor.

- All messages created, sent, or retrieved over the Township's email/internet are the property of the Township and all such messages are public information. The Township reserves the right to access and monitor all messages and files on the Township's email/internet system. Employees should not assume electronic communications are totally private and should transmit highly confidential data in other ways.
- Email may be subpoenaed for use in court. In addition, email messages may be subject to the Freedom of Information Act (FOIA). When writing something using email, assume the message may be read by third parties. Therefore, carefully consider messages and use good judgement in message content. A message with statements that can be interpreted as harassing, biased or discriminatory may subject the Township to civil penalties or damages.
- The Township reserves the right to block any and all Internet sites as necessary or appropriate. Some sites may be blocked due to objectionable content, other sites may be blocked due to network concerns (some sites cause the use of huge blocks of network resources).
- Employees are prohibited from the unauthorized use of the passwords and encryption keys of other employees to gain access to other employee's email messages.

C. Prohibited Uses: Although it is impossible to list all non-permitted uses, the following is a non-exclusive list of subjects expressly prohibited and violators are subject to disciplinary measures, up to and including employment termination:

- Conduct or participate in any actions which are illegal by Township, County, State or Federal law, statute or regulation, and/or copyright;
- Threaten or harass others;
- Unlawful discrimination based upon color, religion, national origin, sex, age, height, weight, family status, sexual orientation, marital status, physical or mental limitation, or gender identity/expression or genetic information, or any legal protected status.
- Purposely view, display, store or transmit any obscene material;
- Conduct commercial or private/personal business enterprises;
- Promote private businesses, product advertisement or political lobbying for candidates;
- Send unauthorized bulk or random messages or chain letters;
- Solicit for organizations that are unrelated to the Township's mission or purpose;
- Gain or attempt to gain unauthorized access to a remote site;

- Destroy or attempt to destroy the integrity of computer-based information;
- Purposely install or invoke a computer virus or other disruptive mechanism;
- Alter system files or configuration to disrupt computer or network functions;
- Seek or gain unauthorized access to network resources;
- Seek or gain unauthorized access to resources on the Internet;
- Place bets or gamble on sporting events or lotteries;
- Attempt to breach security mechanisms.
- Distributing by blind-copy (bcc) emails and other messaging to non-primary recipients of the original email or message.
- Blind-copy “email blasts” to undisclosed recipients.

### **9.3 Policy – Cellphones and Vehicles**

Cell phone usage while operating Township equipment and vehicles shall be limited to those occasions for Township business and whereby safe operation of said equipment or vehicle is not compromised and in accordance with the Michigan Vehicle Code and all other laws concerning texting and cell phone usage. Use of cell phones for personal use shall be of a limited duration or on work breaktime.

### **9.4 Policy – Internet and Social Media**

The Township’s website: <https://www.torchlaketownship.org/>, is recognized as the Township’s primary source for online communication and information.

The Township prohibits:

- Employees from accessing nonwork-related internet sites and social media sites while on work time or on equipment provided by the Township, unless it is work related as authorized by a supervisor or consistent with our policies.
- Employees from use of Township email addresses to register on social networks, blogs or other online tools utilized for personal use.
- Employees from media and social media interviews on behalf of the Township without first contacting the Township Supervisor. All media inquiries should be directed to the Township Supervisor. If you have questions or need further guidance, please contact your supervisor or the Township Supervisor.
- Employees from communicating as representing the Township on social media platforms. Township staff shall not engage, comment or post using their personal accounts and claim or otherwise indicate they are communicating officially on behalf of the Township or representing the Township with their comments. Township staff may not represent themselves as formally speaking for the Township unless identified previously by the Township Supervisor as official spokespeople. Identified Township spokespeople shall conduct themselves on social media only within the scope defined herein and in compliance with all Township policies, practices, and user agreements and guidelines.

Employees are personally responsible for the content they publish on social media sites. The Township is not responsible for the personal content of employees' social media sites. Employees should consider:

- Published content may be public for a long time.
- Regardless of position, residents of the Township are aware of your association with the Township in online social networks.
- If an employee chooses to identify themselves as a Township employee, they should ensure their profile and related content is consistent with how they wish to present themselves with colleagues and citizens.
- Regardless of publication type, employees should make it clear that what they say is representative of their views and opinions and not necessarily the views and opinions of the Township.
- Unless an employee is specifically authorized to speak on behalf of the Township, they should consider including the following disclaimer on personal blogs or social media in which they identify themselves as a Township employee: "The postings on this site are my own and don't necessarily represent the Township's positions, strategies or opinions."

Social media activities that are not protected by the First Amendment and that violate this or any other Township policy will be subject to investigation and appropriate action, including disciplinary measures including termination, as determined by the Township.

Adopted December 21, 2021  
Torch Lake Township  
Board of Trustees

## TOWNSHIP OF TORCH LAKE POLICY MANUAL

### 10.0 Substance Use And Alcohol/Drug Policy and Testing

#### Purpose

In continuing effort to provide for the health and safety of its employees and to ensure the health and safety of others, the Township of Torch Lake ("Township") has adopted the following Substance Use and Alcohol/Drug Testing Policy. The goal of this policy is to balance our respect for an individual's privacy and rights with our mutual need to maintain a safe, productive, drug-free and alcohol-free working environment. It is further the goal of the Township to comply with the Drug-free Workplace Act of 1988 and maintain a drug-free workplace. The Township's workplace locations are: (1) the Township Offices at 2355 US 31 North, Kewadin, MI 49648; (2) Torch Lake Township Fire Station # 2 located at 1270 US 31 South, Kewadin, MI 49648; and, (3) the William E. Good Day Park located at 12283 Public Dock Road, Kewadin, MI 49648 (Torch Lake Village).

#### Section 1: Definitions

- A. For purposes of this policy, "alcohol" means any alcohol or intoxicating liquid containing alcohol or other fermented or distilled liquors.
- B. "Illegal drug" means drugs and federal and state-controlled substances, the possession or use of which is unlawful, pursuant to any federal, state, or local law or regulations in the United States. Examples include street drugs such as cocaine, heroin, marijuana, (or marihuana) and phencyclidine and controlled substances such as marihuana, amphetamine, methamphetamine, and barbiturates. Drugs and controlled substances that are not legally obtainable, or that are legally obtainable but have not been legally obtained, are also considered to be "illegal drugs." Marijuana (or Marihuana) is unlawful under federal law, is considered an illegal drug under this Policy and is strictly prohibited regardless of whether an employee has a medical marijuana registration card.
- C. Drug-free workplace means a site for the performance of work done at which employees of the Township are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of illegal drugs and controlled substances.

#### Section 2: Drug-Free Workplace Statement/Policy and Prohibited Conduct

- A. The unlawful manufacture, distribution, dispensing, possession, or use of illegal drugs and controlled substances are prohibited in the Township's workplace and on Township property.

- B. Any employee or volunteer who possesses, sells, attempts to sell, or in any way distributes illegal drugs on Township property or during work hours will be discharged. Law enforcement officials will be informed of such conduct.
- C. Employees and volunteers, as a condition of service or employment, shall abide by this section and policy.
- D. Any employee or volunteer who is convicted of a criminal drug statute occurring in the workplace must notify the Township Supervisor's Office of such conviction no more than five (5) calendar days after the conviction.
- E. The Township Prohibits The Following Conduct:
  - Possessing, attempting to possess, using, selling, distributing, preparing to distribute, or offering to sell illegal drugs, alcohol or marihuana, including marihuana-infused products while in the workplace, on Township property, and during work time.
  - Using a prescribed drug for purposes other than those for which the drug was prescribed or not in the prescribed manner while on Township time or property. Employees who have prescription and/or over-the-counter drugs/medications in their bodily system that may affect their ability to safely perform their job, must report that information to their supervisor (or his/her designee) prior to the start of the employee's shift.
  - Reporting to work, or otherwise being on Township work time or property while having illegal or non-prescribed or illegal drugs, alcohol or marihuana (THCA) in the employee's bodily system.

### **Section 3: Alcohol/Drug Testing**

- A. Any employee will be subject to alcohol/drug testing under the following instances:
  - Random drug testing.
  - Drug testing unrelated to the reporting of a work-related injury or illness.
  - Drug testing under a state workers' compensation law.
  - Drug testing under other federal law, such as a U.S. Department of Transportation rule.
  - Drug testing to evaluate the root cause of a workplace incident that harmed or could have harmed employees. The Township may test all employees whose conduct could have contributed to the incident, not just the employee who reported the injury or damage.
  - Reasonable Suspicion of being under the influence of drugs or alcohol.
  - Alcohol/drug testing pursuant to this policy.
- B. The Township will require any employee who is reasonably suspected of having illegal (or non-prescribed) drugs or alcohol in his/her system while on Township

work time or property to submit to alcohol/drug testing. The standard for determining reasonable suspicion will be guided by the following:

- The test must be requested by the Township Supervisor, Fire Chief, Ambulance Director, or a supervisor.
- Reasonable suspicion shall be based upon specific objective facts, reasonable inferences, and observations of appearance drawn from those facts in light of experience and/or training. Examples include, but not limited to:
  - ❖ Odors: smell of alcohol or marijuana.
  - ❖ Appearance:
    - Eyes dilated, constricted or watery, or involuntary eye movements.
    - Face flushed, sweating, or confused.
    - Speech is slurred, slow, distracted or incoherent.
    - Unable to walk or balance without assistance.
    - Disheveled clothing.
    - Emotions unstable, argumentative drowsy
    - Decline in the employee's performance or productivity.
- Where the reasonable suspicion is based upon personal observation by a supervisor, the objective facts must be articulated.

