

HDC Fundraising Prohibited

(Sentinel Issue #102)

Goals:

HDC and BOT develop -

1-A legal understanding of why “fundraising” is prohibited in Oakland Township revised Code 228-39 – G. What is the legal risk or liability?

2- Clarity of what constitutes “fundraising” vs. the code-allowed “offsetting the costs of holding such activities”.

Opinion: To me, a layperson, not an attorney, the phrase “*costs of holding such events and activities*” only includes **costs that would not be incurred if the event did not take place**. Mowing the lawn would not be such a cost, unless it was only mowed for the event and at no other time. Nor would generally up-grading the facility. Clean-up, supervision and any damage reimbursement would be legitimate costs. **But we need a legal opinion.**

Current Situation - There are 9 relevant points in the following pages, supported by documentation.

1 -Oakland Township Code 228-39 G prohibits “fundraising” by HDC. (page 3)

2 – The reason Code Section 229-29 G was added in 2012 – Our Township Attorney’s concern over a July 2012 proposed square dance / BBQ (pages 4-7)

3 -HDC Interpretation of Effect of Ordinance Revision in 2012 (page 7)

4 -Township Attorney Joppich defined “fundraising”, by saying what it is not in this sentence in September 19, 2012 letter below (9/26/2012 BOT packet, p.

18 ff) that also gave BOT his proposed ordinance changes. [566536390.pdf](#)
(pages 8-14)

5 – Current HDC members seem to favor “fundraising” (page 14)

6-City of Rochester Historical Commission is not a Historic District
Commission under state law (page 14)

7- Rochester Hills has a Historic District Commission conforming to state law.
(page 15)

- a. It does not run Van Hoosen Farm
- b. Seemingly, per their code 118-66 it has no power to host events,
only to advise the city.

8 – Rochester Hills Code Section 118-66 - Powers (Of Rochester Hills HDC)
(page 16-17)

9-Rochester Hills Parks and Natural Resources Department, not the Historic
District Commission runs Van Hoosen Farm (pages 18-21)

10- How I came to be writing this letter. Chronological

Suggested Steps Forward Towards Goals

1-Board of Trustees get a legal opinion and use that to guide their further
action, if any.

What is needed to take these steps?

1-Someone to place on a Board agenda Our Supervisor, Manager, or any two
trustees can do that.

1 -Oakland Township Code 228-39 – G prohibits “fundraising” by HDC.

Chapter 228: Historic Districts and Preservation - Charter Township of Oakland, MI

§ 228-39 Powers.

An Excerpt from Chapter 228 -39

[Amended 10-9-2012 by Ord. No. 37-A(2)-2012]

*“G. The Commission may, within the limits of its budget, organize, manage, advertise, and hold events and activities in the Township for the purpose of promoting and educating the public regarding the existence and preservation of historic resources located in the Township, provided that the Commission obtains advance permission from the person or entity having jurisdiction over or ownership of the property at which the event or activity is to take place and complies with all applicable laws, regulations, and Township ordinances, policies and cash handling and audit requirements in connection with such events and activities. **Such events and activities shall not involve fund-raising.** For purposes of this subsection, the term "fund-raising" does not mean, include, or preclude charges or fees to participants that are assessed and applied for purposes of offsetting the costs of holding such events and activities.”*

2 – The reason Code Section 229-29G was added in 2012 – Our Township Attorney’s concerns over a July 2012 proposed square dance / BBQ

-This section was added to give HDC the ability to host events, which they did not have per Attorney Joppich. A single event, brought this to Board’s attention – a proposed Square Dance and BBQ at Cranberry Lake Farm planned for July, 2012

