

# **CONCORD TOWNSHIP**

## **Jackson County, MI.**

### **Board and Administrative Policies Manual**

#### **Introduction**

##### **1.1 Purpose**

This Administration policies manual is adopted to provide for the efficient and uniform application of policies and procedures in Concord Township, where such procedures have not been provided for by State 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:

- 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 Concord Township on September 9<sup>th</sup>, 2019. All township officials, appointees and personnel are bound by these policies, and any deviation from established policy is prohibited.

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# **Concord Township Board**

## **2.1 Township Board Authority**

The township board is empowered by the Michigan Constitution and state laws to govern Concord Township. The township board has the exclusive authority, subject to applicable laws, to determine the scope, quality and quantity of township programs and services, to establish parameters and expectations of employee performance and conduct, to establish its own style of governance, and to require information from township personnel necessary and convenient to monitor township operations and compliance with board policies and directives.

The township board may authorize appointed officials and employees to take such actions and make decisions that are consistent with applicable federal and state laws, local ordinances, and township board policies.

## **2.2 Township Board Authority is Exercised by the Board**

The township board shall act only at a meeting held in compliance with the Open Meetings Act.

Township board authority shall be exercised only through official board decisions recorded as votes taken, directives given or consensus established by the township board at a township board meeting.

No individual, committee or organization shall represent its authority or action in a matter as that of the township board unless the township board has directed the individual, committee or organization to act on the township board's behalf in that matter.

## **2.3 Allocation of Resources**

The township board shall allocate township resources through the annual adoption of the township budget and periodic budget amendments. The board shall authorize the resources necessary to fulfill the township's mission as required by law and defined in the goals identified in the township strategic plan.

## **2.4 Budgeting for Results and Outcomes**

The township board shall budget for results and outcomes by linking strategic planning, long-range financial planning, performance measures, budgeting, and evaluation. The use of resources shall be linked to objectives established or reaffirmed at the beginning of the budget development process. The township board shall routinely monitor, evaluate and adjust budget allocations to align township resources with the strategic plan goals and objectives.

## **2.5 Strategic Planning**

The township board shall focus its administrative and budgetary deliberations at a strategic level through the adoption and updating of a strategic plan to provide long-range direction over 3 years.

The strategic plan shall:

- Define long-term outcomes that the township board wishes to achieve
- Facilitate introduction of new programs or services in a logical, rational manner
- Link program objectives to resource development
- Be adjusted annually for changes in environment
- Be reviewed as part of the budget process to align township resources with the strategic plan goals and objectives.

## **2.6 Evaluating Programs and Services**

The township board shall establish, monitor and evaluate measurable objectives in the strategic plan that define when success has been achieved. The township board shall use surveys, forums, benchmarking, customer satisfaction surveys, complaint reporting, direct solicitation of stakeholder views and opinions, internal reviews, etc., to evaluate the township's programs and services.

## **2.7 Responsibilities of Township Board Members**

Township board members shall:

- Keep current on issues affecting the township
- Attend all board meetings unless there is a conflict or unforeseen emergency
- Vote upon all questions unless there is a conflict of interest present
- Encourage the free expression of opinion by all board members
- Assist new members in understanding their role and responsibilities as board members
- Take no individual action that will compromise the township and respect confidentiality of privileged information

## **2.8 Board Consultants**

The township board reserves to itself the authority to appoint, contract with or engage the following consultants as needed and at their sole discretion:

1. Attorney
2. Auditor
3. Engineer

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

1. Term/length of the agreement
2. Services to be provided
3. Payment method
4. Payment schedule
5. Documentation of services provided for payment
6. Method of resolving disputes
7. Township officials/employees authorized to direct work or assign tasks to consultant

## **2.9 Contracts**

All contracts entered into on behalf of the township must be authorized by the township board. As the legal agent of the township, the supervisor has statutory authority to sign a contract that the township board has approved. The township board may direct any other township official, as appropriate, to sign a contract that the board has authorized, in addition to or instead of, the supervisor.

## **2.10 Property**

A township board resolution adopted by a majority of the board members serving is required for the township to acquire property for public purposes by purchase, gift, condemnation, lease, construction or otherwise, or to

convey or lease township-owned property or any part of township-owned property not needed for public purposes.

A “majority of the board members serving” is calculated by taking the total number of board members and subtracting vacant positions and any member(s) abstaining on the vote. Members who are absent are counted.

### **2.11 Stewardship**

The township board delegates to township officials and employees the responsibility to protect the township’s assets, through such means that include insurance, and which include its land, buildings and property, as well as protecting its image through positive public relations.

### **2.12 Litigation**

The initiation of any lawsuit, litigation, claim for injunctive relief, writ of mandamus\* or other legal proceeding requires a majority vote of the township board, except when there are extenuating circumstances. The Supervisor is authorized to remedy the circumstances as defined in this section.

“Extenuating circumstances” are defined as an emergency situation that cannot wait until a special or regular meeting of the board or a situation in which a violation of any state, federal or local ordinance constitutes a public nuisance or otherwise endangers the public and in which the continued existence of such a condition, emergency or violation is detrimental to the health, safety and welfare of the township.

“Extenuating circumstances” also include any situation where the continued existence of any condition, emergency or violation may jeopardize the legal position of the township in securing the intended remedy in any lawsuit, litigation, claim for injunctive relief, writ of mandamus or other legal proceeding.

The township board reserves the authority to authorize and direct the course and conduct of any lawsuit, litigation, claim for injunctive relief, writ of mandamus or other legal proceeding, notwithstanding its initiation for extenuating circumstances.

*(\* Note: A ‘Writ of Mandamus’ is an order from a court to a government official instructing that official to carry out duties required. This occurs when an official is refusing to uphold or enforce a lawful ordinance or regulation.)*

## **Concord Township Administration**

### **2.13 Board Administration**

The township board shall govern township administration through the adoption of policies and procedures. Board policies and procedures shall define what the township is to accomplish, through the adoption of a mission statement, strategic plan, and other adopted policies and procedures, in compliance with applicable laws.

Board policies and procedures shall also define the manner in which the board will conduct its business, the relationship of the board to the township officials and employees, and limitations on the actions of township officials and employees.

### **2.14 Direction and Control of Administration**

To promote efficient administration, the township board authorizes the supervisor and/or deputy supervisor to provide direction and control over all township activities and functions that are not assigned by state law to another official, and to provide a liaison between the board and the various township departments within the parameters established by the township board.

### **2.15 Board Member Concerns Regarding Township Employees**

Township board members should make all inquiries, requests or complaints about department heads or employees to the employees’ direct supervisor or to the township supervisor. Any directives, complaints or

requests made by a board member directly to a department head or employee, other than from a board member with statutory authority over the department head or employee, must be brought to the attention of the township supervisor prior to initiating any response.

## **Concord Township Board Meetings**

### **2.16 Board Meeting Notices**

The township clerk or deputy clerk is responsible for all regular, special and rescheduled township board meeting notice requirements in conformance with the Open Meetings Act and other state laws.

The township clerk shall be responsible for seeing that notice of the time, place and reason(s) for any special meeting of the township is given to each township board member either in person, by mail, by email or by leaving a written notice at the member's address or place of residence, at least 24 hours prior to the meeting time.

### **2.17 Regular Board Meeting Agenda**

The township clerk shall prepare the agenda and board packet at least 24 hours prior to every township board meeting. Business items intended for board action may be placed on the agenda by any board member by notifying the clerk at least three (3) business days prior to the meeting. Agenda items shall normally be accompanied by a copy of the motion or resolution that will be placed before the board, along with background information helpful to board members for understanding the issue.

Board members who wish to bring an issue to the board's attention, but are not seeking board action, shall bring up such issues under one of the report sections of the meeting or under the board comments section.

A copy of the proposed agenda shall be delivered or made available to every board member, along with all supporting documentation and correspondence addressed to the township board, at least 24 hours prior to the board meeting.

When a need to place an item on the agenda arises after the deadline, the business item may be added to the agenda by general consent of the board.

The proposed agenda shall be approved by majority vote following the roll call of board members at each board meeting. The agenda shall conform to the following format:

1. Call to order
2. Pledge to flag
3. Roll call
4. Approval of meeting agenda
5. Approval of minutes
6. Brief public comment
7. Reports from board officers (treasurer, bills, police, fire, planning, etc.,)
8. Correspondence (*if any*)
9. Old business
10. New business

12. Board member/supervisor Comment

13. Adjournment

### **2.18 Special Board Meeting Notice/Agenda Considerations**

The purpose(s) for which a special meeting is called shall be stated in the special meeting notice.

If all township board members are present at a special meeting of the township board, then the board may add any lawful business to the special meeting agenda.

If any township board member is not present at a special meeting of the township board, then the business shall be limited to the purpose(s) in the special meeting notice. No other agenda items may be added.

### **2.19 Board Correspondence**

Board members shall receive with the board packet a copy of any written correspondence that was addressed to the board requesting board action at a regularly scheduled meeting. A motion may be made to consider the correspondence request under new business. If no motion is made to consider the request, the correspondence will be received and filed.

Informational written correspondence that does not require board action shall be summarized on the consent agenda as correspondence received, and copies shall be available to board members at the board meeting.

### **2.20 Consent Agenda**

The clerk shall prepare a consent agenda for the board, which shall be provided to each board member prior to the meeting, as part of the meeting agenda. The consent agenda shall contain all routine items of business on which no disagreement or debate is anticipated, such as, but not limited to, the following:

1. Approval of the prior meeting minutes
2. Receiving committee reports
3. Receiving correspondence (where no board action is required)
4. Financial reports
5. Approval to pay bills
6. New Business
7. Board member/supervisor comments
8. Adjournment

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

Approval of all of the items on the consent agenda shall be accomplished by a single majority vote to approve the items on the consent agenda.

### **2.21 Board Meeting Logistics**

The clerk, supervisor or their designee shall be responsible for determining that the township hall and the board meeting room is properly set up for a public meeting. This includes, but is not limited to, ensuring that:

- The parking lot, sidewalks, ramps and stairs are clear of snow and ice during winter weather.

- The meeting room temperature is appropriate.
- Audio-visual equipment that may be used during the meeting is set up and tested.
- Adequate seating is available for the anticipated audience.
- Nameplates of township board members are placed on the board table.
- Copies of the proposed agenda and any other public materials are placed on a table along with any sign-in sheet and pens.

## **2.22 Board Member Meeting Conduct**

All board meetings shall be conducted under *Robert's Rules of Order*.

If a quorum of the township board is present, a board meeting shall be called to order promptly at the time announced for the meeting.

Each board member shall fully participate in board meetings by doing the following:

- Prepare for board meetings by reading their packets and conducting necessary research ahead of time in order to fully participate in discussions
- Help the chair keep meeting moving
- Limit remarks to issue being considered
- Ask questions for clarification
- Respect colleagues' rights
- Refrain from speaking out of turn and interrupting other speakers
- Actively listen
- Listen courteously and attentively to all public discussions before the board
- Explain reasons behind significant decisions during the discussion before voting
- Raise concerns and objections at a meeting, rather than after
- Express disagreement verbally, rather than non-verbally
- Criticize constructively and in private
- Vote with a clear audible voice

## **2.23 Chairing Board Meetings**

All board members will be treated with equal dignity and respect, and board members shall have equal access to speak and to make motions.

The moderator is charged with ensuring that the will of the board majority prevails on decisions, while giving board members who hold to a minority view an adequate opportunity to present their positions to the other board members.

The moderator will keep discussions focused on the agenda items.

The moderator will relinquish the gavel when he or she has a personal conflict of interest or is sufficiently conflicted on an issue that impartiality cannot be assured.

The moderator will maintain proper decorum among board members and the public audience.

The moderator will:

- Open the meeting at the specified time
- Explain meeting procedures and decision-making processes so that board members and the audience may appropriately participate
- Restate audience questions
- Apply time limits consistently
- Recognize and deal with procedural objections
- Protect members and staff from verbal attack unrelated to official duties
- Keep track of amendments to motions
- Restate motions before they are voted upon
- Call recesses during long meetings
- Reconvene at specified time
- Adjourn the meeting

## **2.24 Board Member Conflict of Interest**

A township board member shall vote upon all matters that require a vote of the township board unless the board member has a conflict of interest.

If a township board member has a conflict of interest regarding a matter on which the township board is required to vote, the board member will disclose that conflict of interest, and the township board member shall recuse him- or herself, and refrain from participation in all deliberations, discussions and voting on that matter.

## **2.25 Public Participation**

### **Single Public Comment Period:**

Members of the public shall have an opportunity, under Public Comment, to address the board for no more than three (3) minutes on any matter. Persons shall be recognized in the order in which they entered their name on the provided public comment card/form indicating their desire to address the board. At their discretion, the board may elect to take public comment by show of hand. Persons shall be recognized in the order their hands were raised. Persons desiring to address the board who did not use the comment card/form, shall be recognized by raising their hands following those who have signed in.

The board may suspend the time limitation when warranted. Board discussion will precede public comment on specific agenda items. Prior to calling for the question, the supervisor shall ask any member of the public who wishes to speak on the agenda item to be recognized. When all persons who wish to address that agenda item have been heard, the supervisor shall announce that public comment on the agenda item is concluded, and no further public comment shall be entertained.



Members of the public who wish to address the board on an item not included on the agenda shall address the board under Public Comment. They may speak for up to three (3) minutes at the discretion of the board.

## **2.26 Minutes**

The clerk shall ensure that minutes of board meetings record:

- Time, date and place of the meeting
- Board members present and absent
- Decisions made by the board at a meeting open to the public
- Roll-call votes taken at the meeting
- The purpose or purposes for which a closed session is held

In addition to the minutes contents listed above that are required by the Michigan Open Meetings Act, the minutes shall list persons who addressed the board under general public comment periods and the topic of their remarks.