- C. The facts forming the basis for the reasonable suspicion shall be disclosed to the employee at the time that demand for testing is made, and the employee shall, at that time, be given the opportunity to explain his/her behavior or actions. The employee shall have the right to Union representation if a Union member. Any refusal to take the test may result in immediate discharge in the discretion of the Township Supervisor.
- D. The Township will treat all test results as confidential records, to be shared only with those individuals who have a legitimate "need to know."
- E. Upon completion of the testing, the employee will receive telephone notification of the results of the testing by the laboratory or as soon as practical after the Township receives such notification.
- F. Any refusal to submit to such testing will subject the employee to immediate discharge.

#### **Section 4: Laboratory Test**

Arrangements will be made to transport the person taking the test to the hospital or independent laboratory to perform the test. Under no circumstances will the employee be allowed to drive himself or herself to the testing facility. A member of management must transport the employee or arrange for the employee to be transported home. A

proper chain of custody in compliance with the United States Department of Transportation (DOT) Regulations will be maintained on all tests.

In the case of urine testing for illegal use, the laboratory used must be certified by the National Institute on Drug Abuse (NIDA). The initial screen test will be of the immunological assay type and will be conducted using the "EMIT" test. No disciplinary action shall be taken based upon the initial screen test. If the initial test is positive, an immediate follow-up test on the identical sample will be conducted using the gas chromatography/mass spectrometry method.

The laboratory utilizes the cutoff concentrations displayed in the following table for initial and confirmatory drug tests. All cutoff concentrations are expressed in nanograms per milliliter (ng/mL). The table follows:

<b>Initial test analyte</b>	<b>Initial test cutoff<sup>1</sup></b>	<b>Confirmatory test analyte</b>	<b>Confirmatory test cutoff concentration</b>
Marijuana metabolites (THCA) <sup>2</sup>	50 ng/mL <sup>3</sup>	THCA	15 ng/mL.
Cocaine metabolite (Benzoylecgonine)	150 ng/mL <sup>3</sup>	Benzoylecgonine	100 ng/mL.
Codeine/ Morphine	2000 ng/mL	Codeine Morphine	2000 ng/mL. 2000 ng/mL.
Hydrocodone/ Hydromorphone	300 ng/mL	Hydrocodone Hydromorphone	100 ng/mL. 100 ng/mL.
Oxycodone/ Oxymorphone	100 ng/mL	Oxycodone Oxymorphone	100 ng/mL. 100 ng/mL.
6-Acetylmorphine	10 ng/mL	6-Acetylmorphine	10 ng/mL.
Phencyclidine	25 ng/mL	Phencyclidine	25 ng/mL.
Amphetamine/ Methamphetamine	500 ng/mL	Amphetamine Methamphetamine	250 ng/mL. 250 ng/mL.
MDMA <sup>4</sup> /MDA <sup>5</sup>	500 ng/mL	MDMA MDA	250 ng/mL. 250 ng/mL.

Table from US DOT. <https://www.transportation.gov/odapc/part40/40-87>

If an EMIT test detects the presence of a drug equal to or above the confirmation level of the test result, the test will be considered as failed.

Upon completion of all testing, the employee will receive telephone notification of the results of the testing by the laboratory or as soon as practical after the Township receives such notification. If the results of confirmation testing are positive, the results will be reported to the Township.

If an employee is requested to undergo a blood/alcohol or breathalyzer test, and the test reveals a minimum level of .02% blood alcohol content (B.A.C.), the employee will have failed the test.



It is the intent of this program to test for those agents that are most frequently contained in the drugs of abuse. Therefore, the preceding list of drugs included in the table is subject to continual review and modification.

### **Section 5: Release From Duty**

Any time an employee has been ordered to be tested, based upon reasonable suspicion, the employee shall not drive any vehicle or perform any job duties or functions, unless so authorized by a supervisor. The employee will be compensated according to his/her Collective Bargaining Agreement or salary/wage schedule for all time spent in the testing process. When possible, such testing will be conducted during the employee's scheduled work hours.

### **Section 6: Rehabilitation, Last Chance, And Penalties**

- A. An employee who fails a drug/alcohol test required by this Policy shall, as a condition of continued employment, acknowledge that the employee will be given one "last chance" to retain his/her employment, which may require the employee to become involved in and successfully complete a rehabilitation program approved by the Township. The determination of whether the "last chance" requires the employee to become involved in and successful complete a rehabilitation program is within the sole discretion of the Township. Probationary employees who during their initial new hire term of probation who violate this Policy will be immediately discharged.
- B. If the "last chance" requires the employee to enter into a rehabilitation program, the employee must, if able, continue to work while in the rehabilitation program if, in the Township's opinion, he/she is capable of satisfactory performance and if the employee agrees to be tested for drugs/alcohol according to the rehabilitation program rules and the Township's requirements. Approval from the Township is required.
- C. If the "last chance" requires the employee to enter into a rehabilitation program, and the employee must discontinue work while in the program, the employee may be eligible to take an unpaid medical leave of absence. The employee must supply all medical documentation required by the Township in order to support the need for the leave.
- D. If the "last chance" requires the employee to enter into a rehabilitation program, the employee must remain in the program for an adequate period of time as determined by the program professionals. The employee must provide to the Township, at time intervals determined by the Township or designee, reports of satisfactory participation in the program. In addition, a report of satisfactory completion of the program at the termination of active treatment is required. These reports should come from the director of the program or other appropriate persons

affiliated with the program. The failure to complete the program against the recommendation of the program director or other appropriate persons affiliated with the program will result in immediate discharge.

- E. Upon satisfactory completion of the rehabilitation by the employee, it will be a condition of re-employment that the employee agrees to be periodically re-tested for drugs/alcohol at the Township's discretion for a reasonable period not to exceed eighteen (18) months.
- F. If successful completion of a rehabilitation program is not required by the Township as part of the employee's "last chance", the Township may still require, as a condition of continued employment, the employee to be periodically re-tested for drugs/alcohol at the Township's discretion for a reasonable period not to exceed eighteen (18) months.
- G. If an employee violates this Policy and refuses to agree to the terms of the "last chance" offered by the Township, the employee will be immediately discharged.
- H. If any employee violates this Policy for a second time (after successful completion of the terms of any "last chance"), the employee will be immediately discharged.
- I. An employee who attempts to or actually tampers with the drug/alcohol testing process, including by providing a substituted or altered sample, will be immediately discharged and will be ineligible for a "last chance".
- J. An employee who is found to have possessed, used, distributed, sold or offered for sale illegal drugs while on Township time or property will be immediately discharged and will be ineligible for a "last chance."
- K. The Township encourages employees with substance abuse problems to identify themselves to the Township Supervisor, Fire Chief, Ambulance Director, or a supervisor, before the employee violates this Policy and is subject to disciplinary action. The Township may refer such employees to a rehabilitation program and, where appropriate, will allow a leave of absence for treatment and continued employment.

Adopted December 21, 2021  
Torch Lake Township  
Board of Trustees

## TORCH LAKE TOWNSHIP POLICY MANUAL

### 11.0 Investment Policy

#### 11.1 Overview

The purpose of this Investment Policy is to establish the investment scope, objectives, delegation of authority, standards of prudence, eligible investments and transactions, internal controls, reporting requirements, and safekeeping and custodial procedures necessary for the investment of the funds of the Township.

This Investment Policy has been adopted by resolution of the Township Board of Torch Lake and replaces all previous investment policies or resolutions concerning the cash management or investment of Township funds.

The Township manages a flexible investment portfolio, which includes general operating funds, bond reserve funds, proceeds from bond sales that will be expended on capital projects as well as various other funds. Because these funds may be required at any time, it is essential that the Township maintain strict maturity horizons for the purpose of liquidity control.

#### 11.2 Policy

It is the policy of the Township to invest public funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the Township and conforming to all State statutes and local ordinances governing the investment of public funds.

#### Scope

This investment policy applies to all financial assets held by the Township. These assets are accounted for in the Township's Annual Financial Report (AFR) and include:

- General Fund
- Special Revenue Funds
- Internal Service Funds
- Capital Project Funds
- Enterprise Funds
- Trust and Agency Funds
- Debt Service Funds
- Any new fund created by the Township, unless specifically exempted by the legislative body.

Except for cash in certain restricted and special funds, the Township shall consolidate cash balances from all funds to maximize investment earnings and to increase efficiencies

with regard to investment pricing, safekeeping and administration. Investment income shall be allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles.

The Township does not invest employee pension funds as these funds are managed by the Municipal Employees' Retirement System (MERS).

### **11.3 Investment Objectives**

The following investment objectives, in priority order, will be applied in the management of the Township's funds:

#### **Safety**

The primary objective of the Township's investment activities is the preservation of capital in the overall portfolio and the protection of investment principal. The Treasurer will employ mechanisms to control risks and diversify investments regarding specific security types or individual financial institutions.

#### **Liquidity**

The investment portfolio will remain sufficiently liquid to enable the Township to meet operating requirements which may be reasonably anticipated.