CHARTER TOWNSHIP OF OAKLAND HISTORIC DISTRICT COMMISSION

June 20, 2012

Regular Meeting

"It is regrettable that the HDC was asked -- prematurely and without adequate legal advice - to take over the management of the historic site at CLF since early 2011. The meetings that led into the request for greater visibility of the HDC and the reduction of management costs for the P&R at CLF were brokered by Jim Creech and Joan Fogler who approached the HDC about these subjects. Jean Lyons, Bob Matouka or Josi Whitson and Ellen Witz or Elaine Leven attended at some times. Other meetings further involved the City Clerk, Parks & Rec. and HDC representatives at some other times. Had Steve Joppich been involved in attending some of these meetings, he might have been able to point out at that time what was appropriate and legal for the HDC to undertake under state laws and Ordinance 37A. I am glad that he has now weighed in on these matters.

Prompt action would be necessary on the part of OTBT to authorize the HDC to put on events at CLF in order for the July 13, 2012 Square Dancing and BBQ to take place. Since the next OTBT meeting is scheduled for July 10, it appears that we will have to cancel the Square Dance and BBQ scheduled for July 13, 2012 until further notice."

Jim Creech was on vacation and could not be reached for comment.

She continued reading from her email from June 19, 2012:

"With the hope that, in due time, the Board of Trustees will pass a formal resolution or motion that will allow the HDC to put events at the Cranberry Lake Farm historic site.

With that possibility in mind, Barb Barber will attend the cash handling training session to which she has been accepted on June 20."

Chairperson Whitson does not want liability hanging over the township. Steve Joppich stated the HDC only has powers that have been granted to them by the State or the OTBT. She read from the email date June 13, 2012 from Steve Joppich:

"I have not previously encountered, in my experience, an HDC undertaking this sort of activity because it is not typically part of the powers and duties assigned to HDCs. It should be understood that an HDC only has those duties and powers that the Township Board (and state law) grant to it. So, as the Township Attorney, I feel it is incumbent upon me to respectfully identify this issue and follow-up on it with you because, if the HDC is not authorized or empowered by the Township Board to undertake this type of activity, it could have potential legal implications to the Township.

As part of my follow-up on this, I checked Ordinance 37A, Articles IX and X, and did not see anything that could be read to authorize this type of undertaking by the OTHDC, except possibly Section 10.07.00, which states that: "The Township Board of Trustees may prescribe powers and duties of the Commission, in addition to those prescribed in this ordinance, that foster historic preservation activities, projects, and programs in the Township."

BOT 11/13/2012 PACKET SHOWS MINUTES OF 10/9/2012

[320142061.pdf](#)

ORDINANCE NO. 37-A: HISTORIC DISTRICT ORDINANCE

The Board held the second reading of the proposed amendments to Ordinance No. 37-A, the Historic District Ordinance. The proposed amendments would allow the Historic District Commission to (within the limits of their budget) "...organize, manage, advertise, and hold events and activities in the Township for the purpose of promoting and educating the public regarding the existence and preservation of historic resources located in the Township..."

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CHARTER TOWNSHIP OF OAKLAND BOARD OF TRUSTEES

DRAFT

October 9, 2012

MOVED BY BAILEY, SECONDED BY WORKINGS, to hold the second reading of and approve Ordinance No. 37-A, the Historic District Ordinance, as presented.

MOTION CARRIED UNANIMOUSLY

Josi Whitson, Chairperson of the Historic District Commission ("HDC"), and Barbara Barber, Administrative Assistant to the HDC, thanked the Board for their work in achieving the ordinance revisions.

The section added:

Chapter 228: Historic Districts and Preservation - Charter Township of Oakland, MI

§ 228-39 Powers.

An Excerpt from Chapter 228 -39

[Amended 10-9-2012 by Ord. No. 37-A(2)-2012]

“G. The Commission may, within the limits of its budget, organize, manage, advertise, and hold events and activities in the Township for the purpose of promoting and educating the public regarding the existence and preservation of historic resources located in the Township, provided that the Commission obtains advance permission from the person or entity having jurisdiction over or ownership of the property at which the event or activity is to take place and complies with all applicable laws, regulations, and Township ordinances, policies and cash handling and audit requirements in connection with such events and activities. **Such events and activities shall not involve fund-raising.** For purposes of this subsection, the term "fund-raising" does not mean, include, or preclude charges or fees to participants that are assessed and applied for purposes of offsetting the costs of holding such events and activities.”

