

**BAY COUNTY ELECTION COMMISSION  
RECALL CLARITY HEARING  
APRIL 16, 2018**

**RECALL PETITION FOR  
DIANE PIENIOZEK, GIBSON TOWNSHIP SUPERVISOR**

THE ELECTION COMMISSION MET FOR A RECALL MEETING ON MONDAY, APRIL 16, 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 1:30 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 DIANE PIENIOZEK  
GIBSON TOWNSHIP SUPERVISOR**

**PETITION #1**

WE, THE UNDERSIGNED, REGISTERED AND QUALIFIED VOTERS OF THE TOWNSHIP OF GIBSON, IN THE COUNTY OF BAY, AND STATE OF MICHIGAN PETITION FOR THE CALLING OF AN ELECTION TO RECALL DIANE PIENIOZEK FROM THE OFFICE OF SUPERVISOR FOR THE FOLLOWING REASONS: AT THE JANUARY 8, 2018 REGULAR BOARD MEETING, THE BOARD VOTED IN A VERY WELL EXPERIENCED FIREMAN FOR FIRE CHIEF. DIANE OPPOSED THIS AND WANTED A MAN PUT IN THAT HAD BEEN THE FIRE CAPTAIN AND FIRE SAFETY OFFICER BUT HAD LET OUR FIRE TRUCE SIT FOR TWO MONTHS BROKE AND HAD NOT CONTACTED THE BOARD TO HAVE IT REPAIRED. THIS PUT OUR RESIDENTS IN JEOPARDY FOR FIRE PROTECTION. SHE ALSO STATED AT THE FEBRUARY 12, 2018 REGULAR MEETING THAT SHE HAD CALLED THE STATE FIRE MARSHALL. THIS WAS RECORDED.

PETITION SPONSOR: WILLIAM SOUTHWORTH, 1599 M-61, STERLING MI 48659, SPEAKING ON BEHALF OF MR. SOUTHWORTH, CHAMPAGNE SOUTHWORTH, 1599 M-61, STERLING MI 48659.

AS THE RECALL STATED, OUR SUPERVISOR WAS UNHAPPY WITH THE FIRE CHIEF THAT WAS VOTED IN DUE TO THE FACT THAT SHE STATED HE HAD INSUFFICIENT TRAINING

AND WAS NOT WELL ENOUGH EQUIPPED TO DO THE POSITION. ON THE FEBRUARY 12, MEETING, IT STATES "DIANE STATED THAT SHE WANTED ROY STAGRAY REMOVED AS THE FIRE CHIEF, AS SHE HAD CONTACTED THE FIRE MARSHALL AND ROY DID NOT HAVE ENOUGH TRAINING". OUR CHIEF CURRENTLY, ROY STAGRAY, HAS FIRE FIGHTER ONE TRAINING, HE HAS BEEN A FIRE CHIEF IN THE PAST, FOR A NUMBER OF YEARS, AND HAS BEEN PART OF OUR LOCAL TOWNSHIP VOLUNTARY FIRE DEPARTMENT FOR ABOUT 20 YEARS. MY HUSBAND WAS CONCERNED WITH THE FACT THAT SHE CALLED THE FIRE MARSHALL. HE FELT SHE WAS PUTTING OUR TOWNSHIP IN JEOPARDY OF LOSING THEIR FIRE DEPARTMENT WHICH WOULD RESULT IN LONGER WAITS DURING AN EMERGENCY. ALSO THAT IT COULD POSSIBLY INCREASE THE PROPERTY TAXES EACH INDIVIDUAL IN THE TOWNSHIP WOULD HAVE, DUE TO THE DISTANCE FROM A FIRE DEPARTMENT.

JAN MINER QUESTIONED, WHO IS THE CURRENT FIRE CHIEF AND DID DIANE PIENIOZEK OPPOSE HIM?

CHAMPAGNE SOUTHWORTH ANSWERED THAT ROY STAGRAY WAS VOTED IN AS THE GIBSON TOWNSHIP FIRE CHIEF BY THE GIBSON TOWNSHIP BOARD AND THAT DIANE PIENIOZEK DID NOT VOTE FOR ROY STAGRAY.

CYNTHIA A. LUCZAK ASKED THAT THE PETITION MAKES REFERENCE TO THE FIRE CAPTAIN AND FIRE SAFETY OFFICER, IS MR. ROY STAGRAY THE FIRE CHIEF? IS THIS THE SAME PERSON OR ARE WE TALKING ABOUT TWO DIFFERENT PEOPLE?

CHAMPAGNE SOUTHWORTH ANSWERED, SORRY I AM CONFUSED, THE FIRE CHIEF WAS VOTED IN, BUT DUE TO THE FACT THAT IT WAS NOT THE PERSON THE SUPERVISOR REQUESTED, SHE WAS OPPOSED TO IT AND CALLED THE FIRE MARSHAL ABOUT IT. DIANE WANTED DENNIS ARQUETTE, WHO WAS OUR FIRE CHIEF IN THE PAST, AND HAD ALLOWED OUR EQUIPMENT TO SIT, BROKEN IN THE HALL.

