

**BAY COUNTY ELECTION COMMISSION
RECALL CLARITY HEARING
APRIL 30, 2018**

**RECALL PETITION FOR
GLENN ROWLEY, BANGOR TOWNSHIP SUPERVISOR**

THE ELECTION COMMISSION MET FOR A RECALL MEETING ON MONDAY, APRIL 30, 2018, IN THE FOURTH FLOOR BAY COUNTY BOARD OF COMMISSIONER'S CHAMBERS IN THE BAY COUNTY BUILDING. THE MEETING WAS CALLED TO ORDER BY JUDGE JAN MINER AT 11:00 A.M. WITH THE FOLLOWING MEMBERS AND GUESTS PRESENT.

ELECTION COMMISSION: CYNTHIA A. LUCZAK, BAY COUNTY CLERK
RICHARD BRZEZINSKI, BAY COUNTY TREASURER
JAN MINER, BAY COUNTY PROBATE JUDGE

THIS MEETING OF THE ELECTION COMMISSION WAS CALLED PURSUANT TO THE OPEN MEETINGS ACT OF 267, 1976, THE MEETING WAS POSTED, MICHIGAN STATUTE FOUND AT MCL 168.952 WHICH GOVERNS ELECTIONS IN THE STATE OF MICHIGAN.

THE MEMBERS OF THE BAY COUNTY ELECTION COMMISSION, AS DEFINED BY STATUE ARE: MCL 168.23, THE COUNTY CLERK, CYNTHIA A. LUCZAK, SHE SERVES AS THE SECRETARY OF THE COMMISSION. COUNTY TREASURER, RICHARD BRZEZINSKI, SERVES AS A MEMBER OF THE COMMISSION AND JAN A. MINER, PROBATE JUDGE, WHO SERVES AS THE CHAIRPERSON OF THIS COMMISSION.

AS DEFINED BY STATUTE, THE PURPOSE OF TODAY'S MEETING WAS "TO DETERMINE WHETHER EACH REASON FOR THE RECALL STATED IN THE PETITION, WAS FACTUAL AND OF SUFFICIENT CLARITY TO THE OFFICER, WHOSE RECALL WAS SOUGHT, AND THE ELECTORS, TO IDENTIFY THE COURSE OF CONDUCT THAT WAS THE BASIS OF THE RECALL", MCL 168.952(3). THE RECALL COMMISSION DOES NOT DETERMINE THE TRUTH OF ANY ALLEGATIONS. ALLEGATIONS OF FACT MAY BE TRUE OR FALSE, AND THE COMMISSION DOES NOT HAVE THE STRUCTURE, THE RESOURCES OR PROCEDURAL AUTHORITY TO INVESTIGATE, TO SWEAR IN WITNESSES OR TO SUBPOENA TO DETERMINE IF ALLEGATIONS ARE TRUE OR NOT.

THE RECALL COMMISSION WILL CONSIDER ONLY WHETHER THE ASSERTIONS IN THE PETITION ARE STATED CLEARLY AND FACTUALLY. ANY ALLEGATION OF FACT MAY BE TRUE OR FALSE, AND THE TEST EMPLOYED BY THIS COMMISSION WILL BE TO FIND OUT WHETHER THE ALLEGATIONS STATES FACTS AND ARE CLEAR, SO THAT THE RESPONDING OFFICIAL MAY DEFEND.

PLEASE NOTE: IF ANY REASON FOR THE RECALL WAS NOT FACTUAL OR OF SUFFICIENT

CLARITY, THE ENTIRE RECALL PETITION SHALL BE REJECTED. (MCL 168.952(3))

IN ADDITION, EACH REASON FOR THE RECALL, "SHALL BE BASED UPON THE OFFICER'S CONDUCT DURING HIS OR HER CURRENT TERM IN OFFICE".

MATTERS OF OPINION ARE NOT FACTUAL.

IF THE COMMISSION APPROVES THE RECALL LANGUAGE, A COPY OF THE APPROVED LANGUAGE WILL BE FORWARDED TO THE FILING OFFICIAL WHO WILL LATER RECEIVE THE SIGNED RECALL PETITION SHEETS. WE WILL MAKE OUR DETERMINATION AT THE END OF THIS MEETING BY VOTE.

