

**PROPOSED MINUTES OF THE
SPECIAL MEETING OF THE HIGHLAND PARK CITY COUNCIL**

MAY 12, 2022

Council convened at 4:00 p.m. with Council President Clyburn presiding.

Present: Council Pro Tem Patrick, Councilmember Bates, and Council President Clyburn (3).

Absent: Councilmember McDonald, Councilmember Armstrong (2).

A quorum being present, Council was declared in session.

The Clerk read the following notice.

NOTICE OF
A
SPECIAL MEETING OF THE
HIGHLAND PARK CITY COUNCIL

Date: Thursday, May 12, 2022

Time: 4:00p.m.

Place: Robert B. Blackwell Municipal Complex
12050 Woodward Avenue, 2nd Floor
Highland Park, Michigan 48203

I, Carlton Clyburn, Council President, do hereby call a Special Meeting of the Highland Park City Council on the above date, time and place, regarding

**RESOLUTION FINDING THE EXISTENCE OF A BONA FIDE DISPUTE AND
RETAINING BODMAN PLC AS A 3RD-PARTY INDEPENDENT ATTORNEY TO
ASSIST THE HIGHLAND PARK CITY COUNCIL IN LITIGATION RELATED TO
ROBERT DAVIS V HIGHLAND PARK ELECTION COMM'N, CASE NO. 22-005386-AW,
AND AUTHORIZING AND DIRECTING PROMPT PAYMENT TO BODMAN FOR
BODMAN'S INVOICES**

Moved by Councilmember Bates

Supported by Council Pro Tem Patrick

WHEREAS, Robert Davis has filed an Emergency Complaint in the Wayne County Circuit Court, Case No. 22-005386-AW, seeking a Writ of Mandamus, Declaratory Judgment, and Injunctive Relief against the Highland Park Election Commission and City Clerk Brenda Green in her official capacity, alleging that Council Member Rodney Patrick and Council President Carlton Clyburn should not have been certified as candidates in the upcoming August 2, 2022 primary election (the "Davis Case"); **AND**

WHEREAS, the claims in the Davis Case are unwarranted, unsupported and legally improper, but by so

alleging, seek to challenge the proper functioning of the Highland Park City Council and the functionality of the democratic election process in the City of Highland Park, including the very candidates included on the ballot whom Highland Park voters may consider voting for, and so the Highland Park City Council seeks to intervene, defend against the allegations in the Davis Case, and seek to obtain dismissal of the claims; **AND**

WHEREAS, the Highland Park City Council determines that a "Bona Fide Dispute" exists under Chapter 7; Section 7-5; Letter (c) of the City Charter, in light of the statements made by Mayor Hubert Yopp accusing Council Member Patrick, Council President Carlton, and City Clerk Brenda Green of improper conduct in the election-related processes also at issue in the aforementioned complaint, and the fact that the Election Commission is comprised of appointees of Mayor Yopp, with whom the Council has already had several bona fide disputes; **AND**

WHEREAS, the Highland Park City Council now retains Bodman PLC to represent the Highland Park City Council in the Davis Case and any subsequent related litigations, including but not limited to appeals; **AND**

WHEREAS, the City Council is authorized under the City Charter and City Code to appropriate and authorize funds as needed for the payment of City obligations, and is authorized to appropriate funds to pay legal services provided to City Council by Bodman PLC pursuant to the previously passed resolutions and as authorized by Chapter 7; Section 7-5 of the City of Highland Park City Charter; **AND**

WHEREAS, the Council is authorized by Chapter 8; Section 8-8 to transfer unencumbered operating appropriation balance from one operating fund or account to another, even if Mayor Yopp refuses to recommend such appropriation because the legal bills arise from bona fide disputes between the Mayor and Council; **AND**

NOW, THEREFORE BE IT RESOLVED, consistent with the aforementioned, the Highland Park City Council will and hereby does retain the Bodman PLC Law Firm, located at 1901 St. Antoine Street, Detroit, MI 48226, as its independent, third-party attorneys for legal representation in the Davis Case through its municipal powers as outlined in the City Charter, and hereby authorizes and approves an allocated initial sum of \$35,000.00 in payment for the services referenced herein. This Resolution is not limited to a singular 'bona fide' dispute and determines that the Highland Park City Council shall exercise this right under the provisions allowable within the City Charter.

BE IT FURTHER RESOLVED, consistent with the aforementioned, the Highland Park City Council appropriates \$35,000 from the Legal Department (101-210-826) to City Council (101-101-826) for prompt payment to Bodman PLC for legal services rendered and to be rendered in connection with Bodman PLC's representation of City Council in the Davis Case. Yeas (3), Nays (0), Absent (2).

ADJOURNMENT

Moved by Council Pro Tem Patrick
Supported by Councilmember Bates

To adjourn the meeting, motion passed, meeting adjourned at 4:05p.m.

CERTIFICATE

I, hereby certify that the attached is a copy of the proposed minutes of the Special Meeting held the 12th day of May, 2022 and that said minutes are available for public inspection at the address designated on the posted public notice.



Cidia Wicker-Brown, Deputy City Clerk