

August 26, 2024 Public Comments to Village of Lake Orion Council

**DDA and Village of Lake Orion FOIA Policy**

A DDA FOIA policy was on the agenda for the August 20 DDA meeting where it was approved with no DDA Board comment. It follows from more than a year of unresponsiveness on how the DDA is spending public funds and the refusal of both the Village administration and DDA to provide information, assuming any information exists. I disagree with the DDA Director presenting the proposed FOIA policy as a revenue source without any corresponding expense as any attempt to deter the dissemination of public information by fees would be contrary to the stated intent of Michigan's Freedom of Information Act. That said, the guidelines proposed, if followed, appear to be consistent with state law even if misrepresented in the presentation.

Regardless of the policy now adopted by the DDA, and what they may now do, the past actions of the Village administration in denying any responsibility for DDA information are not in compliance with the published by-laws of the DDA as approved by both the DDA and Village Council. Article IV, Section 6 of the by-laws is attached for your reference.

I have now been waiting for more than a year for what should have been readily available information on the expense and revenue of the EV charging stations that were installed by the DDA and paid for with public funds. It has been more than 3 months since I made my most recent request. The Village Clerk and Manager stated they had no responsibility for this. While the DDA Director said he would provide the information in the statutory allowed time, he did not. Some information was finally provided with the caveat that they first had to establish a FOIA coordinator and policy because they had neither. **A proper response, coordinator, and policy are all requirements of Michigan law that the Village Administration, Council, and DDA have openly ignored.** We will see what happens now even though it is still unclear as to who will be responsible, if anyone. I hope work on the lumberyard property proceeds with more public transparency, but I already have serious doubts about that happening based on the actions taken so far.

Cory Johnston  
Village of Lake Orion

### **Lumberyard Property Development**

At the August 20 DDA Board meeting, a grant from Oakland County was announced for the former lumberyard property. Based on the public record, this was approved by the County Commissioners on July 18. It is unknown when the grant was applied for as it is not dated but we can all safely assume it was done far more than a month ago in order to obtain County approval even though it has not been part of the public record until now.

The application for the grant states in QA8 that *"All the information submitted is accurate and that **I have the approval** to submit this application on behalf of city/village/township identified above."* (emphasis added) I can find no public record of this approval or of the Village and DDA being aware of it, let alone approving it. This, combined with the incomplete information provided to the DDA Board, Village Council, and public makes it unclear as to what is going to be done and when anyone will ever know. Is this how the Village does multi-million dollar projects?

The attachments referenced in the application have not been provided which includes plans and the cost estimate the DDA Director spoke of at the August 20 meeting. Does no one in the Village government care about an actual documented plan and budget? In addition, the plan as explained by the DDA Director to the DDA Board, is not what is contained in the grant application, or what was said to the public at the July 23 tour of the lumberyard property, or as presented numerous times to the DDA Board by the previous DDA Director. The plan now seems to be whatever the DDA Director wants it to be with no evidence of review or input from any committee, planner, architect, or the public. Since he is getting more money, in addition to the existing \$7 million bond debt, it seems no one cares what the real plan is or will be.

One could file a FOIA request for this information, which I will do, but one never knows if they will ever get a response or if the pertinent information exists.

I have no expectations that this Council or the DDA Board to do anything to correct these improper and likely illegal actions. You have not in the past so there is no reason to think you will now. I will, however, continue to put this on the public record so the people can decide if being kept in the dark on how public funds are to be spent is how they want to be represented.

Please treat this as a public comment for tonight's meeting.

Cory Johnston  
Village of Lake Orion

## Article IV

### Section 6 (Amended 5/15/20)

Contracted Clerk Public Record Services. The Lake Orion Village Clerk is responsible for assisting the DDA with the agenda and packet, as needed. The Village Clerk services as the Chief Administrator for the Village's legislative software, which is used by the DDA Board for agenda, packet and minutes. In addition, the Clerk serves as the recording secretary for the DDA meetings and maintains all the official meeting minute records. Record Management services are provided by the Clerk and includes, but is not limited to, maintenance of records related to all major projects, contractor insurance records, all personnel records, DDA equipment records and real property records. Maintenance of the Boards membership appointments, including placement on the Village Council Agenda for Council President appointment of members is handled by the Village Clerk. In addition, the Clerk is responsible for administering all Oaths of Office to DDA Board members. The Clerk is responsible for maintaining all insurance records, including claims and the annual renewal.

## ARTICLE V: MEETINGS

### Section 1

The Board of Directors shall hold one (1) Regular Meeting each month unless there is no business on the Agenda; in such case there shall be no meeting. (Amended DDA 2-8-00, V.C. 2-14-00)

Any Regular Meeting may be adjourned to a definite date, by a majority vote of a quorum of the members. Adjourned or Special Meetings may be held at any time or place established by the Board of Directors. Special Meetings may be held as necessary, subject to the call of the Chairman or Acting Chairman or upon the request of a majority of the Board of Directors. (Amended DDA 05-13-08, V.C. 05-27-08)

### Section 2

All Meetings of the Board of Directors shall be held in accordance with the provisions of PA 230 of 1976, the Open Meetings Act. Parliamentary procedure at Board of Directors meetings shall be governed by Robert's Rules of Order. The Chairman shall be the Parliamentarian.

## ARTICLE VI: THE ORDER OF BUSINESS

### Section I (Amended by DDA Board 6/14/2016; VC 08/08/16, Amended 5/15/20)

The order of business for a Regular Meeting shall be, at a minimum:

1. Call to Order.
2. Roll Call and Determination of Quorum.