



Memorandum

Date: July 8, 2026
To: Darwin McClary, Village Manager
Subject: Request for Cell Phones for Village Council

Dear Darwin,

Please consider this my request to add the attached item, Request for Cell Phones for Village Council, to be added to the Agenda for consideration at the July 13, 2026 Village Council Meeting.

In light of the continued trend for FOIA requests for personal phones, personal emails and other private information. I believe it would be in the best interests of the community for all official correspondence and telephone calls and messages to be performed on a Village issued cell phone or dedicated personal cell phone paid for by the Village. These devices could be turned over immediately to the Village Attorney should any such requests be made without the expensive and time consuming process of dealing with personal private data intermixed with public information.

Very truly yours,

Michael Lamb, Councilman



DRAFT COUNCIL ACTION SUMMARY SHEET

MEETING DATE: July 13, 2026

TOPIC Request for Cell Phones for Village Council

BACKGROUND BRIEF:

The Village Council should support providing Village-issued cell phones to members of the Village Council for government-related work and adopt a formal policy for their management.

This should not be viewed as a personal benefit to council members. It is a practical governance tool. Council members routinely receive and respond to residents, staff, consultants, attorneys, other public officials, and members of the public. Much of that communication now occurs by call, text message, email, voicemail, and electronic documents. When those communications involve Village business, they may implicate public records, records-retention, FOIA, privacy, and Open Meetings Act concerns.

Michigan's Freedom of Information Act defines a "public record" broadly as a writing prepared, owned, used, possessed, or retained by a public body in the performance of an official function. That definition is not limited to paper records or desktop email. It can include electronic communications when they relate to public business.

The State of Michigan's records guidance also recognizes that text messages documenting official government activity can be public records and must be managed under applicable retention rules. Michigan's records-retention schedules apply to records regardless of format, and they identify how long records must be retained and when they may be destroyed.

Providing Village-issued phones gives the Village better control over Village records. It separates public work from private life. It reduces the need for council members to conduct Village business on personal devices, where public and private communications can become mixed together. That protects the Village, protects the council member, and protects residents who communicate with council members.

Village-issued phones also improve FOIA compliance. When government-related communications are conducted through Village-controlled devices and accounts, the Village is in a better position to search, preserve, retrieve, and produce records when required. This reduces the risk that Village records are scattered across personal phones, private text chains, private voicemail, or personal email accounts.

The phones would also support better records retention. The Village can establish a uniform system for council communications instead of relying on each council member's personal device, personal settings,

personal carrier, and individual retention habits. A uniform system is more defensible, easier to administer, and more transparent.

Providing phones also helps avoid confusion under the Open Meetings Act. The Michigan Open Meetings Act requires public-body decisions to be made at meetings open to the public, and deliberations of a quorum must occur at an open meeting unless a statutory exception applies. Village-issued phones would not authorize private deliberation or serial meetings, but they would allow the Village to better train, manage, and audit official communications channels.

There is also a cybersecurity and continuity benefit. Council members may receive confidential or sensitive information, including attorney-client communications, personnel matters, resident complaints, infrastructure information, financial materials, and draft agenda documents. Village-issued phones can be configured with password protection, remote wipe capability, security updates, and controlled access to Village email and files. That is more secure than relying on unknown personal devices.

The cost should be weighed against the risk and inefficiency of unmanaged communications. A cell phone line is a modest municipal expense compared to the potential cost of FOIA disputes, records-retention problems, lost communications, cybersecurity exposure, or disputes over whether public business was conducted on private devices.

The strongest reason to provide phones is transparency. Public officials should be reachable for public business through a public channel. Residents should not have to rely on a council member's private number, and council members should not have to expose their personal phones to public-records questions or public contact. A Village-issued phone creates a clean line between public service and private life.

For these reasons, providing Village-issued cell phones to Village Council members is not a luxury. It is a responsible administrative practice that supports transparency, public-records compliance, FOIA response, cybersecurity, continuity of government, and protection of both the Village and individual council members.

SUMMARY OF PREVIOUS COUNCIL ACTION: None

FINANCIAL IMPACT: Unknown at this time

ATTACHMENTS: None

RECOMMENDED MOTION:

Direct the Village Manager to seek proposals to provide Cell Phones to the Village Council or to provide an allowance that they may obtain a separate Cell Phone on their own.