The content of minutes shall reflect the collective will of the township board as expressed in official board decisions. Minutes shall not include personal comments or opinions of individuals unless authorized by a two-thirds vote of the township board members present.

The board shall make any corrections in the minutes at the next meeting after the meeting to which the minutes refer. Corrected minutes shall be available to the board at or before the next subsequent meeting after correction. The corrected minutes shall show both the original entry and the correction.

# **Ethics**

## **3.1 Code of Ethical Conduct**

The township board recognizes that to carry out its mission of service to the community, the township board, officials, employees and volunteers must earn the full confidence of the Concord Township community. The residents and taxpayers expect, and are entitled to, a local government that conducts its affairs in a fair, ethical, transparent and accountable manner.

To accomplish these ends, the township board expects compliance with the following Code of Ethical Conduct:

- In conducting their official duties, township officials and employees shall observe both the spirit and intent of all applicable laws, township ordinances, and township policies and procedures.
- Township officials shall act in a fair, impartial manner.
- Actions of officials and employees shall be consistent with the township's best interests, rather than for personal gain.
- The township shall practice transparency in its affairs, unless there is a legal necessity for confidentiality.
- Civility and respect will be demonstrated in all governance processes and in the delivering of township programs and services.

## **3.2 Applicability**

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

## **3.3 Implementation**

As an expression of the standards of conduct for elected and appointed officials, employees and volunteers expected by the township, the Code of Ethical Conduct is intended to be self-enforcing. It therefore becomes most effective when everyone is thoroughly familiar with it and embraces its provisions. For this reason, ethical standards shall be included in the regular orientation for township board candidates, board and commissions applicants, newly elected and appointed officials, employees and volunteers. Township officials, appointees, employees and volunteers shall sign a statement affirming they have read and understand the Code of Ethical Conduct. In addition, the Code of Ethical Conduct shall be annually reviewed by the township board, boards and commissions, appointees, employees and volunteers. The township board shall consider recommendations for updates to the Code of Ethical Conduct and will update it as necessary.

## **3.4 Compliance and Enforcement**

The Ethical Code of Conduct expresses standards of ethical conduct expected for township board members, appointees, boards and commissions, employees and volunteers. Each person has the

primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

The chairs of boards and commissions, department heads, managers and the supervisor have the additional responsibility to intervene when an individual's actions that appear to be in violation of the Code of Ethical Conduct are brought to their attention. The township board may impose sanctions on those individuals whose conduct does not comply with the township's Ethical Code of Conduct standards, such as reprimand, formal censure, loss of seniority or committee assignment, budget restriction, termination or other sanctions as identified by the board. *The township board may also have the option to remove members of boards, commissions and committees as the law allows.* A violation of this Ethical Code of Conduct shall not be considered a basis for challenging the validity of a township board or commission's decision-making authority.

### **3.5 Reporting Improper Actions**

Suspected improper actions shall be reported to the appropriate authority.

### **3.6 Reporting Improper Actions of Elected and Appointed Officials**

Members of the township board shall intervene when actions of elected and appointed officials are brought to their attention and appear to be in violation of the Code of Ethical Conduct. A board official who is made aware of the alleged violation shall report the complaint to the most relevant administrative official: supervisor, treasurer, clerk, or to the township board as a whole). The official receiving the report will investigate the allegation and shall provide a report of their findings to the involved elected or appointed official. The report shall be presented to the township board at a public meeting. The township board will accept testimony on the matter and determine whether a violation of the code has occurred.

### **3.7 Conduct in Compliance with Laws**

Township officials, employees and volunteers shall comply with the applicable provisions of state law related to conflicts of interest and state laws regulating the conduct of public officials, employees and volunteers.

### **3.8 Uniformity of Enforcement**

Township ordinances, policies, procedures, rules and regulations shall be uniformly applied and enforced, unless consideration of extenuating circumstances, unintended consequences or undue hardship is explicitly authorized in the applicable ordinance, policy, procedure, rule or regulation.

### **3.9 Actions Not for Personal Gain**

The township board, appointees, boards and commissions, employees, and volunteers shall act in the best interest of the township, rather than for personal gain.

### **3.10 Actions on Behalf of Third Parties**

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

### **3.11 Conflict of Interest**

Township officials, appointees, boards and commissions, employees and volunteers shall not enter into any business relationships that would put them into conflict with their obligations to the township.

### **3.12 Disclosure of Conflict of Interest**

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

### **3.13 Conflict of Interest**

Township officials, appointees, employees and volunteers shall avoid even the appearance of conflict between public duties and personal interests and activities in all township public forums, pursuant to state law and township policies and procedures.

### **3.14 Gifts and Special Benefits**

Gifts and special benefits will not be accepted from vendors or others who are in a position to benefit from township decisions.

### **3.15 Gifts and Special Benefits**

Township officials, appointees, employees and volunteers shall not accept cash or cash instruments, meals, tangible goods or tickets to events, if the value of the gift or special benefit exceeds \$25.00 . Gifts and special benefits received that are within the ceiling amount shall be reported in writing to the township board within one week of receiving the gift or special benefit.

Township officials, appointees, employees and volunteers shall refrain from accepting any gifts, favors or promises of future benefits that might compromise their independence of judgment or action, or give the appearance of being compromised.

### **3.16 Financial Relationships**

Township officials, appointees, employees and volunteers shall disclose any personal transactions, in excess of \$100.00, entered into with any vendor that also does business with the township.

### **3.17 Township Resources**

Township resources will be utilized efficiently and effectively, with waste avoided.

### **3.18 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.

### **3.19 Personal or Political Benefit**

Township resources will not be used for personal or political benefit.

### **3.20 Personal or Political Benefit**

A member or candidate for the township board shall not solicit contributions or endorsements from township appointees, employees or volunteers. This provision is not intended to interfere with an

employee's right to endorse or contribute on his/her own, or to prohibit soliciting contributions or endorsements from employee bargaining units.

### **3.21 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.

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.

### **3.22 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.

### **3.23 Confidential Information**

Confidential information shall not be disclosed without legal authorization.

### **3.24 Confidential Information**

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

### **3.25 Information Acquired**

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

### **3.26 Community Decisions**

Community service is the prevailing role and responsibility in deciding matters of public policy and conducting township operations. All decisions shall consider the greater good of the entire community. The needs and concerns of the public, township officials and staff shall be monitored and considered in deliberations and decisions.

### **3.27 Community Decisions**

Township officials and appointees shall demonstrate effective approaches to solving problems. Township officials and appointees shall utilize their public forum to demonstrate how individuals with differing points of view can find common ground and seek compromises that benefit the community as a whole.

### **3.28 Community Role Models**

Township officials, appointees, boards and commissions, employees and volunteers shall conduct themselves as role models for residents, business people and other stakeholders involved in public debate. Township board members shall support the maintenance of a positive and constructive workplace environment for township employees, and for citizens and businesses dealing with the township. Officials

shall recognize their special role in dealings with township employees and shall in no way create the perception of inappropriate direction to staff.

### **3.29 Quality of Life**

Township decisions and actions shall be intended to improve the quality of life in the community and shall consider the unique needs of the less fortunate.

### **3.30 Community Commitment**

The township's care for and commitment to its community members shall be conveyed through township decisions and actions.

### **3.31 Development of Public Policy**

Policy decisions of board officials and appointees will be based on the merits of the issues, will consider diversity of opinions and, whenever possible, shall reflect consensus of participants.

### **3.32 Transparency**

Board officials and appointees shall publicly share substantive information that is relevant to a matter under consideration by the board or boards and commissions, which they may have received from sources outside of the public decision-making process to provide the utmost transparency.

### **3.33 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.

### **3.34 Participation in Decision-Making**

Participants to policy decisions shall listen carefully to other participants and shall ask questions to gain greater understanding of the positions, views and opinions of others.

### **3.35 Meaningful Participation**

Township board members and appointees shall perform their duties in accordance with the processes and rules of order established by their respective board or commission while governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the township board.

### **3.36 Meeting Inclusion**

Relevant staff shall be included in all meetings that affect their respective departments.

### **3.37 Public Input**

Decisions made in an open meeting shall be accompanied by opportunities for public input as stated in policy and in compliance with the Open Meetings Act.

### **3.38 Public Involvement**

Expanded opportunities for public involvement in developing and evaluating township programs and services shall be actively considered by all boards, commissions and committees.

### **3.39 Public Interactions**

Interactions by the public with township processes shall be as made as stress-free as possible.

### **3.40 Representation of Township Interests**

When representing the township on a regional or multijurisdictional board or commission and confronted with an issue that pits the township's interests against the greater interests of the broader jurisdiction, the township board shall be consulted for direction and guidance. When such guidance cannot be sought, representatives of the township must consider the broader regional or statewide implications of that body's decision and issues.

### **3.41 Interactions with Others**

Interactions with others shall demonstrate fairness, respect, impartiality and equitable treatment.

### **3.42 Interactions with Others**

To provide an environment that is free from unlawful discrimination, including discrimination or harassment that is based on any legally protected status, township officials, appointees, employees, and volunteers shall not engage in any form of harassment as defined by township policy. Any form of discrimination or harassment that violates policy will not be tolerated. This policy forbids any unwelcome conduct that is based on an individual's age, race, religion, sex, national origin, ancestry, marital status, veteran status, physical or mental disability, legally protected medical condition or association with anyone who has, or is perceived to have, any protected characteristic, or any other basis protected by state, federal or local law.

### **3.43 Interactions with Citizens**

Preferential consideration of the request or petition of any individual citizen or groups of citizens shall not be given. No person shall receive special advantages, consideration or treatment beyond those that are available to any other citizen under similar circumstances.

### **3.44 Responsibility of Actions**

Township officials, appointees, employees and volunteers will take responsibility for their own actions and decisions.

### **3.45 Promises**

Township officials, appointees, employees and volunteers shall not make promises that one would reasonably consider as unrealistic or which there are no intentions to ultimately honor.

### **3.46 Commitments**

Township officials, appointees, employees and volunteer commitments shall be followed through, they will keep others informed, and requests for information shall be promptly responded to.

### **3.47 Credit**

Township officials, appointees, employees and volunteers will give proper credit to those who contribute to the township's successes and accomplishments.

### **3.48 Discussions**

Township officials, appointees, employees and volunteers' discussions shall focus on the merits of positions, and shall not include attacks on the motives, character or personality of others.

### **3.49 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, other township boards, commissions and committees, employees and volunteers.

### **3.50 Communication of Township Positions**

Individuals authorized to do so will, to the best of their abilities, accurately communicate official positions of the township. Personal opinions will not be misrepresented as the official position of the township.

### **3.51 Communication of Township Positions**

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

### **3.52 Board Communication of Township Positions**

Township board members shall represent the official policies or positions of the township board, commission or committee to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, officials shall explicitly state they do not represent the township board or the township.

### **3.53 Meeting Attendance**

Township officials, appointees, employees and volunteers shall come to meetings on time and be prepared to deliberate and make decisions.

### **3.54 Meeting Attendance—Decorum in Debate**

Township officials, appointees, employees and volunteers shall practice civility and decorum in discussions and debate. Difficult questions, tough challenges to a particular point of view, and criticism of the ideas and information are legitimate elements of a free democracy in action. Township officials, appointees, employees and volunteers will be respectful of diverse opinions and will avoid personal attacks, insults and injurious statements.

### **3.55 Meeting Attendance—Respect for Moderator**

Board members shall honor the role of the presiding officer in maintaining order and ensuring equal opportunity to provide input on matters of public policy. Board members will respect the role of the supervisor as moderator to focus discussion on current agenda items. Objections to the supervisor's actions should be voiced politely and with reason.



# Concord Township

## Financial Administration

### 4.1 Financial Administration

The township adopts the Michigan Department of Treasury's *Accounting Procedures Manual* and shall comply to the extent possible with both the required policies and the best practices identified in that manual.

The following policies are intended to represent compliance with the *Accounting Procedures Manual* and Concord Township's administrative structure and procedures. No policy manual can anticipate all possibilities that may be encountered when administering the finances of the township. The following policies establish a framework for adequate controls over the financial administration processes. When questions arise, the township board must refer to this manual and agree to a solution to the question, and add, delete or amend this manual.

## Budget

### 4.2 Development

The township shall use the following approaches to develop the budget, as recommended by the Government Finance Officers Association:

- The budget shall be based on expected revenues, including base revenues, any new revenue sources and the potential use of fund balance.
- The results or outcomes that matter most to citizens will be identified, and based on that, the township board shall determine what programs are most important to their constituents.
- The budget allocations shall be made in a fair and objective manner.
- The board shall budget available dollars to the most significant programs and activities to maximize the benefit of the available resources.

### 4.3 Timetable

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

Date	Activity
A/N	Budget policies developed by township board
O/B 4/30	Department heads/administrators submit proposed revenue and expenditure plans to treasurer
A/N	Treasurer meets with department heads/administrators
J/M	Treasurer presents proposed budget to township board
J/M	Budget public hearing held by township board
J/M	Township board adopts tentative budget

**Key:** A/N = As Needed; O/B = On or Before; J/M: At the June or final meeting of the fiscal year.

### 4.4 Methods

The township board shall use the line item approach when developing the proposed budget.

The budget shall be adopted at the revenue by source and expenditures by activity level.

