

Village of Elk Rapids Memorandum

To: All Village Trustees

From: James Janisse, Village President

Date: September 21, 2020

Subject: Elk Rapids District Library

A lot of questions are swirling around regarding the Elk Rapids District Library and recent events. You have all received an email from Liz Atkinson, apparently speaking for the Milton Township Board, while also recently being appointed to the Library Board. But, before going much further, let's do a quick review of the events leading up to Ms. Atkinson's email. You will see, and I admit, some bias as it relates to my position on nepotism and elected officials appointed to government boards. It is not against the individual. I know each of them and this is not personal.

- On August 21, the Library Director was suspended by the Library Board President. As we understand it, this was the result of an email sent by the Library Director to a Library Board member who had recently resigned. The Library Board had not accepted the Board member's resignation yet. It is our understanding that the Library Board President had discussed this action with their attorney before taking action. However, we have not discussed this with the Library Board President or anyone else at this point.
- Our Police Department was asked to standby in case there was an issue with the Library Director leaving. The Library Director was NOT escorted out, as has been stated by some, but left without incident. A "Civil Standby" is common practice for law enforcement agencies and the Elk Rapids Police Department.
- On August 24, 2020 at 8AM, Milton Township held a Special Board Meeting at and appointed their elected Treasurer, Liz Atkinson to the Library Board.
- On August 31, 2020 we organized a meeting regarding the library with the Supervisors of the two townships. The meeting was scheduled for September 10th at 9AM with Milton Supervisor Bargy, Elk Rapids Supervisor Amos, Bill Cooper and me. I requested that no Library Board members were to be in attendance.
- On September 9, Milton Township held a special board meeting, at the request of Milton Treasurer and Library board member Atkinson, and all members present voted to ask for Barb Johnson's resignation, Barb being the Library Board President and their appointee. Their regular board meeting was scheduled for

Monday, September 14, 2020 at 7PM. Ms. Johnson was not aware of this special meeting.

- The morning of September 10, at 7:46 AM, prior to the Elk Rapids Township special meeting, Liz Atkinson sent an email to Bill Cooper and me speaking on behalf of the Milton Township Board, informing us of their action and asking for our support. As you are aware, Liz Atkinson has all of your emails and informed you of her position on various matters in the past by sending them to you directly. I wasn't aware of this email until 11:30 AM or so.
 - Bill Cooper responded at 12:10 PM that he personally could not support Milton Townships' actions. Please read his email.
- On September 10, 2020 at 8AM, I contacted Supervisors Bargy and Amos advising that our meeting would need to be rescheduled as Manager Cooper was ill that morning. Bargy advised that he would be on vacation for the next two weeks and was leaving after the Milton Township regular board meeting on September 14, 2020. Both Supervisors acknowledged that a meeting would be arranged as soon as possible.
- The morning of September 10, at 10AM Elk Rapids Township held a special board meeting at the request of Trustee and Library Board Member Dick Hultz. The members present also supported the Milton Township request for Barb Johnson to resign. (Liz was at this meeting)
- The Elk Rapids District Library Board met on September 10 at 5:00 PM. Library Board Member and Elk Rapids Township Trustee, Dick Hults, made a motion asking for Barb Johnson to resign. Support of this motion was seconded by Milton Township Trustee and Board member Liz Atkinson. The vote was 3-3 with one abstention. Julia Pollister Amos was the additional dissenting vote.
 - In the Village of Elk Rapids, this would have been a failed motion. End of discussion. What happened next is that Dick Hultz argued that Barb Johnston's vote did not count and then the vote was declared as being passed 3-2, with 1 abstention. This was without Barb Johnson's actual vote now, disregarded.
 - According to Roberts Rules, Barb is allowed to vote even when the motion involves her personally. She did vote originally, but the Library Board decided that her vote did not count. Had they followed the rule, Barb's vote would have been a 3-3 tie and the motion would have failed.
 - According to the OMA, when a voting member declares an abstention, the vote is counted as a "No" vote. It would appear to me that the vote was actually a 4-3 vote, also causing the motion to fail.
 - Immediately following this vote, Barb Johnson informed the Library Board that she had checked and only the Governor could remove her from office and that she would not resign.

- On Saturday evening, September 12th at 6:37pm, Liz Atkinson sent you all an email with additional information that was not included in the email Bill and I received.

Moving on, as a result of the short notice from Milton Township of their special board meeting, the special Elk Rapids Township Board meeting the morning of September 10, and the Library Board meeting later that same day, Bill and I decided that there was not sufficient time to evaluate what had occurred, to look into this matter, before anything was presented to the Village Council for discussion. As a result, the decision was made that the email from Milton Township would be put into the Council packet as correspondence. This would both inform the Council and allow for discussion of the situation once we had more information.

A couple of important points that need to be considered:

1. The Elk Rapids District Library is a separate governmental entity. The only authority that the Townships or the Village have over the Library Board is the authority to appoint its members. Currently that is 3 members from the Village, 3 from Milton Township and 2 from Elk Rapids Township.
2. Once appointed, a Library Board member cannot be removed, except by the Governor. The only action a community can take is what Milton Township had done and ask for their appointee's resignation. They can also refuse to reappoint that individual when their term expires.

