

**BAY COUNTY BOARD OF CANVASSERS
SECOND PUBLIC MEETING REGARDING 2013 BUDGET
JULY 23, 2013**

THE BAY COUNTY BOARD OF CANVASSERS MET ON THURSDAY, JULY 23, 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 1:05 P.M. AFTER BEING POSTED PURSUANT TO THE OPEN MEETING ACT. THE FOLLOWING MEMBERS AND GUESTS WERE 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
 MARTHA FITZHUGH, BAY CO. CORPORATE COUNSEL
 ROBERT PIERSON, ATTENDEE

MOTION 1: DON CHEVALIER MOVED TO APPROVE THE AGENDA AS PRESENTED WITHOUT ANY ADDITIONS/DELETIONS AS SUPPORTED BY JANICE PIERSON AND PASSED 4 YEAS.

PUBLIC INPUT: CORPORATION COUNSEL, MARTHA FITZHUGH, WAS THE ONLY PERSON TO ADDRESS THE CANVASSERS DURING PUBLIC INPUT.

M. FITZHUGH: MS. FITZHUGH INDICATED THAT SHE HAD BEEN ON VACATION FOR THE PAST TEN (10) DAYS AND HAD NOT BEEN INVOLVED WITH THE DISCUSSIONS IN REGARD TO BOARD OF COMMISSION ACTION ON JULY 9, 2013 WHICH ELIMINATED THE PER DIEM FUNDING IN THE CANVASS 2013 BUDGET. AS CORPORATE COUNSEL FOR BAY CO. MS. FITZHUGH WAS CHARGED WITH UPHOLDING STATE LAW FOR ALL CIVIL LEGAL MATTERS. EVEN THOUGH IT WAS HER RESPONSIBILITY TO REPRESENT ELECTED OFFICIALS FOR THE COUNTY, THERE WAS DISCUSSION AS TO WHETHER OR NOT COUNTY CORPORATE COUNSEL REPRESENTED THE BOARD OF CANVASSERS OR THE PROSECUTOR. AS MS. FITZHUGH HAD NOT FULLY RESEARCHED THE MATTER AND FELT THAT UNDER P.A. 139-EXECUTIVE FORM OF COUNTY GOVT.,

- M. FITZHUGH: SHE COULD PROVIDE LEGAL ADVICE, IT WAS AGREED THAT FURTHER RESEARCH WOULD BE REQUIRED.
- M. LANCE: MATT LANCE PROVIDED AN UPDATE FOR MS. FITZHUGH INDICATING AT THE JULY 9, 2013 FULL BOARD MEETING, THE COUNTY BOARD OF COMMISSIONERS ACTED TO ELIMINATE ALL FUNDS AND REFLECT A ZERO BALANCE IN THE CANVASSERS PER DIEM LINE ITEM OF THE 2013 BUDGET. M. LANCE EXPRESSED CONCERN AS TO HOW PAYMENT WOULD BE MADE FOR STATUTORY DUTIES IN THE UPCOMING ELECTIONS. FURTHER, CANVASSERS MET ON JULY 18, 2013 AND ORDERED THE CLERK AND CHAIRMAN LANCE TO DRAFT A COMMUNICATION THAT WOULD BE SENT TO AN ELECTION BUREAU, ATTORNEY GENERAL AND SECRETARY OF STATE, THAT WOULD BE REVIEWED AT THIS MEETING FOR APPROVAL AND ITS SUBMISSION TO LANSING. LANSING OFFICIALS HAD PROVIDED ANSWERS TO SOME QUESTIONS POSED BY THE CHAIRMAN BUT REMAINING WERE 1) WHO DOES LEGALLY REPRESENT THE CANVASS BOARD, WAS IT THE PROSECUTOR OR NOT 2) DID THE BOARD HAVE THIS AUTHORITY TO ELIMINATE FUNDS 3) WHY DOES THE COUNTY BOARD FEEL THEY HAVE JURISDICTION OVER THE STATE FUNCTIONS OF THE CANVASSERS.
- J. PIERSON: MS. PIERSON QUESTIONED THE REASON FOR THIS ACTION AND THE MANNER WHICH IT WAS CONDUCTED BY NOT EVIDENT ON EITHER THE WAYS & MEANS OR FULL BOARD AGENDAS FOR PUBLIC DISCLOSURE. WITH NO DISCUSSION BETWEEN COUNTY COMMISSIONERS REGARDING THE MATTER ON JULY 9, 2013, SHE HAD EXPRESSED CONCERN THAT COMMISSION MEMBERS MAY OR MAY NOT HAVE BEEN AWARE OF THEIR ACT.
- M. LANCE: CHAIR LANCE HAD CONTACTED COMMISSIONER BEGICK WHO EXPRESSED AN ADMISSION OF CONFUSION OVER THE LAST MINUTE INCLUSION OF AN UNIDENTIFIED BUDGET ADJUSTMENT.
- M. FITZHUGH: M. FITZHUGH CONFIRMED THE LAWS OF THE STATE PROVIDED FOR THE EMPLOY OF TEMPORARY HELP AND PER DIEM PAY WITHIN THE COUNTY BUDGET AND PAYMENT UPON WARRANT TO THE TREASURER.