### 4.5 Format

The proposed and adopted budgets shall:

- Provide financial data on revenues, other resources and expenditures for at least a three-year period, including prior year actual, current year budget and/or estimated current year actual, and proposed budget

The proposed and adopted budgets shall also include a narrative that:

- Summarizes the major changes in priorities or service levels from the current year and the factors leading to those changes
- Identifies the priorities and key issues for the new budget period

- Identifies and summarizes major financial factors and trends affecting the budget, such as economic factors; long-range outlook; significant changes in revenue collections, tax rates or other changes; current and future debt obligations; and significant use of or increase in fund balance or retained earnings

## **Budget Adoption**

### **4.6 Adoption**

Prior to the beginning of each fiscal year, the township board shall annually adopt a budget using an activity method of adoption unless otherwise directed in the General Appropriations Act.

The board shall monitor and amend the budget as needed to approve and control all expenditures.

### **4.7 Designation of Budget Officer**

The supervisor shall be the township budget officer and shall be responsible for the development and administration of the township budget. However the supervisor may, at his/her discretion appoint the treasurer or another person the township budget officer.

### **4.8 Transfer Authority**

The supervisor or appointed budget officer shall have the authority to make transfers among activities, cost centers or departments without prior board approval, if the amount to be transferred does not exceed (\$500.00). The board shall be notified at its next meeting of any such transfers made, and reserves the right to modify, amend or nullify any such transfers made. Under no circumstances may the total general fund budget be changed without prior board approval.

### **4.9 Budget Monitoring**

The township shall use the following approaches to monitor the budget, as recommended by the Government Finance Officers Association:

- The board shall establish measures of annual progress. These measures should spell out the expected results and outcomes and how they will be measured.
- The board shall use periodic financial reporting and performance measures to compare actual versus budgeted results.
- The board shall communicate performance results so that township personnel and the public will be informed of the results in an understandable format.

## **Fund Balance**

### **4.10 Fund Balance**

The township board believes that sound financial management principles require that sufficient funds be retained by the township to provide a stable financial base at all times. In order to do so, the township needs to maintain a fund balance sufficient to fund all cash flows of the township, to provide for financial reserves for unanticipated one-time expenditures, revenue shortfalls, and/or emergency needs.

The purpose of this policy is to identify the size and composition of the township's desired fund balance for governmental funds and to identify certain requirements for classifying fund balance in accordance with Governmental Accounting Standards Board Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*.

**1. Classifications** The following individual components shall constitute the fund balance for all of the township's governmental funds:

Classification		Definition	Examples
<b>Non-spendable</b>		Amounts that cannot be spent because they are either (a) not in spendable form or (b) legally or contractually required to be maintained intact.	<ul style="list-style-type: none"> <li>• Inventories</li> <li>• Prepaid items</li> <li>• Long-term receivables</li> </ul>
<b>Restricted</b>		Fund balance should be reported as restricted when constraints placed on the use of resources are either: <ol style="list-style-type: none"> <li>Externally imposed by creditors (such as through debt covenants), grantors, contributors, or laws or regulations of other governments; or</li> <li>Imposed by law through constitutional provisions or enabling legislation.</li> </ol>	<ul style="list-style-type: none"> <li>• Restricted by state statute</li> <li>• Unspent bond proceeds</li> <li>• Grants earned but not spent</li> <li>• Taxes dedicated to a specific purpose</li> <li>• Revenues restricted by enabling legislation</li> </ul>
<b>Unrestricted</b>	<b>Committed</b>	Used for specific purposes pursuant to constraints imposed by formal action of the government's highest level of decision-making authority. To be classified as "committed," formal action must be taken by the township board prior to June 30 <sup>th</sup> of that fiscal year.	<ul style="list-style-type: none"> <li>• Amounts the township board sets aside by resolution</li> </ul>
	<b>Assigned</b>	Amounts that are constrained by the government's intent to be used for specific purposes, but are neither restricted nor committed. These amounts can be "assigned" by Treasurer.	<ul style="list-style-type: none"> <li>• Township board delegates the authority to assign fund balance to the Treasurer.</li> <li>• Future roads, non-motorized transportation are examples</li> </ul>
	<b>Unassigned</b>	Unassigned fund balance is the residual classification for the General Fund. This is fund balance that has not been reported in any other classification. The General Fund is the only fund that can report a positive unassigned fund balance. Other governmental funds would report deficit fund balances as unassigned.	

**Committing Fund Balance** In order to commit fund balance, the township board, as the highest level of decision-making authority, must pass a resolution to commitment funds for a specific purpose. These funds must be fully expended for their committed purpose. To make committed funds uncommitted, a new resolution must be passed by the board. Action must be taken before the last day of the fiscal year to commit funds for that year.

**Assigning Fund Balance** In order to assign fund balance, the township board designates the supervisor or his/her designee as the authority to assign fund balance.

**2. Levels of Fund Balance** The township will establish and maintain levels of fund balance for the general fund as follows:

The goal of the township board shall be to maintain a minimum unassigned fund balance of no less than 25% of general fund expenditures. For purposes of this calculation, "expenditures" will be the annual budgeted expenditures amount less non-recurring capital expenditures. If unassigned fund balance levels fall below 25% of expenditures, the general fund budget for the following year will be adjusted to restore fund balance to the 25% level.

If unassigned fund balance approaches a level that greatly exceeds 50% of expenditures, the township board will consider using unassigned fund balance for the following purposes: pay down future debt (drains/bonds), transfer funds to capital projects fund for future capital improvements, and other future obligations of the township.

Fund balance levels will be analyzed each fiscal year after the financial statement audit (typically in August).

## **Capital Improvement Planning**

### **4.11 Capital Improvement Plan**

The township planning commission, shall be responsible for the development and updating of the township capital improvement plan, subject to final approval of the township board. The capital improvement plan will be reviewed annually, with such review completed at least two months prior to initiating the development of the proposed township operating budget.

### **4.12 Scope**

The capital improvement plan shall address the medium- and long-range needs of the township regarding building, lands, major equipment and infrastructure. The capital improvement plan shall prioritize such needs for the next four (4) years beyond the current fiscal year.

A capital improvement is defined as a major project or purchase that is generally not recurring, has a long life expectancy, costs more than \$5,000.00 and generally fits into one of the following categories:

- Acquisition, lease or development of land
- Construction of new buildings and facilities and/or additions, including design, engineering and other pre-construction costs. This includes major building improvements that are not routine expenses and that substantially enhance the value of a structure by adding capacity or square footage.
- Construction or extension of roads or pathways
- Acquisition of large vehicles/equipment (fire truck, ambulance, backhoe, etc.)

### **4.13 Budget**

The capital improvement budget shall constitute those projects programmed for the first fiscal year of the four-year CIP. The capital improvement budget is enacted as a part of the annual budget adopted by the township board and will be the basis upon which funds are appropriated during the budget year for identified projects.

### **4.14 Program Forms**

One completed Project Request Form shall be submitted for each project being recommended for the CIP.

Departments are to prioritize their proposed projects and complete a Project Request Form for each one. The Project Request Form will be used as a tool to select projects for the draft CIP.

### **4.15 Project Requests**

Department heads and elected officials shall submit any suggested projects to be included in the capital improvement plan to the planning committee, who shall develop a capital improvement plan that includes the following information on each project:

1. Priority of need within the requesting department
2. Justification for priority ranking
3. Estimated year project to commence
4. Estimated year project should be completed
5. Total estimated acquisition or construction cost
6. Proposed method of financing acquisition or construction
7. Annual debt service requirements of the project
8. Estimated annual operating expenses after completion
9. Method of financing operating expenses

### **4.16 Public Hearing**

The planning commission shall hold a public hearing on the capital improvement plan prior to approving and then advancing the plan to the full township board.

The township board may hold additional hearings on the capital improvement plan prior to final adoption.

#### **4.17 Adoption**

Prior to beginning the development of the proposed township budget for the ensuing fiscal year, the township board shall adopt the capital improvement plan as recommended or following any alterations the township board deems advisable. All parties involved in the development of the proposed township budget shall address any implications of the capital improvement plan in the proposed budget.

### **Audit**

#### **4.18 Audit**

The township board shall contract with a certified public accountant to bi-annually (every other year) audit the financial systems of the township. The audit contract may be for a period up to three years, but shall not exceed the current board's term of office.

### **Fiduciary Bonds**

#### **4.19 Fiduciary Bonds**

The township shall provide a surety bond for all township officials required by law to be bonded.

The township shall provide a public employee dishonesty bond for all employees authorized to handle money.

### **Financial Reports**

#### **4.20 Periodic Expenditure and Revenue Report**

The treasurer shall prepare a monthly financial report for the board. The report will be current through the last day of the previous month, and shall be presented to the board at its monthly meeting. The financial report for each fund will show the following information for revenues and expenditures:

1. Account number
2. Description
3. Amended budget
4. Current period
5. Year to date
6. Budget balance

#### **4.21 Periodic Balance Sheet Report**

The treasurer shall prepare a monthly balance sheet showing the assets, liabilities and equities for each fund.

#### **4.22 Investment Performance Report**

The treasurer shall prepare a monthly report of all interest-bearing activities, including the name of the financial institution, type of investment, anticipated yield and date of maturity.

#### **4.23 Summary Report of Cash Activity by Fund**

The treasurer shall provide the township board with a monthly summary report of cash activity by fund and a summary report of cash activity by bank account, certificate of deposit and investment account.

#### **4.24 Financial Reports Review**

The supervisor and/or the treasurer shall review the financial reports prior to the board meeting, and shall recommend to the board any necessary budget amendments or fund transfers.

## **Internal Controls**

### **4.25 Financial Employee Training**

The township shall provide education and training for township officials and other personnel involved in financial administration on accounting procedures, investments, budgeting and fraud prevention as annually approved in the township budget.

### **4.26 Segregation of Duties**

The functions of authorizations, recordkeeping and processing financial transactions shall be segregated where possible. Any township official or employee who is authorized to write checks or initiate transfers on behalf of the township shall not be authorized – or permitted – to sign them.

### **4.27 Cross Training**

Bookkeeping duties shall be periodically shifted between two or more employees (e.g., during vacations, etc.).

### **4.28 Reconciliations**

The cash balances of the various fund ledgers shall be reconciled to the bank statements monthly. The treasurer must keep track of the total cash and investments allocable to each fund and must reconcile these amounts to each month's bank statements.

A listing of all cash and investments, along with a copy of the bank reconciliations, must be provided to the clerk each month.

The clerk must reconcile the cash and investments recorded in the general ledger to either the treasurer's reconciliation or to the bank statements directly.

Bank statements and reconciliations shall be retained for audit purposes.

## **Cash Handling and Receipting**

### **4.29 Authorization to Receive Cash**

The following employee positions are authorized to receive cash: clerk, supervisor, treasurer.

### **4.30 Imprest (petty) Cash**

The township treasurer shall maintain an imprest cash fund (petty cash drawer) to exchange currency in order to make change for a cash financial transaction.

#### ***Optional: Petty Cash***

The township treasurer shall maintain a petty cash fund of up to \$100.00 to provide for the immediate purchase of emergency materials, supplies or service only. Routine or other non-emergency purchases shall not be made from the petty cash fund. The purchase requisition/purchase order procedure is required for all normal purchases.

Loans, cash advances, making change and personal check cashing are prohibited. Cash refunds shall not be issued for overpayments at the time of occurrence (i.e., either a credit should be issued or a check refund generated through accounts payable).

### **4.31 Receipting of Cash Receipts**

The treasurer (or other person authorized by the treasurer) is responsible for all cash receipts. There must be a record of all individual cash transactions, including receipts in triplicate form. All cash transactions must be recorded using a sequentially pre-numbered document. The receipt shall include the amount received, method of payment, name of the payer, purpose and name of staff receiving payment.

All remittance advices received shall be attached to a duplicate pre-numbered document. Checks must be stamped for "deposit only" at the point and time of collection. Checks returned for insufficient funds or closed accounts should be forwarded to the treasurer for reconciling.

On a daily basis, authorized individuals who receive cash shall turn over all cash and a copy of all issued receipts to the treasurer intact. The amount turned over should equal the total of the cash drawer receipts for

the day. The treasurer shall issue a receipt to the person/department for all cash received. Each cash register should be closed out or cleared at the register every time a deposit is made.

#### **4.32 Posting of Cash Receipts**

The treasurer shall provide the clerk a record of all money received and the purpose of the amount received (i.e., the budgeted revenue account or the receivable account). The clerk shall be provided with a copy of voided or canceled receipts marked "voided."

The clerk will post each receipt to the receipts journal in numerical order to the proper bank account, fund and revenue account.

#### **4.33 Cash Receipt Report**

A cash receipt report shall be run of each day's activity batched by deposit. A cash receipt report shall contain the detail of all daily transactions and a summary by general ledger line item, and shall agree with the day's deposits.

#### **4.34 Deposit Procedures**

Total cash collected shall be reconciled to the sum of the pre-numbered receipts. Deposits shall be made intact, with no reductions to deposits made for expenditures, and must be reconciled to official receipts. Deposit tickets (or attached listing) shall list checks by name or number, and amount. Total cash collected shall be deposited every business day (*a smaller unit with small transactions could deposit at least once a week*), in the appropriate township bank account. Undeposited funds shall be secured in a vault or lockable file cabinet.

## **Depositories**

#### **4.35 Bank Accounts**

All bank accounts shall be in the name of the township and the township treasurer. The use of the township's tax ID number shall be strictly controlled by the treasurer, and it shall not be used to open non-township bank accounts.

Tax collections shall be deposited in a separate bank account in the name of the treasurer.

Bank signature cards shall be kept current and the authorized signers limited to the township clerk, deputy clerk, treasurer and deputy treasurer.

#### **4.36 Authorized Depositories**

This policy is applicable to all public funds belonging to the township and in the custody of the township treasurer. The treasurer is authorized to deposit funds in approved financial institutions and administration of investments in conformance with state and federal law and policies as set forth in this resolution.

