

November 3, 2021

FR: David Read

Scio Township

To: Washtenaw County Election Commission

Dear Commissioners,

I have served Scio Township in various capacities since 2008: starting as a volunteer Board-representative to three County-wide committees involving public transit, public safety and the redesign of North Zeeb Road and eventually serving as a Scio Township Trustee for 11 years and Deputy Clerk for 5.

At the Elections Commission hearing held October 15, 2021, it was suggested that the Township attempt some sort of conflict resolution process. I want to inform the Commission that, indeed, Supervisor Hathaway did reach out for conflict resolution – but only to me. From his request, it would seem he believes the conflict is just between us. This isn't about us. This is about Scio Township. This is about the Supervisor's attempt to silence a number of his constituents who must attend meetings virtually. This is about his systematic undermining of the Township Clerk. This is about his continued disregard for accepted Township policies and procedures. This about his inability or unwillingness to compromise with anyone with whom he disagrees. With a Masters and a PhD in conflict management, it is astonishing to find the Supervisor embroiled in major conflicts with his coworkers and Township residents. One would think with that level of training the Supervisor would be able to deftly navigate the turmoil of public service. Instead, we have a man who wields a chainsaw rather than a scalpel when it comes to dealing with people who disagree with him, i.e., people with whom he has conflict. I have little expectation that any amount of conflict resolution will be successful.

On October 20, 2021, I submitted a petition to recall Scio Township Supervisor Hathaway with the following language:

“Supervisor Hathaway called for a special meeting of the Township Board of Trustees to occur at 4:00 p.m. on Tuesday, August 17, 2021 at which he requested and was granted a doubling of his salary.”

In addition, on November 3, 2021, along with this letter, I submitted four documents to the Elections Commission as follows:

- 1) Supervisor-Job-Description-081221.pdf
The Job Description, page 1, Section "Meetings" documents the fact that the Supervisor sets the date and time for special meetings, and page 2, Section "Meeting Agenda" documents the fact that the Supervisor approves agendas prior to submission for posting;
- 2) 2021-08-17-BOT-Notice-BOT-Spec-mtg.pdf
The Meeting Notice documents the fact that the Supervisor called for a Special Scio Township Board of Trustees meeting for 4:00 p.m. on August 17, 2021;
- 3) 2021-08-17-Agenda-BOT-Spec-mtg.pdf
The Meeting Agenda for the aforementioned Special Meeting, Section "New Business", Item F-1 documents the fact that the agenda included an item to raise the Supervisor's salary;
- 4) 2021-08-17-Draft-Minutes-BOT-Spec-mtg.pdf
The Draft Minutes of the aforementioned meeting, starting at the bottom of page 4, documents the fact that the Supervisor's salary was raised by a 5 – 2 vote. These minutes are still in draft form because the Scio Township Board has tabled them for several subsequent meetings by a 5 – 2 vote.

Thank you for your consideration of this petition and, based on the above documentation, I ask that you find this petition to be of sufficient clarity and factuality to enable the officer whose recall is sought and the electors to identify the course of conduct which is the basis of the recall.

Sincerely,



David S. Read

TOWNSHIP SUPERVISOR

Working Title: Supervisor

Funding: To be determined by the Board of Trustees (BOT)

Salary: Full time, permanent, exempt, \$72,000 plus benefits

Reports to: Voters

Supervises:

- Township Administrator (shared authority with BOT)
- Assessor
- Budget & Finance Director (pending authorization of this position)

Work Location: Scio Township Hall

Supervisor Duties Based on Statutory Authority

Meetings: Serve as moderator of any township meeting, deciding questions of order, granting authority to persons to speak at the meeting and making conduct-based interventions. The supervisor should vote on all issues upon which a vote is required unless there is some proper legal reason, approved by the BOT, for abstaining. Set a date and time for special meetings.

Appointments: Nominate individuals to serve on Township boards, commissions and committees and as representatives of the Township to outside boards/committees.

Enforcement: Work with enforcement officer to enforce township ordinances.

Representation: ex officio member of all BOT advisory committees and represent the Township on various outside organizations. Serve on board of elections commission.

Budget: Prepare the annual budget under policies formulated by the township board and state law and work with the clerk and others to keep the BOT advised on financial conditions of the township.

Direct Reports:

Supervise the assessing function including determination of special assessments. Assessor reports to supervisor. Supervisor oversees hiring of assessor and recommends hire for BOT approval.

