

STATE OF MICHIGAN
COUNTY OF ST. CLAIR
CITY OF MARINE CITY AFFIDAVIT

In the matter of a removal from office hearing under City of Marine City Charter Section 5.4 relating to Commissioner Michael Hilferink and otherwise supported by adopted resolution 023-2023:

AFFIDAVIT OF CITY MANAGER SCOTT A. ADKINS

STATE OF MICHIGAN)
)ss:
COUNTY OF ST. CLAIR)

The undersigned, being first duly sworn, does hereby state under oath as follows:

1. On August 8, 2023, I personally met with East China School District Superintendent Suzanne Cybulla at the district’s administrative offices. Also present at this meeting was school board president Jeanne Frank. We met to discuss District/City relationships, potential projects and the Washington Life Center property in which the City Commission authorized me to discuss the possibility of the City purchasing the vacant playground/park area.

2. During this discussion, on August 8, 2023, Superintendent Cybulla indicated that in the Spring of 2023 (possibly April), she spoke directly with City Commissioner Michael Hilferink regarding a purchase of this property. She indicated that Commissioner Michael Hilferink presented three (3) proposals to her which she then shared with the school board members. Those proposals were:
 - ECSD would consider selling the property to the City for One (\$1.00) Dollar;

 - The City would trade property adjacent to Marine City High School to the district in exchange for the Washington Life Center property; and

 - The City would purchase the property outright for Fifty Thousand and 00/100 (\$50,000.00) Dollars.

3. Based on the meeting on August 8, 2023, I came to learn that Superintendent Cybulla believed Commissioner Michael Hilferink was authorized by the City Commission to present these proposals.

4. I researched the minutes and I did not locate any minutes wherein the City Commission approved a motion or a resolution authorizing Commissioner Michael Hilferink to make these proposals concerning the purchase of the property at issue.
5. I have reviewed emails and text messages wherein Commissioner Michael Hilferink admits he conducted these meetings with the District Superintendent.

If sworn as a witness, I can testify competently to the facts stated herein.

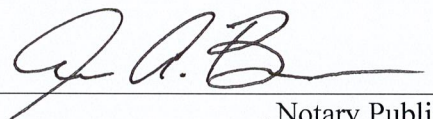
Further, Affiant sayeth not.

/s/ 
 SCOTT A. ADKINS, City Manager

ACKNOWLEDGMENT

STATE OF MICHIGAN)
)ss:
 COUNTY OF ST. CLAIR)

The foregoing instrument was acknowledged before me this 11 day of October, 2023 by SCOTT A. ADKINS, City Manager, City of Marine City.


 _____, Notary Public
St. Clair County, Michigan
 My Commission Expires: 06/26/2027
 Acting in St. Clair County

From: Mike Hilferink <mhilferink@cityofmarinecity.org>
Date: June 8, 2023 at 10:06:52 AM EDT
To: City Manager <citymanager@cityofmarinecity.org>
Subject: Re: Update

Also, meetings have already taken place, numbers discussed. She wants a proposal to take to the board, which is what was mentioned at the last meeting. She isn't going to give much info on numbers, I tried.

The whole reason for me to have those conversations with Suzanne was so we didn't have to deal with months of back and forth with busy people hopefully working out meetings. Lets get this thing done, so we can make an announcement. Hopefully by the end of summer.

The commission worked out a number to start with at the meeting, 36k, so has a proposal been written up reflecting that desire of the commission?

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From: mhilferink@cityofmarinecity.org <mhilferink@cityofmarinecity.org>
Sent: Wednesday, June 7, 2023 11:06:10 AM
To: City Manager <citymanager@cityofmarinecity.org>
Subject: Re: Update

The superintendent is not the best at checking emails oddly. Call Dawn at 8106761017, her admin assistant or you can call Suzanne directly at 8106761018. Ive had better luck getting a call back after leaving a VM with Suzanne.

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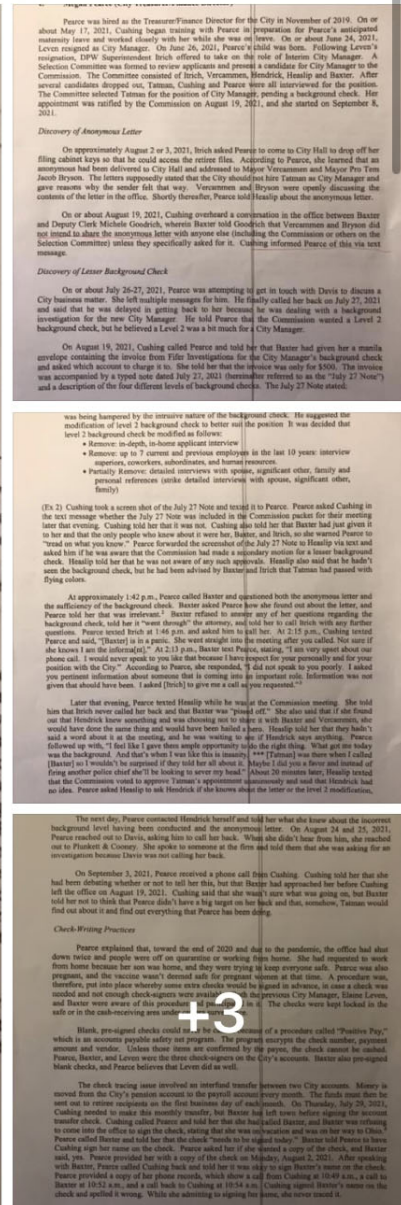
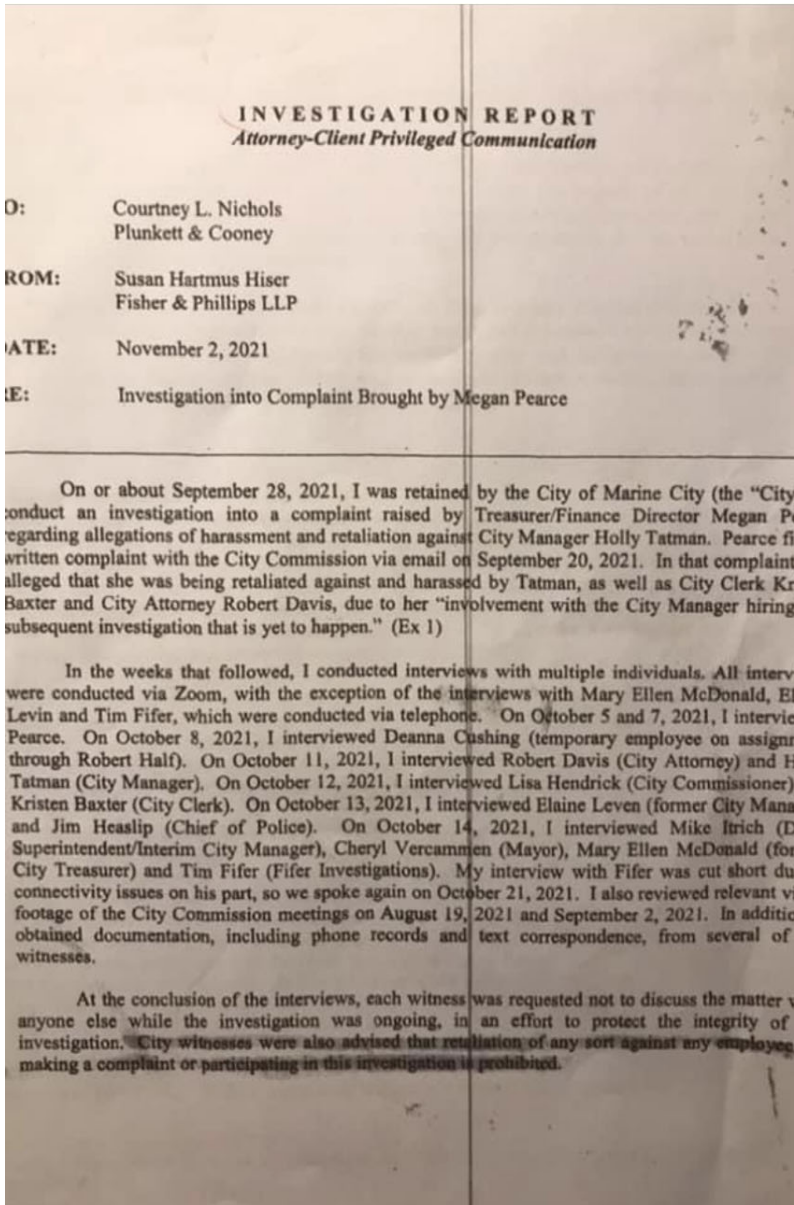
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City of MC Investigation Report 11/2/2021

7 week investigation with over 50 pages = ~\$50k+ of tax payer \$\$\$ paid to lawyers/investigators.

Section I.



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City of Marine City Personnel Investigation Report

Section II

Interview with city attorney Davis

sought advice from the Commission on how to proceed. Ultimately, Pearce waived her right to a Loudermill hearing and issued a written response instead.¹⁰

On September 23, 2021, Tatman returned Pearce's filing cabinet key to her. Also on this date, Tatman questioned Pearce in front of the entire office as to whether she was going to "be available for the hearing on Monday." Pearce said that she would not be because she hadn't had time to obtain counsel. Tatman gave her a one-week extension, but told her that that would be it. Pearce said she was "completely embarrassed." Goodrich came to the front of her and Baxter's offices and started laughing. Pearce said that she became "overwhelmingly upset" and broke down. She left the office and parked her car down the street because she was having a panic attack. A few minutes later, she went to an Urgent Care facility.

On or about September 27, 2021, the Commission approved this investigation. Pearce was placed on a paid administrative leave pending the investigation.

II. Robert Davis (City Attorney)¹¹

Background Materials Submitted by Davis

In an initial background memorandum to me dated September 29, 2021, Bob Davis relayed that Pearce was engaged with an agreement, that Pearce had applied for the City Manager position, that the Board had voted unanimously to hire Tatman, that a background investigation was required, and the scope of that investigation became an issue. He also advised that the City Clerk (Baxter) contacted him and advised him about irregular check writing practices being directed by Pearce. Given the information presented, he claims that he "acted on the issues presented." He also stated, "The Commission remains unaware of any actual complaint, written or otherwise, filed by Megan Pearce that forms the basis of the alleged retaliation."

In a Memorandum to an Investigation File, Davis provided the following timeline of events:

- July 20, 2021: Tatman was selected as City Manager; motions were passed to waive competitive bidding for a Level 2 background investigation and to approve an amount not to exceed \$3,500 to pay for the background check.

¹⁰ On October 6, 2021, while investigation interviews of the Selection Committee members were in the process of being scheduled, Pearce emailed her Loudermill response to Davis and Tatman, specifically stating that she does "not" have permission for this correspondence to be viewed by anyone other than those that required the meeting." Davis forwarded her email to the entire Selection Committee.

¹¹ After being retained to conduct this investigation, an initial conversation was scheduled for me to speak with City Attorney Robert Davis on October 1, 2021, in order to obtain some background information regarding the investigation. Prior to that discussion, on September 29, 2021, Davis forwarded me numerous documents and emails relating to the matter. At the outset of the October 1, 2021 telephone conference, I advised Davis that he is an accused party as well as a witness in this investigation and that our conversation in my role as investigator was not protected by the attorney-client privilege. He stated that he understood. While some of Davis' conversations with other City officials are at the heart of this matter, I cautioned witnesses not to divulge any conversations that they had with Davis if those conversations were the purpose of obtaining legal advice. To the extent that some of those conversations were nevertheless revealed to me in the defense of the claims being made or were revealed at the public September 2, 2021 Commission meeting, I will add them here where necessary to my investigation findings. Otherwise, I have taken my best efforts to protect any attorney-client privileged communications between Davis and other City officials.

¹² Only those events deemed relevant to this investigation are included here.

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FP 42104658.1

Commission agreed. He also advised that any change would have to be later ratified by a vote of the City Commission at a public meeting. Davis was advised that the Commission appeared to be satisfied in the position that a full Level 2 investigation was too intrusive and that a Level 3 investigation would serve the purposes of the City.

- August 14, 2021: Fifer Investigations sent a Background Report along with an invoice for \$500. Irlich received the Background Report and gave it to Baxter to be placed in the City files. At that time, a personnel file for Tatman had been started and was being maintained accordingly.
- August 19, 2021: The City Commission voted to approve the City Manager contract. Irlich advised the Commissioners that everything was in order, after hearing directly from Fifer that the background investigation was completed and acceptable.
- August 20, 2021: Commission Hendrick contacted Davis and advised him that the background investigation conducted was neither a Level 2 nor a Level 3. She advised that she learned of this fact from Police Chief Healy and from documents received from an undisclosed source. Davis contacted both Healy and Fifer and independently confirmed that the background investigation was neither a Level 2 nor a Level 3.
- August 30, 2021: Davis requested that Fifer complete a Level 3 background investigation.
- September 2, 2021: Davis received a completed Level 3 background investigation and invoice.
- September 2, 2021: The City Commission voted to early the decision to change the background investigation from a Level 2 to a Level 3.
- September 2, 2021: The City Commission instructed the City Attorney to engage an independent investigation on the facts outlined above, as well as "all other issues relating to the receipt and full disclosure of the Holy Tatman background investigation."

Specifically, Davis noted that the City Commission wanted an investigation to determine the following:

- (a) What was communicated to Fifer that resulted in the initial inadequate level of investigation presented to the City.
- (b) Who knew the background investigation was incomplete/inadequate prior to the vote to approve the City Manager on August 19, 2021.

Davis also provided information regarding Pearce, including her offer letter, job description, and two memoranda addressed to Pearce and Baxter. As noted above, the first, dated September 8, 2021, requested information regarding the City's Check Signing Policies and had some small address of the person in charge of the City's independent audit for the upcoming audit process. He also stated that he had been advised that Pearce has "no one objective, requested that an officer write the signature of the Clerk onto a check." He opined that the practice should stop and not happen again. He also suggested that they contact the auditor to weigh in on this initial audit. He further stated that he had been advised that blank checks were being signed in advance. He again opined that this was not good practice and suggested that the auditor be advised. The second memorandum, dated September 14, 2021, was written as a "follow-up" to his September 8, 2021 communication. He noted that he had not received any response to his first memorandum and informed them that he had conferred with the City Auditor, who confirmed that the practices outlined in the September 8 communication were not acceptable practices and should cease now.¹³

Davis also provided me with the following:

- September 20, 2021 email complaint from Pearce to the City Commission, alleging harassment and retaliation against Tatman, Davis, and Baxter for her involvement with the City Manager hiring and subsequent investigations.
- September 24, 2021 email from Davis to Baxter, requesting that she forward it to the Commissioners and advising that, while he was contacted about the check-writing issues on September 3, 2021, by the former City Manager (directly) was advised of the issues on or about August 9, 2021 and reported the matter to the Police Chief (Healy) on August 31, 2021. Davis claimed that the purpose of identifying these "bookends" was for the City to respond to the auditor - if an audit issue arose and because it would be "beneficial" in developing and implementing an approved policy to address the issue going forward.

Investigation Interview

At the outset of the investigation interview, I again advised Davis that the interview was being conducted in my role as investigator was not protected by the attorney-client privilege. He again stated that he understood.

Regarding the Commission's above-stated request to investigate who had knowledge of and lacked information regarding the insufficiency of the background check, Davis said that he researched the facts and contacted the Michigan State Police, asking them to investigate. The State Police investigator declined, stating that it was an internal matter with no criminal activity was involved. Davis said that the State Police investigator left the matter open if anything new developed. Davis said that he involved the Commission, the City Manager, and the Police Chief to advise the State Police investigator directly if there had been additional facts or information, but he was not did.

reinvestigation regarding the check-writing issues, stating that he had received a verbal report of these matters and was obligated to address the issue. He explained in the investigation interview that he had not conducted an investigation and had not been asked to provide legal advice. Rather, he reached out to other municipal attorneys and did his own research, which led him to the conclusion that he needed to involve the City's Auditor. In his Memorandum of September 14, 2021, he relayed the guidance he had received from the Auditor, stating that absent a written policy, local governments are obligated to follow State of Michigan guidelines for their procedures. He conveyed this to the Clerk and the Treasurer and "considered his work concluded."

I asked if he was ever engaged to revisit the issues and he said, "regarding the issues, no." He was consulted, however, regarding potential discipline of Pearce up to and including termination actions. On the issue of termination, Davis said that he provided the relevant Charter Provisions, stating that a City Manager can terminate an employee without involving the Commission and that, within 10 days, an individual can request a hearing before the Commission as a whole. When it became clear that Pearce's termination "might be an issue," he researched and was advised that Pearce may be entitled to a Loudermill hearing. He then advised Tatman, and Tatman gave Pearce notice of a hearing, which Davis said that the hearing was scheduled before himself and Tatman and that the Commission would not be involved.

On October 6, 2021, Pearce filed a complaint with the City of Marine City and Tatman, specifically stating that she does "not give permission for this correspondence to be viewed by anyone other than those that required the meeting." Davis thereafter sent an email to the Selection Committee inquiring as to their availability to be interviewed in connection with this investigation and including Pearce's Loudermill response at the end of the email string. When questioned about it, he said that he had his notice for Loudermill response was contained on the email string and that he had developed it.

I asked Davis why he identified August 9 and September 1 as "bookends." He explained that the Auditor said that the check-writing issues would raise a red flag and that the City would have to explain what it learned, when it learned it, and how it fixed the problem. He said that having the bookend information (ie the date that Irlich learned of the problem and the date he first learned of the problem and took action) would give the City a chance to respond to a negative audit citation. In his discussion with me on October 1, 2021, however, Davis said that the "bookends" were August 9 and August 9 predated the issues that Megan had on August 8 - you "cannot have retaliation."

Davis also said that he reached out to Baxter and Chief regarding the check-writing issues because he "wanted to know if it happened." Chief acknowledged that some blank checks had been used.

¹³ Upon receiving Pearce's email complaint, Hendrick recalled that out of the Commission, stating "This is exactly what I was trying to tell you would happen at the hearing. We cannot change due to the Open Meeting Act being passed. But, you'll need to see out on this complaint. Our Attorney, City Manager or Clerk cannot be used for the issue. The need



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City of Marine city personal investigative report

Section III Interview with Deanna Cushing, Treasurer temp

Section IV City Clerk Baxster

Regarding the alleged forgery of Baxter's signature, Cushing admitted she denied that she tried tracing it. She told Davis that she spoke with her way to Ohio and "ran it by her." Cushing "definitely" left Davis and Baxter was aware that her name was being signed, stating that "she knew nothing about Pearce, and Davis didn't ask her about Pearce."

... if he had any other non-privileged communications with anyone. He reiterated again that he thought he was done with this matter on September 14, attaching his September 14 memorandum. He also said that he advised meeting with the Auditor.

