

**BAY COUNTY ELECTION COMMISSION
CLARITY HEARING - PINCONNING TWP. TREASURER
JULY 27, 2010**

THE BAY COUNTY ELECTION COMMISSION MET ON TUESDAY, JULY 27, 2010 FOR CONSIDERATION OF THE LANGUAGE PRESENTED FOR CLARITY AS SUBMITTED BY PINCONNING RESIDENT, TOM KOWALKOWSKI, FOR THE RECALL OF PINCONNING TOWNSHIP TREASURER, TROY TRUDO. THIS MEETING WAS CALLED TO ORDER BY CHAIRMAN TIGHE AT 10:50 A.M. AND HAD BEEN POSTED UNDER THE OPEN MEETING ACT FOR 10:30 AM. START. JUDGE TIGHE HAD ATTEMPTED TO LOCATE TROY TRUDO BY PAGING HER. THE MEETING WAS HELD IN PROBATE COURTROOM #5 OF THE BAY CO. COURT FACILITY, 1230 WASHINGTON AVENUE, BAY CITY, MICHIGAN. THE FOLLOWING MEMBERS AND GUESTS WERE PRESENT:

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

ALSO PRESENT: TOM KOWALKOWSKI, PINCONNING TWP. RESIDENT
 SHARON STALSBERG, PINCONNING SUPERVISOR
 JOANNE MORIN, PINCONNING TOWNSHIP CLERK
 JOSEPH HOLLBROOK, PINCONNING TWP. RESIDENT
 CHARLOTTE HOLLBROOK, PINCONNING RESIDENT
 GERALD BRADLEY, PINCONNING TWP. RESIDENT
 SHIRLEY BRADLEY, PINCONNING TWP. RESIDENT
 VINCE LAFRAMBOISE, PINCONNING TWP. RESIDENT
 NICHOLAS MADAJ, STUDENT
 ASHLEY SOPCZYNSKI, RESIDENT

ABSENT: TROY TRUDO, PINCONNING TOWNSHIP TREASURER

CLERK LUCZAK ANNOUNCED THAT THIS MEETING WAS NOTICED IN ACCORDANCE WITH THE OPEN MEETING ACT BY A POSTING IN THE BAY COUNTY BUILDING, TOWNSHIP HALL AND NOTICE IN THE BAY CITY TIMES.

JUDGE TIGHE WELCOMED THE COMMENTS OF CITIZENS IN ATTENDANCE.

PINCONNING TOWNSHIP RESIDENT AND PETITIONER, TOM KOWALKOWSKI, EXPLAINED THE REASONS BEHIND THE SUBMISSION OF THIS RECALL PETITION, BASED ON THE FACT THAT MS. TRUDO ONLY APPEARED IN THE OFFICE HALF OF THE TIME AND WAS NOT DOING THE JOB ELECTED TO DO

FOR THE CITIZENS OF PINCONNING TOWNSHIP. BY APPEARING IN THE TREASURER OFFICE IN THE EVENINGS, CAUSED 14 PEOPLE TO BE INCONVENIENCED FOR TREASURER SERVICES ON A RECENT DATE.

SHARON STALSBERG, PINCONNING TOWNSHIP SUPERVISOR, EXPRESSED HER CONCERNS WITH THE EXPOSURE THE PINCONNING TOWNSHIP BOARD HAD RECEIVED IN THE NEWSPAPER OVER THE ACTIONS OF PINCONNING TOWNSHIP TREASURER, TROY TRUDO. BY ACTIONS OF THE TREASURER AT THE SAGANNING EAGLES CASINO, THE TOWNSHIP COULD POSSIBLY JEOPARDIZE THE ALLOCATION OF 2% FUNDS DISTRIBUTED TO THE LOCAL ENTITIES, THE TOWNSHIP HAD RECEIVED OVER \$500,000 IN PAYMENTS TO DATE. MS. TRUDO WAS DEEMED "BANNED" FROM CASINOS BY RULING OF THE CASINO AUTHORITIES. ALSO, MS. TRUDO HAD NOT KEPT NORMAL BUSINESS HOURS AND WAS APPEARING AT THE TOWNSHIP HALL IN THE EVENINGS TO COMPLETE HER BUSINESS. THE CONCERN WITH EVENING HOURS WERE THAT, MANY PEOPLE APPEARED AT THE HALL TO PAY THEIR TAXES AND MANY WERE SENIOR CITIZENS. THE FAILURE OF MS. TRUDO TO APPEAR AT REGULAR AND SPECIAL BOARD MEETING RESULTED IN THE LACK OF A QUORUM TO CONDUCT OFFICIAL BUSINESS. SECONDLY, A DEPUTY TREASURER HAD NOT BEEN NAMED AND MIGHT HAVE BEEN A PERSON WITH THE ABILITY TO CONDUCT BUSINESS IN THE ABSENCE OF MS. TRUDO.

