

An Open Letter to Village Council and Village Residents

Bacon

Being an elected or appointed official is not easy. The law, statutes and our Rules of Procedure set the ground rules; provide clarity; provide our public with a level of assurance that we are operating from the same playbook and "in the sunshine". That leads to greater trust.

I am a believer that no one gets up in the morning and says "man, I am going to do my very best to violate my oath of office today".

1. We are not following our rules of procedure. We are not following the directive from our Village President who said in February, "If no documentation is presented it will not be on the Agenda."

2. Immediately following a training on FOIA and the Open Meetings Act, we surveyed a select set of community members with absolutely no notice given to our public that we were going to do that. We had no thoughtful discussion, as a council, on the question that was asked, nor did we know what we could or would do with that information.

Non-governmental entities can take such action and there will be members of the public who say, they liked our informal information gathering. We are government officials and the law says that as elected officials we are responsible for **providing advance notice to the public about "what is going to be happening"** at a meeting.

3. Our Village residents are smart, and they want their Village Council to act with transparency. They have asked for a copy of the notes prepared by the Village President, in her official capacity as the Village President in completing her statutory duties in preparing to appoint residents to the Citizen Task Force. I said all of those words because that level of preparedness, in writing, is the key to why those notes are the definition of a public record. Our rules of procedure can be written to make a law more restrictive, they cannot invalidate the GLVA. It is clear that our ROP need revision.

Nothing in the full set of notes rises to the level of a "personal information" /personal notes exemption according to FOIA. Neither does the fact that all of the notes were not used that night. Members of the public were solicited, recruited- they know who they are. Village residents have a right to view that public record.

Our Village residents are struggling with this. And, I am so proud of them. They do not want to start, nor do they want this Council to revert to picking the nits, filing FOIA requests that often feel punitive, or to take other action that creates division. They believe it is important for the council to act with honor and transparency. It is important to remember: They are looking at what we do, not what we say.

4. Twice in our last meeting, actions that I was responsible for - were foisted on others. The delay in appointments related to the Citizens Task Force was a failure of this Council - on a variety of fronts - including a motion that was rewritten and a lack of Council discussion ~~promoting the formation of a citizen's task force~~. It was not the result of some letter. With regard to closing the door re: environmental need - that had been stated in January (one can see my handwritten notes in the Village Office from the January meeting) - they read: "as long as no one is making an environmental need claim. If we want to hire engineers to do an

environmental need assessment, then that is a separate issue". This task force will fail if the charge or agenda changes midstream.

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The agenda item added two weeks ago was Contact with the Office. I believe that was raised because of a need to learn and not as a "gotcha". The President was referring to an email I had sent about the Clerk and Treasurer. I had stated in an email that both of those individuals take their direction from the Council.

The question that night was who is the Council? The answer comes from 62.1 of the General Law Village Act: The president and the trustees constitute the council. The Michigan Municipal League Handbook, adds "the GLV Act establishes **the council** and that its authority is granted to the council **as a whole** rather than to individuals."

The statements in the law that **immediately follow** that the President is the CEO provide additional clarity - the most relevant is: the president shall give the council information concerning the affairs of the village and **recommend measures which he or she considers expedient**;

What you will not see in the list, nor will you find it under the roles for any individual Council member nor any committee chair, is to supervise or direct the activities of other Council members, the Treasurer or Clerk.

If we act on our statements to the public about who we are/who we want to be: collaborative, transparent, accountable, to encourage all voices to be heard, we will not run afoul with the law or our Rules of Procedure or our residents! We will be doing right by our community and for each other.

Maggie Bacon