

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

Time: 12:00 p.m.

Date: July 13, 2009

Location: Ottawa County Complex – Conference Room F
12220 Fillmore Street, West Olive

Members of the Commission Present:

Mark Feyen, Judge of the Probate Court; Daniel Krueger, Clerk; Ronald Frantz, Prosecuting Attorney (in absence of Brad Slagh, Treasurer)

Secretary for the Commission: Jacklyn Eastling, Clerk's Office

Members of the public recorded to be present as guests:

Mr. Jerry Alkema – Allendale Township Supervisor
Mr. Jeff Cunningham – Advance News Reporter
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. Dan Martin – Counsel for Allendale Township
Mr. Jeffrey Meyer – Allendale Township Trustee
Mr. Craig Noland – Counsel to Mr. Alkema

Other members of the general public.

SUBJECT: CALL TO ORDER

The meeting was called to order by the Hon. Mark Feyen, Chair at 12:03 p.m.

SUBJECT: PRELIMINARY BUSINESS

EC 09-008 The agenda was amended to appoint Ron Frantz to serve on the Committee. Motion was made by Judge Feyen and supported by Daniel Krueger. Judge Feyen read the amendment regarding changing of a

member, thus assigning Ron Frantz to replace Brad Slagh for this meeting. Mr. Frantz accepted the role in this meeting. The motion was passed and carried.

EC 09-010 Approval of the June 19, 2009 minutes were approved as presented. Mr. Krueger moved and supported by Mr. Frantz. The motion was passed and carried.

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

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

“1. Violated the Open Meeting Act from 3/13/09 to 3/19/09 by illegally participating in e-mails and telephone conversations with trustees regarding disciplinary procedures of the building and zoning administrator until advised to stop by township attorney. 2. Used extreme profanity toward township staff, such as, mother f_ _ _ r, SOB and G _ _ damn etc. and made sexually harassing comments to female township employees at the township offices as the acting township supervisor. 3. He violated township citizen’s trust. On 4/20/09 he was investigated by the Ottawa County Sherriff’s office (complaint #0904240070) for alleged illegal recording of township telephone conversations that dated back to November of 2008.”

Attorney Craig Noland spoke on behalf of Mr. Alkema. He reviewed each of the reasons stated for recall. The meeting was then turned over to Dan Martin, attorney with Scholten, Fant who represents Allendale Township.

Mr. Martin spoke on behalf of the other trustees to explain the situation regarding the discipline of the Building and Zoning Administrator.

David Morren spoke questioning the language on Mr. Alkema’s petition and how it relates to himself and the others. He felt the language is clear on the petition recall. He also felt he cannot defend himself with the language that was used on the petition. He asked if electors could understand the language and wanted specific wording regarding the real issue.

Attorney Noland spoke regarding point #2 on the petition regarding language and sexual harassment toward female Township employees. He asked for clarity and conduct in regard to the language.

Attorney Noland spoke regarding #3 on the petition stating that the complaint found no evidence and no finding of any wrong doing.

Attorney Martin spoke regarding the sexual harassment clarity – stating that the language and accusations are unclear. No complaints were submitted by any Township employees against Mr. Alkema.

Sheila Hogan, petitioner, asked if she needs specific comments from specific employees regarding sexual harassment. She also commented on the open meeting act stating that e-mails were still being sent and didn't stop until the attorney advised them, then they made phone calls instead.

Public comment session closed regarding Mr. Alkema. Mr. Krueger spoke regarding accuracy versus clarity. Also, with regard to the Open Meeting Act violation and whether it was correct or incorrect not accuracy versus clarity. On the sexual harassment issue – a petition is no more viable to get specifics from employees.

Judge Feyen stated that this petition is better than the last one with more specific statements. The 1st and 3rd statements don't explain what was done – it is alleged allegations only.

Mr. Frantz stated that the 3rd allegation was the most clear and most important allegation. The 1st allegation is not clear.

EC 09-011 Judge 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. Frantz – No
Mr. Krueger – Yes
Judge Feyen – Yes

The motion passed by a vote of 2 to 1.

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

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

“He violated the Open Meetings Act as a participant in an illegal township meeting via e-mail and telephone between 3/13/09 and 3/19/09. He also provided his phone number for further discussion. 2. He exposed the township to civil litigation and financial liability on 4/27/09 with a complaint against the Building and Zoning Administrator and with his “NO” vote on a motion to send the building and zoning administrator personnel issue back to executive committee for resolution at the township meeting on May 26, 2009. Township council advised him that he was violating the employee’s due process rights. 3. In order to influence their vote, he threatened the executive committee on 5/26/09 at the township meeting with the statement that, how they voted on the personnel issue involving the building and zoning administrator would affect his future working relationship with them. 4. His participation in a single personnel issue has squandered \$10,985.00 in township funds on legal fees.”

Mr. Morren questioned how he can defend himself against allegations regarding e-mails and phone calls. Regarding #2 – what was the complaint against him? #3 – what was the threat and #4 – what issue was money spent on? Mr. Morren applauds a recall vote and would like to get specific regarding the Zoning Administrator and not with himself. All issues discussed were in an open meeting.

