



DRAFT UNAPPROVED

ACME TOWNSHIP **SPECIAL** BOARD MEETING
ACME TOWNSHIP HALL
6042 Acme Rd, Williamsburg, Michigan 49690
Wednesday, October 16, 2019, **10:00 am**

CALL TO ORDER WITH PLEDGE OF ALLEGIANCE

ROLL CALL: Members present: Aukerman, Dye, Jenema, Nelson, White
Members excused: Scott

A. LIMITED PUBLIC COMMENT:

Brian Kelley, Acme resident, commented on the process for appointing a Trustee (written letter submitted).

B. APPROVAL OF AGENDA:

Motion by Nelson to approve agenda as presented supported by Aukerman. Motion carried unanimously

C. INQUIRY AS TO CONFLICTS OF INTEREST: None

D. NEW BUSINESS:

1. **Approval of the appointment of Dave Hoxsie as Trustee.**

The Board discussed the process from the previous Board meeting on how each candidate being interviewed were scored and ranked.

Motion by Aukerman to appoint Dave Hoxsie as Trustee supported by Jenema. Roll call vote carried by four (Jenema, Dye, Aukerman, Nelson) recused White.

F. PUBLIC COMMENT & OTHER BUSINESS THAT MAY COME BEFORE THE BOARD:

None

ADJOURN 10:10 a.m.

Motion by Jenema to adjourn meeting supported by Nelson. Motion carried unanimously.

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a document from the official records of the township.

Cathy Dye, CMMC
Acme Township Clerk



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GENERAL TOWNSHIP MEETING POLICIES

- A. All cell phones shall be switched to silent mode or turned off.**
- B. Any person may make a video, audio or other record of this meeting. Standing equipment, records, or portable microphones must be located so as not to block audience view.**

CALL TO ORDER WITH PLEDGE OF ALLEGIANCE
ROLL CALL

- A. LIMITED PUBLIC COMMENT:**
Public Comment periods are provided at the beginning and end of each meeting agenda. Members of the public may address the Board regarding any subject of community interest during these periods. Comment during other portions of the agenda may or may not be entertained at the moderator's discretion.
- B. APPROVAL OF AGENDA:**
- C. INQUIRY AS TO CONFLICTS OF INTEREST:**
- D. NEW BUSINESS:**
 - 1. Approval of the appointment of Dave Hoxsie as Trustee.**
- F. PUBLIC COMMENT & OTHER BUSINESS THAT MAY COME BEFORE THE BOARD:**

ADJOURN

To: Acme Township Trustees
From: Brian Kelley, Acmer resident

Oct 16, 2019

Good morning,

The weather is not so great today, but I think it is a very bright day for our community. Welcome Mr. White as our new Supervisor, and Mr. Hoxie as our new Trustee.

Unfortunately, what I read in the Record Eagle yesterday was an embarrassment to our community. Reading about our former Supervisor disputing with a reporter and the Michigan Township Association - whom we pay for advice - on whether he could keep ballots secret, on what should have been a voice vote, ^{and} in an entirely transparent process.

Instead, what we had was a whole bunch of secrecy, and hiding documents not only from the public but from the board.

The MTA produces a very nice 8 page handbook titled "*Filling Township Board Vacancies Due to Death or Resignation.*" It provides very clear guidelines. Common sense, simple stuff.

We would not be here today if he had followed the MTA guidelines and the law, because that process includes the motion to appoint.

There may be important cases where the township has to take a different direction than the MTA recommends. In those cases, the reason needs to be shared with the board and public. This was not one of those cases. Taxpayer dollars were apparently squandered trying to needlessly justify an unlawful process and one man's opinion and agenda.

And I will repeat - this board did not make the required public decision on shortening the list of 9 candidates to 4. That was done by the former Supervisor, Jay Zollinger, outside of a public meeting, in apparent violation of the Open Meetings Act. He was unable to allow you to make that decision, as the law requires.

It is amazing that something that could be so straightforward ran so far afoul of the law and accepted practice.

Once again, welcome Mr. White and Mr. Hoxie.

Thank you,
Brian Kelley

MEMORANDUM

TO: Acme Township Board
FROM: Jeffrey L. Jocks, Sondee, Racine & Doren, PLC
DATE: October 15, 2019
RE: Trustee Appointment

I have reviewed the procedure used at the October 9, 2019 special meeting to appoint Doug White's trustee replacement and provide the following opinion. The summary is that I recommend you have another meeting where you discuss the outcome of the interview tally and then formally appoint a new trustee by motion.

I understand that at the October 9th meeting the board interviewed four candidates for appointment to the remainder of Doug White's trustee term. During interviews, each board member ranked the candidates based on certain criteria. Upon completion, Doug White tallied the rankings for the board and informed the board that Dave Hoxsie was ranked highest. In reliance on that ranking, the board then moved forward as if Mr. Hoxsie was appointed. However, the board never formally appointed Mr. Hoxsie.

Section 370 of the Michigan Election Law requires that a board vacancy "shall be filled by appointment...". MCL 168.370. Because the board never formally appointed Mr. Hoxsie, I recommend that you have another meeting in order to make a formal appointment. As I understand it, the board's candidate rankings and the tally have been provided to those persons asking for them, and also have been posted on the township website with the draft meeting minutes. Therefore, a short meeting where you discuss the tally and where you formally appoint a new trustee will resolve the issue. Appointment should be done through the normal motion process. Please let me know if you have any questions.