

**BAY COUNTY ELECTION COMMISSION
RECALL CLARITY HEARING
APRIL 9, 2018**

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

THE ELECTION COMMISSION MET FOR A RECALL MEETING ON MONDAY, APRIL 9, 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 4:02 P.M. WITH THE FOLLOWING MEMBERS AND GUESTS PRESENT.

ELECTION COMMISSION: CYNTHIA A. LUCZAK, BAY COUNTY CLERK
RICK 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, THEN IT WILL BE OPENED TO GENERAL PUBLIC 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 GLEN ROWLEY FROM THE OFFICE OF TOWNSHIP SUPERVISOR FOR THE FOLLOWING REASON(S): ON SEPTEMBER 12, 2017 AT THE REGULAR MEETING OF THE BANGOR TOWNSHIP BOARD OF TRUSTEES, GLEN ROWLEY, VOTED IN SUPPORT OF THE ADOPTION OF ORDINANCE #359, SECTION 4, PART D: SECTION 8 STATES "THE LICENSE AGENT SHALL HAVE THE RIGHT OF INSPECTION OF THE BUSINESS PREMISES TO ASSURE COMPLIANCE WITH THIS ORDINANCE". SIGNED MARTI MURPHY.

MARTI MURPHY, 45 RIVER TRAIL DRIVE, BAY CITY MI 48706
WANTED TO POINT OUT THAT THIS WAS FACTUAL, I BELIEVE, IT IS VERY CLEAR. CLARITY SHOULD BE OBVIOUS. IT IS REFERRING TO THE CONDUCT OF GLENN ROWLEY. I HAVE THE ROLL CALL FROM SEPTEMBER 12, 2017, WHICH SHOWS GLENN ROWLEY VOTING IN SUPPORT OF ORDINANCE 359. I ALSO HAVE A COPY OF ORDINANCE 359 THAT STATES, "THE LICENSE AGENT SHALL HAVE THE RIGHT TO INSPECT THE BUSINESS PREMISES TO ASSURE THE COMPLIANCE OF THIS ORDINANCE". (ENTERED INTO THE RECORD).

JUDGE JAN MINER QUESTIONED, WHAT IS ORDINANCE 359?

MARTI MURPHY ANSWERED, IT IS THE NEW BUSINESS ORDINANCE, THAT WAS VOTED ON SEPTEMBER 12, 2017. THERE WAS NO ANNUAL BUSINESS ORDINANCE BEFORE THIS.

CYNTHIA LUCZAK ASKED, WHICH BUSINESS PREMISES? IS THIS EVERY SINGLE BUSINESS IN BANGOR TOWNSHIP? IS IT SUBJECT TO THE SUPERVISOR WHO GETS INSPECTED AND WHO DOES NOT?

MARTI MURPHY ANSWERED THAT EVERY SINGLE BUSINESS PREMISES CAN BE INSPECTED PER THE ORDINANCE. I QUOTED THE EXACT LANGUAGE PER THE ORDINANCE. THERE IS NO TIME LIMIT STATED ON THIS ORDINANCE, SO WITH A BUSINESS LIKE THE MEDICAL MARIJUANA, IT WOULD BE OK TO VISIT THEM AT 2:00AM. THERE ARE DEFINITIONS IN THE BEGINNING IN THE ORDINANCE.

