

**BAY COUNTY ELECTION COMMISSION
CLARITY HEARING AUBURN CITY COMMISSIONER
NOVEMBER 24, 2009**

THE BAY COUNTY ELECTION COMMISSION MET THE AFTERNOON OF TUESDAY, NOVEMBER 24, 2009 IN THE FOURTH FLOOR COMMISSION CHAMBERS OF THE BAY COUNTY BUILDING AT 3:05 P.M. THE PURPOSE OF THE MEETING WAS TO REVIEW THE LANGUAGE SUBMITTED FOR CLARITY IN REGARD TO THE RECALL OF TWO (2) AUBURN CITY COMMISSIONERS, BRIAN J. RAAB AND WILLIAM A. REDER. THE FOLLOWING MEMBERS AND GUESTS WERE PRESENT:

ROLL CALL: RICHARD F. BRZEZINSKI, TREASURER
 CYNTHIA A. LUCZAK, COUNTY CLERK
 KAREN TIGHE, PROBATE JUDGE

ALSO PRESENT: BRIAN J. RAAB, AUBURN CITY COMMISSIONER
 WILLIAM A. REDER, AUBURN CITY COMMISSIONER
 GERALD JANOWICZ, PETITIONER
 DIANE MC NALLY, CITIZEN
 NICHOLS MADAJ, CITIZEN
 BARBARA REISS, CITIZEN
 DOROTHY PRANGLE, CITIZEN
 MELODY RAAB, CITIZEN
 KELSEY RAAB, CITIZEN

PLEDGE OF
ALLEGIANCE:

HON. KAREN TIGHE READ THE SCRIPT AS PREPARED IN REGARD TO THE RECALL STATUTES OF THE STATE OF MICHIGAN. IN ADDITION, THAT THE STANDARDS FOR THE CLARITY WERE LENIENT, WERE POLITICAL RATHER THAN JUDICIAL AND WERE NOT SUBJECT TO PROVE THE TRUTH OR FALSENESS OF THE PETITION LANGUAGE. THE DUTY OF THE COMMISSION MEMBERS WAS ONLY TO DETERMINE THE "CLARITY" OF THE STATEMENT PRESENTED.

JUDGE TIGHE READ THE PETITION LANGUAGE INTO THE RECORD. THE SAME STATEMENT WAS PRESENTED FOR EACH COMMISSIONER.

“Recall.... from the office of City Commissioner for the reason...trying to eliminate the Auburn Police Department. By contracting with the Bay County Sheriffs Department for Police Protection. For ignoring the residents signed petitions against hiring a Deputy”.

WHEN ASKED FOR PUBLIC COMMENT, THE FOLLOWING THREE (3) INDIVIDUALS WISHED TO ADDRESS THE COMMISSION:

- B. REISS: AUBURN CITY RESIDENT OF 62 YEARS, BETTY REISS, APPEARED BEFORE THE ELECTION COMMISSION TO EXPRESS HER CONCERNS WITH THE CONTRACTING OF A SHERIFF DEPARTMENT DEPUTY FROM THE BAY COUNTY SHERIFF DEPARTMENT. MS. REISS STATED THAT THE WISHES OF THE COMMUNITY WERE MADE EVIDENT WITH THE ELECTION OF NEW COMMISSION MEMBERS DURING THE NOVEMBER 3, 2009 ELECTION.
- B. RAAB: MR. RAAB HAD NO COMMENT AT THIS TIME.
- W. REDER: AUBURN CITY COMMISSIONER, WILLIAM REDER, SAID A PANEL OF MEMBERS FORMED A COMMITTEE TO DETERMINE THE BEST OPTION FOR POLICE PROTECTION. AS MANY AS 2-3 PUBLIC HEARINGS HAD BEEN HELD FOR THE INPUT OF THE CITIZENS. COMM. REDER FELT THE CITY WOULD BE WELL SERVED WITH THE OPTION THE PANEL HAD CHOSEN AS THE CITY NOW HAS A “TRAINED” AND “CERTIFIED, FIRST RESPONDER” AND ONE CITY DEPUTY HAD BEEN RETAINED BASED ON THE SIGNED PETITIONS OF THE RESIDENTS.
- G. JANOWICZ: MR. JANOWICZ THANKED THE COMMISSION AND THE CITIZENS FOR THEIR SUPPORT OF THIS RECALL EFFORT. HE FELT THE LANGUAGE PRESENTED ON THIS DATE WAS CLEAR AND CONCISE ENOUGH FOR THE ELECTORATE TO UNDERSTAND. IN ADDITION, IF CITIZENS DID WANT TO GET INVOLVED IN THIS EFFORT THEY COULD SIMPLY REFUSE TO SIGN THE PETITION.

C. LUCZAK: CLERK LUCZAK CONFIRMED THAT MR. JANOWICZ WAS A REGISTERED, QUALIFIED VOTER IN THE CITY OF AUBURN; THAT THE TOTAL NUMBER OF WORDS PRESENTED WAS WITHIN THE LIMITS ALLOWED BY LAW AND THAT THE MEMBERS BEING RECALLED WERE NOT WITHIN THE FIRST SIX MONTHS OR LAST SIX MONTHS OF THEIR TERMS AS REQUIRED BY LAW. FURTHER, CLERK LUCZAK WAS IN QUESTION AS TO HOW THE COMMISSION MEMBERS WERE "TRYING" TO ELIMINATE THE AUBURN POLICE DEPARTMENT SUCH AS HOW, WHAT, WHEN, WHERE AND WHY. LASTLY, "FOR IGNORING THE RESIDENTS SIGNED PETITIONS" LEAD TO SOME CONFUSION AS TO HOW THE INFORMATION WAS "IGNORED". HAD THE PETITIONS BEEN ACKNOWLEDGED BY BOARD MEMBERS IN ANY WAY SUCH AS A MOTION TO "RECEIVE" OR ANYTHING?

TREASURER: COUNTY TREASURER, RICHARD BRZEZINSKI, STATED IT WAS THE PURPOSE OF THIS BODY TO ONLY DECIDE IF THE STATEMENTS PRESENTED, WERE CLEAR, AND NOT IF THEY WERE NECESSARILY TRUE OR FALSE. IF ANYONE WISHED TO APPEAL THE DECISION OF THE ELECTION COMMISSION, THEY WOULD SUBMIT A PETITION TO THE CIRCUIT COURT.

K. TIGHE: JUDGE TIGHE DISAGREED WITH THE LANGUAGE PRESENTED IN THE ORIGINAL PETITION(S) SUBMITTED BY MR. JANOWICZ, BUT FELT THE REVISED AND AMENDED SECOND DRAFTS WERE CLEAR. WITH THAT SAID, A MOTION WAS IN ORDER.

MOTION 1: JUDGE TIGHE MOVED TO APPROVE THE LANGUAGE PRESENTED BY AUBURN CITY RESIDENT, GERALD JANOWICZ, AS CLEAR ENOUGH TO BE SUBMITTED TO THE ELECTORATE FOR THE RECALL OF AUBURN CITY COMMISSIONERS BRIAN J. RAAB AND WILLIAM A. REDER. TREASURER BRZEZINSKI SUPPORTED THE MOTION AS PASSED BY VOICE VOTE OF 2 YEAS, 1 NAY-LUCZAK. THE MEETING ADJOURNED AT 3:25 P.M.

RESPECTFULLY SUBMITTED
CYNTHIA A. LUCZAK, CLERK