The treasurer shall recommend financial institutions for approval for the safekeeping of township funds based on an evaluation of the performance and solvency of the institution, as well as past performance in exercising due care and prudence in managing the custody of township funds held in trust, if applicable. The treasurer shall periodically evaluate approved and potential financial depositories and shall make recommendations as to appropriate changes in approved depositories when warranted.

In determining safekeeping and custody qualifications, financial institutions document a minimum capital requirement of at least \$10,000,000 and at least five years of operation. All financial institutions and brokers/dealers shall be pre-qualified by supplying the following:

- Audited financial statements
- Proof of NASD certification, or FDIC or NCUA insurance
- Proof of state registration
- Certification of having read, understood and agreement to comply with the Concord Township investment policy.

The treasurer shall annually examine the financial condition and registrations of qualified financial institutions and brokers/dealers by obtaining annual updates of the information listed above.

#### **4.37 Control of Cash and Investments**

All cash and investments shall be under the control of the township treasurer. No other individual shall hold cash of the township or open a bank account to hold township cash or investments.

#### **4.38 Authority to Make Bank Deposits**

The township treasurer is responsible for making all bank deposits. The treasurer may authorize other township personnel to make deposits if the township board has agreed to incorporate that function in the job description for that position.

The following positions are authorized by the treasurer to make bank deposits: clerk, supervisor, treasurer or any of their deputies.

### **Investments**

#### **4.39 Notice of Investment Policy**

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

#### **Township Investment and Depository Policy**

##### **Depositories**

Financial Institutions are used as depositories of Township Funds in accordance with and compliant to Resolutions Approved by the Board of Trustees and in effect and current at the time deposit is made.

##### **Investments**

The treasurer may invest township funds in certificates of deposit, savings accounts, deposit accounts or depository receipts of a bank, but only if the bank, savings and loan association, or credit union meeting all criteria as a depository of public funds contained in state law. The standard of prudence to be used shall be the "fiduciary" standard and shall be applied in context of managing an overall portfolio.

The prior approval of the township board shall be required for the treasurer to invest in any other lawful investment instruments. The township board's standard of prudence shall be the "fiduciary" standard, which shall be applied in context of managing an overall portfolio.

The township board may authorize the treasurer to invest in the following:

(a) Bonds, securities, and other obligations of the United States or an agency or instrumentality of the United States.

Commercial paper rated at the time of purchase within the 2 highest classifications established by not less than 2 standard rating services and that matures not more than 270 days after the date of purchase.

(b) Repurchase agreements consisting of instruments listed in subdivision (a).

(c) Bankers' acceptances of United States banks.

(d) Obligations of this state or any of its political subdivisions that at the time of purchase are rated as investment grade by not less than 1 standard rating service.

(e) Mutual funds registered under the Investment Company Act of 1940, Title I of chapter 686, 54 Stat. 789, 15 U.S.C. 80a-1 to 80a-3 and 80a-4 to 80a-64, with authority to purchase only investment vehicles that are legal for direct investment by a public corporation. However, a mutual fund is not disqualified as a permissible investment solely by reason of either of the following:

(i) The purchase of securities on a when-issued or delayed delivery basis.

(ii) The ability to lend portfolio securities as long as the mutual fund receives collateral at all times equal to at least 100% of the value of the securities loaned.

(iii) The limited ability to borrow and pledge a like portion of the portfolio's assets for temporary or emergency purposes.



(f) Obligations described in subdivisions (a) through (g) if purchased through an interlocal agreement under the Urban Cooperation Act of 1967, Public Act 7 of 1967 (Ex Sess), MCL 124.501, *et seq.*

(g) Investment pools organized under the Surplus Funds Investment Pool Act, Public Act 367 of 1982, MCL 129.111, *et seq.*

(h) The investment pools organized under the Local Government Investment Pool Act, Public Act 121 of 1985, MCL 129.141, *et seq.*

### **Levels of Risk**

Decisions and actions involving the township's investment portfolio shall meet the following criteria:

**Safety:** Safety of principle is the foremost objective of the township's investment practices.

**Diversification:** The investments shall be diversified by avoiding over concentration in securities from a specific issuer or business sector (excluding U.S. Treasury securities and insured certificates of deposits).

**Liquidity:** The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated.

**Return on Investment:** Return of investment is of secondary importance compared to safety and liquidity objectives. Investments shall be selected to obtain a market average rate of return. The core of investments is limited to relatively low-risk securities.

The treasurer may elect to have certificates and other evidence of investments held by a financial institution, provided that the financial institution presents to the township treasurer on a quarterly basis, sufficient documentation and acknowledgment of the investment instruments held on behalf of the township.

The treasurer shall provide on a quarterly basis a written report to the township board concerning the investment of township funds.

### **Compliance with State and Federal Laws**

The township shall comply with all applicable statutes related to public fund investments. Any provisions of this resolution in conflict with applicable statutes is void.

## **Accounts Receivable**

### **4.40 Accounts Receivable**

The clerk, treasurer or their respective deputies shall be responsible for processing all accounts receivable.

### **4.41 Posting and Distribution of Accounts Receivable**

A copy of all invoices or bills for money owed the township shall be given to the Treasurer and clerk or their respective deputies.

The treasurer will use the invoice copy as verification when payment is received.

The clerk will use the invoice copy to record the receivables in the general ledger. Invoices are to be reconciled to the general ledger control on a monthly basis.

### **4.43 Accounting for Accounts Receivable**

For all payments received, the clerk shall credit the receivable. A monthly listing of all amounts invoiced but not yet received shall be prepared and reconciled to the general ledger.

## **Accounts Payable**

### **4.44 Accounts Payable**

The township clerk/deputy clerk shall be responsible for processing all accounts payable. The clerk may designate other township personnel to process accounts payable if the township board has agreed to incorporate that function in the job description of that position.

#### **4.45 Processing of Claims**

Requests for payments to vendors shall be documented in writing by a vendor invoice or, in the few instances where no invoice is forthcoming, by a written request by the department head requesting payment. Except for rare exceptions, only original invoices shall be processed for payments, as statements or copies of invoices may result in duplicate payments. Appropriate documentation (supporting invoices) shall be attached for all disbursements. Original bills, not copies, must be used for documentation.

Employee expense reimbursements shall be documented on an expense voucher prepared by the employee. All invoices, departmental check requests and expense vouchers shall include the following:

1. Vendor name
2. Purpose of payment request
3. Unit price and units delivered (if applicable)
4. Date goods delivered or services rendered
5. The related purchase order (if applicable)

All requests for payments shall be approved by the department to which the expense shall be posted by initialing the document.

All requests for payment shall be submitted to the clerk at least 3 (three) days prior to the board meeting at which claims will be approved.

The clerk shall verify the payee, amount, purpose and the disbursing fund of each request. After verification, the clerk shall prepare a warrant, enter it into the general ledger and make a copy for township records.

#### **4.46 Claims Reports**

The clerk shall prepare a claims report to the board showing the fund, vendor name, nature of the expense, invoice number and warrant number (i.e., check number). Any items paid prior to board audit shall be noted on the warrant report or on a separate report.

Invoices and bills supporting the claims report shall be available for board member review the day of the board meeting or at the board meeting. Board members are responsible for scrutinizing the bills prior to board approval.

#### **4.47 Board Approval Required for all Claims**

All claims shall be approved by the township board with the exception of tax collection disbursements and claims authorized by policy for post-auditing by the township board.

#### **4.48 Board Post-Audit Authorized for Certain Claims**

Only the following types of claims may be paid by disbursements made prior to board audit and approval:

1. Payroll
2. Utility bills
3. Invoices with penalties that would be incurred if payment is not received prior to the board meeting where claims will be approved
4. The supervisor or treasurer may authorize emergency expenditures when deemed essential due to the imminent threat to the health, safety and welfare of the township.

Any claims authorized under this policy prior to board approval shall be post-audited at the next board meeting.

#### **4.49 Check Controls**

Numerically controlled, pre-numbered checks shall be used. Checks shall not be signed prior to being completely filled out. Cleared checks must be returned to the township or electronically stored.

#### **4.50 Authorized Check Signers**

The following officials are the only persons authorized to sign checks:

- Treasurer or deputy treasurer (to make it a check)
- Clerk or Deputy Clerk

#### **4.51 Check Processing**

Each warrant, check, voucher, payment or disbursement shall be signed by the clerk or deputy clerk to document board authorization of that payment and forwarded to the treasurer by the next business day following the board meeting at which they were approved. The treasurer or deputy treasurer shall verify that the funds are available, sign the warrant, check, voucher, payment or disbursement and distribute it. Checks shall not be returned to the clerk or the originating office for distribution.

#### **4.52 Electronic Payments**

Following township board approval the clerk or deputy clerk shall initiate electronic payments and the treasurer or deputy treasurer shall review and accomplish.

Electronic payments or ACH agreements are authorized if in compliance with the following policy provisions.

#### **4.53 Electronic Payment (ACH) 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.

#### **4.54 Authority to Enter into ACH Arrangements and Electronic Transfers of Public Funds**

The township treasurer may enter into an ACH arrangement.

#### **4.55 Responsibility for ACH Agreements**

The treasurer is responsible for the 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.

#### **4.56 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 Concord Township:

The treasurer shall prepare a list of vendors authorized to be paid by ACH transaction and provide that list to the clerk.

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.

The clerk presents the warrant or check, 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.

Following board approval, the treasurer signs the ACH warrant, initiates the electronic transaction with the vendor and makes the actual transfer of funds.

The treasurer shall retain all ACH transaction documents for audit purposes.

The clerk shall retain all invoices for audit purposes.

A township should use a separate imprest bank account for EFTs. A township may wish to consider using a separate bank account to accomplish ACH electronic transactions, effectively creating a “firewall” between the township’s funds and outsiders. Include in the ACH policy the list of specific types of payments pre-authorized for post-audit by the board.

- Recommend disbursement accounts

- Accounts payable (small dollar, limited individual transactions)
- Accounts payable (larger transactions)
- EFT account
- Payroll account
- Property tax

#### **4.57 Credit Card Use Policy**

The treasurer is responsible for issuing, accounting for, monitoring, retrieving and generally overseeing compliance with the township's credit card policy.

Township credit cards may be used only by an officer or employee of the township for the purchase of goods or services for the official business of the township.

The use of the township credit card is limited to the following circumstances:

- For registration, travel, meals and accommodations while on township business (excluding expenses incurred in operating a privately owned automobile)
- Gas, oil and other necessary expenses incurred in operating a township-owned vehicle
- For registration to educational and conference events necessary to township business as well as any relevant educational materials.

Township officers 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. If no credit card slip was obtained that described the transaction, the employee shall submit a signed voucher that shows the name of vendor or entity from which goods or services were purchased, the date and the amount of the transaction, the official business that required the transaction, and the chart of account number indicating the line item to which the transaction is to be charged. All credit card slips shall include this information as well. Vouchers shall also include a statement why a credit card slip was not obtained.

An official or employee who is issued a credit card is responsible for its protection and custody. If a credit card is lost or stolen, the treasurer shall be notified. The entity issuing the lost or stolen credit card shall be immediately notified to cancel the card.

An officer or employee issued a credit card shall return the credit card to treasurer upon termination of his or her employment or service with the township.

The clerk shall maintain a list of all credit cards owned by the township, along with the name of the officer and employee who has been issued the credit card, the credit limit established, the date issued, and the date returned. Each employee shall initial the list beside his or her name to indicate agreement that the credit card has been issued, and that the employee has received and read a copy of this policy.

The clerk 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 or a signed voucher shall be immediately investigated. Transactions that do not appear to comply with this policy shall be reported to the township board.

The township board shall not approve a payment to the entity issuing the credit card until all transactions have been verified, including the approval of all transaction invoices if issued.

The balance, including interest due on an extension of credit under the credit card arrangement, shall be paid for within not more than 30 (thirty) days of the initial statement date.

Officers and employees who use a township credit card in a manner contrary to this policy shall be subject to disciplinary action, including possible termination of employment, reimbursement to the township for unauthorized expenditures, legal action or criminal liability. (*Note: See Concord Township Credit Card Use Resolution Sec 4.94*)

## **Tax Account Disbursements**

#### **4.58 Tax Account Disbursements**

The township treasurer shall create a separate bank account in the name of the treasurer and shall account for the tax fund separately from other township funds. The treasurer shall provide the clerk with summaries of tax receipts and copies of all checks written from the tax account so the clerk can enter the information into the township's accounting system.

## **Expense Reimbursements**

### **4.59 Expense Reimbursements**

The township shall reimburse all officials and employees for necessary expenses incurred in performing their duties. Authorization for any travel or business expense shall be obtained prior to incurring the cost.

### **4.60 Expense Documentation and Requests**

Expenses requested for reimbursement shall be substantiated with actual detailed receipts or other documentation such as a mileage log. All requests for expense reimbursement shall be made on the proper expense reimbursement form.

### **4.61 Allowed Expenses**

All expenses requested for reimbursement shall be for amounts that a reasonable, prudent person would conclude benefits the township. Personal expenses that are unnecessary in conducting township business, such as entertainment and alcohol consumed, shall not be eligible for reimbursement. Commuting from residence to the township hall or the official or employee's official work location shall not be eligible for reimbursement. Board and commission members shall not receive mileage to attend board meetings that are a statutory duty of their office/position.

### **4.62 Travel Reimbursement**

Travel shall be reimbursed at the IRS mileage rate when the employee uses his or her own vehicle to conduct township business. Commuting from residence to the township hall or the employee's official work station shall not be eligible for reimbursement. Township board and committee members shall not receive mileage to attend board meetings that are a statutory duty of their office.

