

# The current Board's agenda is to push development and radically rezone the township. It's imperative to elect a new Board that will maintain our sensible zoning ordinance and protect our treasured shorelines and rural open spaces



The current Board's Planning Commissioners have laid out a stark, pro-growth agenda that will radically rezone the township, spur over-development and increase density. (See planning commission update in Township's July newsletter). This agenda is out-of-touch with the vast majority of residents.

## What they're planning with draft ordinance:

- Justifying overdeveloping our township citing false data about 5 million people retiring.
- Destroying our rural character combining Agricultural and Rural Residential zones, which will reduce lot size to 5 acres and open up more of the township to gravel mining.
- Intensifying development in the residential waterfront zones by combining nearly all Residential zones into one zone, harming water quality (more homes and septic systems on the lakes).
- Compromising with lakefront property owners to not comply with shoreland regulations.
- Reducing size of Shoreland Protection Strip.
- Right now altering the shoreland (such as excavation) is prohibited. Draft ordinance would allow waterfront property owners to excavate 20% of the shore, and more than 20% of the shore *if the Planning Commission allows it, or* if the state and federal agencies allow it.

## Working on the Wrong Zoning Ordinance

- Planning Commission discarded (in 2021) a consultant-written draft that cost \$20,000.
- Commissioners then switched to revising the *Bay Township* ordinance which is much more permissive. This has been ongoing for 3 years.
- Refused to allow residents to see entire zoning ordinance draft in 2021-22 until Attorney General staff said in a public meeting it had to.

## Board Incompetence and Negligence

- The entire Board mailed a letter with the summer tax bills to all property owners. In it, the Clerk published the **wrong date** for the August primary election. (The **correct** date is **August 6.**) The Bureau of Elections told the Township it needs to send corrected notices, (which will cost taxpayers.)
- In the same letter, the Treasurer also gave the wrong due date for the summer taxes. The entire Board is responsible for these errors.
- The Clerk was listed as an election inspector for the August primary until residents pointed it out. **As a candidate, the current Clerk is prohibited from serving** as such. As a clerk, it's her job to know that.
- Residents complained for 2 years about lack of proper fencing around the gravel pit in Bay Shore, and recently tried to enforce the issue in court. The Board's attorney did not file any briefs or question any witness. The issue should have been decided in court, but while the Board spent money on the attorney sitting there, Rieth-Riley "mined like crazy" with fallen-down fencing.
- The Board has **neglected to create a designated swim area** at Hayes Township Park Camp Sea-Gull. In the 2019 Master Plan survey, 82% indicated this was "important." While claiming to offer a swim area, the Board has **not provided life-saving and rescue equipment, nor removed hazardous materials on the shore.** Boats are not kept out where people swim.



# We urge you to take the first step to vote in a New Board for Hayes Township on August 6 for Republicans William Conklin, Sherry Baker-McCary and Kevin Willis.

Save your votes for Clerk and second Trustee for the November election.)



Sherry, Kevin and Bill have a **series of 17 videos** on their YouTube Channel! Get to know their goals and positions on issues of financial accountability, shoreland protection, the gravel pit, not asking residents first about the name change of Old US-31, and true transparency.



Use this QR code with a smart phone, to lead you to the videos, or go to <https://www.youtube.com/@williamconklin70>

**IMPORTANT: On the August 6 Primary ballot, VOTE ONLY FOR CANDIDATES IN ONE PARTY. Voting in more than one party will INVALIDATE all your votes.**

**A resident wrote:** *“Cartoons do not mask the current Board’s incompetence. Hayes Voters for Change provides facts and specifics.”*

**Bill, Sherry and Kevin are far more prepared and highly skilled in law, accurate financial accounting, and management than the current Board.** Bill has 40 years experience as an attorney including years as an administrative law judge for State of Michigan. Sherry has decades of experience handling financials of the same company. She has never seen as bad an audit as Hayes Township’s. Kevin’s career spans 25+ years in law enforcement as a conservation officer.

Importantly, they are not sold-out to pro-development interests. They see what is happening with the pro-growth, “compromise” philosophy of the current Board and Planning Commission. They will keep our good zoning ordinance that protects our rural character and lakefront conservation. We especially appreciate their commitment to providing good government that follows the laws.

**The current Board has been in office for 3.5 years, yet these are just a few of the things the Auditor said they are still not doing right, violating state laws:**

- “Cash isn’t being reconciled properly within the accounting software and was misstated by material amounts prior to the audit.”
- “State revenue and tax deposits were incorrectly posted resulting in overstated revenue totals.”
- “Journal entries were incorrectly posted providing misleading and inaccurate revenue and expenditure totals.”
- “Credit card purchases and purchases with gift cards were not properly reviewed and reconciled.”
- “23% of invoices tested were missing administrative approval.”
- “15% of disbursements tested were missing appropriate supporting documentation.”
- “24% of disbursement tested were improperly classified in the general ledger.”

(From the 2023 Audit)

## Laws violated by the current Hayes Township Board

**Laws About Raffles** • Raffles are illegal for Townships to hold. The Board already violated this law by advertising its August 3 raffle at Camp Sea-Gull without a state license number. (See MCL 432.103a, MCL 432.110 and Administrative Rule R432.21520)\*

**Open Meetings Act** • Requires all Board decisions to be made in an open public meeting. Without Board pre-approval on November 1 the purchase of fire truck using a Township check violated this act, and the budgeting and accounting laws. The Board falsely deliberated about deciding to purchase the truck at the November 13, 2023 Board meeting, when the Township had already purchased it and owned it for two weeks.

