ORIGINAL DATE: INCIDENT NO: MICHIGAN DEPARTMENT OF 071-0002044-25 Fri. Jun 20, 2025 STATE POLICE TIME RECEIVED: FILE CLASS: **ORIGINAL INCIDENT REPORT** 73000 0945 WORK UNIT: COUNTY: MSP CADILLAC POST WEXFORD COMPLAINANT: **TELEPHONE NO:** (231) 878-ELLOVO CO EU DO OU ZIP CODE: ADDRESS: STREET AND NO: CITY: STATE: we am CADILLAC MI 49601

OPEN MEETING ACT VIOLATION(S) - LDFA OF CADILLAC

SUMMARY:

OPEN

INCIDENT STATUS:

On 6/20/25 at approximately 0950 hours, I met with MSP Cadillac Post regarding an investigation for Open Meeting Act Violations allegedly committed by the Local Development Finance Authority (LFDA) of Cadillac, MI. The time frame of the alleged violations span from approximately April 2011 to June 2025. Came prepared with paperwork of his own findings, which included a formal memorandum to the MSP outlining the alleged violations, and an outline with corresponding appendices A-M.

Marine alleged the LDFA committed the following violations:

- 1. Lack of Quorum During Meetings
- Improper Notice and Access (to meetings)
- 3. Bylaw Negligence
- 4. Non-compliant Financial Decisions
- 5. Failure of Oversight

This case remains open pending further investigation and interviews.

VENUE:

WEXFORD COUNTY CADILLAC, MI 49601

DATE & TIME:

ON OR AFTER: THU, APRIL 01, 2011 AND BEFORE: FRI, JUN 20, 2025

LOCAL DEVELOPMENT FINANCE AUTHORITY (LDFA):

I located the following information was from the City of Cadillac's website.

"The LDFA is led by a 10-member Board of Authority. Seven members are appointed by the chief executive office of the city, one member by the Wexford County Board of Commissioners, and two members by the Cadillac Area Public Schools Superintendent. All appointments are subject to approval by the Cadillac City Council. The Authority's primary role is to carry out the Development Plan and promote economic growth in accordance with the Plan and the laws of the State of Michigan.

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The Board of the Authority meets monthly. As required by recent State legislation (Michigan Public Act 57 of 2018) the Authority will hold two annual informational meetings. Informational meetings are meetings for the purpose of informing the public of the goals and direction of the authority, including projects to be undertaken in the coming year. They are not for the purpose of voting on policy, budgets or other operational matters, but may be held in conjunction with other meetings of the authority or the municipality.

The Authority approves an annual budget, which is subsequently approved and adopted by the City Council. All financial statements of the authority are audited annually as well, and included in the Comprehensive Annual Financial Report that is completed by the City of Cadillac each year."

COMPLAINANT:

NAM: CONTROL BIR: RAC: ETH: NBR: DIR: SEX: DL: STR: DOB: SSN: 04/18/1963 SFX: HGT: SI: CTY: CADILLAC ST: MI WGT: FBI: TXH: ZIP: 49601 HAI: MNU: TXW: EYE: PR: MB: (231) 878-00000 SMT:

INTERVIEW COMPLAINANT:

was interviewed in the conference room of the Cadillac Post on 6/20/25 at approximately 0950 hours. The interviewed was recorded on my BWC and the following information is a summary of the interview.

advised he's a citizen of the community and is not associated with the LDFA as a member and any sort of employee associated with the LDFA. stated the concern into the operations of the LDFA began with the information released to the community that PFAS was present in the water of the Cadillac area. stated he began his own investigation into how the LDFA and when he attempted to locate information such as meeting minutes, for example, on the City of Cadillac's website, he located some downloadable files to review the meeting minutes, but noted several months into years where meeting minutes were not available.

ALLEGED VIOLATION(S) OF MEETING MINUTES SHOWING A DECISION MADE WITHOUT QUORUM:

The following information was located in an Open Meetings Act Handbook created by the Office of the Attorney General Dana Nessel:

"A quorum is the minimum number of members who must be present for a board to act. Any substantive action taken in the absence of a quorum is invalid. If a public body properly notices the meeting under OMA, but lacks a quorum when it actually convenes, the board members in attendance may receive reports and comments from the public or staff, ask questions, and comment on matters of interest."

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The below information is meeting minutes provided by which I verified through the City of Cadillac website. The meeting minutes for each of these dates were made as an external document.

1. LDFA Meeting Minutes from October 14. 2021 at the Cadillac City Hall.

-Meeting was called to order by Marcus Peccia at 1102 hours.

