

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

Time: 8:00 a.m.

Date: September 14, 2010

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

Members of the Commission Present:

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

Secretary for the Commission: Justin Roebuck, Elections Coordinator

Members of the public recorded to be present as guests:

Jerry Alkema – Allendale Township Supervisor
Kathy VanderLaan, Petitioner – Allendale Township
Mitchell VanderLaan – Allendale Township
David Morren – Allendale Township
Cathy Runyon – Advance Newspapers

SUBJECT: CALL TO ORDER

The meeting was called to order by the Hon. Mark Feyen, Chair at 8:05 a.m.

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

Mr. Feyen gave introductory remarks on the role of the Election Commission in the process of recall language approval, and then read aloud the proposed petition language for the recall of Jerry Alkema, Allendale Township Supervisor:

- 1. Continues to harass township employees and creates a hostile work environment. Two female employees have filed written sexual harassment complaints against Supervisor Alkema. Appointed a review committee of untrained, at will employees, under his direct*

supervision to investigate the first sexual harassment complaint. A third employee was threatened when told "I have stuff on you too" after said employee spoke in favor of union organizing. 2. Did not follow township attorney and treasurer's recommendation on 8/06/2010 that he resign his position. 3. Squandered township funds for personal gain by having Township Attorney prepare rental inspection service agreement with Blendon Township for inspection of his own rental properties within Allendale Township, stating it would be a questionable move to allow Allendale Township staff to inspect his property. 4. Has allowed Township Attorney bills to go up by 97% from 2007 (\$36,838) to 2009 (\$72,669). Is asking for \$275,000 for a new park property. All this at a time when funding is so tight that staff has been laid off, sidewalk improvements are put on hold, and department heads feel even more needs will suffer with further budget cuts.

Mr. Feyen opened the meeting to public comment on the proposed language, first inviting comment from petitioner Kathy VanderLaan.

Mrs. VanderLaan stated that in her view this language was sufficiently clear and concise, and that she would be happy to clarify or give further comment if any questions arose.

Mr. Feyen then invited comment from Jerry Alkema, Allendale Township Supervisor.

Mr. Alkema stated that his understanding of the provisions of Michigan election law indicated that a petition for recall must state specifically the conduct of the officer for whom the recall is being attempted. He indicated that he was unsure of the actual definition of sexual harassment, and that there were no claims filed against him for sexual harassment charges. He stated that he was advised to request inspection of his rental units from sources outside of the township and not directly under his supervision, as he believed it would be a conflict of interest to have his own employees do the inspection. On the matter of the \$275,000 for a new park property, Mr. Alkema stated that the members of the township Parks Committee voted unanimously to support this funding. Mr. Alkema also stated that the layoffs referred to in the petition language were due to a shortage of funds in specific accounts directed toward the funding of those positions.

Mr. Alkema stated that these comments were for the record, and that as clarity was an important part of this process, he wanted to clarify the charges stated against him in the petition.

Mr. Mitchell VanderLaan, Allendale Township, stated that he believed many of the things Mr. Alkema had just stated were issues that could be

addressed on the “rebuttal language” following the petition language on the ballot, and that these were arguments that could be made to the public, but did not have a bearing on the clarity of the language.

Mr. Feyen asked Mr. Roebuck if the font size on the petition itself had been determined to be of legal size.

Mr. Roebuck replied that the legal font size limit is 8 point font or larger, and that he believed the font on the petition to be size 10.

Mr. David Morren, Allendale Township, rose to comment on the petition language and process, stating that he believed it very important from an ethical standpoint for petition language to not only be clear, but also to be factual and truthful. He indicated that petitioners should feel an obligation to search out the truth of the matter before implicating public officials. Even if the language itself were made clear, Mr. Morren stated that petitioners should have an obligation to the community to seek out the truth as well.

Mr. Feyen asked for a motion to close public comment.

EC 10-018 Mr. Slagh moved to close public comment. Mr. Krueger supported and the motion passed.

Mr. Feyen invited comment from members of the commission.

Mr. Krueger stated that, while he could appreciate the comments that were offered from both sides, as has been stated in the past, the focus of this panel is the clarity of the language in question. Mr. Krueger indicated that much of what Mr. Alkema stated in his comments were issues that could be raised and addressed through the political aspect of the recall process afterwards, but they did not necessarily warrant disapproval of the language in question. He indicated as a matter of record that the definition of “sexual harassment” is often whatever the courts term it to be, and that stating “sexual harassment” as a reason in the petition language did not make the language unclear.

Mr. Feyen indicated that the proposed petition language does direct itself toward the “conduct of the officer”, and that while there were a few minor issues such as the statement “creating a hostile work environment” which is a broad statement, the overall language was clear. Mr. Feyen stated that there was enough “conduct” within the language to justify the petition.

Mr. Slagh stated that he had nothing further to add.

Mr. Feyen called for a vote on the approval of the proposed recall petition language for Mr. Alkema.

EC 10-019 On the question of the approval of the proposed recall language for clarity, the vote of the Commission was recorded as follows:

Mr. Krueger – Yes

Mr. Slagh – Yes

Mr. Feyen – Yes

The motion passed by a vote of 3 to 0.

Mr. Krueger stated that the petitions could be circulated effective immediately. The approved petition language is good for 180 days, however, no signature on a petition can be more than 90 days old. He invited both parties to contact the Clerk's office if they sought any clarification of recall statues, or if there were any further questions.

SUBJECT: ADJOURNMENT

Meeting adjourned by the Chair at 8:20 a.m.

Minutes submitted by Justin Roebuck, Office of the County Clerk