

**BAY COUNTY BOARD OF CANVASSERS  
PUBLIC MEETING REGARDING 2013 BUDGET  
JULY 30, 2013**

THE BAY COUNTY BOARD OF CANVASSERS MET ON TUESDAY, JULY 30, 2013 IN THE FIRST FLOOR OFFICE OF THE BAY COUNTY CLERK, 515 CENTER AVENUE, BAY CITY, MICHIGAN. THE MEETING WAS CALLED TO ORDER BY CHAIRMAN MATT LANCE AT 3:00 P.M. WITH A QUORUM OF THE MEMBERS AS FOLLOWS, COMMISSIONERS AND GUEST IN ATTENDANCE.

ROLL CALL:           MATT LANCE, CHAIRMAN  
                          JANICE PIERSON, VICE CHAIRMAN  
                          WALTER WOZNIAK JR., MEMBER  
                          DONALD CHEVALIER, MEMBER

ALSO PRESENT:       CYNTHIA A. LUCZAK, SECRETARY/CO. CLERK  
                          KEVIN LORENTZ, ALTERNATE CANVASSER  
                          ROBERT REDMOND, RETIRED BOARD ANALYST  
                          TIM QUINN, PERSONNEL DIRECTOR  
                          MARTHA P. FITZHUGH, CORPORATION COUNSEL  
                          WANDA BEHMLANDER, U.S.W LOCAL 15157 PRESIDENT  
                          TOM HICKNER, COUNTY EXECUTIVE  
                          ERNIE KRYGIER, BOARD OF COMMISSIONERS CHAIRMAN  
                          KIM COONAN, BOARD OF COMMISSIONERS MEMBER  
                          DON TILLEY, BOARD OF COMMISSIONERS MEMBER  
                          ROBERT PIERSON, ATTENDEE

MOTION 1:           WALT WOZNIAK JR MOVED TO APPROVE THE AGENDA AS PRESENTED WITHOUT ADDITIONS OR DELETIONS. IT WAS SUPPORTED BY JAN PIERSON AND CARRIED.

PUBLIC INPUT:       WANDA BEHMLANDER, PRESIDENT OF THE FULL TIME STEELWORKERS UNION LOCAL 15157 SINCE MAY 2012, HAS SEEN NUMEROUS STAFFING REDUCTIONS. THIS DEPARTMENT IS STRUGGLING WITH MEETING THE NUMEROUS WORK REQUIREMENTS. SHE IS PRESENT TO SEE THE OUTCOME OF THIS MEETING. CANVASS BOARD RESOLUTION NEEDS TO MAINTAIN THE SCOPE OF WORK WITHIN THE UNIT, WITH A RESOLUTION.

MOTION 2:           JAN PIERSON MOVED TO CLOSE PUBLIC INPUT. SUPPORT WAS EVIDENCED BY WALTER WOZNIAK JR., WITH CONCURRENCE OF THE FULL BOARD 4 YEAS.