JUDGE TIGHE READ THE PETITION LANGUAGE INTO THE RECORD.

"Trudo has not kept her scheduled office hours, these hours were stamped on every tax bill as well as the envelope stating that she would be available to collect taxes from 11:00 a.m. to 3:00 p.m. on Tuesdays and Wednesdays, Trudo walked out of June 8, 2010 board meeting leaving the Township with a lack of a quorum and unable to conduct Township business, Trudo was absent from two regular meetings, four informational meetings, and three public hearings of Pinconning Township Board of Trustees, may jeopardize future 2% grant funding from the Saginaw Chippewa Indian Tribe to the Townships; Trudo has filed unemployment claim against the Township while collecting a salary; Untimely deposits of the residents checks. Daily cash journal is not being done for all cash received by the Treasurer's Office."

FOLLOWING THE READING OF THE PETITION LANGUAGE ON THE RECORD, JUDGE TIGHE STATED, IT WAS NOT THE PURPOSE OF THIS COMMISSION TO VOTE ON THE TRUTH OF THE LANGUAGE BUT ONLY IF IT WAS CLEAR. EACH REASON STATED MUST HAVE CLARITY FOR CONDUCT AND LOOK AT EVERY PHRASE OR STATEMENT AND MAKE SURE IT WAS CLEAR ENOUGH FOR THE VOTERS TO UNDERSTAND WHAT THEY WERE SIGNING.

TREASURER BRZEZINSKI PROVIDED HIS OPINION OF THE PETITION NEXT. HE DID NOT FEEL THE FIRST STATEMENT ON THE PETITION WAS CLEAR. IN THE CASE OF THE SECOND SENTENCE, UNCLEAR AS TO HOW MANY MEETINGS THE TREASURER MAY OR MAY NOT HAVE ATTENDED. FOR THE THIRD STATEMENT REGARDING THE ORDINANCE, UNSURE OF THIS. THE LAST POINT, REGARD TO POOR MEETING ATTENDANCE, TOO VAGUE. AS A RESULT OF THESE PARTICULAR REASONS, THE TREASURER DID NOT FEEL THE PETITION LANGUAGE WAS CLEAR.

JUDGE TIGHE EXPRESSED HER INTENT TO VOTE "NO" FOR THE CLARITY OF THE PETITION AS SHE FELT IT WAS TOO VAGUE ALSO. WHAT "CONDUCT" OF THE TREASURER, WAS HER QUESTION. THE STATEMENT REGARDING "POOR MEETING ATTENDANCE" DID NOT PROVIDE ENOUGH DETAIL. AS FAR AS "THE CONDUCT" OF THE TREASURER, QUESTIONED "WHAT WAS THE CONDUCT" IN QUESTION.

CLERK LUCZAK CONCURRED WITH THE COMMENTS OF THE TREASURER AND JUDGE. IN ADDITION, NOTED THAT THE PETITION LANGUAGE MET THE REQUIREMENTS OF LAW BY CONTAINING LESS THAN 200 WORDS. LUCZAK CONFIRMED AN AFFIRMATIVE VOTE WOULD ONLY BE CAST ONCE THE "VAGUENESS" OF THE LANGUAGE WAS RESOLVED.

THE JUDGE CALLED FOR THE VOTE OF THE PETITION LANGUAGE AND IT WAS 0 YES, 3 NAYS - BRZEZINSKI, LUCZAK AND TIGHE.

THE MEETING CONCLUDED AT 11:10 A.M.

RESPECTFULLY SUBMITTED

CYNTHIA A. LUCZAK
BAY COUNTY CLERK