Supervise the budget function including preparation of the annual budget and any such budget amendments as may be necessary or appropriate throughout the year for BOT approval. Budget & Finance Director reports to supervisor. Supervisor oversees hiring of Budget and Finance Director and recommends hire for BOT approval.

With BOT approval, supervisor may oversee other staff.

Supervisor Duties Based on Authority From BOT/other

Administration: Chief Administrative Officer for Township participating in regular management meetings. Chief Executive Officer (CEO) and a voting member of the Downtown Development Authority (DDA) Board, Chair of the Township's BOT's Budget and Finance Committee serve on the board and operating committee of Loch Alpine Sanitary Authority (LASA), facilitate communication with and between the various Township advisory boards and commissions.... Participate in contract negotiation/oversight: GFL, Fire, Ann Arbor Water & Sewer, consultants.... Supervise the Township Administrator (together with the BOT) in carrying out such functions as are delegated to them.

Financial Reporting and Audit Function: As Chief Administrative Officer per the Uniform Budget and Accounting Act, the supervisor is responsible for preparation of the Township's annual financial report to the state which, by statute, must be audited. Supervisor will oversee the audit and selection of the auditor and make recommendations for hiring the same for BOT approval.

Human Resources: Help guide hiring processes including recruiting, interviewing, and assessment of candidates for senior staff and other positions at the discretion of the supervisor. Help formulate policy for performance review and other human resource programs, serve on HR committee if such committee exists.

Township Growth: Supervise planning and development processes such as Land Use Master Plan, PUD negotiations, facilitate communications between various parties in development projects, supervise public improvements of the township, including capital improvements, Township-led SAD projects, sustainability initiatives, and collaboration with partner organizations

Legal: Serve as the Township's designated point of contact for transacting legal business, implement administrative actions such as land divisions, help represent BOT in the Gelman effort.

Meeting Agenda: Collect and create agenda items in collaboration with the BOT and citizens, and approve a proposed agenda for incorporation with the meeting packets so that the Clerk may distribute to the BOT and public in a manner consistent with any Rules of Order that may be adopted by the BOT.

Legislation: Act as chief legislator, bringing recommendations for consideration by the BOT, seeking legislative actions by other bodies on behalf of the Township.

Conflict Resolution: Receive and respond to complaints to the Township and/or requests for action by the Township. Mediate disagreement between interests.

Communications: Serve as the primary spokesperson for the Township, write communications on behalf of Township, review and approve for publication general communications, such as newsletter.

Notice of Special Meeting
Scio Township Board of Trustees
Tuesday, August 17, 2021
4:00pm

Pursuant to the MCL 15.263a Sec. 3(a)(1)(b) the Scio Township Board of Trustees will meet remotely, and the public may participate by joining via <https://us02web.zoom.us/j/86970652024>, , or <http://zoom.us> and entering Meeting ID: 869 7065 2024 or by calling +1 312 626 6799 and entering Meeting ID: 869 7065 2024. Members of the public may contact members of the Scio Township Board of Trustees by emailing TownshipBoard@sciotownship.org to provide input or ask questions on any business that will come before the Scio Township Board of Trustees at the meeting. Persons with disabilities requiring any accommodation for participation in this meeting should contact the Township Clerk at (734) 369-9400 or clerk@sciotownship.org.

The Township Board shall hold a Special Meeting upon the request of the Township Supervisor.

Purpose of Special Meeting as requested by Township Supervisor

The purpose of the Special Meeting is discussion and possible action on several administrative structure related items that were referenced in the 5/11/21 motion that approved the “Township Administrator Model.”

These administrative structure items, which were deferred or tabled at the May 11 meeting, include the supervisor’s and township administrator’s job descriptions and related authority, the supervisor’s compensation, a new position for project management, and an updated version of the organizational chart.

The meeting agenda will provide additional information. There will be an opportunity for public comment on possible action items on the agenda at the beginning of the meeting. Members of the public may choose instead to comment on agenda action items immediately prior to a Board of Trustees vote. There will be time for general public comment at the conclusion of the meeting.

Two Motions of May 11, 2021 Referenced (excerpted by Township Clerk from Approved Minutes)

J.4 Discussion of Scio Township Administrative Structure

Diane Benson described the work of the Township Administration Committee to date, and the progress toward completing proposals as directed by the Board of Trustees. She described two proposals: *Township Administrator Model* and *Shared Governance Model*. Supervisor Hathaway facilitated the discussion.