- E. KRYGIER: E. KRYGIER HAS A LIST OF CONCERNS IN MIND. HE REALIZED THE BOARD OF CANVASSERS MEET NEXT WEEK AND HAS THOUGHTS OF WHAT NEEDS TO BE DONE. HE WANTED THE BOARD TO KNOW WHY THE ACTIONS WERE TAKEN. HE STATED THE COMMISSION WAS NOT TAKING THE PER DIEMS AWAY FROM THE CANVASSERS EVEN THOUGH A RESOLUTION PASSED BY THE BOARD ON JULY 9, 2013 REDUCED THE FUNDS IN THE CANVASSER PER DIEM LINE ITEM TO ZERO . THE MONEY ALLOCATED TO PAY MR. LORENTZ WAS NOT FOR PER DIEMS AS HE FELT THE DUTIES PERFORMED WERE OUTSIDE THE PER DIEM CATEGORY.
- J. PIERSON: J. PIERSON QUESTIONED THE WORK PERFORMED BY THE INDIVIDUAL?
- E. KRYGIER: E. KRYGIER EXPLAINED THAT A BIRTH CERTIFICATE REQUEST WAS COMPLETED BY MR. LORENTZ AT THE CLERK'S COUNTER. HIS CONCERN IS THE PROCEDURE SHOULD BE COMPLETED BY A UNION WORKER. HE ALSO EXPRESSED CONCERN WITH THE SCANNING PROJECT. AS AN EXAMPLE, THE REGISTER OF DEEDS CAME BEFORE THE BOARD TO REQUEST FUND APPROPRIATION FOR THEIR SCANNING PROJECT. THE REQUEST WAS THEN DISCUSSED AND APPROVED BY THE BOARD. HE FEELS THIS PROJECT SHOULD FOLLOW THE SAME PROCEDURE.
- W. BEHMLANDER: WANDA BEHMLANDER WAS AWARE OF THE DISPUTE BETWEEN THE CLERK'S OFFICE AND THE BOARD OF COMMISSIONERS AND WISHED TO REMAIN NEUTRAL. MS. BEHMLANDER STATED IT WAS HER INTENT TO FOLLOW THE ACTIONS OF THE COMMISSISON BOARD AS TIM QUINN ADVISED HER THAT THE COUNTY BOARD WOULD ACT ON THIS AND UNION INTERVENTION MAY OR MAY NOT BE NECESSARY.
- E. KRYGIER: ERNIE KRYGIER REITERATED THAT THIS SHOULD HAVE GONE BEFORE THE BOARD OF COMMISSIONERS. THIS PROJECT SHOULD NOT HAVE BEEN PAID OUT OF PER DIEM BUT SOMEPLACE ELSE. HE ASKED IF THIS COULD BE DISCUSSED AND A GAME PLAN DEvised.

- J. PIERSON: JANET PIERSON ASKED WHERE THIS PROJECT SHOULD BE PAID FROM?
- R. REDMOND: THE RETIRED BOARD ANALYST, ROBERT REDMOND, RESPONDED THAT THE FUNDS SHOULD BE FROM A CONTRACTUAL LINE ITEM. PER DIEMS ARE TO BE USED SOLELY TO PAY FOR CANVASSERS. A SEPARATE LINE ITEM NEEDS TO BE USED FOR CONTRACTUAL WORK. THE BOARD OF COMMISSIONERS WANTS TO KNOW WHEN THE CANVASS BOARD PLANS ON SCANNING AND THEY WILL HANDLE LIKE THEY DID FOR THE REGISTER OF DEEDS.
- D. CHEVALIER: MR. CHEVALIER STATED THAT THE BOARD OF CANVASSERS HAS A BUDGET UNDER LAW. THE BOARD OF CANVASSERS DO NOT ANSWER TO THE BOARD OF COMMISSIONERS. IT IS THE LAW THAT THE CANVASS BOARD CAN HIRE AND PAY WHOEVER TO COMPLETE WHATEVER THEY NEED DONE. THE CANVASS BOARD TAKES AN OATH TO UPHOLD THAT LAW. THIS HAS BEEN THE FIRST CHANGE IN OVER 35 YEARS OF CANVASS BOARD SERVICE THAT THIS PROJECT WAS ABLE TO BE BROUGHT TOGETHER. PERMISSION IS NOT REQUIRED FROM ANYBODY AND CANVASSERS MAY HIRE AS MANY WORKERS AS THEY WANT. FOR 35 YEARS THE BUDGET HAS BEEN KEPT DOWN. EVEN TO THE POINT OF WORKING FOR NO PER DIEMS.
- D. TILLEY: D. TILLEY RESPONDED THAT LEGAL MATTERS WILL BE REFERRED TO COUNTY CORPORATE COUNSEL. IT WAS HIS OPINION THE CLERK DIDN'T ABIDE BY THE UNION AGREEMENTS BY HAVING CLERK WORK NOT CANVASS WORK PERFORMED.
- M. LANCE: MATTHEW LANCE REPORTED THAT ACCORDING TO THE EMAIL REPORT, THIS PROJECT IS A PUBLIC DISCLOSURE OF THE CANVASS MINUTES AND YEARS OF WORK ARE WAITING TO BE COMPLETED. THE CANVASS BOARD HAS HIRED WORKERS IN THE PAST. MR LANCE HAS HAD A CONVERSATION WITH MR. LORENTZ AND HAS BEEN ASSURED THAT THE WORK IS BEING PROCESSED. MR LANCE STATED THAT MR LORENTZ IS AN ALTERNATE