#### **Return on Investment**

Subject to the foregoing constraints, the Township will strive to maximize the rate of return on the portfolio and to preserve the purchasing power but will avoid assuming unreasonable investment risk. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

### **11.4 Prudence and Indemnification**

In managing its investment portfolio, the Treasurer shall avoid any transaction that might impair public confidence. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

The above standard is established as the standard for professional responsibility and shall be applied in the context of managing the overall portfolio. Township staff, as designated by the Treasurer, acting in accordance with State statute, this Investment Policy, written procedures as may be established, and exercising due diligence, shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided that deviations from expectations are reported in a timely fashion, and appropriate action is taken to control adverse developments.

## **11.5 Delegation of Authority and Investment Procedures**

Authority to manage the Township's investment program is derived from State statutes. Daily management responsibility for the investment program is the responsibility of the Treasurer, who shall establish written procedures for the operation of the investment program consistent with this investment policy. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of the procedures established by the Treasurer. Such procedures should also include reference to safekeeping and repurchase agreements, wire transfer agreements, collateral or depository agreements and banking service contracts. The Treasurer shall be responsible for all transactions undertaken, and shall establish a system of controls to regulate the activities of designated staff.

## **11.6 Ethics and Conflicts of Interest**

All elected and appointed Township officials, employee, officer, or agents shall adhere to the Township's Code of Ethics and Conflict of Interest policy.

No employee, officer, or agent of the Township may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the Township may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. The Township shall disclose in writing any potential conflict of interest to the Federal awarding agency or pass-through entity in accordance with applicable Federal awarding agency policy.

## **11.7 Authorized Financial Dealers and Institutions**

The Treasurer will maintain a list of financial institutions, which are authorized to provide investment and depository services. In addition, a list will also be maintained of approved security broker/dealers selected by credit-worthiness, who maintain an office in the State of Michigan or who are "primary" dealers or regional dealers that qualify under Securities & Exchange Commission Rule 15C3-1 (uniform net capital rule). No public deposit shall be made except in a qualified public depository as established by State law.

All financial institutions and broker/dealers who desire to become qualified bidders for investment transactions must supply the Treasurer with the following: audited financial statements for the recent fiscal year; certification of having read the Township's investment policy and the pertinent State statutes; proof of National Association of Security Dealers certification; and proof of State registration, where applicable.

Alternatively, if the Township has engaged the services of an investment advisory firm, the authorized Investment Advisor may utilize the Investment Advisor's list of broker/dealers when executing transactions on behalf of the Township, provided that each broker/dealer meets the minimum criteria listed above in items 1-3 of this section. The Investment Advisor's approved list of broker/dealers shall be provided to the Township on an annual basis or upon request. In addition, the authorized Investment Advisor shall provide a written receipt of this Investment Policy and agreement to conduct transactions on behalf of the Township in accordance with this Investment Policy. The authorized Investment Advisor shall provide such certification on an annual basis or upon any revision to this Investment Policy.

### **11.8 Authorized and Suitable Investments**

The Township is empowered by State statute (1988 Public Act 239, M.C.L. 129.91) to invest in the following types of securities:

- a. Treasury Bills, Treasury Bonds, Treasury Notes, Treasury STRIPS, and other securities or obligations of the United States, or an agency or instrumentality of the United States;
- b. Certificates of Deposit, savings accounts, deposit accounts, or depository receipts of a bank which is a member of the federal deposit insurance corporation or a savings and loan which is a member of the federal savings and loan insurance corporation or a credit union which is insured by the national credit union administration, but only if the bank, savings and loan, or credit union is eligible to be a depository of surplus funds belonging to the state under section 5 or 6 of Act No.105 of the Public Acts of 1855, as amended;
- c. In United States government or federal agency obligation repurchase agreements with a termination date of 90 days or less collateralized by U.S. Treasury Obligations or Federal Instrumentality Securities listed in (a.) above with maturities not exceeding ten years.

Collateralization: For the purpose of this section, the term "collateral" shall mean "purchased securities" under the terms of a Township approved Master Repurchase Agreement. The collateral shall have an original minimum market value (including accrued interest) of 102% of the dollar value of the transaction and the collateral maintenance level shall be 101%. If collateralized value drops below 101 percent, it will immediately be restored to 102%. Collateral shall be held by the Township's custodial bank as safekeeping agent, and the market value of the collateral securities shall be marked to the market daily based on that day's bid price. The right of collateral substitution is granted.

Master Repurchase Agreement: Repurchase Agreements shall be entered into only with primary dealers reporting to the Federal Reserve Bank of New York,

or with firms that have a primary dealer within their holding company structure or with approved depository banks that have executed an approved Master Repurchase Agreement with the Township. The Treasurer shall maintain a copy of the Township's approved Master Repurchase Agreement along with a list of the counterparties who have executed a Master Repurchase Agreement with the Township.

There is no limit on the percentage of the portfolio that may be invested in repurchase agreements.

- d. Obligations of the State of Michigan or any of its political subdivisions with a final maturity not exceeding ten years from the date of trade settlement, that are rated at least A- or the equivalent with a stable or positive rating outlook by at least one nationally recognized statistical rating organization (NRSRO). Investments in such obligations shall not exceed 10% of the Township's investment portfolio and no more than 5% of the Township's investment portfolio may be invested in any one issuer. Diversification and credit criteria described for obligations of the State of Michigan are not applicable to issues of the Township.
- e. In Banker's Acceptances (BA's) of United States banks;
- f. In commercial paper rated at the time of purchase within the 2 highest classifications established by not less than 2 standard rating services and which matures not more than 270 days after the date of purchase;
- g. In mutual funds composed of investment vehicles which are legal for direct investment by local units of government in Michigan;
- h. Investments purchased through an inter-local agreement under the Urban Co-operations Act of 1967, (Ex Sess) PA 7, MCL 124.501 to 124.512;
- i. Investment pools organized under the Surplus Funds Investment Pool Act, 1982 Public Act 367, MCL 129.111 to 129.118; and
- j. The investment pools organized under the Local Investment Pool Act, 1985 Public Act 121, MCL 129.141 to 129.150; and
- k. The Township invests certain excess funds in external pooled investment funds which include money market funds. Michigan CLASS (MC) is considered a local government investment pool of "qualified" investments for Michigan municipalities. MC is not regulated nor is it registered with the SEC. MC reports as of March 31, 2020, the fair value of the Township's investments is the same as the value of the pooled shares. MC is recorded at fair value and is subject to fair value disclosures.

The Treasurer is restricted to investments which meet the statutory restrictions above and limitations on security issues and issuers as detailed below:

- a. Investments in Commercial Paper are restricted to those which have, at the time of purchase, the top investment rating provided by any two nationally recognized rating agencies. Commercial paper held in the portfolio which subsequently receives a reduced rating shall be closely monitored and sold immediately if the principal invested may otherwise be jeopardized.
- b. Certificates of deposits shall be purchased only from financial institutions which qualify under Michigan law and are consistent with Opinion No. 6168, Opinions of the Attorney General (1982).

### **11.9 Diversification**

The Township will diversify its instruments and investments by security type and institution. With the exception of U.S. Treasury securities and authorized investment pools, no more than fifty percent (50%) of the total investment portfolio will be invested in a single security type OR with a single financial institution.

### **11.10 Maximum Maturities**

To the extent possible, the Township will attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the Township will not directly invest in securities maturing more than three (3) years from the date of purchase. Reserve funds may be invested in securities exceeding three (3) years, but no more than ten (10) years, if the maturity of such investments is made to coincide as nearly as practicable with the expected use of the funds.

### **11.11 Competitive Transactions**

Each investment shall be competitively transacted with authorized broker/dealers. Whenever possible, at least three broker/dealers shall be contacted and their bid and offering prices shall be recorded. If the Township is offered a security for which there is no other readily available competitive offering, then quotations for comparable or alternative securities shall be documented. Transactions executed by the Township's investment advisor shall be conducted on a competitive basis as described in this section.

### **11.12 Collateralization, Safekeeping and Custody**

The State of Michigan does not require collateralization of Public Funds. Non-negotiable, non-collateralized Certificates of Deposit, as is the law in the State of Michigan, shall be evidenced by a Safekeeping Receipt from the issuing bank.



### **11.13 Accounting**

The Township maintains its records on the basis of funds and account groups, each of which is considered a separate accounting entity. All investment transactions shall be recorded in the various funds of the Township in accordance with generally accepted accounting principles as promulgated by the Government Accounting Standards Board. Accounting treatment will include:

- Investments will be carried at cost or amortized cost which approximates market.
- Premium or discount will be amortized over the life of the investment.
- Gains or losses of investments in all funds will be recognized at the time of disposition of the security.
- Market price shall be disclosed annually in the financial statements and periodically in the performance reports.

### **11.14 Investment Performance and Reporting**

The Treasurer shall submit a quarterly investment report that provides:

- Principal and type of investment by fund
- Annualized yield
- Ratio of cash to investments
- Earnings for the current quarter and year-to-date
- Market price and a summary report of cash and investments maintained in each financial institution.
- Investment performance to available benchmark.

Performance of the portfolio shall be reported to the Township Supervisor and Torch Township Board quarterly. Reports shall include details of the characteristics of the portfolio as well as its performance for that period. Material deviations from projected investment strategies shall be reported immediately to the Township Supervisor.

