

Weekly News Report

Oakland Township Sentinel, LLC

Information about the government of Oakland Township, Michigan

Editors: Robert A. Yager – yagera@comcast.net, Barbara A. Yager – bayager@comcast.net

<http://oaklandtownshipsentinel.wordpress.com/>

“Informed citizens are the foundation of effective self-government”

Meetings & Events

The public is invited to attend and to comment. As alternatives to attendance: view meetings live on Ch 17, watch those meetings which are videotaped, or read meeting minutes on the Township website. Please note that the Board of Trustees and Parks and Recreation Commission are our two elected bodies with decision-making powers.

Link to Oakland Township Calendar: <http://www.oaklandtownship.org/calendar.php>

Next Week

- Tuesday, March 25, Board of Trustees (BOT), Township Hall, 7 P.M. (Approve Budget)
- Wednesday, March 27, FOIA and OMA Town Hall, Concorde Inn, 7 P.M. (Sponsored by State Representative Tom McMillan)

Next 4 Weeks

- Tuesday, April 1, Planning Commission (PC), Township Hall, 7 P.M.
 - Wednesday, April 2, Safety Paths and Trails Committee (SPTC), PCCM, 7 P.M.
 - Tuesday, April 8, Dog Park Task Force Open House, 5 PM
 - Wednesday, April 9, Parks & Recreation Commission (PRC), Township Hall, 7 P.M.
 - Tuesday, April 15, Zoning Board of Appeals (ZBA), Township Hall, 7 P.M.
 - Wednesday April 16, Historic District Commission (HDC), Township Hall, 7 P.M.
-

In this issue

Topic	Page
Corrections & Clarifications	2
Board of Trustees (BOT)	3
Letters to the Editor	9
How to Subscribe	11
Acronyms Guide	11

Corrections & Clarifications

The following item was discussed in last week's Weekly News Report on Page 11. The phrase in parentheses should be struck. Supervisor Gonser did not say that Judy Keyes has made legal challenges,

Supervisor Gonser suggested that FOIA requests and other legal challenges (Keyes has made some) in the "frivolous pursuit of minutia" is the principle cause of high legal bills.

.

Board of Trustees (BOT)

Link to Township website page: [BOT – Township p](#)

Link to Oakland Township Sentinel webpage: [BOT – Sentinel/](#)

Next Meeting of the PRC: Tuesday, March 25, Township Hall, 7 P.M. (Approve Budget)

Board Receives Letter From Oakland County Prosecutor's Office Regarding Its Investigation of Possible Violations of the Open Meetings Act.

The letter on the next two pages was obtained from the Township Hall via the Freedom of Information Act (FOIA). All underlining of words and phrases was present in the original document as received by us.

*Office of the Prosecuting Attorney
County of Oakland*



JESSICA R. COOPER
Prosecutor

Paul T. Walton
Chief Assistant Prosecutor

February 27, 2014

Board of Trustees
Oakland Township
4393 Collins Road
Rochester, MI 48306

Re: The Open Meetings Act

Dear Board Members:

Several citizen allegations of Open Meetings Act (OMA) violations by this Board were recently investigated and presented to the Oakland County Prosecutor's Office for review. Most of the allegations were not violations of the OMA. However, two of the matters may have been violations and therefore I am bringing them to your attention.

The first involves the delegation of decisions to non-board members. The responsibilities for drafting and executing the contract for the Concessionaire's Agreement for the cider mill were delegated to the township manager and the township attorney. In the contract, the term length of the agreement was changed from what was contained in prior contracts. Some citizens wanted to be heard on that issue. After the contract was drafted, it was signed without any additional approval by the Board at an open meeting. This amounts to the delegation of decision-making by the Board which circumvents the intent of the OMA. The better procedure would have been to require that the proposed contract be submitted to the Board for final approval at an open meeting prior to its execution. This would allow the public to know the terms of contract beforehand and voice an opinion as to proposed changes from prior agreements.

The second matter involves the closed session held on September 24, 2013. Closed sessions are restricted to very limited purposes under the OMA (please see Section 8 of the OMA). The intended subjects for the closed session appear to be appropriate. However, it appears that because of unforeseen circumstances, the original attorney who was to address the Board at the closed session was unable to attend and a substitute attorney showed. The subject matter was then changed to areas of discussion that may not have been allowed under the OMA. When this occurred, and if the subject matter was questionable

for a closed session, the better course of action would have been to cancel the closed session and proceed in an open meeting.

Neither of the aforementioned OMA issues was found to be intentional. There will be no action taken by this office concerning these matters. However, you should know that of these OMA concerns so as to avoid future actions that may lead to additional complaints by citizens.

If you have any questions about the OMA issues that have been addressed, please feel free to contact the Prosecutor or Chief Assistant Prosecutor.

Respectfully,


John R. Slevin
Chief, Warrants Division

Cc: Daniel J. Kelly

The following was copied directly from this link: <http://gophouse.org/mcmillin-host-town-hall-freedom-information-act-open-meetings-act-march-27/>

McMillin to host town hall on Freedom of Information Act and Open Meetings Act on March 27

Categories: [McMillin News](#)

Lawmaker hosting legal experts Herschel Fink and Robin Luce Hermann

State Rep. Tom McMillin will host a town hall on March 27 at 7 p.m. on: “Seeing how government uses our money: The Freedom of Information Act and the Open Meetings Act.” The town hall will be at the ConCorde Inn in Rochester Hills.

Guests include Herschel Fink, legal counsel for the Detroit Free Press and Gannett Michigan Newspapers; and Robin Luce Herrmann, legal counsel for the Michigan Press Association.