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

THANK YOU FOR ALLOWING ME THE OPPORTUNITY TO PRESENT ARGUMENTS ON THE CLARITY AND THE FACTUAL NATURE OF THE RECALL PETITION LANGUAGE. MY UNDERSTANDING OF THE PURPOSE OF THIS HEARING IS TO DETERMINE; IS THERE CLARITY AS TO THE ALLEGATIONS THAT ARE BEING MADE THAT IF TRUE, WERE IMPROPER THUS REQUIRING A RECALL AND IF FACTUALLY, CORRECTLY STATED, I ASSERT NOT ONLY IS THE PETITION UNCLEAR, AS TO ANY IMPROPER CONDUCT ON MY PART, BUT IT IS ALSO FACTUALLY NOT CORRECT. MR. MURPHY'S REASONING IS VERY UNCLEAR, AS YOU READ HIS ACCOUNT OF THE ALLEGED HEINOUS ACT I COMMITTED BY PREFORMING MY DUTY AS SUPERVISOR. I AM NOT SURE IF HE IS TAKING EXCEPTION TO MY VOTE TO APPROVE THE ORDINANCE IN ITS ENTIRETY, OR IF HE HAS A PROBLEM WITH RESTRICTION NUMBER 8, OF THE LICENSE REQUIREMENTS FOUND INSIDE NUMBER ORDINANCE 359, THAT DOES MAKE UP LESS THAN 2% OF THE ENTIRE ORDINANCE. MR. MURPHY MAKES TWO ASSERTIONS, FIRST THAT AT THE REGULAR TOWNSHIP BOARD OF TRUSTEES MEETING, I VOTED ON THE ORDINANCE. IT IS UNCLEAR AS TO WHAT ABOUT THAT ACT IS IMPROPER, AS AN ELECTED OFFICIAL THIS IS A REQUIRED DUTY. I HAVE TO VOTE FROM TIME-TO-TIME ON MATTERS BROUGHT BEFORE THE BOARD, AS IT IS WITH ALL OF THE OTHER TRUSTEES WHO ARE PRESENT. TO SUBJECT SOMEONE TO ANSWER TO A RECALL PETITION WHEN THEY PREFORM THEIR DUTY OF VOTING ON PROPERLY SUBMITTED ITEMS BEFORE A BOARD, WOULD POTENTIALLY BRING SUCH A BOARD TO A STANDSTILL. NOT ALLOWING THEM TO PREFORM THEIR ELECTED DUTIES. THE SECOND ASSERTION IS THAT THE ORDINANCE CONTAINS A PROVISION STATING THE LICENSE AGENT SHALL HAVE THE RIGHT OF INSPECTION OF THE BUSINESS PREMISES TO ASSURE COMPLIANCE WITH THIS ORDINANCE. THIS IS UNCLEAR ON A FEW DIFFERENT LEVELS, FIRST IT IS UNCLEAR AS TO WHY THIS PROVISION IS IMPROPER, THERE IS NO ASSERTION AS TO WHAT MAKES

MY CONDUCT IMPROPER. IT IS ALSO UNCLEAR AND FACTUALLY MISLEADING AS IT LEAVES THE IMPRESSION THAT I AM THE LICENSING AGENT. SECTION TWO OF THE ORDINANCE STATES, AND THAT IS ON THE FIRST PAGE, SECTION TWO LICENSING AGENT MEANS THE TOWNSHIP CLERK. AS STATED EARLIER, I AM THE TOWNSHIP SUPERVISOR. ONCE AGAIN, LICENSING AGENT MEANS THE TOWNSHIP CLERK, OR SUCH OTHER TOWNSHIP OFFICIAL OR EMPLOYEES AS MAYBE DESIGNATED BY RESOLUTION OF THE TOWNSHIP BOARD. NO SUCH RESOLUTION HAS BEEN MADE OR ASSERTED TO HAVE BEEN MADE, MR. MURPHY'S BLATANT OMISSION OF THAT DEFINITION IN THE ORDINANCE MAKES HIS REASONING, NON-FACTUAL. THAT ASIDE, IF ALL TOWNSHIP TRUSTEES OR SUPERVISORS MAY BE SUBJECT TO A RECALL MERELY BY TERMS OF AN ORDINANCE, THE EFFECT WOULD BE TO PARALYZE TOWNSHIP GOVERNMENT FROM EFFECTIVELY DOING THEIR JOB. BASED UPON THE RECALL PETITION THAT MR. MURPHY IS ALLEGING THAT I SHOULD BE RECALLED BECAUSE I EXERCISED BY STATUTORY RESPONSIBILITY OF VOTING ON AN ORDINANCE IN A REGULAR MEETING WHERE SUCH VOTING TAKES PLACE AND THAT THE ORDINANCE VOTED ON, HAS A PROVISION THAT A CERTAIN MEMBER OF THE TOWNSHIP, WHO IS NOT ME, HAS THE RIGHT TO ENSURE COMPLIANCE WITH THE ORDINANCE. THERE IS NOTHING THAT CLEARLY STATES AN IMPROPER CONDUCT ON MY PART, SUCH THAT A VOTER IN OUR TOWNSHIP COULD FIND, OR EVEN HAVE ANY IDEA WHAT IMPROPER CONDUCT I HAVE DONE TO WARRANT SIGNING SUCH A PETITION. FURTHERMORE, ABSENT SUCH CLARITY OF IMPROPER CONDUCT, MR. MURPHY'S MOTIVATION APPEARS TO BE PERSONAL. HE IS NOT LOOKING TO ENSURE GOOD GOVERNMENT, OR BENEFIT THE FINE FOLKS IN BANGOR TOWNSHIP. WHILE I AM THE ONLY ONE WHO HAS BEEN SUBJECT TO THIS RECALL PETITION, MY PARTICIPATION IN THE VOTING OF THE ORDINANCE WAS THE SAME AS SIX (6) OTHER TRUSTEES, AND IF A RESOLUTION WAS ENTERED TO AUTHORIZED ME TO CONDUCT THE INSPECTION TO ENSURE COMPLIANCE, THIS COULD BE CONDUCTED BY ANY OF THE SIX (6) OTHER TRUSTEE'S OR EMPLOYEES OF THE TOWNSHIP. MICHIGAN LAW STIPULATES THAT IF ANY REASON FOR THE RECALL IS NOT FACTUAL OR OF SUFFICIENT CLARITY THE ENTIRE RECALL PETITION SHALL BE REJECTED. IT IS MY HOPE THAT ANY OF THE REASONS AND STATEMENTS OF FACT I PROVIDED TO YOU PREVIOUSLY WILL QUALIFY AS YOUR ANY REASON. IN CLOSING I ASK THAT YOU DISMISS THIS RECALL PETITION FOR LACK OF CLARITY AND FOR NOT BEING FACTUALLY ACCURATE.