Cushing

Cushing was employed by Robert Half (a staffing agency) and was assigned to perform the Treasurer duties while Pearce was on maternity leave. She commented regarding her job functions. After several candidates dropped out, Baxter applied for the City Manager position, which she did. She told Cushing that he wanted her to interview. Cushing had worked in local government before and got back into it but said that she got caught up in the idea that they wanted her. Baxter had given her that hope. She was not at all disappointed that she was not selected.

... in August 2021,¹⁵ Cushing was standing at the office counter as she spoke between Baxter and Vercammen and then Baxter and Goodrich. Vercammen handed her a letter she had received about Tatman, stating, "it's a shame that person who was hired by Bryson, so they didn't have to release it."

Background Check

On August 19, 2021, Cushing was working at the City offices. Tatman was also present, meeting with Baxter, Vercammen and Itrich. Baxter handed Cushing an invoice from Fifer Investigations and asked her to pay it. The invoice was the July 27 Note. While on the telephone with Pearce, Cushing was for \$500 and asked her what account to charge the invoice to. Pearce said that the invoice was well below the amount that the Commission had requested because the invoice was for a background check and said that she was going to call Baxter. Cushing called Baxter and sent it to Pearce. She asked Baxter what she wanted her to do with the file. Baxter told her that the file contained "her notes" and to keep it in her file.

... while after Cushing ended her call with Pearce, Baxter "ran" into the office and saw Itrich and Tatman. Cushing called Pearce back and asked her what she wanted her to do. Pearce said that they had had a conversation about the invoice and Pearce had said that she didn't recall the exact date.

... was one of Cushing's normal job duties.

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Tatman and Itrich left, Vercammen walked into Baxter's office and said loud enough for everyone to hear, "I guess we're going to have to shut our doors now" and there's "no privacy" here. Later that evening while Cushing was leaving the office, Baxter approached her and told her that Pearce was upset about not getting the City Manager job. Baxter also said that someone was giving information to Pearce and that she would "find out who it is and they'll be punished." Cushing didn't know if Baxter meant that Pearce would be punished or she would be punished for giving Pearce the information. Baxter also told her that "someone's going to hear about this," "it will get back to [Tatman]," and Pearce will "have a bulls-eye on her back."¹⁷

On or about September 7, 2021, Itrich and Baxter convened a meeting with Cushing, Goodrich and Ann Marie Singer (Administrative Assistant).¹⁸ Baxter said that someone gave information to "Lisa" [Hendrick]. Cushing asked, "who's Lisa?" Baxter said that they know it's not Goodrich and said, "it's either Ann Marie or you," pointing at Cushing. She didn't say what information she was referring to, other than that it was something out of Tatman's personnel file. Baxter also said that the office was being bugged because "things she said to Fifer have been reported to [Hendrick]." Cushing said that she didn't know what Baxter was talking about and still doesn't. She never had a personnel file. She only had the manila envelope with the invoice and the July 27 Note, and "never went through it."

Check-Writing Practices

I asked Cushing about their practices regarding signing blank checks in advance. She said that before checks were run, Pearce would sign them in advance and Cushing would put them in the safe. Baxter would then counter-sign them without even reviewing the invoices. According to Cushing, Baxter was "pushing" Pearce to sign them in advance. Baxter was supposed to be taking the checks to Pearce's house to have her sign them after they were filled out, but Baxter said that she wasn't going to do that because she didn't have time. She told Cushing to have Pearce sign a bunch in advance and put them in the safe. When Pearce was in the office, she signed a batch of blank checks in front of Baxter. Cushing put them in the safe.

When Tatman was hired, they were instructed to stop this practice. Cushing said that she and Pearce voided the previously signed blank checks. After this, Baxter came to her and asked her for one of the blank checks signed by Pearce, to be filled out for \$20 for her to attend a luncheon. Cushing told her that she would have to pay for the luncheon herself and seek reimbursement. Baxter replied, "Oh, yeah. I don't want to be caught up in the check thing." Tatman also sent an email to Cushing and Pearce, stating that she wanted to approve all invoices before any checks were signed. Previously, the departments requesting the checks approved their own invoices. After providing these instructions, Tatman requested that Cushing give her a check without an approved invoice. Cushing said that she doesn't trust Tatman and felt that she was trying to "set someone up" by requesting that a check be provided without the proper approval.

In late July, Pearce signed a check to transfer funds from one City account to another. She gave the check to Baxter to countersign it, but Baxter didn't do so. She called Baxter to have her

... come in to sign the check, and Baxter indicated that she was out of town and was not able to come in. Cushing then called Pearce and asked her what to do about it. Pearce hung up to call Baxter. She called Cushing back and told her to sign Baxter's name to the check. Cushing did so, spelling her name wrong. When Baxter returned to the office, Cushing gave Baxter a copy of the check and the deposit slip. She also gave her a copy of the deposit slip from the previous month's transfer, so she could see that the amounts were identical. Baxter never brought it up again.

Alleged Retaliation from Tatman and Baxter

On Cushing's last day, Tatman called her in and told her that Pearce was "throwing her under the bus." She brought up Pearce's Loudermill hearing "in front of everyone." Pearce was humiliated and started crying. Cushing said "this is the bulls-eye" that is already there.¹⁹ Tatman asked Cushing to write a statement about the facts surrounding the check-signing issues. She also asked Cushing, Goodrich and Singer to write statements about Tatman's interaction with Pearce earlier that day and how her tone was "just fine." Tatman told Cushing that she seemed like a nice person and was smart, so she needed to think about her career. Tatman also told her that she should write a statement so that Pearce doesn't "throw her under the bus," in order to save her career. Cushing refused to write either statement.

That same day, Baxter yelled at Cushing for not telling her that Pearce had left the office without signing checks that were owed to the insurance company. According to Cushing, the City had never paid a full year of insurance premiums at once before, so they were not at risk of losing their insurance as Baxter was alleging. Baxter told her, "how dare you not tell me," and "don't play these games." She reminded Cushing that she [Baxter] had gotten Cushing an interview for the City Manager position and told her that she had ruined the City and caused a huge embarrassment.

Cushing also said that she doesn't know how Pearce can ever go back to her job. She doesn't feel that it's "safe" for her and said she has no support from the "Board." She said that Tatman and Baxter are aligned and Davis is "close knit" with Baxter. She doesn't think Davis is neutral because she feels that he is protecting Baxter and knows that Tatman can fire him. She said that Davis and Baxter are "tight." She "truly believes this is a tit-for-tat on Baxter's part" and that Baxter "started it all." According to Cushing, "everyone else is kissing [Tatman's] ass." She said that Pearce will never be able to go back; the workplace environment is "too hostile" and "too abusive" for her.



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Mike, what's the cliff notes version on this? The



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Section IV Interview with former Clerk Baxster

Section V Interview with Chief Heaslip

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IV. Kristen Baxter (City Clerk)

Kristen Baxter has worked for the City since 2008. She was an administrative assistant in the Police Department for 5 years and has been the City Clerk since 2013.

Check-Writing Practices

Baxter explained that their previous practice was for checks to be completely filled out before being signed and that all checks had two signatures. During the second resurgence of the COVID-19 pandemic, the Administrative Assistant, Cathy Thomas, brought her checks to sign that had not been filled out. She didn't feel comfortable doing so, and asked Pearce about it. Pearce said that they had to do it that way because they didn't have people in the office to sign checks as needed. Pearce told

¹⁹ Cushing also said that Baxter hates Pearce and that every time Baxter walked past Cushing, she gave her dirty looks. According to Cushing, this is "all because [Baxter] ran to [Tatman]" about the background check.

had ever gone to Pearce's home to have her sign checks. She said that Leven had talked to her about it when Pearce was close to giving birth, but Pearce had ended up coming into the office to sign the checks, so it wasn't necessary.

Baxter explained that Leven was tracking the check numbers as the checks were signed. Sometimes the signed checks were kept in the supply cupboard, and sometimes they were left sitting out on Leven's or Baxter's desks. She denied that there were any cameras in the office at this time. She said that the practice of signing blank checks in advance made her "really uncomfortable." She admits, however, that she never told anyone on the Commission. Irlich took over as Interim City Manager in late June of 2021. Baxter admits that they continued the practice after Leven left, and she "didn't say anything." She told Irlich about it at the same time she told him about Cushing signing her name on a check, on or about August 9, 2021.

Baxter said that she was off work the week of July 26, 2021, but still coming in to sign checks. On Thursday, July 29, 2021, she took a trip to the Amish country with her sister and her daughters. While driving in the car, she received a call from Cushing, telling her that she needed to come in to sign a check to transfer money from the City's retirement account to the payroll account so that they retroactively could be paid.²⁰ She told Cushing that she couldn't come in and that it would have to wait until Monday. A short time later, she received a call from Pearce, who told her that she had had Cushing sign her [Baxter's] name to the check. She told Pearce that she was "not comfortable with this... at all." Pearce said that it had to be done. She returned to Pearce how unhappy she was and said that they would "talk on Monday." Baxter said that she never told Cushing to sign her name.

Baxter said that she spoke to Cushing about it the following Monday, but not to Pearce. She said that Cushing came into her office "laughing" about how her signature is "hard to trace." Baxter said that she was not happy about it and told Cushing, "don't ever do it again." She denied that she asked for a copy of the check and said that she didn't see the check until Davis forwarded it to her to give to the Commission within the last two weeks. She acknowledged that Irlich said she told him about it on August 9, 2021, but she believes she told him the day she returned.

Baxter said that she "had been feeling" that Cushing also had been signing Pearce's name on checks. She said that the signatures were very light and did not look like Pearce's. She also said that they used to announce when Pearce was coming to the office. She said that all of it "made her uncomfortable." I asked her if she reported this to anyone. [She said that she called the previous Treasurer, Elinor McDonald, and asked if this was commonplace. McDonald told her, "you've got to report this." When she told Irlich, he said, "I don't know what to do" and was hoping that they would hire a new City Manager.] Baxter admits that she never told Mayor McDonald or any of the Commissioners. When I asked her why she didn't go to the Commissioners with her concerns, she said that she reported it to the City Manager and that she was "not supposed to ever be heard unless it was something serious."

Investigation into the missing payments to see one on one previously signed checks in order to attend a St. Clair County Clerk's luncheon after Davis instructed them to stop the practice and that Cushing told her that the checks had all been voided. Baxter admitted that she has no knowledge of any checks having improperly gone out.

Anonymous Letter

Baxter was in the City offices with Irlich when the anonymous letter arrived for Veracemum and Bryson. Goodrich told Bryson that she had some mail for him. He read the letter and laughed. He said that it was from the same person from the Facebook page that is devoted to "hauling [Tatman]" and put the letter back in its envelope. At the same time, a letter came for Veracemum. Veracemum opened it and said it was "just a bunch of crap." Baxter didn't know what the letter to Veracemum was, so she pressed her more about it, although Baxter admitted that she assumed it was the same letter that Bryson had received. Veracemum had the same reaction that Bryson had had. Veracemum said that the letter was about what Tatman had done in Lexington and "had nothing to do with Marine City." Baxter asked Veracemum if she thought this was something she should "have the attorneys look at." She scanned the letter and sent it to Davis, then gave it back to Veracemum and deleted it from her email.

I asked Baxter if there was ever a discussion with Veracemum or Bryson on whether to share the letter with the other Commissioners. She said no. She stated Davis said to share the letter, and Veracemum kept saying it "wasn't hers to release." Baxter told Veracemum that "the attorney said it should be released" but Veracemum said that it was addressed to her and it shouldn't be released because if the sender wanted it released to the other Commissioners, he would have said so to them. Baxter denies that Veracemum or Bryson said that they would only share it if someone asked for it. Goodrich was also aware of the letter and laughed when Bryson informed Lexington.

Issues Pertaining to Events of August 19, 2021

I asked Baxter to tell me about her conversation with Pearce on August 19, 2021. She first told me that Davis and Pearce used to be friends. She said that she called her first as a courtesy on July 20, 2021, to tell her that Tatman had been selected as City Manager. She said that Pearce "didn't take it well" and "got nasty." Pearce said to Baxter, "why would they choose her?"

Regarding their conversation on August 19, 2021, Baxter said that Pearce called her and said, "how dare you not tell me about that letter," and "don't bring it to me." She described the phone call as "very accusatory" about the letter, with Pearce questioning, "how could you have [Tatman] with all that stuff." Baxter told her, "it's not our business." At first, Baxter said that Pearce "nattered off about the background check." She then stopped herself and changed the subject. When I came back to the August 19th conversation, Baxter corrected herself, saying, "now that I think back," Pearce "didn't say

Issues Pertaining to Background Check

Baxter said that she first learned about issues with the background check on August 20th or August 23, 2021.²¹ She described the issue as an "honest mistake" and "not intentional." She claims that she doesn't know who brought them to the Commission's attention. According to Baxter, Heaslip recommended that they do a Level 2 inquiry, and the Commission took his recommendation. Tatman then called and questioned why they wanted her medical records. The Selection Committee met and did a side-by-side comparison of the different levels of inquiry. Baxter took notes on the comparison chart and those notes were eventually consolidated. (Ex. 2) They agreed to eliminate the medical records. I asked Baxter why she wrote "medical also" to the Level 2 inquiry. She didn't know. I also asked her why Level 4 was a "no" by it. Again, she didn't know. As for the items that had been crossed off, she stated that the Committee had discussed removing those items.

I asked her who made the decision to remove those items from the background check inquiry and she said the entire Committee did in a meeting. After they left the meeting, she and Irlich called Davis.²² She said, "too much got removed" and it was "not intentional." Baxter said that she spoke to Irlich following the Commission meeting, and told him that the Board wanted to increase the background check to a Level 3.²³

I asked her about the invoice from PEI [Professional Employment Inquiry] on July 27, 2021. She said that she gave the invoice to Irlich to pay and that it would have been paid by the City. She is not 100% sure that it came to her, but she knows that she saw it on July 27, 2021. She acknowledged that she created the July 27 Note following her call to Davis and that it is a file with Tatman's name on it. She would not have documented the investigation from "anonymous." She denied that the July 27 Note was in the file with the invoice and said it is "not possible" that she gave it to Cushing with the invoice. She said that she got the background check Report and put it in a file, but it was not an "HR" file and they didn't have a "personal file" for Tatman at that time. She eventually created a personal file and put the initial background check Report in it and then the second. There was only one copy of the July 27 Note, and it was also placed in the personal file.

Baxter told me that she has a theory about what happened. She said that Pearce came into the City offices sometime around August 17th or 18th. Cushing gave her a folder of checks to sign and she was there. The personalized files are kept in the Treasurer's or storage room, so Baxter believes that Pearce found the file with the background check information in it, and this is why she stopped signing checks. According to Baxter, this also corresponds with the "she [the Commissioner Heaslip] wrote to the

²¹ This corresponds with the date that Davis was advised by Hendrick and Heaslip that a Level 3 investigation had not been completed.
²² At the September 2, 2021 meeting, Heaslip said that he and Veracemum were also there when she called Davis. At that time, Davis told Pearce that she was not supposed to be there.



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Section V Interview with Chief Jim Heaslip

Section VI will be former Dpw Boss Mike Itrich

V. **Jim Heaslip (Chief of Police)**

Jim Heaslip has worked for the City's Police Department for 21 years in various capacities. He became the Interim Chief of Police in 2015 and the Chief of Police in 2016.

Decision Regarding Level of Background Check to be Performed

Heaslip said that he volunteered to serve on the Selection Committee²⁷ for the new City Manager. According to Heaslip, the applicants were interviewed by the Commission on July 20, 2021, and Tatman was selected. Commissioners Brian Ross asked Heaslip what level of background check the prior City Manager had gone through, and he told them a Level 2. The Commission approved a Level 2 background check. On July 21, 2021, Heaslip drafted a letter for Itrich to sign and send to Fifer Investigations authorizing the background check. The letter stated, "I am requesting a Level II background investigation be conducted as soon as feasible." He physically handed the letter to Itrich, who signed it in Heaslip's presence. (Ex 4)

According to Heaslip, on or about July 23, 2021, he received a phone call from Fifer. Fifer told him that Tatman did not complete the background packet as requested and wanted guidance on how to proceed. Heaslip advised him that any problems associated with the background investigation needed to be discussed with Itrich. A few days later, Fifer advised Heaslip that Tatman was refusing to provide cell phone numbers for her references. Heaslip gave him Itrich's cell phone number and asked him to contact Itrich. He also reached out to Itrich himself and told him that Fifer would be contacting him because Tatman was refusing to provide information. According to Heaslip, Itrich became frustrated and questioned the background company.

On or about July 27, 2021,²⁸ Itrich convened a meeting of the Selection Committee to discuss Tatman's contract. They also discussed reducing the background check from a Level 2 given Tatman's resistance to providing the necessary information to Fifer. According to Heaslip, Itrich wanted to reduce it to a Level 4. Heaslip and Hendrick disagreed. Heaslip pointed out that Tatman's resistance should be a red flag, which "typically means they're hiding something." Itrich, Vercammen and Baxter began attacking him, and Vercammen told him, "be careful what you say." Itrich was "beating his fist on the desk," saying that they don't want to lose Tatman and don't want to scare her away. Ultimately, the Committee agreed to reduce it to a Level 3.²⁹ Hendrick questioned their authority to do so since the Commission had voted to approve a Level 2. Baxter went into her office to call Davis and Hendrick left. Vercammen, Itrich and Heaslip followed Baxter into her office. When Baxter completed her call with Davis, she advised the others that they couldn't reduce the level of the background check without the Commission's approval. Because the Committee did not thereafter discuss going back to the Commission to obtain such approval, Heaslip said that he left at that point with the understanding that they would stick with the Level 2.

²⁷ Heaslip referred to the Selection Committee as the "Sub-Committee." For consistency purposes, it will be referred to as the Selection Committee or Committee herein.

²⁸ Heaslip provided with notes he had taken as the events were unfolding. The date he had listed for the Committee meeting was July 28, 2021. When I asked him if this meeting could have occurred on July 27, 2021, he said that it may have.

²⁹ In an email correspondence between Heaslip, Hendrick, and Davis on August 23, 2021, Davis asked if the Committee agreed "to go from level 2 to level 3." Heaslip responded that a "level 3 was agreed upon in the last subcommittee meeting we had. ... To my understanding a level 3 was not completed."

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FP 42104858.1

Anonymous Letter

Sometime in August prior to August 19, 2021, Heaslip learned about the existence of the anonymous letter from Pearce.³⁰ He believes that Pearce learned about it from Chabing. Pearce told him that the letter had been sent to Vercammen and Bryson and that Baxter and Itrich were aware of it. Pearce said she was bringing it to his attention as a member of the Selection Committee and asked if he was aware of it. He told her that he was not. Heaslip advised Hendrick of the letter the following day. She also was not aware of its existence.