-Roll Call

-Present: Jennifer Brown, Emily Kearney, Mike Bengelink, Marcus Peccia, all Wexford County. And James Peterson- calling in from Arizona. Staff Present – Jeff Dietlin

- -Discussion of LDFA well transfer to power company
 - -The transfer of the LDFA well to the power company was discussed.
 - A resolution to approved transfer of property (well property) was discussed.
 - -Mike Bengelink made a motion to approve the resolution. Jim Peterson supported.
 - -Board unanimous vote.
- -Informational Metting was held
 - -NPDES Renewal was discussed.
- -No Public Comments then meeting was adjourned.

2. LDFA Meeting Minutes from November 12, 2021 at the Cadillac City Hall.

Meeting was called to order by Marcus Peccia at 1102 hours.

-Roll Call

- Present: Jennifer Brown, Mike Bengelink, Marcus Peccia, James Peterson and Mike Hamner All Wexford County. Emily Kearny was missing.
 Staff Present- Jeff Dietlin
- -Discussion on Proposal Resolution to approve amendment to development and tax increment financing place for Vanderjagt Industrial Park
 - -James Peterson made a motion to approve the solution. Mike Bengelink supported
 - -Board unanimous vote
- -Motion was made to have an informational letter crafted and sent out to the effected parties on what they had paid in the special assessment in the past and what they might pay in the future Mike Bengelink moved. Mike Hamner supported.
- -Discussion of proposal for environmental services 2021 performance monitoring report proposal Cadillac DLFA
 - Performance report was discussed.
 - -Mike Bengelink moved Mike Hamner supported.
- No public comments and meeting adjourned.

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3. Meeting held on September 28th 2023 at City Hall - started at 811AM.

-Roll Call

- -Present: Jennifer Brown, Emily Kearney, James Peterson, Caitlyn Stank
- -Staff Present- Jeff Dietlin and Owen Roberts

Extend TIFF 12/2026

- -Owen spoke with an explanation of the proposal to extend the TIFF to 12/2026. There is a 1.2 million in the account to use for operations and closure of the wells when approved based on the next study when they will be cleared for closure. - Jennifer Brown made a motion of support to send to City Council to extend TIFF 12/2026. Emily Kearney support board unanimous vote.
- -Informational Meeting topic discussed
- -No public comment and then the meeting was adjourned.
- 4. Meeting held on December 8th, 2020 as a zoom meeting.
 - -Roll Call:
 - -Emily Kearney, Jim Petersen, Mike Bengelink Mike Hamner, Marcus Peccia (all called in from Wexford County)
 - -Staff Present Jeff Dietlin

-Information

- -The proposal for Tetra Tech to do the annual report. Tetra Tech has done this for us since 1996. The bid is \$12,8500.00 - Marcus recommends Tetra Tech due to past practices.
- -Motion- wave competitive bidding by Mike Hamner.
- -Vote Unanimous
- -Motion to award not to exceed \$12850.00 by Jim Petersen
- -Vote Unanimous

CURRENT CHAIRMAN OF THE

NAM: DANCE OF BIR: NBR: DIR: LAKE STR:

STREET SFX: CTY: **CADILLAC** ST: MI TXH: ZIP: 49601

TXW: MB: (231) 846 SMT:

RAC: SEX: DOB: HGT: SI:

WGT:

FBI:

PR:

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ETH: DL: SSN:

INTERVIEW MATTHEW SCHICHTEL:

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I interviewed who is the current chairman of Cadillac's LDFA Board, on 6/26/25 at approximately 0900 hours in the conference room of the Cadillac Post. The interview was recorded using my BWC and below is a synopsis of the interview.

for the board prior to him was with was an explained the chairman of the LDFA since November 2024. He explained the chairman for the board prior to him was with was an easy way to maintain control of operations with a believed he was chairman for about 16 years. A explained through discussions with was an easy way to maintain control of operations with a believed he was chairman for about 16 years. A had the right to sign off, permission to sign off on expenditures without board approval up to the amount of \$7,500. It was Schichtel's understanding, through conversations with was an easy and was an easy way to maintain control of operations with as little work as power.

outlined the public concerns he was made aware of, regarding past practices, regarding OMA such as not notifying the public of upcoming meetings, not posting the meeting minutes public, and expenditures not been published for the public to see. He stated since been chairman, he started looking into these concerns and discovered meeting minutes were clearly not published online for months and years prior.

monitoring wells for the past four years and the ordinance of 2018. Working advised water testing and working on getting the LDFA in compliance with the EPA, which based on their last meeting, the three remaining wells were shut down, but not capped, which is expected to be done soon.

responsibilities including scheduling and managing a \$30 million a month budget for the company. With his experience and knowing the deficiencies of the LDFA from prior years, he generated a monthly compliance checklist. Mater provided me a checklist outlining the requirements for OMA and their bylaws each meeting of each month. The entire checklist was made as an external document and will be forwarded to the PAO for review.