CYNTHIA A. LUCZAK QUESTIONED, I SPENT SOME TIME READING THOUGH THE ORDINANCE AND MAKING SOME EVALUATIONS, I KNOW IT WAS ADOPTED ON SEPTEMBER OF 2017, BUT IT IS NOW SUBJECT TO AN AMENDMENT, HAS THAT AMENDMENT BEEN PASSED AND IS THIS WHAT WE ARE VIEWING TODAY IN ITS FINAL ADOPTED FORM?

GLENN ROWLEY ANSWERED THAT NO, THERE HAS BEEN A FEW REVISIONS LIKE ANY NEW ORDINANCE THAT HAS BEEN PASSED. IT IS NOT PERFECT WHEN IT'S FIRST ROLLED OUT. IN FACT WE HAVE JUST CHANGED THE DATES OF THE ORDINANCE. ON

THERE IT FOLLOWED A CALENDAR YEAR OF THE EFFECTIVE DATES OF THE ORDINANCE. I AM SURE THERE MAY BE CHANGES, DOWN THE ROAD AS WE CONTINUE TO WORK WITH THIS, AS IN ANY NEW ORDINANCE.

PUBLIC COMMENTS

RICHARD PHELPS, 3940 PATTERSON ROAD, BAY CITY
I AM ONE OF THE TRUSTEES AT BANGOR TOWNSHIP, ALSO. I DID VOTE IN FAVOR OF THIS ORDINANCE, BASICALLY THE BUILDING INSPECTOR STATED SEVERAL TIMES THROUGHOUT THE SUMMER, TO SOME OF OUR ELECTED OFFICIALS THAT IT WOULD GIVE HIM A BETTER HANDLE ON THE INSPECTIONS OF THE BUSINESSES. SOME BUSINESS MAY CLOSE AND AS FAR AS BANGOR TOWNSHIP KNOWS, THEY ARE STILL OPEN, UNLESS SOMEONE DRIVES BY AND NOTICES IT IS CLOSED. BASICALLY, IT WOULD GIVE THEM A BETTER HANDLE ON INSPECTION ON BUSINESSES IN BANGOR TOWNSHIP.