CYNTHIA A. LUCZAK CONTINUED, ARE THOSE THE MAIN CONCERNS FOR THE CITIZENS BEING IN JEOPARDY FOR THE PROPERTY TAX INCREASES AND THE LONGER RESPONSE TIME? WAS THERE A PERIOD OF TIME WHEN THERE WERE MORE IN THAT OFFICE? DO YOU HAVE AN EXPERIENCED FIRE CHIEF NOW?

CHAMPAGNE SOUTHWORTH STATED, WE DID HAVE A GENTLEMAN WHO VOLUNTEERED FOR A SHORT PERIOD OF TIME, WHEN OUR FIRE CHIEF RETIRED, HE WAS THERE FOR ABOUT FOUR MONTHS, AND HE PUT HIS RESIGNATION IN, IN DECEMBER. I AM HAPPY WITH THE FIRE CHIEF NOW.

DIANE PIENIOZEK, 2179 BENTLEY ROAD, BENTLEY MI 48613  
REGARDING THIS FIRE CHIEF, WE HAD STEVE SHARINE AS OUR FIRE CHIEF AND HE

GAVE US NOTICE THAT HE WAS GOING TO RESIGN IN DECEMBER. AT THE JANUARY MEETING, THEY WANTED TO HIRE/APPOINT A FIRE CHIEF, AT THAT MEETING. THEY WANTED ROY STAGRAY, HE HAS BEEN ON THE FIRE DEPARTMENT FOR YEARS, BUT I WANTED TO CHECK AND SEE WHO WOULD BE TRAINED IN THIS AREA BEFORE I PLACED A VOTE AS TO WHO WAS GOING TO BE THE CHIEF. THEY VOTED IN ROY STAGRAY, HE HAD SAID REASONS WHY HE DID NOT FEEL HE WAS QUALIFIED, AT THAT MEETING, SO I WANTED TO HOLD OFF, BUT THE BOARD WANTED TO VOTE AT THAT MEETING. I DID NOT HAVE ANYONE IN MIND, AND I WANTED TO CHECK WITH THE STATE FIRE MARSHALL TO FIND OUT WHAT THE MOST RECENT TRAINING HAD BEEN, BEFORE I CHOSE WHO WOULD TAKE OVER THE ENTIRE FIRE DEPARTMENT AS CHIEF. WE DO NOT HAVE MANY VOLUNTARY FIREMEN AT THE CURRENT TIME. WE HAVE NO MEDICAL PERSONAL ON OUR FIRE DEPARTMENT AT THIS TIME. THAT IS THE REASON WHY I VOTED NO, BUT I DID NOT VOICE AS TO WHO I WANTED PUT IN THAT POSITION, AS I HAD NO PERSON IN MIND. ROY STAGRAY DOES NOT LIVE IN OUR COUNTY, HE LIVES IN ARENAC COUNTY. THAT IS HOW I FELT, AND THAT IS WHY I VOTED THE WAY I DID. BEING THE LEGAL AGENT FOR OUR TOWNSHIP, I HAVE THE RESPONSIBILITY TO FIND OUT THIS INFORMATION BEFORE I DO APPOINT SOMEONE.

CYNTHIA A. LUCZAK QUESTIONED, YOU ARE SAYING THAT MR. STAGRAY LIVES IN ARENAC COUNTY, BUT PARTS OF ARENAC COUNTY SPILL OVER INTO GIBSON TOWNSHIP.

DIANE PIENIOZEK STATED THAT MR. STAGRAY LIVES QUITE FAR AWAY FOR RESPONDING IN AN EMERGENCY MATTER.

### **PUBLIC COMMENTS**

CHRISTINE COUSINEAU, 6073 CARTER ROAD, BENTLEY MI 48613  
WHEN DIANE HAD STATED IN THE MEETING THAT SHE HAD CALLED THE FIRE MARSHALL, IT WAS A HEATED MEETING, AND SHE DID CONTACT THE FIRE MARSHALL. IT THEN CAUSED US TO HAVE A MIOSHA REVIEW. THE PAST TWO FIRE CHIEFS HAD NOT DONE ANYTHING FOR OUR FIRE DEPARTMENT IN TWO YEARS. ROY STAGRAY HAS DONE IN THREE MONTHS MORE THEN THE OTHER TWO HAVE DONE. OUR EQUIPMENT WAS OUTDATED, OUR TRUCKS WERE NOT READY. FOR TWO MONTHS OUR TRUCK SAT AND NO ONE REPORTED IT, PUTTING EVERYTHING IN JEOPARDY. WE WANTED SOMEONE TO TAKE OVER AND RUN THE DEPARTMENT. THAT IS WHY WE VOTED HIM IN. YES, HE IS NOT COMPUTER SAVVY, BUT WE HAVE FOUND SOMEONE WHO IS WORKING WITH HIM TO DO THE PAPERWORK, EVEN THE RUNS NOW HAVE TO BE FILED ON THE COMPUTER. THE PREVIOUS FIRE CHIEF, WHO HAD BEEN IN THE POSITION FOR ONE YEAR, NEVER FILED ONE REPORT WITH THE STATE.

