Privilege Waived Per Leelanau County Board of Commissioners,
Regular Session, Tuesday, November 17, 2026:
AYES – 4 (Walter, Yoder, Bunek, Campbell)
NO – 3 (Allgaier, Robbins, Wessell) Motion Carried.

Attorney/client Privileged Work Product from the County's civil counsel 7/9/26:

Re: Leelanau County Board Investigation Summary – Decision Regarding Next Steps

The investigation supports the Finance Director's complaint in substantial part and identifies sustained concerns material to the Board's decision regarding the County Administrator's continued employment. The central issue is the overall pattern: weak financial and administrative controls, unclear or exceeded delegated authority, inadequate transition planning, recurring payroll and benefit errors, delinquent invoices, risky payment practices, and strained relationships between Administration, Finance, and other County offices.

Some issues were corrected, did not result in actual payment or card misuse, involved policy ambiguities, or reflected internal-control weaknesses that predated the current dispute. Those mitigating facts should be acknowledged. Even so, the sustained findings reflect recurring concerns in judgment, communication, documentation, internal controls, and adherence to Board authority.

Under the Administrator's employment agreement, the Board retains the authority to separate with or without cause. The agreement also distinguishes termination without cause from termination for "just cause," which may include a material breach of the agreement or breach of fiduciary duty. The investigation does not make that ultimate contractual determination for the Board. Instead, it provides a factual basis for the Board to decide whether the sustained findings, viewed together and in light of any mitigating facts, constitute just cause or whether separation should proceed without cause.

From a risk-management standpoint, returning the Administrator to the role presents substantial legal, operational, governance, and employee-relations risks. Reinstatement could undermine corrective efforts, discourage reporting, and weaken the County's ability to show that it responded appropriately to substantiated concerns. If similar issues continue, the County could face increased exposure to employment, audit, and internal-control claims.

For those reasons, the Board has a reasonable basis to determine that separation is appropriate. The remaining decision is whether to proceed without cause, which may reduce dispute over the contractual standard but likely requires severance, or for just cause, which requires clear findings identifying the breached duties, supporting facts, materiality, and treatment of mitigating facts. Either path should be supported by a clear Board motion, documented findings, and legal review before final action.

Potential motions for consideration:

1. I move that the Leelanau County Board of Commissioners authorize the Board Chair, Vice-Chair, and County Attorney to meet with James Dyer to present and discuss a proposed separation agreement consistent with the terms reviewed by the Board in closed session. Any offer or proposed agreement presented to Mr. Dyer shall be contingent upon Mr. Dyer's acceptance, execution of all required release documents, expiration of any applicable revocation period, and final approval by the Board of Commissioners at a subsequent public meeting. Nothing in this motion authorizes final execution of the agreement or payment of severance unless and until the Board grants final approval at a future meeting.
2. I move that the Leelanau County Board of Commissioners authorize the Board Chair, Vice-Chair, and County Attorney to meet with James Dyer and present a proposed separation agreement consistent with the terms discussed in closed session, subject to Mr. Dyer's acceptance and final approval by the Board at a future meeting.
3. I move that the Leelanau County Board of Commissioners authorize the Board Chair, Vice-Chair, and County Attorney to meet with James Dyer and present proposed terms consistent with the discussion in closed session, subject to Mr. Dyer's acceptance and final approval by the Board at a future meeting.
4. [APPROVAL NOW] I move that the Leelanau County Board of Commissioners approve the severance agreement with James Dyer, contingent upon Mr. Dyer's acceptance of the final terms, and authorize the Board Chair to execute the agreement and related documents following approval as to form by County legal counsel.

Investigations:

I move that the Leelanau County Board of Commissioners accept the findings and recommendations of the investigation reports reviewed by the Board and authorize the County, through its appropriate officials and legal counsel, to provide necessary notices regarding the outcome and to take related actions consistent with the Board's direction.