DAWN BUBLITZ, BANGOR TOWNSHIP CLERK, 3322 EAST GREG DRIVE, BAY CITY MI 48706

SECTION 4, PAGE 2, NUMBER 4 STATES, "UPON REVIEW OF THE PROPERTY COMPLETED APPLICATION, AND UPON THE PAYMENT OF THE FEE, AND AFTER REVIEW BY THE BUILDING OFFICIAL". THAT IS THEN WHEN I, THE LICENSING AGENT WOULD ISSUE THE BUSINESS LICENSE. I COMPLETELY SEE WHAT NUMBER 8 SAYS, BUT I DO NOT GO OUT AND INSPECT BUSINESSES. OUR BUILDING OFFICIAL AND FIRE MARSHALL DO. THAT IS THEIR RESPONSIBILITY SO, ALL BUSINESSES WITH THE EXCLUSION OF NON-PROFIT, GOVERNMENT, A HOME BUSINESS, OR A DAY CARE; THOSE WERE EXCLUDED FROM IT. THEY WERE ALL MAILED OUT APPLICATIONS, THE APPLICATIONS WERE RETURNED, THE BUILDING OFFICIAL AND AGAIN THE FIRE MARSHALL DO THE INSPECTIONS, RETURN IT TO ME WITH AN "OK" AND I ISSUE THE PERMIT/LICENSE. THIS MAY BE MY OPINION, IT WAS MY UNDERSTANDING WHEN WE WERE VOTING ON THIS, THAT NUMBER 8 WAS SIMPLY THAT, IF WE WANTED TO INSURE THAT THEY WERE IN COMPLIANCE WITH THEIR LICENSE, THEIR LICENSE IS DISPLAYED PROPERLY. I DO NOT GO OUT AND INSPECT BUSINESSES, I WOULD NOT KNOW HOW TO GO OUT AND INSPECT A BUSINESS, AS THE TOWNSHIP CLERK. THE PROCESS IS DONE THROUGH THE EARLIER STEPS IN THE ORDINANCE.

CYNTHIA A. LUCZAK, QUESTIONED, SO I AM JUST WONDERING, WHAT IS IN YOUR ORDINANCE THAT BROUGHT THIS ISSUE UP, AND TO US. IT IS JUST NOT WORDED HOW IT SHOULD BE?

DAWN BUBLITZ ANSWERED, I GUESS IN HINDSIGHT, IT IS NOT WORDED PROPERLY, WOULD BE MY BEST GUESS. BECAUSE, THERE WAS NEVER, EVER AN INTENTION OF SUPERVISOR ROWLEY, MYSELF, OR A BOARD MEMBER GOING OUT AND DOING INSPECTIONS OF BUSINESSES. I AM NOT QUALIFIED TO DO AN INSPECTION OF A

BUSINESS. I WOULD HAVE NO IDEA NOR WOULD I DO IT. I CAN UNDERSTAND WHERE THE VERBIAGE DOES LOOK THAT WAY, BUT THAT IS NOT WHAT IS HAPPENING. THE BUILDING INSPECTOR IS MAKING SURE THEY ARE IN COMPLIANCE. HE HAS FOUND SEVERAL, THERE WAS A SINK INSTALLED UNDER AN ELECTRIC PANEL, THINGS BLOCKING DOORS, SO PEOPLE CAN'T GET OUT. IT DOES INCLUDE THE MEDICAL MARIJUANA FACILITIES, IT INCLUDES ALL BUSINESSES EXCEPT FOR THOSE LISTED. NO ONE IS GOING TO DO AN INSPECTION AT 2:00 AM. THEY DO THEIR INSPECTIONS DURING THEIR BUSINESS HOURS, 8:00 AM TO 5:00 PM. THESE ARE THE HOURS THE BUILDING OFFICIAL AND THE FIRE MARSHALL WORK. I DO NOT BELIEVE THAT IT IS STATED IN THE ORDINANCE, BUT THESE ARE THE HOURS THAT ARE WORKED.

JAN MINER QUESTIONED, DID THE BUILDING OFFICIAL AND FIRE MARSHAL ALWAYS HAVE THE ABILITY TO INSPECT BUSINESSES BEFORE THIS ORDINANCE.