### **11.15 Internal Controls**

The Treasurer shall establish a system of internal controls which is designed to prevent losses of public funds arising from fraud, employee error, misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions by designated employees of the Finance Office. Required elements of the system of internal controls shall include: 1) The timely reconciliation of all bank accounts (i.e., monthly reconciliations within 30 days of the end of the monthly cycle), 2) details of delivery versus payment procedures and trust receipt documentation, and 3) a third party audit to be conducted annually. Internal controls will also encompass at a minimum the additional issues of:

- transfers of all funds (purchases, sales, etc.);
- separation of functions including transaction authority and accounting and record-keeping;
- custodial safekeeping;

- avoidance of delivery of bearer from or non-wireable securities to the Township;
- delegation of authority to staff members;
- written confirmation of telephone transactions;
- supervisory control of employee actions;
- specific guidelines regarding securities losses and remedial action;
- identification and minimization of the number of authorized investment officials

#### **11.16 Investment Policy Adoption**

The Township's investment policy shall be adopted by resolution of the Torch Lake Township Board. The policy shall be reviewed as necessary by the Board.

#### **11.17 Performance**

The benchmark yield shall be equal to the average yield on the U.S. Treasury Security that most closely corresponds to the portfolio's actual weighted average maturity. When comparing the performance of the Township's portfolio, the reported rate of return shall include both average weighted yield and rate of return net of fees.

[Glossary starts on Following Page]

## **GLOSSARY**

**Bankers' Acceptance (BA):** A draft or bill of exchange accepted by bank or trust company. The accepting institution guarantees payment of the bill, as well as the issuer.

**Broker:** A broker brings buyers and sellers together for a commission.

**Commercial Paper:** Short-term unsecured debt obligation issued by a bank holding company, finance company, utility or industrial company to raise short term cash.

**Certificate of Deposit (CD):** A receipt of funds deposited in a financial institution for a specified period at a specified rate of interest. A negotiable receipt may be in bearer or registered form and can be traded in the secondary market. A non-negotiable receipt is always registered and has no secondary market. Denominations can be any agreed amount, and interest is normally calculated using actual number of days on a 360 day year. However, each financial institution's calculations vary, and the investor should ask to avoid misunderstanding.

**Discount:** The difference between the cost price of a security and its maturity when quoted at lower than face value. A security selling below original offering price shortly after sale also is considered to be at a discount.

**Federal Deposit Insurance Corporation (FDIC):** A federal agency that insures bank deposits, currently up to \$250,000 per deposit.

**Federal Savings and Loan Insurance Corporation (FSLIC):** A federal institution that insures deposits of federally chartered savings and loan associations.

**Liquidity:** A liquid asset is one that can be converted easily and rapidly into cash without a substantial loss of value. In the Money Market, a security is said to be liquid if the spread between bid and asked prices is narrow and reasonable size can be done at those quotes.

**Market Price:** The price at which a security is trading and could presumably be purchased or sold.

**National Credit Union Administration:** A federal institution that insures deposits of federal and state chartered credit unions.

**Primary Dealer:** A group of government securities dealers who submit daily reports of market activity and positions and monthly financial statements to the Federal Reserve Bank of New York and are subject to its informal oversight. Primary dealers include Securities and Exchange Commission (SEC)-registered securities broker-dealers, banks and a few unregulated firms.

**Portfolio:** Collection of securities held by an investor.

**Rate of Return:** The yield obtainable on a security based on its purchase price or its current market price. (see Yield)

**Repurchase Agreement:** A contractual arrangement, not a security, between a financial institution or dealer and an investor. The agreement normally can run for one to thirty days, but some can go longer. The investor puts up his funds for a certain number of days at a stated yield. In return he takes title to a given block of securities as collateral. At maturity the securities are returned and the funds repaid plus interest.

**Safekeeping:** A service to customers rendered by banks for a fee whereby securities and valuables of all types and descriptions are held in the bank's vault for protection.

**SEC Rule 15C3-1:** See Uniform Net Capital Rule.

**Securities & Exchange Commission:** Agency created by Congress to protect investors in securities transactions by administering securities legislation.

**SIPC:** Securities Investor Protection Corporation created as a non-profit member corporation by Congress in 1970 for the purpose of protection of cash and securities held by member SEC registered broker/dealers that protects customer accounts in the event of the financial failure of a member.

**Treasury Bills:** A non-interest bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three months, six months or one year.

**Treasury Bonds:** Long-term coupon-bearing U.S. Treasury security issued as direct obligations of the U.S. Government and having initial maturities of more than 10 years.

**Treasury Notes:** Medium-term coupon-bearing U.S. Treasury securities issued as direct obligations of the U.S. Government bearing interest payable at six month intervals and having initial maturities from one to 10 years.

**Treasury STRIPS:** Separate Trading of Registered Interest and Principal of Securities issued by the U.S. Government

**Uniform Net Capital Rule:** Securities and Exchange Commission requirement that member firms as well as nonmember broker-dealers in securities maintain a maximum ratio of indebtedness to liquid capital of 15 to 1; also called net capital rule and net capital ratio. Indebtedness covers all money owed to a firm, including margin loans and commitments to purchase securities, one reason new public issues are spread among members of underwriting syndicates. Liquid capital includes cash and assets easily converted into cash

**Yield:** The rate of annual income return on an investment, expressed as a percentage.

Adopted December 21, 2021  
Torch Lake Township  
Board of Trustees

## 12.0 Michigan Freedom of Information Act

### Procedures and Guidelines

The Michigan Freedom of Information Act (FOIA), MCL 15.231-15.246, provides for public access to certain public records, permits the charging of prescribed fees and deposits, and provides remedies and penalties for non-compliance. A person has a right to inspect, copy, or receive copies of certain requested public records. Some public records are permitted or required not to be disclosed. The Township is a public body that must comply with the FOIA. For purposes of these Procedures and Guidelines, terms have the same meaning as defined in the FOIA. A complete copy of the FOIA is available on the Michigan Legislature's website at [www.legislature.mi.gov](http://www.legislature.mi.gov).

These Procedures and Guidelines (which include a Public Summary and an Itemized Fee Form) are available on the Township's website at: <https://torchlaketownship.org>. This link or a physical copy of these Procedures and Guidelines will be included in each of the Township's FOIA responses. Paper copies of these Procedures and Guidelines are available upon request by a visitor at the Township's Hall, located at 2355 N US-31 Kewadin, MI 49648.

#### I. WRITTEN PUBLIC SUMMARY

##### A. How to Submit Written Requests

A written request to inspect, copy, or review a public record should be submitted to the Township's FOIA Coordinator.

FOIA requests can be sent via U.S. Mail to:

Kathy Windiate, Clerk  
Post Office Box 713 Eastport, MI 49627

- FOIA requests sent via email should be sent to: [clerk@torchlaketownship.org](mailto:clerk@torchlaketownship.org)
- FOIA requests sent via fax should be faxed to: Fax (231) 599-2981

A request from a person, other than an individual who qualifies as indigent under section 4(2)(a) of MCL 15.234, must include the requesting person's complete name, address, and contact information, and, if the request is made by a person other than an individual, the complete name, address, and contact information of the person's agent who is an individual. An address must be written in compliance with United States Postal Service addressing standards. Contact information must include a valid telephone number or electronic mail address. Indigent individuals are not required to provide name, address, and contact information.

A request must describe the public record in sufficient detail to enable the Township to find the requested record. A sample Request Form is appended to these Procedures and Guidelines as **Attachment A**.

A person may subscribe to future issuances of public records created, issued, or disseminated by the Township *on a regular basis*, such as notices of Board meetings. A subscription is valid for up to 6 months and may be renewed by the subscriber.

In lieu of paper copies, the requestor may stipulate that the Township provide nonexempt public records on non-paper physical media, electronically mailed, or otherwise electronically provided. The Township is not required to produce nonexempt public records on non-paper physical media if the Township lacks the technological capability necessary to provide the requested records on the particular non-paper physical media stipulated in the particular instance. The Township is not required to use non-paper physical media *provided by the requestor* and, to safeguard the Township's information technology infrastructure, shall not do so. Computer software is not a public record.

A person may request a certified copy of a public record.

## **B. Explanation of Written Responses**

The Township will respond to a written request under the FOIA within 5 business days (excluding weekends and legal holidays) after the Township receives the written request, unless otherwise agreed to in writing by the requestor. The FOIA defines the date of receipt by the Township differently depending upon how the request was delivered to the Township (e.g., hand-delivery, regular mail, e-mail, facsimile).

The Township will respond to a request by doing one of the following: (a) granting the request; (b) issuing a written notice denying the request; (c) granting the request in part and issuing a written notice denying the request in part; or (d) issuing a notice extending for not more than 10 business days the period during which the Township will respond to the request. The Township shall not issue more than 1 notice of extension for a particular request.

If a requestor asks for information that is available on the Township's website, the Township will notify the requestor in its response where the records may be found on its website. Paper copies of public records available on the Township's website will be made available upon request, but a fee may be charged as explained in Section II and on the detailed fee itemization form.

The Township will provide reasonable facilities for a requestor to inspect nonexempt public records. The facilities will be available during the Township's normal business hours. The FOIA Coordinator will establish rules regulating the manner in which records may be inspected to protect the Township's records from loss, alteration, mutilation, or destruction, or to prevent undue interference with the Township's normal operations.

If a request is denied in whole or in part, the Township will include in the written notice of denial an explanation of the basis for the denial and, if applicable, a certificate that the public record does not exist under the name given by the requestor or by another name reasonably known to the Township. A sample Certificate of Non-Existence of Public Record is appended as **Attachment B**. If a public record or information is separated and exempt from disclosure (redacted), the Township will describe generally the material exempted unless that description would reveal the contents of the exempt information and thus defeat the purpose of the exemption.

