

**Bay County Election Commission
Appointment of County Treasurer
September 9, 2004**

1. Call of meeting to order

The meeting was called to order by C. Luczak, Bay County Clerk at 9:00 a.m. in the Clerk office,
Bay County Building, 515 Center Avenue, Bay City, Michigan.

2. Roll call of member/guests

Present: Karen Tighe, Probate Judge
Joseph Sheeran, Prosecuting Attorney
Jeanette Neitzel, Treasurer
Cynthia Luczak, Clerk
Richard Brzezinski, Deputy Treasurer

There were no members of the public present.

The purpose of the meeting is to consider the appointment of a Bay County Treasurer to complete the term of office starting September 30, 2004 due to the retirement of the current Treasurer. Pursuant to MCLA 168.209 (2) the presiding Probate Judge, County Clerk and Prosecuting Attorney shall appoint a suitable person to fill the vacancy.

Pursuant to Public Act No. 267 of the Public Acts of 1986, the Open Meeting Act, proper notices have been posted.

J. Sheeran and K. Tighe acknowledged and thanked Jeanette Neitzel for her years of service to the county.

Motion by J. Sheeran, support by K. Tighe to receive the letter from Jeanette Neitzel recommending the appointment of Richard Brzezinski to the position of Bay County Treasurer to fill the remainder of the term.

3 Ayes, 0 Nays, Motion carried.

Motion by K. Tighe, support by J. Sheeran to receive the letter from Richard Brzezinski requesting the appointment to the position of Bay County Treasurer to fill the unexpired term of the current Treasurer, Jeanette Neitzel. Ms. Neitzel was scheduled to retire from office 9/30/04.

C. Luczak explained that Richard Brzezinski is the only nominee on the November General election ballot. In addition, he is the only applicant for consideration of the unexpired term.

R. Brzezinski summarized his letter of consideration and expressed his appreciation of the consideration.

J. Neitzel stated a resolution is on the September 14, 2004 Board of Commissioners' agenda for consideration that would authorize R. Brzezinski to conduct all duties of the County Treasurer as prescribed by law upon her retirement.

Motion by K. Tighe, supported by J. Sheeran, to appoint Richard Brzezinski to fill the unexpired term of retiring Bay County Treasurer, Jeanette Neitzel, effective September 30, 2004 at 12:01 a.m.

3 Ayes, 0 Nays, Motion carried.

Clerk Luczak reminded R. Brzezinski that he needs to be bonded and the original bond documents are to be filed with the County Clerk's office.

The meeting adjourned at 9:16 a.m.

Patti Shorkey, Deputy Clerk

**NOTICE OF OPEN MEETING
SEPTEMBER 9, 2004
APPOINTMENT OF COUNTY TREASURER**

1. **CALL OF MEETING TO ORDER**
2. **ROLL CALL OF MEMBERS/GUESTS**
3. **PANEL PRESENT BY VIRTUE OF OFFICES AND SITTING PURSUANT TO MCLA 168.209 (2), UNDER AUTHORITY WHICH "SHALL APPOINT A SUITABLE PERSON"**
4. **MEETING POSTED IN ACCORDANCE WITH THE OPEN MEETINGS ACT**
5. **ACKNOWLEDGEMENT OF LETTER FROM THE BAY COUNTY TREASURER, JEANETTE NEITZEL**
6. **REVIEW OF LETTER SUBMITTED BY NOMINEE, RICHARD BRZEZINSKI**
7. **MR. BRZEZINSKI THE NOMINEE FROM 8/3/2004**
8. **OPPORTUNITY FOR R. BRZEZINSKI TO ADDRESS**
9. **OPPORTUNITY FOR J. NEITZEL TO ADDRESS**
10. **OTHER COMMENTS FROM GUESTS**
11. **READING OF MCLA 168.209 (3) - 182 DAYS GENERAL**
12. **COMMENTS OF APPOINTMENT BOARD**
13. **CONSIDERATION OF EFFECTIVE DATE**
14. **FINAL MOTION**

168.209 County office; vacancy; manner of filling.

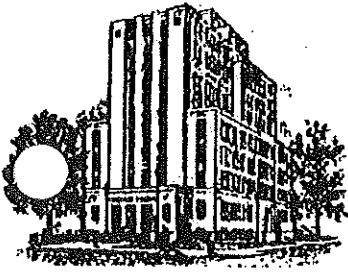
Sec. 209. If a vacancy occurs in an elective or appointive county office, it shall be filled in the following manner:

(1) If the vacancy is in the office of county clerk or prosecuting attorney, it shall be filled by appointment by the judge or judges of that judicial circuit.

(2) If the vacancy is in any other county office, the presiding or senior judge of probate, the county clerk, and the prosecuting attorney shall appoint a suitable person to fill the vacancy.

(3) A person appointed shall take and subscribe to the oath as provided in section 1 of article XI of the state constitution of 1963, give bond in the manner required by law, and hold office for the remainder of the unexpired term and until a successor is elected and qualified. However, if the next general November election is to be held more than 182 days after the vacancy occurs, and it is not the general November election at which a successor in office would be elected if there were no vacancy, the person appointed shall hold office only until a successor is elected at the next general November election in the manner provided by law and qualifies for office. The successor shall hold the office for the remainder of the unexpired term.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 35, Eff. Mar. 24, 1964;--Am. 1968, Act 156, Imd. Eff. June 17, 1968;--Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990.