Discovery of Scope of Background Check Performed

On August 19, 2021, Pearce informed Heaslip that the invoice for the background check was only \$500. As Treasurer, she had been advised previously that it would cost between \$1,200-\$1,500.³¹ She questioned why they were paying so little. She also recalled him a copy of Pearce's July 27 Note indicating that the background check had been modified.³² Heaslip attended the City Commission meeting that night. At the meeting, a motion was made to appoint Tatman as the City Manager. During the question/comment portion, Hendrick asked if Tatman had passed the background check. Itrich replied yes.³³ Heaslip said that there was no disclosure to the Commission about the letter or the background check during the meeting.³⁴ Heaslip approached Hendrick after the meeting and requested that they meet the following day.

On August 20, 2021, Heaslip met with Hendrick. She had no knowledge of the anonymous letter or the related background check. Until Heaslip had seen the invoice the previous day, both were under the impression that a Level 2 background check was going to be conducted. Heaslip said that he then called Fifer, with Hendrick present, and asked about the invoice. Fifer said that he charged only \$500 because the background check was "very minimal." Heaslip obtained a copy of the background check through a confidential source. He learned that what was completed was not even a Level 2, but a "hybrid Level 4."³⁵ Heaslip also obtained a copy of the authorization that Fifer had filed to the Police Department on August 3, 2021, to obtain background information on Tatman. He noticed that the language used above authorizing a Level 2 background check had been redacted from the letter.³⁶ (Ex 5) Hendrick indicated that she would reach out to the City Attorney and let him know what had transpired.

³⁰ On August 5, 2021, Pearce and Heaslip exchanged text messages wherein they referenced the anonymous letter.

³¹ In addition, the Commission had passed a motion to approve an amount to spend \$3,500 per for a background check.

³² The messages confirm that Pearce sent Heaslip a copy of the July 27 Note on August 19, 2021 at 1:42 a.m.

³³ A review of the meeting video shows that Hendrick asked whether the background check and "everything" was done. Heaslip responded, "it is not officially reported, yes." Vercammen did not ask, "everything" good" and did not ask. The meeting passed unremarkably.

³⁴ At the September 2, 2021 meeting, Heaslip was asked whether he was aware at the time of the August 19, 2021 meeting that the signed upon background check had not been conducted. He stated that he was. Text messages indicate that he

employment interviews, so "other" interviews, and no interview of Tatman. It amounted to a Level 4 background check, plus four personal references. Fifer offered his opinion that he wasn't happy with the scope of the background check that he was instructed to conduct.

Between August 23-31, 2021, Heaslip had further communications with Hendrick and Pearce and Commissioners Bryson and Ross. Heaslip learned from Pearce that Baxter had been communicating with Tatman regarding what the scope of the investigation should be and relaying this information to Hendrick. Pearce advised that she had contacted the "HR attorney" and requested a "full blown investigation." Heaslip also filled in Bryson on what they had told Hendrick. According to Heaslip, Bryson agreed with the "deception" and said that, at a bare minimum, he would vote to keep the background check at a Level 2. He said that he would speak with Ross. Heaslip also spoke with Ross. Ross said that he wasn't happy with the lack of communication from the Selection Committee to the Commission. Heaslip apologized and said that he assumed Hendrick, Vercammen or Itrich would have relayed the information.

On or about August 31, 2021, Heaslip spoke with Itrich when Itrich came into the Police Department to make them aware of another issue. Itrich asked him how "deep" he was "in this mess." Heaslip told him that he was the one who filed the complaint with Commissioner Hendrick, as he believed the actions of Itrich, Baxter and Vercammen were "shady." Heaslip expressed his displeasure in the lack of communication pertaining to the reduction of the background check. According to Heaslip, Itrich became "viciously upset" and demanded to know who the "mole" was at City Hall. Heaslip said that he didn't know. Itrich began yelling at him for calling him "shady." Heaslip asked him to look at things from a different perspective, at which point Itrich agreed that "I looked stupid but there were no ill intentions." Itrich admitted to taking "some" items from the Level 2 background check out, but said that it was agreed upon by the Selection Committee, and they were advised by Davis that they could do it. Heaslip said that Itrich had no reasonable explanation as to why the additional items were removed. While he claimed that he hadn't seen the final background check until the day after the Commission had voted to approve her contract, he acknowledged affirming in the meeting that she had passed. Heaslip said that Itrich became "emotional again" and stated that he was going to resign.³⁷

I then asked Heaslip about the complaint against Pearce. He said that there is "no doubt" in his mind that "this issue with Pearce" was raised because of his complaint regarding the background check. He believes that the allegation of signing blank checks is pretentious, explaining that the prior Treasurer, Mary Ellen McDonald, told him that he needed to keep a few signed checks in the Police account checkbook. He said that one is still in there now from 2019. He also said that Bill Cray, the previous Police Chief at the Village of Lexington who was appointed by Tatman, warned him that Tatman would "come in and drive wedges in relationships."

On September 9, 2021, Davis drafted a Memorandum dealing the facts, as known, relating to the process of obtaining a background investigation on the alleged new City Manager. At the end, he

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Section VI Interview with former DPW boss Mike Itrich

Section VII former mayor Cheryl Vercamen

summarized the areas that the Commission wanted investigated. One of them was, "How and why did Police Chief Heaslip learn that the background investigation was incomplete/inadequate." On September 13, 2021, Heaslip emailed Davis and informed him that he took this question as retaliatory in nature, as he was the one who filed the complaint with Commissioner Hendrick about the insufficiency of the background check.

VI. Mike Itrich (DPW Superintendent/Interim City Manager)

Mike Itrich has worked for the City for 38 years, and as the DPW Superintendent for the past six and a half years. He took over as Interim City Manager when Leven resigned.

Issues Pertaining to Background Check

According to Itrich, the Selection Committee agreed to conduct a Level 2 background check on Tatman, which he had heard was the same level of background check that had been conducted with Fifer Investigations authorizing the background check, but he could not remember who. At first, he said he believed that it might have been Heaslip and then acknowledged that Heaslip drafted the letter. He said that Heaslip gave him the letter, and he reviewed it quickly and signed it. He could not explain the existence of the two letters, the full letter (Ex 4) and the redacted letter with his signature (Ex 5). He questioned the signature on the redacted letter, but said that he "is not saying he didn't sign it." At the September 2, 2021 Commission meeting, Itrich said that he sent the full letter to Fifer and that he has never seen the redacted letter containing his signature.

According to Itrich, he contacted Fifer about reducing the background check from a Level 2 to a Level 3 because he felt that a Level 2 was "very intensive" for a civil employee. He said that the Selection Committee had a meeting and decided that a Level 3 was more appropriate.³⁷ He denied that they ever discussed a Level 4 and could not explain why Level 4 would have been starred on the comparison chart. I asked him whether Tatman had resisted at all to the background check and if that is what prompted the change in the levels, and he denied that she had. He again stated that he simply looked into it himself and decided that a Level 2 was too much. He later recalled that Tatman questioned whether it was necessary to review her medical records. He also acknowledged that Fifer told him that Tatman was refusing to give the phone number of a previous employer who was a State senator, but said that this had nothing to do with the decision to reduce the level.

Itrich said that the Selection Committee "all agreed" to do a "modified Level 2." When asked if anyone on the Committee questioned the reduction in the level, or raised a "red flag" regarding Tatman's reluctance to provide any information, he denied that they had. When asked if anyone was in disagreement with the decision to reduce it, he said that Heaslip thought it should stay as a Level 2 but "ultimately came around." When asked if there was any discussion amongst the group about wanting to lose Tatman or scare her away, Itrich said that there was, because "we all felt she was a good candidate to run the City." He said that he may have been the one to say it but said that "everyone" said it and "everyone" felt that way. When asked why he was concerned that the background check would scare her away, he said that the Level 2 check was "a lot to ask for a civil job." He denied that the meeting got heated.³⁸ Itrich recalled that Hendrick said that if they were

³⁷ This was the July 27, 2021 meeting.
³⁸ Itrich said that he may have banged his fist on the table, but not out of frustration or anger. That's consistent with how he talks.

FFP 42104658.1

never was seen was any crisis coverage on news on the management crisis, not only it there was that agreement of the Selection Committee. Itrich denies that Davis said the decision would have to be ratified by the Commission. After the call with Davis, Itrich went into his own office and called Fifer.³⁹ He said that he asked Fifer if they could "make changes," and Fifer told him, "you're the boss." He said that he told Fifer to take certain items off of the Level 2 check, and "keep the four personal references."

I referred Itrich to the July 27 Note drafted by Baxter.⁴⁰ I directed his attention to the statement that "it was determined that the investigation was being hampered by the intrusive nature of the background check" and asked him how the investigation was being hampered. Itrich responded that he doesn't know why the word "hampered" is in there and that "we just thought it was too much." He then said one that was simply trying to help out and just "the end to be a City Manager." Itrich discussed the issue with Heaslip on or about August 31, 2021. His notes of that conversation indicate that Heaslip told him that the background check was "done wrong" and that Fifer had told him (Heaslip) that it was only a "high Level 4." Itrich's notes indicate that he asked Heaslip why Heaslip had not told him about it previously, and Heaslip responded, "I thought you knew." Itrich said Heaslip had not told him anything about this.⁴¹ Heaslip showed Itrich his own notes from his conversation with Fifer indicating that Itrich had told Fifer "not to do any interviews." In his notes, Itrich admitted that he had told Fifer to "take out the medical records part, home interviews and the past 10 years [sic] interview with 7 co-workers and put in the 4 references from level 3 to 2." Itrich wrote that Fifer "told [Itrich] yes," but "never told [Itrich] that that it turned into a different level." Itrich admits that he intentionally "took down" when talking to Heaslip and that it "took [him] a couple minutes to pull [Itrich] together."

Knowledge of Check-Writing Practices

Itrich first learned that there were issues with check-writing practices on August 9, 2021, which is a Monday. He said that he was working at his DPW job the prior week and that was the first day that he was back in the City offices. He said that he saw Baxter in person that day, and she told him that Pearce had called her because she "didn't want to get into a tree" what she was about to say. Pearce then told Baxter that she "didn't want to get into a tree" what she was about to say. Pearce then told Baxter that she had traced her signature on a check. He said that Baxter was upset about it and "didn't feel comfortable." He can't remember what she Baxter said him but said that she didn't tell him that the check was for the transfer of funds from one City account to another. He said Baxter that he would "look into it." He also told her that he "didn't know what to do about it."

Itrich said that he decided to "wait for the new City Manager to deal with it." He did not tell the Commission about it. He said that he didn't tell anyone said his conversation with Heaslip on or after August 13, 2021.

Itrich said that he had called Fifer the day before and told him to "hold off" on the background check.
 The July 27 Note confirms that certain items were removed from the Level 2 background check, bringing it down to something more like a Level 4 but less than a Level 3, which is what the City ultimately received from Fifer Investigations on or about August 31, 2021.

Itrich said that he reviewed the history of the city check-writing issues that involve the execution of them as well as the tracing of signatures on to checks. He specifically asked Itrich if, while in the position of acting manager, the issue was brought to his attention, who brought it to his attention, and whether he did anything with the information he received. Itrich responded that Baxter told him about a "meeting around the 9th of August," that he was not sure what to do about it, so he was "going to wait until the new city manager was hired to figure this out," and that he mentioned it to Heaslip during their August 31, 2021 conversation. He said in the investigation interview that he "didn't tell anyone else."

Anonymous Letter

Itrich was in the office when Vercamen and Mayor Pro Tem Jacob Bryson received an anonymous letter. Vercamen didn't say what the letter was about, but Itrich assumed it was about Tamara O. There was "some discussion" about whether to forward the letter to the Selection Committee and/or the full Commission, but the letter was never forwarded. Itrich was not part of any discussion where it was decided that Vercamen would only forward the letter if someone requested it.

Issues Pertaining to Events of August 19, 2021

On August 19, 2021, Itrich, Vercamen, and Tamara were in the City Manager's office going through the Agenda for the Commission meeting that night. While they were meeting, Baxter came into the office and told them that she had just received a telephone call from Pearce. Concerning and telling about the (anonymous) letter and the background check. According to Itrich, Baxter said that Pearce was upset that the letter had been distributed to the Selection Committee or to the Commission, and Baxter was upset that Pearce had called her. Itrich is not sure whether Vercamen announced to the staff that they would have to start having their conversations behind closed doors going forward, but he acknowledged that they were saying very being "transmitted to others around town," that not all of it was truthful, and that they all (Itrich, Vercamen and Baxter) said that they needed to find out who it was who was reporting their conversations. I asked him if they ever ascertained who it was, and he said no but said he suspected it was Cushing. He denied hearing use of the term "snitch," but recalled it coming up at the September 2, 2021 City Commission meeting. After this incident, he began closing his door. He believes that Pearce was in the "possession" of the information being looked, he doesn't know for sure. He never heard anyone say that Pearce was going to have a fight on her back.

Access to Personnel Files

The personnel files were locked in a file cabinet in the Treasurer's storage area. Itrich said that he never had a key to the cabinet. When he needed the entire file, someone unlocked it for him. At one point, Tamara retrieved the key from Pearce. She asked Itrich to make two copies - one for her

then returned the original to Pearce. I asked Itrich if he said, "right after she was hired." He said that he was there for her before she started working, and he had nothing to add. He said that he was there in person to say that she had "extended your contract" and that he didn't hear any yelling or screaming. Itrich said that he didn't want to make any assumptions.

(Mayor)



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Section VII below. Interview with former mayor Cheryl Vercammen

Section VIII former city manager Holly Tatman

ock box. She then returned the original to Pearce. I asked Itrich wh
as created, and he said, "right after she was hired." He said that he ne
: a personnel file for her before she started working, and he never saw one.

ember 23, 2021

Itrich if he had anything to add. He said that he was there "on the day [...]
He heard Tatman say that she had "extended your contract for one week."
g to Cushing. He didn't hear any yelling or screaming. He doesn't know
ree or not, and he didn't want to make any assumptions.

Vercammen (Mayor)

Vercammen is the Mayor of the City. She has been the Mayor for about a
ssioner for approximately a year and a half before that. She also owns a lo

ing to Background Check

ved Vercammen the chart on the different levels of background checks
I asked her to explain what the Committee had decided regarding the level o
onducted with respect to Tatman. She said that, initially, it was a Level 2
ted the discussion to reduce the level. She had difficulty recalling. I asked
es with the background check. She said that Tatman had an issue with
ot with anything else, adding, "Holly always said, 'I am an open book.'" I
ical records" had been hand-written onto the chart. She didn't know why
ver a discussion to add medical records. She said that Tatman "maybe too
ferences were being requested, but she couldn't recall if it was Tatman who
the Selection Committee. She denied that anyone on the Committee said
ised a red flag or created an appearance that she was hiding something. I
esh her recollection, I asked her if anyone responded to that statement by sa
ate and we don't want to lose her." She denied that this occurred, adding t
part of that. She said that the Committee decided to reduce the level of th
se they "weren't hiring a police officer," and "everyone was in agreement."
er Hendrick questioned the Committee's authority to reduce the level of th
ut the Commission's approval but acknowledged that "Lisa can be a stickler
whether the Committee discussed whether to reduce the level of the back
Commission's approval.

ammen said that the meeting "100% did not continue" after Hendrick left.
her Baxter contacted Davis or whether they discussed how they would proce
"very by-the-book" and is "not dumb." I then asked her what her understand
ould proceed. She said that she thought the Selection Committee could deci
sion to perform. I asked her if the Commission had approved a Level 2 back
id, "if we have minutes, then yes." I again referred her to the chart and as
there was a star by Level 4. She said that, at one point, they talked about
eck, adding, "not that they were going to do it," but "just as a comparison."

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believes that Davis brought up the fact that there were two of them. She doesn't recall what
Fifer" to provide more information than he had originally provided, although she doesn't recall what
"more" was needed. She said that his original Report didn't have anything written up. She also said
that the first invoice didn't have Tatman's name on it and didn't state the level of background check
that had been conducted. I again asked her about "someone asking Fifer to do more." She said she
"believes so," but that it wasn't directed by her. She then said that there was some "confusion with
Mike [Itrich]." She said that he was doing his best and jumped in to help. There was no wrongdoing.

Vercammen read the initial background check Report when it came in and said that Pearce
passed it with "flying colors." She didn't notice that it didn't include some of the items that were
supposed to have been included.

Knowledge of Check-Writing Practices

Vercammen learned about issues surrounding check-writing practices approximately four to six
weeks ago. She learned from Baxter that a signature was traced on a check and that they were pre-
signing blank checks. She doesn't know what the procedures were.

Anonymous Letter

Vercammen recalls receiving the anonymous letter. They referred to it as the "red letter"
because it was typed in red. She said that she opened it and glanced at it, and it reminded her of the
"Simply Lexington" Facebook page. She described the letter as a "laundry list regarding [Tatman]." I
asked her if she had ever discussed whether to show the letter to anyone else. She said that she
discussed it with Itrich, and she said, no. She said that the letter had no merit and no validity, and
anyone could have written it. She said that it had as much credibility as social media and Facebook.
She denies that she ever said she would share it only if someone asked for it. She is not aware of any
conversation between Baxter and Goodrich about the letter and said that only four people knew about
the letter - Baxter, Bryson, Itrich and herself. She then acknowledged that Itrich told Heaslip about it,
and Baxter told Goodrich. She doesn't think that anyone else knew about it. She told me that she
considers Baxter trustworthy, and "if she says she didn't say anything, she didn't." She was mad at
Itrich for telling Heaslip and told him to "be very careful."

