

BAY COUNTY ELECTION COMMISSION

BANGOR TWP. SCHOOL BD. CLARITY  
JANUARY 9, 1997

THE BAY COUNTY ELECTION COMMISSION MET THE MORNING OF THURSDAY, JANUARY 9, 1997 IN THE COMMISSIONERS' GROUND FLOOR CONFERENCE ROOM OF THE BAY COUNTY BUILDING. THE PURPOSE OF THE MEETING WAS TO CONSIDER THE CLARITY OF RECALL PETITION LANGUAGE FILED IN THE CASE OF SIX (6) BANGOR TOWNSHIP SCHOOL BOARD MEMBERS. THE MEETING WAS CALLED TO ORDER BY PROBATE JUDGE, KAREN TIGHE AT 8:30 A.M. WITH THE FOLLOWING MEMBERS AND GUESTS PRESENT.

ROLL CALL:           KAREN TIGHE, PROBATE JUDGE  
                  BARBARA ALBERTSON, CLERK  
                  JEANETTE NEIZEL, TREASURER

ALSO PRESENT:       CYNTHIA A. LUCZAK, SECRETARY  
                  JOHN SHARP, TRUSTEE/BANGOR BD.  
                  LINDA CAPRATHE, TRUSTEE/BANGOR BD.  
                  WM. ROESE, TRUSTEE/BANGOR BOARD  
                  KENT HUBER, TRUSTEE/BANGOR BD.  
                  GEORGE PHILLIPS, ATTORNEY/BANGOR  
                  SUE ROGGENBUCK, BANGOR RESIDENT  
                  BUZZ ROGGENBUCK, BANGOR RESIDENT  
                  BEV THEISEN, BANGOR RESIDENT  
                  DARLENE SNIDER, BANGOR RESIDENT  
                  CHARLES HEWITT, ATTNY/PETITIONERS

CHAIRPERSON TIGHE ANNOUNCED THE PURPOSE OF THIS SESSION WAS TO CONSIDER THE CLARITY OF THE LANGUAGE PRESENTED ON SIX (6) PETITIONS RECALLING BANGOR TOWNSHIP SCHOOL BOARD TRUSTEES. PREVIOUS CONSIDERATION OF RECALL PETITIONS HELD DECEMBER 23, 1996, HAD NOT PROVEN FAVORABLE AS LANGUAGE WAS DETERMINED UNCLEAR.

ELECTION COMMISSION MEMBERS WERE TO CONSIDER THE WORDING ON SIX (6) EXACT PETITIONS WITH EXCEPTION OF THE NAME OF THE INDIVIDUAL WHO WAS TO BE RECALLED. THE LANGUAGE STATED THE REASON FOR THE RECALL WAS "LACK OF ATTENDANCE" BY BOARD MEMBERS. IT WAS THE RESPONSIBILITY OF THE ELECTION COMMISSION TO DETERMINE IF THE LANGUAGE WAS CLEAR ENOUGH FOR THE BAY

COUNTY ELECTORS AND BOARD MEMBERS TO UNDERSTAND WHAT CONDUCT WAS BEING CALLED INTO QUESTION FOR A RECALL.

ATTORNEY GEORGE PHILLIPS SUMMARIZED THE RECALL LAWS ESTABLISHED FOR CLARITY OF THE ELECTORATE AND ALLOWED THE CHARGED OFFICIALS WITH PROPER NOTICE OF THE ACTION FOR WHICH THEY WERE CALLED TO DEFEND. IN THIS CASE, MR. PHILLIPS DID NOT FEEL THE "LACK OF ATTENDANCE" WAS CLEAR NOR SPECIFIC ENOUGH. WAS THE INTENT FOR RECALL BASED ON A LACK OF ATTENDANCE AT SCHOOL BOARD MEETINGS, THE MILLAGE MEETINGS, CHURCH OR SOME OTHER EVENT. FURTHER, HE FELT THE RECALL WAS AIMED AT DR. HARTMAN AS OPPOSED TO WHAT THE RECALL PETITIONERS APPEARED TO REQUEST. IT HAD ALSO BEEN REPORTED IN THE NEWS MEDIA WHICH LEAD TO SOME CONFUSION BY THE PUBLIC.

BEV THEISEN RESPONDED TO THE COMMENTS OF MR. PHILLIPS BY POINTING OUT THESE WERE TO SEPARATE ISSUES. ONE, WAS THE BEHAVIOR OF THE SCHOOL BOARD AND THE SECOND, WAS THE SUPERINTENDENT. INITIALLY, THE COMMITTEE DISCUSSED ACTION AGAINST THE SUPERINTENDENT BUT INSTEAD FILED THE PETITIONS AGAINST THE SCHOOL BOARD DUE TO SEPARATE CIRCUMSTANCES.

ATTORNEY CHARLES HEWITT APPEARED ON BEHALF OF THE PETITIONER/CITIZENS GROUP WISHING TO RECALL THE BANGOR TOWNSHIP SCHOOL BOARD TRUSTEES. HE STATED MR. PHILLIPS' POINT HAD BEEN WELL TAKEN, HOWEVER, ANY CONFUSION IN CLARITY OF THE RECALL PETITIONS WERE FOR THE BAY COUNTY ELECTION COMMISSION TO DETERMINE. THE VOTERS WERE TO DECIDE IF A LACK OF ATTENDANCE WAS SUFFICIENT REASON TO RECALL ONCE IT WENT TO A VOTE. THERE WAS NO CONTROL BY THE CITIZENS COMMITTEE OF WHAT THE MEDIA HAD REPORTED.