The checklist showed the following requirements he sought to achieve for the board. Each month differs but for example sake, the below checklist was for the month of January.

- -Meeting posted at least 18 years before meeting
- -Monthly meeting held with proper quorum
- -Proposed minutes available for public inspection within eight days
- -Approved minutes available for public inspection within five days
- -Initial Review- new fiscal year budget
- -Potential term renewal- expires January 21, 2028-

Additionally was advised he understands the board needs to hold an informational meeting twice a year and based on the meeting minutes in the past he found online, he found the board did one informational meeting in a three-year span. Was advised the board will hold two informational meetings per year. He also has on the checklist he created that four quarterly reports will be made so city council can be aware.

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Regarding quorum, Maspoke on an emergency provision if there are vacancies on the board, the majority of active members can make decisions, however, he can't speak on why the vacancies were not filled in a timely fashion, in the years in question prior to his tenure, which negates the emergency exception.

What stated they had a meeting a week and half ago and they discussed the bylaws of the board.

What recommended that the emergency provision for the majority to make decisions stay in place as long as city Council has 45 days to fill the vacancies on the board.

EXTERNAL DOCUMENTS:

LDFA Monthly Compliance Checklist Memo, Outline of Allegations and Appendices A-M

CRIME VICTIM'S RIGHTS:

Business Card provided to

BODY WORN CAMERA:

Utilized for the interview of part and part the MSP Cadillac Post.

STATUS:

OPEN, pends additional interviews.

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l	FILE CLASS: 73000

INCIDENT STATUS: OPEN

OPEN MEETING ACT VIOLATION(S) - LDFA OF CADILLAC

NO JOURNALS

WITNESS

NAM: NAM: MANAMANAMAN BIR: RAC: ETH: NBR: DIR: SEX: Lillike & Ild STR: MANNY DOB: SSN: SFX: WWWW HGT: SI: CTY: **CADILLAC** ST: WGT: МΙ FBI: TXH: ZIP: 49601 HAI: MNU: TXW: EYE: PR: MB: (231) 429-**MWW1171**

SMT:

INTERVIEW WITNESS:

On 6/23/25 at approximately 1100 hours, I spoke to WWW via TX was audio recording using my BWC. Michael was a vice chair of the LDFA board from January 2022 to December 2024. Michael advised during his tenure, he attended zero meetings because he was never notified the time of the meetings nor ever received any responses to emails he sent out. Michael stated the emails he would receive for meetings were sporadic and not monthly.

WITNESS

NAM: MAA BIR: RAC: ETH: NBR: **VV**✓ DIR: SEX: DL: SSN: STR: SUNDBERG DOB: SFX: STREET HGT: SI: CTY: CADILLAC ST: MI WGT: FBI: TXH: ZIP: 49601 HAI: MNU: TXW: EYE: PR: MB: (231) 942

SMT:

INTERVIEW WITNESS:

On 7/9/25 at approximately 1325 hours, I spoke to www.via TX, which was audio recorded using my BWC. Madvised she has been a board member of the LDFA, stating it was either March or May of 2024. She was on the board when was Chairman and currently is a board member with as Chairman. stated she was on the board for some time before she became aware of what a quorum was and what it required for decisions to be made during meetings. She stated once she understood what quorum was, she voted against going into closed sessions and would not participate in them. She recalled one meeting in which a decision was made where quorum was not met. This meeting, according to the meeting minutes,

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was held on 8/29/24 at City Hall (this will be forwarded to the PAO with reports for review). According to the meeting minutes five members were present. Under #4 "Closed Meeting to have a Confidential and Privileged legal opinion: Supported. Unanimous approval. Imaginate a motion to come out of closed meeting and Supported. Unanimous approval.

Another concern of was in and and talked to the newspaper the next day after a closed sessions nor did they disclose to the public why the board went into a closed session.

When asked about vacancies on the board during her tenure, she was aware of two vacancies that were not filled.

Madvised since has not seen any OMA violations.

