

BAY COUNTY ELECTION COMMISSION
ESSEXVILLE CITY CLARITY HEARING
JUNE 14, 1994

THE BAY COUNTY ELECTION COMMISSION MET ON TUESDAY, JUNE 14, 1994, IN THE COMMISSIONERS GROUND FLOOR CONFERENCE ROOM OF THE BAY COUNTY BUILDING FOR THE PURPOSE OF REVIEWING PETITIONS SUBMITTED FOR THE RECALL OF THE CITY OF ESSEXVILLE MAYOR AND MEMBERS OF THE CITY COMMISSION. THE PETITIONS FOR RECALL HAD BEEN FILED BY ESSEXVILLE RESIDENT, HERB HUMBERT. THE CLARITY HEARING WAS CALLED TO ORDER BY CHAIRMAN PAUL DONER AT 2:45 P.M. WITH THE FOLLOWING MEMBERS AND GUESTS IN ATTENDANCE.

ROLL CALL: JUDGE PAUL DONER, CHAIRMAN
 JEANNETTE NEITZEL, TREASURER
 BARBARA ALBERTSON, CLERK

OTHERS CYNTHIA A. LUCZAK, SECRETARY
 HERB HUMBERT, PETITIONER
 CAROL JAMES, ESSEXVILLE MAYOR
 JOHN N. FREEL, COMMISSIONER
 THOMAS GOODMAN, OBSERVER

AS ALL OF THE MEMBERS OF THE ELECTION COMMISSION WERE PRESENT, CHAIRMAN DONER CALLED THE MEETING TO ORDER AT 2:45 P.M. HE STATED THE RECALL CLARITY HEARING WAS SCHEDULED AT THE REQUEST OF MR. HUMBERT FOR THE RECALL OF THE CITY OF ESSEXVILLE MAYOR, JOHN FREEL AND COMMISSIONERS MICHAEL BERGEN AND CAROL JAMES. A PETITION RECALLING CITY COMMISSIONER ROBERT SCHEMM HAD ALSO BEEN FILED BUT HAD BEEN WITHDRAWN FROM CONSIDERATION DUE TO NEW LEGISLATION STATING A PERSON COULD NOT BE RECALLED FROM OFFICE DURING THE LAST SIX (6) MONTHS OF THEIR TERM OF OFFICE, AS WAS THE CASE WITH MR. SCHEMM.

WITH THE MEETING BEING HELD IN ACCORDANCE WITH THE OPEN MEETINGS ACT, CHAIRMAN DONER OFFERED TO ACCEPT COMMENTS FROM ANYONE WISHING TO ADDRESS THE BOARD AT THIS TIME.

PETITIONER HERB HUMBERT VOICED HIS POSITION AT THIS TIME. IN THE TIME WITHIN THE FILING OF THE RECALL PETITIONS AND THIS MEETING, MR. HUMBERT INDICATED THE SITUATION WITH THE CITY OFFICIALS HAD BEEN DISCUSSED AND THAT OTHER SOLUTIONS TO THE PROBLEMS WERE CONSIDERED FOR IMPLEMENTATION. AS A RESULT, HE ASKED THAT THE RECALL PETITIONS HE HAD FILED FOR CLARITY REVIEW, BE WITHDRAWN.

JUNE 14, 1994

CHAIRMAN DONER EXPLAINED A PETITION MAY BE WITHDRAWN FROM CLARITY REVIEW BY THE ELECTION COMMISSION AT ANY TIME AND THAT THERE WERE NO SPECIFIC REQUIREMENTS TO MEET FOR A WITHDRAWAL UNDER THE STATE STATUTE.

TREASURER NEITZEL STATED SHE HAD NO OBJECTION TO THE WITHDRAWAL OF THE ESSEXVILLE CITY RECALL PETITION.

CLERK ALBERTSON ALSO STATED SHE HAD NO OBJECTION TO THE WITHDRAWAL OF THE ESSEXVILLE CITY RECALL WORDING.

CHAIRMAN DONER CONCURRED WITH THE VOTES OF THE CLERK AND TREASURER. IN ADDITION, COMMENDED MR. HUMBERT FOR HIS APPROACH TO RESOLVE THE PROBLEM BY A MEANS OTHER THAN A RECALL. ALSO, THAT OTHER CITIZENS TRY TO SEEK REMEDY OF TOWNSHIP OR CITY PROBLEMS USING A RECALL PROCESS AS A LAST RESORT.

RESPECTFULLY SUBMITTED

BARBARA ALBERTSON
BAY COUNTY CLERK