Meals will only be paid if travel is greater than 50 miles from the township hall. Breakfast expenses will be paid only if travel commences before 6:30 a.m. and dinner will be paid only if travel extends beyond 7 p.m.

### **4.63 Travel Justification Reporting**

Any associate who attends a conference, class or educational seminar on behalf of the township which is either fully or partially funded by the township must submit a brief synopsis of their experiences to the township supervisor for presentation to the township board to justify the expenditure.

## **Identity Theft Prevention**

### **Social Security Number Privacy Policy**

#### **4.64 Social Security Number Privacy Policy**

It is the policy of the township to protect the confidentiality of Social Security numbers obtained in the ordinary course of township business from employees, vendors, contractors, customers or others. No person shall knowingly obtain, store, transfer, use, disclose or dispose of a Social Security number that the township obtains or possesses except in accordance with the Michigan Social Security Privacy Act (Public Act 454 of 2004) and this privacy policy.

Social Security numbers shall be collected only where required by federal and state law or as otherwise permitted by federal and state law for legitimate reasons consistent with this privacy policy.

Legitimate reasons for collecting a Social Security number include, but are not limited to:

- Applicants may be required to provide a Social Security number for purposes of a pre-employment background check.

- Copies of Social Security cards may be obtained for purposes of verifying employee eligibility for employment.
- Social Security numbers may be obtained from employees for tax reporting purposes, for new hire reporting or for purposes of enrollment in any township employee benefit plans.
- Social Security numbers may be obtained from creditors or vendors for tax reporting purposes.

#### **4.65 Public Display**

The township shall not place more than four sequential digits of a Social Security number on identification cards, badges, time cards, employee rosters, bulletin boards, permits, licenses, or any other materials or documents designed for public display.

Documents, materials or computer screens that display all or more than four sequential digits of a Social Security number shall be kept out of public view at all times.

#### **4.66 Account Numbers**

The township shall not use all or more than four sequential digits of a Social Security number as a primary account number for an individual.

#### **4.67 Computer Transmission**

The township shall not use or transmit all or more than four sequential digits of a Social Security number on the Internet or on a computer system or network unless the connection is secure or the transmission is encrypted.

#### **4.68 Mailed Documents**

Township documents containing all or more than four sequential digits of a Social Security number shall be sent only in cases where state or federal law, rule, regulation, or court order or rule authorizes, permits or requires that a Social Security number appear in the document. Documents containing all or more than four sequential digits of a Social Security number that are sent through the mail shall not reveal the number through the envelope window or otherwise be visible from outside the envelope or package.

#### **4.69 Freedom of Information Act**

Where all or more than four sequential digits of a Social Security number are contained within a document subject to release under the Freedom of Information Act, the Social Security number shall be redacted (blacked out) or otherwise rendered unreadable before the document or copy of a document is disclosed.

#### **4.70 Storage**

All documents containing Social Security numbers shall be stored in a physically secure manner. Social Security numbers shall not be stored on computers or other electronic devices that are not secured against unauthorized access.

#### **4.71 Access to Social Security Numbers**

Only personnel who have legitimate business reasons to know shall have access to records containing Social Security numbers. The department heads having access to records containing Social Security numbers shall determine which other personnel within their departments have a legitimate reason in the township's ordinary course of business to have access to such Social Security numbers. Personnel using records containing Social Security numbers must take appropriate steps to secure such records when not in immediate use.

#### **4.72 Disposal**

Documents containing Social Security numbers shall be retained in accordance with the requirements of state and federal laws. At such time as documents containing Social Security numbers may be disposed of, such disposal shall be accomplished in a manner that protects the confidentiality of the Social Security numbers, such as shredding.

#### **4.73 Unauthorized Use or Disclosure of Social Security Numbers**

The township shall take reasonable measures to enforce this privacy policy, and to correct and prevent the reoccurrence of any known violations. Any employee who knowingly obtains, uses or discloses Social Security numbers for unlawful purposes or contrary to the requirements of this privacy policy shall be subject to discipline up to and including discharge. Additionally, certain violations of Public Act 454 of 2004, the Michigan Social Security Privacy Act, carry criminal and/or civil sanctions. The township will cooperate with appropriate law enforcement or administrative agencies in the apprehension and prosecution of any person who knowingly obtains, uses or discloses Social Security numbers through the township for unlawful purposes.

## Red Flags Rule Policy

### 4.74 Purpose

To establish an Identity Theft Prevention Program designed to detect, prevent and mitigate identity theft in connection with the opening of a covered account or an existing covered account and to provide for continued administration of the program in compliance with the Federal Trade Commission's Red Flags Rule (Part 681 of Title 16 of the Code of Federal Regulations) implementing Sections 114 and 315 of the Fair and Accurate Credit Transactions Act (FACTA) of 2003.

### 4.75 Definitions

"Identifying information" means any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including: name, address, telephone number, Social Security number, date of birth, government-issued driver's license or identification number, alien registration number, government passport number, employer or taxpayer identification number, unique electronic identification number, computer's Internet Protocol address, or routing code.

"Identify theft" means fraud committed or attempted using the identifying information of another person without authority.

A "covered account" means:

- An account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes that involves or is designed to permit multiple payments or transactions. Covered accounts include credit card accounts, mortgage loans, automobile loans, margin accounts, cell phone accounts, utility accounts, checking accounts and savings accounts; and
- Any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation or litigation risks.

A "red flag" means a pattern, practice or specific activity that indicates the possible existence of identity theft.

### 4.76 Identification of Red Flags

The township identifies the following red flags, in each of the listed categories:

#### *Suspicious Documents*

- Identification document or card that appears to be forged, altered or inauthentic
- Identification document or card on which a person's photograph or physical description is not consistent with the person presenting the document
- Other document with information that is not consistent with existing customer information (such as if a person's signature on a check appears forged)
- Application for service that appears to have been altered or forged

#### *Suspicious Personal Identifying Information*

- Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates)
- Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on a credit report)
- Identifying information presented that is the same as information shown on other applications that were found to be fraudulent
- Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address)
- Social Security number presented that is the same as one given by another customer
- An address or phone number presented that is the same as that of another person
- A person fails to provide complete personal identifying information on an application when reminded to do so (however, by law Social Security numbers must not be required)
- A person's identifying information is not consistent with the information that is on file for the customer

### *Suspicious Account Activity or Unusual Use of Account*

- Change of address for an account followed by a request to change the account holder's name
- Payments stop on an otherwise consistently up-to-date account
- Account used in a way that is not consistent with prior use (example: very high activity)
- Mail sent to the account holder is repeatedly returned as undeliverable
- Notice to the township that a customer is not receiving mail sent by the township
- Notice to the township that an account has unauthorized activity
- Breach in the township's computer system security
- Unauthorized access to or use of customer account information

### *Alerts from Others*

- Notice to the township from a customer, identity theft victim, law enforcement or other person that it has opened or is maintaining a fraudulent account for a person engaged in identity theft

## **4.77 Detecting Red Flags**

**New Accounts:** In order to detect any of the Red Flags identified above associated with the opening of a new account, township personnel shall take the following steps to obtain and verify the identity of the person opening the account:

- Require certain identifying information, such as name, date of birth, residential or business address, principal place of business for an entity, driver's license or other identification
- Verify the customer's identity (for instance, review a driver's license or other identification card)
- Review documentation showing the existence of a business entity
- Independently contact the customer

**Existing Accounts:** In order to detect any of the Red Flags identified above for an existing account, township personnel shall take the following steps to monitor transactions with an account:

- Verify the identification of customers if they request information (in person, via telephone, via facsimile, via e-mail)
- Verify the validity of requests to change billing addresses
- Verify changes in banking information given for billing and payment purposes

## **4.78 Preventing and Mitigating Identity Theft**

In the event township personnel detect any identified Red Flags, such personnel shall take one or more of the following steps to prevent and mitigate identity theft, depending on the degree of risk posed by the Red Flag:

- Continue to monitor an account for evidence of identity theft
- Contact the customer
- Change any passwords or other security devices that permit access to accounts
- Not open a new account
- Close an existing account
- Reopen an account with a new number
- Notify the township manager for determination of the appropriate step(s) to take
- Notify law enforcement
- Determine that no response is warranted under the particular circumstances

## **4.79 Protect Customer Identifying Information**

In order to further prevent the likelihood of identity theft occurring with respect to township accounts, the township shall take the following steps with respect to its internal operating procedures to protect customer identifying information:

- Ensure that its website is secure or provide clear notice that the website is not secure



- Ensure complete and secure destruction of paper documents and computer files containing customer information
- Ensure that office computers are password protected and that computer screens lock after a set period of time
- Keep offices clear of papers containing customer information
- Request only the last four digits of Social Security numbers (if any)
- Ensure computer virus protection is up to date
- Require and keep only the kinds of customer information that are necessary for utility purposes

#### **4.80 Program Updates**

This program shall be periodically reviewed and updated to reflect changes in risks to customers and the soundness of the township from identity theft. The supervisor shall consider the township's experiences with identity theft situation, changes in identity theft methods, changes in identity theft detection and prevention methods, changes in types of accounts the township maintains and changes in the township's business arrangements with other entities. After considering these factors, the supervisor shall determine whether changes to the program, including the listing of Red Flags, are warranted. If warranted, the supervisor shall present the township board with his/her recommended changes and the board shall make a determination of whether to accept, modify or reject those changes to the program.

#### **4.81 Program Administration**

Responsibility for developing, implementing and updating this program lies with an identity theft committee for the township. The committee is headed by the supervisor, with the clerk and treasurer comprising the remainder of the committee membership. The supervisor will be responsible for the program administration, for ensuring appropriate training of township staff on the program, for reviewing any staff reports regarding the detection of Red Flags and the steps for preventing and mitigating identity theft, determining which steps of prevention and mitigation should be taken in particular circumstances, and considering periodic changes to the program.

#### **4.82 Staff Training and Reports**

Township personnel responsible for implementing the program shall be trained either by or under the direction of the supervisor in the detection of Red Flags, and the responsive steps to be taken when a Red Flag is detected. Township personnel shall provide reports to the program administrator on incidents of identity theft, the township's compliance with the program and the effectiveness of the program.

#### **4.83 Specific Program Elements and Confidentiality**

For the effectiveness of identity theft prevention programs, the Red Flags Rule envision a degree of confidentiality regarding the township's specific practices relating to identity theft detection, prevention and mitigation. Therefore, under this program, knowledge of such specific practices are to be limited to the identity theft committee and those employees who need to know them for purposes of preventing identity theft. Because this program is to be adopted by a public body and thus publicly available, it would be counterproductive to list these specific practices here. Therefore, only the program's general Red Flag detection, implementation and prevention practices are listed in this document.

## **Expenditure Authorization**

#### **4.84 Expenditure Authorization**

The township shall not be responsible for any obligations incurred by an official or employee that is contrary to the provisions of these administrative policies and procedures or any other financial administration policies adopted by the township board.

Department heads shall not consider appropriations contained in the budget as a mandate to expend township funds. No obligations shall be incurred against, and no payment shall be made from, any appropriation account unless there is a sufficient unencumbered balance in the appropriation and sufficient funds are or will be available to meet the obligation.

The township board shall exercise supervision and control to ensure that expenditures are within appropriations, and shall not issue any purchase order for expenditures that exceed appropriations.

Expenditures must follow the procedures set forth in the township's expenditure control, purchasing or bidding policies.

Department heads shall obtain authorization from the supervisor or the township board before obligating the township for expenditures of the following nature:

1. All goods or services in excess of \$50.00 (Fifty Dollars).
2. Travel beyond 75 miles from the township office.
3. All out-of-state travel
4. Professional services

#### **4.85 Expenditure Control**

The purchase requisition and purchase order system is designed to provide a method to screen purchase requests, to account for the disbursement of funds, and keep track of purchases to be delivered. Purchase requisitions and purchase orders are to be used for all purchases, except petty cash purchases and emergency needs as authorized.

## **Bids and Quotes**

#### **4.86 Dollar Threshold Requiring Written Quotations**

Any purchase for goods or services exceeding a cost of \$1,000.00 (One Thousand Dollars) shall require the department head to obtain at least three written quotes prior to issuing a purchase order.

Separating the work of vendors into smaller invoices is a violation of this policy.

#### **4.87 Dollar Threshold Requiring Sealed Bids or Request for Proposals (RFPs)**

Any purchase for goods or services exceeding an estimated cost of \$5,000.00 (Five Thousand Dollars) shall require the solicitation of sealed bids. The Supervisor, in consultation with the department head, shall develop bid specifications. Bid specifications for purchases that will exceed \$10,000.00 (Ten Thousand Dollars) shall be approved by the township board. A department head may request permission from the township board to waive the bidding requirements when there is only one known supplier or there is some other compelling reason to waive the bid procedures.

Separating the work of vendors into smaller invoices is a violation of this policy.

#### **4.88 Exceptions**

Quotes and competitive bids are not required for the following purchases (*select as desired*)

- Small purchases up to \$100.00 (One Hundred Dollars)
- Sole source procurement (where only a single source is available or when the township is participating in a purchasing pool, such as the "Buy Michigan First" or MiDEAL programs provided by the State of Michigan)
- Emergency purchases necessary to protect the health, safety or welfare, or to protect the life or property of the township or its residents.

#### **4.89 Request for Sealed Bids or RFPs**

The invitation to bid or the request for proposals for services shall be: published in a local newspaper, posted on the Concord Township Face Book page, posted on the township's website, at least three (3) times, 5 days prior to the bid deadline, and shall be mailed or e-mailed to known vendors or other parties who have notified the township of their interest in submitting bids on the goods or services being purchased.