Attorney Martin spoke regarding advice given to the trustees regarding violation of due process rights of the zoning administrator. He also said that the bill received by the Township for his services was not just directly involving the zoning administrator – it was for other personnel issues as well. Mr. Martin said that he does not give political advice to the trustees – only legal advice. He would also like to see a recall happen but with specific language regarding the recall.

Mr. Morren spoke again regarding clarity of spending of Township monies – he has requested and is waiting for a copy of the bills from the attorney in reference to any specific conversations with Mr. Martin about the zoning administrator.

Jeff Meyer spoke regarding Mr. Morren saying that the money spent wasn’t specific and there needs to be more specific language on the petition.

Mr. Morren stated that they need to remove things that are not specific or re-write the whole petition.

Mr. Frantz expressed a concern about #2. He questioned whether or not the electors could understand what was being said – he thought the statement lacked clarity and it was misleading.

Judge Feyen thought that much of the information in the petition is accurate.

Mr. Krueger felt that Mr. Morren could defend himself and thought the information was very clear.

EC 09-012 Judge 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. Frantz – No

Mr. Krueger – Yes

Judge Feyen – Yes

The motion passed by a vote of 2 to 1.

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

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

“She is harassing township employees. She told reporter, Jeff Cunningham, she has an informant in the township office reporting on the activities of township employees. April 27, 2009 she criticized township employees in an open township meeting, criticism based on one-sided information, violating the collective due process rights of the township staff and exposing the township to civil litigation. 2. She voted to reprimand the building and zoning administrator based on her false accusation at township meeting 04/27/09. In a later closed executive meeting a witness provided evidence that the employee was innocent, the item was dismissed. 3. As of 05/05/09, she has participated in a single personnel issue involving the building and zoning administrator that has squandered \$10,985.00 of township funds on legal fees. 4. 05/26/09 she voted “No” on a motion to send the Building and Zoning Administrator’s personnel issue back to executive committee for resolution, against the township attorney’s advice, that her further involvement would endanger the township legally and financially.”

Ms. Hoekstra spoke regarding #1 & #2 that the dates on the petition were wrong. As far as the money issue, she didn’t spend money as stated and

on #1 she didn't wish to comment because the truth will come out in due time.

Mr. Martin spoke about the dates of the meetings and questioned who was telling what is going on during closed session meetings and how the petitioner was getting this information.

Jeff Cunningham, reporter for the Advance newspaper spoke on his own behalf. He stated that his name being on the petition is causing problems with his employment.

Mr. Krueger referred to the literacy in the petition wording – misspelled words, dates being wrong, etc.

Mr. Frantz did not feel that #2 was misleading to the public due to a date being left off.

After Ms. Hogan commented regarding the striking of some language on the petition, Mr. Krueger informed the petitioner that they may withdraw the petition if that was what they choose to do.

Ms. Hogan stated that she wished to withdraw the recall petition regarding Marcia Hoekstra and will re-do the petition and file it at a later date.

**SUBJECT: REVIEW AND COMMENT ON PROPOSED
PETITION LANGUAGE FOR THE RECALL OF JEFF MEYER,
ALLENDALE TOWNSHIP TRUSTEE**

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

“May 26, 2009, Jeff Meyer voted “No” on a motion to send the Building and Zoning Administrator personnel issue to executive committee for resolution after township legal council advised that his continued involvement would be in violation of the township employee’s due process rights and would endanger the township legally and financially. 2. Has violated the Open Meetings Act from 3/13/09 to 3/19/09 by illegally participating in e-mails and telephone discussions with trustees and the township supervisor regarding discipline procedures of the building and zoning supervisor. 3. As of May 5, 2009 he participated in single personnel issue involving the building and zoning administrator that has squandered \$10,985.00 of township funds on legal fees.

Mr. Meyer spoke – regarding point #1 saying the event was missing – where did it take place? Point #2 – no specific event was listed. Point #3

– specific action was not on the petition. He wants to know specific actions or events on which money spent.

Mr. Martin said that this recall should be political and questioned whether voters understand what they are voting on.

Public session of the meeting was closed by Judge Feyen.

It was commented that all of the items on the petitions had been commented on during the discussion on the other petitions. No one had any further comments on the Meyer petition.

EC 09-013 Judge Feyen called for a vote on the approval of the proposed recall petition language for Jeff Meyer. On the question of approval of the proposed recall language for clarity, the vote of the Commission was recorded as follows:

Mr. Frantz – Yes
Mr. Krueger – Yes
Judge Feyen – Yes

The motion passed by a vote of 3 to 0.

Three petitions were approved and one was withdrawn.

Mr. Morren asked how he could appeal and was told he would have to file an appeal with 20th Circuit Court.

The petitioners have 180 days to get the signatures needed and can start as soon as the meeting is done. No signatures can be older than 90 days and the Clerk's office verifies all signatures.

SUBJECT: ADJOURNMENT

Meeting adjourned by the Chair at 1:58 p.m.

Minutes submitted by Jacklyn Eastling, Office of the County Clerk