So, what is the problem that needs to be addressed? (As I see it) The Library Director and the Library board have had a contentious and ongoing volatile relationship and the Library Board is definitely not functional. There is a definite split between the board members. Specifically, elected officials/Spouse of Township Supervisor versus other appointed members. Since the communities have no jurisdiction over the Library Board, a solution must be found in order to assure a smoother running operation. As a result, I suggest the following:

- A. Mediation: a professional mediation individual or group needs to come in to find ways to resolve the differences and determine what needs to be done to assure an improved working relationship amongst Library Board members, and between the Library Board and the Library Director.
- B. The 3 communities come together to develop a new agreement, one that is in line with the District Library Act. It is my understanding that there is some old agreement that predates this Act, but at this point it cannot be found. (The library director has told Bill that she has this agreement. To date, it has not been provided to us.) The Village President from the Village of Elk Rapids and the Township Supervisors from Milton Township and Elk Rapids Township are the ones who should meet and develop this agreement.
- C. Incorporated in the new agreement is language that does not allow nepotism nor appointing elected officials to be members of the library board.

A lot has happened over a short period of time. We cannot change what has happened prior to this point. We can work to assure that this situation improves, keeping in mind that we have no direct authority over the Library Board.

To be sure that everyone has seen the emails from Liz Atkinson I decided to attach them to this document instead of putting them in the packet.

A handwritten signature in black ink, appearing to read "Karen D. Johnson".

William Cooper

From: Milton Township <miltontownshiptreasurer@gmail.com>
Sent: Saturday, September 12, 2020 6:37 PM
To: Barb Mullaly; Elaine Glowicki; Doug Bronkema; Melissa West; mtoscano@elkrapids.com; Trisha Perlman
Cc: Jim Janisse; William Cooper; Caroline Kennedy
Subject: Fwd: Library Board

To: All Village Council Members,
I received word that not all Village Council members were notified of Milton's request of support from the Village for the resignation request of our appointee, Barb Johnson, from the Library Board. I hope this isn't true, as I was recently told by Bill Cooper "part of my job is to keep council informed."
I'm never sure what the protocol is, and after our attempt to secure a sewer agreement, I sensed that I should not have gone around Bill to get to you, but you must know, as I worked in tandem with our attorney to secure this agreement, his frustration level grew along with our attorney costs.

I am forwarding the following email to you in order to make sure everyone has received it. My apologies if you have received it twice, but better than not at all.

Milton Township is confused with the response from Bill's unofficial, personal opinion, yet from the Village Manager's office. but more so, because of Jim's complete silence.

As you may have heard from the special meeting of the Elk Rapids Township Board on Sept 10th, and todays' Record Eagle article, Milton Township is making every attempt to correct a non-functioning board by removing one of our Milton Township Appointees. After you read Bill's response, I need you to know the hard fact that Milton Township had requested Barb Johnson in 2 separate communications to please explain her reasoning, mindset and justification of her action in suspending Nannette Miller. She refused to comply.

Another concern, that I hope you question is: Can any one of us call the Elk Rapids Police Dept and request someone to be removed from a building because we don't like what they said via email or Facebook? This seems to violate a standard of reasonableness among other more serious violations. Did the ERPD receive some authorization prior to this initiative, and if so, who authorized it?

I submit this email to all of you with the sincere intention to deal fairly and honestly with the Village of Elk Rapids. I am always open to comments or questions whether negative or positive.

Respectively,
Liz Atkinson
Milton Township Treasurer

----- Forwarded message -----

From: William Cooper <vllg398@elkrapids.org>
Date: Thu, Sep 10, 2020 at 12:10 PM
Subject: RE: Library Board
To: Milton Township <miltontownshiptreasurer@gmail.com>
Cc: Jim Janisse <jjanisse@elkrapids.org>

Liz,

In your next to last sentence you stated: "We realize that not everyone will support our action, but we hope that it will be respected."

Speaking only for myself, I can neither support or respect the action taken by the Milton Township Board in this matter. From what I see and have heard, the Milton Township Board called a special meeting, discussed a possible action and voted to request Barb Johnson's resignation. It appears that this was done without giving Ms. Johnson the opportunity to face the Board and explain her actions. I do not see that as fair, in fact it appears that this was accomplished intentionally to not allow her to defend her actions.

While my single opinion will not change the outcome of this decision, I felt that since you asked for my support you should be aware that I cannot give it in this instance.

Please share my comments with all of the members of the Milton Township Board.

Bill Cooper, Village Manager

From: Milton Township <miltontownshiptreasurer@gmail.com>
Sent: Thursday, September 10, 2020 7:46 AM
To: William Cooper <vllg398@elkrapids.org>; Jim Janisse <janisse@elkrapids.org>
Subject: Library Board

Bill & Jim,

On behalf of the Milton Township Board, I would like to inform you of the following:

By unanimous vote held at a special meeting on Wednesday, September 9, 2020, the decision was made to request Barb Johnson's resignation to be effective immediately.

We are keenly aware of the important role the Elk Rapids District Library Board plays in the expansion project, which led us to provide additional oversight when the need became apparent.

We are asking for your support in our decision, and we ask that communications to your Library Board appointees, Village Council members & residents set a positive tone that unites our municipalities in moving forward.

Milton Township is making a heavy investment in perpetuity through our annual library millage, and with that carries the obligation to our taxpayers to monitor performance, activities and situations as they arise.

We realize that not everyone will support our action, but we hope that it will be respected.

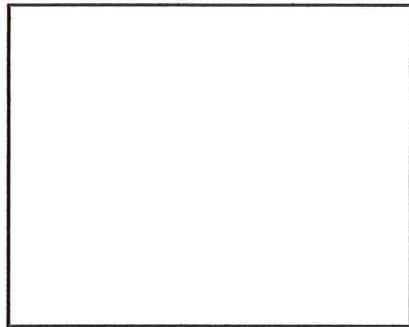
If you have any questions, please don't hesitate to ask.

Sincerely,

Liz Atkinson

--
Liz Atkinson

Milton Township Treasurer



--
Liz Atkinson
Milton Township Treasurer