Motion by Palmer, support by Vogel, to adopt the Township Administrator Model for the administration of Scio Township along with the Board of Trustees. The materials that were prepared for this meeting are accepted as fulfillment and in appreciation from the

Administration Committee. The various new positions to be authorized and the related delegations of authority are to be refined further, and are hereby sent to the Township's new human resources consultant to be prepared for a future Special Board of Trustees meeting as would be scheduled by the Supervisor. Furthermore, the \$22,000 contained in a March 9th motion is hereby authorized for use in an executive search for a Township Administrator. The Supervisor is hereby directed to arrange the services of the Michigan Municipal League or a comparable search firm for this purpose.

Michelle Cody expressed concerns about development and concentration of power.

David Read spoke against the township manager model.

Darrel DePestel expressed desire for more discussion.

Jeff Jackson expressed concern about hiring a new manager due to prior experience.

Janet and Paul Haynes spoke against the manager model.

Pat Stein said that the previous manager was an obstacle in the past.

Paula G spoke against the manager model and on other matter.

Rob Pattinson spoke against a rush to vote on the administrative models.

Alice Owings spoke in support of a non-partisan manager.

Jonathan Greenberg stated he was livid.

YES: Hathaway, Palmer, Courteau, Jerome, Vogel.

NO: Flintoft, Knol.

ABSENT: None.

MOTION PASSED 5-2.

J.7 Resolution to Set Supervisor Salary

Motion by Hathaway, support by Palmer, to table the item.

YES: Hathaway, Palmer, Flintoft, Courteau, Jerome, Knol, Vogel.

NO: None.

ABSENT: None.

MOTION PASSED 7-0.

Notice Posted: August 13, 2021

Jessica M. Flintoft
Scio Township Clerk

SCIO TOWNSHIP BOARD OF TRUSTEES
Special Meeting
August 17, 2021
4:00 PM
Township Hall with Remote Participation

Pursuant to the MCL 15.263a Sec. 3(a)(1)(b) the Scio Township Board of Trustees will meet remotely, and the public may participate by joining via <https://us02web.zoom.us/j/86970652024>, or <http://zoom.us> and entering Meeting ID: 869 7065 2024 or by calling +1 312 626 6799 and entering Meeting ID: 869 7065 2024. Members of the public may contact members of the Scio Township Board of Trustees by emailing TownshipBoard@sciotownship.org to provide input or ask questions on any business that will come before the Scio Township Board of Trustees at the meeting. Persons with disabilities requiring any accommodation for participation in this meeting should contact the Township Clerk at (734) 369-9400 or clerk@sciotownship.org.

AGENDA

A. CALL TO ORDER

B. ROLL CALL

Supervisor Hathaway, Treasurer Palmer, Clerk Flintoft, Trustee Courteau, Trustee Jerome, Trustee Knol, Trustee Vogel.

C. ADOPTION OF AGENDA

D. PUBLIC COMMENT

This is the time for members of the public to speak for up to 3 minutes on possible action items on this Agenda. Later, throughout the meeting, the Supervisor will ask for public comment on each item on this Agenda for possible action. Members of the public may speak only once on each possible action item, either during initial public comment or later, when the item comes up on the agenda. There is time for general public comment at the conclusion of the meeting.

E. CONSENT AGENDA

F. NEW BUSINESS

F.1 Possible Action Supervisor and Township Administrator Authority, Supervisor Compensation

F.2 Discussion Only Scio Township Organizational Chart with Township Administrator

F.3 Discussion Only Project Manager Job Description

G. PUBLIC COMMENT

This is the time for members of the public to speak for up to 3 minutes on any matter under the purview of the Board of Trustees.

H. ADJOURNMENT

SCIO TOWNSHIP BOARD OF TRUSTEES

Special Meeting
August 17, 2021
4:00 PM

Held in Township Hall with remote participation pursuant to MCL 15.263a Sec. 3(a)(1)(b)

DRAFT MINUTES

A. CALL TO ORDER

Hathaway called the meeting to order at 4:03pm. Hathaway announced the public could speak only once on each item.

B. ROLL CALL

Present: Hathaway, Palmer, Flintoft, Courteau, Jerome (arrived at 4:10pm during C. Adoption of Agenda and left at 7:20pm after F1.), Knol (joined virtually), Vogel.

Absent: None.

Also present: Jim Fink, Township Attorney, participating in Items F1 and F2.

C. ADOPTION OF AGENDA

Knol said that Item F1. *Supervisor and Township Administrator Authority, Supervisor Compensation* is really three separate items and should be split on agenda as such.

