

**BAY COUNTY ELECTION COMMISSION  
RECALL CLARITY HEARING  
JUNE 21, 2018**

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

THE ELECTION COMMISSION MET FOR A RECALL MEETING ON THURSDAY, JUNE 21, 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 8:05 A.M. WITH THE FOLLOWING MEMBERS AND GUESTS PRESENT.

ELECTION                    CYNTHIA A. LUCZAK, BAY COUNTY CLERK  
COMMISSION:            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 FOLLOWED WAS 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): GLENN ROWLEY AS SUPERVISOR OF BANGOR TOWNSHIP BUDGETED ZERO DOLLARS IN 2018 FOR PUBLIC ROAD SURFACE IMPROVEMENT, REPAIR OR REPLACEMENT. SIGNED MARTI MURPHY

MARTI MURPHY, 45 RIVER TRAIL DRIVE, BAY CITY MI 48706  
WISHED TO POINT OUT FACTS IN THE PAST. MR. ROWLEY CAME BEFORE THE BOARD AND STATED THAT GLENN ROWLEY HAD NEVER STATED THAT HE WAS GOING TO RETURN PAVED ROADS BACK INTO CHIP AND SEAL, WHICH WAS A "NOT TRUE STATEMENT". THIS PETITION IS FACTUAL AND CLEAR ENOUGH FOR HIM TO DEFEND. THERE IS A BUDGET THAT CLEARLY STATES THAT THERE IS NO MONEY ALLOCATED FOR PUBLIC ROADS. MR. ROWLEY'S OTHER DEFENSE IS SAYING THAT HE IS ONE OF SEVEN. THAT IS TRUE, HE IS ONE OF SEVEN, BUT HE IS THE LEADER. HE DETERMINES WHAT GOES ON THE AGENDA, WHAT IS BROUGHT FORWARD, AND PRESENTED. MR. ROWLEY IS THE LEADER OF BANGOR TOWNSHIP. JUST LIKE THE CAPTAIN OF A SHIP, HE IS RESPONSIBLE FOR THE DIRECTION AND HOW THE RESOURCES ARE BEING SPENT. IF HE TELLS YOU HE IS JUST ONE OF SEVEN, HE IS NOT. HE IS THE ONE WHO

DETERMINES THE DIRECTION OF BANGOR TOWNSHIP, WHAT GOES ON THE AGENDA AND WHAT IS IN THE BUDGET. HE ALSO HAS AN OPPORTUNITY TO VOTE NO, IF HE DOES NOT LIKE WHAT IS PRESENTED, BUT HE DID VOTE YES. ANYONE OF THE SEVEN CAN VOTE NO, IN OPPOSITION. MR. MURPHY ALSO STATED THAT IN REGARD TO THE RECALL WITH KARIE WARDYNSKI, SHE STATED THAT THE ROAD BUDGET WAS GLENN ROWLEY'S RESPONSIBILITY AND THAT HE WAS THE ONE THAT PRESENTED IT.

JUDGE JAN MINER QUESTIONED IF ANY OF THE BOARD HAD ANY QUESTIONS FOR MR. MURPHY? THERE WERE NO QUESTIONS.

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 STOOD BEFORE YOU NUMEROUS TIMES, I AM WELL AWARE OF THE PURPOSE OF THIS HEARING. IT WAS MY INTENTION TO PROVE THAT MR. MURPHY'S RECALL LANGUAGE LACKS CLARITY, WAS UNCLEAR, NOT FACTUAL AND LACKS ANY STATEMENT ALLEGING MISCONDUCT ON MY PART. AS THE TOWNSHIP SUPERVISOR, I AM ONLY A SINGLE VOTE AMONG SEVEN ELECTED OFFICIALS. I SIMPLY DO NOT HAVE THE AUTHORITY TO IMPLEMENT A BUDGET. OUR BUDGET IS CREATED AMONG MULTIPLE BOARD MEMBERS, AS YOU HEARD ON MONDAY, AND DEPARTMENT HEADS. MR. MURPHY'S LANGUAGE IS UNCLEAR AND IT IMPLIES THAT I ALONE HAVE THE ABILITY TO CREATE AND PASS THE BUDGET. FURTHERMORE, ABSENT SUCH CLARITY OF IMPROPER CONDUCT MR. MURPHY'S MOTIVATION APPEARS TO BE PERSONAL. THE ENTIRE BOARD VOTES ON MATTERS BEFORE THE BOARD, AS ARE OUR STATUTORY DUTY. WHY DOES HE NOT INCLUDE THE REST OF THE BOARD IN HIS BATTERY OF RECALL ATTEMPTS? RESOLUTION NUMBER 17-043 WAS APPROVED ON DECEMBER 12, 2017, BY A ROLL CALL VOTE WITH SEVEN YEAS, 0 NAYS. MARTY'S LANGUAGE IS ALSO UNCLEAR AND CONFUSING IN REGARD TO WHEN THIS RECALLABLE ACT OCCURRED. OUR MOST RECENT BUDGET WAS CRAFTED DURING A SPECIAL BOARD MEETING ON MONDAY, DECEMBER 4, 2017, AND WAS APPROVED BY AN UNANIMOUS VOTE DURING THE TOWNSHIPS REGULAR BOARD MEETING ON TUESDAY, DECEMBER 12, 2017. OUTSIDE OF THE OCCASIONAL BUDGET ADJUSTMENT, OUR BOARD HAS NOT VOTED ON ANY BUDGETING IN THE CALENDAR YEAR OF 2018. 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 THE STATEMENTS OF FACTS THAT I PROVIDED PREVIOUSLY, WILL QUALIFY AS YOUR ANY REASON. IN CLOSING I ASK THAT YOU DISMISS THIS RECALL.

### **PUBLIC COMMENTS**

THERE WERE NO PUBLIC COMMENTS.

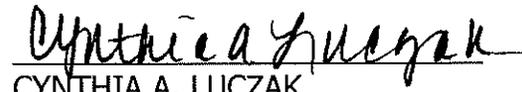
**VOTE**

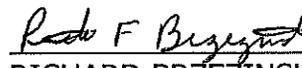
JUDGE JAN MINER CALLED FOR A VOTE: CYNTHIA LUCZAK, NO; RICHARD BRZEZINSKI, YES; AND JUDGE JAN MINER, YES. THE PETITION LANGUAGE PASSED.

**RECESS/ADJOURNMENT**

JUDGE JAN MINER MOVED TO ADJOURN THE MEETING OF JUNE 21, 2018. THE MEETING CONCLUDED AT 8:13 A.M..

 10-8-18  
JAN MINER  
BAY COUNTY PROBATE JUDGE

  
CYNTHIA A. LUCZAK  
BAY COUNTY CLERK

 10-15-18  
RICHARD BRZEZINSKI  
BAY COUNTY TREASURER