OUR RULING ON THE CLARITY AND FACTUAL NATURE OF THE RECALL LANGUAGE MAY BE APPEALED BY THE OFFICER WHOSE RECALL WAS SOUGHT, OR BY THE SPONSOR OF THE RECALL PETITION, TO THE CIRCUIT COURT IN THIS COUNTY, AND IT MUST BE FILED WITHIN 10 DAYS AFTER OUR DETERMINATION. (MCL 168.952(6))

THE PROCEDURE WE WILL FOLLOW IS TO FIRST HEAR FROM THE SPONSOR OF THE PETITION, THEN THE OFFICER, IT WILL THEN BE OPENED TO GENERAL PUBLIC FOR COMMENT, INCLUDING COMMENTS FROM THE COMMISSIONER'S, IF THEY SO DESIRE.

**RECALL PETITION FOR GLENN ROWLEY
BANGOR TOWNSHIP SUPERVISOR**

WE, THE UNDERSIGNED, REGISTERED AND QUALIFIED VOTERS OF THE TOWNSHIP OF BANGOR, IN THE COUNTY OF BAY, AND STATE OF MICHIGAN, PETITION FOR THE CALLING OF AN ELECTION TO RECALL GLENN ROWLEY FROM THE OFFICE OF TOWNSHIP SUPERVISOR FOR THE FOLLOWING REASON(S): ON FEBRUARY 10, 2018, GLENN ROWLEY PUBLICLY STATED BANGOR TOWNSHIP WILL BE RETURNING SOME OF OUR PAVED ROADS BACK TO CHIP AND SEAL ROADS. SIGNED MARTI MURPHY.

MARTI MURPHY, 45 RIVER TRAIL DRIVE, BAY CITY MI 48706
MR. MURPHY STATED, THE PETITION WAS FACTUAL AND CLEAR.

GLENN ROWLEY, BANGOR TOWNSHIP SUPERVISOR, 307 RIVER DRIVE, BAY CITY MI 48706

THANK YOU FOR THE OPPORTUNITY TO PRESENT ARGUMENTS ON THE CLARITY AND FACTUAL NATURE OF THE RECALL PETITION LANGUAGE. HAVING JUST STOOD BEFORE YOU A FEW WEEKS AGO, I AM WELL AWARE OF THE PURPOSE OF THIS HEARING, AND IT IS MY INTENTION TO PROVE THAT MR. MURPHY'S RECALL LANGUAGE LACKS CLARITY, IS UNCLEAR, NOT FACTUAL AND LACKS ANY STATEMENT ALLEGING MISCONDUCT ON MY PART. AS THE TOWNSHIP SUPERVISOR OF THE CHARTER TOWNSHIP OF BANGOR, I AM ONLY A SINGLE VOTE AMONG SEVEN ELECTED OFFICIALS.