#### **4.90 Specifications for Requests for Proposals**

In order to receive comparable and informative bids and proposals, the township shall prepare comprehensive specifications for prospective candidates.

The request should state the following items:

- The length of the contract period
- Any required qualifications, such as a certified public accountant license
- If attendance is required at township board or other meetings, and the number of meetings per year
- The amount of anticipated consultation

- The anticipated nature and number of the activities required, such as the average number of ordinance enforcement prosecutions for an attorney, the number and type of funds to be audited for an accountant, or the number of parcels for an appraiser
- The titles of the township official(s) authorized to direct or request services
- Whether the activity, such as auditing or appraisal, is to be performed at the township hall
- That all documents and records created in a governmental function are property of the township and will be subject to the Freedom of Information Act

As appropriate, a request for proposals will ask each candidate to describe:

- The individual or firm's municipal and township experience
- Specific experience with the service or project
- The names, credentials and references of the specific individuals who will be assigned to work with the township
- Specific certification, such as certified public accountant, or memberships in an appropriate association, such as the Public Law Section of the Michigan Bar Association
- Potential conflicts of interest, such as township property owned, interest owned in businesses located in the township, or other clients who may have interests that are potentially adverse to the township
- Services to be billed above the retainer amount, including the amount charged per hour, with a maximum amount for specific types of services such as additional meetings not covered under the retainer or whether the meetings are to be billed on a per diem or hourly basis
- The individual or firm's policy regarding reimbursement for travel time, phone bills, mileage, copying, postage and other incidental expenses
- The services the township requires and if those services are to be included in a retainer

#### **4.91 Opening of Bids or RFPs**

Sealed bids or RFPs shall be opened by person(s) identified in the invitation to bid or the request for proposals at the stated time and place, and any interested party may be present for the bid or RFP opening.

#### **4.92 Award of Bids**

Bids or requests for proposals for services shall be awarded by the township board.

The criteria for awarding bids or requests for proposals shall be as follows:

- Cost
- Experience
- Reliability
- Sufficiency of equipment
- Insurance
- References
- Good communication

#### **4.93 Board Member Interest in Bidder**

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 discussions of or in awarding the bid.

#### **4.94 Credit Card Use Resolution**

### **CREDIT CARD USE POLICY RESOLUTION**

At a regular meeting of the Concord Township Board of Trustees, the following preamble and resolution was offered by **Clark** and was supported by **Jacokes** :

WHEREAS, Public Act 266 of 1995 authorizes a township to be a party to a credit card arrangement if the township board has adopted by resolution a written policy governing the control and use of credit cards, and

WHEREAS, the Concord Township Board deems that it is in the best interest of the township to make certain township financial transactions by using a credit card as described in the Act, now

THEREFORE BE IT RESOLVED, that the following policy shall govern the use of township credit cards:

(a) The Clerk is responsible for issuing, accounting for, monitoring, retrieving and generally overseeing compliance with the township's credit card policy.

(b) Township credit cards may be used only by an officer or employee of the township for the purchase of goods or services for the official business of the township.

(c) Township officers 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. If no credit card slip was obtained that described the transaction, the employee shall submit a signed voucher that shows the name of vendor or entity from which goods or services were purchased, the date and the amount of the transaction, the official business that required the transaction. All credit card slips shall include this information as well. Vouchers shall also include a statement why a credit card slip was not obtained.

(d) An official or employee who is issued a credit card is responsible for its protection and custody. If a credit card is lost or stolen, the Clerk shall be notified. The entity issuing the lost or stolen credit card shall be immediately notified to cancel the card.

(e) An officer 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.

(f) The Clerk shall maintain a list of all credit cards owned by the township, along with the name of the officer and employee who has been issued the credit card, the credit limit established, the date issued, and the date returned. Each employee shall initial the list beside his or her name to indicate agreement that the credit card has been issued, and that the employee has received and read a copy of this policy.

The Clerk 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 or a signed voucher shall be immediately investigated. Transactions that do not appear to comply with this policy shall be reported to the township board.

(g) The township board shall not approve a payment to the entity issuing the credit card until all transactions have been verified, including the approval of all transaction invoices if issued.

(h) The balance, including interest due on an extension of credit under the credit card arrangement, shall be paid upon receipt of the credit card statement and before the due date.

(i) Officers and employees who use a township credit card in a manner contrary to this policy shall be subject to the following disciplinary actions, as deemed appropriate by the township board:

- o reimbursement to the township for unauthorized expenditures will be subtracted from the next payroll check.

(j) One credit card will be on file in the name of Concord Township and Officers of the Township can ask the Clerk for permission to use the card. Total limit on this card will be \$500.00 for outstanding charges.

Upon a roll call vote, the following voted:

AYE: Miller, Bush, Jacokes, Cavasin & Clark

NAY: None

The Supervisor declared the resolution adopted.

Attested by:

\_\_\_\_\_

Date:

April 10, 2017

# **Concord Township**

## **Personnel Administration**

### **5.1 Authority for Personnel Matters**

The township board reserves all authority to hire, supervise, provide direction, discipline and terminate employees as collectively determined by the board of trustees. The board may, at its discretion, delegate this authority to an administrator, officer or employee herein referred to as the Personnel Officer.

### **5.2 Personnel Officer's Duties**

The Personnel Officer shall do all of the following:

1. Develop job descriptions for all township positions
2. Update job descriptions as needed, and review the accuracy and currency of all job descriptions at least once every three years
3. Recruit applicants for position vacancies
4. Provide all new employees with a current copy of the township personnel policies and procedures manual
5. Monitor changes in state and federal law that impact on township personnel practices
6. Recommend to the township board necessary changes in personnel policies and procedures manual, and provide all employees with copies of amendments to the personnel policies and procedures manual
7. Provide interpretations of the township personnel policies and procedures when requested by department heads or employees. The interpretation of the personnel officer shall be considered final, unless an appeal of the interpretation is filed with the township board.
8. The personnel officer shall recommend appropriate pay grade or compensation for all employees, subject to board policies and appropriations
9. Authorize department heads to impose employee sanctions that exceed the severity of a verbal or written warning
10. Develop and implement a standard employee evaluation form for use by department heads in periodically evaluating the performance of employees under their supervision
11. Authorize the use of extended leave by employees pursuant to the township personnel policies and procedures manual
12. Conduct exit interviews of all terminating employees following a voluntary separation from township employment

### **5.4 Policy Manuals**

The township board in conjunction with the supervisor shall develop, periodically update and implement a personnel policies and procedures manual to help 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 policies and procedures manual may be changed at the discretion of the supervisor or the township board. Township board members, officials and employees may submit any suggested changes or additions to these policies and procedures to the supervisor for review and/or possible inclusion into the manuals(s).

The designated personnel officer shall also develop and periodically update an employee handbook to answer employees' questions and to advise them on township policies.

The provisions of the employee handbook may be changed at the sole discretion of the supervisor or the personnel officer. Employees may submit any suggested changes or additions to these policies and procedures to the township board, supervisor or designated personnel officer.

## **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:

The responsible manager shall discuss the need for the new position with the supervisor or personnel officer.

If the supervisor or personnel officer 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 or personnel officer who may approve, modify or reject the draft job description or position justification.

If the supervisor or personnel officer 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, or may approve creating the new position and direct the supervisor or personnel officer to develop a job description for the position.

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. All independent contractors will have the following:

- A written contract between the township and the contractor
- A federal identification number or Social Security number if a sole proprietor
- Proof of liability and worker's compensation insurance
- A completed W-9 form
- Evidence of a legitimate business (e.g., business license, registration, government issued ID card, etc.)

## **5.7 Volunteers**

The township board may hire volunteers to provide services for civic, charitable or humanitarian reasons without promise, expectation or receipt of compensation for the services rendered. Township volunteers shall be offered training to enable them to better serve the township and such training will be paid for by the township. No other expense reimbursement shall be permitted unless approved in advance by the supervisor, clerk or township board in accordance with policies in effect at the time.

## **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 to religion, race, national origin, ancestry, sex, disability, age, marital status, height, weight, arrest record, genetic information, medical condition, requests for a protected leave, or any other protected characteristic under local, state or federal law.

## **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 personnel officer shall utilize the following procedures in filling any vacant employment positions:

- A notice of position vacancy shall be developed, based on the current job description and discussions with the department head. The posting shall provide the position title, brief description, education and experience requirements, current pay grade, application deadline, and the township's Equal Employment Opportunity policy.
- The position vacancy notice shall be published on township website, Face Book page and in local newspaper(s), as applicable.
- The applications or résumés submitted will be reviewed by the department head or personnel officer, and a list of qualified candidates will be developed.

- 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.
- The personnel officer shall select the candidate who best meets the job prerequisites for education, experience and management style, if appropriate.
- The selected candidate shall be submitted to the township board. The board may schedule an interview with the candidate at a board meeting.
- Following board concurrence, the candidate will be offered the position, pending the satisfactory completion of any required pre-employment examination(s).

### **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, including in-law, step or adopted relations:

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

The personnel officer is 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, supervisory or 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 township board or personnel officer 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 township board or personnel officer, 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 township board or personnel officer, 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 township 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.

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



### **5.13 Benefits**

The township board, in its sole discretion, will determine what employment benefits may be provided to township officials or employees. Township board members, officials, department heads or employees may submit suggested changes or additions to the benefits to the township board, supervisor or personnel officer.

### **5.14 Employee Supervision**

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

### **5.15 Employee Recognition**

Department heads shall bring to the attention of the township board 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 or other public announcement.

### **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 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 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.

## **Payroll**

### **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 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.

### **5.20 Time Cards**

All completed time cards for non-exempt employees shall be submitted to the clerk on the day following the end of each pay period. Time cards will be signed by both the 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 clerk shall be notified at least 5 (five) days prior to the end of the pay period of any changes in voluntary deductions or withholding allowances desired by an 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 clerk.

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

- New Hire Reporting Form
- I-9 Form
- W-4 Form
- Direct deposit authorization and/or 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 clerk of any problems or errors on their paychecks. A written account of the problem and its resolution shall be created by the clerk.

## **Personnel Recordkeeping**

### **5.25 Personnel Files**

The township clerk or personnel officer 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 at minimum the following:

1. Personnel data, including full name, Social Security number, current address, résumé or application submitted and records of any pre-employment examination(s) (if required).
2. Performance evaluations
3. Attendance/ absence and use of authorized leaves
4. Commendations or disciplinary actions
5. Tax withholding information
6. Beneficiary information
7. Record of positions held
8. Insurance and pension records

A personnel file shall **not** include:

1. Employee references supplied to an employer if the identity of the person making the reference would be disclosed.
2. 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.

3. 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. (HIPAA requires this information be kept in a separate file.)
4. 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.
5. 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.
6. Records limited to grievance investigations that are kept separately and are not used for the purposes provided in this subdivision.
7. 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 direct supervision of the clerk or the personnel officer. If an employee demonstrates that he or she is unable to review his or 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.

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

Board members, the supervisor and the personnel officer 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.

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

The supervisor or personnel officer 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 years old.

When notice is required by law, the clerk or personnel officer 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.

# **Concord Township**

## **Records Management**

### **6.1 Applicability**

This records management policy shall apply to all officials, appointees, employees, agents, independent contractors and volunteers of the township. Each individual who creates, sends or receives official records is responsible for retaining those records in accordance with this policy.

### **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 include the:

- Distribution of approved general record retention schedules
- Development, review and approval of township-specific record retention schedules where required
- Distribution of policies, guidelines and standards published by the State of Michigan, the township and other parties
- Arranging off-site storage facilities for inactive records required
- Arranging digital imaging services where required
- Arranging the substantiated destruction of confidential records with a vendor
- Coordinating all litigation holds to prevent the destruction of records that are relevant to a Freedom of Information Act request, investigation or litigation

### **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. They shall ensure that the township has the most updated record retention schedules that cover all records (regardless of form or format) that are created and used by the township.

The clerk shall ensure that the digital files and e-mail (and other records) of former officials, appointees, employees, volunteers and consultants are retained in accordance with approved record retention schedules.

### **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 e-mail and other digital records, of employees who are separating from the township are retained in accordance with the township's record retention policies.

### **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.

### **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.

The clerk or FOIA coordinator shall develop procedures to accommodate access by the clerk 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 kept or used 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 e-mail), the FOIA coordinator shall notify the responsible personnel for 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.

# **Inspection of Records**

## **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, not less than four hours per day. 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 blacking

out 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 clerk or FOIA coordinator is responsible for identifying if records or information requested by the public is stored in digital files or e-mail, even if the public does not specifically request a digital file or e-mail.

A person cannot 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 blacking out 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. E-mail may be used to distribute or mail records.

"Actual, incremental cost" means the cost to the township over and above the cost to the township if the request had not been made. Overhead costs shall not be included in an "actual, incremental cost."

The township shall charge the actual, incremental copying cost to make a copy subject to a FOIA request for a copy or made to accommodate a request to inspect.

The township shall charge a labor cost to make the copy, which is the hourly wage of the lowest paid township employee capable of making the copy, as determined for each request.

Labor costs are charged in 10 minute increments. The hourly wage used to calculate labor costs includes total compensation and benefits.

**Fees for Copying Records or Notices for FOIA or Open Meetings Act Subscriptions:** The township shall charge the actual, incremental cost to make the copy. Labor costs shall not be charged for a copy made to fulfill a FOIA subscription request because the copy is made at the same time the record is issued.

**Mailing Fees:** The township shall charge actual postage or shipping costs and the actual cost of the envelope or mailer.

**Fees for Separating Exempt From Non-Exempt Information:** A fee shall not be charged for the cost to search, examine, review, and delete, separate or redact exempt from non-exempt information unless failure to charge a fee would result in unreasonably high costs to the township because of the nature of the specific request.