Issues Pertaining to Events of August 19, 2021

On August 19, 2021, Vercammen was in the City Manager's office when Baxter came in. She
said that Baxter was visibly upset, and had just gotten off the phone with Pearce. Baxter said that
Pearce was "mean" and "swore" at her. At this point, Vercammen said that she "really liked Megan,"
and "it took her some time to process." She had helped Pearce pick out baby names, they had gone to
lunch, and she had interviewed her on *Mayor Minute*. She was disappointed because she was looking
forward to having a good team, as the previous City Manager had been "a little weak." She was
looking forward to working with

at Someone Leaking Information

en recalls discussions about people relaying information, but not o
those discussions occurred later in the process. Things were be
being "leaked." She admits that she told the others in the office to
versations. I asked her if she knew who was leaking informatio
She said that she "doesn't know," that she has "no evidence" and it
that Cushing was leaking the information to Pearce and to Heaslip.
nted" in Heaslip. She said that information was also being provided
Itrich always gets involved in anything "negative" to do with the Ci
ver leaked outside the City officers and Commissioners. She thin
ty's website, but doesn't know what. She is not aware of any inform
officers and Commissioners. I asked her if she ever heard Baxter c
ould find out about this and don't think that Megan won't have a
she replied, "oh hell no!" She reiterated that they were "all disap
ng" because she had been "excited" to work with strong women.

men said that she was not involved in the decision to bring Pearce in f

Tatman (City Manager)



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Section VIII Below Interview with former city manager Holly Tatman

Section IX Interview with Commissioner Lisa Hendricks

Discussions About Someone Leaking Information

Vercammen recalls discussions about people relaying information, but not on August 19, 2021. She believes that those discussions occurred later in the process. Things were being "leaked" and documents were being "leaked." She admits that she told the others in the office to "shut their doors" when having conversations. I asked her if she knew who was leaking information and who it was being leaked to. She said that she "doesn't know," that she has "no evidence" and it's "just a feeling," but she suspects that Cushing was leaking the information to Pearce and to Heaslip. She said that she "feels really disappointed" in Heaslip. She said that information was also being provided to Hendrick, and she said that Hendrick always gets involved in anything "negative" to do with the City. I asked her if anything was ever leaked outside the City officers and Commissioners. She thinks something was posted on the City's website, but doesn't know what. She is not aware of any information being leaked beyond the City officers and Commissioners. I asked her if she ever heard Baxter or anyone else say that "Tatman would find out about this and don't think that Megan won't have a big target on her back," to which she replied, "oh hell no!" She reiterated that they were "all disappointed when this started happening" because she had been "excited" to work with strong women.

Vercammen said that she was not involved in the decision to bring Pearce in for a Loudermill hearing.

VIII. Holly Tatman (City Manager)

Holly Tatman was selected as the City Manager on or about June 20, 2021. A resolution to appoint her as the City Manager was passed at the City Commission meeting on August 19, 2021, and she started on or about September 8, 2021. Tatman first heard of Pearce when she learned that she was "interviewing against" someone internal at the City. When Baxter told her that she had been selected, she said that she had "just let the other candidate know." The next time was when she was in a meeting at the City offices on August 19, 2021.

Issues Pertaining to Events of August 19, 2021

Tatman was invited to come to the City offices on the afternoon before the August 19, 2021 Commission meeting to appoint her as the City Manager. She was in the City Manager's office with Itrich and Vercammen when Baxter came in upset. Baxter said that Pearce had called and was yelling about the background check and the "red" letter. Baxter told her, "this is Megan, the Treasurer and who you beat out" for the City Manager position. According to Tatman, it "threw the group for a loop that she knew" about the letter.⁴⁴ Tatman said that they then questioned how Pearce knew about the letter and what Pearce knew about the background check. They said that the only ones who knew about the letter were the four of them, Bryson and Heaslip, whom Itrich had told. They speculated that maybe Heaslip had told her. Regarding the background check, they questioned who was leaking information. They believed that Heaslip was the common thread. They also suspected that Pearce had pulled the background check Report from the HR file. They came to this conclusion by connecting the dots regarding the background conversations. Baxter didn't say that she had given a file containing the invoice to anyone. Rather, she said that she had created a file "with all that info," made a personnel file, and put it in the drawer in the Treasurer's office. I asked her if they questioned what the staff may know, and Tatman said "not that [she's] aware." She said that Vercammen said, "we kept quiet" and

⁴⁴ Vercammen had told Tatman about the anonymous letter on or about August 5, 2021.

FP 42104658.1

Tatman said that she scheduled "meet and greets" with all of the commissioners after the hearing. She had never served the position that Hendrick had taken at the Commission meeting and reached out to her. She said that they met for an hour, and she asked Hendrick to "get to know me for me." She said Hendrick that she didn't refuse the background check items and said that she "feels like she has a mark on her back." She asked Hendrick to "judge me for me." According to Tatman, Hendrick said that she would not do that. She said she "has faith" and "people" and "knows more than [Tatman] thinks." She said that wasn't going to give her a change. Tatman described her as "bold and blunt." She said the other Commissioners were "quite pleasant" and no one else had a problem.

Tatman also met with Heaslip and their meeting "went very well." She told her that she was excited to be in the community, which ranged into Heaslip saying, "let's put this crap behind us." She said that he was at her house because she didn't know of his involvement. She said that Heaslip said, "I missed you" and "I'm done having conversations with Lisa and Megan." She later learned that Pearce had gone to his office afterwards.

I asked Tatman what she later learned his involvement to be. She said that she learned that Heaslip and Pearce had been collaborating with Hendrick. She didn't know this at the September 2, 2021 Commission meeting, but said that they were both there, sitting together. She said that "there's no way they're not both still communicating" because they "both know things they shouldn't know."

Knowledge of a "Mole" in the Office

Tatman said that she has figured out that the "mole" in the office was Cushing and that Cushing was relaying information to Pearce, and then (Heaslip) and (Hendrick) would know. "She reached this conclusion by 'making assumptions' and because Pearce 'knew things.'" She explained, by way of example, that she had dropped off her signed contract to the City officers. Hendrick later asked her about it and referenced a "conspiracy" to get her hired, so she assumes that Cushing told Pearce that she was at the office, who told Hendrick. Tatman called Hendrick a "troublemaker Commissioner" and said that she "probably trusts her." She doesn't believe that Goodrich or Singer would have told Pearce because Singer is new and Goodrich "isn't loyal to [Pearce]."

Check-Writing Practices

Tatman learned about the check-writing practices on her first day in the office via a memo from Devin. The audit was already in process, so she reached out to the City Auditor. She said that she

⁴⁵ Tatman did not say whether she believed Hendrick was aware as of August 19, 2021.

⁴⁶ Tatman recalled that during Cushing's hearing, the Clerk from Lexington called her and said that someone named Lexington. The Clerk said that "this is a sign." Tatman, who had never signed a letter to the Lexington Village Council concerning the City had recalled that.

⁴⁷ Tatman said that she had a meeting with the City Auditor on August 19, 2021.

⁴⁸ Tatman said that she was suspicious that something else was going on and that most checks were being signed. She mentioned that other Cushing was signing Pearce's name or Pearce was signing them in bulk. Baxter never admitted to being aware that these practices were occurring. Tatman started putting the pieces together after the fact and reached out to Baxter. Baxter then admitted that "this had been going on prior to Pearce's leave."

Baxter also told Tatman that Pearce had a "tax" work schedule and "did whatever she wanted." She told her that Pearce was "mostly out of the office" and wanted to work from home. According to Baxter, Pearce wanted some of her job duties to be "filled" by the new City Manager. Baxter, Itrich and Goodrich were doing Pearce's job duties and "things were falling through the cracks."

Baxter told Tatman that they needed Pearce to come into the office one hour a week, yet she chose not to. The only day that she came in was August 19 - "my right around then." Tatman explained that "this is the day they believe she pulled the background check report out of the file." She said that she knew about the improper check-writing practices because words had gone by when Pearce wasn't in the office, yet checks were still being signed.⁴⁹ Baxter also told Tatman that Pearce had called her and said that he signed your name on a check. Baxter said that she was never asked for her permission.⁵⁰ Tatman said that Cushing admitted to "forging [Baxter's] name" after Pearce called her and told her that she had spoken to Baxter.

I asked Tatman if she ascertained the previous City Manager's role in the check-writing practices, and she said that she did "a week ago." She said that she heard second hand that Leves had allowed the bulk check-writing practices to occur. She believed she learned it from Pearce's Loudermill response. She believed it to be specific to Pearce's leave arrangements, however.

I also asked Tatman if she ascertained Itrich's role, and she said, "not until weeks following." Itrich had told her that Baxter had received a telephone call from Pearce advising her that "we've signed your name to a check." Itrich said that the act had already occurred when Pearce told Baxter about it. Baxter was upset because this was not consistent with protocol. She reported it to Heaslip.

Tatman acknowledged that, after she started, she instituted a policy that all invoices had to be signed before checks were written. I asked her whether she violated this policy by requesting checks without a signed invoice. She did not recall doing so.

I asked Tatman if she ever said that she "had to get rid of a mole once before when she worked in Lexington." She thinks she might have made that comment, but doesn't recall. She admitted, however, that she did get rid of a mole once before. She said that she terminated the Police Chief in Lexington, who was "relaying information to the Township office." She acknowledged that she "probably did have that conversation" with Heaslip when she was with him. She also admitted that she "probably did make this comment" after she learned that Cushing was also relaying information.

I asked Tatman if she spoke to Pearce about the Loudermill hearing in front of other staff. She admitted that she spoke to Pearce in front of Cushing, who was in Pearce's office at the time, and that she did so because she was concerned that Pearce would deny that she had given her an extension. She admits that she made the statement from the doorway of her office, that it was "not private," and that she did so "on purpose." She also acknowledged that, in addition to Cushing, others were also present in the office, including Itrich, Baxter, Goodrich and possibly Singer.⁵¹ She claims that she used a soft, cordial tone, and then she and Itrich left to tour the water tower plant.

When she returned from the plant tour, she saw Pearce walking to the car. She learned later that Pearce claimed that she was crying and incoherent. She asked anybody who was willing to write a statement regarding the tone of the conversation. Baxter, Goodrich and Singer wrote statements, but Cushing and Itrich did not.

Tatman admitted that she told Cushing that "Pearce was showing her under the tin." She explained that "things were hot" and "everyone was walking on eggshells." She learned that a property insurance invoice had been paid, and Pearce walked out one day without signing any checks. Deanna also wouldn't sign the checks because her name wasn't on them. Baxter got upset with Cushing, which Tatman described as her "last blow." Baxter was upset that Cushing hadn't told her Pearce didn't sign the checks. She accused Cushing of being an "embarrassment to the City" and "ultimately stormed out." When Cushing came back to the office for her last day, Tatman wanted to "see what she would say." She said that Cushing had done good work and had a reputation to defend. She said that she had read Pearce's Loudermill response and had seen her "three others under the tin," so she told Cushing that she "believed Pearce would throw her under the tin." She told Cushing that she (Cushing) was a professional and asked Cushing, "what do you want to tell me?"

I asked Tatman what Pearce said in her Loudermill response to throw Cushing under the tin. Tatman reviewed Pearce's Loudermill response letter and said to come up with an answer to the question, but ultimately admitted that she "didn't know who had [her] to believe that."

Tatman said that, once Pearce was placed on administrative leave, all of her emails have been forwarded to Tatman, and she is "hearing of things falling through the cracks." She said that they "can't move forward until this is completed" and that "everybody's fully aware of what's going on." She referenced an email from Devin and Itrich. I asked her if she had any conversations with anyone other than Devin. She said that Baxter has asked her, have you seen Bob's [Devin's] email, and she laughed again.



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City of Marine city personal investigation report

Section IX Below interview with Commissioner Lisa Hendrick

Section X former city manager Elaine Leven

Section XI Mary Ellen McDonald former city treasurer

Section XII Timothy Fifer of Fifer investigations

Hendrick (City Commissioner)

Hendrick has been a City Commissioner for eleven years. She has the longest and considers herself the go-to-person. She said that she is "open" and "does her business in public."

Background Check

Hendrick stated that the Selection Committee initially followed the "standard" process for selecting a City Manager. They went through the resumes, conducted the interview, and selected Tatman as the City Manager subject to a background check. It was about Tatman due to what was posted on the "Simply Lexington" Facebook page. If there was any truth to it, it would come out in the background check. She felt that she was qualified of the candidates because of her previous experience. During the interview, Tatman was selected, the Commission had approved a Level 2 background check that had been conducted on the previous City Manager. According to the report, Tatman was supposed to work with Fifer Investigations to obtain the background check.

At the Selection Committee meeting on or about July 27, 2021, Heaslip said that Tatman was resisting the background check. He said that she was refusing to provide names and phone numbers of references and was discussing reducing the background check to a Level 3. Hendrick said that she needed to hire Tatman and that "everyone has to work with Fifer Investigations to obtain the background check."

At the subsequent meeting on August 19, 2021, the Commission voted to appoint Tatman as City Manager. Hendrick said that, typically, the background check Report would have been included in the personnel file packet for review prior to the meeting, but it was not provided. She asked whether the background check had been completed, and both Vercammen and Itrich said there were "no issues." Everyone assumed that the background check was complete and the Commission voted to hire Tatman.

Chief Heaslip had been in the audience during the meeting. Immediately after the meeting, he approached Hendrick and told her that the background check had not been completed. He had assumed that the Commission had the information in their packets and would discuss it the next day. They met on August 20, 2021 in Heaslip's office to discuss the anonymous letter that was sent to Vercammen and Bryson. She said that the background check Report were in the packet that the Commissioners received. Hendrick said that after she left the July 27 meeting, Vercammen, Itrich, Heaslip and Bryson were discussing the background check.

Heaslip explained to Hendrick that Pearce had provided him with a copy of an anonymous letter. He subsequently learned from Fifer that the background check that had been conducted was "less than a Level 4" and had been authorized by Itrich. Hendrick said that she left two text messages and a phone message. Pearce also contacted her on August 10, 2021. She told Hendrick that she knew about the issues with the background check and was contacting Itrich and Davis, but neither had called her back. She also contacted Vercammen and Bryson. Medical records came up and all of the Committee members agreed that medical records were not to be included in the personnel file.

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investigation in order to ascertain what level background check had been conducted and who had authorized it. She offered to give Davis whatever information she had. He told her that he didn't want to use whatever information she had because, if Tatman was hired, then he would have to work with her and he wanted to have good relations. He also told her that Pearce was just mad because she didn't get the job. Hendrick asked him if this would all be discussed in an open or closed meeting, and he said "open." She, therefore, decided to wait and ask her questions at the meeting.

After Tatman started, Hendrick realized that Bill Craft, a current Marine City police officer, was the ex-Police Chief from Lexington who Tatman had terminated. According to Hendrick, Tatman had told Heaslip that Craft wasn't allowed to come into the City offices. On or about September 16, 2021, Hendrick received an anonymous package from Lexington, mailed to her at the City offices. The package contained a copy of the anonymous letter and other material regarding Tatman. Hendrick asked Goodrich to make copies and send them to all of the City Commissioners.

Hendrick had her meet and greet meeting with Tatman on or about September 21, 2021. At the meeting, she asked Tatman if she had made herself a copy of the package addressed to Hendrick. Tatman admitted that she had. Tatman also said that she was "not a trusting person" and felt that she was entitled to it. Hendrick did not feel that way. Tatman told her about "the guy who sent it" and told Hendrick to give her a chance. Hendrick said that she would have to "work for it" and "prove to her that she could do this." She told Tatman that she had to "earn her respect in the job."

Hendrick then asked Tatman why she was going after Pearce. Tatman asked her how she knew and Hendrick said that she had received an email complaint from Pearce. Tatman told her "that's an HR issue." She also said that Pearce was "lucky she didn't pink slip her on the spot for the check issue."¹⁵ She said that she was going to give Pearce a hearing to discuss it. Hendrick asked her if she had already spoken to Pearce and Hendrick said, "no, that's what the hearing is for." Hendrick asked Tatman if she ever saw any policies regarding the issue and she said, no. Hendrick told her that the previous City Manager had "okay'd" the process, to which Tatman responded, "that doesn't make it right." Hendrick also explained that the processes were put in place due to the pandemic, and Tatman said, "that's no excuse." They agreed to disagree.

Tatman also told Hendrick that, while at Lexington, she had "gotten rid of" a firefighter and the Police Chief because she felt they were "toxic for her," and the town was better for it. Hendrick said that she knew more about those issues than Tatman thought, to which Tatman replied that she "didn't think that was the case." Hendrick told Tatman that they did not have a "mole" in the office, but a whistleblower, and they "needed to protect the whistleblower."

On or about October 21, 2021, Hendrick received a Notice of Hearing for Removal from Office, to take place on November 1, 2021. The allegations are that Hendrick contacted the City's outside legal counsel without approval by the City Commission, received direct contact from Pearce and Heaslip and did not thereafter communicate the information to the City Manager or the City

a personnel file record
 ation, and possible
 (er)



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City of Marine city personnel investigation report

Section X through XII below interview with Elaine Leven
Former city manager, Mary Ellen McDonald former city
treasurer, Timothy Fifer of Fifer investigations

Next, August 19, 2021 City commission meeting and
September 2, 2021 city commission meeting facts

...d came into possession of a personnel file record and did not report that
...n for consideration, investigation, and possible action.

Leven (Former City Manager)

Leven is the former City Manager. Pearce and Baxter both reported to Leven
...e position on or about June 24, 2021.

Practices

...tated that, during COVID-19, there was typically only one person in the office
...ccounting Assistant, came in every day. Leven, Baxter and Pearce would
...ey were trying to maintain social distance. During the summer of 2020, si
...ple days a week but, when COVID had its resurgence in the fall and wint
...axter maintained a "very similar schedule" to hers. Pearce was pregnant a
... , so she didn't come into the office as much.

Baxter and Pearce all had check-signing authority. Checks required two si
...der for the checks to be cashed by the bank, Leven had to "release the chec
...ould compare the check numbers the amount of the checks presented to
...acy before they were honored by the bank. Due to the fact that they
...office at the same time, it was difficult to get two signatures on the checks.
...item" whereby one or two of them would sign a blank check in advance. I
...ck numbers of the checks being signed, so she could "go back and verify th
...or legitimate purposes" before they were cashed by the bank. The checks we
...after they were signed, which was monitored by cameras. Pearce came up w
...en questioned the "validity" of the practice, but then she came up with
...ystem" to "ensure there was a stop gap on the back end." When asked wh
...ed about the system, Leven said that she wasn't comfortable with it in the be
...e comfortable" once she became aware of the stop gap process that Leven
...s signing blank checks as well.⁵⁶ Leven also explained that "nobody liked
...o be protective and mindful of Pearce's pregnancy.

...g the time that she was City Manager, Leven thought that Pearce was doin
...he spoke to Baxter recently,⁵⁷ however, and Baxter informed her that there w
...s performance. Baxter told her that they had discovered unpaid bills and that
...d leave."

Mary Ellen McDonald (Former City Treasurer)

...y Ellen McDonald was the former City Treasurer, before Pearce. I reached ou
...k with her regarding the investigation. She was very reluctant to talk to me
...t I was contacting her. She was aware of the investigation, but said that
...gned on or about June 10, 2021.
...d whether Baxter had ever gone to Pearce's house to get a check signed prior to this
...Leven said that she believed that may have happened.
...ation occurred when Leven contacted Baxter to verify who was when I reached out to her
...interview.

