

Board of Trustees Washes Hands of further Responsibility for Approval of Details of Southwest Water Storage Tank (5/2 vote). Gives it to Manager and Consultants Instead. Likely Violates Open Meetings Act in the Process

The Board passed a Resolution that can be seen on pages 29-30 of the meeting packet here:

<https://ecode360.com/OA3183/document/753037276.pdf>

This resolution, or at least the legal basis to do it, had been discussed in a closed session in the 6 PM Special Meeting just before the 7 PM Regular Meeting

Here is the essential part of the resolution

***“WHEREAS, the Township Board of Trustees believes it is in the public’s best interest to waive the requirement of Article VI of the Zoning Ordinance, which requires site plan approval by the Township Board of Trustees and Planning Commission, so as to allow for the most efficient procedures for approval of the water storage facility; and***

***WHEREAS the Township Board of Trustees does hereby direct that the health, safety, and public’s interest be protected by the necessary reviews and safeguards imposed by the Township administration and/or Township consultants; and***

***WHEREAS, under Michigan law, improvements for a necessary service, such as the water storage facility proposed at the Crossing’s Wellhouse, are considered “Essential Services.”***

***NOW, THEREFORE, BE IT RESOLVED, by passage of this Resolution, the Charter Township of Oakland Board of Trustees does hereby designate any future improvements to the Township’s Southwest Water Storage Facility as an essential public structure and service, and thereby, waives the requirement under Article VI of the Zoning Ordinance requiring site plan approval by the Board of Trustees.”***

There was almost no comment in the open meeting. No one explained exactly how this is in our best interest. None of the two” NO” votes said anything beyond ‘NO.’

I find that lack of openness and transparency on the part of all seven Board members to be unacceptable. We are left with ZERO understanding of how this resolution helps anything or how it perhaps hurts in the case of NO votes. As far as I am concerned this is a violation of the open meetings act. The board cannot deliberate towards a decision in private. It is obvious that far more than an attorney’s written legal opinion was discussed in closed session and/or behind the scenes before the meeting, about what to do once the legal opinion was understood. This behavior must stop, or we must, as residents, start challenging the Board in court on Open Meeting Act non-compliance.

Questioning our attorney to understand a written legal opinion in closed session is allowed.

Deliberating about what action to take is forbidden in closed session.

MCL 15.263 Open Meetings Act

(3) All deliberations of a public body constituting a quorum of its members must take place at a meeting open to the public except as provided in this section and sections 7 and 8.

(7) This act does not apply to the following public bodies, but only when deliberating the merits of a case:

(a) The Michigan compensation appellate commission operating as described in either of the following:

(i) Section 274 of the worker's disability compensation act of 1969, 1969 PA 317, MCL 418.274.

(ii) Section 34 of the Michigan employment security act, 1936 (Ex Sess) PA 1, 421.34.

(b) The state tenure commission created in section 1 of article VII of 1937 (Ex Sess) PA 4, MCL 38.131, when acting as a board of review from the decision of a controlling board.

(c) The employment relations commission or an arbitrator or arbitration panel created or appointed under 1939 PA 176, MCL 423.1 to 423.30.

(d) The Michigan public service commission created under 1939 PA 3, MCL 460.1 to 460.11.

(8) This act does not apply to an association of insurers created under the insurance code of 1956, 1956 PA 218, MCL 500.100 to 500.8302, or other association or facility formed under that act as a nonprofit organization of insurer members.