### Zoning Ordinance •

**Township Waterfront Regulations** have always prohibited excavation of the shoreland. Ron Van Zee knew that, yet he violated this when permitting a boathouse over an excavated boat basin in Lake Charlevoix in 2020 and swore in an affidavit he would do so again. Residents filed a Zoning Board of Appeals (ZBA) case about excavation of shoreland and won after 11 months of delay, the Township's violations resulting in needless lawsuits.

**Expired permits** • Township insisted that Law boathouse and boat basin permits never expired, but then admitted in Court that permits do expire after 12 months.

**Ensuring Compliance, not Compromise** • Planning Commissioners argued at ZBA hearings that “compromise” was *intended* by the Shoreland Review Development process. The ZBA disagreed, saying the Waterfront Regulations in the Zoning Ordinance must be followed strictly.

### Budgeting and Finance Laws •

- The Board adopted an incomplete, inaccurate and erroneous budget for the current (and past) years. The Township printed the current adopted budget in the July newsletter.
- Without all monies in the Township's possession, and all monies going through the General Fund, accurately reflected in the budget, the Board is violating the “Uniform Budgeting and Accounting Act” and cannot calculate the amount needed to collect in taxes. *Where's all the money? Why is some of it hidden and “off the books”?*
- The Board failed to set a public hearing on the millage rate **and failed set the millage rate**, required by the Truth in Budgeting Act in order to levy taxes *at all*. *What is the tax rate for the Township millage?*
- Audits are required to be filed with Department of Treasury within 6 months after the fiscal year ends. The Board filed the 2022 audit more than a year late in December 2023. (MCL 141.427)
- The Board failed to file annual financial reports to Department of Treasury, on time for five years in a row. They are due 6 months after end of each fiscal year. (MCL 141.424)
- The Board is likely to have some same violations in upcoming 2024 audit as in the 2022 and 2023 audits because the same exact mistakes were made with the budget, including never amending prior to spending money over funding categories. Amendment at year end after unauthorized expenditures have already been made, is not permissible by law.

**Laws Regarding Swim Areas** • **Hayes Township Park and Road End Ordinance** states swimmers must swim within and boaters must stay outside of designated swim area at Hayes Township Park Camp Sea-Gull. The Board refuses to enforce this ordinance and install a designated swim area with buoys. Combined with the state laws regarding swimming and bathing beaches, the **Township is negligent in providing a safe swimming area**. MCL 333.12542 requires safety and rescue equipment at public bathing beaches. MCL 324.80198b requires swim buoys for a “bathing or swimming beach.”

**Planning and Zoning Laws** • **Michigan Zoning Enabling Act and Michigan Planning Enabling Act** do not permit a township employee, or two board members, to be on Zoning Board of Appeals or Planning Commission. As Deputy Supervisor to Van Zee, resident Roy Griffiths served on both. After litigation he resigned from ZBA. While still on it, he committed malfeasance when he stated a “freaking multi-millionaire” can do what ever they want. The Board reappointed him to the Planning Commission despite this anti-zoning bias.

\* “MCL” means Michigan Compiled Laws, then the number. You can Google the MCL and number, and see the wording.

# Step One: Elect a New Hayes Township Board

Vote in the **REPUBLICAN** primary election

## August 6

**Bill Conklin** for Supervisor

**Sherry Baker-McCary** for Treasurer

**Kevin Willis** for Trustee *(Put Kevin on top! Vote for only 1 trustee)*

### Hayes Voters For Change founders & how we've been involved in community service

**Jim Rudolph** (30 years including Hayes Board of Trustees, Planning Commission Chair, Zoning Board of Appeals, Board of Review Chair, Parks & Recreation Committee, County Brownfield Redevelopment Authority, and Northwest Michigan United Way board); **JoEllen Rudolph** (Intervenor in the gravel pit lawsuit beginning in 1988, election inspector, wrote press releases for township clerk and Parks & Recreation Committee, member & officer on boards of 4 local non-profit organizations and since 2005, on the executive committee of county political party.); **Bill Henne** (18 years on Hayes Planning Commission and Zoning Board of Appeals, chairing both half the time, promoted Hayes Township Park Camp Sea-Gull and the Driggers Preserve, served 2 terms on Tip of the Mitt Watershed Council board, on Protect Lake Charlevoix Shoreland board, former president of W.A.T.C.H. Water Air Team Charlevoix); **Betty Henne** (18 years on Charlevoix Public Library board, and member and volunteer for Little Traverse Civic Theatre, Waterfront Art Fair-Council for the Arts, People Fund - board of directors, and election inspector); **LuAnne Kozma** (12 years experience in Novi including Historic District Study Committee, Parks and Recreation Commission, and Historical Commission. 3 years board of Friends of Novi Parks, 3 years Michigan Director of Defense of Place (protecting parks in perpetuity), President of Protect Lake Charlevoix Shoreland; with other residents filed Zoning Board of Appeals cases to defend and interpret the Hayes Township Zoning Ordinance properly to protect Lake Charlevoix's shoreland... and won—with support of 50 residents—after an 11 month delay).

HayesVotersForChange.org [www.facebook.com/Hayes\\_Voters\\_For\\_Change](http://www.facebook.com/Hayes_Voters_For_Change) See also our YouTube Channel



Thank *you* for helping us get the word out!

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Please provide the required information: your name, home address, occupation (or retired), employer name and employer address. \*Donations NOT tax deductible.

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