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I asked her if she ever had any conversations with Baxter about the City's check-writing
practices. She said that they never discussed any of the check-writing practices that were in place
when Pearce was the Treasurer. She said that she and Baxter were "just talking" once, but not about
any check-writing practices. I asked her what they were talking about. She said that Baxter told her
that she was given a batch of checks to sign that were not filled out. McDonald said that she asked
Baxter, "you didn't sign them, did you?" to which Baxter replied that she had. Baxter said that she
was instructed to sign them, but didn't say by whom. McDonald denied telling Baxter that she needed
to report it to anyone.

XII. Timothy Fifer (Fifer Investigations)

Timothy Fifer, of Fifer Investigations, was retained to conduct a background check on Tatman.
Fifer said that he was originally asked to conduct a Level 2 background check. He said that the
background check was impeded because Tatman was uncooperative. He explained that he needed
certain information to get started. When he requested this information of Tatman, she told him that it
was "his job to obtain the information." She refused to give him the names and numbers of contact
people for the past ten years of employment, stating "how can she remember?" and instructing him to
"get it [him]self." He requested a copy of her education transcript, and she again told him to get it
himself. He also said that she pushed back on the home interview, leading him to conclude that it
"wasn't going to happen."⁵⁸ He said that he advised Itrich that Tatman was not cooperating and was
"hampering" the investigation.⁵⁹

Fifer said that Itrich cancelled the Level 2 investigation and asked him to do something much
less, which Fifer described as "minimal" and as a modified Level 4.⁶⁰ He then spoke to a female who
took over for Itrich. I asked him if it was the City Clerk, and he said he did not know. He cannot
recall what the female said to do.⁶¹ He felt that what he was being asked to do was a "waste of money"
because it was such a "minor" investigation, but it was "not his call" and he would do what the City
wanted him to do. He then stated that he did, in fact, have a discussion with the "Chief of Police"
because he "wanted to make sure that he had knowledge" of what was being requested as far as the
investigation was concerned. He said that he felt the investigation the City was requesting was
"inadequate," and he "didn't want them to have such an inferior investigation for that high of a
position." He explained that a Level 2 was the "norm" and that he had conducted a Level 2
background check for the previous City Manager.

After providing his report and invoice for the modified Level 4 background check on or about
August 13, 2021, Fifer received a call from the City Attorney, Bob Davis, who requested that he

⁵⁸ I asked Fifer if the home interview was scheduled, as alleged by Tatman. He said that it might have already been
scheduled, but then he spoke to Itrich and was instructed not to conduct it.
⁵⁹ Fifer said he believes that he also had a conversation about this with Headly, but is not positive.
⁶⁰ According to Itrich's notes of his conversation with Headly and Baxter's notes of their discussion on July 27, 2021, what
Itrich asked Fifer to complete was a Level 4 investigation, with the addition of 4 personal references.

background check. He conducted the a
ity the additional amounts above and

de me with any written documentation b
etter dated July 21, 2021, signed by Itrich
vel of inquiry (Ex 5), a Release of Co
d an email string forwarded to him by
Fifer with the names and contact informa
tion, which Davis had obtained from Tat



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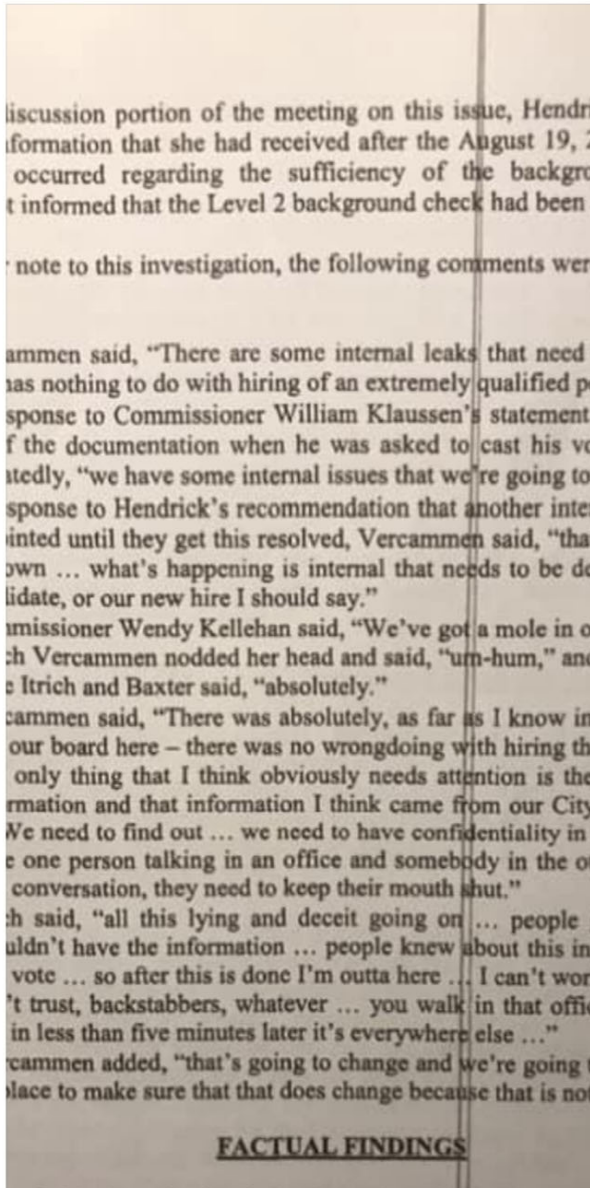
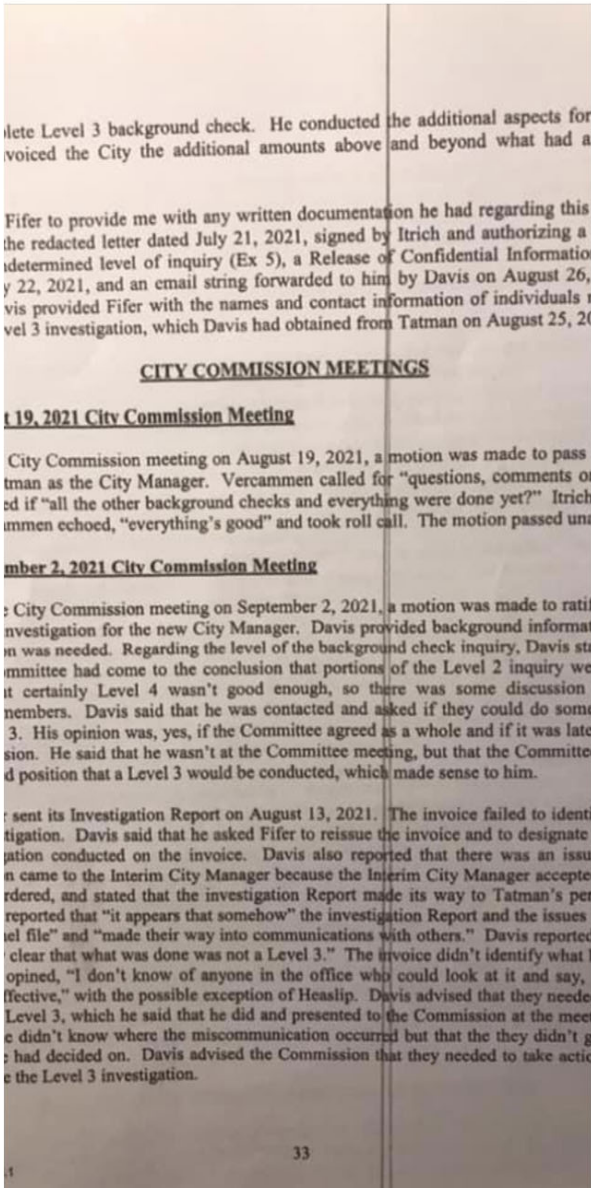
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August and September city meeting facts below

Next, factual findings and conclusion of the investigation report



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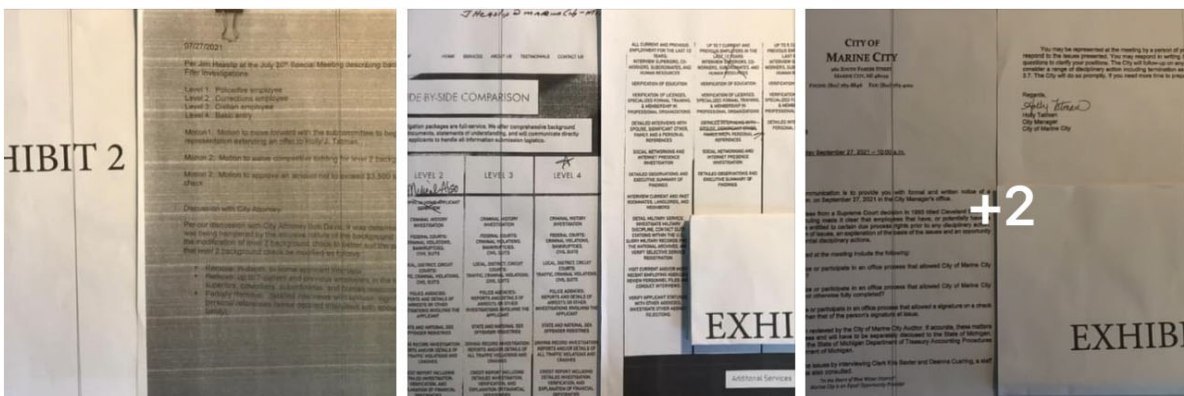
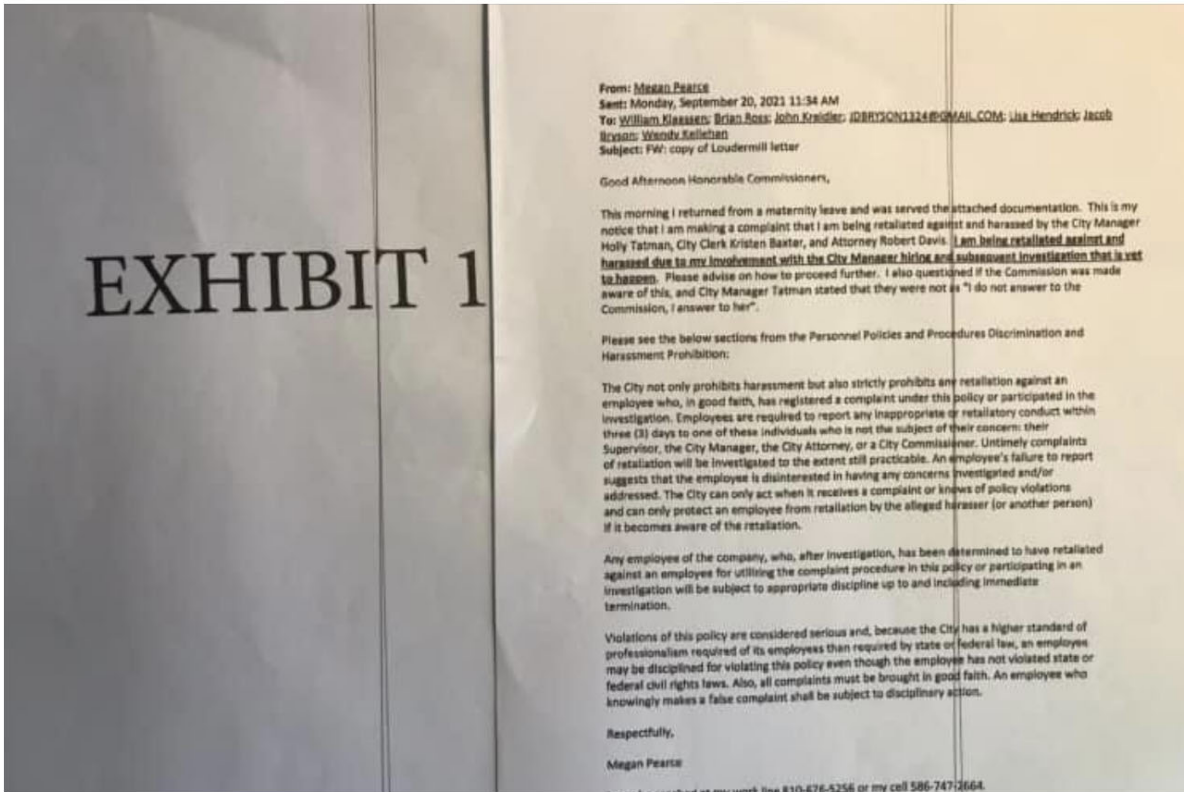


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Supporting documentation for the investigation. Exhibits one through five



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Factual findings concluded by the attorney who did investigation and discussion of allegations/conclusions below.

... to Baxter about it that same day.⁴⁴ Baxter wouldn't ...
 ... so Pearce contacted Irlich. Irlich never got back to ...
 ... Given Baxter's reaction, Pearce's concern was ...
 ... aware that the level of the background check had b ...
 ... next to Heaslip, asking whether Hendrick was aware of ...
 ... *now they all know and I will move on.* But I don't believe ...
 ... also finds that Baxter's July 27 Note was in the manila ...
 ... invoice. As stated above, Baxter's theory that Pearce ...
 ... on 16, 17 or 18⁴⁵ and removed documents from Tatman's ...
 ... re. As an initial matter, Baxter admitted that they did no ...
 ... which makes sense because the Commission didn't vote ...
 ... August 19, 2021. Irlich likewise said that they didn't cre ...
 ... "was hired." Moreover, the investigation found that P ...
 ... 2021, not August 16, 17 or 18, 2021. The Filer invoice ...
 ... ad not yet received either the invoice of the backgrou ...
 ... offices on August 12, 2021, so she could not have se ...
 ... y, Cushing said that she asked Baxter what she wante ...
 ... to file. Baxter told her that the file contained "her not ...
 ... no evidence that Pearce, Cushing or anyone else remov ...
 ... Tatman's personnel file. This investigation also failed ...
 ... possession of a personnel file record.

that the Level 2 Background Check had not been Con

... 2021, Baxter gave the invoice and her July 27 Notes to C ...
 ... for a Level 3 background check had been requested. C ...
 ... to Pearce, who forwarded the information to Heaslip ...
 ... informed Hendrick on August 20, 2021, after the City ...
 ... addition, Pearce questioned Baxter about the insufficie ...
 ... 21, which Baxter immediately relayed to Vercommen. It ...
 ... the actions of Baxter, Irlich and Vercommen afte ...
 ... were aware that neither a Level 2 nor a Level 3 backg ...
 ... August 19, 2021 vote to appoint Tatman, yet failed to re ...
 ... Selection Committee or to the full Commission.

... said anything to her about the background check when she call ...
 ... Irlich, Baxter came into the office and told them that she had just r ...
 ... ling about the (anonymous) letter and the background check."⁴⁶ ...
 ... I and was yelling about the background check and the "red" letter ...
 ... could not remember whether she mentioned the background check ...
 ... with Davis, Heaslip reached out to Filer on August 23, 2021, who ...
 ... her at the direction of Irlich. Thus, Heaslip ultimately discover ...
 ... ed through his discussion with Filer on August 23, 2021.

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Authorized, and/or Participated in the Signing of Blank

... ation finds that Pearce, Baxter, Cushing and Leven autho ...
 ... rning blank checks, and Irlich knew about it as of Au ...
 ... I Leven admitted to their involvement and explained the r ...
 ... e and Pearce's maternity leave, even though the situatio ...
 ... the safety measures that were put into place. While Bax ...
 ... de" with the practice, she admits that she never told any ...
 ... / continued the practice even after Leven resigned, and al ...
 ... about it until August 9, 2012, after Cushing signed her n ...
 ... ever went to Mayor Vercommen or the Commissioners w ...
 ... supposed to go over [the City Manager's] head unless it ...
 ... did not consider this issue to be "something serious ...
 ... ked Cushing to give her one of the pre-signed checks fo ...
 ... ad instructed the practice to stop.

Authorized, and/or Participated in the Signing of Bax

... ation finds that Cushing participated in the signing of B ...
 ... uthorized it, and Irlich knew about it as of August 9, 2021 ...
 ... hout signing a check that was required every month in o ...
 ... n another to cover the retiree payroll. When Cushing call ...
 ... back to sign the check, as she was already heading o ...
 ... he called Pearce to explain the situation, Pearce hung up ...
 ... ck and told her to sign Baxter's name. Pearce gave an ...
 ... that, when she called Baxter, Baxter told her to have C ...
 ... e provided a copy of her phone records, which support ...
 ... and Cushing.

... that Pearce called her only to inform her that they had g ...
 ... that she was so upset, she told Pearce that they would ...
 ... with her. She said that she "had been feeling" that ...
 ... checks. When I asked her if she reported it to anyone, ...
 ... he previous Treasurer, who told her, "yeh, 've got to ...
 ... on one occasion, when they were "just talking." Baxter ...
 ... sks to sign that were not filled out, but did not mention ...
 ... McDonald said that she merely responded, "you didn' ...
 ... r that she needed to report anything.

... said that she reported the incident to Irlich. When I qu ...
 ... told him that Pearce called her because she "didn't want ...
 ... corrected himself to say that Pearce told Baxter that she ...
 ... about to say. According to Irlich, Pearce then told Baxte ...
 ... back. He said that Baxter was upset about it and "didi ...
 ... s September 23, 2021, Irlich said that Baxter was "very ...
 ... on vacation," not that she was upset about having been ...

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... ch couldn't remember what else Baxter told him but said r ...
 ... the transfer of funds from one City account to another. ...
 ... do about it," so he did nothing. Baxter admitted that she ...
 ... rrammen or the Commission, suggesting that she likewise ...
 ... "

... above, the investigation finds Pearce's and Cushing's v ...
 ... the investigation finds that Baxter spoke with Pearce p ...
 ... at her name was going to be signed, and either acquiesc ...

DISCUSSION OF ALLEGATIONS/CONCLUSIONS

... that the above-referenced conduct constitutes harassm ...
 ... s Discrimination and Harassment Prohibition policy. I ...
 ... "by Tatman, Baxter and Davis.

... ion revealed considerable evidence of a motivation to ret ...
 ... covering issues relating to Tatman's hiring and bringing ...
 ... only on the part of Tatman and Baxter, but also Irlich and ...
 ... mber 2, 2021 Commission meeting, during which mem ...
 ... flect the discussion away from the acknowledged irregul ...
 ... ound check, including the failure to disclose the anonym ...
 ... of the person(s) who had exposed those irregularities i ...

... at she has figured out that the "mole" in the office was ...
 ... relaying information to Pearce, and then to Heaslip an ...
 ... id that she likely said that she "had to get rid of a n ...
 ... tement was true. While she denied having made that coe ...
 ... arce, she admitted that she thought it on August 19, 2 ...
 ... arce was questioning the background check.

... k asked Tatman why she was going after Pearce, she sa ...
 ... s't pink slip her on the spot for the check issue," sugges ...
 ... ng later.

... hing that someone was giving information to Pearce a ...
 ... ts and they'll be punished."

... id Cushing "someone's going to hear about this." "I ...
 ... Pearce will "have a bulls-eye on her back."