CANVASS BOARD MEMBER WHO IS VERY KNOWLEDGEABLE.

- D. TILLEY: D. TILLEY RESPONDED THAT HE HAS NO QUESTION WITH MR. LANCE.
- M. LANCE: BASED ON LAW, CANVASS BOARD MEMBERS COULD HAVE HIRED AS MANY WORKERS AS THEY WANT, STATED M. LANCE. AS OF JULY 18<sup>TH</sup> AND 23<sup>RD</sup>, SCANNING IS 60% DONE. HE INDICATED THE PROJECT NEEDS TO BE COMPLETED AND ACCESSIBLE TO THE PUBLIC.
- E. KRYGIER: E. KRYGIER COUNTERED THAT HE HAS NO PROBLEM WITH THE WORK BUT A PROBLEM WITH BUDGETING TO THE PER DIEM LINE ITEM.
- D. TILLEY: TILLEY QUESTIONED IF THIS PROJECT WAS APPROVED SUBSEQUENT TO THE MAY MEETING?
- M. LANCE: CHAIRPERSON LANCE RESPONDED THE WORK WAS APPROVED MID MAY.
- K. COONAN: K. COONAN BECAME AWARE OF THE SITUATION WHEN THE CLERK WAS TRYING TO GET A CHECK FOR THE WORK. HE BELIEVES THE SCOPE OF THE WORK, PAY AND HOURS NEEDS TO COME BEFORE THE BOARD OF COMMISSIONERS JUST AS THE REGISTER OF DEEDS OFFICE HAS DONE IN THE PAST. HE IS CONCERNED WITH THE TERMS AND THE CONDITIONS OF THE PROJECT. IS THE WORK PERFORMED A CANVASS FUNCTION?
- C. LUCZAK: CLERK LUCZAK INFORMED THE GROUP THE FUNDS IN THE PER DIEM LINE ITEM HAVE BEEN USED IN THE PAST FOR ALL TEMPORARY WORKERS AS ALLOWED BY LAW.
- M. LANCE: M. LANCE AGREED THIS IS A CANVASS FUNCTION BILLABLE TO THE CANVASS BUDGET.
- C. LUCZAK: C. LUCZAK NOTED THE REGISTER OF DEEDS HAD "CONTRACTUAL" EMPLOYEE AGREEMENTS FOR SERVICES PAID UNDER REGISTER OF DEEDS AUTOMATION FUND AND WAS NOT A COMPARISON THAT COULD BE MADE TO THE EMPLOYEE FOR

TEMPORARY DUTIES PERFORMED FOR THE BOARD OF CANVASSERS AS ALLOWED BY LAW. FURTHER, AS FUNDS WERE IN THE CANVASSER BUDGET, CANVASSERS COULD SPEND THE BUDGETED FUNDS AS THEY FELT NECESSARY AND NOT SUBJECT TO FURTHER BOARD APPROVAL.