The FOIA coordinator shall determine if a fee will be charged under this section.

When the FOIA coordinator determines that a fee will be charged under this section, the FOIA coordinator shall specifically identify the nature of the unreasonably high costs of the specific request on the written response to the FOIA request.

The township shall charge a labor cost to search, examine, review, and delete, separate or redact exempt from non-exempt information, which is the hourly wage of the lowest paid township employee capable of making the copy, as determined for each request.

Labor costs are charged in 10 minute increments. The hourly wage used to calculate labor costs includes total compensation and benefits.

#### **6.12 Waived FOIA Request Costs for Specific Types of Records**

With the exception of costs waived due to indigency, FOIA costs shall be waived only according to this section. Costs cannot be waived on an individual basis. The township shall not charge for copies of any document which is not available on the township website or by other publicly accessible digital storage method.

#### **6.13 Costs Waived Due to Indigency of Person Making FOIA Request**

A public record search shall be made and a copy of a public record shall be furnished without charge for the first \$20 of the fee for each request to a person who is entitled to information under the FOIA and who submits an affidavit stating that, at the time the request is submitted, the person is either receiving public assistance or is unable to pay the cost because of indigency.

“Indigency” is determined by the township’s poverty guidelines annually adopted for property tax poverty exemption applications (or “the federal poverty thresholds annually compiled and published by the Bureau of the Census prior to December 31 of each year”).

#### **6.14 Fifty-Percent Good Faith Deposit for Costs Over \$50**

If the costs estimated for a specific FOIA request exceed \$50, the person requesting the record(s) shall make a good faith deposit before the township will process the request. The deposit shall not exceed one-half (50%) of the total fee.

#### **6.15 Unpaid FOIA Requests Are Not Considered When Responding to a Subsequent FOIA Request for Different Records**

The unpaid balance of a previous FOIA request shall not be deducted from separate or later FOIA requests for different records submitted by the same person. The unpaid balance of a previous FOIA request shall not be deducted from any other fees, taxes, charges or other bills paid to the township by that person.

### **Digital Files and E-mail Retention**

#### **6.16 E-mail Defined**

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

#### **6.17 Digital Files and E-mail Messages May Be Public Records**

A digital file or e-mail message is a public record if it is prepared, owned, used, in the possession of or retained by a public body in the performance of an official function, from the time it is created.

#### **6.18 Digital Files and E-mail Messages Are Public Property**

All digital files and e-mail messages that are created, received or stored by the township are the property of the township. They are not the property of the township officials, appointees, employees, volunteers, consultants/contractors, vendors or customers. E-mail accounts are provided to township staff for conducting public business. No one should have an expectation of privacy when using the township’s computer resources.

#### **6.19 Digital Files and E-mail Retention and Disposal Schedules**

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

Individual employees or consultants are responsible for deleting digital files and e-mail messages in accordance with the appropriate record retention schedule. The supervisor shall ensure that messages deleted in compliance with the appropriate record retention schedule are rendered unrecoverable within one week of deletion.

#### **6.20 Digital Files and E-mail Storage and Maintenance**

The township shall retain its digital files and e-mail by *(select from the following procedures, or other procedures as applicable to the township's e-mail and technology systems)*:

- Storing e-mail online in the active e-mail system for its entire retention period. E-mail account holders are encouraged to establish folders for arranging e-mail according to their content, and they are responsible for disposing of e-mail that has met all of its retention requirements.
- Storing digital files or e-mail on hard drives or peripheral drives (information technology staff or other township designees must specify which drive to use; shared servers are recommended). E-mail account holders are encouraged to establish folders for arranging digital files or e-mail according to their content, and they are responsible for disposing of digital files or e-mail that has met all of its retention requirements.

## **Record Storage and Maintenance**

#### **6.21 Record Storage**

Township officials, appointees, employees, volunteers, consultants/contractors and departments shall organize records to promote fast and efficient retrieval of information. Appropriate and cost-effective office equipment, indexes and tools shall be used to maintain records.

The township clerk shall periodically evaluate and make recommendations to the township board on the method(s) to be used to maintain and store records for their minimum retention periods. Records that will be retained for more than 10 years shall be stored in an environment that facilitates the security and stability of the storage media. The township may utilize low-cost storage facilities for inactive records that have not fulfilled their retention requirements.

The clerk shall work in conjunction with the IT personnel 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 inaccessible 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.

#### **6.22 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 contracting with a shredding service for this purpose. The contractor will be required to provide written verification that the documents have been irretrievably destroyed.
- The township shall destroy open records by recycling or regular trash disposal.

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.

### **6.23 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, at minimum:

- Contact the township's risk manager and insurance agent
- Determine the type of damage to records (fire, smoke, chemical, clean water, dirty water, heat, humidity)
- Determine which records have been damaged
- Determine the types of materials that have been damaged (paper, film/microfiche, computer files, CDs/DVDs, etc.)
- Begin salvage according to applicable State of Michigan standards and best practices for document salvage.

## **Public Information Officer**

### **7.1 Public Information Officer**

The 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 newsletter, website, public service announcements and press releases on township government events, and responding to inquiries from the media or referring contact to other appropriate township officials. The public information officer shall review the content of these materials for:

- potential violations of the Campaign Finance Act
- political preference or support
- promotion of private interests
- misrepresentation of township board actions or policy
- statements that could expose the township to legal liability

The public information officer is authorized to determine in his or her sole discretion, whether such content will be removed or edited out, submitted to the township legal counsel for a further opinion, directed to the township board for a final determination, or returned to the author for revision.

The public information officer shall advise township board members and other appropriate staff of all press releases and other media contacts at the time of release.

Township officials and employees will notify the public information officer of all media contacts made in their township capacity. Other township employees and volunteers will notify the public information officer prior to making any statements to the news media in their township capacity.

## **Public Notice**

### **7.2 Public Notice**

#### **Option A: One position/office is responsible for all notices of all township public bodies:**

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 chairperson of each public body shall notify the township clerk of that body's regular meeting schedule within ten (10) days after it is adopted, and of any special or rescheduled meeting at least 24 hours (at a minimum) prior to that meeting.

The clerk shall also be responsible for publishing and mailing all public notices required by state law. The chairperson shall notify the clerk when a public notice is required to be mailed or published with sufficient lead time for the notice to be provided in compliance with applicable laws.

## **Mail**

### **7.3 Incoming Mail**

The clerk and/or treasurer 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**

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.

## **Public Contacts**

### **7.6 Courtesy and Customer Service**

The primary goal of the township is to serve the public. 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 hall shall be greeted in a friendly, helpful manner. Under the day-to-day supervision of the clerk, the receptionist shall assist the public by directing them to the appropriate official, employee or department.

Phone calls to the township shall be answered in a pleasant, courteous manner, such as: "Concord Township, how may I direct your call?"

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.

### **7.7 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 supervisor 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 or the supervisor may make a subsequent inquiry with the citizen to determine whether the issue was resolved and whether any additional action is required.

## **Property Management**

### **8.1 Identifying Township Assets**

Assets that have a value of at least \$250.00 shall be identified and inventoried, and safeguarded to prevent loss.

### **8.2 Inventory of Assets**

The clerk shall maintain an inventory of the township's assets, and shall add or remove assets from the inventory at the time of acquisition or disposal. Department heads shall inventory all assets assigned to their department, at least annually and at the time of acquisition, and shall submit the inventory to the clerk.

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

- Acquisition date
- Name and address of vendor
- Description of asset
- Responsible department/person
- Location of Asset
- Acquisition cost (if gift, estimated fair value at time of donation)
- Purpose
- How acquired (purchase, lease/purchase, construction, condemnation, tax foreclosure, gift)
- Estimated life where applicable
- 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 supervisor.

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

Department heads shall make note on the inventory, or shall notify the clerk or supervisor 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 for approval.

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

The 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 refrain from voting on any negotiated sale involving the elected official.

## **Intellectual Property**

### **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.

## **Property Maintenance**

### **8.7 Responsibility for Maintenance**

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

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

- Cleaning
- Lawn maintenance
- Snow removal
- Fire extinguisher inspections
- Non-emergency repairs to township buildings, land, equipment and vehicles
- Other as determined by the township board

### **8.8 Emergency Repairs**

The supervisor or clerk is authorized to contract for emergency repairs up to a cost of \$500.00 without prior board approval, when a delay in initiating a repair will have a significant impact on township operations or finances.

## **Township Facilities**

### **8.9 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 supervisor shall establish procedures for opening, closing and the security of township facilities.

### **8.10 Hours of Business**

The township office shall be open to the public at 08:00 AM and shall be closed at 4:00 PM on every normal business day. Normal business days are Monday, Tuesday and Wednesday, excepting Holidays and other days of scheduled events. The township board reserves the right to change this schedule at its discretion, to best attend the needs of the citizens.

### **8.11 Emergency Closing**

The supervisor, with concurrence from either the clerk or treasurer, 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, either the supervisor, clerk or treasurer 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 public shall also be notified of any closing by post on the township website or Face Book page, as appropriate.

### **8.12 Building Opening and Closing Procedures**

The first person arriving each morning should make sure that:

- The security system is deactivated
- All public access doors are unlocked
- Necessary office machines are activated
- The HVAC system is functioning as appropriate for the season.

Prior to leaving, each employee will make his or her work station secure by checking that computers, typewriters, calculators and lights are turned off, filing cabinets and cash drawers are locked, and windows and doors are locked.

The last person to leave the township hall at night shall check to see that:

- The copier and other office machines are turned off
- All doors and common area windows are locked
- All lights are turned off, except for designated security lights
- The security system is activated

Persons working after hours are responsible for turning off the lights and office machines used, and checking that all doors and windows are secure.

Outside lights shall be turned on prior to any evening meeting and shall be turned off by the last person leaving the meeting.

### **8.13 Smoking**

Smoking indoors is prohibited at all township buildings and facilities. An individual shall not smoke at a meeting of a township body, or in any enclosed, indoor area owned or operated by the township, including township facilities not open to the public or available only to township staff. There is no exception for private functions held at township facilities.

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

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

## **Security**

### **8.14 Keys**

The following positions are authorized to receive a key to the main door:

- Assessor
- Clerk
- Supervisor
- Treasurer
- All Committee Chairpersons
- Trustees

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 township 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.

### **8.15 Valuables**

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

### **8.16 Safety**

All township facilities will be maintained for compliance with OSHA and liability insurance standards as they apply to fire hazards, flammable materials and other safety hazards as established by board policy and procedures.

No boxes, files and other items shall be stored in hallways, stairs and landings. Flammable liquids and power equipment shall not be stored in the township hall. Other flammable materials will not be stored in the building.

In the event of a fire, all employees will immediately exit the building. All employees shall gather in the parking lot in front of the building for a head count.

## **Public Use of Township Facilities**

### **8.17 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:

- Main conference and meeting room

### **8.18 Denial of Facilities**



The township board reserves the right to refuse use of the facilities for cause.

#### **8.19 Fees and Deposits**

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

The fee shall be paid at the time the reservation is made. In the case of a cancellation, the fee shall be returned.

#### **8.20 Damages**

A damage deposit shall be required whenever township facilities are rented to the public.

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 supervisor 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.

#### **8.21 Facility Use Rules**

- No smoking is allowed within any part of the building.
- Chairs and other equipment must be returned to their place of storage by the renter.
- Floors must be swept and/or vacuumed as needed.
- Counters and tabletops must be wiped clean.
- Any trash must be removed from the building and disposed of by the renter.
- Kitchen equipment and utensils must be washed and returned to their original storage.
- Rest rooms must be cleaned.

#### **8.22 Alcoholic Beverages**

Alcoholic beverages will not be permitted anywhere on township property.

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

#### **8.23 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.

#### **8.24 Personal Mail**

Personal mail and parcels may be sent from the township office by township personnel. The sender must not permit the township to incur any costs for parcel or mail services.

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.

#### **8.25 Office Supplies**

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

#### **8.26 Vehicles**

Employees may be directed by a department head to take a township vehicle to their residence due to the nature of their work, such as responding to emergency calls. Department heads may also authorize a township vehicle to be driven to and from work because of the lack of a secure place to store the vehicle during hours the office is closed. The use of a township vehicle is not an employee fringe benefit, and personal use is prohibited. Employees may use the vehicle for personal errands, such as making a stop on the way to and from work, so long as no additional mileage or other cost is incurred to the township.

#### **8.27 Bulletin Boards**

The township board shall establish policies and procedures governing the use of a township bulletin board for public notices, township business, citizen requests and other notices as approved by the supervisor. Employees who wish to post notices on township bulletin boards must have the prior approval of the supervisor.

#### **8.28 Township Facility Phone Use**

Employees are not permitted to make personal long distance phone calls.

### **Cell Phone Use**

#### **8.28 Cell Phone Use**

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

#### **8.30 Type of Cell Phone**

The make and model of cell phones furnished for official or employee use shall be as determined by the township board. An official or employee who wishes to upgrade the phone shall do so only with the approval of the supervisor and at their own expense.

#### **8.31 Ownership of Phone**

Cell phones leased, purchased or operated under a township account, and any accessories, manuals or equipment, shall be the property of the township. Prior to an official or employee's

last day of office or employment, the phone and all accessories, manuals or equipment must be returned to the township supervisor.

### **8.32 Damaged or Lost Phone**

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

### **8.33 Personal Use**

The phone is provided to the official or employee because of a business need and as such it is reserved primarily for official township business. Personal use of the phone is permitted, however, officials or employees should show discretion in their personal use, and this privilege should not be abused.

