

## JONESFIELD TOWNSHIP ZONING BOARD OF APPEALS OCTOBER 29, 2020 CONFLICT OF INTEREST DECLARATIONS

At this October 29, 2020 public meeting to review DTE Energy's ("Applicant") request for 55 non-use variance for 24 proposed WTG Tower sites ("Request") related to their proposed Meridian Wind Park wind energy project ("Project"), it is necessary to make certain disclosures of potential conflicts of interest by members of the Zoning Board of Appeals ("ZBA") pursuant to the ZBA's Bylaws and applicable law. Specifically, Applicant is requesting various dimensional variances related to WTG Tower setbacks.

All members of the ZBA (including alternates) have various conflicts of interest with Applicant's Request and Project. The ZBA hereby formally discloses the following conflicts of interest on behalf of each ZBA member below. The summarized conflicts below were compiled from individual discussions between ZBA members and the Township's legal counsel.

- **Ruth Coppens, Chair:** Chair Coppens is exploring entering into an agreement with Applicant to put wind energy improvements on her property within the Township. Her husband has agreements with Applicant to place wind energy improvements on properties in Jonesfield Township, Porter Township, and Mt. Haley Township as part of the Project. Chair Coppens's immediate neighbors also have signed agreements with Applicant related to the Project. Chair Coppens notes several of Applicant's variance requests relate to lands directly owned by her husband.
- **Larry Tibbits, Secretary (Township Supervisor):** Member Tibbits' neighbor has signed a lease agreement with Applicant to place a turbine on his property. Further, Member Tibbits' neighbor across the road (to the east) has also signed an agreement with Applicant related to this Project.
- **Richard Bluemer, Member (Planning Commission Chair):** Member Bluemer's mother-in-law signed an agreement with Applicant to place a wind turbine on her property in Mt. Haley Township as part of the greater Meridian Wind Park Project. Applicant has also signed an agreement with a property owner immediately adjacent to a property family trust, to which Member Bluemer and his sister own are members, to place a wind turbine on that property. Moreover, a property owner immediately across the street from the trust property has signed an agreement with Applicant to site wind energy improvements.
- **Roger Poscal, Alternate Member:** Alternate Poscal has executed agreements with Applicant to site wind energy improvements on two of his properties. Further, Alternate Poscal's mother and daughter have executed various agreements with DTE related to wind energy improvements as part of this Project. Specifically, his mother executed an agreement with DTE to site a wind turbine in her property in neighboring Mt. Haley Township.
- **John Siler, Jr., Alternate Member:** Alternate Siler executed an access easement agreement with Applicant on his property in the Township related to this Project. His

brother also lives in the Township within the Village of Merrill and Alternate Siler's brother has executed a small lot agreement with the Applicant related to this Project.

All members of the ZBA, including alternates, have *per se* conflicts of interest under their Bylaws related to the Request and the Project. The ZBA's Bylaws designate that its members do not have impermissible conflicts of interests and are not prohibited from considering, deliberating, or voting on a request when the Rule of Necessity applies. The Rule of Necessity applies when:

1. Conflicts of interest under the ZBA's Bylaws or the Standards of Conduct for Public Officers and Employees Act, Act 196 of 1973, MCL 15.341 *et seq.*, prevent a quorum of the ZBA from voting, deliberating, or considering a matter; and
2. All ZBA members with conflicts of interest disclose all personal, financial, or business interests related to a project or request and disclosure anything they reasonably believe may constitute conflicts of interest; and
3. A member utilizing the Rule of Necessity is not paid for more than 25 hours of work per week for the State of Michigan or a political subdivision of the State of Michigan.

Because all members have conflicts of interests regarding the Request, the ZBA invokes the Rule of Necessity in order to consider, deliberate, and decide on the Request. The ZBA further orders inclusion of these disclosures as part of this meeting's minutes.

Respectfully submitted on October 29, 2020.