3 -HDC Interpretation of Effect of Ordinance Revision on 2012

HDC 10/17/12 page 2 [Minutes](#)

ORDINANCE 37-A UPDATE Chairperson Whitson shared the updated amendment to Ordinance 37-A, sent by Steve Joppich, Oakland Township Attorney, which **allows the HDC to have programs in the Township, legally and officially.** Chairperson Whitson thanked the Commissioners for their support,

HDC 11/14/12 page 4 [Minutes](#)

ORDINANCE 37-A UPDATE Chairperson Whitson informed the HDC that the OTBT approved the Ordinance 37-A changes for HDC to have programs. Barb Barber stated the amended Ordinance has been uploaded to the Oakland Township website HDC page.

4 -Township Attorney Joppich defines “fundraising”, by saying what it is not in this sentence in September 19, 2012 letter below (9/26/2012 BOT packet, p. 18 ff) that also gave BOT his proposed ordinance changes. [566536390.pdf](#)

“For purposes of this subsection, the term “fundraising” does not mean, include, or preclude charges or fees to participants that are assessed and applied for purposes of offsetting the costs of holding such events and activities”.



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September 19, 2012

PRIVILEGED AND CONFIDENTIAL
ATTORNEY-CLIENT COMMUNICATION

Via Email Only

Township Board of Trustees
Charter Township of Oakland
4393 Collins Road
Rochester, MI 48306-4440

**RE: Amendments to Historic District Commission Ordinance and
Coordination of Cranberry Lake Farm**

Dear Board Members:

Please recall that at the Board's August meeting, a draft amendment to the Historic District Commission (HDC) Ordinance No. 37-A was presented for consideration. After receiving comments from HDC Chair Whitson at the meeting, it was decided that some clarity was desired in the Ordinance in connection with the prohibition against "fundraising."

Based upon comments received at that meeting, as well as discussions and information received thereafter, I have prepared the enclosed revised draft of the Ordinance which includes the following added sentence at the end of the newly inserted subsection 10.07.00:

"For purposes of this subsection, the term "fundraising" does not mean, include, or preclude charges or fees to participants that are assessed and applied for purposes of offsetting the costs of holding such events and activities".

After having discussed this added language with HDC Chair Whitson, Member Lyons, and Ms. Barber, I believe that this matter is now ready for further consideration by the Township Board.

Also, as I mentioned at the Board's meeting earlier this month, I met with HDC Chair Whitson, Member Lyons, and Ms. Barber last Friday afternoon to discuss potential ways of moving forward with attempting to work out agreed upon arrangements between the Parks and Recreation Commission (PRC) and the Township Board, through the HDC, relative to the 16-

Township Board of Trustees
Charter Township of Oakland
September 19, 2012
Page 2

acre Cranberry Lake Farm property. As the Board may recall, this was an issue that was discussed at the end of 2011 and beginning of 2012. Around that time, the PRC adopted a resolution that set the parameters for the HDC to undertake certain maintenance and operational responsibilities pertaining to the Cranberry Lake Farm House portion of the park property, but the issue was not finalized due, at least in part, to the unknowns at the time of whether the HDC millage was going to pass.

That millage did, of course, pass, and it appears that there is some desire to see if this matter cannot be officially finalized between those involved and necessary for such resolution.

At this point, we discussed my using the prior PRC resolution as a starting point for preparation of a joint resolution to be considered by the Board of Trustees, PRC, and HDC at some point in the future. What I prepare will be a very initial and rough working document. Once prepared, the idea would be to sit down with representatives of each body to go through the draft resolution and get their initial thoughts, comments, and input. This, hopefully, will enable me to have all the information I need to prepare a draft worthy of being presented to each of the bodies involved. The ultimate objective here will be to make an effort at preparing a jointly agreed upon resolution that can be adopted by the Township Board, PRC, and, if necessary, the HDC.