## **Computer and E-mail Use**

### **8.34 Computer Use**

The township's computer systems (including all hardware and software) are the exclusive property of the township and are provided for creating and transmitting business-related information. The township treats all computer files, including e-mail sent or received, as business information belonging to the township. In that regard, the township has the capability and reserves the right, with or without notice, to access, monitor, review, copy or delete any computer files, including e-mail sent or received, and all website communications and/or transactions. All computer users have the responsibility to use these resources in a professional, ethical and lawful manner.

### **8.35 E-mail Use**

Some employees may have access to the township's e-mail system for township-related purposes. When transmitting messages via e-mail, employees should consider that e-mail messages can be read by persons other than the addressee and that the message may be later disclosed to outside parties or a court in connection with litigation. The public may have a right to request a copy of e-mail sent or received via the township e-mail system. Because of these concerns, employees shall maintain the highest standards of courtesy and professionalism when transmitting e-mail.

### **8.36 Internet**

Some employees may have access to the township's Internet connection for township-related purposes. Any incidental use of the Internet for personal use must be conducted with the highest levels of professionalism.

The public may have a right to request a record of the sites an employee has visited. The township has the capability to review website access. Employees should not have any expectation of privacy regarding the websites accessed through the computer system. Computer systems may "leave tracks" at websites visited.

### **8.37 Online Forums**

The township recognizes that participation in some forums might be important to the performance of an employee's job. For instance, an employee might find the answer to a technical problem by consulting members of a news group devoted to the technical area. However, any messages or information sent on township-provided facilities to one or more individuals via an electronic network—for example, Internet mailing lists, bulletin boards and online services—are statements identifiable and attributable to the township. The public may have a right to request a record of messages or information sent on township-provided facilities.

### **8.38 Personal Use**

Limited, occasional or incidental use of township computer systems for sending or receiving e-mail for personal, non-business purposes is understandable and acceptable, but such personal use shall be kept to a minimum and shall not interfere with work responsibilities or work time.

Employees should not expect personal files or e-mail to be protected from review by other employees. As a result, employees should not use the township computer system to create or transmit any information they wish to keep private.

### **8.39 Township Access to Employee Communications**

Generally, electronic information created and/or communicated by an employee using e-mail, word processing, utility programs, spreadsheets, voicemail, telephones, Internet and bulletin board system access, and similar electronic media is not reviewed by the township. However, the following conditions should be noted:

Electronic communications generated by township resources are potentially subject to Freedom of Information Act requests.

The township reserves the right to gather logs for most electronic activities or monitor employee communications directly, e.g., telephone numbers dialed, websites accessed, call length, and time at which calls are made, for the following purposes:

1. Cost analysis
2. Resource allocation
3. Optimum technical management of information resources
4. 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.

### **8.40 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 supervisor. All outside software or documents must be scanned for malicious code or malware before being installed or run on township equipment.

### **8.41 Passwords and Encryption**

All passwords must be provided to the supervisor who will maintain a file of all access parameters. Security passwords do not imply confidentiality.

Employees may use encryption software supplied to them by the supervisor for purposes of safeguarding sensitive or confidential business information. Employees who use encryption on files stored on a township computer must provide the supervisor with a sealed hard copy record to be retained off-premises in a secure location of all of the passwords and/or encryption keys necessary to access the files.

#### **8.42 Procedure for Reporting Abuse of Computer Privileges or Violation of This Policy**

A township official, employee or volunteer who is harassed or discriminated against through the use of the township computer system must immediately report this to the supervisor.

#### **8.43 Violations**

Any township official, employee or volunteer who abuses the privilege of their access to e-mail or the Internet in violation of this policy will be subject to corrective action, including possible termination of employment, legal action and criminal liability.

### **Prohibited Uses of Township Property**

#### **8.44 Prohibited Uses of Township Property**

An official or employee shall not use township facilities, property or equipment including, but not limited to, township mail, township websites, bulletin boards, offices, cellular or other phones, computers, e-mail, wired or wireless networks or the Internet, for the following prohibited uses:

- Visiting pornographic sites, or acquiring, possessing or transmitting pornographic, obscene or sexually harassing material
- Knowingly creating, transmitting, retrieving, circulating, publishing or storing any communication that is:
  - o Discriminatory, harassing or offensive. Offensive messages include any messages that contain sexual implications, racial slurs, gender-specific derogatory or demeaning comments, or other comments that offensively address race, age, sexual orientation, religious or political beliefs, national origin, height, weight, marital status or disability. Any unprofessional or harassing comments, regardless of whether they are covered by legally protected classifications, are prohibited.
  - o Derogatory to any individual or group
  - o Obscene, sexually explicit or pornographic
  - o Defamatory or threatening
  - o In violation of any license governing the use of software
  - o Engaged in for any purpose that is illegal or contrary to the township's policy or public interests
- Violating copyright
- Unlawfully soliciting or promoting commercial ventures, religious or political causes, or outside organizations
- Transmitting information to individuals who are not authorized to receive it

- Engaging in dialogue about confidential, proprietary or non-public information involving the township or any employee, citizen or vendor
- Except in cases in which the township board has granted explicit authorization, employees are prohibited from engaging in, or attempting to engage in:
  - o Monitoring or intercepting the files or electronic communications of other employees or third parties
  - o Hacking or obtaining access to systems or accounts they are not authorized to use
  - o Using other people's log-ins or passwords
  - o Breaching, testing or monitoring computer or network security measures absent a specific board mandate to do so
- Sending e-mail or other electronic communications that attempt to hide the identity of the sender or represent the sender as someone else
- Using electronic media and services in a manner that is likely to cause network congestion or significantly hamper the ability of other people to access and use the system.

# **Concord Township Harassment Prevention Policy & Complaint Procedure**

## **9.1 Objective**

Concord Township strives to create and maintain a work environment in which people are treated with dignity, decency and respect. The environment of the township should be characterized by mutual trust and the absence of intimidation, oppression and exploitation. Concord Township will not tolerate unlawful discrimination or harassment of any kind. Through enforcement of this policy and by education of employees, Concord Township will seek to prevent, correct and discipline behavior that violates this policy.

All employees, regardless of their positions, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any employee who violates this policy. Based on the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension, or termination of employment; or, in the case of an elected official, official board sanction or possible criminal prosecution.

Managers and supervisors who knowingly allow or tolerate discrimination, harassment or retaliation, including the failure to immediately report such misconduct, are in violation of this policy and subject to discipline.

## **9.2 Prohibited Conduct Under This Policy**

Concord Township, in compliance with all applicable federal, state and local anti-discrimination and harassment laws and regulations, enforces this policy in accordance with the following definitions and guidelines:

### **9.3 Discrimination**

It is a violation of Concord Township's policy to discriminate in the provision of employment opportunities, benefits or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, national origin, age, religion, military service or veteran status, disability status, gender, sexual orientation, gender identity, genetic information or marital status.

Discrimination of this kind may also be strictly prohibited by a variety of federal, state and local laws, including Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1967 and the Americans with Disabilities Act of 1990. This policy is intended to comply with the prohibitions stated in these anti-discrimination laws.

Discrimination in violation of this policy will be subject to disciplinary measures up to and including criminal prosecution.

### **9.4 Harassment**

Concord Township prohibits harassment of any kind, including sexual harassment, and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy. For

purposes of this policy, harassment is any verbal or physical conduct designed to threaten, intimidate or coerce an employee, co-worker, or any person working for or on behalf of Concord Township.

The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal harassment includes comments that are offensive or unwelcome regarding a person's national origin, race, color, religion, gender, sexual orientation, age, body, disability or appearance, including epithets, slurs and negative stereotyping.
- Nonverbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, sexual identity, marital status or other protected status.

## **9.5 Sexual Harassment**

Sexual harassment is a form of unlawful employment discrimination under Title VII of the Civil Rights Act of 1964 and is prohibited under Concord Township's anti-harassment policy. According to the Equal Employment Opportunity Commission (EEOC), sexual harassment is defined as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature ... when ... submission to or rejection of such conduct is used as the basis for employment decisions ... or such conduct has the purpose or effect of ... creating an intimidating, hostile or offensive working environment."

Sexual harassment occurs when unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature:

- Is made explicitly or implicitly a term or condition of employment.
- Is used as a basis for an employment decision.
- Unreasonably interferes with an employee's work performance or creates an intimidating, hostile or otherwise offensive environment.

Sexual harassment may take different forms. The following examples of sexual harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal sexual harassment includes innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats; requests for any type of sexual favor (this includes repeated, unwelcome requests for dates); and verbal abuse or "kidding" that is oriented toward a prohibitive form of harassment, including that which is sexual in nature and unwelcome.
- Nonverbal sexual harassment includes the distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters, notes, facsimiles, e-mails, photos, text messages, tweets and Internet postings; or other forms of communication that are sexual in nature and offensive.



- Physical sexual harassment includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, and forced sexual intercourse or assault.

Courteous, mutually respectful, pleasant, noncoercive interactions between employees that are appropriate in the workplace and acceptable to and welcomed by both parties are not considered to be harassment, including sexual harassment.

#### *Consensual Romantic or Sexual Relationships*

Concord Township strongly discourages romantic or sexual relationships between a manager or other supervisory employee and his or her staff (an employee who reports directly or indirectly to that person) because such relationships tend to create compromising conflicts of interest or the appearance of such conflicts. In addition, such a relationship may give rise to the perception by others that there is favoritism or bias in employment decisions affecting the staff employee. Moreover, given the uneven balance of power within such relationships, consent by the staff member is suspect and may be viewed by others, or at a later date by the staff member, as having been given as the result of coercion or intimidation. The atmosphere created by such appearances of bias, favoritism, intimidation, coercion or exploitation undermines the spirit of trust and mutual respect that is essential to a healthy work environment. If there is such a relationship, the parties need to be aware that one or both may be moved to a different department or other actions may be taken.

If any employee of Concord Township enters into a consensual relationship that is romantic or sexual in nature with a member of his or her staff (an employee who reports directly or indirectly to him or her), or if one of the parties is in a supervisory capacity in the same department in which the other party works, the parties must notify an appropriate Township officer. Because of potential issues regarding quid pro quo harassment, Concord Township has made reporting mandatory. This requirement does not apply to employees who do not work in the same department or to parties where neither one supervises or otherwise manages responsibilities over the other.

Once the relationship is made known to Concord Township, the township will review the situation in light of all the facts (reporting relationship between the parties, effect on co-workers, job titles of the parties, etc.) and will determine whether one or both parties need to be moved to another job or department. If it is determined that one party must be moved, and there are jobs in other departments available for both, the parties may decide who will be the one to apply for a new position. If the parties cannot amicably come to a decision, or the party is not chosen for the position to which he or she applied, the Supervisor will decide which party will be moved. That decision will be based on which move will be least disruptive to the organization as a whole. If no other jobs are available for either party, the parties will be given the option of terminating their relationship or resigning.

## **9.6 Retaliation**

No hardship, loss, benefit or penalty may be imposed on an employee in response to:

- Filing or responding to a bona fide complaint of discrimination or harassment.
- Appearing as a witness in the investigation of a complaint.
- Serving as an investigator of a complaint.

Lodging a bona fide complaint will in no way be used against the employee or have an adverse impact on the individual's employment status. However, filing groundless or malicious complaints is an abuse of this policy and will be treated as a violation.

Any person who is found to have violated this aspect of the policy will be subject to discipline up to and including termination of employment.

## **9.7 Confidentiality**

All complaints and investigations are treated confidentially to the extent possible, and information is disclosed strictly on a need-to-know basis. The identity of the complainant is usually revealed to the parties involved during the investigation, and the Supervisor will take adequate steps to ensure that the complainant is protected from retaliation during and after the investigation. All information pertaining to a complaint or investigation under this policy will be maintained in secure files.

## **9.8 Complaint procedure**

Concord Township has established the following procedure for lodging a complaint of harassment, discrimination or retaliation. The township will treat all aspects of the procedure confidentially to the extent reasonably possible.

1. Complaints should be submitted as soon as possible after an incident has occurred, preferably in writing.
2. Upon receiving a complaint or being advised by a supervisor or manager that violation of this policy may be occurring, the person receiving the complaint will notify senior administration and review the complaint with the township's legal counsel.
3. The appropriate officer will initiate an investigation to determine whether there is a reasonable basis for believing that the alleged violation of this policy occurred.
4. If necessary, the complainant and the respondent will be separated during the course of the investigation, by whatever means are necessary.
5. During the investigation, administration, together with legal counsel or other management employees, will interview the complainant, the respondent and any witnesses to determine whether the alleged conduct occurred.
6. Upon conclusion of an investigation, investigator will submit a written report of his or her findings to the township. If it is determined that a violation of this policy has occurred, the investigator will recommend appropriate disciplinary action. The appropriate action will depend on the following factors:
  - a) the severity, frequency and pervasiveness of the conduct;
  - b) prior complaints made by the complainant;
  - c) prior complaints made against the respondent; and
  - d) the quality of the evidence (e.g., firsthand knowledge, credible corroboration).

If the investigation is inconclusive or if it is determined that there has been no violation of policy but potentially problematic conduct may have occurred, appropriate preventive action may be recommended.

7. Senior administration will review the investigative report and any statements submitted by the complainant or respondent, discuss results of the investigation with other management staff as appropriate, and decide what action, if any, will be taken.
8. Once a final decision is made by administration, the appropriate administrator will meet with the complainant and the respondent separately and notify them of the findings of the investigation. If disciplinary action is to be taken, the respondent will be informed of the nature of the discipline and how it will be executed.

## **9.9 Alternative legal remedies**

Nothing in this policy is intended to prevent the complainant or the respondent from pursuing formal legal remedies or resolution through local, state or federal agencies or the courts.