

**OTTAWA COUNTY ELECTION COMMISSION  
CLARITY HEARING FOR RECALL PETITION LANGUAGE**

**Time:** 2:00 p.m.

**Date:** June 19, 2009

**Location:** Ottawa County Commissioner's Board Room  
12220 Fillmore Street, West Olive

**Members of the Commission Present:**

Mark Feyen, Judge of the Probate Court; Brad Slagh, Treasurer; Daniel Krueger, Clerk;

Secretary for the Commission: Justin Roebuck, Elections Coordinator.

**Members of the public recorded to be present as guests:**

Mr. Jerry Alkema – Allendale Township Supervisor  
Mr. George Bauer – Counsel to Ms. Hoekstra, Mr. Morren & Mr. Meyer  
Mr. Jack Hagadorn – Allendale Township Finance Director  
Ms. Marcia Hoekstra – Allendale Township Trustee  
Ms. Shelia Hogan – Concerned Citizens of Allendale Community  
Mr. David Morren – Allendale Township Trustee  
Mr. Jeffrey Meyer – Allendale Township Trustee  
Mr. Craig Nolan – Counsel to Mr. Alkema  
Mr. Duane Thomas

Seven other members of the general public.

**SUBJECT: CALL TO ORDER**

The meeting was called to order by the Hon. Mark Feyen, Chair at 2:03 p.m.

**SUBJECT: REVIEW AND COMMENT ON PROPOSED  
PETITION LANGUAGE FOR THE RECALL OF JERRY  
ALKEMA, ALLENDALE TOWNSHIP SUPERVISOR.**

Mr. Feyen opened with brief comments regarding the role of the Election Commission with regard to determining petition clarity, stated the

guidelines that the Election Commission follows as outlined in MCL 168.952 (3) that the recall language must be specific, and identify conduct on the part of the officer being recalled.

Mr. Feyen read aloud the proposed petition language for the recall of Jerry Alkema, Allendale Township Supervisor.

*“a recall of Jerry Alkema, Allendale Charter Township Supervisor, for misuse of Township funds, dishonesty, lack of management and leadership skills, lack of communication skills, lack of conflict resolution skills, unethical behavior leading to the need for a criminal investigation, failure to give direction, manipulation of committees, exposing the Township to a potential law suite [sic], lack of grant application skills, use of profanity, violating the open meetings act by conducting a virtual meeting via emails, arrogance, discussing Township business with community members who should not be privy to the information, not acting in the best interest of the Township residents, and causing great embarrassment to the community.”*

Mr. Feyen opened the floor to comment from the petitioner and officer whose recall is sought.

Ms. Shelia Hogan, petitioner, declined to comment.

Mr. Craig Noland, counsel to Mr. Alkema commented on the allegations in the proposed petition language, stating that the allegations were inflammatory and unspecified, and that the petition overall presents a problem of confusion.

Mr. Noland made general observations regarding the following accusations contained in the language:

1. Misuse of township funds – stated objection to clarity
2. Dishonesty – stated that there was no specific description of dishonest behavior.
3. Unethical behavior leading to the need for criminal investigation – stated that this accusation is also vague, and does not clearly describe what behavior was.
4. Violation of the Open Meetings Act – stated that this accusation is descriptive, and specific, argued that this could pass muster in his opinion.
5. Profanity – stated that this accusation is also more descriptive than the others, but still vague.

Mr. Noland stated that the rest of the allegations made in the proposed language are all unclear. He requested that the Election Commission review each accusation individually in terms of clarity.

Mr. Feyen opened the floor to public comment.

Mr. Jack Hagadorn, Allendale Township Finance Director stated that it was his opinion that the accusation against Mr. Alkema for “misuse of public funds” was false, due to the large number of controls in place in the Township Finance Department, making a misuse of funds highly difficult. He indicated that the Township’s auditor has also found no problems with the finances of the Township. Mr. Hagadorn further commented that this particular charge lacks specificity and could reflect poorly upon the Township Finance Department.

Mr. Feyen invited comment from other members of the Election Commission.

Mr. Slagh stated that he too was concerned with the lack of specificity and did not believe that enough evidence existed to identify a specific course of conduct. He stated that the accusation of the violation of the Open Meetings Act was the most likely to meet criterion set.

Mr. Krueger stated that he concurred with Mr. Slagh, and that the general public must understand exactly the question put before them with regard to a recall. He indicated that the language presented presents a general and overall picture, but that it is too interpretive in nature. He further stated that the board is looking for much more specific information.

Mr. Feyen stated his agreement with Mr. Krueger and Mr. Slagh, and commented that an officer cannot be recalled for skill or character traits, but specific conduct must be defined. He stated that the petition must make the distinction between conduct and character.

Mr. Feyen also indicated that in order for the petition language to be approved, each of the statements contained in the proposed language must meet the standard of clarity determined by the board.

EC 09-004 Mr. Feyen called for a vote on the approval of the proposed recall petition language for Jerry Alkema.

On the question of approval of the proposed recall language for clarity, the vote of the Commission was recorded as follows:

Mr. Krueger – No

Mr. Slagh – No

Mr. Feyen – No

The motion did not pass by a vote of 0 to 3.

**SUBJECT: REVIEW AND COMMENT ON PROPOSED  
PETITION LANGUAGE FOR THE RECALL OF DAVID  
MORREN, ALLENDALE TOWNSHIP TRUSTEE.**

Mr. Feyen read aloud the proposed petition language for the recall of David Morren, Allendale Township Trustee.

