

BAY COUNTY ELECTION COMMISSION  
CLARITY HEARING/HAMPTON TWP.  
SEPTEMBER 12, 1997

THE BAY COUNTY ELECTION COMMISSION MET ON FRIDAY, SEPTEMBER 12, 1997 IN THE GROUND FLOOR COMMISSION CHAMBERS OF THE BAY COUNTY BUILDING FOR THE PURPOSE OF CONSIDERING THE CLARITY OF PETITIONS SUBMITTED IN THE RECALL OF THE HAMPTON TOWNSHIP BOARD. THE MEETING WAS CALLED TO ORDER BY PROBATE JUDGE, KAREN TIGHE, AT 3:30 P.M. WITH THE FOLLOWING MEMBERS AND GUESTS PRESENT:

ROLL CALL: KAREN TIGHE, PROBATE JUDGE  
JEANETTE NEITZEL, TREASURER  
LINDA L. TOBER, CHIEF DEPUTY CLERK

EXCUSED: CLERK BARBARA ALBERTSON ASKED TO BE EXCUSED FROM THIS SESSION AS SHE WAS A HAMPTON TOWNSHIP RESIDENT.

OTHERS  
PRESENT: GEORGE PHILLIPS, ATTORNEY AT LAW  
LARRY COURIER, PETITIONER  
MICHAEL J. BRITKO, TWP. RESIDENT  
DAVID A. BOUCKAERT, TWP. RESIDENT  
BILL GOETZ, TOWNSHIP RESIDENT  
DALE LANWAY, TOWNSHIP RESIDENT  
BONNIE WALTHORN, TWP. RESIDENT  
LARRY J. WILSON, TWP. RESIDENT  
SUSAN F. WILSON, TWP. RESIDENT  
DEBRA L. COURIER, TWP. RESIDENT  
JULIE COUTURIER, TWP. RESIDENT  
LARRY COURIER, TWP. RESIDENT  
KEN HUNTER, TWP. RESIDENT  
MARK BURDICK, TWP. RESIDENT  
JUDY BOBICK, TWP. RESIDENT  
LEN J. BOBICK, TWP. RESIDENT  
KAREN GROSSMAN, TWP. RESIDENT  
JANET GRACZYK, TWP. RESIDENT  
NANCY BRITKO, TWP. RESIDENT  
PAM WRIGHT, HAMPTON CLERK  
JAMES PIORKOWSKI, TREASURER  
TERRENCE SPEGEL, TRUSTEE  
GERALD DE WYSE, TRUSTEE

K. TIGHE:

JUDGE TIGHE EXPLAINED THAT THIS CLARITY HEARING HAD BEEN CALLED TO CONSIDER THE LANGUAGE PRESENTED IN THE RECALL OF SEVEN (7) HAMPTON TOWNSHIP OFFICIALS INCLUDING:

WILLIAM TACEY	JAMES PIORKOWSKI
PAMELA WRIGHT	GERALD DE WYSE
THOMAS FORET	TERRY SPEGEL, SR.
DON VANDEN BOOM	

FURTHER, THE LANGUAGE PRESENTED IN THE RECALL OF EACH OF THESE MEMBERS WAS THE SAME ON ALL PETITIONS THEREFORE, THE BAY COUNTY ELECTION COMMISSION WOULD MAKE THEIR DETERMINATION ON THE ISSUE AS ONE DOCUMENT AND NOT VOTE EACH SEPERATELY.

ATTORNEY GEORGE PHILLIPS WAS IDENTIFIED TO REPRESENT THE HAMPTON TOWNSHIP BOARD WHILE LARRY COURIER APPEARED ON BEHALF OF THE PETITIONERS.

G. PHILLIPS:

ATTORNEY PHILLIPS SUMMARIZED THE LAW WHICH PERTAINED TO THE CLARITY OF LANGUAGE TO ENABLE THE OFFICERS' WHOSE RECALL WAS SOUGHT AND THE ELECTORS TO IDENTIFY THE COURSE OF CONDUCT WHICH WAS THE BASIS OF THE RECALL. HE FURTHER EXPLAINED, IT WAS NOT THE DUTY OF THE ELECTION COMMISSION TO RULE ON THE MERITS OF THE ALLEGATIONS BUT ONLY THE CLARITY OF THE PETITION. CLARITY WAS TO BE CONFIRMED TO 1) PREVENT ABUSE OF THE ELECTIVE FRANCHISE/DELIBERATE AND INFORMED ACTION WHILE 2) ALLOWING THE DUE PROCESS OF THE OFFICIAL BEING RECALLED. MR. PHILLIPS PROVIDED A DICTIONARY DEFINITION OF CLARITY. HE NOTED THE PETITION LANGUAGE WAS VERY SHORT IN LENGTH. BY THE WAY THE WORDING WAS PRESENTED, HE FELT IT IMPLIED A PAYMENT WAS GRANTED TO SOMEONE INSTEAD OF AN ORDINANCE ENACTED WHEN REFERRING TO "PAYMENT IN LIEU OF TAXES" (PILT). THE OTHER PROBLEM MR. PHILLIPS NOTED WAS THE

