



June 8 _____, 2015

Ms. Amber Davis-Johnson
Bay County Corporation Counsel
515 Center Avenue, Suite 402
Bay City, MI 48708

Re: Retention of Outside Legal Counsel

Dear Ms. Davis-Johnson:

In accordance with the Civil Counsel Guidelines adopted by the Bay County Board of Commissioners (Resolution #2014-113, June 17, 2014), I am requesting permission to retain outside legal counsel to represent me for the following reasons: (1) to ensure that the Bay County Clerk's office is afforded sufficient full-time staff to carry out its constitutional and statutorily mandated duties; (2) to ensure that current and future employees of the Clerk's office are lawfully compensated for hours worked on behalf of the taxpayers of Bay County; and (3) to investigate discriminatory behavior perpetrated against my official position and the Bay County Clerk's office by the Bay County Board of Commissioners.

As you are aware, in 2004 I was elected to serve the taxpayers of Bay County as their Clerk. In addition to maintaining all vital records of county residents, my office is mandated to serve as the clerk for the 18th Judicial Circuit Court, responsible for maintaining all court files. As Clerk, I also serve as the county's chief election officer maintaining all election related information, including the qualified voter file, election equipment and election records. Additionally, my office secures military discharge records and verifies public notary applications. Finally as Clerk, I am a statutory member of the county's plat board, gun board, board of canvassers, apportionment committee, election commission, and I serve as the clerk for the Bay County Board of Commissioners.

For over 10 years, with minimal staff and working very long hours (well in excess of 8 hours per day/40 hours per week without overtime pay), I and my staff have done our utmost to fulfill the foregoing constitutional and statutory duties. I have made repeated written requests and inquiries to the County Board of Commissioners for an increase in my budget and the ability to hire additional full-time personnel in order to adequately uphold these duties and functions. My repeated requests have been denied even though other County departments, which often provide non-mandated services, have seen their budgets and staff increased. Indeed, staffing levels in my office are far lower than those in the clerks offices in other Michigan counties of

similar size and economics (Allegan, Eaton). The situation in Bay County is simply unacceptable.

I am requesting the assistance of Clark Hill PLC in order to assist me in defining the legal issues involved, negotiating a resolution of these legal issues, or if necessary, bringing suit to declare the rights of my office and to protect the constitutional and statutory duties and functions of my office. As this presents potential litigation between separate County Entities, as defined in the Civil Counsel Guidelines, there is an inherent conflict of interest in your Department representing the County and my office which mandates the retention of outside counsel.

I currently have no funding within my budget or account to pay for Clark Hill's legal services. However, please know that I intend to seek a budget request to fully provide such funding.

Please also know that, despite the County's Civil Counsel Guidelines, it is my belief that I have the absolute right to retain Clark Hill to assist me in protecting the constitutional and statutory duties and functions of my office and that the cost of such representation should be a County expense. Accordingly, I will make every effort to preserve this right if necessary.

I appreciate your prompt attention to this matter so that I may further determine my next course of action. Please contact me with questions or to discuss this matter in greater detail.

Sincerely,



Cynthia A. Luzak
Bay County Clerk

cc: Tim Quinn