*“a recall of David Morren, Allendale Charter Township Trustee, for misuse of Township funds, dishonesty, lack of conflict resolution skills, abusing his position to overrule decisions made by the Supervisor, drafting baseless reprimands, acting counter to the Township attorney’s advise [sic], exposing the Township to a potential law suite [sic], manipulation, violating the open meetings act by conducting a virtual meeting via emails, arrogance, discussing Township business with community members who should not be privy to the information, not acting in the best interest of the Township residents, and causing great embarrassment to the community.”*

Mr. Feyen opened the floor to comment from the petitioner and officer whose recall is sought.

Ms. Shelia Hogan, petitioner, declined to comment.

Mr. George Bauer, counsel to Mr. Morren, Ms. Hoekstra and Mr. Meyer stated his research findings in the precedent set by *Demas Vs. Macomb County* (1999) that recall language must contain a specific action and refer to specific events.

Mr. Bauer then directed a question to the Election Commission as to whether the Commission had authority to veto certain items contained in proposed language, leaving other language to stand.

Mr. Feyen answered Mr. Bauer that the Commission does not have such authority, according to past precedent.

Mr. Feyen invited comment from other members of the Election Commission.

No additional comment from Mr. Slagh or Mr. Krueger.

EC 09-005 Mr. Feyen called for a vote on the approval of the proposed recall petition language for David Morren.

On the question of approval of the proposed recall language for clarity, the vote of the Commission was recorded as follows:

Mr. Krueger – No

Mr. Slagh – No

Mr. Feyen – No

The motion did not pass by a vote of 0 to 3.

SUBJECT: REIEW AND COMMENT ON PROPOSED  
PETITION LANGUAGE FOR THE RECALL OF MARCIA  
HOEKSTRA, ALLENDALE TOWNSHIP TRUSTEE

Mr. Feyen read aloud the proposed petition language for the recall of Marcia Hoekstra, Allendale Township Trustee.

*“a recall of Marcia Hoekstra, Allendale Charter Township Trustee, for misuse of Township funds, dishonesty, drafting baseless re exposing the Township to a potential law suite [sic], manipulation, violating the open meetings act by conducting a virtual meeting via emails, not acting in the best interest of the Township residents, and causing great embarrassment to the community.”*

Mr. Feyen opened the floor to comment from the petitioner and officer whose recall is sought.

Ms. Shelia Hogan, petitioner, declined to comment.

Mr. George Bauer, council to Ms. Hoekstra declined to comment.

Mr. Feyen opened the floor to any public comment.

Mr. David Morren stated that in his opinion there must be more specific information provided with regard to the allegation of “drafting baseless reprimands”, and remarked that he needed more information in order to defend himself in this process.

Mr. Feyen invited comment from other members of the Election Commission.

No additional comment from Mr. Slagh or Mr. Krueger.

EC 09-006 Mr. Feyen called for a vote on the approval of the proposed recall petition language for Marcia Hoekstra.

On the question of approval of the proposed recall language for clarity, the vote of the Commission was recorded as follows:

Mr. Krueger – No  
Mr. Slagh – No  
Mr. Feyen – No

The motion did not pass by a vote of 0 to 3.

Mr. Feyen read aloud the proposed petition language for the recall of Jeffery Meyer, Allendale Township Trustee.

*“a recall of Jeff Meyer, Allendale Charter Township Trustee, for misuse of Township funds, lack of conflict resolution skills, exposing the Township to a potential law suite [sic], manipulation, violating the open meetings act by conducting a virtual meeting via emails, not acting in the best interest of the Township residents, and causing great embarrassment to the community.”*

Mr. Feyen opened the floor to comment from the petitioner and officer whose recall is sought.

Ms. Shelia Hogan, petitioner, declined to comment.

Mr. George Bauer, council to Mr. Meyer declined to comment.

Mr. Feyen opened the floor to any public comment.

No Additional public comment.

Mr. Feyen invited comment from other members of the Election Commission.

No additional comment from Mr. Slagh or Mr. Krueger

EC 09-007 Mr. Feyen called for a vote on the approval of the proposed recall petition language for Marcia Hoekstra.

On the question of approval of the proposed recall language for clarity, the vote of the Commission was recorded as follows:

Mr. Krueger – No  
Mr. Slagh – No  
Mr. Feyen – No

The motion did not pass by a vote of 0 to 3.

SUBJECT: ADDITIONAL COMMENT

Mr. Feyen entertained additional comments from members of the Commission.

Mr. Krueger stated that though each of these language items were denied due to lack of clarity, the process could continue with submission of new language. He indicated that the Election Commission would continue to be available and answer any questions regarding the process, but would not be able to give specific direction as to assisting with the language of the petition itself.

Mr. Feyen entertained additional public comment.

Mr. Duane Thomas, a member of the public, asked if Ms. Hogan were allowed to submit additional petition language herself, as the language she had previously submitted had been rejected.

Mr. Krueger replied that the rejection of the current language would have no bearing on whether an individual could submit additional language.

Ms. Shelia Hogan, petitioner, asked if the petition language must be submitted in “bullet-point” format.

Mr. Feyen replied that it was not necessary for the language to be in bullet points. He indicated that it would be prudent for any petitioners submitting additional language for consideration to limit language to fewer and more specific charges.

SUBJECT: ADJOURNMENT

Mr. Slagh moved to adjourn.

Meeting adjourned by the Chair at 2:43 p.m.

Minutes submitted by Justin Roebuck, Elections Coordinator