

CHARTER TOWNSHIP OF BLOOMFIELD
BOARD OF TRUSTEES
STUDY SESSION
July 7, 2011
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PRESENT: Payne, Roncelli, Devine, Buckley, Barnett, Kepes, Savoie
Also present, Attorney Bill Hampton

The meeting began at 8:03 a.m.

Supervisor Payne welcomed the public and led the Pledge of Allegiance.

ITEM #1 Purpose of Study Session

Supervisor Payne stated that the purpose of this meeting is to allow the board to have a discussion and reach a decision of how to replace him. He said that there had been an email circulated, which had been written by Mr. Pittman, Oakland County Republican Party. The email indicated that an appointment would be made today, and he wanted to assure everyone that would not be the case.

Supervisor Payne clarified his retirement announcement. Although he articulated his reasons for retirement in his notice to the board, some have questioned his motives and made accusations. And, while, he did not want his private life made public, he shared with the audience his personal reasons for retirement. In 2002, he was diagnosed with a serious heart condition. This defect was corrected with surgery, but it is not permanent. Surgery will be required again in the next one – three years. Payne wants to relax and enjoy his life until that time.

Finally, Supervisor Payne explained his role in the decision made today. The law does not allow him a vote in the appointment process. At this point, all he can do is not take sides. He has two responsibilities: the first is to facilitate the process without any conflict of interest; the second is to ensure a smooth transition for his replacement, the community, and the employees. But, whatever the board decides, there will be an election next August.

ITEM #2 Explanation of Michigan Election Law (Act 116 of 1954)

Attorney Hampton summarized the process: At the last board meeting, Supervisor Payne submitted his resignation, which the board accepted, thus creating this vacancy. Attorney Hampton read from the statute that provides for filling the vacancy (MCL 168.370 (1)):

Except as provided in subsection (2), if a vacancy occurs in an elective or appointed township office, the vacancy shall be filled by appointment by the township board, and the person appointed shall hold the office for the remainder of the unexpired term.

He stated that the use of the word, “shall” in subsection (1) makes this procedure mandatory. Under subsection (4) of the statute, if the board fails to reach a decision within 45 days of the resignation date (August 1, 2011) then the County Clerk will call for a special election, which

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would most likely occur in February 2012. If this transpires, then the Township Party Committee for each political party shall nominate a candidate for the special election. Under state law, the Township Board does not have the authority to call for an election.

Treasurer Devine stated that he respectfully disagreed with Attorney Hampton's interpretation of the statute. He would not call for a special election if he did not think the law provided for one. He argued that subsection (3) stated that if written resignation is submitted than the board MAY (not shall) appoint, which gives the right to have an election. Clerk Roncelli stated that to her knowledge and to the Oakland County Director of Elections knowledge, there has never been a special election to appoint. Township Boards have always made the appointment.

ITEM #3 Public Comment (3 Minutes)

Supervisor Payne opened the floor for public comment at 8:30 a.m.

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Name	Address	Board Appointment	Special Election	Other
Noray Sarkisian	4514 Lakeview Ct		X	
Audree Higgins	2848 Rossmoor Cir	X		
Ted Hollenkamp	1220 E. Square Lake Rd		X	
Richard Palmer	3847 Oakland Dr	X		
Jim Graham	1744 Heron Ridge Dr.		X	
Donald Beal	6110 Pawtucket Ln	X		
Christ Gryparis	21000 W. 14 Mile Rd		X	
Jill Slocum	3882 Millerway Rd. S	X		
Bob Kachadourian	3048 High Pointe Ct	X		
John Roach	1130 Hillpointe Cir			Concerned w/incumbent
Ned Greenberg	1577 Island Ln	X		
John Kaichen	1108 Hillpointe Cir			Concerned w/incumbent
Michael Halacka	4481 Chisholm Trl		X	
Wilma Cotton	2877 Courville Dr	X		
John Bowker	1896 Ledbury (former)			Favors someone at the helm who will get the job done.
Dennis Marburger	4701 Hedgewood Dr		X	
Jeff Palmer	1471 N. Glengarry	X		
Linda Jolicoeur	1475 Lakewood Rd		X	
Marcia Robovitsky	4945 Dryden Ln			Post position & then appoint OR hold Spec Elec.
Bob Taylor	3693 W. Bradford Dr			Appoint from whatever group necessary
Linda Ulrey	1236 Hidden Lake Dr			Post position & then appoint OR hold Spec Elec.
Don Kegley	1257 Water Cliff Dr	X		
Mike Costello	1031 Home Ln	X		
Tom Vandusen	3811 Oakhills Dr	X		