### **C. Deposit Requirements**

Where the Township estimates that the fee authorized under the FOIA and these FOIA Procedures and Guidelines for responding to a request will exceed Fifty Dollars (\$50.00), the Township may require a good-faith deposit from the requestor before providing the requested records. A good-faith deposit shall not exceed one-half ( $\frac{1}{2}$ ) of the total estimated fee and shall include a detailed itemization of estimated fee amounts. The FOIA Coordinator will provide the requestor with a detailed itemization of the allowable fees estimated to be incurred by the Township to process the request. The Township will include with its request for good-faith deposit a best efforts estimate of the time frame within which the Township will provide the requested public records. The timeframe estimate is not binding on the Township but will be made in good faith and the Township will strive to be reasonably accurate.

If a deposit that is required under subsection (8) or (11) of MCL 15.234 is not received by the Township body within 45 days from receipt by the requesting person of the notice that a deposit is required, and if the requesting person has not filed an appeal of the deposit amount pursuant to section 10a, the request shall be considered "Abandoned" by the requesting person and the Township is no longer required to fulfill the request. Notice of a deposit requirement is considered received 3 days after it is sent, regardless of the means of transmission. Notice of a deposit requirement under subsection (8) or (11) must include notice of the date by which the deposit must be received, which date is 48 days after the date the notice is sent.

If a requestor previously requested public records from the Township, and if the Township made the requested public records available on a timely basis but was not paid in full the total estimated fee for that previous request, the Township may, to the extent permitted by the FOIA, require a deposit of up to 100% of the estimated fee for the subsequent request(s).

### **D. Fee Calculations**

The FOIA permits the Township to charge six fee components: (a) labor costs of searching for, locating, and examining public records; (b) labor costs of separating or deleting (redacting) exempt information from non-exempt information; (c) labor costs to duplicate or publish requested public records; (d) actual costs of paper copies (not to exceed 10 cents per sheet for standard 8-1/2 by 11 or 8-1/2 by 14



sheets of paper); (e) actual costs of non-paper physical media (e.g., flash drive, CD) if requested and if the Township has the technological capability to comply; and (f) actual costs of postal delivery. For more detailed information about the Township's fee calculations, including fee reductions for untimely responses, see Section II. D of the Procedures and Guidelines and **Attachment C**, Detailed Itemization of Fee Amounts Form. The FOIA Coordinator will require that payment be made in full for the allowable fees before the requested records are made available.

1. **Fee Waivers.** A search for a public record may be conducted or copies of public records may be furnished without charge or at a reduced charge if the Township determines that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public records can be considered as primarily benefiting the general public.
2. **Discounts.** Under the following circumstances, a public record search shall be made by the Township and a copy of a non-exempt public record shall be furnished without charge for the first \$20.00 of the fee:
  - a. If an individual who is entitled to information under the FOIA:
    - submits an affidavit stating that the individual is receiving specific public assistance or is unable to pay the fee because of indigence and stating that the individual is not making the request in conjunction with outside parties in exchange for payment or other remuneration; and
    - that individual has not previously received discounted copies of public records from the Township twice during the same calendar year.
  - b. If a nonprofit corporation formally designated by the State of Michigan to carry out activities under subtitle C of the 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, submits a request that 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; and
    - Is accompanied by documentation of its designation by the state, if requested by the Township.

## **E. Avenues for Challenge and Appeal**

1. **Challenge to Record Denial.** If the Township fails to respond to a FOIA request or makes a final determination to deny all or a portion of a request, the requesting person may submit an appeal to the Township's Board of Trustees

or may commence an action in the circuit court for the county in which the public record or the Township's office is located. See Section II. E of these FOIA Procedures and Guidelines for a more detailed explanation of the procedures and timelines for appealing a record denial.

2. **Challenge to Fee.** If the Township requires a fee that requestor believes exceeds the amount permitted under the FOIA or the Township's publicly available procedures and guidelines, the requesting person may commence an action in the circuit court for the county in which the public record or the Township's office is located. See Section II. E of these FOIA Procedures and Guidelines for a more detailed explanation of the procedures and timelines for a fee appeal.

## II. PROCEDURES & GUIDELINES A. Requests

1. All "persons," except those persons incarcerated in state or local correctional facilities, are entitled to submit a FOIA request to the Township. A "person" is defined for purposes of the FOIA to mean "an individual, corporation, limited liability company, partnership, firm, organization, association, governmental entity, or other legal entity."
2. A FOIA request is a *written* request to inspect, copy, or receive copies of a public record. A request must describe the public record in sufficient detail to enable the Township to find the requested record. The Township suggests that requestors use the sample Request Form appended as **Attachment A**.
3. FOIA requests must be in writing. If, however, a person makes an oral request for information that is available on the Township's website, and if the employee to whom the request is directed knows that the information is available on the Township's website, that employee must inform the requesting person that the information is available on the Township's website.
4. The Township's FOIA Coordinator is responsible to process requests to inspect, copy, or receive copies of public records. FOIA requests should be sent to the Township's FOIA Coordinator.

FOIA requests can be sent via U.S. Mail to:

Kathy Windiate, Clerk  
Post Office Box 713 Eastport, MI 49627

- FOIA requests sent via email should be sent to: [clerk@torchlaketownship.org](mailto:clerk@torchlaketownship.org)
- FOIA requests sent via fax should be faxed to: Fax (231) 599-2981

A request from a person, other than an individual who qualifies as indigent under section 4(2)(a) of MCL 15.234, must include the requesting person's complete name, address, and contact information, and, if the request is made by a person other than an individual, the complete name, address, and contact

information of the person's agent who is an individual. An address must be written in compliance with United States Postal Service addressing standards. Contact information must include a valid telephone number or electronic mail address. Indigent individuals are not required to provide name, address, and contact information.

If an employee of the Township receives a written request to inspect, copy, or receive copies of a public record, the employee should promptly forward the request to the Township's FOIA Coordinator. A requestor is not required to use the Township's sample Request Form, or to include the word "FOIA" in the request. Therefore, all written requests to inspect, copy, or receive copies of records should be promptly forwarded to the FOIA Coordinator for review.

5. 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.
6. A person may subscribe to future issuances of public records created, issued or disseminated *on a regular basis*, such as notices or agendas of Board meetings. In all other respects, if the requested public record does not exist as of the date requested, the Township has no obligation under the FOIA to create the requested record or to provide a copy if created at a later date. A subscription is valid for up to 6 months and may be renewed by the subscriber.
7. The FOIA Coordinator shall, upon written request, furnish a certified copy of a public record to the requestor.

## **B. Responses.**

1. Unless otherwise agreed to in writing by the person making the request, the Township must respond to a written request under the FOIA within 5 business days (excluding weekends and legal holidays) after the Township receives the request by doing one of the following:
  - a. Grant the request;
  - b. Send a written notice denying the request;
  - c. Grant the request in part and issuing a written notice denying the request in part; or
  - d. Issuing a notice extending for not more than 10 business days the period during which the Township will respond to the request. The Township shall not issue more than 1 notice of extension for a particular request.
2. If a request is denied in whole or in part, the Township must include in the written notice of denial an explanation of the basis for the denial and, if applicable, a certificate that the public record does not exist under the name given by the requestor or by another name reasonably known to the Township. A sample Certificate of Non-Existence of Public Record is appended as **Attachment B**.

- a. Exemptions to disclosure are set forth in Section 13 of the FOIA, MCL15.243, which is available on the Michigan Legislature's website at [www.legislature.mi.gov](http://www.legislature.mi.gov).
  - b. If a public record or information is separated and exempt from disclosure (redacted), the Township will describe generally the material exempted unless that description would reveal the contents of the exempt information and thus defeat the purpose of the exemption.
3. The date for responding to a FOIA request depends upon the manner in which the request was delivered. A request sent by mail or delivered by hand is received for purposes of the FOIA on the day it arrives at the Township. A request sent by e-mail, fax, or other electronic means is received for purposes of the FOIA 1 business day after the date on which it was electronically transmitted. If a request is sent by email and is diverted to the Township spam or junk mail folder, the request is not received until 1 day after the date it is discovered in the spam or junk mail folder. The FOIA Coordinator shall include in the Township's records both the time that a written request was delivered to its spam or junk-mail folder and the time that the Township first became aware of that request. The Township shall review the FOIA Coordinator's spam or junk mail folder at least once every 30 days.
4. If a request is fully granted, the Township will provide copies of, or an opportunity to inspect, all the public records that were requested, upon payment of the appropriate fee (if any). No pages will be left out, and nothing will be redacted.
5. The Township will provide reasonable facilities for a requestor to inspect nonexempt public records. The facilities will be available during the Township's normal business hours. The FOIA Coordinator will establish rules regulating the manner in which records may be inspected to protect the Township's records from loss, alteration, mutilation, or destruction, or to prevent undue interference with the Township's normal operations.
6. The FOIA identifies numerous specific exemptions to disclosure. If a request includes information that is exempt from disclosure, the Township will provide a written response and list the reason(s) why the record(s) or portions of records will not be disclosed. The Township will include a link to, or a copy of, these Written Procedures and Guidelines (including the Public Summary and Attachments) with each denial.
7. If a request is partially denied, it means that some records or parts of records will be disclosed, but some records or parts of records will not be disclosed. The Township will provide copies of, or an opportunity to inspect, the nonexempt records, but exempt information (which may consist of entire documents, pages, or information on a page) may be withheld or redacted. The Township will include in the written notice of denial-in-part an explanation of the basis for the denial-in-part and, if applicable, a certificate that one or more of the public records does not exist under the name given by the requestor or by

