

# Township of Lake

Huron County, Michigan  
May 26, 2009

The special meeting of the Lake Township Board was called to order by Supervisor Smith at 7:30 P.M. Present were Smith, Fischer, McCallum, Hyzer, Hartsell and Jo Wolschlager, Assessor, along with approximately 25 guests.

Smith stated that this meeting was being held because the minutes for the meeting of April 27<sup>th</sup> were not approved by the Township Board at its regular May meeting. Smith stated that he had statements to read from the Open Meetings Act, the Michigan Townships Association and the Attorney General and that there would be one session of comments at the end of the meeting.

Smith read from Section 15.270 (5) of the Open Meetings Act as follows:

“In any case where an action has been initiated to invalidate a decision of a public body on the ground that it was not taken in conformity with the requirements of this act, the public body may, without being deemed to make any admission contrary to its interest, reenact the disputed decision in conformity with this act. A decision reenacted in this manner shall be effective from the date of reenactment and shall not be declared invalid by reason of a deficiency in the procedure used for its initial enactment.”

From the MTA Smith read that there is no legal requirement for a contract to be signed at a board meeting or by a quorum of the board and that assessors are not contract employees but employees subject to withholding taxes.

Smith read portions from Attorney General Opinion No: 5183 as follows:

“Can interviews with respect to lower level employment applications be conducted in private by agency staff?”

“...In all other cases, where the public body is not required to interview the applicant, interviews for employment may be conducted in private by staff of the public body.”

“To require a public body to conduct all interviews for all positions in public and attach thereto all of the requirements for public notice is beyond the contemplation of the Act....”

“...Also, there is a legitimate state interest in ensuring the ability of public bodies to carry out their mission of public service without being required to hold every employment interview at a public meeting. I therefore find no violation of equal protection in the Act.”

Smith also read information pertaining to the ability of the Board of Review to make corrections to errors in the assessment roll at the July or December Board of Review for the existing year and the previous year.

McCallum stated that the information Smith read was partly correct, but that the Assessor position is a public office and interviews for a public office must be done at an open meeting pursuant to the MTA and that all contracts must be **approved** by the Township Board.

Smith stated he did not agree with McCallum based upon the information he received from the MTA.

Discussion on the work performed for the 2009 assessment roll. McCallum stated that splits and combines were not done, there are parcels with no assessment, improved parcels with no land value, new construction not added to assessments, transferred properties that did not reflect an uncapping, notices of assessment were not mailed timely and/or to the correct owner and/or address, the assessment roll was not turned over to the Board of Review on March 3 and available after March 3 for public inspection as required by law, a Tax Tribunal appeal was not answered and a Board of Review appeal was not addressed. McCallum stated she had issues with the work performed on the first contract and could not agree to another contract with Ms. Wolschlager.

**Motion by Fischer to hire Ms. Wolschlager as assessor, seconded by Hyzer.** Smith stated that the motion is to hire Ms. Wolschlager and approve the contract already signed.

McCallum stated that the contract needs to be reviewed by the Board. Smith stated that three members of the Board have already reviewed the contract. McCallum stated that the minutes of April 27, 2009 do not indicate anything in regard to a contract. Smith requested Hartsell to read the contract. Hartsell read the Assessor's contract.

McCallum read the contract prepared by the Township attorney, Walt Salens, and recommended using the Attorney's contract for the reason that it was more detailed as far as requirements and protection for the Township. Hartsell asked whether Salens had reviewed the Assessor's contract. Smith stated Salens reviewed it and approved it. McCallum wanted the Assessor to be more available to Township residents and requested that the Assessor take calls at her home. Ms. Wolschlager agreed to take calls at her home.

**Motion by Fischer to go with the contract already signed.**

Ms. Wolschlager suggested holding office hours one Saturday each month. McCallum also suggested adding to the contract that the assessment roll be turned over to the Board of Review on the first Tuesday of March as required by law and that the assessment notices get mailed out by the County. Ms. Wolschlager felt it was too restrictive to require the notices to be mailed out by the County and that she double checks her work by mailing them herself. Fischer and Hyzer both agreed to leave the contract as is.

Smith requested a vote on the two motions currently on the table. Roll call vote taken on first **motion to hire Wolschlager as Assessor. Four ayes – McCallum nay. Motion carried.**

**Second motion on table by Fischer to go with the contract already signed seconded by Hyzer. Roll call vote – Four ayes – McCallum nay. Motion carried.**

Smith stated that Mary Johnson, the Township secretary, is going into the hospital for surgery and that he wants Lisa Konke to work as her replacement. McCallum stated that she would cover the office hours during Mary's absence and that it would not be necessary to hire and train a temporary secretary. **Motion by Fischer to hire Lisa Konke, seconded by Hyzer. Roll call vote – Four eyes, McCallum nay. Motion carried.**

**Public Comments:**

Lou Colletta asked how the Board can make motions taking action on issues without taking any comments beforehand and asked who the Township Board is working for.

Jeanne Henry and Joyce Miller questioned the decision to hire Lisa Konke.

Joyce Miller also asked whether road work had started yet, specifically as to adding new stone. Smith stated it would not start until the end of June.

Motion by Smith to adjourn, seconded by McCallum. Meeting adjourned at 8:30 P.M.

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Valerie McCallum, Clerk

Approved at a Township Board meeting held on the \_\_\_\_ day of June, 2009.

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Robert T. Smith, Supervisor