- M. FITZHUGH: IT WAS HER INTENT TO CONVEY INFORMATION TO THE COUNTY BOARD IN REGARD TO THE STATE LAWS AND URGED THE CANVASSERS TO REFRAIN FROM SENDING A LETTER TO LANSING OFFICIALS ASKING THEM TO EXERCISE THEIR AUTHORITY IN THE MATTER.
- M. LANCE: ON BEHALF OF THE ENTIRE BOARD, MATT LANCE REQUESTED THAT THE 2013 BUDGET BE RESTORED IN ORDER TO COVER THE EXPENSES OF STATUTORY DUTIES FOR THE AUGUST AND NOVEMBER ELECTIONS; AND THAT FUNDS FOR THE TEMPORARY ASSISTANT BE REINSTATED IN ORDER FOR K. LORENTZ TO COMPLETE AN ELECTION REORGANIZATION PROJECT IN 2013.
- D. CHEVALIER: MR. CHEVALIER EXPRESSED DISSATISFACTION WITH THE LACK OF NOTICE TO THE BUDGET REDUCTION. HE FELT THIS WAS A DELIBERATE ACT AGAINST BOARD OF CANVASS MEMBERS WHO HE FELT HAVE BEEN VERY FISCALLY RESPONSIBLE WITH COUNTY FUNDS IN THE PAST. ON NUMEROUS OCCASIONS EXCEEDED THE PER DIEM PAY HOURS IN A DAY IN ORDER TO SAVE THE EXPENSE OF AN ADDITION DAY OF PAY UPWARDS OF \$700-\$800 PER ELECTION. FURTHER, HELD ANNUAL ORGANIZATIONAL SESSION OF THE BOARD IN CONJUNCTION WITH THE FIRST CANVASS OF A YEAR IN ORDER TO ELIMINATE PER DIEM PAY FOR THE FIRST ORGANIZATIONAL MEETING OF EVERY YEAR (\$400).
- M. FITZHUGH: M. FITZHUGH ASSURED CANVASS MEMBERS THAT IT WAS NOT HER ROLE TO QUESTION THE OPERATIONS OF THE CANVASS BOARD BUT SOUGHT CLARIFICATION AS TO THE FUNCTIONS OF TEMPORARY EMPLOYEE K. LORENTZ. EMPLOYEES ARE ADDED TO THE RANKS BY A COUPLE OF DIFFERENT MEANS AND SHE WAS UNSURE OF THE STATUS AND WHETHER HE WAS 1) STUDENT INTERN 2) TEMPORARY PART-TIME 3) INDEPENDENT CONTRACTOR OR 4) FILL IN VACATION/SICK EMPLOYEE.
- CHEVALIER/
LANCE: MEMBERS CITED MCL 168.24(2) STATUTE COVERING THE EMPLOYMENT OF ASSISTANTS, THE AUTHORITY WHICH CANVASSERS ACTED TO SECURE SERVICE OF LORENTZ.