JAN MINER QUESTIONED CHRISTINE COUSINEAU, IF SHE WAS AT THE MEETING FOR THE VOTE FOR FIRE CHIEF, AND QUESTIONED IF DIANE PIENIOZEK STATED THAT SHE

WANTED DENNIS ARQUETTE TO BE THE FIRE CHIEF?

CHRISTINE COUSINEAU STATED THAT DIANE PIENIOZEK TOLD THE BOARD AT THE TABLE THAT DENNIS ARQUETTE WOULD MAKE A MUCH BETTER FIRE CHIEF. CHRISTINE ALSO STATED THAT THIS WOULD HAVE BEEN RECORDED.

DIANE PIENIOZEK STATED THAT SHE NEVER MENTIONED DENNIS ARQUETTE, IN FACT SHE DID NOT KNOW HIM UNTIL RECENTLY NOR DID SHE KNOW WHERE HE LIVED UNTIL RECENTLY. I NEVER STATED ANYONE'S NAME AND YES, IT IS RECORDED. FURTHER MORE, I NEVER CONTACTED THE STATE FIRE MARSHALL TO CHECK ON TRAINING UNTIL JANUARY 17, 2018 AND THEY ARE SPEAKING OF A MEETING HELD ON JANUARY 8, 2018.

SUZETTE RIVARD, 944 SAGANING ROAD, BENTLEY MI 48613

I WAS AT THE MEETING WHERE SUPERVISOR DIANE PIENIOZEK STATED THAT SHE HAD CALLED THE STATE FIRE MARSHALL AND AS A BOARD, IT SHOULD BE A BOARD DECISION TO FIND OUT, OR HAVE THAT INFORMATION, OR WHAT THE CONCERNS ARE AS A FIRE CHIEF. DIANE STATED THIS AT THE FEBRUARY MEETING. AFTER WE WERE TOLD THAT SHE WANTED TO HAVE ANOTHER VOTE FOR A DIFFERENT FIRE CHIEF. THE PREVIOUS FIRE CHIEF HAD THE POSITION FOR ONE YEAR, HE WAS THE FIRE CHIEF IN MOUNT FOREST PLUS AT GIBSON TOWNSHIP AND WE HAD NOTHING DONE, IN THAT ENTIRE YEAR. NO ONE DID ANYTHING FOR THE TOWNSHIP. SINCE ROY HAS BEEN THE CHIEF, HE HAS NEW GEAR, VALVES ON THE TRUCK, GIVING TRAINING, HE IS TRYING TO COMPLY WITH GETTING OUR FIRE DEPARTMENT BACK UP TO CODE.

### **COMMENTS FROM THE BOARD**

CYNTHIA A. LUCZAK, FIRST OF ALL, I FEEL THAT IN THIS LANGUAGE THERE IS A LOT OF OPINION AS TO THE QUALIFICATIONS OF THE SUPERVISOR, THE WAY THIS IS WORDED. HOW THIS IS WORDED, "THIS PUT OUR RESIDENTS IN JEOPARDY", IF YOU HAD SAID ON THIS PETITION, DELAYED RESPONSE TIME AND MISSING CALLS OR LARGER EXPENSE OR OTHER TOWNSHIPS WOULD HAVE TO PICK UP SERVICES FOR RESIDENCE, THAT WOULD HAVE BEEN MORE CLEAR. IT WOULD HAVE STATED HOW IT PUT THEM IN JEOPARDY, DOES IT PUT THEM IN JEOPARDY, TO WHAT EXTENT THEY MAY BE PUT IN JEOPARDY, IT IS UNCLEAR AND PARTIALLY YOUR OPINION, SO IT HAS A LITTLE TO MUCH OPINION. THE SENTENCE I THINK IS FACTUAL IS THE LAST ONE BUT SINCE IT CAN NOT BE BOTH UNCLEAR AND HAVE OPINIONS, AND BE FACTUAL. I WILL HAVE TO VOTE NO ON THIS PETITION.