- D. TILLEY: D. TILLEY REBUTTED THE WORK PERFORMED SHOULD NOT BE CLERK DUTIES.
- C. LUCZAK: CLERK LUCZAK RESPONDED THE TEMPORARY WORKER WAS NEVER DEPUTIZED TO PERFORM CLERK DUTIES AND HAD BEEN ASSIGNED TO DUTIES RELATING TO ELECTIONS. THE SCENARIO REFERRED TO BY THE SHERIFF MAY HAVE BEEN IN AN ATTEMPT TO ASSIST CLERK STAFF AT A TIME OF HIGH DEMAND AND WAS NOT INTENDED TO NEGATE THE PURPOSE.
- K. COONAN: K. COONAN QUESTIONED IF THE BOARD WAS AWARE OF THIS PROJECT PRIOR TO THE LAST ELECTION? HE ALSO ASKED IF CERTAIN DOLLARS WERE ALLOCATED TO THE LINE ITEM?
- M. LANCE: CHAIRPERSON LANCE RESPONDED THAT THIS IS THE FIRST INSTANCE IN THE DECADE THAT HE HAS SERVED ON THE CANVASS BOARD BUT CONCURRED WITH OTHER BOARD MEMBERS IN THAT, IT WAS TIME TO ORGANIZE AND MAKE AVAILABLE ELECTION RECORDS FROM YEARS PAST. THESE HAD NOT BEEN SCANNED OR INDEXED BY STAFF PRIOR.
- C. LUCZAK: CLERK LUCZAK REQUESTED THAT THE LINE ITEMS BE RESTORED TO THEIR PREVIOUS AMOUNT AND THE ZERO BALANCE VOTED UPON IN JULY 2013 BE RESCINDED. THE CLERK HAD NOT BEEN PROVIDED AN OPPORTUNITY TO RESPOND TO ACTIONS OF THE BOARD TAKEN AT THAT TIME DUE TO 1) THE CLERK HAD A SCHEDULED VACATION IN THE WEEK FOLLOWING THE FOURTH OF JULY HOLIDAY AND 2) THIS ITEM HAD NOT BEEN PLACED ON THE BOARD AGENDA FOR PUBLIC VIEWING AND ONLY BROUGHT TO THE FLOOR FOR CONSIDERATION IN THE ELEVENTH HOUR.
- D. TILLEY: THE KEY REASON THE COUNTY COMMISSIONERS PULLED THE MONEY FROM THE ACCOUNTS WAS TO MAKE THE CLERK COME TO THE BOARD AND REQUEST THE MONEY IN ORDER IT BE SPENT FRUGALLY.

M.P. FITZHUGH: M.P. FITZHUGH AGREED THAT THE MANUALS AND LAWS FOR CANVASSER'S STATES THE CANVASS BOARD MAY EMPLOY ASSISTANTS AND THEIR AMOUNT OF PAY AND SPECIAL APPROPRIATION PER MCL 168.249 ( c ) AS CANVASSERS DEEM NECESSARY.

M. LANCE: PER DIEMS AND MILEAGE ARE THE ONLY LINE ITEMS USED BY THE CANVASS BOARD IN THE PAST, ACCORDING TO CHAIRPERSON LANCE. THE CANVASS BOARD HAS HISTORICALLY HIRED WHOEVER THEY NEED FOR ASSISTANCE (SUCH AS BALLOT CONTAINER INSPECTIONS) AND THEY HAVE BEEN PAID THROUGH THOSE ACCOUNTS.

M.P. FITZHUGH: IN THE FUTURE, A CONTRACTUAL LINE ITEM COULD BE DESIGNATED FOR THIS TYPE OF WORK, SUGGESTED M.P. FITZHUGH. THERE MUST BE A COORDINATION WITH APPROPRIATION BETWEEN THE TWO SYSTEMS.