- G. PHILLIPS: REFERENCE TO TOWNSHIP ORDINANCE NUMBER 55 WHICH MAY BE CONFUSING AS THE ELECTORATE MAY NOT BE FAMILIAR WITH THAT ORDINANCE. FOR THE REASONS STATED, MR. PHILLIPS FELT THE PETITION WAS NOT CLEAR ENOUGH TO BE PRESENTED TO THE ELECTORATE.
- L. COURIER: PETITIONER LARRY COURIER APPEARED BEFORE THE BOARD TO EXPLAIN THE "FAILURE OF THE BOARD TO REPRESENT THE TAXPAYERS" AS IN THE PETITION LANGUAGE. HE FELT THE TAXPAYERS HAD CLEARLY EXPRESSED THEIR OPPOSITION TO THE HOUSING PROJECT IN THE TOWNSHIP AND THAT THE BOARD DID NOT REPRESENT THE POSITION OF ITS RESIDENTS. HE FELT THE WORDING OF THE PETITION WAS CLEAR AND SHOULD BE ADOPTED BY THE ELECTION COMMISSION.
- J. BOBICK: HAMPTON TOWNSHIP RESIDENT JUDY BOBICK, PROVIDED HER INTREPRETATION OF THE PETITION LANGUAGE AS IT REFERRED TO "GRANTING" PROPERTY TAX EXEMPT STATUS. AT THE BOARD MEETING HELD AT THE TOWNSHIP LEVEL, THE SAME WORDING HAD BEEN USED. SHE FELT THE TOWNSHIP RESIDENTS WERE WELL AWARE OF WHAT ORDINANCE 55 REFERRED TO AND HAD COLLECTED A NUMBER OF SIGNATURES IN OPPOSITION TO THE PROJECT.
- K. TIGHE: JUDGE TIGHE EXPLAINED TO MS. BOBICK, IT WAS NOT THE RESPONSIBILITY OF THE ELECTION COMMISSION TO DETERMINE THE VALIDITY OF THE CLAIMS BUT ONLY IF THE LANGUAGE WAS CLEAR OR NOT CLEAR TO BE PRESENTED THE THE VOTERS.
- M. BURDICK: MR. BURDICK ADDED, THE TITLE OF THE PETITION INCLUDED "ORDINANCE 55, PAYMENT IN LIEU OF TAXES", SO THAT EVERYONE KNEW IT WAS THE REASON FOR THE RECALL.
- LEN BOBICK: TOWNSHIP RESIDENT LEN BOBICK HAD BEEN INSTRUMENTAL IN COLLECTING SIGNATURES IN OPPOSITION TO THE HOUSING PROJECT IN THE

- LEN BOBICK: TOWNSHIP AND STATED MOST OF THE RESIDENTS WERE FAMILIAR WITH ORDINANCE 55 AND DID NOT REQUIRE AN EXPLANATION BEFORE SIGNING IT.
- DEB COURIER: MS. COURIER INDICATED THE GROUP OF PEOPLE WHO PREPARED AND SUBMITTED THE RECALL PETITION FOR REVIEW WERE NOT ATTORNEYS. THEY FELT IF THEY COULD UNDERSTAND WHAT THEY WERE WRITING, THEN THE PEOPLE WHO THEY WERE TALKING TO COULD UNDERSTAND IT TOO.
- J. NEITZEL: TREASURER JEANETTE NEITZEL EXPLAINED IT WAS THE DUTY OF THE ELECTION COMMISSION TO VOTE ON THE CLARITY OF THE LANGUAGE IN THE PETITION ONLY. IT WAS NOT THEIR RESPONSIBILITY TO DETERMINE IF ALLEGATIONS WERE CORRECT OR INCORRECT.
- MOTION 1: JEANETTE NEITZEL MOVED TO APPROVE THE CLARITY OF THE LANGUAGE PRESENTED IN THE RECALL OF THE HAMPTON TOWNSHIP BOARD. IT WAS SUPPORTED BY LINDA TOBER AND PASSED BY A ROLL CALL VOTE OF 2 YEAS-NEITZEL AND TIGHE, 1 NAY-TOBER.
- L. TOBER: CHIEF DEPUTY TOBER STATED SHE WAS NOT A RESIDENT OF HAMPTON TOWNSHIP BUT FELT A "FAILURE TO REPRESENT THE TAXPAYERS OF HAMPTON TOWNSHIP" WAS SUFFICIENT. THE PORTION OF THE PETITION WHICH MS. TOBER FELT MAY CAUSE CONFUSION WAS "GRANTING THE PAYMENT IN LIEU OF TAXES UNDER THE ORDINANCE NUMBERED 55" AS MANY OF RESIDENTS MAY NOT HAVE KNOWLEDGE OF IT.

ONCE THE RECALL PETITION WAS APPROVED,  
THE MEETING CONCLUDED AT 3:50 P.M.

RESPECTFULLY SUBMITTED  
LINDA L. TOBER, CHIEF DEPUTY