RICK BRZEZINSKI, I ALSO FEEL THERE ARE OPINION THE PETITION, ESPECIALLY THE "VERY WELL EXPERIENCED FIREMAN" HE MAY VERY WELL BE EXPERIENCED BUT THAT CERTAINLY IS AN OPINION VERSES FACTUAL. THE RESIDENCE IN JEOPARDY AS WAS MENTIONED. I AM NOT SURE IF THIS WOULD DISQUALIFY IT ON ITS OWN, THERE IS A SPELLING ERROR IN THE FIRST LINE. AS IN THE INTRODUCTION IF THERE IS ANY OPINIONS AND ANY PART OF IT DOES NOT FIT THE FACTUAL, THE WHOLE PETITION WOULD HAVE TO BE REJECTED.

**VOTE**

JUDGE JAN MINER CALLED FOR A VOTE: RICK BRZEZINSKI, NO; CYNTHIA A. LUCZAK, NO; JAN MINER, NO. 0 YEAS, 3 NAYS, THE PETITION DOES NOT PASS.

**RECALL PETITION FOR DIANE PIENIOZEK  
GIBSON TOWNSHIP SUPERVISOR****PETITION #2**

WE, THE UNDERSIGNED, REGISTERED AND QUALIFIED VOTERS OF THE TOWNSHIP OF GIBSON, IN THE COUNTY OF BAY, AND STATE OF MICHIGAN PETITION FOR THE CALLING OF AN ELECTION TO RECALL DIANE PIENIOZEK FROM THE OFFICE OF SUPERVISOR FOR THE FOLLOWING REASONS: AT THE SPECIAL BUDGET MEETING HELD ON FEBRUARY 1<sup>ST</sup>, 2018 SUPERVISOR DIANE PRESENTED THE TOWNSHIP BOARD WITH A BLANK BUDGET FAILING TO COMPLY WITH MCL LAW 141.422b(3e) REQUIRING A SUPERVISOR TO PRESENT THE BOARD WITH A PREPARED BUDGET. ALSO CAUSING A VIOLATION OF MCL LAW 141.43 REQUIRING THAT THE BUDGET RECOMMENDED TO THE BOARD CONTAIN AT A MINIMUM A YEAR END BALANCE, BEGINNING FUND BALANCE, HISTORICAL EXPENDITURE AND REVENUE DATA, CONTINGENT/EMERGENCY EXPENDITURES AND INTERFUND TRANSFER. PETITION SPONSOR: CHAMPAGNE SOUTHWORTH, 1599 M-61, STERLING MI 48659.

CHAMPAGNE SOUTHWORTH, 1599 M-61, STERLING MI 48659

THE INFORMATION GATHERED WAS FROM THE SUPERVISOR GUIDE, STATING THE MCL LAWS THAT ARE VERY CLEAR, THAT I WOULD ASSUME THE SUPERVISOR COULD GET. IT STATES THE MCL 141.422b (3e) THAT WAS STATED EARLIER, THE SECOND PAGE IT ALSO STATES THE SECOND LAW THAT WAS LISTED. THERE IS A PAGE IN THE SUPERVISOR GUIDE THAT HAS A BUDGET SYSTEMS STATUE COMPLIANCE CHECK LIST WHICH WOULD SEEM, TO MAKE IT VERY EASY TO CREATE A BUDGET, KNOWING THAT YOU HAVE A CHECK LIST TO MAKE EVERY YEAR. WHAT LEAD TO THE RECALL, OR REQUEST OF RECALL, WAS THE FACT THAT THE FIRST YEAR THAT SUPERVISOR DIANE, WAS OUR SUPERVISOR, THE BUDGET SHE CREATED WAS INCORRECT AS WELL. I NEVER SAID ANYTHING THAT YEAR DUE TO THE FACT, KNOWING IT WAS HER FIRST YEAR AS SUPERVISOR. I FELT THAT AS THE YEAR WENT ON, SHE WOULD BECOME MORE EXPERIENCED AND FEEL MORE COMFORTABLE IN THE POSITION AND LEARN WHAT THE SUPERVISOR DUTIES WERE. IT TAKES TIME TO LEARN ANY NEW POSITION. THIS YEAR, HOWEVER, WHEN SHE PRESENTED THE BOARD WITH A BLANK BUDGET ON THE FIRST SPECIAL MEETING, I FELT THAT SHE WAS NOT SHOWING ANY INITIATIVE TO IMPROVE HER SUPERVISOR DUTIES KNOWING THAT THIS INFORMATION WAS EASILY ACCESSIBLE IN THE SUPERVISOR GUIDE. WITH THE SPECIAL MEETING, KNOWING THAT THIS WAS SPECIFICALLY FOR THE BUDGET, I FELT THAT SHE SHOULD HAVE HAD ENOUGH TIME TO PREPARE HAVING A DEADLINE AVAILABLE, TO PRESENT IT TO THE BOARD. I WAS PRESENT AT THE SECOND SPECIAL MEETING, WHICH IS NOT LISTED, THAT STILL WAS

FOR THE BUDGET, THAT THE BUDGET WAS NOT PROPERLY PRESENTED AS WELL. THAT IS NOT LISTED, DUE TO THE LACK OF SPACE I HAD.