SHOULD BANGOR TOWNSHIP WANT TO RETURN A PAVED ROAD BACK TO CHIP AND SEAL, IT WOULD REQUIRE THE RECOMMENDATION FROM THE TOWNSHIPS D.P.W. COMMITTEE; IT WOULD THEN BE PLACED ON THE AGENDA FOR THE ENTIRE TOWNSHIP BOARD TO VOTE ON. SHOULD IT BE APPROVED BY A MAJORITY VOTE, IT WOULD BE SUBMITTED TO THE BAY COUNTY ROAD COMMISSION TO APPROVE, BID OUT TO CONTRACTORS AND ULTIMATELY HAVE THE WORK COMPLETED. SIMPLY SAID, I DO NOT HAVE THE AUTHORITY TO COMPLETE SUCH AN ACT. THE TOWNSHIP BUSINESS IS CONDUCTED DURING A MONTHLY BOARD MEETING OF OUR TRUSTEES. THIS TYPICALLY HAPPENS ON THE SECOND TUESDAY OF EACH MONTH. GIVEN THE FACT THAT OUR FEBRUARY MEETING WAS HELD ON TUESDAY, FEBRUARY 13, 2018, I AM CONFUSED AS TO WHICH TOWNSHIP BUSINESS MR. MURPHY IS REFERRING TO ON SATURDAY, FEBRUARY 10TH. SHOULD HE BE REFERRING TO MY SPEAKING ENGAGEMENT TO A SMALL AUDIENCE AT THE BAY COUNTY HISTORICAL SOCIETY, I WAS ANSWERING A QUESTION REGARDING THE FUNDING OF BRIDGE WORK IN THE CITY OF BAY CITY, OPTIONS DISCUSSED WERE A TOLL BRIDGE; A COUNTY WIDE ROAD MILLAGE; AN INFRASTRUCTURE MILLAGE; AND THE STATE OF MICHIGAN TAKING OVER OWNERSHIP OF A BRIDGE. KNOWING FULL WELL THAT I AM AN ELECTED OFFICIAL REPRESENTING THE FINE RESIDENTS OF BANGOR TOWNSHIP, I BELIEVE DISCUSSION OF CITY OF BAY CITY INFRASTRUCTURE IS VERY CONFUSING, LET ALONE UNFACTUAL. MARTI'S POOR ATTEMPT OF CLARITY ALSO LACKS ANY MENTION OF WHAT CONTEXT THIS STATEMENT IS TAKEN FROM. POTENTIAL SIGNERS HAVE NO BACKGROUND OF THE STATEMENT, I COULD HAVE BEEN QUOTING SOMEONE, READING A BOOK, SINGING A VERY BAD SONG, ALL WITHOUT ANY CLARITY. MICHIGAN LAW STIPULATES THAT IF ANY REASON OF THE RECALL IS NOT FACTUAL OR SUFFICIENT CLARITY, THE ENTIRE RECALL PETITION SHALL BE REJECTED. IT IS MY HOPE THAT THE FEW STATEMENTS THAT I HAVE MADE WILL GIVE YOU THAT "ANY REASON". IN CLOSING I ASK THAT YOU DISMISS THIS RECALL PETITION FOR LACK OF CLARITY.

RICHARD BRZEZINSKI QUESTIONED MR. ROWLEY, I LISTENED TO YOUR PRESENTATION; SO THE FEBRUARY 10TH DATE, TO THE BEST OF YOUR KNOWLEDGE, YOU ARE ATTRIBUTING TO A MEETING WITH THE BAY COUNTY HISTORICAL SOCIETY, WHICH HAD TO DO WITH THE CITY BRIDGE ISSUE?

GLENN ROWLEY, THAT IS MY BEST GUESS UPON LOOKING AT THE RECALL PETITION LANGUAGE, I HAVE ABSOLUTELY NO IDEA WHAT HE IS REFERRING TO.

PUBLIC COMMENTS

MARTI MURPHY, 45 RIVER TRAIL DRIVE, BAY CITY MI 48706
MR. MURPHY STATED, I WOULD LIKE TO PLAY AN AUDIO TAPE OF MR. GLENN ROWLEY ON THE GIVEN DATE. (TAPE RECORDING WAS PLAYED FOR THE ELECTION COMMISSION). "THE PRICE OF OIL WAS CHEAP SO ASPHALT WAS CHEAP WE PAVED

EVERYTHING. . ." (MR. MURPHY THEN REWOUND TAPE TO FIND CORRECT STARTING POINT.) "SADLY, THINGS THAT HAVE PAVEMENT NOW, THEY MAY GO BACK TO GRAVEL. YOU ARE GOING TO SEE A LOT OF CHIP AND SEAL. AS A SOCIETY WE HAVE A CHAMPAGNE TASTE AND A BEER BUDGET." TAPE ENDED. MR. MURPHY THEN REPLAYED A SECTION. "WE BUILT TOO MANY ROADS. THE PRICE OF OIL WAS CHEAP SO ASPHALT WAS CHEAP WE PAVED EVERYTHING. WE DON'T HAVE ANY MONEY TO FIX IT, SO, SADLY THINGS THAT HAVE PAVEMENT NOW THEY MAY GO BACK TO GRAVEL. YOU ARE GOING TO SEE A LOT OF CHIP AND SEAL. AS A SOCIETY WE HAVE A CHAMPAGNE TASTE AND A BEER BUDGET." MR. MURPHY CONTINUED, THAT WAS NOT ABOUT THE BRIDGES, IT WAS NOT ABOUT THE INFRASTRUCTURE OF BAY CITY, IT WAS MR. ROWLEY SAYING THAT WE BUILT TOO MANY ROAD AND THAT SOME OF THE ROADS MAY GO BACK TO GRAVEL AND YOU ARE GOING TO SEE CHIP AND SEAL. THE LAST TIME I WAS HERE I QUOTED IT, IT WAS NOT CLEAR, THIS WAY I MADE IT THE CLEAREST STATEMENT THAT MR. ROWLEY SAID, IT WAS FACTUAL AND MR. ROWLEY SAID WE ARE GOING TO GO BACK TO CHIP AND SEAL.