Motion by Knol, support by Flintoft, to split Item F1. Supervisor and Township Administrator Authority, Supervisor Compensation into three agenda items.

YES: Flintoft, Knol.

NO: Hathaway, Palmer, Courteau, Vogel.

ABSENT: Jerome.

MOTION FAILED 2-4.

Motion by Vogel, support by Palmer, to adopt the agenda as presented.

YES: Hathaway, Palmer, Flintoft, Courteau, Jerome, Knol, Vogel.

NO: None.

ABSENT: None.

MOTION PASSED 7-0.

D. PUBLIC COMMENT

Mary Gillis (in person), Resident and Deputy Clerk/Newsletter Editor, spoke about importance of integrity in communications, and her concern for overreach of the Supervisor for political purposes in proposing he have sole final approval of Newsletter, which has always been a publication of the Board.

Diane Benson (in person), Resident and Human Resources Consultant, underscored the importance of adopting Rules of Order as priority for this Board, citing the contentious agenda items today, and the additional challenges posed by not having Rules in place.

Michele Cody (remotely) said she is shocked by the proposal by Supervisor to change the Township governance to empower one individual over the objections of the Board of Trustees and citizens. Cody said corruption is back in another form; opposes salary increase and bypass of Board passage of Compensation Commission; opposes change of organizational structure; says she is appalled.

Peter Davis (remotely) said he's concerned about the manipulation of the agenda: starting at 4pm during working hours; agenda and packet posted Friday 13th during power outage. Davis is totally opposed by Supervisor's proposal which is an inexcusable power grab, and said citizens need to rise up.

Dee Dishon (remotely) said she hadn't been to Board meeting since pandemic, and is grateful to be able to join safely by Zoom, and understands there were attempts to eliminate this option for public in effort to reduce public comment: this is unacceptable. Dishon referred to the main justification for Supervisor raise is Supervisor is working 60-70 hours in a part time job; suggested this can indicate a poor use of time, not getting more work done.

Kathleen Brandt (remotely) shared she conducted an audit of public comment rules and language for prior Board meetings. Brandt said language has changed in at least 15 meetings, including huge changes, correcting the record.

David Read (remotely) said proposed Supervisor job description is not appropriate for current Supervisor. Read listed actions the Board had taken to limit public comment, ignore public input, and disrespect fellow members. Read said these are not the people he ran with, and they are not moving Scio forward. Announced that he and Pat Stein have formed a Committee to Recall Hathaway, Jerome, and Vogel.

Pat Stein (remotely) reminded Supervisor of duty to serve the residents of Township who elected him; that these residents are the public whose comments he doesn't want to listen to, doesn't want video recorded, doesn't want included in meeting minutes. Stein said these are the very public who at last meeting waited 3 ½ hours and then were left in the dark for another 1 ½ hours while Board went into Closed Session before calling Public Comment. This behavior is why she has joined Read in recall efforts of Hathaway, and of Jerome and Vogel who willingly join in ill-treatment of fellow Board members.

Jillian Kerry (remotely) urged Board members to review first Governance Academy session presented so well by Jim Fink regarding General Law Township powers and duties. Kerry contrasted Charter and General Law Township duties of Supervisor. Kerry asked Board members to ask themselves if they want to give up their power to the Supervisor.

Kim Phillips-Knope (remotely) said she is deeply concerned about level of authority proposed to give to Supervisor for few reasons: Hathaway has demonstrated he is willing to put Township in legal jeopardy; has not reported accurately back to Board; has not been truthful in remarks he's made in Board meetings on which Board then bases decisions. Phillips-Knope said she finds it laughable that the Supervisor has proposed Conflict Resolution in job description because of her experience trying to resolve community conflict caused by Supervisor.

E. CONSENT AGENDA

There were no items.

F. UNFINISHED BUSINESS

F1. Supervisor and Township Administrator Authority, Supervisor Compensation

Hathaway provided an in-depth introduction to the issue.

Flintoft said she would like attorney's advice prior to discussing or acting on the proposed job descriptions for supervisor and township administrator.

Flintoft moved to table Item F1 the resolution adopting job descriptions for supervisor and township administrator, until Township Employment Attorney Bill Thacker and Township Attorney Jim Fink can confer and advise the Board of Trustees on the question of what liability has been created for the Township—in light of fact that after this agenda and packet were posted, the Board of Trustees received on Saturday two deeply troubling communications—both from an individual unaffiliated with the Township who claims to be lobbying the Board of Trustees on behalf of two officers and one staff person to change the organizational reporting structure that has forever provided the Township with the most fundamental checks and balances over public monies, and who is promoting changes that are eerily in line with what the Supervisor has proposed here today. We the Board have a duty to first ask our Attorney to investigate if any improper use of influence, conflicts of interest, or mutually beneficial dealings have been part of what brings this item to our Board table.