CYNTHIA A. LUCZAK, QUESTIONED IF THIS IS A 2018 OR THE 2019 BUDGET. WAS THERE A BUDGET IN PLACE FOR 2018?

CHAMPAGNE SOUTHWELL, ANSWERED THAT IT IS A BUDGET FOR THIS FISCAL YEAR 2018, I BELIEVE. THERE WAS A BUDGET IN PLACE, BUT I BELIEVE THE MEETINGS WERE TO CREATE A NEW BUDGET FOR 2018. EACH YEAR THE TOWNSHIP CREATES A BUDGET AND AS FAR AS I UNDERSTOOD, THE BUDGET THEY CREATED LAST YEAR RAN THROUGH UNTIL THIS ONE WAS CREATED. SO IT WAS NOT FISCAL YEAR STARTING JANUARY 1, IT WAS FISCAL YEAR FOR THE BUDGET, STARTING IN UNKNOWN MONTH.

RICK BRZEZINSKI, PERHAPS I CAN ADD SOME CERTIFICATION, MOST TOWNSHIPS HAVE A MARCH 31<sup>ST</sup> YEAR END. I DO NOT KNOW THAT FOR SURE IN GIBSON TOWNSHIP, BUT A LOT OF THE TOWNSHIPS DO. I DO SEE THE TOWNSHIP CLERK AND TREASURER HERE, PERHAPS THEY CAN CLARIFY IT FOR US.

DIANE PENIOZEK, 2179 BENTLEY ROAD, BENTLEY, MI 48613  
I STARTED TO WORK ON THE BUDGET IN JANUARY, AND I FOUND OUT THAT WE HAD A DISCREPANCY WITH OUR BANK ACCOUNTS, AND I NOTIFIED SUE RIVARD WHO WAS DOWN IN FLORIDA. THE EMAIL I SENT TO HER, I WILL READ; "THIS IS A DRAFT PROPOSAL FOR A START, FOR TONIGHT'S MEETING. IT IS IN COMBINATION WITH THE FIGURES THAT KIM WAS ABLE TO GIVE TO ME AND OFF OF THE CHECK REGISTERS THAT WE RECEIVE EVERY MONTH. THE PROFIT AND LOSS SHEET SENT TO ME BY THE AUDITOR, THE RECONCILIATION DISCREPANCIES BETWEEN THE BANK STATEMENTS AND THE TOWNSHIP IS 197, 907.95." I SENT THAT TO HER, ALONG WITH THE BLANK AND ALSO ALONG WITH THE LAST YEARS BUDGET, BECAUSE THERE WAS ONLY A \$4,000.00 DIFFERENCE BETWEEN LAST YEAR AND THIS YEAR. IT WOULD MAKE IT EASIER ONCE I GOT THE INFORMATION FROM THE TREASURER AS TO HOW MUCH WAS THERE. I GAVE THEM THIS, A COPY OF LAST YEAR'S BUDGET, AT THAT TIME, A BLANK SO THAT WE COULD FILL IN WHAT MY PROPOSALS WERE, AND I HAD MY PROPOSALS FILLED OUT. AFTER THAT MEETING I SENT THEM THE INFORMATION AND KIM, FOR THE SECOND MEETING, THAT WAS THE TREASURER, HE WENT THROUGH AND HE ADJUSTED WHAT HE THOUGHT WOULD BE GOOD, AND AT THAT SECOND MEETING, I ASKED THE BOARD, WHICH ONE THEY WANTED, THEY COULD CHOSE EITHER MINE OR HIS. IT IS A LITTLE BIT DIFFERENT, ON SOME OF THE LINE ITEMS. THEY CHOSE HIS, WHICH WE ALL VOTED IN. I DO NOT UNDERSTAND WHAT THE PROBLEM WOULD HAVE BEEN, I COMPLIED BY ALL OF THE LAWS FOR THE BUDGET. THIS BUDGET IS FOR 2018 - 2019. I PRESENTED THEM WITH A BLANK, SO WE COULD FILL IN, AND MY PROPOSALS, I READ OFF EVERY LINE, WHAT I HAD PROPOSED, THE AMOUNT WAS \$367,090.00 THIS WAS THE FINAL BUDGET. IT WAS ADOPTED AT A LATER DATE. THE MEETINGS REFERRED TO WERE A WORKSHOP. THE FIRST, SPECIAL MEETING CALLED BY BOARD MEMBERS, IS A WORKSHOP. THE BUDGET WAS PAST MARCH 29, 2018.

CYNTHIA A. LUCZAK, QUESTIONED, SO YOU DO HAVE A BUDGET DEADLINE OF MARCH 30, 2018.