... he, Vercommen and Baxter all said that they neede ...
 ... repeating their conversations and believes that Pe ...
 ... if the information being leaked.

... ing up Pearce's claim of harassment is the same as that of retal ...

39

... was disappointed when she learned Pearce was involve ...
 ... with the background check because she was looking forwa ...
 ... men," suggesting that she knew she would no longer be wo ...
 ... to Commissioner William Klausman's statement that he di ...
 ... do when he was asked to cast his vote, Vercommen sa ...
 ... several issues that we're going to be looking at."

... s to Hendrick's recommendation that another interm ...
 ... and they got this resolved, Vercommen said, "what's ha ...
 ... to be dealt with: it's not our candidate, or our new hire I sh ...
 ... said. "The only thing that I think obviously needs at ...
 ... of information and that information I think came fro ...
 ... We need to find out..."

... advised, "that's going to change and we're going to be ...
 ... be sure that that does change because that is not right."

... ation finds that Tatman, Irlich and Vercommen all verbal ...
 ... making information regarding the irregularities with the ba ...
 ... deal with," "punish," and/or "get rid of" that person. It ...
 ... wand in their discussions and was aware of that Pearce "ha ...
 ... her finds that, as of August 19, 2011, each of them knew th ...
 ... identities, and they suspected that she had received that ...
 ... sship and Hendrick. It should also be noted that the inve ...
 ... stigation was shared by Pearce to anyone other than Hes ...
 ... Selection Committee, arguably al have been made aware

... igation also finds that in making her authority as Cit ...
 ... in fact, engage in retaliatory conduct against Pearce b ...
 ... within hours of her return from leave," knowingly and p ...
 ... sence of Pearce's staff and co-workers, which caused her ...
 ... Pearce on an administrative leave. While Baxter, Irlich ...
 ... Pearce and, therefore, were not in a position to affect the ...
 ... investigation finds that they tried to cover up the issues r ...
 ... ed check and/or deflect the Commission's focus on those ...
 ... in the office, which included Pearce.

... igation further finds that the check-writing practices con ...
 ... sults that the practice of signing blank checks was don ...
 ... stations, with her full knowledge, support, and participat ...
 ... during the pandemic and at a time when the che ...
 ... Baxter claims to have been "uncomfortable" with the p ...
 ... was enough to report to the Commission. The Interim City ...
 ... sating the check-writing practices by Baxter on or abou ...
 ... to know what to do about it," and she still did not find it ...
 ... Commission. It wasn't until September 7, 2021, five d ...
 ... counting where several comments were made about deal ...
 ... brought it to the attention of the City Attorney, which re ...

40



Like



Comment



Send

Most recent ▾



Jennifer Detgen-Kemp
Pages 35 and 36 are missing

7w Like Reply



Charles Seigneurie



Well ill say its getting old.and i won't hide behind



Mike Hilferink



Admin Aug 17 ·

So this page of the city investigation is definitely one of the most disturbing of them all, and there is over 50.

So I dont want to get too far in the weeds here, but there are a few points from this page that should be highlighted:

1. Two city employees, the former clerk and former DPW head (who is still on the payroll working at \$50/hour), went over the commissions head by reducing the background check level for our former city manager.
2. The former city clerk in cooperation with the former DPW head, kept the decision of a lesser background check from the city manager selection committee, and full commission and claimed it was "not intentional", but the report concludes that "their attempts to cover up the alleged mistake...calls their motivation into question."
3. And it gets worse, the report concludes that the former DPW head even REDACTED the letter that was used to order the more intense background check, the letter/ background check agreed to by the commission, in order to get the lesser background check done without having to go back to the commission to ratify it. Again, the report does say that the motivations were questionable, and not that it was a fact they altered the letter on purpose. But how do you remove a paragraph from a letter and it NOT be on purpose?

This page is part of the "factual findings" of the investigation by the law firm who carried out the investigation. In it, you can see the level that city employee's stooped to, lying and cover ups in order to cover their @sses and discredit another city worker. And the report details the cooperation/collaboration of lies between only those city employees that go along to get along, or are part of the "in crowd". The TOTAL lack of ethics and professionalism surprised even me.



The overall summation of this report (much of that summary can be read below) is that the person who was standing up and speaking out in an attempt to promote transparency and accountability, is met with accusations/allegations and attacks to discredit them.

Sound familiar? The same stuff is happening to me now, and imo, we all should expect the same covering of tracks through lies by city staff to discredit me, and we have already seen the attacks and lies/half truths happening throughout the past two weeks.

These are OUR tax dollars being wasted on these investigations due to what is imo, unethical at best, behavior and actions by city staff. There is SO much stuff in this report that should have got MANY people fired, but what was the result of this report, NOTHING! No accountability at all, pensions being collected, and the DPW head is STILL on city staff making \$50 an hour.

This is why FULL transparency in gov is so important, because without it, with reports like this being hidden/buried from the public eye, NOTHING changes, and the many, imo, bad actors we have here, and in the rest of the county continue to operate business as usual, status quo. And its that status quo of the good ole boys (and gals) club that ends up costing all of US in the end.

Tea party anyone? **#MarineCityStrong**

Committee would not later seek ratification. The investigation finds that it was reasonable for the others to conclude that the Committee had agreed to a Level 3 inquiry, and that they could seek later ratification from the full Commission. If this was their conclusion, however, the investigation also finds that they did not thereafter communicate their conclusion to Hendrick, nor did they communicate it to the full Commission.

Rather, the investigation finds that Baxter and/or Itrich instructed Fifer to conduct a background check that was even less than the Level 3 that the Committee had discussed. It is unclear whether Baxter and Itrich had another conversation with Davis, or whether Baxter drafted the July 27 Note based on the Level 4 inquiry that Itrich had advocated in favor of.⁶³ In any event, Baxter's July 27 Note provides that "it was decided" that the Level 2 background check be modified in a way that merely removed Level 2 inquiries without replacing them with the less intrusive Level 3 inquiries in the same categories, such that the background check that they directed Fifer to conduct ended up being a Level 4 inquiry, with the addition of 4 personal references from a Level 3 inquiry. This was clearly less than the Level 3 inquiry that the Committee had agreed upon. This was also consistent with the notes that Baxter took on the comparison chart. (Compare Exs 2 and 3)



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Moreover, neither Itrich, Baxter nor Vercammen ever sought to have the lesser background check ratified by the Commission, as advised by Davis. When asked about the background check by other Committee members, they all responded that Tatman was passing or had passed with "flying colors." When asked by Hendrick at the August 19, 2021 Commission meeting whether the background checks were done, Itrich said, "yes," and Vercammen echoed, "everything's good." Roll call was taken without ratifying or even mentioning the change in background check.

The investigation thus finds that Itrich redacted the Level 2 authorization language from the letter provided to him by Heaslip and forwarded it to Fifer, with instructions to perform a background check that equated to a hybrid Level 4. Fifer performed the background check that Itrich instructed him to perform. While Baxter describes the omissions as "not intentional" and an "honest" or "rookie mistake," Vercammen's, Itrich's and Baxter's attempts to cover up the alleged mistake and deflect the issue toward uncovering the identity of those who tried bringing the error to the attention of the full Committee/Commission calls their motivation into question.

III. Who Discovered that the Level 2 Background Check had not been Completed and How

Pearce discovered that the Level 2 background check had not been requested, based on Baxter's July 27 Note. Pearce was first alerted to the issue by Davis on July 27, 2021, when he told her that he was delayed in getting back to her because he was dealing with a background investigation for the new City Manager and that the Commission wanted a Level 2 background check, but he believed a Level 2 was a bit much for a City Manager. Then, on August 19, 2021, Cushing called her to let her know that she needed to pay an invoice to Fifer Investigations and inquired which account to charge it to. In relaying this information, Cushing mentioned that the invoice was for \$500, which raised red flags to Pearce. Cushing then forwarded a screen shot of Baxter's July 27 Note to Pearce, confirming that a lesser background check had been requested.

⁶³ Both Baxter and Itrich said that they were the only two in the room when she called Davis; although, Baxter later admitted that she could not recall. Heaslip said that he was there as well. Vercammen said that she could not recall.



23 comments





City of Marine City, Michigan

+ Invite



Mike Hilferink

11h · 🌐

And the drama continues...

come in to sign the check, and Baxter indicated that she was out of town and was not able to come in. Cushing then called Pearce and asked her what to do about it. Pearce hung up to call Baxter. She then called Cushing back and told her to sign Baxter's name to the check. Cushing did so, spelling her name wrong. When Baxter returned to the office, Cushing gave Baxter a copy of the check and the deposit slip. She also gave her a copy of the deposit slip from the previous month's transfer, so she could see that the amounts were identical. Baxter never brought it up again.

Alleged Retaliation from Tatum and Baxter

On Cushing's last day, Tatum called her in and told her that Pearce was "throwing her under the bus." She brought up Pearce's Loadermill hearing "in front of everyone." Pearce was humiliated and started crying. Cushing said "this is the holidays" that is already there." Tatum asked Cushing to write a statement about the facts surrounding the check-writing issues. She also asked Cushing, Goodish and Singer to write statements about Tatum's interaction with Pearce earlier that day, and how her tone was "just fine." Tatum told Cushing that she seemed like a nice person and was smart, so she needed to think about her career. Tatum also told her that she should write a statement so that Pearce doesn't "throw her under the bus," in order to save her career. Cushing refused to write either statements.

That same day, Baxter yelled at Cushing for not telling her that Pearce had left the office without signing checks that were owed to the insurance company. According to Cushing, the City had never paid a full year of insurance premiums at once before, so they were not at risk of losing their insurance as Baxter was alleging. Baxter told her, "how dare you not tell me," and "don't play these games." She reminded Cushing that she (Baxter) had gotten Cushing an interview for the City Manager position and told her that she had ruined the City and caused a huge embarrassment.

Cushing also said that she doesn't know how Pearce can ever go back to her job. She doesn't feel that it's "safe" for her and said she has no support from the "Board." She said that Tatum and Baxter are aligned and Davis is "close knit" with Baxter. She doesn't think Davis is neutral because she feels that he is protecting Baxter and knows that Tatum can fire him. She said that Davis and Baxter are "right." She "truly believes this is a fit-for-fact on Baxter's part" and that Baxter "started it all." According to Cushing, "everyone else is kissing [Tatum's] ass." She said that Pearce will never be able to go back; the workplace environment is "too hostile" and "too abusive" for her.

IV. Kristen Baxter (City Clerk)

Kristen Baxter has worked for the City since 2008. She was an administrative assistant in the Police Department for 5 years and has been the City Clerk since 2013.

Baxter said that she ultimately said Davis about the check-writing practices sometime prior to Labor Day weekend. According to Baxter, she learned about it from Baxter on September 7, 2021, the day after Labor Day. Baxter acknowledged that she did not come to work on September 7, 2021, but Baxter and Pearce were advised by Davis to a memorandum to cease these practices. Baxter acknowledged that she asked Cushing to not use the previously signed blank checks in order to avoid a cut. Chief Counsel Clark's handwritten notes dated immediately after the memo and that Cushing said that she checked for all her records. Baxter stated that she has no knowledge of any checks having impacted general.

Anonymous Letter

Baxter was in the City Office with Tatum when the anonymous letter arrived for Vasquez and Brown. Goodish told Baxter that she had some mail for her. She read the letter and laughed. She said that it was from the same person from the Facebook page that is known as "Baxter's Friends" and put the letter back in an envelope. At the same time, a long case for Vasquez, Vasquez opened it and said it was "just a bunch of crap." Baxter didn't know what she letter to Vasquez was, so she pressed her name about it. Although, Baxter admitted that she assumed it was the same letter that Tatum had shown her in a meeting and "just talking to do with Pearce." Baxter never returned the letter, though she was wondering who should "have the letter back to it." She stated that she never sent it to Davis, she gave it back to Vasquez and Goodish to show her mail.

I asked Baxter if there was ever a discussion with Vasquez or Brown on whether to show the letter with the other Commissioners. She said no. She recalled Vasquez told her the letter, and Vasquez kept saying a "hand" from to others." Baxter said Vasquez said "the witness said it should be returned." But Vasquez said that it was addressed to her and it shouldn't be returned because if the sender wanted it returned to the other Commissioners, he would have sent it to them. Baxter stated that Vasquez or Brown said that they would show it to everyone seated for a Goodish was also present at the time and laughed when Brown addressed Singly Vasquez.

Source: Interview by Brown of August 19, 2023

I asked Baxter to tell me about her conversation with Pearce on August 19, 2021. She first said she did not know Pearce until the 19th. She said that she called her that day in a meeting on July 20, 2021, to tell her that Tatum had been assigned as City Manager. She said that Pearce "didn't like it" and "got upset." Pearce said to Baxter, "Why would you know that?"

her that the City Manager, Leven, was aware of this new practice. Baxter reached out to Leven, who told her that she was also uncomfortable but that they needed to do it this way. Baxter said that she was coming into the office once a week at first, and then 2-3 days per week. Leven also came in 2-3 days per week. Pearce became pregnant in the fall of 2020, and "rarely came in." I asked Baxter if she had ever gone to Pearce's home to have her sign checks. She said that Leven had talked to her about it when Pearce was close to giving birth, but Pearce had ended up coming into the office to sign the checks, so it wasn't necessary.

Baxter explained that Leven was tracking the check numbers as the checks were signed. Sometimes the signed checks were kept in the supply cupboard, and sometimes they were left sitting out on Leven's or Baxter's desks. She denied that there were any cameras in the office at this time. She said that the practice of signing blank checks in advance made her "really uncomfortable." She admits, however, that she never told anyone on the Commission. Irish took over as Interim City Manager in late June of 2021. Baxter admits that they continued the practice after Leven left, and she "didn't say anything." She told Irish about it at the same time she told him about Cushing signing her name on a check, on or about August 9, 2021.

Baxter said that she was off work the week of July 26, 2021, but still coming in to sign checks. On Thursday, July 29, 2021, she took a trip to the Amish country with her sister and her daughters. While driving in the car, she received a call from Cushing, telling her that she needed to come in to sign a check to transfer money from the City's retirement account to the payroll account so that they retirees could be paid." She told Cushing that she couldn't come in and that it would have to wait until Monday. A short time later, she received a call from Pearce, who was told that she had had Cushing sign her (Baxter's) name to the check. She told Pearce that she was "not comfortable with that" at all." Pearce said that it had to be done. She asked Cushing how unhappy she was and said that they would "talk on Monday." Baxter said that she never told Cushing to sign her name.

Baxter said that she spoke to Cushing about it the following Monday, but not to Pearce. She said that Cushing came into her office "laughing" about how her signature is "hard to trace." Baxter said that she was not happy about it and told Cushing, "don't ever do it again." She denies that she asked for a copy of the check and said that she didn't see the check until Davis forwarded it to her to give to the Commission within the last two weeks. She acknowledged that Irish said she told him about it on August 9, 2021, but she believes she told him the day she returned.

Baxter said that she "had been feeling" that Cushing also had been signing Pearce's name on checks. She said that the signatures were very light and did not look like Pearce's. She also said that they used to announce when Pearce was coming to the office. She said that all of it "made her uncomfortable." I asked her if she reported this to anyone. She said that she called the previous

Anonymous Letter

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Police Officer

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Anonymous participant

1d · 🌐

City of Marine city personnel investigation report
Section IV Interview with former Clerk Baxster
Section V Interview with Chief Heaslip



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Chats



SCCCMH Open House

Stop

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Upcoming events



TOMORROW AT 8 AM
5K timed FUN Run OR 2 Mile Walk for Beautiful Me

DoubleTree by Hilton
Fitness & workouts · Shared to City of Marine City, Michigan



TOMORROW AT 12 PM
Let's team up for Terra Foster War Water Brewery/Distillery

Shared to City of Marine City, Michigan



SAT, AUG 19 AT 11 AM
4th Annual Ice Cream Celebration!

7731 Morrow Road, Marine City, MI 48039
Parties · Shared to City of Marine City, Michigan

See all

Recent media



City of Marine City
City Commission Minutes - Revised
August 3, 2023

A regular meeting of the Marine City Commission was held on Thursday, August 3, 2023 at 260 South Parker Street, Marine City, and was called to order by Mayor Vandebossche at 7:00 P.M.

Present: Mayor Jennifer Vandebossche, Commissioners Jacob Bryson, Elizabeth Hendrick, Michael Hilferink, William Klaassen, Rita G. Roehrig, Brian Ross; City Manager Scott Adkins; City Clerk Jason Bell.

Also Present: City Attorney Robert Davis

AUDIO/VIDEO AVAILABLE

For complete audio of meeting, visit the following link:

<https://www.youtube.com/watch?v=Hb3ihd6ge3w>

APPROVE AGENDA

Motion by Commissioner Bryson, seconded by Commissioner Klaassen, to approve the agenda. All Ayes. Motion Carried.

PUBLIC COMMENT

Catherine Warner spoke on a Commissioner's actions at the July 20, 2023 meeting and their behavior on marijuana facilities. She also gave kudos to the City Manager, DPW Supervisor and City employees.

Rosalie Skwiers spoke against marijuana and businesses that could potentially close because of it. She also spoke on a Commissioner's behavior and disrespect at the July 20, 2023 meeting.

APPROVE MINUTES

Motion by Commissioner Ross, seconded by Commissioner Bryson, to approve the City Commission Meeting Minutes of July 20, 2023 as amended. All Ayes. Motion Carried.

CONSENT AGENDA

Presented:

- a. Community Economic & Development Meeting Minutes – May 24, 2023
- b. Pension Board – Pension Plan Meeting Minutes – April 13, 2023
- c. Pension Board – Retiree Healthcare Meeting Minutes – April 13, 2023
- d. Social District Permit Approval – Gord's Bar

- e. Social District Permit Approval – Marine City Fish Company
- f. Social District Permit Approval – Two Rivers Winery
- g. Social District Permit Approval – Newport Pub
- h. Social District Permit Approval – Gar’s Lounge
- i. Social District Permit Approval – Anita’s Place

Motion by Commissioner Bryson, seconded by Commissioner Ross, to approve the Consent Agenda a-i. **Roll Call Vote.** Ayes: Bryson, Hendrick, Hilferink, Klaassen, Roehrig, Ross. Nays: None. Motion Carried.

ITEMS REMOVED FROM CONSENT AGENDA

None

FINANCIAL BUSINESS

Expenditures Including Payroll - \$637,195.84

Motion by Commissioner Ross, seconded by Commissioner Klaassen, to approve expenditures including payroll in the amount of \$637,195.84. **Roll Call Vote.** Ayes: Hendrick, Hilferink, Klaassen, Roehrig, Ross. Nays: None. Motion Carried.

