

RESOLUTION

BY COUNCIL MEMBER _____:

WHEREAS, pursuant to Section 4-101 of the Detroit City Charter, this Honorable Body is the legislative branch of government for the City of Detroit, comprised of individually elected officials;

WHEREAS, Section 7.5-201 of the Detroit City Charter provides Corporation Counsel is the attorney for the City of Detroit body corporate, and as such, may represent branches of government and elected officials as required or allowed by law, Charter, ordinance, city policy or contract;

WHEREAS, Section 7.5-203 of the Detroit City Charter provides that Corporation Counsel, upon request, may provide legal representation to a city official in any civil action or proceeding involving official duties;

WHEREAS, Michigan Court Rule 2.105(A) requires that for civil actions filed in Michigan Courts, an individual may be served with process by delivering a summons and a copy of the complaint to the defendant personally, or by sending a summons and a copy of the complaint by registered or certified mail, return receipt requested, and delivery restricted to the addressee;

WHEREAS, Michigan Court Rule 2.105(H) provides “Service of process on a defendant may be made by serving a summons and a copy of the complaint on an agent authorized by written appointment or by law to receive such service of process;”

WHEREAS, Michigan Court Rule 2.506 requires service of a subpoena and order to attend may be served anywhere in Michigan by a manner provided in Michigan Court Rule 2.105, which allows for delivery to an agent authorized by law or designated by written appointment;

WHEREAS, Federal Rule of Civil Procedure 4(e)(2)(C) allows service on an individual in a judicial district of the United States to be completed by delivery of a copy of the summons and complaint on an agent authorized by law or designated by written appointment to receive service of process;

WHEREAS, Federal Rule of Civil Procedure 45 provides for the service of subpoenas, which is a method of “discovery,” while Federal Rule of Civil Procedure 5(b)(2)(F) provides that service of a “discovery” paper may be completed through delivery by any means that a person consented to in writing;

WHEREAS, this Honorable Body has expressed a desire to designate and appoint Corporation Counsel as an authorized agent for purposes of accepting: (1) the service of a summons and complaint in any civil proceeding where an individual member of City Council is

sued by reason of, or as the result of, the good faith performance of such member's official duties, and (2) the service of subpoenas or other discovery materials insofar as they relate to the performance of a council member's official duties; and **NOW THEREFORE BE IT**

RESOLVED, that this Honorable Body hereby designates Corporation Counsel as an agent authorized to accept both (1) the service of a summons and complaint in any civil proceeding where an individual member of City Council is sued by reason of, or as the result of, the good faith performance of such member's official duties, and (2) the service of subpoenas or other discovery materials insofar as they relate to the performance of a council member's official duties; and **NOW THEREFORE BE IT FINALLY**

RESOLVED, that, unless rescinded by adoption of a subsequent resolution, this designation shall expire at the conclusion of the current term for which this Honorable Body was elected, which is December 31, 2026³.