DAWN BUBLITZ STATED THAT SHE BELIEVED THE FIRE MARSHALL HAD THAT AUTHORITY TO ENTER A BUILDING AT ANY TIME. OUR BUILDING OFFICIAL HAS THE RIGHT AND ISSUED A CERTIFICATE OF OCCUPANCY. I DO NOT KNOW IF AFTER THE CERTIFICATE OF OCCUPANCY IF HE HAS THE RIGHT TO ENTER FOR INSPECTION. THESE OFFICIALS ARE NOT JUST RANDOMLY STOPPING INTO BUSINESSES. THEY CALL AND MAKE AN APPOINTMENT, IT IS ALL DONE VERY COURTEOUSLY AND POLITELY, THERE ARE NO TICKETS BEING ISSUED OR NOTHING OF THAT NATURE. THAT IS NOT THE INTENTION.

MARTI MURPHY STATED, IT IS NOT THE RESPONSIBILITY OF THIS BOARD TO DETERMINE IF THE ACT WAS ENOUGH TO BE RECALLED, IT IS UP TO THE VOTERS TO DETERMINE IF THAT RECALL WILL BE ISSUED. WITH THE CLARITY, I WAS CLEAR ON WHAT HE VOTED FOR, I QUOTED OUT OF ORDINANCE, IF IT IS NOT CLEAR IT IS BECAUSE IT WAS WRITTEN UNCLEARLY. WHAT I WROTE WAS CLEAR, CONCISE AND THE CLARITY FOR THE VOTER TO UNDERSTAND IS THERE.

COMMENTS FROM THE BOARD

CYNTHIA A. LUCZAK, I HAVE A FEW COMMENTS FOR THE RECORD. FIRST OF ALL ON THE FACE OF THE PETITION, AND OUR RESPONSIBILITY IN REVIEWING THIS PETITION IS TO MAKE SURE THAT IF SOMEONE IS TO READ THIS ON THEIR DOORSTEP, THEY WOULD READ IT AND BE ABLE TO UNDERSTAND WHAT THEY ARE SIGNING. SO IT NEEDS TO BE VERY CLEAR. ONE CONCERN I HAVE ABOUT THE PETITION, THERE WERE A NUMBER OF CONCERNS I HAVE WITH THE LANGUAGE, SOME WERE ANSWERED TODAY, SOME WERE NOT. MR. ROWLEY'S NAME IS MISPELLED ON THIS PETITION, GLENN IS SPELLED WITH TWO "N'S" THERE IS ANOTHER GLEN ROWLEY IN MICHIGAN WHO IS SPELLED WITH ONE "N". I ALSO HAD A QUESTION WITH THE DATE THIS WAS ADOPTED, SEPTEMBER 12, 2017, WHICH THIS ACTION TOOK PLACE. THE LAW READ'S THE PERSON CANNOT BE RECALLED WITHIN THE FIRST YEAR OF THEIR TERM. SINCE

THIS SEPTEMBER DATE CAUSED ME TO BE CONCERNED ABOUT ACTS HE HAD PERFORMED, WITHIN THE FIRST YEAR OF HIS TERM. THE BUREAU OF ELECTIONS, THIS WAS NOT AN ISSUE THAT WOULD MAKE THE PETITION BEING REJECTED. I DO WHOLE HEARTEDLY BELIEVE HE HAS THE RIGHT TO VOTE, HOWEVER HE SO CHOOSES AND CHOSE TO VOTE IN SUPPORT OF THIS ORDINANCE AND ITS PASSING, NO ISSUE THERE. WHEN I GET TO THE THIRD LINE OF THIS PETITION AND IT GETS TO ORDINANCE NUMBER 359, I HAD TO GO TO GREAT LENGTHS TO GET THIS ORDINANCE AND TO READ IT. I HAD TO PHYSICALLY GO ONTO THE TOWNSHIP WEBSITE AND LOOK FOR IT, AND I DID NOT FIND IT. I HAD TO LOOK THROUGH A COUNTY ORDINANCE LIST WHICH DID NOT HAVE IT. I ALSO HAD TO PHYSICALLY CALL THE TOWNSHIP AND TRY TO GET IT, WHICH WAS THEN EMAILED TO ME, BUT IF I AM STANDING ON THE PORCH, I HAVE NO IDEA WHAT ORDINANCE 359 REFERS TO. I DID NOT KNOW IF THAT WAS THE RECENT MARIJUANA ISSUES. I DID NOT KNOW IF IT PERTAINS TO A BUSINESS. I HAD NO IDEA WHAT THIS REFERENCED UNTIL I HAD THE DO DILIGENCE TO FIND IT. I FELT THAT THIS WOULD NOT BE FAIR TO A VOTER. I QUESTIONED WHO THE LICENCE WAS IN THIS LANGUAGE. I ALSO QUESTIONED WHO HAD THE RIGHT OF INSPECTION, I DID NOT KNOW IF IT WAS THE RIGHT TO INSPECT CERTAIN BUSINESSES, ALL BUSINESSES, THE MARIJUANA BUSINESSES, BUSINESSES OF CERTAIN SIZE, OR A CERTAIN TYPE, SO THAT WOULD BE SOMETHING ELSE I WOULD QUESTION ON THE DOOR STEP. I AM ALSO CONCERNED WITH THE COMPLIANCE, WHAT CONSTITUTES COMPLIANCE IN THIS SITUATION, FOR A NUMBER OF REASONS INCLUDING THOSE I DO NOT FEEL THIS IS CLEAR.