JUDGE JAN MINER QUESTIONED, SIR WAS THIS DONE AT THE HISTORICAL MEETING?

MARTI MURPHY STATED THAT THIS WAS A MEETING AT THE HISTORICAL SOCIETY, IT WAS PUBLIC, MR. ROWLEY WAS REPRESENTING BANGOR TOWNSHIP AND EXPLAINING THE FUTURE OF BANGOR. HE SPOKE FOR AROUND ONE HOUR AND TWENTY MINUTES. CLEARLY HIS STATEMENT WAS NOT REFERRING TO INFRASTRUCTURE OR THE BRIDGES AND MR. ROWLEY WAS NOT SINGING A PHRASE OR WEARING A SIGN STATING ANYTHING, HE SAID BANGOR TOWNSHIP PAVED TOO MANY ROADS.

JUDGE JAN MINER STATED, I THOUGHT I HEARD IN THAT, IN THE CONTEXT THOUGH THAT IN THE PAST A LOT OF MONEY WAS UTILIZED, BECAUSE OF A STRONG BUDGET, TO PAVE THE ROAD, AND NOW WE DON'T HAVE THE MONEY TO CONTINUE TO PAVE THE ROAD? SO AS PART OF THAT CONVERSATION THEN WAS IT THAT WE WILL NOT BE ABLE TO CONTINUE TO PAVE THEM, WE MAY HAVE TO GO BACK TO CHIP AND SEAL ROADS.

MARTI MURPHY ANSWERED THAT MR. ROWLEY STATED THAT WE DO NOT HAVE THE MONEY TO MAINTAIN THE ROADS. IT WAS NOTHING ABOUT PAVING THE ROADS; IT WAS ABOUT MAINTAINING THE CURRENT ROADS, AND THAT KEEPING AND MAINTAINING THE ROADS, THAT WE MAY GO BACK TO GRAVEL AND THAT YOU WILL SEE A LOT OF CHIP AND SEAL. MR. MURPHY THEN AGAIN PLAYED THE TAPE AS STATED ABOVE.

GLENN ROWLEY STATED THAT IF WE WERE ABLE TO HEAR MORE OF THAT, NOT THAT I AM ASKING TO LISTEN TO ALL ONE HOUR AND SIXTEEN MINUTES OF THE PRESENTATION. THIS WAS ANSWERING A QUESTION IN REGARD TO THE STATE OF OUR INFRASTRUCTURE IN THE CITY OF BAY CITY, IN BAY COUNTY, AND I BELIEVE AS

WE WERE TALKING ABOUT A COUNTY WIDE MILLAGE FOR OUR INFRASTRUCTURE. AT NO POINT DID I ASSERT THAT THE INTENTION FOR BANGOR TOWNSHIP WOULD BE TO TURN ALL OF OUR ROADS TO CHIP AND SEAL. JUST FOR CLARITY.

