

TO THE HONORABLE BOARD OF COMMISSIONERS OF BERRIEN COUNTY: Your County Finance Committee respectfully recommends the adoption of the following:

RESOLUTION

WHEREAS, a group of individuals submitted petitions demanding a recall election of two Lakeshore School Board Trustees; and

WHEREAS, the Berrien County Clerk's Office proceeded with the verification of the petition signatures and found that there were not enough valid signatures on the petition; and

WHEREAS, to challenge that finding, a lawsuit (Case No. 2022-0179-AW) was filed against Berrien County Clerk Sharon Tyler in an attempt to force the recall election in November 2022; and

WHEREAS, Berrien County Trial Court Judge Dennis Wiley declined to order the Clerk to put the recall election on the ballot, determining that the County Clerk's decision was legally valid; and

WHEREAS, that group of individuals has now appealed Judge Wiley's decision to the Michigan Court of Appeals; and

WHEREAS, Berrien County Corporate Counsel represented the County in Circuit Court, however, the work load and the nature of the appeal require outside counsel to assist Corporate Counsel with the matter going forward; and

WHEREAS, a proposal was provided in the form of a letter of engagement with Dickinson Wright PLLC to represent the Berrien County Clerk in connection with the appeal to the Michigan Court of Appeals regarding McCoy, et al v. Sharon Tyler, Berrien County Clerk.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Berrien County Board of Commissioners authorizes the Chairman or his designee to execute the letter of engagement with Dickinson Wright PLLC for legal services related the appeal in McCoy, et al v. Sharon Tyler, Berrien County Clerk.

**Respectfully submitted,
BERRIEN COUNTY FINANCE COMMITTEE**

Mamie L. Yarbrough, Chair

Jon Hinkelman, Vice Chair

Teri Sue Freehling

Rayonte D. Bell

RESOLUTION APPROVED AS TO FORM	
Administrator <u>DI</u>	Date <u>3-6-23</u>
Comments Attached _____	
Corporate Counsel <u>TH</u>	Date <u>3/6/23</u>
Comments Attached _____	