- another name reasonably known to the Township. The Township will include a link to, or copy of, these Written Procedures and Guidelines (including the Public Summary and Attachments) with each denial.
8. Failure of the Township to respond to a FOIA request within the prescribed timelines constitutes denial of the request. The fee that the Township is permitted to charge will be reduced by 5% per day, up to a 50% reduction, if the failure to timely respond was willful or intentional, or if the request included language described in the FOIA as readily conveying a FOIA request. (See Section II. D, Fees).
  9. The FOIA does not require the Township to create any records, or to make compilations, summaries, or reports of existing records. If a request seeks records that do not exist, the Township will certify that no records responsive to the request exist under the name or description provided in the request or another name known to the Township. (See sample Certificate of Non-Existence of Public Record appended as **Attachment B**).
  10. If a request asks for information that is available on the Township's website, the Township will notify the requestor in its response where the records may be found. If a requestor seeks paper copies of information available on the website, the Township may charge the fees noted below and on the detailed fee itemization form, except that there will be no charge for separating exempt from nonexempt material.
  11. In lieu of paper copies, the requestor may stipulate that the Township provide non-exempt public records on non-paper physical media, by electronic mail, or other electronic means. The Township is not required to produce non-exempt public records on non-paper physical media if the Township lacks the technological capability necessary to provide the requested records on the particular non-paper physical media stipulated in the particular instance. The Township is not required to use non-paper physical media *provided by the requestor* and, to safeguard the Township's information technology infrastructure, shall not do so.

### **C. Deposit Requirements**

1. Where the Township estimates that the fee authorized under the FOIA and these FOIA Procedures and Guidelines for responding to a request will exceed Fifty Dollars (\$50.00), the Township may require a good-faith deposit from the requestor before providing the requested records. A good-faith deposit shall not exceed one-half ( $\frac{1}{2}$ ) of the total estimated fee and shall include a detailed itemization of estimated fee amounts. The FOIA Coordinator shall provide the requestor with a detailed itemization of allowable fees estimated to be incurred by the Township to process the request. The Township shall include with its request for good-faith deposit a best efforts estimate of the time frame within which the Township will provide the requested public records. The timeframe estimate is not binding on the Township, but the estimate will be made in good faith and the Township will strive to be reasonably accurate.

2. If a deposit that is required under subsection (8) or (11) of MCL 15.234 is not received by the Township within 45 days from receipt by the requesting person of the notice that a deposit is required, and if the requesting person has not filed an appeal of the deposit amount pursuant to section 10a, the request shall be considered "Abandoned" by the requesting person and the Township is no longer required to fulfill the request. Notice of a deposit requirement is considered received 3 days after it is sent, regardless of the means of transmission. Notice of a deposit requirement under subsection (8) or (11) must include notice of the date by which the deposit must be received, which date is 48 days after the date the notice is sent.
3. If a requestor previously requested public records from the Township, and if the Township made the requested public records available on a timely basis but was not paid in full the total estimated fee for that previous request, the Township may, to the extent permitted by the FOIA, require a deposit of up to 100% of the estimated fee for the subsequent request(s).

#### **D. Fees**

1. A fee shall not be charged for the cost to search, examine, review, and delete/separate/redact exempt from non-exempt information unless failure to charge a fee would result in unreasonably high costs to the Township. In determining whether such costs are "unreasonably high," the Township will consider, on a case-by-case basis, the estimated costs given the volume and complexity of the request relative to the usual or typical costs incurred by the Township in responding to FOIA requests.
2. Fees are calculated using the detailed fee itemization form appended to these Guidelines and Procedures as **Attachment C**. The Township charges the following fees:
  - a. *Labor costs incurred for searching for, locating, and examining public records.* Labor costs are calculated in 15-minute increments (rounded down) and will not exceed the hourly rate of the lowest-paid employee capable of searching for, locating, and examining the public records. No overtime will be charged unless requested by the requestor, approved by the Township, and included on the fee itemization form. The hourly rate of the lowest-paid employee capable of searching for, locating, and examining particular records may vary depending upon the nature of the records sought and the corresponding qualifications or authorizations required to search for, locate, or examine the requested record. All charges will be noted on the fee itemization form.
  - b. *Labor costs for separating and deleting exempt information from nonexempt information.* Labor costs are calculated in 15-minute increments (rounded down) and will not exceed the hourly rate of the lowest-paid employee capable of separating and deleting material that is exempt from disclosure from information that is non-exempt from disclosure. No overtime will be charged unless requested by the requestor, approved by the Township, and

included on the fee itemization form. The hourly rate of the lowest-paid employee capable of separating and deleting exempt information from non-exempt information may vary depending upon the nature of the records sought and the corresponding qualifications or authorizations required to separate and redact exempt information from non-exempt information. If the Township FOIA Coordinator determines on a case-by-case basis that no employee of the Township is capable of separating and deleting exempt from nonexempt material, the Township may engage a contracted services provider and charge labor costs. Such labor costs shall be calculated in 15-minute increments (rounded down) and the hourly rate shall not exceed 6 times the state minimum wage. All charges will be noted on the fee itemization form.

- c. *Costs for non-paper physical media.* A requestor may stipulate that records be produced on non-paper physical media (e.g., on a flash drive or CD). If the Township has the technological capabilities to comply with the request for production on non-paper physical media, the Township may charge the actual and most reasonably economical cost of the requested non-paper physical media and the cost of non-paper physical media shall be included on the fee itemization form.
- d. *Actual cost of duplication for paper records.* The Township will charge the actual cost of duplication (not to exceed 10 cents per sheet) for 8-1/2 by 11 inch sheets of paper or 8-1/2 by 14-inch sheets of paper. The actual cost of duplication will be charged for non-standard-sized sheets of paper and may exceed 10 cents per sheet. The Township shall utilize the most economical means available for making copies of public records, including using double-sided printing, if cost saving and available.
- e. *Actual labor costs for duplication or publication.* The Township's charges for duplication or publication will not exceed the hourly rate of the lowest-paid employee capable of duplicating or publishing the records. The hourly rate of the lowest-paid employee capable of duplicating or publishing records may vary depending on the nature of the records sought. Duplication or publication fees are calculated in 15 minute increments (rounded down). All charges will be noted on the fee itemization form.
- f. *Postal delivery charges.* The Township may charge the costs of the least expensive form of postal delivery. If a requestor asks for expedited mailing, and if the Township agrees to provide expedited mailing, the actual costs of the expedited mailing may be charged and must be included on the fee itemization form.
- g. *Fringe benefits.* The Township may add to the labor charges described above the actual cost of the public employee's fringe benefits, up to 50% of the labor costs. Fringe benefits must be noted on the fee itemization form.

- h. Overtime wages. No overtime will be charged unless requested by the requestor, approved by the Township, and included on the fee itemization form.
3. Each of the fee components described above must be specifically listed on the fee itemization form. A completed copy of the fee itemization form will be included with the response to the request. A copy of the fee itemization form is appended to these Written Procedures and Guidelines as **Attachment C**.
4. **Fee Reductions.** If the FOIA Coordinator does not respond to a written request within the timeframes required by the FOIA, the Township will reduce the charges for labor costs otherwise permitted under the FOIA and these Procedure and Guidelines by 5% for each day the Township exceeds the time permitted for a response to the request, up to a maximum 50% reduction, if either of the following applies:
- The late response was willful and intentional.
  - The written request included language that conveyed a request for information within the first 250 words of the body of a letter, facsimile, electronic mail, or electronic mail attachment, or specifically included the words, characters, or abbreviations for “freedom of information,” “information,” “FOIA,” “copy,” or a recognizable misspelling of such, or appropriate legal code reference for this act, on the front of an envelope, or in the subject line of an electronic mail, letter, or facsimile cover page.

If a fee reduction is required, the Township will fully note the fee reduction on the detailed itemization of fees (**Attachment C**).

5. **Payment.** The FOIA Coordinator will require that payment be made in full for the allowable fees before the requested records are made available.
6. **Fee Waivers.** A search for a public record may be conducted, or copies of public records may be furnished, without charge or at a reduced charge if the Township determines, in its discretion, that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public records can be considered as primarily benefiting the general public.
7. **Discounts.** Under the following circumstances, a public record search shall be made by the Township and a copy of a non-exempt public record shall be furnished without charge for the first \$20.00 of the fee:
- a. If an individual who is entitled to information under the FOIA:
- submits an affidavit stating that the individual is receiving specific public assistance or is unable to pay the fee because of indigence and stating that the individual is not making the request in conjunction with outside parties in exchange for payment or other remuneration; and



- that individual has not previously received discounted copies of public records from the Township twice during the same calendar year.
- b. If a nonprofit corporation formally designated by the State of Michigan to carry out activities under subtitle C of the 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, submits a request that 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; and
  - Is accompanied by documentation of its designation by the state, if requested by the Township.

## E. Appeals

A requestor may appeal any denial of records or any fee charged for public records.

1. **Challenge to Record Denial.** If the Township denies a request for records, the requestor may either:

- Appeal to the Township's Board of Trustees; or
  - Commence an action in the circuit court in Antrim County within 180 days of the denial.
- a. If the requestor appeals to the Board of Trustees, the appeal must specifically state the word "appeal" and state the reason(s) that the denial should be reversed. The following rules apply to record denial appeals to the governing Board:
- i. An appeal is not "received" until the first regularly scheduled Board meeting after the appeal is submitted.
  - ii. Within 10 business days after receiving the appeal, the Board will do one of the following:
    - A. Reverse the denial;
    - B. Issue written notice upholding the denial;
    - C. Reverse the denial in part and issue written notice upholding the denial, in part; or
    - D. Issue written notice extending the time for response by not more than 10 business days.