COMMENTS FROM THE BOARD

CYNTHIA A. LUCZAK, I WILL COMMENT ON THE PETITION. I DID NOT LOOK INTO THE DATE AND DID NOT VERIFY THAT DATE TO SEE IF IT WAS FEBRUARY 10TH OR FEBRUARY 13TH. I APOLOGIZE FOR THAT. I JUST ASSUMED THAT THE FEBRUARY 10TH DATE WAS THE BOARD MEETING. I DO NOT FEEL I DID MY DUE DILIGENCE THERE. I FEEL THE PETITION IS FACTUAL, THAT AT SOME POINT AND TIME THIS STATEMENT WAS MADE, SO IT WAS FACTUALLY STATED BY MR. MURPHY, THAT THERE IS A POTENTIAL TO GO BACK TO CHIP AND SEAL, SO I FEEL THAT IS FACTUAL. I ALSO FEEL MR. MURPHY KEPT THIS SHORT, CONCISE AND CLEAR; BUT WHAT I FEEL WHAT IS GOING TO NEGATE MY APPROVAL OF THIS PETITION, IS THE FACT THAT IT DOES NOT IDENTIFY THE COURSE OF CONDUCT THAT IS THE BASIS OF THE RECALL. THIS PETITION ALLUDES TO THINGS THAT WOULD HAPPEN, COULD HAPPEN, POTENTIALLY HAPPEN. IT DOES NOT QUANTIFY HOW MANY ROADS, IT JUST SAYS SOME ROADS. SO TO ME, UNTIL THIS HAPPENS, THERE IS NO COURSE OF CONDUCT THAT THE VOTERS CAN REMOVE HIM FROM OFFICE. SO IF AND WHEN THIS WOULD HAPPEN, THEN I THINK THERE WOULD BE AN ISSUE AND A JUSTIFIABLE RECALL. BUT FOR NOW, I AM NOT IN SUPPORT OF THIS LANGUAGE AS PRESENTED.

RICHARD BRZEZINSKI, AS BEEN STATED, ITS FOR US TO DETERMINE IF IT IS FACTUAL AND CLEAR. THE FIRST TEST IS ARE THESE OPINIONS OR FACTS? I HAVE TO AGREE THEY ARE FACTS. IS IT CLEAR, IT IS PRETTY DIRECT AND TO THE POINT, I APPRECIATE MR. ROWLEY'S PRESENTATION, I GUESS ANY ELECTED OFFICIAL I KNOW WOULD CERTAINLY TRY TO DEFEND THEMSELVES. AS WE HAVE GONE THROUGH THESE THERE IS AN ELECTION COMMISSION MANUEL THAT SAYS, THE COMMISSION DOES NOT HAVE THE AUTHORITY TO RULE ON THE REASONS ON RECALL, AS ONLY THE CLARITY AND FACTUAL NATURE OF THE RECALL LANGUAGE IS SUBJECT TO THE COMMISSION REVIEW. I KNOW MR. ROWLEY ALSO POINTED OUT THAT IT WAS NOT DURING A TOWNSHIP MEETING, IT IS MY UNDERSTANDING OF THIS WHOLE PROCESS, ACTION OF THE ELECTED OFFICIALS ARE NOT LIMITED TO JUST OFFICIAL MEETINGS, IT IS UP TO THE VOTERS OF BANGOR TOWNSHIP TO DECIDE IF THEY WANT TO SIGN A PETITION AND HOW THEY WANT TO VOTE.

VOTE

JUDGE MINER CALLED FOR A VOTE: TREASURER, YES; CLERK, NO; JUDGE MINER, NO. TWO NO'S, ONE YES, THE PETITION FAILS.

CLOSING STATEMENTS

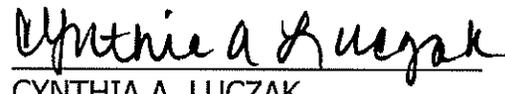
AS I STATED EARLIER, THERE WAS AN APPELLATE PROCESS WHICH HAS TO BE DONE WITHIN 10 DAYS OF TODAY'S DATE.

RECESS/ADJOURNMENT

JUDGE JAN MINER MOVED TO ADJOURN THE MEETING OF APRIL 30, 2018. THE MEETING CONCLUDED AT 11:16 A.M..



JAN MINER
BAY COUNTY PROBATE JUDGE



CYNTHIA A. LUCZAK
BAY COUNTY CLERK



RICHARD BRZEZINSKI
BAY COUNTY TREASURER