

November 3, 2021

Probate Judge Darlene O'Brien
County Clerk Lawrence Kestenbaum
County Treasurer Catherine McClary

Dear Washtenaw County Election Commissioners,

On October 25, 2021, I respectfully submitted a petition to recall Scio Township Trustee Jane Vogel.

I believe the following statement as presented on the petition to be clear and factual. "At the Scio Township Board of Trustees special meeting held at 4:00 p.m. on August 17, 2021, Trustee Vogel voted to double the Supervisor's salary."

These facts are indisputable and should not require any explanation or proof of their factuality beyond a copy of the the attached August 17, 2021 Board meeting minutes that document Trustee Vogel's presence and her vote on the agenda item that doubled the Supervisor's salary.

As a Scio Township resident and David Read's co-sponsor in Supervisor Hathaway and Trustee Vogel's recall petitions, I ask that you please find your ruling in favor of the residents of Scio Township to move forward in rebuilding our local governing body.

Respectfully,

Patricia Stein

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.