BANGOR TOWNSHIP RESIDENT, BUZZ ROGGENBUCK, INFORMED THE ELECTION COMMISSION THERE WAS NO CONTROL OVER THE LOCAL SCHOOL BOARDS FROM THE STATE LEVEL ACCORDING TO RESEARCH HE HAD CONDUCTED. ELECTORS HAD VOTED THESE SCHOOL BOARD MEMBERS INTO OFFICE AND THEY WERE THE ONES TO DECIDE IF THEY WERE TO REMAIN IN OFFICE. THE LACK OF ATTENDANCE WAS EVIDENCE OF HOW SERIOUS THESE PEOPLE TOOK THEIR POSITIONS, IN HIS OPINION.

TRUSTEE LINDA CAPRATHE EXPLAINED THAT, IF THE CITIZENS COMMITTEE BASED THEIR RECALL PETITIONS ON A "LACK OF ATTENDANCE" THEN THEY SHOULD BE SPECIFIC AS TO WHAT THE LACK OF ATTENDANCE WAS FROM. SHE CLAIMED THE LOWEST THE ATTENDANCE RATE OF THESE INDIVIDUALS WAS 84%.

SUE ROGGENBUCK STATED THE VOTERS SHOULD HAVE THE OPPORTUNITY TO VOTE ON THIS.

LINDA CAPRATHE'S COMMENT WAS "THEN IT SHOULD BE CLEAR"

BEV THEISEN RESPONDED THE FIRST TIME RECALL PETITIONS WERE REJECTED FOR CLARITY, THE COMMITTEE WAS ADVISED TO ELIMINATE THE DETAILS WITHIN THE VERBIAGE.

WHEN COMPARING THE TWO (2) PETITIONS, CHARLES HEWITT, FELT THE FIRST PETITION WAS VERY SPECIFIC AND NOT TOO LADEN WITH DETAIL WHEN REFERRING TO THE LACK OF THE ATTENDANCE AT THE SCHOOL BOARD MEETINGS UNDER THE SCHOOL BOARD POLICY. THE PETITIONERS HAD ATTEMPTED TO SATISFY THE ELECTION COMMISSION BY ELIMINATING DETAIL, MAKING THE LANGUAGE SIMPLE, AND NOW HE WAS GIVEN THE IMPRESSION IT WAS NOT SPECIFIC ENOUGH.

TREASURER NEITZEL EXPLAINED THE REASON FOR DENIAL OF THE FIRST RECALL PETITION WAS BECAUSE OF THE FACT IT REFERENCED A SCHOOL BOARD POLICY (9120) WHICH THE ELECTORATE WAS NOT FAMILIAR WITH.

BUZZ ROGGENBUCK ANNOUNCED, THE SCHOOL BOARD POLICY IN REFERENCE, WAS AVAILABLE TO ANYONE IN THE PUBLIC. IT WAS THEREAFTER JUDGE TIGHES' RESPONSE, WAS EVERY PERSON WHO WAS REQUESTED TO SIGN THIS RECALL PETITION GOING TO HAVE TO GO SOMEWHERE TO LOOK UP THE SCHOOL BOARD POLICY. THE ELECTION COMMISSION DID NOT EVEN HAVE THE DOCUMENT TO REVIEW.

LINDA CAPRATHE ADDED POLICY 9120 WAS AN INTERNAL POLICY FOR SCHOOL BOARD MEMBER REFERENCE ONLY.

THE "LACK OF ATTENDANCE" WAS TOO VAGUE IN THE OPINION OF CLERK BARB ALBERTSON. WHEN RESEARCHING ITS MEANING

JANUARY 9, 1997

IN THE DICTONARY, IT STANDS FOR SOMETHING THAT WAS UNCLEAR. THE CLERK REALIZED ITS UNDERLYING MEANING BUT A VOTER WHO HAD NOT ATTENDED A CLARITY HEARING OR HAD EXPOSURE TO THE MEDIA MAY NOT REALIZE ITS INTENT. IT WAS HER RULING THAT THE RECALL PETITION BE REJECTED FOR A LACK OF CLARITY.

TREASURER NEITZEL AGREED WITH THE COMMENTS OF CLERK ALBERTSON. THE PETITION WAS NOT CLEAR AS TO WHAT MEETING THE BOARD MEMBERS FAILED TO ATTEND. WAS IT THE P.T.A., MIL-LAGE OR REGULAR SCHOOL BOARD MEETING REFERRED TO.

THE CLERK WELCOMED THE FILING OF AS MANY RECALL PETITIONS NECESSARY IN ORDER TO SUCCEED WITH SUBMISSION OF A CLEAR DOCUMENT TO BE CIRCULATED TO THE ELECTORATE.

CHAIRPERSON TIGHE CALLED FOR A ROLL CALL VOTE:  
NEITZEL-NAY, TIGHE-NAY, ALBERTSON-NAY.

JEANETTE NEITZEL MOVED FOR ADJOURNMENT OF THE CLARITY HEARING. CLERK ALBERTSON SUPPORTED SAID MOTION AND IT WAS CARRIED BY VOICE VOTE OF 3 YEAS, 0 NAYS. MEETING WAS ADJOURNED AT 8:45 A.M.

RESPECTFULLY SUBMITTED

BARBARA ALBERTSON  
BAY COUNTY CLERK