CITY OF CADILLAC'S UTILITY MANAGER:

NAM: BIR: RAC: ETH: NBR: DIR: SEX: DL: STR: DOB: SSN: SFX: DRIVE HGT: SI: CTY: CADILLAC ST: MI WGT: FBI: TXH: ZIP: 49601 HAI: MNU: TXW: EYE: PR: MB: (231) 884

INTERVIEW • ***

SMT:

On 6/27/25 at approximately 1123 hours, I interviewed in the conference room at the MSP Cadillac Post. With the Utilities Manager for the City of Cadillac and is not a board member for the LDFA. has been the utilities manager since 2008. Was accompanied during the interview with City Attorney, Mr. This interview was recorded using my BWC and the below information is not a full transcription.

After reviewing meeting minutes from October 14, 2021, November 12, 2021, December 8, 2020 and September 28, 2023 with high he explained the LDFA Board was consistently short 2-3 board members for many years (short of 10 for a full board) because they had difficulty filling those vacancies by those willing to volunteer was stated the practice they used in the past, for the sitting members, they would hold meetings if they had more than 50% of the board members present.

stated, to his knowledge, the bylaws of the LDFA did not surface to the attention of the board members until 2024. He advised the board members and staff members learned of these bylaws then. Advised he was not aware of any instances where a meeting was held where there wasn't a majority of the members appointed and serving. Astated prior to 2024, he have never attended a LDFA meeting because the board did "their thing" for the last 30 years. Astated the meetings were so sporadic and it was not an issue and it became an issue when PFAS was discovered as part of the closure process of what the LDFA was originally formed for.

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Regarding to the claim that files and records were deleted and corrupted, **months** stated prior records were stored on his computer and they were corrupted, but they were not deleted. He advised he was able to produce paper records, scanned them, and made them available.

Regarding the large gaps in the posted meeting minutes online, stated that was because there were no meetings held not stated often times, they would prep and post for a meeting, but they didn't have enough people to hold the meeting for quorum, so the meeting didn't take place. I pointed out a 4 year gap of posted meeting minutes for example from 6/27/16 to 10/23/20. He believed this time could have been when the files were corrupted, but some of this time was during the covid pandemic time frame where meetings were not being held.

Regarding the allegation of that which stated all private wells were abandoned, but was proven false, which stated there were three residences within the city that was not on city water those three homes are either all on city water or the well destroyed. It is stated the requirement by the city for these three homes were to have their water tested and submitted to the city for the results. What stated if the well tested clear, that resident was allowed to keep it's well and wasn't required to have city water. Conflict stated 240 wells were confirmed to be in use, however that the 240 homes was is referring to is outside of the LDFA district. What stated he spoke to EPA about this issue and the EPA during their next five year review, the EPA will clarify the LDFA area the board / city is responsible for.

violations of OMA or FOYI, he disagrees, but suggested to to file a claim civilly, but to his knowledge a civil suit has not been filed by stated he believes would rather use the taxpayers money to investigate this case rather than his own to file a civil lawsuit.

BWC:

Utilized during all the above interviews.

EXTERNAL DOCUMENT:

Meeting Minutes for 8/29/2024.

STATUS:

OPEN, pends additional interview of

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SUPPLEMENTAL INCIDENT REPORT 0002

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Fri, Jun 20, 2025	071-0002044-25
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INCIDENT	STATUS:
OPEN	

OPEN MEETING ACT VIOLATION(S) - LDFA OF CADILLAC

JOURNAL:

DATE	JOURNALED BY	ACTION
07-16-2025	ENTERED BY: ARENDT, STEVE, 6, D/SERGEANT	ORIGINAL REPORT REV - PENDS FURTHER INTERVIEWS
07-21-2025	ENTERED BY: ARENDT, STEVE, 6, D/SERGEANT	SUPP #1 REV - PENDS NTERVIEW AND THEN PAO REVIEW

LDFA BOARD MEMBER / FORMER CHAIR:

NAM: BIR:	~~~	~	~	RAC:	W	ETH:	
NBR:	~~~	DIR:		SEX:	in	DL:	men
STR:	~~			DOB:	100	SSN:	
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TXH:		ZIP:	49601	HAI:		MNU:	
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INTERVIEW '

On 7/18/25 at approximately 0900 hours, I interviewed in the conference room of the Cadillac Post. was accompanied with legal representation with City Attorney

stated he was appointed by city council to the LDFA November 2009 and has been a board member since. He advised he couldn't recall a meeting where he was officially titled and/or appointed as chairman of the board, but the board members suggested as city manager he should fill the role as chairman of the board.

stated in the 16 years he has been on the board and up until just recently (4 to 6 months), there was never 10 members on the board due to lack of people volunteering to fill the vacancies. Stated it's the job of the mayor and city council who do the appointments for the vacancies.