- iii. If the Board fails to respond in a timely manner to the written appeal, or upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requestor may seek judicial review by commencing a civil action in circuit court.
- b. A requestor is not required to submit an appeal to the Board before commencing a civil action in circuit court to challenge a disclosure denial. If a circuit court determines that the requested record is not exempt from disclosure, the court will order the Township to cease withholding or to produce all or a portion of the public record determined to have been wrongfully withheld. If the court determines that a disclosure denial was arbitrary and capricious, willful and intentional, or made in bad faith, the court will order that the Township pay a civil fine to the state and punitive damages to the requestor. If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record *prevails* in an action commenced in the circuit court, the court shall also require that the Township pay the requestor's reasonable attorneys' fees, costs, and disbursements. If the requestor or the Township *prevails in part*, the court may, in its discretion, award the Township all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements.

2. **Challenge to Fee.** If the Township requires a fee (defined to include a deposit) that requestor believes exceeds the amount permitted under the FOIA or these publicly available Procedures and Guidelines, the requesting person may, within 45 days after receiving notice of the required fee, commence an action in the circuit court for the county in which the public record or the Township's office is located.

- a. If a court determines that the fee exceeds the amount permitted under the FOIA or these Procedures and Guidelines, the court will reduce the fee to the permissible amount (if any).
- b. If the requesting person prevails in an action commenced under this section 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.
- c. If the court determines that the Township arbitrarily and capriciously violated FOIA by charging an excessive fee, or acted in bad faith, the court will order that the Township pay a civil fine to the state and punitive damages to the requestor.

## **F. Questions**

Any questions about these Written Procedures and Guidelines should be directed to the Township's FOIA Coordinator.

## **G. Attachments**

1. Sample FOIA Request Form

2. Sample Certificate of Non-Existence of Public Record
3. Standard Form for Detailed Itemization of Fee Amounts

Adopted December 21, 2021  
Torch Lake Township  
Board of Trustees

**ATTACHMENT A**  
**SAMPLE FOIA REQUEST FORM**  
[date]

(name and address)

**Re: Freedom of Information Act Request**

Dear FOIA Coordinator:

I am writing to request, pursuant to the Michigan Freedom of Information Act, MCL 15.231 *et seq.*, [to inspect] [to copy] [to obtain copies of] the following public records:

[INSERT DESCRIPTION OF RECORDS SOUGHT]

**OPTIONAL:** Please provide a copy of the requested public records on [INSERT DESCRIPTION OF DESIRED NON-PAPER PHYSICAL MEDIUM, SUCH AS CD, FLASH DRIVE].

**OPTIONAL:** Please waive or reduce the fee to search for or furnish copies of the requested public records on grounds that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public records can be considered as primarily benefiting the general public.

**OPTIONAL:** Please furnished the requested records without charge for the first \$20.00 of the fee because (A) I am receiving public assistance [INSERT SPECIFIC DESCRIPTION] or am unable to pay the fee because of indigence; (B) I am not making this request in conjunction with outside parties in exchange for payment or other remuneration; and (C) I have not previously received discounted copies of public records from the [PUBLIC BODY] twice during this same calendar year.

**OPTIONAL:** Please furnished the requested records without charge for the first \$20.00 of the fee because (A) this request is made directly on behalf of a nonprofit corporation formally designated by the State of Michigan to carry out activities under subtitle C of the 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, or on behalf of its clients; (B) this request 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; and(C) this request is accompanied by documentation of designation by the state.

**OPTIONAL:** I am writing to request, pursuant to the Michigan Freedom of Information Act, MCL 15.231 *et seq.* to subscribe for up to six months to the following future issuances of public records created, issued, or disseminated by [PUBLIC BODY] *on a regular basis:* [INSERT SPECIFIC DESCRIPTION].

Please contact me if you have any questions.

Sincerely,  
[REQUESTOR NAME]  
[REQUESTOR ADDRESS]  
[REQUESTOR EMAIL]  
[REQUESTOR PHONE NUMBER]



**FOIA Request Form**  
Freedom of Information Act

Office Use Only  
FOIA# \_\_\_\_\_  
Due: \_\_\_\_\_ 10-Day Extension

Please submit to:

Kathy Windiate, Clerk  
Post Office Box 713 Eastport, MI 49627  
[clerk@torchlaketownship.org](mailto:clerk@torchlaketownship.org)

The Michigan Freedom of Information Act permits persons to request copies of public records. You may be required to pay for costs incurred in retrieving or copying such records. Some records may be exempt from disclosure.

Date of Request \_\_\_\_\_ Name \_\_\_\_\_

Address \_\_\_\_\_  
Street City State Zip

Telephone \_\_\_\_\_ Email \_\_\_\_\_

I am not requesting records or information relating to a civil action in which I (or a person on whose behalf I am making this request) and the Township are parties.

\_\_\_\_\_  
Requester's Signature

**Description of Records (please print)**

Describe, with specificity, the records you are requesting. If you are not sufficiently specific, it may be impossible to identify the records you request and your request may be denied. You may be contacted for clarification.

\_\_\_\_\_  
\_\_\_\_\_

You will receive a response within five business days, counted from the day after your request is received. Electronically transmitted requests are deemed received the day after they are sent. The Township may, within the five business days, issue a notice extending the request for not more than ten business days. If the estimated costs exceed \$50, you may be required to provide a deposit before your request will be fulfilled. You will be charged allowable fees under FOIA unless you provide documentation showing that you are receiving public assistance or are otherwise unable to pay due to indigence.

Please select how you would like to receive the requested records:  Pick up  Mail  Email

**RECORDS WILL NOT BE RELEASED UNTIL FULL PAYMENT OF COSTS ARE RECEIVED**

ATTACHMENT B

**SAMPLE CERTIFICATE OF NON-EXISTENCE OF PUBLIC RECORD**

[date]

[REQUESTOR'S NAME]  
REQUESTOR'S ADDRESS]

**Re: Freedom of Information Act Request Dated \_\_\_\_\_, 20\_\_**

Dear Mr./Ms. \_\_\_\_\_:

The [NAME OF PUBLIC BODY] is in receipt of your letter dated \_\_\_\_\_, 20\_\_, regarding a request under the Michigan Freedom of Information Act ("FOIA"). Your letter was received on [INSERT STATUTORY RECEIPT DATE]. You requested [INSERT DESCRIPTION OF RECORDS SOUGHT].

I hereby certify, pursuant to Section 5(4)(b) of the FOIA, that your FOIA request is denied because, to the best of my knowledge, information and belief, no public records exist as of [INSERT STATUTORY RECEIPT DATE], under the name(s) set forth in your request as detailed below, nor under another name reasonably known to the Township. MCL 15.235(4)(b).

**RIGHT TO APPEAL DISCLOSURE DENIAL  
AND RECOVER ATTORNEYS FEES AND COSTS**

If a public body makes a final determination to deny all or a portion of a FOIA request, the requesting person may do one of the following at his or her option:

- (1) Submit to the "head of the public body" (the Governing Board) a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the disclosure denial; or
- (2) Commence an action in the circuit court to compel the public body's disclosure of the public records.

If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under section 10 of the FOIA, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, 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 that kept or maintained the public record as part of its public function.

If the circuit court determines in an action commenced under section 10 of the FOIA that the Township arbitrarily and capriciously violated the FOIA by refusal or delay in disclosing or providing copies of a public record, or that the Township willfully and intentionally failed to comply with the FOIA or otherwise acted in bad faith, the court shall award, in addition to any actual or compensatory damages, punitive damages as prescribed in the FOIA 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.

***A full explanation of your right to seek either appeal or judicial review is set forth in Section 10 of the FOIA, MCL 15.240.***

A copy of the Township's FOIA Procedures and Guidelines is available on the Township's website at [https://torchlakeTownship.org/freedom\\_of\\_information\\_act.htm](https://torchlakeTownship.org/freedom_of_information_act.htm).

Very truly yours,

By: \_\_\_\_\_

**ATTACHMENT C**

**FREEDOM OF INFORMATION ACT DETAILED ITEMIZATION OF FEES**

Requestor's name and address:	Hand-Delivered U.S. Mail E-mail Fax Other
-------------------------------	---

<b>FEE CALCULATION</b>	<b>AMOUNT</b>
Labor costs* to search, locate, and examine:  Hours x \$ _____ (hourly wage) x ____% (multiplier for fringe benefits, not to exceed 50% or actual cost of fringe benefits)	\$
Labor costs* for review and separation of exempt from non-exempt material:  _____ Hours x \$ _____ (hourly wage) x ____% (multiplier for fringe benefits, not to exceed 50% or actual cost of fringe benefits)	\$
Labor costs* to duplicate or publish:  Hours x \$ _____ (hourly wage) x ____% (multiplier for fringe benefits, not to exceed 50% or actual cost of fringe benefits)	\$
Duplication and publication: Describe (copying, scanning, etc.)  \$ _____ (cost per page) x _____ number of pages	\$
Non-paper physical media: Describe (e.g. CD's, DVD's, flash drive, etc.) and list actual costs.	\$
Mailing: Describe and list actual costs.	\$
Less waiver for indigent persons (\$20.00)**	\$
Less reduction for untimely response:  \$ _____ subtotal x 5% reduction per day x _____ days	\$
<i>If the total fee is more than \$50.00, you will be asked to pay a deposit of one-half of the amount of the total fee. <b>The total fee and deposit are estimates</b>, and your final costs may vary from these amounts. ***</i>	Deposit: \$
Part or all of the documents requested are available online at: If you prefer to have copies of these documents sent to you, please forward payment to the Township for processing.	\$
<b>Balance to be paid: ***</b>	\$
Make Check/Money Order payable and mail to:	

\*Labor costs will be calculated using the lowest paid Township employee capable of each task.

