

## **Formal Statement Regarding Agenda Refusal and Bad Faith Governance**

To the Chair and Members of the Hillsdale County Board of Commissioners,

This letter is submitted for the purpose of addressing the Board's refusal to place the Demand Letter and Proposed Resolution submitted by Hillsdale Conservatives on the agenda of the January 13 meeting, and to explain why that refusal constitutes bad faith governance rather than a good-faith exercise of legislative discretion.

The Board has now offered multiple, inconsistent justifications for refusing to allow public deliberation on this matter.

First, a commissioner stated publicly at a township meeting that the Board would not involve itself in an ongoing court case and that the Board had no duty to act. That statement was made on the public record and communicated to members of Hillsdale Conservatives prior to this meeting.

Second, the Board has now stated by email that the Demand Letter and Proposed Resolution will not be placed on the agenda because they allegedly contain conclusions of law.

Neither justification withstands scrutiny, and the shifting nature of these explanations demonstrates intentional avoidance rather than a misunderstanding of authority.

The submitted materials do not ask the Board to intervene in any ongoing judicial proceeding. They rely on sworn testimony already given under oath and on a District Court ruling dismissing a search warrant as unlawful. Those are completed judicial actions and part of the permanent court record. Acknowledging established facts and judicial rulings is not interference with a court case.

Likewise, the materials do not ask the Board to adjudicate legal questions or issue legal determinations. They request governance actions squarely within the Board's authority, including acknowledgment of the record, preservation of county records, referral to appropriate independent authorities, and a recorded vote. Referencing sworn testimony and judicial rulings does not convert a governance matter into a judicial one.

A legislative body is not prohibited from discussing facts because those facts have legal significance. If that were the case, no governing body could ever address risk, liability, or compliance.

Bad faith is not established by disagreement. It is established by conduct.

Here, bad faith is evidenced by the Board's refusal to deliberate in public, its reliance on overbroad and legally incorrect justifications, and its movement from one rationale to another as each is challenged. That pattern demonstrates an intent to avoid the issue itself, not to lawfully manage it.

Once the Board was placed on formal notice of sworn testimony and a judicial ruling raising credible concerns affecting election administration and county records, it assumed fiduciary duties that cannot be discharged through silence. The Board may ultimately vote no. It may decline to take further action. But refusing to place the matter on the agenda prevents transparency and deprives the public of the ability to observe how its representatives respond to documented facts.

That is not neutrality. It is deliberate non-action.

This letter is submitted so that the Board's refusal, its stated reasons, and the objection to those reasons are all preserved in the public record. Whether the Board chooses to acknowledge that record today will speak for itself.

Respectfully submitted,

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Vice Chair  
Hillsdale Conservatives  
Hillsdale County, Michigan