Supervisor Payne closed the floor for public comment at 9:14 a.m.

The board and Township attorney addressed questions asked during public comment.

The board discussed appointment versus special election:

Supervisor Payne stated that if this were an open election then the board would look at it carefully, but the law forbids it. Also, the position requires some local government experience. In a special election where a political party picks the next supervisor, it is not the best solution for the interim period until August 2012.

Clerk Roncelli explained that this is the statute for any vacant position not just the Supervisor. The appointment is a temporary position until the next election (August) and incumbents don't always win the vote – some current board members were voted in without an appointment.

Treasurer Devine said that the residents want a say in who their next leader will be and he stands by his interpretation of the law. He would agree to appoint if the position were posted and could legally bind the appointee not to run in 2012.

Trustee Savoie remarked that he did not think that the board was concerned with the cost of a special election, but with choosing the best process.

Trustee Barnett voiced his concern with the special election process. The incumbent issue is also important, but there will be one whether by board appointment or political party appointment.

Trustee Buckley indicated that most residents could be a trustee, but few could be a supervisor. He would just like the best candidate and believes that the board needs to hear each candidate's platform.

Trustee Kepes indicated that his concern was to do what is best for the community, and said that a smooth transition is best. Also, the board needs to do their job according to the oath taken.

ITEM #4 Motion to Confirm Process

MOTION by Devine and SUPPORT by Buckley to APPROVE an appointment process for the Supervisor vacancy whereby the position will be posted for 30 days and displayed on all media available in the Township AND be implicit in the application process that each person will sign an agreement that will legally bind them NOT to run in 2012.

Roll Call Vote taken by Clerk Roncelli:

Barnett – No
Kepes – No
Devine – Yes
Savoie – No

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Buckley – Yes
Roncelli – No

2 – Ayes
4 – Nays
Motion Failed.

Treasurer Devine withdrew his first motion and made a second motion.

MOTION by Devine and SUPPORT by Buckley to NOT fill the Supervisor position and thereby start the process for a special election pursuant to MCL 168.370 (3) and (4).

Clerk Roncelli and Trustee Barnett agreed that by taking an oath when they were elected to uphold the Constitution of the United States and the State of Michigan, they have a statutory obligation to appoint someone to the position of Supervisor. Only if the Board cannot come to an agreement should there be a special election.

Roll Call Vote taken by Clerk Roncelli:

Barnett – No
Kepes – No
Devine – Yes
Savoie – No
Buckley – Yes
Roncelli – No

2 – Ayes
4 – Nays
Motion Failed.

MOTION by Barnett and SUPPORT by Roncelli to APPROVE that the board will use the appointment process at their meeting on July 11, 2011 to consider interested board members as candidates for the Interim Supervisor position AND each candidate will present their resume, their background, and their qualifications.

MOTION by Barnett and SUPPORT by Roncelli to AMEND the motion so as to change the date of appointment consideration to July 25, 2011.

Roll Call Vote taken by Clerk Roncelli:

Barnett – Yes
Kepes – Yes
Devine – No
Savoie – Yes

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Buckley – No
Roncelli – Yes

4 – Ayes
2 – Nays

Supervisor Payne advised the audience that with 4 “yes” votes and 2 “no” votes, the motion passed. At the meeting on July 25, 2011, board members who are interested in being a candidate to fill the Supervisor position will present their qualifications to the Board.

The Study Session adjourned at 10:10 a.m.

JANET RONCELLI, MMC
TOWNSHIP CLERK

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