\*\* You must submit an affidavit of indigence to qualify for this fee waiver.

\*\*\*PER MCL 15.234(14), if the good-faith deposit is not received by \_\_\_\_\_ (48 days after the notice is sent) the request will be considered "ABANDONED".



**TORCH LAKE TOWNSHIP POLICY MANUAL**

**13.0 Seatbelt Use Policy**

**13.1 Purpose**

To reduce personal injuries and the number of deaths caused by vehicular accidents and in accordance with the Michigan Vehicle Code, Public Act 300 of 1949, Section 257.710e, as well as Presidential Executive Order 13043, 62 FR 19217 (April 18, 1997), Torch Lake Township ("Township") adopts a policy to require all employees, volunteers, and contractors with the Township, to wear safety belts (seatbelts) while operating or riding in Township vehicles, or when in personal vehicles on Township business.

**13.2 Policy - Seat Belt Use**

- A. All Township employees, volunteers, and contractors occupying any seating position of a motor vehicle, either Township-owned, or a personal vehicle whereby the occupants are on Township business, whose seat is equipped with a seat belt, shall have the seat belt properly fastened at all times the vehicle is in motion.
- B. The above shall be added to all contracts receiving federal funds for services.

**13.3 Violation**

Violations of this policy may lead to disciplinary measures up to and including employment termination or other separation of service.

Adopted December 21, 2021  
Torch Lake Township  
Board of Trustees

## TORCH LAKE TOWNSHIP POLICY MANUAL

### 14.0 Texting Prohibited While Driving Policy

#### 14.1 Purpose

To reduce the number of vehicular accidents caused due to drivers texting while driving, and in accordance with the Michigan Vehicle Code, Public Act 300 of 1949, Section 257.602b, as well as Presidential Executive Order 13513, 74 FR 51225 (October 6, 2009), Torch Lake Township ("Township") adopts a policy to forbid all employees, volunteers, and contractors with the Township, from sending messages via text message while operating Township vehicles, or when in their personal vehicles on Township business.

#### 14.2 Definitions

- A. The term "Township " as used in this policy means the Township of Torch Lake.
- B. "Driving" means operating a motor vehicle on an active roadway with the motor running, including while temporarily stationary because of traffic, a traffic light or stop sign, or otherwise. It does not include operating a motor vehicle with or without the motor running when one has pulled over to the side of, or off, an active roadway and has halted in a location where one can safely remain stationary.
- C. "Texting" or "Text Messaging" means reading from or entering data into any handheld or other electronic device, including for the purpose of SMS texting, e-mailing, instant messaging, obtaining navigational information, or engaging in any other form of electronic data retrieval or electronic data communication.

#### 14.3 Policy - No Texting While Driving:

- A. All Township employees, volunteers, and contractors shall not engage in text messaging, including reading, typing, or sending a text message, or any sort of electronic messaging:
  - 1. When driving Township vehicles, or when in personal vehicles while on official Township business, or
  - 2. When using electronic equipment supplied by the Township while driving.
- B. The above shall be added to all contracts receiving federal funds for services.

#### 14.4 Violation:

Violations of this policy may lead to disciplinary measures up to and including termination or other separation of service.

Adopted December 21, 2021  
Torch Lake Township  
Board of Trustees

## TORCH LAKE TOWNSHIP POLICY MANUAL

### **15.0 Illegal Drugs, Marihuana Use, Possession of Marihuana Products Prohibited; Tobacco Smoking or Chewing Prohibited**

#### **15.1 Prohibited Activities**

Illegal drugs, marihuana smoking, digestion, vaping, topical use, or any application and marihuana possession are prohibited on Township properties, as is chewing or smoking tobacco, these prohibitions apply whether or not the individual has a current or valid marihuana registry card for use of marihuana for medical purposes.

Tobacco smoking, vaping, and chewing indoors is prohibited in all Township buildings and facilities. An individual shall not smoke, vape nor chew at any 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 “Marihuana Use and Possession is Prohibited” and “Tobacco Smoking, Vaping, and Tobacco Use Prohibited” 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 using marihuana products or marihuana possession and smoking and vaping in violation of this policy that they are in violation of state law and subject to penalties.

The Township may designate a tobacco smoking/use area outside of buildings in a location so as to not be noticeable nor offensive to others. If so, cigarette butts or other tobacco products and packaging shall not be left on the grounds.

#### **15.2 Violation**

A violation of this policy by an employee may lead to disciplinary measures up to and including employment termination or other separation of service. Violations may also result in removal of the responsible person(s) from Township property and/or summons of law enforcement personnel.

Adopted December 21, 2021  
Torch Lake Township  
Board of Trustees

## TORCH LAKE TOWNSHIP POLICY MANUAL

### 16.0 Video Surveillance Policy

#### 16.1 Purpose

The purpose of this Policy is to establish policy and procedural guidelines concerning the authorization, distribution, use, and maintenance of the Township's camera/video/surveillance system ("Video Surveillance System" or "VSS").

#### 16.2 Policy

It is the policy of Torch Lake Township to utilize a Video Surveillance System to surveil and record areas open to the public and common work areas, primarily for security reasons, improving workplace safety, and other lawful reasons. Surveillance equipment shall not be installed in private places, washrooms, change rooms or areas where a person has a reasonable expectation of privacy (e.g., individual offices, private conference rooms).

Notice of the use of the Video Surveillance System shall be posted on signs, visible to members of Township staff and public, at all building entrances and shall be prominently displayed on the perimeter of the grounds under video surveillance. The VSS will not contain an audio recording feature unless specifically posted in the area subject to audio recording.

#### 16.3 Scope

This Policy applies to all types of video surveillance cameras and equipment, surveillance monitors, and camera recording devices that are used for security and safety purposes.

The use of the Video Surveillance System is strictly for the official use of the Township and any personal use or misuse shall subject any person in violation of this Policy to discipline, up to and including termination.

Any information obtained from the video recordings that may indicate criminal activity shall be preserved and law enforcement personnel contacted for reporting and investigation. The Township reserves the right to use any other recorded activity for safety and security purposes, customer service, employee service evaluation, or any other lawful purpose.

#### 16.4 Definitions

- A. Surveillance – the close observation of a person or group.
- B. Electronic surveillance – close observation of a person or group by using electronic video and/or audio recording devices.
- C. Electronic surveillance equipment – electronically charged devices designed to produce video and/or audio recordings.

## 16.5 Operational Procedures

- A. Authorized Persons. Only authorized personnel shall be permitted to operate the Video Surveillance Systems and review video and/or audio recordings. The VSS may only be operated and recordings viewed by the following individuals, unless exigent circumstances exist, Court order, or law enforcement personnel having jurisdiction:
- Fire Chief and Deputy Chief: Community Services Building (CSB) Fire Station and South Fire Station facilities.
  - Ambulance Director: CSB Ambulance & Fire facilities, only.
  - Township Administrative Office staff, Ordinance Enforcement Officer (OEO) and Day Park Appointee: the Day Park
  - Supervisor and/or Deputy-Supervisor: Both Fire Stations, the Day Park, and the Administrative section of the Community Services Building
- B. Electronic surveillance equipment. All electronic surveillance equipment will be checked for functionality per week and any damage, malfunction, or other disrepair shall be reported to the Supervisor on the date that the equipment is found to be in such condition. The Township shall utilize Digital Video Recorders (DVR). All video shall be recorded in color with a minimum of 30 days of storage for retrieval and the recording shall have the capabilities to be location identified and “date stamped”. A recording of an incident will only be stored longer than 30 days where it may be required as part of a criminal, safety, or security investigation or for evidentiary purposes. Video recorders shall be positioned to capture all areas under surveillance.
- C. Record book. The Township Clerk shall maintain and store a record book detailing all activities that, in the judgement of the Township Supervisor, may be related to Township video and audio recording devices and related records. Such recorded information, record books and related video and/or audio recordings shall include the name of the person who accessed and used the recordings, and observed the installation, use, maintenance, and storage of such equipment and records.
- D. Video recording release. Video recordings may only be released pursuant to a Freedom of Information Act request, a Court order, and for law enforcement purposes. Whenever a request for a video recording is received, the Township Attorney shall be notified before releasing any information. Viewing of video recording(s) or images for law enforcement purposes shall take place in a private room not accessible to persons not related to the incident.
- E. Public Inquiries. Persons who express interest in the subject of this Policy shall be referred to the Township Supervisor, or designee.

- F. Contractual Information Technology (IT) Staff. IT staff shall be responsible for the technical aspects of the electronic surveillance equipment.
- G. The Township Supervisor shall be responsible for the review, implementation, and enforcement of this Policy. Any violation of this Policy shall be reported to the Supervisor on the date that the violation is suspected.

Adopted December 21, 2021  
Torch Lake Township  
Board of Trustees