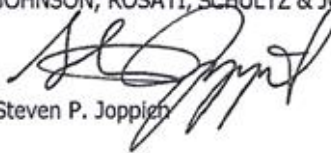
It is possible that amendments to the PRC ordinance and/or further amendments to the HDC Ordinance may be necessary as a result of these discussions, but those matters can be addressed at a future time if the need arises.

Accordingly, in addition to the Board considering adoption of the enclosed present amendments to the HDC Ordinance No. 37-A, I would also ask that the Board provide me with any input or preferred direction it may have with respect to the course of action I have laid out above for purposes of handling the Cranberry Lake Farm pending matters.

Thank you, and I look forward to discussing these matters further with you at your upcoming meet.

Sincerely,

JOHNSON, ROSATI, SCHULTZ & JOPPICH, P.C.



Steven P. Joppich

SPJ/sis

Enclosures

C: Jim Creech, Township Manager (w/Enclosures)

STATE OF MICHIGAN
COUNTY OF OAKLAND
CHARTER TOWNSHIP OF OAKLAND

ORDINANCE NO. 37-A(2)-2012

AMENDMENT TO HISTORIC DISTRICT ORDINANCE NUMBER 37-A

An ordinance to amend Ordinance No. 37-A, the "Historic District Ordinance," for the purpose of expanding and adding to the powers of the Historic District Commission under Article X of said Ordinance.

THE CHARTER TOWNSHIP OF OAKLAND ORDAINS:

Section 1 of Ordinance

Article X of Ordinance No. 37-A of the Charter Township of Oakland is hereby amended to read as follows:

10.00.00 ARTICLE X POWERS OF COMMISSION

- 10.01.00 The Commission may recommend to the Township Board of Trustees the adoption of incentive programs to encourage the preservation of historic resources, or to encourage the inclusion of such resources in Article IV.
- 10.02.00 The Commission may recommend to the Township Board of Trustees or other appropriate Township boards or commissions the granting of variances or other relief from building, use or other limitations established by ordinance or other regulations to encourage or ensure preservation of historic resources. It is the intent of this Ordinance to encourage other boards and commissions to favorably consider such variances and other relief.
- 10.03.00 The Commission may recommend to the Township Board of Trustees to accept any grant, loan or aid of any nature from any federal, state or private source for the purpose of historic preservation, including the survey of historic resources, and for the acquisition, restoration or maintenance of historic resources.
- 10.04.00 Upon a finding by the Commission that a historic resource within a historic district or a proposed historic district subject to its review and approval is threatened with demolition by neglect, the Commission may do either of the following:
 - 10.04.01 Require the owner of the resource to repair all conditions contributing to demolition by neglect.

- 10.04.02 If the owner does not make repairs within a reasonable time, the Commission may, upon fourteen (14) days' notice, seek an order to enter the property and make such repairs as are necessary to prevent demolition by neglect. The costs of the work shall be charged to the owner, and may be levied by the local unit as a special assessment against the property. The Commission or its agents may enter the property for purposes of this section upon obtaining an order from the circuit court.
- 10.05.00 When work has been done upon a resource without a Historic District Permit, and the Commission finds that the work does not qualify for a Certificate of Appropriateness, the Commission may recommend issuance of a Municipal Civil Infraction Citation and may require restoration or modification of the work as set forth in section 06.01.00 of this ordinance.
- 10.06.00 The Commission may, within the limitations of its budget, call in experts to assist in the carrying out of its duties.
- 10.07.00 The Commission may, within the limits of its budget, organize, manage, advertise, and hold events and activities in the Township for the purpose of promoting and educating the public regarding the existence and preservation of historic resources located in the Township, provided the Commission obtains advance permission from the person or entity having jurisdiction over or ownership of the property at which the event or activity is to take place and complies with all applicable laws, regulations, and Township ordinances, policies and cash handling and audit requirements in connection with such events and activities. Such events and activities shall not involve fundraising. For purposes of this subsection, the term "fundraising" does not mean, include, or preclude charges or fees to participants that are assessed and applied for purposes of offsetting the costs of holding such events and activities.
- 10.078.00 The Township Board of Trustees may prescribe powers and duties of the Commission, in addition to those prescribed in this ordinance, that foster historic preservation activities, projects, and programs in the Township.