M. FITZHUGH: MS. FITZHUGH EXPLAINED THAT LORENTZ WOULD BE RECEIVING A FORM 1099 FOR HIS EARNINGS UNDER THE SOPHISTICATED MUNIS PAYMENT SYSTEM. JUDICIAL AND PROSECUTOR STAFF WHO HAVE EMPLOYEES WITH CONTRACTUAL AGREEMENTS ALSO UTILIZE THE MUNIS FINANCE SYSTEM.

D. CHEVALIER: CHEVALIER ANNOUNCED THAT THE CANVASS BOARD DID NOT NEED THE PERMISSION OF THE PERSONNEL DIRECTOR TO EMPLOY LORENTZ, UNDER STATE LAW.

W. WOZNIAK: WALT WOZNIAK REQUESTED A SPECIAL MEETING TO RESTORE THE 2013 BUDGET TO ITS ORIGINAL ALLOCATION AND CALL A SPECIAL MEETING IF NECESSARY. FITZHUGH CONFIRMED THAT A SPECIAL MEETING WAS ALREADY SET FOR TUESDAY, JULY 30, 2013 AT 4:00 P.M. HIS OTHER COMMENT "HOW COULD THEY TAKE A BLIND VOTE WITHOUT KNOWING WHAT WAS GOING ON".

THE DRAFT COPY OF THE LETTER TO THE SECRETARY OF STATE, BUREAU OF ELECTIONS AND ATTORNEY GENERAL WAS THEN REVIEWED.

M. LANCE: BASED ON THE DISCUSSION, WHAT WAS THE ACTION TO BE TAKEN TODAY? OPTIONS INCLUDED 1) MAIL THE LETTER TO STATE OFFICIALS 2) HOLD ON TO THE LETTER AND NOT MAIL IT OR 3) ALLOW THE BOARD OF COMMISSIONERS TO RESPOND TO FUNDING LEVEL.

MS. FITZHUGH WAS THANKED FOR HER INPUT AND AND ASSISTANCE IN SCHEDULING A MEETING WITH THE BOARD ON JULY 30, 2013 AT 3:00 P.M. TO DISCUSS THE LETTER PREPARED TO BE SENT TO THE STATE.

MOTION 2: MOVED BY WOZNIAK, SUPPORTED BY CHEVALIER TO SIGN THE LETTER TO THE STATE OFFICIALS BUT NOT CONSIDER MAILING IT UNTIL AFTER THE TUESDAY, JULY 30, 2013 MEETING WITH COMMISSIONERS. THE COMMUNICATION TO STATE OFFICIALS WAS DATED JULY 31, 2013. MOTION CARRIED WITH CONCURRENCE EVIDENCED BY ALL FOUR (4) BOARD MEMBERS.

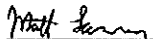
W. WOZNIAK: W. WOZNIAK SUPPORTED THE MOTION AS APPROVED


W. WOZNIAK: GOING ON THE RECORD TO SAY THE COMMISSION HAD ACTED IN VIOLATION OF THE STATE LAW BY REDUCING THE CANVASSERS BUDGET TO ZERO. HE DID NOT WANT A CONFRONTATION WITH THE BOARD AND HOPED THIS COULD BE RESOLVED IN A FRIENDLY AND INFORMED MANNER. HE TRULY REGRETTED THE BACKSTABBING.

THE CANVASS OF THE AUGUST 6, 2013 PRIMARY ELECTION WILL BE HELD IN THE OFFICE OF THE BAY COUNTY CLERK ON WEDNESDAY, AUGUST 7, 2013 AT 1:00 PM


CHAIRMAN OF THE CANVASS BOARD AND CORPORATE COUNSEL WILL PROVIDE UPDATES OF THE DISCUSSION OF THE JULY 30, 2013 MEETING IF THERE WERE MEMBERS WHO WERE NOT AVAILABLE TO MEET ON THAT DAY.

THIS SESSION ADJOURNED AT 1:45 P.M.


Matt Lance


Janice Pierson


Donald Chevalier


Walter Wozniak Jr.