

January 24, 2022

Minutes: CALHOUN COUNTY ELECTION COMMISSION - RECALL EFFORT FILED AGAINST HOWARD RIGG, TEKONSHA VILLAGE TRUSTEE

LOCATION: Calhoun County Building, Boardroom 3-C08, 315 W Green Street, Marshall MI 49068

Call to Order: 11:05am. Clerk Hinkley called the hearing to order, welcomed all in attendance, explained reason for today's hearing, and notified audience that meeting was being recorded, and minutes taken.

ROLL CALL: PRESENT: Calhoun County Clerk Kimberly Hinkley, County Treasurer Brian Wensauer, County Prosecutor David Gilbert. Chief Probate Judge Michael Jaconette recused himself from the proceedings in order to avoid any appearance of conflict of interest or improprieties because his legal secretary, LeeAnn Hollister is the niece of the petition sponsor, Rose Bush. A recusal letter has been included in the recall folder in the elections office.

APPROVAL OF AGENDA: Motion was made by Treasurer Wensauer, Seconded by Prosecutor Gilbert. Motion approved.

ROLE OF THE COUNTY ELECTION COMMISSION: Clerk Hinkley read MCL 168.952 Michigan law regarding the purpose of the hearing and how the commission determines whether the language is of sufficient clarity and factual nature.

CONSIDERATION OF RECALL LANGUAGE: The sponsor and presenter of the recall language is Rose Bush.

READING OF THE RECALL PETITION LANGUAGE: Clerk Hinkley read the petition language into the record.

Village of Tekonsha **recall petition** language:

Feb. 8 AT meeting, disrespectful towards bank employees. Nov. 8 Meeting Agenda Mr Rigg had A potential SALE of property, without owners Knowledge or consent for Any Involvement from Mr. Rigg, Consequently her property sale was Terminated.^{Nov 8} Dec 13 Meeting - Because of Mr Rigg constantly needing to control & criticize, the village lost a vital DPW Employee who oversaw water / sewer Lagoon, Dec 15th without an appointment Mr. Rigg went to Post Master during business became Angry, very Loud, disturbing customers and was Told to leave

COMMENTS OF SPONSOR AND OFFICEHOLDER:

Clerk Hinkley: addressed the Recall Sponsor: Mrs. Bush are the allegations stated in the recall petitions based upon the officer's conduct during his current term in office? Rose Bush: "Yes, Ma'am"

Clerk Hinkley: Ms. Bush, do you or a representative wish to comment on the recall petition language? Rose Bush: "No comment"

Clerk Hinkley: Does Howard Rigg or a representative wish to comment on the recall petition language filed against the trustee? Howard Rigg: "Yes".

OFFICIAL COMMENTS: As far as factualness – Mr. Rigg does not agree and there is no toxic behavior. Clarity – how do I rebut? Mr. Rigg challenged the factualness of toxic atmosphere.

MOTION: Prosecutor Gilbert: I move that we open discussion for the clarity and factual nature of the petition. Seconded by Treasurer Wensauer.

Discussion between CCEC members: Language confusing and dates not specified. Should the voters be given the opportunity to make a decision based on the language presented in the current petition.

SPONSOR COMMENTS: Rose Bush asked to make comments & granted by commission. She stated she has documentation backing up the allegations made in the petition language. Commissioners continued discussion asking questions of Mrs. Bush.

MOTION: Prosecutor Gilbert “ I move to call the question at this time”. Treasurer Wensauer Seconded.

VOTE OF ELECTION COMMISSION MEMBERS: Clerk Hinkley called for a vote on motion on the table to reject petition language as written and discussed in today’s hearing. Election Specialist Jill Stout took roll call:

CLERK HINKLEY: Reject

TREASURER WENSAUER: Approve

PROSECUTOR GILBERT: Reject

The language has been rejected with a vote of 2 – 1.

NOTICE OF DETERMINATION SIGNED: The CCEC members will sign a Notice of Determination for the recall language submitted. The Notice of Determination will be available following this meeting and will be sent to all parties. CCEC members asked to stay to sign certificates immediately following adjournment.

REVIEW OF DECISION: Clerk Hinkley reviewed next steps for petition sponsor after rejection of petition language.

PUBLIC/CITIZEN COMMENT: Limited to 3 minutes. None

ELECTION COMMISSIONIONERS COMMENTS: Prosecutor Gilbert: Sometimes breaking down the petition into smaller parts is better. Clerk Hinkley; A commissioner has to vote according to the language regardless personal impression.

ANNOUNCEMENTS: None

ADJOURNMENT: Motion to adjourn by Treasurer Wensaurer, seconded by Prosecutor Gilbert. Motion passed, meeting adjourned. 11:43am