Preliminary Financial Statements

Motion by Commissioner Hendrick, seconded by Commissioner Klaassen, to receive and file the preliminary financial statements. All Ayes. Motion Carried.

UNFINISHED BUSINESS

300 Broadway Bandstand Rental Application

City Manager Adkins spoke on the bandstand application and the current application provided created by Michele Goodrich, which is the same as the pavilion rental form. He also stated the City was getting inquiries about renting the bandstand.

Commissioner Roehrig inquired the application stated dawn to dusk and what would happen with the Lighted Santa Parade. City Manager Adkins stated there would be a waiver or provision in regards to City related events or events that required a Special Event Permit to allow past the times.

Commissioner Ross provided the date the bandstand was originally built in 1908 and the occupancy was 20 to 30 people based on Fire Chief Slankster’s recommendation.

Commissioner Hendrick inquired about damages and a possible security deposit to cover those. City Attorney Davis recommended to run this by the general liability insurance company to see if those damages would be covered under the policy. Commissioner Ross suggested to inquire with DPW Supervisor Schmidt on a fair price for security deposit to repair potential damages. Commissioner

Hendrick suggested a security deposit to match the rental fee, \$100 for residents and \$150 for non-residents. Commissioner Ross inquired about the pricing being the same as the beach pavilion and the bandstand being smaller. Commissioner Hendrick suggested to try this pricing and see how it goes.

Commissioner Klaassen inquired if a resident who rents the bandstand brings in a group the City does not want. Commissioner Ross stated that could happen at any of the City parks.

Commissioner Hendrick inquired on the banning of portable restrooms as there were none in that area. City Manager Adkins stated renters can bring in a portable restroom with City approval and at the renter's expense.

Motion by Commissioner Hendrick, seconded by Commissioner Ross, to approve the application pending the revisions requested. **Roll Call Vote.** Ayes: Hilferink, Klaassen, Roehrig, Ross, Vandenbossche, Bryson, Hendrick. Nays: None. Motion Carried.

NEW BUSINESS

FOIA Appeal- Michael Hilferink

Michael Hilferink stated it was his desire to postpone the appeal as he did not have enough evidence to present his case as he was awaiting the response of additional FOIA requests. He stated his request was denied by the City Attorney, City Manager and Clerk. Mr. Hilferink then asked City Attorney Davis to explain the appeal timeline. City Attorney Davis stated per statute there was a ten day limit to hear the appeal and provide a written response. Mr. Hilferink spoke on the differing opinion of City Attorney Davis from a previous appeal in 2022. City Attorney Davis spoke on the previous ruling of postponement of an appeal as the appellant asked the Commission as a whole to postpone and Mr. Hilferink did not. Mr. Hilferink stated he did ask for a postponement and City Attorney Davis stated he was asked, but neither himself or the City Manager can grant that postponement.

Commissioner Roehrig stated Mr. Hilferink's email to the Clerk stated he wanted the appeal to be heard at its earliest convenience and now he wanted it postponed.

City Attorney Davis then asked Mr. Hilferink if he was willing to waive his statutory right to have his appeal heard within ten days to which Mr. Hilferink responded, yes. Commissioner Bryson inquired if that postponement was only until the next regularly scheduled meeting and City Attorney Davis confirmed.

Clerk Bell stated the specific appeal tonight was based on fees and the other FOIA requests had no relevance to the appeal. Commissioner Hendrick told Mr. Hilferink to have all of his information together before requesting an appeal. Commissioner Roehrig inquired if the Commission was just voting on the fee appeal. City Attorney Davis stated that was correct.

Motion by Commissioner Hendrick, seconded by Commissioner Klaassen, to adjourn the FOIA Appeal until the next Commission Meeting based on appellant waiving statutory rights to a timely appeal. **Roll Call Vote.** Ayes: Hendrick, Klassen. Nays: Bryson, Roehrig, Ross, Vandebossche. Motion Failed.

Mr. Hilferink presented his appeal by stating the excessive fees to locate the information at 107 minutes as the files are simple to locate and place a flash drive as he requested. Mr. Hilferink also stated that the lowest wage employee was not used according to the law as it was the Clerk's wages used in the fee and that the Clerk was not the lowest paid employee.

Clerk Bell presented as the FOIA Coordinator stating the law specifically states to search, locate and examine files and with the videos requested being a total of 107 minutes long, all of the video needed to be examined for exempt and non exempt material. Clerk Bell further stated the law indicates the lowest paid employee capable of searching, locating, examining and that himself and the Chief of Police are the only two employees capable of performing that task. Clerk Bell asked the Commission to uphold his decision as the FOIA Coordinator.

Mr. Hilferink rebutted Clerk Bell's argument and the accusations brought by members of the Commission stating he already had the information. City Manager Adkins clarified the accusations and the timeline of the audio on the thumb drive.

Mr. Hilferink further inquired on the fact it only took 30 minutes to redact the information and inquired to what office the Clerk was working in while processing the FOIA.

Clerk Bell responded to Mr. Hilferink's questions by outlining the processing of the FOIA in its entirety and confirmed that he was still in dual roles with the City working as the City Clerk and Office Manager at the Police Department.

Mr. Hilferink thanked the Commission for their time and consideration and stated he would take his appeal to Circuit Court.

Motion by Commissioner Bryson, seconded by Commissioner Roehrig, to uphold the fee based on the Clerk's presentation. **Roll Call Vote.** Ayes: Roehrig, Ross, Vandebossche, Bryson, Hendrick, Klaassen. Nays: None. Motion Carried.

ADMINISTRATIVE REPORTS

City Attorney Report

None.

City Manager Report

City Manager Adkins informed everyone that Maritime Days was this weekend and for everyone to attend. He also thanked all of the volunteers. City Manager Adkins stated there was still no word on the 300 Broadway grant but there were other grant opportunities that were appealing to the City.

City Manager Adkins also stated he was in the process of writing the Marina ordinance and would present that to the Commission at the next meeting. He also thanked Commissioner Ross for his discussion and work on the bandstand rental and encouraged everyone to see City Offices to rent the beautiful space.

Reports from Department Heads

None.

COMMISSIONER PRIVILEGE/LIAISON REPORTS

Commissioner Klaassen stated the weekend weather for Maritime Days looks good and for everyone to attend and be safe.

Commissioner Bryson apologized for leaving during the last meeting due to a work emergency and spoke on Maritime Days and for everyone to enjoy and be safe.

Commissioner Hilferink spoke on his behavior at the last meeting and his reasoning with City Manager Adkins. He also read the email he sent City Manager Adkins. Commissioner Hilferink thanked all of the blue collar workers who cant make the meetings to support him and he feels as if his first amendment rights were being attacked. He also spoke on Rita M. Roehrig asking the tough questions as a previous City Commissioner and asked for the public to continue to support him.

Commissioner Ross offered his thoughts and prayers to the family of a victim of the last storm. He also urged everyone to go and enjoy Maritime Days. Commissioner Ross also congratulated the participants in the Port Huron to Mackinac and Mackinac to Chicago sailboat races. He also stated it was great to see all of the applicants for the Social District and spoke on other grants being available for community centers and more money if the other 300 Broadway grant does not come through.

Commissioner Roehrig wanted everyone to enjoy Maritime Days and the fireworks.

Commissioner Hendrick spoke on her mother asking tough questions but she followed the rules and the charter so there was a difference than what was happening now. She informed everyone of the Maritime Days and Boy Scouts car show and Sunday was the pancake breakfast.

Mayor Vandebossche thanked everyone for the support and condolences for her mother's hospital stay and passing. She also thanked City administration and staff for their great work during her issue with her mother. Mayor Vandebossche wanted everyone to support Maritime Days as the volunteers did a great job organizing. Mayor Vandebossche also wanted to call for a Special Meeting next week to clarify the Commission and Administration relationship in open session and she wanted to poll the Commission on a day for Wednesday, August 9, 2023 at 7pm.

CLOSED SESSION

Motion by Commissioner Roehrig, seconded by Commissioner Klaassen, to enter into closed session at 9:03 pm after a short break. **Roll Call Vote.** Ayes: Ross, Vandebossche, Bryson, Hendrick, Klaassen, Roehrig. Nays: Hilferink. Motion Carried.

Motion by Commissioner Roehrig, seconded by Commissioner Ross, to return to open session at 9:48 pm. All Ayes. Motion Carried.

There was a loud recital of the Constitution being played coming back into open session.

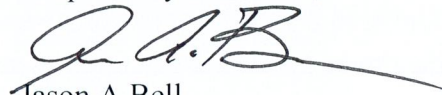
Motion by Commissioner Ross, seconded by Commissioner Hendrick, to authorize the City Manager and City Attorney to put together a letter of intent package to purchase property adjacent to Washington Life Center and the Woodlawn Cemetery.

ADJOURNMENT

Motion by Commissioner Hendrick, seconded by Commissioner Klaassen, to adjourn at 9:49 p.m. All Ayes. Motion Carried.

VERIFIED AS TRUE AND ACCURATE FROM THE OFFICIAL RECORDS OF THE CITY AND AS APPROVED BY THE CITY COMMISSION

Respectfully submitted,



Jason A. Bell
City Clerk

Jennifer Vandebossche
Mayor

City of Marine City
City Commission Minutes
September 7, 2023

A regular meeting of the Marine City Commission was held on Thursday, September 7, 2023 at 260 South Parker Street, Marine City, and was called to order by Mayor Vandebossche at 7:00 P.M.

Present: Mayor Jennifer Vandebossche, Commissioners Jacob Bryson, Elizabeth Hendrick, Michael Hilferink, William Klaassen, Rita G. Roehrig; City Manager Scott Adkins; City Clerk Jason Bell.

Absent: Commissioner Brian Ross

Also Present: City Attorney Robert Davis

Motion by Commissioner Hendrick, seconded by Commissioner Klaassen, to excuse Commissioner Ross due to illness. **Roll Call Vote.** Ayes: Bryson, Hendrick, Hilferink, Klaassen, Roehrig, Vandebossche. Nays: None. Motion Carried.

AUDIO/VIDEO AVAILABLE

For complete audio of meeting, visit the following link:

https://www.youtube.com/watch?v=YllinY2_TDU

APPROVE AGENDA

Motion by Commissioner Bryson, seconded by Commissioner Klaassen, to approve the agenda with the addition of new business item discussion on Charter Section 5.4 to 12f. All Ayes. Motion Carried.

PRESENTATIONS, PROCLAMATIONS & RECOGNITIONS

Mayor Vandebossche presented as proclamation designating Fall 2023 as United Way of St. Clair County Months in Marine City.

Motion by Commissioner Hendrick, seconded by Commissioner Bryson, to receive and file the proclamation for United Way. All Ayes. Motion Carried.

PUBLIC COMMENT

Trish May spoke on Commissioner Hilferink's actions and in support of City Manager Adkins. She also spoke on the Charter.

Phil Oleksiak spoke on City leadership and the history as well as in support of the City Manager and City staff. He also spoke against Commissioner Hilferink's actions.

Karen Yanke spoke against marijuana, but thanked the Commission for a possible ordinance and the ballot language discussion for the people to decide. She also spoke against Commissioner Hilferink's actions.

Joe Moran spoke on Community and Economic Development Board update regarding Redevelopment Ready Communities and the work progressing on that and a planned Car Show/Rally for October of 2024.

Jeff Snyder spoke on the marijuana ballot initiative and keeping the language simple.

Roland Woelkers spoke on Maritime Days and congratulated everyone involved. He also thanked the DPW, Police Department and the Commission for supporting the new police vehicles. He also spoke against marijuana.

Paul Yanke spoke against marijuana and against Commissioner Hilferink's actions and called for him to resign. He also thanked everyone for their service to the City.

Gabe Costanzo spoke against Commissioner Hilferink's actions and called for him to resign.

Rosalie Skwiers spoke against Commissioner Hilferink's actions and called for him to resign.

Mike Hilferink started to speak at the podium in response to public comment and Commissioner Klaassen inquired if he was allowed to do so. City Attorney Davis stated Commissioner Hilferink could not respond to other public comments. Commissioner Hilferink continued to respond and Mayor Vandenbossche asked Commissioner Hilferink to sit down three times to which he did not comply. Mayor Vandenbossche stated Commissioner Hilferink was out of order.

Motion by Commissioner Klaassen, seconded by Commissioner Bryson to call Commissioner Hilferink out of order during public comment. **Roll Call Vote.** Ayes: Bryson, Hendrick, Klaassen, Roehrig, Vandenbossche. Nays: None. Motion Carried.

Mayor Vandenbossche asked Commissioner Hilferink three times to sit down after a motion to call him out of order passed and he refused. Mayor Vandenbossche asked the Police to remove Commissioner Hilferink from the meeting for disturbing the peace. The Police then removed Commissioner Hilferink from the meeting.

Motion by Commissioner Hendrick, seconded by Commissioner Bryson, to take a 5 minute recess at 7:50pm. All Ayes. Motion Carried.

Mayor Vandenbossche called the meeting back to order at 7:57pm.

APPROVE MINUTES

City Commission Meeting Minutes – August 3, 2023

Motion by Commissioner Bryson, seconded by Commissioner Klaassen, to approve the City Commission Meeting Minutes of August 17, 2023. All Ayes. Motion Carried.

CONSENT AGENDA

Presented:

- a. Community & Economic Development Board Meeting Minutes – July 26, 2023
- b. 300 Broadway Committee Meeting Minutes – June 26, 2023
- c. Business License – Lille Piece of Heaven Beauty Spa
- d. Special Event Permit – Tenyer’s Automotive 4th Annual Memorial Car Show & Customer Appreciation

Motion by Commissioner Bryson, seconded by Commissioner Klaassen, to approve the Consent Agenda a-d. **Roll Call Vote.** Ayes: Hendrick, Klaassen, Roehrig, Vandenbossche, Bryson. Nays: None. Motion Carried.

ITEMS REMOVED FROM CONSENT AGENDA

None

FINANCIAL BUSINESS

Expenditures Including Payroll - \$1,273,775.32

Motion by Commissioner Hendrick, seconded by Commissioner Klaasen, to approve expenditures including payroll in the amount of \$1,273,775.32. **Roll Call Vote.** Ayes: Klaassen, Roehrig, Vandenbossche, Bryson, Hendrick. Nays: None. Motion Carried.

Preliminary Financial Statements

Motion by Commissioner Bryson, seconded by Commissioner Hendrick, to receive and file the preliminary financial statements. All Ayes. Motion Carried.

Engagement of McBride-Manely – Annual Sewer Rate Computation

Motion by Commissioner Hendrick, seconded by Commissioner Bryson, to approve the letter of engagement with McBride-Manely to perform the annual Sewer Rate Computation for Cottrellville Township in the amount of \$2,950. **Roll Call Vote.** Ayes: Bryson, Hendrick, Klaassen, Roehrig, Vandenbossche. Nays: None. Motion Carried.

Consideration of Teamsters – Contract Signing Bonus

City Manager Adkins spoke on the language of the agreement and that it was a one time payout of \$800 and the amounts would come out general fund and other enterprise funds.

Motion by Commissioner Hendrick, seconded by Commissioner Bryson, to approve the letter of understanding between Teamsters Local 214 and the City of Marine City for a one-time contract signing bonus in the amount of \$800. **Roll Call Vote.** Ayes: Bryson, Hendrick, Klaassen, Roehrig, Vandenbossche. Nays: None. Motion Carried.

UNFINISHED BUSINESS

Recreational Marijuana Facilities Ballot Initiative Language Discussion

City Attorney Davis spoke on marijuana ballot language and previous memo he shared with the three options the Commission could take. He also spoke on the ballot initiative right of the public and not the Commission and that the Commission could only create and adopt ordinance. City Attorney Davis' advice was to a) do nothing or b) review the ordinance for consideration at the next meeting.

Commissioner Hendrick stated the prior motion of the Commission stated facilities could be 1,000 feet from building to building, but State law says it is lot line to lot line.

Commissioner Klaassen spoke on the current ordinance prohibiting facilities and he would like to keep it that way.

NEW BUSINESS

Library Board Appointment

Mayor Vandenbossche stated Commissioner Roehrig also applied to the Library Board as there were no other applicants, but when she learned there was another applicant she recommended Mary Rawding to the Library Board.

Motion by Mayor Vandenbossche, seconded by Commissioner Hendrick, to appoint Mary Rawding to the Library Board. **Roll Call Vote.** Ayes: Roehrig, Vandenbossche, Bryson, Hendrick, Klaassen. Nays: None. Motion Carried.

Amended Open Intox Ordinance – 2nd Reading/Adoption

Motion by Commissioner Bryson, seconded by Commissioner Hendrick, to adopt Ordinance 23-003, an Ordinance of the City of Marine City, St. Clair County, Michigan to Revise Alcoholic Beverages Title XI, Chapter 114, Section 114.01 Entitled “Consumption in Public Prohibited; Exceptions for Organizations with Permit”. **Roll Call Vote.** Ayes: Bryson, Hendrick, Vandenbossche. Nays: Klaassen, Roehrig. Motion Carried.

Municipal Marina Regulations Ordinance – 1st Reading

Commissioner Roehrig stated she checked the corrections against the original and all suggestions and corrections were there.

Motion by Commissioner Bryson, seconded by Commissioner Klaassen, to adopt Ordinance 23-004, an Ordinance of the City of Marine City, St. Clair County, Michigan to Establish Municipal Marina Regulations Title XV, Chapter 150, Section 08 Entitled “Municipal Marina Regulations”. **Roll Call Vote.** Ayes: Hendrick, Klaassen, Roehrig, Vandenbossche, Bryson. Nays: None. Motion Carried.

Metro Act Right of Way Permit Extension

Motion by Commissioner Bryson, seconded by Commissioner Klaassen, to approve the Metro Act Right of Way Permit for a term to end on December 31, 2028. **Roll Call Vote.** Ayes: Klaassen, Roehrig, Vandenbossche, Bryson, Hendrick. Nays: None. Motion Carried.

Clerks Department – Agenda and Meeting Minutes Software Purchase

Commissioner Roehrig inquired how long this software would take to implement, Clerk Bell stated he was not sure on the answer.

Motion by Commissioner Bryson, seconded by Commissioner Klaassen, to approve the agenda and meeting minute software purchase from Granicus for \$3,696. **Roll Call Vote.** Ayes: Roehrig, Vandenbossche, Bryson, Hendrick, Klaassen. Nays: None. Motion Carried.

Discussion on Charter Section 5.4

Commissioner Bryson stated he requested to have this added to the agenda and stated he had no desire to go down this path again, but personally didn't think there was another choice.

Commissioner Hendrick stated this was the same section used on her but each instance needs to be taken separately.