DIANE PIENIOZEK, STATED THAT YES, THEY DO HAVE A BUDGET DEADLINE. SHE CONTINUED THAT THEY HAD TO WAIT FOR THE FIRE CHIEF TO TURN IN WHAT HE WANTED TO BUDGET FOR THE YEAR. THAT IS WHEN WE HAD THE FINAL ON MARCH 29, 2018.

RICK BRZEZINSKI, QUESTIONED, GIBSON TOWNSHIPS FISCAL YEAR END IS WHEN? SO YOU WERE DOING THIS IN FEBRUARY IN PREPARATION FOR THE NEXT FISCAL YEAR STARTING APRIL 1.

DIANE PIENIOZEK, THE FISCAL YEAR ENDS ON MARCH 31, 2018 AND THE NEW YEAR STARTS ON APRIL 1, 2018.

### **PUBLIC COMMENTS**

KIM KROCZALESKI, 8368 SAUNDERS ROAD, STANDISH MI 48658  
WHEN WE STARTED WORKING ON THE BUDGET, THE ONLY THING WE EVER HAD TO WORK ON THE BUDGET WAS LAST YEAR'S BUDGET. NO YEAR END STATEMENT, NOTHING LIKE THAT. I HAD THE INCOME FROM THE TAX REVIEW, THAT IS WHAT I GAVE DIANE, WE DID NOT HAVE ANYTHING TO WORK OFF OF OTHER THAN THE YEAR END TAX LOG. WHAT SHE IS TALKING ABOUT, THE DISCREPANCY PAPER, WE (THE BOARD) HAVE NEVER SEEN, AND STILL HAVE NOT SEEN IT. WE WERE WORKING ON THE BUDGET FOR APRIL 1, 2018 THROUGH MARCH 31, 2019. WE HAD OUR OLD BUDGET WE WERE STILL WORKING UNDER. WE HAD TWO OR THREE REGULAR AND SPECIAL MEETINGS, BUT WE HAVE NEVER SEEN ANY ACTUAL PRINTOUTS OF NOTHING THAT WAS SPENT FOR THE YEAR BEFORE, WE WERE WORKING OFF OF OUR BUDGET FROM THE YEAR BEFORE.

RICK BRZESINSKI, QUESTIONED IF GIBSON TOWNSHIP HAD AN ADOPTED BUDGET RIGHT NOW? WAS THAT DONE ON MARCH 29, 2018.

KIM KROCZALESKI ANSWERED THAT YES, GIBSON TOWNSHIP DOES CURRENTLY HAVE AN ADOPTED BUDGET, HE BELIEVES WAS PASSED ON MARCH 29, 2018.

DIANE PIENIOZEK, AS I STATED BEFORE, I SENT SUE RIVARD, THE TRUSTEE IN FLORIDA, ON FEBRUARY 1, JUST BEFORE THE MEETING STARTED AND I SENT HER A COPY OF THE PROFIT AND LOSS SHEET THAT I HAD THAT SHOWED THE DISCREPANCY. ENTERED THE EMAIL AND PROFIT AND LOSS SHEET SHOWING THE DISCREPANCY INTO THE RECORD. I AM TRYING TO FIGURE OUT HOW TO DO A BUDGET WHEN YOU HAVE A DISCREPANCY LIKE THIS. I DON'T WORK WITH THE MONEY AT ALL IN OUR

TOWNSHIP THAT IS UP TO THE CLERK AND THE TREASURER. SO I AM AT THEIR MERCY IN ORDER TO FIND OUT ANY INFORMATION TO DO A BUDGET. IF I HAVE THIS FROM THE AUDITOR, WHERE DO YOU START?

CYNTHIA A. LUCZAK, QUESTIONED, SO YOU SAID YOU SENT IT TO SUE, DID YOU SEND IT TO THE REST OF THE BOARD?

DIANE PIENIOZEK ANSWERED THAT SHE HAD NOT SENT IT TO THE ENTIRE BOARD. SHE CALLED TREASURE KIM KROZALESKI AND SHE TRIED TO CALL CHRISTINE COUSINEAU.

SUZETTE RIVARD, 944 SAGANING ROAD, BENTLEY MI 48613

DIANE PIENIOZEK DID EMAIL ME A BLANK BUDGET REPORT. OUR PREVIOUS SUPERVISOR, WOULD ALWAYS GET US LAST YEARS BUDGET IN A COLUMN, WHAT WE SPENT, AND PROJECTED SPENDING FOR THE FISCAL YEAR. ALL I RECEIVED FROM DIANE, WAS ONE COLUMN AND IT WAS BLANK, WE HAD TO FILL IT IN OURSELVES, AS WE WENT ALONG. PLUS SUPERVISOR DIANE HAS GIVEN OUT CONFIDENTIAL BUDGET INFORMATION TO UNAUTHORIZED PERSONS AND PUBLIC BEFORE THE BOARD HAD BEEN BROUGHT THE BUDGET INFORMATION TO US, TO GET IT RECONCILED OR TO FIX IT.