“The Freedom of Information Act and the Open Meetings Act are two great tools citizens have for ensuring our local government is acting properly,” said McMillin, R-Rochester Hills. “Yet, both of these tools are useless if citizens don’t know how to use them.”

McMillin said Fink will share his experiences and speak on the importance of FOIA and the OMA, drawing from his 30 years of experience dealing with transparency in government including directing the Free Press’ FOIA lawsuit against former Detroit mayor Kwame Kilpatrick and the City of Detroit.

McMillin said that Hermann will speak on what citizens should watch for when requesting information from the government. She is an attorney in Butzel Long’s Bloomfield Hills office, and leads its media group, as well as its social media, privacy and technology specialty team. She frequently advises on and litigates a variety of media issues, including advertising and branding; libel; privacy; advertising clearance; endorsement issues; and content licensing. She also presents frequently on open government issues, including FOIA and OMA.

“It is my hope that this town hall is a service to residents, helping to educate them on their rights and freedoms,” McMillin said. “Elected officials and the press are also invited and I and I suspect will learn something at this event.” (Emphasis provided by Sentinel)

McMillin is chair of the House Oversight Committee, which recently passed House Bill 4001, a bill to reform FOIA laws here in Michigan. McMillin has also introduced HB 4314, which would create an Open Government Commission to hear FOIA complaints from citizens, and HB 5193 and 5194, which add clarity to the Open Meetings Act.

For more information, residents can contact McMillin by emailing TomMcMillin@house.mi.gov or by calling (517) 373-1773.

Note that Representative McMillin is inviting elected officials as well. Also note the bills that he is currently sponsoring which are mentioned in the last two paragraphs above. The Concorde Inn is on StarBatt off Crooks, near M-59.

Board of Trustees Tweaks 2014-15 Budget in Workshop March 18

The Board reviewed the proposed budget for the up-coming fiscal year, i.e., from April 1, 2014 to March 31, 2015. The budget must be passed by formal Board resolution by March 31st of this year. Barring any unforeseen objections, passage of the resolution is expected to occur at the scheduled BOT meeting on March 25th.

Significant changes or discussions from the March 18th meeting:

- Reduce budgeted pay increases from 5% to 3%
- Provided more detail in several line items by breaking them into multiple items as Parks has done at Board request
- Increased funds for building maintenance and repair
- Discussed the importance of being aware of fund balances into the future
- Expressed the intent to require projects to be managed via project management with Gantt charts in 2014-15 fiscal year.

Letters to the Editors

We are attempting to provide relevant facts and avoid expressing our opinions. Letters to the editors provide an opportunity for our readers to:

- add additional relevant facts
- correct our facts
- express their opinion on what the facts mean
- suggest a course of action

New facts presented should be verifiable by readers. Avoid opinions about any person's character or motives, and focus on observable, verifiable behaviors. What to do about the facts is best accomplished by a specific course of action. Who should do what, how and when?

Please restrict comments to those involving Oakland Township, immediately adjacent cities, villages and townships (Addison, Bruce/Romeo, Washington, Shelby, Avon /Rochester and Rochester Hills), Auburn Hills/Pontiac, Orion/Lake Orion, Oxford), Oakland County or Michigan State government affairs likely to impact Oakland Township residents.

To the Editors:

I wanted to comment on some of the statements made by the Parks Commission Treasurer Roger Schmidt. He has made allegations that the Land Preservation fund is being used as a "slush" fund by the Parks Commission. He states that there are "some other things that I do not want to mention that came out of the fund." He later said "There are some things I'm sure that if the residents knew it (the fund) was being used for they wouldn't approve of that."

As the Treasurer of the Parks Commission, it is his responsibility, along with the other members of the Parks Commission, to make sure the funds are used properly. By his admission that he believes the fund is not being used properly, and has never identified the "other things", I believe he has failed in following his sworn oath of office. He has challenged the spending \$250 for the taxidermy of an owl from the land preservation fund, but he challenged it AFTER he had already approved it! I personally think his comments and actions are potentially grounds for recall. If what he believes is true, his actions are a dereliction of his duties.

Why would an elected official make these accusations without providing the facts to support them? I understand he and others have filed a complaint against other Commission members that Open Meeting Act violations may have occurred. That issue will surely get sorted out in the legal system. However, his public comments attacking the Commission are outside the bounds of what Oakland Township citizens should find acceptable.

I hope more citizens get involved in what is taking place in our wonderful Township!

Richard J Michalski

How to Subscribe to *Weekly News Report*

This on-line newspaper is free. To have a pdf copy emailed to you send a request to us at yagerra@comcast.net. We do not require any information except your email address. We will not provide your email address to others.

You can also find *Weekly News Report* on our website home page where a link is posted each week - late Friday or early Saturday: <http://oaklandtownshipsentinel.wordpress.com/>

Back issues are also found on our website at this link:

<http://oaklandtownshipsentinel.wordpress.com/weekly-news-report/>

Acronyms Guide

BOT – Board of Trustees
FOIA - Freedom of Information Act
LLC – Limited Liability Corporation
MPEA – Michigan Planning Enabling Act
MZEA – Michigan Zoning Enabling Act
OMA – Open Meetings Act, Michigan Act 267 of 1976
OT – Charter Township of Oakland (Oakland Township for short)
OTFD – Oakland Township Fire Department
PC – Planning Commission
PRC – Parks and Recreation Commission
SPTC – Safety Paths and Trails Committee
ZBA – Zoning Board of Appeals

*******The End*******
