

**BAY COUNTY ELECTION COMMISSION
RECALL CLARITY HEARING
JUNE 18, 2018**

**RECALL PETITION FOR
KARIE WARDYNSKI, BANGOR TOWNSHIP TREASURER**

THE ELECTION COMMISSION MET FOR A RECALL MEETING ON MONDAY, JUNE 18, 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 8:03 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 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 KARIE WARDYNSKI
BANGOR TOWNSHIP TREASURER

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 KARIE WARDYNSKI FROM THE OFFICE OF TOWNSHIP TREASURER FOR THE FOLLOWING REASON(S): KARIE WARDYNSKI AS TREASURER OF BANGOR TOWNSHIP BUDGETED ZERO DOLLARS FOR PUBLIC ROAD SURFACE IMPROVEMENT, REPAIR OR REPLACEMENT. SIGNED MARTI MURPHY, JUNE 1, 2018.

MARTI MURPHY, 45 RIVER TRAIL DRIVE, BAY CITY MI 48706
JUDGE JAN MINER STATED FOR THE RECORD, THAT MR. MURPHY WAS NOT PRESENT AND THAT IT WAS APPROXIMATELY 8:08 AM.

KARIE WARDYNSKI, 3325 TWO MILE ROAD, BAY CITY MI 48706
THE LANGUAGE IN THE PETITION WAS VERY UNCLEAR AND BLATANTLY MISLEADING. MARTI STATES THAT I PERSONALLY BUDGETED ZERO DOLLARS FOR ROADS AND, AS I AM SURE YOU ARE ALL AWARE, NO ONE PERSON WAS IN CONTROL OF THE TOWNSHIPS BUDGET. IT WAS SET BY A VOTE OF THE TOWNSHIP BOARD. THE LANGUAGE USED WOULD LEAD THE RESIDENTS TO BELIEVE, THAT I ALONE, CAN MAKE BUDGETING DECISIONS. THERE WAS ALSO NO DATE OF ANY KIND PROVIDED FOR A FRAME OF

REFERENCE. FOR THESE REASONS, THE PETITION LANGUAGE WAS UNCLEAR AND IT SHOULD BE DENIED.

JUDGE JAN MINER ASKED FOR ANY QUESTIONS FROM THE BOARD.

CYNTHIA A. LUCZAK QUESTIONED, CAN YOU JUST BRIEFLY TELL US HOW THE BUDGET PROCESS WORKS AT THE TOWNSHIP LEVEL. WAS THERE ONE INDIVIDUAL PERSON WHO ULTIMATELY SETS THE BUDGET?

KARIE WARDYNSKI ANSWERED, THAT THE THREE EXECUTIVES AND DEPARTMENT HEADS PLAN THEIR BUDGET AND THEN THE BOARD WILL CONVENE AND HOLD WORK SESSIONS TO GO THROUGH THE ENTIRE BUDGET. THERE WAS NOT ONE PERSON WHO PLANS THE BUDGET, IT WAS A GROUP PROCESS.

CYNTHIA A. LUCZAK ALSO STATED THAT SHE TOO HAD A PROBLEM WITH THE LACK OF DATE ON THE PETITION. SHE ASSUMED THAT IT WAS FOR 2018, BUT KARIE WAS VOTED IN BACK IN 2016, SO IT COULD BE 2016, 2017 OR EVEN 2018.

JUDGE JAN MINER QUESTIONED, IN YOUR BUDGET ARE YOU CHARGED WITH CREATING THE TOWNSHIP BUDGET? PULLING PEOPLE TOGETHER AS THE TREASURER? WAS THIS PART OF YOUR DUTIES? IF NOT WHO WAS RESPONSIBLE FOR THAT? WAS IT YOUR JOB TO IMPLEMENT AND/OR MONITOR THE BUDGET?

KARIE WARDYNSKI STATED THAT NO, THIS WAS NOT PART OF HER DUTIES AS THE TOWNSHIP TREASURER AND SHE BELIEVED THAT IT WAS THE RESPONSIBILITY OF THE TOWNSHIP SUPERVISOR. ULTIMATELY, EVERY DEPARTMENT WORKS ON THEIR OWN BUDGET. IT WAS THEN GIVEN TO THE BOARD FOR THE FINAL BUDGET TO BE VOTED ON. THE DEPARTMENTS SUBMIT THE INFORMATION TO THE TOWNSHIP SUPERVISOR. I DO NOT HAVE THE FINAL SAY ON WHO CAN SPEND MONEY OR HOW MONEY WAS SPENT. I HAVE TO FOLLOW WHAT THE BOARD APPROVED DURING THE BUDGETING PROCESS. IF SOMETHING CAME UP, LIKE A ROAD WASHED OUT, AND IT HAS TO BE FIXED, THAT WOULD BE SOMETHING THAT THE BOARD WOULD HAVE TO VOTE ON.

PUBLIC COMMENTS

THERE WERE NO PUBLIC COMMENTS. JUDGE JAN MINER AGAIN STATED FOR THE RECORD THAT IT WAS NOW 8:15 AM.

VOTE

JUDGE MINER CALLED FOR A VOTE: CLERK, NO. THE TREASURER, RICHARD BRZEZINSKI STATED, WHEN I FIRST LOOKED AT THIS IT WAS CERTAINLY SHORT, SO IT WAS HARD

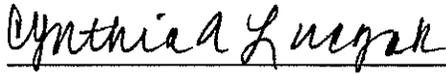
NOT TO BE FACTUAL AND NOT CLEAR. HOWEVER, AS IT WAS POINTED OUT THERE WAS NO DATE SPECIFIED. THERE WAS A VERY IMPORTANT PART OF THIS, THAT IT HAS TO OCCUR DURING YOUR CURRENT TERM. KARIE WAS ELECTED TO THIS TERM BUT SHE WAS ALSO APPOINTED PREVIOUSLY FOR THE FORMER TREASURER SO, READING JUST THIS STATEMENT, THE READER CANNOT TELL IF IT WAS THIS TERM OR LAST TERM. MY VOTE WAS NO. JUDGE MINER STATED, I ALSO VOTE NO FOR THE REASONS AS STATED BY MY FELLOW COMMISSIONERS. THERE WAS NO DATE AND ALSO WOULD AGREE BASED ON THE STATEMENTS HERE TODAY THAT MS. WARDYNSKI WAS NOT PERSONALLY RESPONSIBLE FOR BUDGETING. IT WAS A COLLECTIVE PROCESS AS SHE HAS INDICATED FOR THE TOWNSHIP. BASED ON THE DATE AND THAT INFORMATION, I TOO VOTE NO. THE RECALL PETITION FAILED.

RECESS/ADJOURNMENT

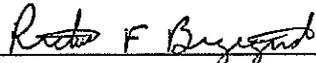
JUDGE JAN MINER MOVED TO ADJOURN THE MEETING OF JUNE 18, 2018. THE MEETING CONCLUDED AT 8:17 A.M..



JAN MINER
BAY COUNTY PROBATE JUDGE



CYNTHIA A. LUCZAK
BAY COUNTY CLERK



RICHARD BRZEZINSKI
BAY COUNTY TREASURER