CYNTHIA A. LUCZAK, QUESTIONED, I WOULD LIKE TO ASK YOU THE SAME QUESTION, HOW MANY MEETINGS WERE THERE BETWEEN FEBRUARY 1<sup>ST</sup> AND MARCH 29<sup>TH</sup> WHERE THESE DOCUMENTS WERE PRODUCED.

SUZETTE RIVARD ANSWERED THAT THERE WERE THREE MEETINGS BETWEEN THESE DATES BUT THAT THEY DID NOT GET A PROFIT AND LOSS SHEET, NONE OF US WERE PRESENTED WITH ONE, I DID NOT RECEIVE THAT ON MY EMAIL AS STATED. THEY WERE NOT PRESENTED WITH THE PROFIT AND LOSS SHEET AT ANY MEETING, WE WERE SIMPLY TOLD ABOUT IT.

CHRISTINE COUSINEAU, 6073 CARTER ROAD, BENTLEY MI 48613

AS STATED WE ONLY RECEIVED A BLANK BUDGET, WE NEVER RECEIVED ANY OF THE OTHER ITEMS WE WERE SUPPOSED TO WORK OFF OF. I HAD BEEN TO MEETINGS BEFORE WHEN THE PREVIOUS SUPERVISORS HAD BEEN IN, AND THEY WERE ALWAYS PRESENTED THE PAST, THE PRESENT, AND THE PROJECTED BUDGETS. WE RECEIVED NONE OF THAT. DIANE ASKED ME FOR NOTHING, WHEN WE WERE IN THE MIDDLE OF ALL OF THE DISCREPANCIES IN MY COMPUTER. WHICH I DO NOT HANDLE MONEY, I JUST BALANCE OUT A COMPUTER, AND I HAD A LOT OF PROBLEMS. RATHER THAN TRY TO CONTACT ME AND TRY TO DO ANYTHING, SHE WENT DIRECTLY TO THE AUDITOR. BUT WE NEVER RECEIVED ANY OF THE STUFF SHE WAS SUPPOSED TO GIVE US TO WORK ON THE BUDGET, JUST A BLANK BUDGET AND HERE, FILL IT IN.

JAN MINER QUESTIONED, SO YOU GET A BLANK BUDGET EVERY SINGLE TIME? IT IS MY UNDERSTANDING, THAT THERE WERE TWO OR THREE OF THESE SPECIAL MEETINGS TO WORK ON DRAFTING THE BUDGET?

CHRISTINE COUSINEAU STATED THAT THERE WERE MEETINGS WHERE WE WROTE THINGS IN BUT WE HAD NOTHING TO GO ON, OTHER THAN LAST YEARS AND HOPE THAT IT FLEW, BECAUSE WE WERE AGAINST A DEADLINE WE HAD TO HAVE A BUDGET, WE HAD TO HAVE IT APPROVED BY THE END OF MARCH OR WE COULD NOT OPERATE IN APRIL. THAT IS THE LAW, AND YOU ALL KNOW THAT. SO WE DO NOT KNOW IF THAT BUDGET IS GOING TO WORK, AND IT STILL HAS TO BE ADJUSTED.

KIM KROCZALESKI, 8368 SAUNDERS ROAD, STANDISH MI 48658  
I WOULD JUST LIKE TO STATE, I BELIEVE DIANE HANDED YOU A PIECE OF PAPER OF THE DISCREPANCY MONEY? I'M GLAD YOU ALL GET TO SEE IT, BECAUSE WE THE BOARD AS OF TODAY, HAVE NOT SEEN IT.

DIANE PIENIOZEK, 2179 BENTLEY ROAD, BENTLEY MI 48613  
AS I STATED BEFORE, IN THE FIRST WORKSHOP, I TOOK AND I HAD A PROPOSED BUDGET AND AFTER WORDS, I DID SEND IT TO KIM, AND HE HAS HIS FIGURES ON THE SIDE SHOWING WHAT HE WANTED TO PROPOSE. SO I DID MOST CERTAINLY HAVE A PROPOSED BUDGET, AND WE WERE GOING TO WORK ON THIS ALL TOGETHER FOR THE FIRST TIME, THAT IS WHY I GAVE THE BLANK BUDGET, I DID THAT LAST YEAR ALSO. I GAVE THEM THE FIGURES ON THE TOP THAT I HAD RECEIVED FROM KIM AND THEN FROM THAT POINT FORWARD, YOU MAKE YOUR ADJUSTMENTS. I HAD ONE PROPOSED AND READY, WE FILLED IN THE BLANKS. HE STARTED TO ADD MORE, BECAUSE HE MADE A MISTAKE, HE WENT HOME, USED MINE, AND HIS FIGURES ARE ON THE SIDE. HIS WAS VOTED IN. I'M NOT SURE WHAT THE PROBLEM IS. I CALLED THE REVENUE SHARING PROJECT TO FIND OUT ABOUT THE REVENUE SHARING.