I showed and read the meeting minutes for the meeting that was held on 12/8/20. In the information section there was discussion regarding a bid for Tetra Tech which states:

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gave an overview of what the LDFA is. we sent the annual report to the EPA. The proposal for Tetra Tech to do the annual report. Tetra Tech has done this for us since 1996.

The bid is \$12,8500.00 - recommends Tetra Tech due to past practices.

Motion – wave competitive bidding by

Vote: Unanimous.

Motion to award not to exceed \$12,8500.00 by

Vote: Unanimous.

On 7/21/25, provided via email the City of Cadillac's Directory of Boards and Commissions for the 2020 year. Under the LDFA section, the following people were listed as board members with term expirations: Common war was , , (chair), and h These two pages were pages as external documents.

For the meeting held on 12/8/20, there was six members on the board and five were present for this meeting.

Regarding notifying and posting the LDFA meetings, stated the board would talk about the next meeting during the meeting they were currently in. ' stated the LDFA would only meet if there was business to discuss; they wouldn't meet just to get together. Lower stated they would email and/or call, using the administrative assistant from the utilities department, the board members to coordinate a meeting. stated when a date and time was set and the minimum amount of board members that could come, the meeting would be posted on the bulletin boards at City Hall, online, and also would be "phone tree-ed" out to the members. wo I stated there was not a regular meeting date and time because the meetings were held as necessary and he advised these meetings were posted as special meetings, posted at a minimum of 18 hours prior to the meeting, and would list the agenda for the meeting.

I advised that ' told me he never attended a meeting and wouldn't receive full information (date/time/location) of the meeting. A advised he couldn't confirm if never attended a meeting, but stated it would be shocking if he never attended one meeting.

Mr. Low stated there is a provision under the city charter, that grants the city manager to have authorization to use up to \$7,500 for purchases, which would be separate from the LDFA regarding decisions to spend this money. stated, as his role as city manager, he can use \$7,499, but at \$7,500 or higher, under their purchasing ordinance, they would go out to bid and these bids would be approved through city council, not through the LDFA.

advised, to his knowledge, Mr. anyone else, has alleged an intentional violation to the OMA, nor had Mr made a civil complaint with the Circuit Court for alleged violation(s).

stated if there wasn't meeting minutes posted, there was not a meeting held. I showed the list from the City's LDFA website showing large gaps in posted meeting minutes, specifically from November 2020 to December 2024, June 2016 to October 2020, and April 2011 to June 2016. stated he could recall in the most recent large gap that meetings were called and posted, however there was not enough members to

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hold a meeting, so they were cancelled. stated he didn't attend a single LDFA meeting from 2010 until 2024 because there was no need for his role as city attorney. He advised the LDFA had no legal issues, no funding issues, and couldn't say for certain how many times the LDFA met.

stated during the most recent large gap of no posted meeting minutes, the board may have only met once a year and it's possible that there wasn't a meeting for significant amount of time because there were not enough members to attend to have a meeting stated the board was in a holding pattern for a significant amount of time because they did not receive any updates from the EPA. stated the board learned after a long period of time, the EPA representative for their region transferred and the EPA allegedly did not fill that EPA employee's vacancy. Additionally, a stated the city consultant that the LDFA had "on file" who coordinated with the EPA passed away, so things were further delayed.

stated the Utilities Department was continuing to test the water at wells and was receiving clear results, so they reported these findings to the EPA to see if they needed to continue testing the waters, however the EPA did not assign / fill the vacancy for supervision of the Cadillac area, so the EPA was not monitoring progress for Cadillac. Stated the city hired a new consultant and got up to speed with the EPA on progress of current projects. Peccia stated the EPA stated they would consider the city to stop testing on one of the wells for hexavalent chromium, only if the city tests for PFAS. Stated they deferred to the State of Michigan for additional testing of PFAS for recommendation to go forward.

Mr. Advised the LDFA's by laws are in the process of being amended which will be consistent with the OMA stating a quorum will consist of a majority of those members appointed and serving.

BWC:

Activated for the above interview.

All BWC videos can be forwarded to the PAO upon request.

LEIN WORK:

35/42 and CCH can be generated and forwarded to the PAO after review once requested.

EXTERNAL DOCUMENT:

Board Member List for the year of 2020 (2 pages). LDFA Monthly Compliance Checklist (5 pages). Outlined paperwork provided by the complainant (73 pages). Meeting Minutes for 8/29/24 (1 page).

STATUS:

OPEN, pends PAO review.

*Note - The complainant, _____advised towards the conclusion of our initial interview that he believed there was a conflict of interest for the Wexford County PAO to review this case. I advised him the case would go to the Wexford County PAO and I would defer to their judgement if the AG's Office would review this case.

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