BAY COUNTY TREASURER

JEANETTE E. NEITZEL

515 Center Avenue, Suite 103
COUNTY BUILDING
Bay City, Michigan 48708-5122

OFFICE
(989) 895-4285
FAX (989) 895-4082

August 9, 2004

TO: Cynthia Luczak, County Clerk
Karen Tighe, Probate Judge
Joseph Sheeran, Prosecutor

FROM: Jeanette Neitzel
Treasurer

RE: Retirement

BY _____
BAY COUNTY CLERK
AUG 9 11 11 AM '04
FILED - CO. CLERK

I am planning to retire from County Treasurer on September 30, 2004.

There will need to be an appointment to fill the remainder of my term which ends December 31, 2004. It is my strong recommendation that Mr. Brzezinski be appointed as he is the Treasurer elect.

It has been my pleasure to serve Bay County as Treasurer for 12 years and as a county employee for 31 years.

Thank you for your consideration.



County Treasurer Appointment Committee
c/o Cynthia A. Luczak Bay County Clerk
515 Center Ave. Suite 101
Bay City, MI. 48708

September 2, 2004

FILED-CO. CLERK

SEP 2 9 05 AM '04

BAY COUNTY CLERK
LINDA TOBER

BY _____

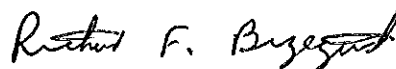
I am requesting the appointment to fill the unexpired term of Jeanette E. Neitzel, Bay County Treasurer.

Based on the following, I am the ideal candidate for this position:

- Nine years working in the Bay County Treasurers Office. My primary responsibility has been overseeing the accounting of the delinquent tax fund. This includes the annual property tax settlement between the 19 townships and cities in Bay County. In addition, I have overseen hundreds of homestead denials and refunds since the implementation of Proposal A in 1994.
- My other main duty has been performing cash projections and accounting of excess cash for investment purposes for 20 county funds.
- Presently I am the Deputy County Treasurer, performing the duties of the County Treasurer in her absence.
- Prior to working for Bay County, I have held positions in lending, auditing, and management for two large bank holding companies with a combined service of 17 years.
- I am the only candidate running for the position of Bay County Treasurer on the November 2, 2004 ballot.
- My appointment would minimize any disruption in the daily operation of the Bay County Treasurers Office.

I am looking forward to serving the Bay County taxpayers as the next Bay County Treasurer . Thank you for your consideration.

Sincerely



Richard F. Brzezinski
2413 25th St.
Bay City, MI. 48708

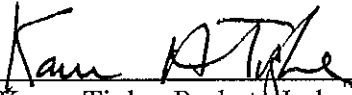
STATE OF MICHIGAN

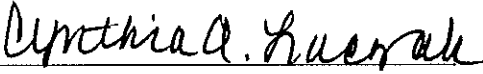
COUNTY OF BAY

By virtue of the power and authority granted pursuant to M.C.L.A. 168.209, we the undersigned hereby constitute and appoint nominee Richard F. Brzezinski the Bay County Treasurer with the power and authority to conduct all duties as prescribed by law upon the retirement of Treasurer Jeanette Neitzel.

This appointment shall become effective September 30th, 2004 at 12:01 a.m.

Given under our hand at Bay City, in the County of Bay this 9th day of September 2004.


Hon. Karen Tighe, Probate Judge


Cynthia A. Luczak, Bay County Clerk


Joseph K. Sheeran, Prosecuting Attny.

BAY COUNTY BOARD OF COMMISSIONERS
9/14/04

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (9/7/04)

WHEREAS, Under the laws of the State of Michigan, Act No. 40 of the Michigan Public Acts of 1932, 1st Extra Session, as amended (MCL 129.12), this Board is required to provide, by resolution, for the deposit of all public monies, including tax monies, belonging to or held for the State, County or other political units coming into the hands of the County Treasurer in one or more banks or credit unions within the State; Therefore, Be It

RESOLVED That, effective September 30, 2004, at 12:01 a.m., the Bay County Board of Commissioners directs Richard F. Brzezinski, Bay County Treasurer, to deposit all public monies coming into his hands as Treasurer in any bank or credit union within the State which is a legal depository as defined by State or Federal law; Be It further

RESOLVED That the Treasurer is authorized to invest funds with these institutions or any institution legally permitted by State Statute Act. No. 20 of the Michigan Public Acts of 1943, as amended (MCL 120.91) or federal law or regulation within the limits set herein; And Be It Further

RESOLVED That the Treasurer is authorized to enter into and execute, on behalf of the County, any contracts with any bank or trust company for the safekeeping or third party custodianship of any of the County's securities as well as any contracts or repurchase agreements with any corporation for the purchase of any such securities which will be the subject of such safekeeping or third party custodianship arrangements on such terms and conditions as the County Treasurer will require; And Be It Finally

RESOLVED That the County Treasurer is authorized to rely on the continuing effect of this resolution until amended or repealed by a subsequent resolution of this or a successor Board of Commissioners.

**EUGENE F. GWIZDALA, CHAIR
AND COMMITTEE**

Treasurer-DepositsInvestments

MOVED BY COMM. _____
SUPPORTED BY COMM. _____

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Richard L. Byrne	✓			Dawn A. Klida	✓			Brian K. Elder	✓		
Patrick H. Beson	✓			Michael E. Lutz	✓			Eugene F. Gwizdala	✓		
Scott S. Holman	✓			Kim Coonan	✓			Dennis R. Poirier	✓		

VOTE TOTALS:
ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____
VOICE: ✓ YEAS 9 NAYS 0 EXCUSED _____

DISPOSITION: ADOPTED DEFEATED _____ WITHDRAWN _____
AMENDED _____ CORRECTED _____ REFERRED _____