Knol supported the motion.

Hathaway reminded the Board that on a motion to table there is no discussion, and called the question.

YES: Flintoft, Knol.

NO: Hathaway, Palmer, Courteau, Jerome, Vogel.

ABSENT: None.

MOTION FAILED 2-5.

Knol referenced the proposed changes to the job descriptions regarding potential conflict with Clerk's statutory duties related to finance, and is still awaiting a written opinion from our Township Attorney. Knol believes it is likely not legal to move these duties from Clerk. Knol urged Board to get an Attorney opinion prior to moving forward today.

The Clerk spoke at length to register her legal, ethical, and operational reasons for her lack of consent for and objection to the language added to the Township Administrator job description, and provisions in the newly proposed Supervisor job description.

Jim Fink provided answers to questions of Board members.

Board members had a wide ranging discussion.

The Supervisor announced the Board would recess briefly at 5:35pm.

The Board returned from recess at 5:40pm.

Board members continued discussion.

Motion by Vogel, support by Palmer, to approve the resolution adopting job descriptions for Supervisor and Township Administrator, as presented.

Board members registered support as well as objections.

Sandy Egeler, Finance Director, said she supports moving forward with the changes proposed today.

David Read said Township requires more staff; concerned about devious nature of this proposal's development.

Kathleen Brandt cited MCL41.95 and reminded Board that Scio Township enacted Ordinance to establish a Compensation Commission. Brandt referenced an MTA publication that says that Board may not set officer salaries after Compensation Commission. Brandt said if this goes forward residents will take legal action to correct this.

Alice Owings objected to the deliberate attempt to miscast the emails she sent. Owings said she's been awaiting implementation of May 11th, and has been volunteering her time to prepare a newly structured finance reporting chart and openly asked Township Attorney to weigh in. Owings engaged County Treasurer Cathleen McClary who has expressed support chart, the plans, and financial structure.

Rob Pattinson said its been exhausting to watch this Board, and that today's meeting has been heartbreaking to watch. Pattinson urged the Board to figure out how to work together.

YES: Hathaway, Palmer, Courteau, Jerome, Vogel.

NO: Flintoft, Knol.

ABSENT: None.

MOTION PASSED 5-2.

Motion by Vogel, support by Palmer, to adopt the resolution establishing salary of the supervisor, as presented.

Vogel said there is significant unfairness because Supervisor salary has been budgeted, and asked that Board investigate what's legally possible to retroactively pay the Supervisor.

Knol asked Township Attorney if a Compensation Commission has been established that it isn't within purview of Township Board to raise the salary, that that should be done by Commission, asked Township Attorney who replied that that upon a quick review does not appear to be correct.

YES: Hathaway, Palmer, Courteau, Jerome, Vogel.

NO: Flintoft, Knol.

ABSENT: None.

MOTION PASSED 5-2.

F2. Scio Township Organizational Chart with Township Administrator

Board members discussed the Supervisor's proposed organizational chart reflecting: eliminating Finance Director who reports to Clerk; creating a position of Budget and Finance Director reporting jointly to the Supervisor and Treasurer; creating an unnamed position subordinate to the Budget and Finance Director; and not reflecting the newly established Deputy Treasurer position.

Diane Benson, Human Resources Consultant, provided her advice to the Board on proposed positions and reorganization.

F3. Project Manager Job Description

Diane Benson, Human Resources Consultant, provided overview of proposed Project Manager job description. Board discussed, and all shared support for description, asking it be brought back for action.

G. PUBLIC COMMENT

Michele Cody said she wants the Board to follow up on the legal implications of the proposals that the Clerk so adroitly brought up. Cody said she is very disappointed because there seems to be little solid footing for some of these issues.

Rob Pattinson asked Supervisor Hathaway to explain why he chose not to follow the Human Resources Consultant's advice related to organizational structure and positions related to finance.

H. ADJOURNMENT

Motion by Vogel, support by Courteau, to adjourn.

YES: Hathaway, Palmer, Flintoft, Courteau, Jerome, Knol, Vogel.

NO: None.

ABSENT: None.

MOTION PASSED 7-0.

Meeting adjourned at 7:35pm.