CHAMPAGNE SOUTHWELL, 1599 M61, STERLING MI 48659  
I JUST WANT TO NOTE THAT FOR HISTORICAL EXPENDITURES AND REVENUE DATA, RIGHT FROM THE GUIDE, IT STATES THAT A BUDGET MUST SHOW FISCAL DATA FOR THREE SEPARATE YEARS. THE PREVIOUS COMPLETED FISCAL YEAR, THE CURRENT FISCAL YEAR AND THE INSURING FISCAL YEAR FOR WHICH THE PURPOSE BUDGET WILL COVER. I JUST WANTED TO MAKE NOTE THAT SHE EVEN STATED THAT THE PREVIOUS YEAR WAS NOT PROVIDED.

### **COMMENTS FROM THE BOARD**

CYNTHIA A. LUCZAK STATED THAT SHE FELT THAT THE PETITION LANGUAGE IS CLEAR, VERY CLEAR, I HAVE NO PROBLEM WITH FACTUALITY, I BELIEVE IT WAS FACTUAL. THAT IS WHY I KEPT ASKING BETWEEN FEBRUARY 1<sup>ST</sup> AND MARCH 29<sup>TH</sup> HOW MANY MEETINGS WERE HELD, AND WHETHER THE DOCUMENTS WERE PRODUCED.

RICK BRZESINSKI STATED THAT HE BELIEVES THAT THE LANGUAGE IS CLEAR. I HAVE GONE THROUGH OTHER RECENT PETITIONS, TO SEE IF IT IS OPINIONATED OR FACTUAL AND IN THE INTRODUCTORY COMMENTS IT WAS EXPLAINED THAT OUR PURPOSE OR DUTY IS TO DETERMINE IF THEY ARE FACTUAL, WE DON'T HAVE THE RESOURCES NOR ARE WE REQUIRED TO DETERMINE IF STATEMENTS ARE TRUTHFUL OR NOT. I DO NOT SEE OPINIONS STATED HERE I SEE FACTS HERE.

JAN MINER STATED THAT ONE OF HER STRUGGLES IS THAT IN THE PETITION IT STATES THAT "CAUSING A VIOLATION OF THE LAW", I GUESS TO ME THAT IS AN OPINION, I THINK THAT IF THERE WAS A VIOLATION OR NOT, IT IS UP TO YOUR OPINION IF IT IS A VIOLATION OF THE LAW OR NOT. THAT IS A CONCERN. I KNOW IT CAN BE TYPED OVER, BUT I HAD AN ISSUE READING IT, IF THE MCL CODE WAS A "C" OR AN "E". THOSE ARE SOME OF MY CONCERNS WITH THE PETITION.

### VOTE

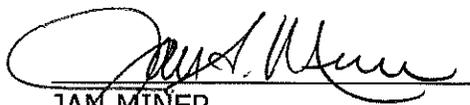
JUDGE JAN MINER CALLED FOR A VOTE: RICK BRZESINSKI, YES; CYNTHIA A. LUCZAK, YES; JAN MINER, NO. 2 YEAS, 1 NAY, THE PETITION PASSES.

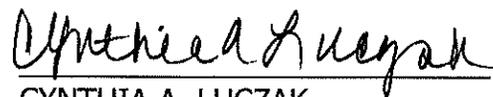
### CLOSING STATEMENTS

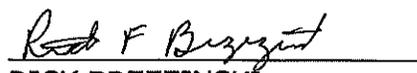
AS I STATED EARLIER, THERE IS AN APPELLATE PROCESS WHICH HAS TO BE DONE WITHIN 10 DAYS OF TODAY'S DATE ON EITHER PETITION 1 OR PETITION 2, THE OFFICER AND/OR THE SPONSOR OF THE RECALL PETITION HAS THE RIGHT TO FILE WITHIN THE BAY COUNTY CIRCUIT COURT, FOR AN APPEAL OF THIS HEARING. YOU CAN ALSO, REWRITE THE PETITION AND RESUBMIT THEM IF YOU DESIRE.

### RECESS/ADJOURNMENT

JUDGE JAN MINER MOVED TO ADJOURN THE MEETING OF APRIL 16, 2018. THE MEETING CONCLUDED AT 2:25 P.M..

  
\_\_\_\_\_  
JAN MINER  
BAY COUNTY PROBATE JUDGE

  
\_\_\_\_\_  
CYNTHIA A. LUCZAK  
BAY COUNTY CLERK

  
\_\_\_\_\_  
RICK BRZESINSKI  
BAY COUNTY TREASURER