



Union Township supervisor admits mistake in closing meeting early

By **Randi Shaffer**, *The Morning Sun*

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Union Township’s supervisor is admitting he made a mistake when he closed last week’s meeting in the middle of its public comment portion.

Supervisor Russ Alwood closed the Oct. 8 meeting mid-public comment, pounding his gavel during a resident’s allotted three minutes for public comment.

“When I shut down the public comment, yes, that was bad,” Alwood said. “That was a thing that I should not have done.”

The supervisor announced at the beginning of the meeting that “political issues” were off the table for discussion at any point of the meeting.

Alwood said he made the decision to dictate the content of the meeting after he had consulted with the Michigan Townships Association earlier in the week.

Alwood said he had called MTA twice to ask whether it was OK for him to make that decision.

Catherine Mullhaupt, MTA director of member information services, said the MTA stated that Union Township had questioned whether a quorum of a township board could discuss the campaign materials of a candidate for local office.

Alwood said a township trustee wanted to put something of a political nature on the agenda.

“We just can’t put political stuff on the agenda — that’s just not our job as a board,” he said.

Mullhaupt said the context of the township’s question related to the township’s desire to avoid appearing as if it was violating the state’s Campaign Finance Act.

“However, that issue does not involve comments by individuals during the public comment period at a public meeting,” she said in an email. “A person’s right to speak during the public comment period implicates the First Amendment right to free speech, particularly on matters of public concern.”

Because the public comment period required by Michigan’s Open Meetings Act is a free speech forum, Mullhaupt said, public comment restrictions should be limited to content-neutral time, place and manner restrictions.

“The rules should avoid attempting to regulate what a person is saying,” she said. “One limited exception regards comments that are personal attacks.”

Mullhaupt said that because the Open Meetings Act requires that anyone who would like to speak during a public comment period of a meeting be given the opportunity to do so, a supervisor should not prevent a member of the public from speaking during public comment, as long as the board’s “reasonable rules” are being followed.

Additionally, Michigan’s Open Meetings Act states that “a presiding officer cannot arbitrarily adjourn a meeting without first calling for a vote of the members present” — which Alwood did not do prior to slamming the gavel and stating “I can adjourn the meeting any time I want.”

Alwood said he stopped the meeting because he didn’t like the direction in the public comment portion of the meeting was heading.

“It was really my fault, and I was going to issue an apology on that at our next meeting,” he said.

Alwood was elected to his four-year term in 2012 after a tie vote resulted in a draw-by-lot decision between Alwood and previous superintendent John Barker.

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ABOUT THE AUTHOR



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