D. TILLEY: D. TILLEY COMMENTED THAT THE FUNDS NOT BE USED HAPHAZARDLY.

R. REDMOND: MR. REDMOND STATED A RESOLUTION TO APPLY FUNDS FOR SCANNING IS NEEDED. ALL ARE ENCOURAGED TO FUND. IT SHOULD BE REQUESTED TO THE BOARD OF COMMISSIONERS AND WE CAN THEN APPROPRIATE. THE FINANCE DEPARTMENT SHOULD HAVE CAUGHT THIS A LONG TIME AGO. THE COUNTY IS AT FAULT FOR THIS. HE REITERATED THAT A REQUEST BE MADE TO THE BOARD OF COMMISSIONERS FOR FUNDING THE SCANNING OF THESE RECORDS.

M. LANCE: M. LANCE REQUESTED THE COUNTY CLERK TO PROVIDE A DOLLAR NUMBER NEEDED TO COMPLETE THE WORK BEFORE THE 4PM BOARD OF COMMISSIONERS MEETING. ALSO NEEDED IS A SCOPE OF WORK, SCANNING CORRELATION, MINUTES TO ELECTION MATERIAL, RATE OF PAY, HOURS AND COSTS OF PROJECT. SCANNING SHOULD BE ITS OWN LINE ITEM. PER DIEM SHOULD REMAIN THE SAME SEPARATE LINE ITEM.

AS PER CHAIRPERSON LANCE, A LETTER WAS PREPARED AT THE LAST MEETING TO THE SECRETARY OF STATE AND THE ATTORNEY GENERAL'S OFFICE ADDRESSING THIS BOARD'S

CONCERNS. THESE CONCERNS MAY BE SENT TO THE SECRETARY OF STATE AND ATTORNEY GENERAL IF THIS BOARD FEELS IT IS NEEDED AT THE END OF THIS MEETING.

- J. PIERSON: J. PIERSON VERIFIED, CLARIFICATION OF WHAT WAS NEEDED WAS THE TOTAL DOLLARS TO BE RESTORED TO THE CANVASSERS BUDGET WITH THE ADDITION OF A SCANNING LINE ITEM WHICH REQUIRE A REQUEST FOR THE FINANCE DEPARTMENT TO ESTABLISH.
- D. CHEVALIER: MR CHEVALIER VOICED HIS OPINION THAT THE BOARD OF COMMISSIONERS ARE TAKING THE AUTHORITY FROM THIS BOARD.
- D. TILLEY: D. TILLEY COMMENTED THE ATTORNEY JUST READ THE LAW.
- D. CHEVALIER: IT IS A GRAY AREA, RESPONDED D. CHEVALIER.
- M. LANCE: CHAIRPERSON LANCE ASKED IF THE MAJORITY OF THE CANVASSERS BOARD AGREES IF THE FUNDS ARE NOT RESTORED, THE LETTER WILL BE SENT.
- K. COONAN: K. COONAN REBUTTED THAT THIS PROJECT SHOULD HAVE BEEN APPROVED IN THE BUDGET UNDER INDIVIDUAL LINE ITEMS.
- D. CHEVALIER: D. CHEVALIER NOTED THAT PAST PRACTICE WAS TO HAVE VARIOUS ITEMS SUCH AS LUNCHES FROM THE PER DIEM LINE ITEM AND THE BOARD WAS VERY CONSERVATIVE.
- T. HICKNER: T. HICKNER'S UNDERSTANDING IS THE ADMINISTRATION AND STAFF HAVE NO ISSUE NOR HAVE HAD AN ISSUE IN 20 YEARS WITH THE CANVASSERS AND WILL SUPPORT THE PER DIEMS. THEY ARE ALSO ALWAYS SUPPORTIVE OF RECORD ACCESS. PAST PRACTICE HAS BEEN WHEN MONEY WAS SPENT ON PROJECTS IT WAS AS TEMPORARY HELP NOT PER DIEM AND A CONTRACT OR AGREEMENT WAS IN PLACE WITH THE BOARD OF COMMISSIONERS. ALL UNDERSTAND WHAT HAPPENED AND WHERE WE ARE GOING BUT ALL PROCEDURES MUST BE FOLLOWED. THE ISSUE/PROBLEM WAS THE CLERK BRINGING IN HELP. HE APPLAUDS THE CANVASS BOARD FOR TAKING ON THIS PROJECT, BUT ALL MUST JUMP THROUGH THE HOOPS.

