

"Menominee – Where the best of Michigan begins"

MENOMINEE COUNTY BOARD OF COMMISSIONERS

*Menominee County Courthouse
839 10th Avenue
Menominee, Michigan 49858-3000*

*- County Administrator
Sherry Smith - Administrative Assistant
Telephone: (906) 863-7779 or 863-9648
Fax: (906) 863-8839*

12/30/09

TO: MENOMINEE COUNTY CLERK
839 10TH AVE.
MENOMINEE, MI 49858

COMMISSIONERS EICHHORN & PETERSON HAVE REQUESTED A SPECIAL MEETING OF THE MENOMINEE COUNTY BOARD OF COMMISSIONERS BY CONTACTING THE ADMINISTRATIVE OFFICE.

TIME: APPROXIMATELY 6:30 PM (IMMEDIATELY FOLLOWING THE REORGANIZATION MEETING

DATE: WEDNESDAY ~ JANUARY 6, 2010

PLACE: COURTROOM B ~ IN THE MENOMINEE COUNTY COURTHOUSE

PURPOSE: THE PURPOSE OF THIS MEETING IS TO DISCUSS AND OR ACT ON PROVIDING LEGAL REPRESENTATION FOR COUNTY CLERK, MARC KLEIMAN IN CASE NUMBER 09-13070-AS; RICHARD PETERSON & GARY EICHHORN VS MARC KLEIMAN, MENOMINEE COUNTY CLERK & REGISTER OF DEEDS.

Gary Eichhorn - Chairperson

Dick Peterson - Vice Chairperson

Bernie Lang

James Furlong

Garry Anderson

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The Menominee County Board of Commissioners
will meet for a Special Called Meeting on
Wednesday ~ January 6, 2010 at 6:30 p.m. CST
(Immediately following a County Board Reorganization Meeting)
at the Menominee County Courthouse – Courtroom B

AGENDA

- A. Call to Order
- B. Pledge of Allegiance
- C. Roll Call
- D. Public Comment *(statements, not debate, limited to five minutes per person on agenda items only)*
- E. Approval of the Agenda
- F. Action Items
 - 1. Moved by _____, seconded by _____ to discuss and/or take action on providing legal representation for County Clerk, Marc Kleiman in case number 09-13070-AS; Richard Peterson and Gary Eichhorn VS Marc Kleiman, Menominee County Clerk & Register of Deeds.
- G. Public Comment
- H. Adjourn

Gary Eichhorn - Chairperson

Dick Peterson - Vice Chairperson

Bernie Lang

James Furlong

Garry Anderson

MENOMINEE COUNTY CLERK & REGISTER OF DEEDS

MENOMINEE COUNTY COURTHOUSE, 839 TENTH AVENUE, MENOMINEE, MI 49858

CLERK (906) 863-9968

REGISTER OF DEEDS (906) 863-2822

FAX (906) 863-5819

FAX (906) 863-8839

MARC KLEIMAN MENOMINEE COUNTY CLERK & REGISTER OF DEEDS

COUNTY CLERK STAFF

Carol Johnson, Chief Deputy

Mary DePas
Deputy

Jodie Barrette
Deputy

Lisa Frost
Deputy

REGISTER OF DEEDS STAFF

Jessica White
Deputy

Cindy Payne
Deputy

To: Commissioners
From: Marc Kleiman
Date: 12/30/09
Re: Lawsuit

I am informing you of a lawsuit that was filed against me by Richard Peterson and Gary Eichhorn on December 28, 2009. The Plaintiffs in this matter are requesting that the Court find that recall petitions circulated seeking the recall of a Commissioner from a district by individuals who are not electors of that district and recall petitions which have been signed contrary to the affirmation present upon each recall petition be declared null and void and without validity in the count of signatures for the justification of a recall election. I was advised by the Michigan Bureau of Elections that these petitions are to be allowed in the count of signatures for this recall. The Bureau of Elections stated:

“Certain qualifications of recall petition circulators were recently modified under a decision issued by Judge Robert Holmes, US District Court, Western District of Michigan. Under this decision, the circulator of a recall petition does not have to be a registered voter or a resident of the district represented by the public official whose recall is sought. Judge Bell’s decision did not address the other qualifications. Under Michigan Law, the circulator of a recall petition must be 18 years of age, a US citizen and a resident of Michigan.”

Given that this lawsuit pertains to my duties as the Menominee County Clerk I am informing the County Board of the County’s need to provide me with legal representation in this case. The County only has 21 days from when the lawsuit was filed to respond. I am suggesting that the County Board hold a special meeting after the Reorganizational Meeting on January 6th to address this issue. If you have any further questions please feel free to contact me.

Sincerely,



Marc Kleiman
County Clerk