



This email follows the January 13 meeting at which the Chair refused to place the Demand Letter and Proposed Resolution submitted by Hillsdale Conservatives on the agenda and the Board declined to deliberate on the matter during public comment.

Because the Chair has refused agenda placement of the Demand and Resolution, I am now formally requesting, pursuant to the Board's Rules of Procedure and By-Laws, that I be placed on the agenda of the next regular meeting in order to present the Demand Letter and Proposed Resolution to the full Board. The purpose of this request is to allow all commissioners the opportunity, in public session, to consider the materials and to determine whether any commissioner wishes to make a motion regarding their placement on the agenda or their consideration by the Board.

#### **Basis for Agenda Placement**

Article V, Rule 5.13(4) of the Hillsdale County Board of Commissioners Rules of Procedure and By-Laws provides:

"In the event that a person desires to address the Board in an extensive manner, that person shall be placed on the agenda for a reasonable period of time by contacting the administrative office no less than seven (7) days prior to the scheduled meeting."

This request is made in direct compliance with that rule.

#### **Board Duties Implicated by the Demand and Resolution**

The Demand Letter and Proposed Resolution implicate duties that attach to the Board of Commissioners by virtue of its role as the governing body of the County, regardless of whether the Board is characterized as legislative, executive, or administrative in nature.

Those duties arise once the Board is placed on notice of credible issues affecting County governance and include, but are not limited to, the following:

The fiduciary duty to act in the best interests of the County and its residents, including the duty to exercise reasonable care once credible risks to the County are identified. Michigan courts recognize that governing bodies owe duties of care and loyalty to the public entity they serve and may not ratify unlawful conduct through deliberate inaction after notice.

The duty to ensure openness and transparency in the conduct of public business. The Michigan Open Meetings Act declares that the deliberations and decisions of public bodies shall be conducted openly and that the public has the right to observe the decision-making process.

MCL 15.262

MCL 15.263

The duty to preserve County records and prevent spoliation when litigation or legal exposure is reasonably foreseeable. Election records are subject to mandatory preservation requirements under both state and federal law, and governing bodies have an obligation to ensure preservation once notice exists.

MCL 168.811

52 U.S.C. § 20701

The duty to address credible matters affecting election administration and County operations through appropriate governance channels, including acknowledgment, referral, and record preservation, rather than avoidance or silence after notice.

None of these duties require the Board to adjudicate legal questions, render conclusions of law, prosecute crimes, or interfere with any judicial proceeding. They are governance duties that arise from notice and exist independently of how the Board characterizes its branch function.

The Board's Rules further contemplate that the order of business may be altered by a majority vote of the Board, and matters not on the agenda may be taken up upon motion, subject to the voting requirements set forth in the Rules.

#### **Formal Request**

Accordingly, I respectfully request that I be placed on the agenda of the next regular meeting for a reasonable period of time, pursuant to Rule 5.13(4), to present the Demand Letter and Proposed Resolution previously submitted.

Please confirm receipt of this request and advise whether agenda placement will be provided in accordance with the Board's Rules of Procedure and By-Laws.

Respectfully,

Lance Lashaway  
Vice Chair  
Hillsdale Conservatives  
Hillsdale County, Michigan