- K. COONAN: K. COONAN ASKED IF THE CANVASS BOARD HAS A PROBLEM WITH A NEW LINE ITEM?
- M. LANCE: NO PROBLEM WITH LINE ITEM FOR SCANNING, REPLIED M. LANCE.
- W. WOZNAK: MR. WOZNAK ASKED THAT THE BOARD RESTORE THE BUDGET. THEY ARE RELYING ON THE HONESTY OF EVERYONE TO PUT THE FUNDS BACK AND BUSINESS COMPLETED BY RESTORING AND MAKING THE FUNDS AVAILABLE. ALL CAN BE REORGANIZED FOR 2014.
- M. LANCE: CHAIRPERSON LANCE REMINDED THOSE PRESENT THAT WORK IS 60% COMPLETED.
- D. TILLEY: D. TILLEY ASKED FOR A DESCRIPTION OF THE SCOPE OF THE JOB.
- J. PIERSON: J. PIERSON QUESTIONED IF MR TILLEY HAD A PROBLEM WITH THE WORK?
- D. TILLEY: D. TILLEY REPLIED, NO PROBLEM.
- BEHMLANDER: UNION PRESIDENT BEHMLANDER NOTED THAT SHE HAD NO OBJECTION TO HIRING MR. LORENTZ TO COMPLETE THE PROJECT.
- D. CHEVALIER: MEMBER CHEVALIER URGED ALL CANVASS MEMBERS TO REMAIN AFTER THIS 3:00 P.M. SESSION AND ATTEND THE FULL BOARD SESSION SET FOR 4:00 P.M. TO BE ASSURED THE BOAD WOULD RESTORE THE CANVASSER BUDGET TO ITS 2013 APPROVED LEVEL IN FULL TO COMPLETE THE SCANNING AND INDEXING OF ELECTION DOCUMENTS BY KEVIN LORENTZ.
- MOTION 2: IT WAS MOVED BY WOZNAK AND SUPPORTED BY PIERSON TO APPROVE THE BOARD OF CANVASSER MINUTES FROM TWO OTHER SESSIONS HELD 7/18/2013 AND 7/23/2013 IN REGARD TO THIS MATTER. THE MOTION CARRIED. THE COUNTY CLERK CALCULATED THE TOTAL AMOUNT OF TAXPAYER DOLLARS SPENT IN MEETING PER DIEM AND MILEAGE OF THE CANVASS BOARD MEMBERS TO RESOLVE THE MATTER AND THE SUM WAS \$722.40.

M. LANCE: AS MEMBER LANCE HAD QUESTIONED WHO ACTUALLY REPRESENTS THE COUNTY BOARD OF CANVASSERS IN A LEGAL MATTER OF THIS NATURE, A MOTION WAS MADE BY LANCE AND SUPPORTED BY WOZNIAK TO CONTACT THE SECRETARY OF STATE, BUREAU OF ELECTIONS FOR A WRITTEN OPINION. MEMBERS LANCE AND CHEVALIER WERE CONFIDENT THE LAW NAMED THE PROSECUTOR AS THE LEGAL COUNSEL FOR THE CANVASS BOARD WHILE COUNSEL MARTHA FITZHUGH WAS OF THE POSITION, SHE COULD AND WOULD LEGALLY REPRESENT THIS BOARD. MOTION FOR THE DETERMINATION CARRIED BY A UNANIMOUS VOTE OF THE MEMBERS.

THIS MEETING WAS ADJOURNED AT 4:06 P.M.

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Matt Lance, Chairman

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Janice Pierson, Vice Chair

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Donald Chevalier, Member

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Walter Wozniak, Jr. , Member