Motion by Commissioner Bryson, seconded by Mayor Vandenbossche, that the Commission initiate section 5.4 of the Charter to start the hearing process of removing Commissioner Hilferink from office, this requires the charges be reduced to writing and delivered to Commissioner Hilferink at least 10 days prior to any hearing. **Roll Call Vote.** Ayes: Bryson, Hendrick, Klaassen, Roehrig, Vandenbossche. Nays: None. Motion Carried.

ADMINISTRATIVE REPORTS

City Attorney Report

City Attorney Davis stated he enjoyed working for the City.

City Manager Report

City Manager Adkins spoke on the expenditures being high this time due to tax settlements to the County and other entities and that was approximately \$900,000. He also stated the Community Center Grant for 300 Broadway was submitted and the City received confirmation that it was received and that the generator was installed and fully operational. City Manager Adkins stated a Master Plan visioning session was tentatively set for October 12, 2023 from 4-8pm. He also thanked the audience for attending and stated there was an opening on the Planning Commission and applications were available at City Offices and on the City website.

Reports from Department Heads

DPW Superintendent Schmidt spoke on the issues with the cemetery grass and apologized but stated it would get solved. He also stated the DPW was looking into buying a used wood chipper and would be bringing that back to the Commission for approval once something is decided on. DPW Superintendent Schmidt also spoke on ladders at the marina and that he was looking for an affordable option as well as bringing in porta potties until the bathroom are constructed. He also stated the fire suppression system at 300 Broadway was tested and it was functional as well as the fire extinguishers were replaced. DPW Superintendent Schmidt also spoke on the desire to update the street signs throughout the City in phases and brought a sample of what the signs would look like. City Manager Adkins thanked DPW Superintendent Schmidt for his work on the signs and being cost responsible. DPW Superintendent Schmidt also thanked DPW Office Manager Mikayla for working as a beach attendant during the entire Labor Day weekend.

Clerk Bell provided an update on the Early Voting that will now take place during all future State and Federal elections.

COMMISSIONER PRIVILEGE/LIAISON REPORTS

Commissioner Klaassen stated there was Planning Commission meeting upcoming and there were three things on the agenda. He also apologized to the public for what transpired this evening and urged everyone to work together.

Commissioner Roehrig stated school was back in session and to look out for safety, the kids and busses and to stop at stop signs.

Commissioner Hendrick thanked all City staff for working through frustrations and that the City needed and wanted all of them here and things cannot be done without City staff.

Mayor Vandebossche stated she missed the CED Board meeting due to a prior obligation she had before she was appointed and thanked Joe Moran for providing the update. She wished good luck to the Marine

City Football team against St. Clair. She also thanked City Employees, the volunteers who take care of Women's Civic Park and Rosalie Skwiers.

Motion by Commissioner Klaassen, seconded by Commissioner Bryson, to enter into closed session at 8:47pm. **Roll Call Vote.** Ayes: Hendrick, Klaassen, Roehrig, Vandenbossche, Bryson. Nays: None. Motion Carried.

Motion by Commissioner Klaassen, seconded by Commissioner Hendrick, to return back to open session at 8:59pm. All Ayes. Motion Carried.

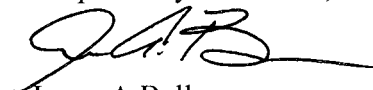
Motion by Commissioner Klaassen, seconded by Commissioner Bryson, to authorize City Manager Adkins to issue the Letter of Intent as presented in Closed Session. **Roll Call Vote.** Ayes: Klaassen, Roehrig, Vandenbossche, Bryson, Hendrick. Nays: None. Motion Carried.

ADJOURNMENT

Motion by Commissioner Hendrick, seconded by Commissioner Klaassen, to adjourn at 8:59 p.m. All Ayes. Motion Carried.

VERIFIED AS TRUE AND ACCURATE FROM THE OFFICIAL RECORDS OF THE CITY AND AS APPROVED BY THE CITY COMMISSION

Respectfully submitted,



Jason A. Bell
City Clerk

**City of Marine City
City Commission Minutes
September 21, 2023**

A regular meeting of the Marine City Commission was held on Thursday, September 21, 2023 at 260 South Parker Street, Marine City, and was called to order by Mayor Vandebossche at 7:00 P.M.

Present: Mayor Jennifer Vandebossche, Commissioners Jacob Bryson, Elizabeth Hendrick, Michael Hilferink, William Klaassen, Rita G. Roehrig, Brian Ross; City Manager Scott Adkins; City Clerk Jason Bell.

Also Present: City Attorney Robert Davis

AUDIO/VIDEO AVAILABLE

For complete audio of meeting, visit the following link:

<https://www.youtube.com/watch?v=XmlB0saTwa0>

APPROVE AGENDA

Motion by Commissioner Bryson, seconded by Commissioner Ross, to approve the agenda. All Ayes. Motion Carried.

PRESENTATIONS, PROCLAMATIONS & RECOGNITIONS

PUBLIC COMMENT

City Attorney Davis spoke on Public Comment and the Open Meetings Act and what constitutes a Public Body to clarify who can speak during public comment.

Commissioner Hilferink walked to the podium. Mayor Vandebossche called Commissioner Hilferink out of order three times.

Motion by Commissioner Hendrick, seconded by Commissioner Ross to call Commissioner Hilferink out of order. **Roll Call Vote.** Ayes: Bryson, Hendrick, Klaassen, Roehrig, Ross, Vandebossche. Nays: None. Motion Carried.

Rudy Menchaca spoke in agreement with the City Attorney and how Robert's Rules and how they govern meetings. He also spoke on the previous meeting's actions of Commissioner Hilferink and was opposed to the removal of Commissioner Hilferink.

APPROVE MINUTES

City Commission Meeting Minutes – September 7, 2023

Motion by Commissioner Bryson, seconded by Commissioner Hendrick, to approve the City Commission Meeting Minutes of September 7, 2023. All Ayes. Motion Carried.

City Commission Closed Session Meeting Minutes – September 7, 2023

Motion by Commissioner Bryson, seconded by Commissioner Klaassen, to approve the City Commission Closed Session Meeting Minutes of September 7, 2023. Ayes: Bryson, Hendrick, Klaassen, Roehrig, Vandenbossche. Motion Carried. *Commissioners Ross and Hilferink could not approve Closed Session Minutes as they were not present at the previous meeting.

CONSENT AGENDA

Presented:

- a. MCAFA Run Report
- b. Departmental Activity Monthly Reports
- c. Planning Commission Meeting Minutes – July 10, 2023
- d. Business License –By the Water Thrift Store
- e. Special Event Permit – The Mike Miller River Run

Motion by Commissioner Roehrig, seconded by Commissioner Ross, to approve the Consent Agenda a-e as presented. **Roll Call Vote.** Ayes: Hendrick, Hilferink, Klaassen, Roehrig, Ross, Vandenbossche, Bryson. Nays: None. Motion Carried.

ITEMS REMOVED FROM CONSENT AGENDA

None

FINANCIAL BUSINESS

Expenditures Including Payroll - \$3,244,104.88

Commissioner Hilferink inquired on the \$3,200,000 in expenditures when the annual budget was only \$3,500,000. City Manager Adkins explained the high amount was due to taxes collected by the City then paid out to other entities.

Commissioner Hilferink inquired on the Cynergy Products purchase and what it was for. City Manager Adkins explained that was for the outfitting of the Police Patrol vehicle.

Commissioner Hilferink stated for the public's benefit the expenditures report was now shorter with less info and he would like the longer report back. City Manager Adkins stated the Treasurer determined this report was easier for everyone to read and understand. Commissioner Hilferink inquired if the other reports were still available and City Manager Adkins stated they were and were required by law to be available.

Commissioner Hilferink inquired on the high amounts of the past few Davis-Listman invoices. City Manager Adkins stated this was due to a significant amount of additional requests sent to City Attorney Davis. City Attorney Davis stated when he was interviewed for the contract the Commission requested more information to be provided in writing.

Commissioner Hilferink inquired on what the Fifer Investigations expense was for. City Manager Adkins stated they were for Police Department background investigations.

Commissioner Hilferink commented on the Comcast bills being high and City Manager Adkins stated that some City facilities required higher internet bandwidth so the bills could vary by location.

Motion by Commissioner Ross, seconded by Commissioner Klaassen, to approve expenditures including payroll in the amount of \$3,244,104.88. **Roll Call Vote.** Ayes: Hilferink, Klaassen, Roehrig, Ross, Vandenbossche, Bryson, Hendrick. Nays: None. Motion Carried.

UNFINISHED BUSINESS

Recreational Marijuana Facilities Ballot Initiative Language Discussion

Commissioner Hilferink inquired how the Commission arrived to this point when there was a legal passed motion to put the issue on the ballot. City Attorney Davis stated spoke on written memo from February 2023 for three alternatives of the Commission as well as the memo from September 1, 2023 that stated a ballot initiative by the City was not possible.

Motion by Commissioner Ross, seconded by Commissioner Bryson, to call the motion to question. **Roll Call Vote.** Ayes: Klaassen, Roehrig, Ross, Vandenbossche, Bryson, Hendrick. Nays: Hilferink. Motion Carried.

Motion by Commissioner Hendrick, seconded by Commissioner Bryson, to set the current version for the first reading for the next meeting. **Roll Call Vote.** Ayes: Klaassen, Roehrig, Ross, Vandenbossche, Bryson, Hendrick. Nays: Hilferink (qualified vote as this should go to the voters). Motion Carried.

Update and Status on Charter Section 5.4 – Removal from Office

Commissioner Bryson spoke on Charter Section 5.4 and wanted to present a draft resolution and place it on the next meeting agenda for consideration and possible action. He also asked if anyone had any changes or suggestions to contact him. He would also like to suggest if a resolution is approved at the next meeting to set a time date for the removal hearing and for approved resolution of charges be formally served to Commissioner Hilferink.

Commissioner Hilferink spoke on State law regarding a conflict between local charter and State law. He read the State law on removal from office.

NEW BUSINESS

Board Consolidation Discussion

Commissioner Hilferink stated nobody wanted to speak on this topic. Commissioner Ross stated the 300 Broadway Committee would go away once a grant is received and progress is made on the building and that the Historical Commission needs to exist per State Law because that is a Historical site. He also stated the Community and Economic Development Board is good for the City.

Commissioner Hilferink stated there was a discussion a few months ago to combine multiple boards and that discussion has since died. City Manager Adkins stated discussions did take place but he received nothing from staff about being overburdened and he was looking for direction from the Commission on how to proceed.

Business Retention Discussion

City Manager Adkins stated the CED Board was active on addressing a business retention plan and they have EDA and MEDC speakers coming to meetings in the near future and these plans would be presented to the Commission at a later date.

Commissioner Hilferink stated the discussion died to bring the CED Board together with the Commission to discuss a plan. City Manager Adkins stated the Master Plan update was an important piece before moving on with a business retention plan.

Commissioner Roehrig stated if Commissioner Hilferink requested this to be on the agenda where was his plan.

Blue Care Network Retiree Healthcare Group Benefit and Rate Contract

Motion by Commissioner Roehrig, seconded by Commissioner Klaassen, to approve the Blue Care Network Retiree Healthcare Group Benefit and Rate Contract. **Roll Call Vote.** Ayes: Ross, Vandenbossche, Bryson, Hendrick, Hilferink, Klaassen, Roehrig. Nays: None. Motion Carried.

Traffic Control Order Rescind – No U-Turns on S Water St

Chief Heaslip spoke on the U-Turn Traffic Control Order and stated it is still occurring and officers were enforcing it but most offenders were from out of town and it was his opinion that is an unfair welcome to them. He also stated there have been zero accidents from u-turns and this can be revisited if necessary. Commissioner Hendrick stated u-turns were still occurring and also drivers going the wrong way down a one way and this issue may get worse if it is rescinded, but stated it could be rescinded and revisited in one year. Commissioner Roehrig stated most small towns have a no u-turn order.

Motion by Commissioner Bryson, seconded by Commissioner Ross, to rescind Traffic Control Order P-18-004, prohibiting U-Turns on S Water St and revisit in one year. **Roll Call Vote.** Ayes: Bryson, Hendrick, Hilferink, Klaassen, Ross, Vandenbossche. Nays: Roehrig. Motion Carried.

Traffic Control Order Rescind – No Parking 3a-6a on S Water St

Chief Heaslip stated the current traffic control order was passed in 1977 and he had no idea why it was done. Commissioner Hendrick stated it was for snow plowing, street sweeping and to prohibit apartment dwellers from parking on the street for extended periods. Chief Heaslip stated the main reason he was asking for this to be rescinded was people park their cars overnight when they have visited the bars and they are too intoxicated to drive home and it was unfair to punish them for doing the right thing. Commissioner Hilferink gave kudos to Chief Heaslip for doing the right thing. Commissioner Roehrig inquired if there could be a parking stipulation of not more than 24 hours and Chief Heaslip stated he would look into how other towns handle this. Commissioner Ross inquired if this could be brought back if there were issues.

Motion by Commissioner Ross, seconded by Commissioner Bryson, to rescind permanent traffic control order pursuant to Act 300, P.A. 1949 to have no parking from 3:00am to 6:00am on Broadway and S Water Street. **Roll Call Vote.** Ayes: Hilferink, Klaassen, Ross, Vandenbossche, Bryson. Nays: Hendrick, Roehrig. Motion Carried.

ADMINISTRATIVE REPORTS

City Attorney Report

City Attorney Davis had nothing to report. Commissioner Hilferink inquired when the Commission was going to talk about UHY. City Attorney Davis stated that was set for August 3rd but the Commission did not get to it that night and it was up for discussion tonight.

City Manager Report

City Manager Adkins spoke on the Master Plan Open House on October 10, 2023 from 4:00pm to 8:00pm and he encouraged everyone to attend and give their ideas and opinions and this session would be one of many. Commissioner Hilferink inquired if this would be a drop in open house and if there would be any dialogue. City Manager Adkins stated McKenna will have staff there to facilitate dialogue and will have some interactive sessions, but more details will be coming in the next week when he meets with Brigitte from McKenna. Commissioner Hilferink stated that was not enough dialogue and the time frame was not good for working people and inquired if there would be a virtual option. City Manager Adkins stated ideas, comments, input on the Master Plan can be submitted at any time to City Offices and he would check on a virtual option.

City Manager Adkins stated there would be a nationwide FEMA Alert Test on October 4th at 2:20pm. He also spoke on the water infrastructure grant and the City was one of the higher scoring communities in the State and the City was awarded \$13,000,000 in grant funds and a \$13,000,000 low interest loan option to

complete the project. City Manager Adkins also stated DPW Superintendent Schmidt and himself are looking into a road improvements plan and condition study for grants and programs once a qualified engineered study was done.

City Manager Adkins also sent his condolences to the White family on the passing of Judy White.

Commissioner Ross inquired if the water grant included road repair with the infrastructure repair. City Manager Adkins stated it did, where the infrastructure was replaced.

Commissioner Hilferink inquired on the Water Plant wall leaking. City Manager Adkins stated there was a crack on the interior of a holding tank and there was no harm to the water supply or a health issue and repair options were being sought.

Reports from Department Heads

Clerk Bell provided clarification on internet rumors regarding FOIA and his pay. He also provided updates from the Clerk's Department on grants, cemetery, early voting grant and Granicus Peak Agenda timeline to implementation.

COMMISSIONER PRIVILEGE/LIAISON REPORTS

Commissioner Klaassen stated the Planning Commission approved the truck mechanic on King Road and apartments are scheduled for the next meeting. He also spoke on receiving his agenda packet ahead of time and to read it to get questions answered prior to the meeting.

Commissioner Bryson spoke on the drinking water grant and the necessity for it and it is a huge benefit for the City. He also thanked all who worked on it.

Commissioner Hilferink spoke on questions he asks being a benefit to the public and he also spoke on the Police Department being closed during business hours and requested to stagger staff to accommodate citizens. He also spoke on the Clerk contract and pay and it not affecting City services but it is affecting City services. Commissioner Hilferink spoke on his FOIA being denied and he stated he was going to fulfill the deposit until City Attorney Davis gave an opinion he could not have it. He also stated the City needs a new attorney and the overall approval of the City not being good via his ratings of City staff from his Facebook poll.

Commissioner Ross congratulated the Marine City football team and congratulated the cheerleaders as well. He also thanked Mike Itrich for work on the drinking water grant. He sent his blessings to the White family. Commissioner Ross stated he reaches out to as many people as possible and they approve of the board and encouraged people to reach out if they feel the board is doing anything wrong.

Commissioner Roehrig stated the people who ask the tough questions should listen to the answers so nothing needs to be repeated.

Commissioner Hendrick stated nobody broke the law in the City and that Commissioner Hilferink keeps violating the rights of employees in the City and that the Commission must protect them. She also stated Commissioner Hilferink was creating liabilities and the City could not afford liabilities. Commissioner Hendrick stated Scott Adkins was doing a wonderful job and the City could lose quality employees who worked hard to get where they're at. She also stated Commissioner Hilferink did not understand the Charter and the City could lose grants due to the behavior that is going on. Commissioner Hendrick apologized to the community for what was going on.

Mayor Vandebossche offered her condolences to the White family. She stated she has a SEMCOG event coming up as well as her first CED meeting. Mayor Vandebossche thanked all City employees and volunteers for their work. She also recognized Cece Forester for receiving the Star Award.

CLOSED SESSION

Chief Heaslip stated he was postponing his complaint in closed session until a later date. Commissioner Hilferink stated he was glad the Chief was withdrawing his complaint, Mayor Vandebossche confirmed that Chief Heaslip was not withdrawing his complaint but only postponing it. Commissioner Hilferink stated these were also public officials and the complaint sessions should be open.

Motion by Commissioner Hendrick, seconded by Commissioner Ross, to enter into closed session at 9:07pm. **Roll Call Vote.** Ayes: Hendrick, Klaassen, Roehrig, Vandebossche, Bryson. Nays: None. Motion Carried.

Entered into closed session at 9:16pm.

Motion by Commissioner Hendrick, seconded by Commissioner Ross, to return back to open session at 9:47pm. All Ayes. Motion Carried.

Motion by Commissioner Hendrick, seconded by Commissioner Klaassen, to carry out strategy discussed in Closed Session. **Roll Call Vote.** Ayes: Klaassen, Roehrig, Ross, Vandebossche, Bryson, Hendrick. Nays: Hilferink. Motion Carried.

ADJOURNMENT

Motion by Commissioner Bryson, seconded by Commissioner Ross, to adjourn at 9:50 p.m. All Ayes.
Motion Carried.

VERIFIED AS TRUE AND ACCURATE FROM THE OFFICIAL RECORDS OF THE CITY AND AS
APPROVED BY THE CITY COMMISSION

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J.A.B.', with a long horizontal flourish extending to the right.

Jason A. Bell
City Clerk