RICK BRZEZINSKI, AS WAS STATED IN THE INTRODUCTION BY THE CHAIR, AGAIN WE HAVE TO LOOK AT WHAT IS FACTUAL, AND FACTUAL VERSUS OPINION. WHEN I READ THROUGH THAT ALL OF THE STATEMENTS ARE FACTUAL, THERE ARE NO OPINIONS. HOWEVER, WHEN WE GET TO THE PART OF CLARITY, WHEN I FIRST READ THIS, AND ACTUALLY I HAD TO READ IT SEVERAL TIMES, I HAVE NO IDEA WHAT ORDINANCE 359 IS AND I DO NOT THINK IT IS FAIR TO EXPECT THE TYPICAL VOTER OR PETITION SIGNER IN BANGOR TOWNSHIP TO KNOW WHAT ORDINANCE 359 IS. I HAVE NO IDEA WHAT IT PERTAINED TO UNTIL THE DISCUSSIONS TODAY. AS IT HAS BEEN POINTED OUT, THAT IF ANY PART OF IT DOES NOT MEET THE GUIDELINES, IT ALL HAS TO BE REJECTED. I DO NOT THINK IT WOULD BE REASONABLE THAT THE AVERAGE PERSON IN BANGOR TOWNSHIP TO READ THAT AND KNOW WHAT HAPPENED.

JAN MINER STATED, SHE TOO HAD PROBLEMS WITH THE WORDING, SHE HAD NO IDEA WHAT ORDINANCE 359 WAS. SHE WOULD ECHO MOST OF THE COMMENTS MADE BY MY FELLOW COMMISSIONERS AT THIS TIME BECAUSE OF THE CLARITY ISSUE.

VOTE

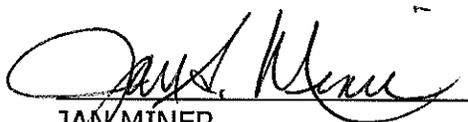
JUDGE MINER CALLED FOR A VOTE: TREASURER, NO; CLERK, NO; JUDGE MINER, NO. THE PETITION FAILS.

CLOSING STATEMENTS

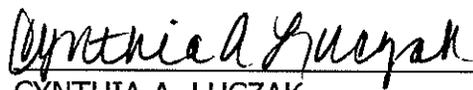
AS I STATED EARLIER, THERE WAS AN APPELLATE PROCESS WHICH HAS TO BE DONE WITHIN 10 DAYS OF TODAY'S DATE.

RECESS/ADJOURNMENT

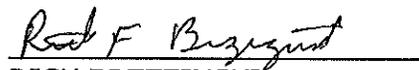
JUDGE JAN MINER MOVED TO ADJOURN THE MEETING OF APRIL 9, 2018. THE MEETING CONCLUDED AT 4:30 P.M..



JAN MINER
BAY COUNTY PROBATE JUDGE



CYNTHIA A. LUCZAK
BAY COUNTY CLERK



RICK BRZEZINSKI
BAY COUNTY TREASURER