Section 2 of Ordinance

All other parts and provisions of the Historic District Ordinance shall remain in effect, amended only as provided as provided above.

Section 3 of Ordinance

Should any section, subdivision, sentence, clause or phrase of this Ordinance, be declared by the courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part as invalidated.

5 – Current HDC members seem to favor “fundraising”

CHARTER TOWNSHIP OF OAKLAND HISTORIC DISTRICT COMMISSION *DRAFT Minutes March 18, 2026 Regular Meeting

Draft [Minutes](#)

9. LOCAL HISTORIC PRESERVATION

“Barber explained how CLF is within CLP on three sides and Ordinance 38-A has no alcohol allowed which CLF follows for any private rentals. Commissioner Buxar said that it may limit use for weddings that wish to serve champagne toast, or options to have certified bartender servers. She suggested this restriction hurts rental revenue and prefers the Garling site to allow alcohol for occasional rentals. Buxar would like to see options, if even only beer and wine, as this would increase rental usage. Commissioner Bary stated the insurance liability costs would increase with more rental revenue for the site. The HDC would like to research options as its worth investigating. Buxar said the additional revenue could help offset expenses like the mowing costs.”

The video of this section is from minute 39:40 to 45:52. It seems to me that the comments clearly are supporting “fundraising”, fees beyond cost of the event. Video [Historic District Commission - March 18, 2026](#)

6-City of Rochester Historical Commission is not a Historic District Commission under state law

[Historical Commission | City of Rochester, MI - Official Website](#)

[Frequently Asked Questions - CivicPlus.CMS.FAQ](#)

7 - Rochester Hills has a Historic District Commission conforming to state law.

8 It does not run Van Hoosen Farm, per the Chat Bot on their website

9 Seemingly it has no power to host events, only to advise the city.

10[Historic Districts Commission](#)

[Chapter 118. - HISTORICAL PRESERVATION | Code of Ordinances | Rochester Hills, MI | Municode Library](#)

Established by Chapter 118, Historic Preservation, of the Code of Ordinances of the City of Rochester Hills pursuant to State of Michigan Public Act 169 of 1970, the Historic Districts Commission (HDC) investigates requests for establishing or changing Historic Districts, approves or disapproves plans for work on resources within Historic Districts and maintains a list of potential districts.

8 - Rochester Hills Code Section 118-66 Powers (Of Rochester Hills HDC)

[- LAND DEVELOPMENT REGULA...](#) / [Chapter 118. - HISTORICAL PRESERVATION](#)

SHOW CHANGES   MORE 

Sec. 118-66. - Powers.



Except as otherwise provided, the historic districts commission shall have the duty of administering and implementing the provisions of this article. This responsibility shall include the historic districts commission having the authority to:

- (1) *Inspection.* Request through the mayor periodic inspections of all designated historic districts by appropriate city officers for violations of this article.
- (2) *Request enforcement.* Request through the mayor enforcement of this article by the appropriate city officers.
- (3) *Call in experts.* Call in experts to aid it in its deliberations, within the limits of its budget, or upon the approval of the city council.
- (4) *Seek injunctive relief.* When there is imminent danger of the loss or irreparable alteration of a historic resource protected by this article, request the city to seek such injunctive relief as it deems necessary to preserve the historic resource.
- (5) *Issue certificates, denials or notices.* Issue certificates, denials or notices as follows:
 - a. *Certificates of appropriateness.* Issue certificates of appropriateness permitting work that is determined to meet the criteria set forth in division 5 of this article;
 - b. *Denial.* Issue a written denial for work that is not appropriate and will not be permitted;
 - c. *Notice to proceed.* Issue a notice to proceed when work is not appropriate but will be permitted due to financial hardship or community needs;
 - d. *Determine no effect.* Determine the work does not affect the exterior features of the resource.
- (6) *Advice and guidance to property owners.* Render advice and guidance to property owners with respect to any proposed work on a historic resource located within a historic district.

preservation and encourage and advise property owners in the protection, enhancement, perpetuation, and use of historic resources.

- (8) *Advice regarding city-owned historic resources.* Advise the city regarding the use of all city-owned historic resources for the purpose of enhancing the goals of historic restoration, education, and preservation.
- (9) *Zoning variances.* Where the commission determines the granting of a requested zoning variance would, due to peculiar design or construction, aid or assist with the preservation or enhancement of the historic appearance, the commission may so advise the zoning board of appeals.
- (10) *Historic trees.* Consider and designate historic trees in accordance with division 4 of article III of [chapter 126](#) of this Code.
- (11) *Other powers.* Have such other powers as are reasonable and necessary for the efficient administration and implementation of this article.

(Code 1976, § 4-06.05.06; Ord. No. 449, § 2, 10-20-1999)

Sec. 118-67. - Gifts, grants and bequests.



- (a) *Acceptance and administration.* The historic districts commission shall have the power to:
 - (1) *Public and private grants and funding.* Advise the city administration regarding the use of city, state, federal, and private grants and funding for the purpose of historic restoration, education, and preservation.

**9-Rochester Hills Parks and Natural Resources
Department, not the Historic District Commission
runs Van Hoosen Farm**

Hills Helper AI Chatbot

Anonymous User -



The Van Hoosen Farm is operated by the Rochester Hills Museum at Van Hoosen Farm. The museum is dedicated to preserving and sharing the history of the greater Rochester area, and it is supported by the community and various programs.

Visit the following links for more information:

- [Museum Programs](#)
- [Van Hoosen Farm History](#)



- AI chatbot  



Ask a question...

en




Chat with the Hills Helper

X

How can I help?

ASK A QUESTION



Hills Helper AI Chatbot

Anonymous User - 

The Rochester Hills Museum at Van Hoosen Farm is owned and operated by the City of Rochester Hills as part of the Rochester Hills Park and Natural Resources Department. The museum is supported by the Rochester Garden Club, which maintains the gardens for public enjoyment.

Visit the following links for more information:

- [Museum Operations](#)


- AI chatbot  

 Ask a question... en 

Chat with the Hills Helper x

How can I help?

ASK A QUESTION



10- How I came to be writing this letter.

Chronological

- 1 The mention of Ordinance 37A by Barbara Barber at Board of Trustees on March 24. 2026 made me want to understand that ordinance and why the HDC was proposing control of Garling Barn site.
- 2 That led to watching the HDC 3/18/26 meeting video.
- 3 The video seemed to show that HDC commissioners favor “fundraising” as I thought it was defined.
- 4 The reason for wanting total control of Garling Barn site seemed to be to be able to attract more events and more \$\$\$ by being allowed to serve alcohol, which would be prohibited by R-C zoning, which PRC had proposed.
- 5 If our previous Township Attorney thought it important to “ban” fundraising by HDC he must have perceived a risk to the Township from fundraising .
- 6 As a resident and taxpayer, I don’t want unwise risks to be taken. We may end up paying dearly (\$\$).
- 7 It seemed logical for our current attorney to give an opinion.
- 8 To make that happen likely would require the long letter and supporting information above,