



May 14, 2025

Jim Baumann  
1119 West Street  
Boyne City, MI 49712

Dear Jim Baumann,

Your recent request for public record(s) under the Michigan Freedom of Information Act ("FOIA"), MCL §15.231 et seq. request was received via email on May 14, 2025.

The documents *"an opportunity to inspect or obtain copies of public records that detail the names, discharge volumes and gross surcharges of the industrial users, company-by-company, discharging to our facility, to include informative statistics on issues such as nitrogen, BOD, COD, PFAS, TSS, as well as any companies that are particularly problematic for the facility"* was granted in part and denied in part.

We are pleased to inform you that your request is being granted in part and denied in part. The denial applies to portions of records that contain information constituting an unwarranted invasion of personal privacy (MCL 15.243(1)(a)).

Enclosed is a copy of the documents submitted to the City relating to Mayor Nemecek's request that the City Clerk extend the deadline for submitting nominating petitions for the upcoming City Commissioner election.

If your request for record(s) is denied, you may submit a written appeal, specifically stating "appeal" and stating the reasons for appeal, to the City Manager, or seek judicial review under Section 10 of the Act within 180 days after the public body's final determination. Within ten (10) days of receiving an appeal, the City Manager shall a) reverse the denial; b) issue a written notice upholding the denial; c) reverse in part and uphold in part by written notice; or d) issue a notice extending by ten (10) business days the time to decide the appeal.

If after judicial review, the Circuit Court determines that the public body has not complied fully with the disclosure requirements, the Court shall award reasonable attorney's fees, costs and disbursement. If the Court determines that the public body has arbitrarily and capriciously violated the Act, the Court shall award punitive damages in the amount of \$500. The cost to search for this document is \$0.

A copy of this request will be kept on file for no less than one (1) year

Respectfully,  
*Jessica Puroll*

Jessica Puroll  
City Clerk / Treasurer  
319 N Lake Street  
Boyne City, MI 49712

## Jessica Puroll

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**From:** Hannah Stocker <hstocker@fsbrlaw.com>  
**Sent:** Wednesday, May 7, 2025 1:34 PM  
**To:** Jessica Puroll  
**Cc:** Christopher Patterson  
**Subject:** Tim Nemecek Nominating Petition  
**Attachments:** 2025.05.07 Letter to City Clerk.pdf

Good afternoon Clerk Puroll:

Please see the attached correspondence regarding Mayor Nemecek's request to be placed on the ballot for city commissioner in the November 2025 election.

Should you have any questions or concerns, please feel free to contact either myself (using the information below) or Attorney Christopher Patterson at 517-381-3205.

We look forward to hearing from you.

Best,



**Hannah Stocker**

Associate Attorney • Fahey Schultz Burzych Rhodes

Direct: 517.210.9177 • Cell: .

Office: 517.381.0100 • Fax: 517.381.5051

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# Fahey Schultz Burzych Rhodes

ATTORNEYS AT LAW

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TEL: 517.381.0100  
FAX: 517.381.5051

May 7, 2025

***Via First Class & Electronic Mail***

City Clerk Jessica Puroll  
319 N. Lake St.  
Boyne City, MI 49712  
jpuroll@boynecity.gov

Dear Clerk Puroll:

**Re: Tim Nemecek Nominating Petition**

We represent Tim Nemecek in connection with his bid for reelection to the Boyne City Commission. This communication seeks to uphold the democratic principles at the heart of Boyne City's electoral process. As representatives of Commissioner Tim Nemecek, we respectfully request reconsideration of his candidacy status for the 2025 General Election. Your current position to reject Nemecek's nominating petition creates an unnecessary barrier that potentially silences the voices of twenty-eight citizens who have already endorsed Mr. Nemecek's candidacy through their signatures—not to mention the hundreds of voters that could be disenfranchised when they come to learn that Nemecek's name will not appear on the ballot if your position remains unchanged.

Our analysis demonstrates that both City Charter provisions and the Michigan Election Law provide a clear pathway for Mr. Nemecek's inclusion on the ballot by providing for acceptance of nominating petitions until July 22, 2025. This matter transcends one candidacy—it concerns the fundamental right of Boyne City voters to select their representatives through a fair, accessible electoral process that honors both the letter and spirit of established election law.

As City Clerk, you have the authority to accept and approve nominating petitions for candidates for City Office and therefore, the ability to recognize that a path exists for Mr. Nemecek to be placed on the ballot for City Commissioner. See City Charter, Section 4.8. Therefore, we ask that you review the following analysis and confirm that a path remains for Nemecek to be on the ballot for the upcoming city commissioners' election.



## THE CITY HAS CHOSEN TO SELECT ITS NOMINEES FOR CITY COMMISSIONER BY PETITION, NOT PRIMARY

The City is governed by the Home Rule City Act, which requires that a city charter provide for “[t]he nomination of elective officers by partisan or nonpartisan primary, by petition, or by convention.” MCL 117.3(b). The City of Boyne City Charter provides that the “method of nominating of all candidates for city elections shall be by petition.” City Charter, Section 4.6.

Section 4.6 of the City Charter provides that nominating petitions are required to be filed with the City Clerk between the 35<sup>th</sup> day preceding the election and 5:00 PM on the 20<sup>th</sup> day preceding the regular city election or any special election for filing vacancies in office. Section 4.6. Such deadlines apply, unless preempted by the Michigan Election Law. See Section 4.2 (“The general election statutes shall apply to and control as near as may be, all procedures relating to registration and city elections except as such statutes relate to political parties and partisan procedure and except as otherwise provided in this Charter.”)

MCL 168.321(1) governs the election of city officials and reads as follows:

Except as provided in subsection (3) and sections 322, 327, 641, 642, 644e, 644f, 644g, and 646a, the qualifications, nomination, election, appointment, term of office, and removal from office of a city officer must be in accordance with the charter provisions governing the city.

Sections 322, 644e, 644f, and 646a determine the date that such petition must be filed, based upon the nomination mechanism within the local unit of government. Section 322 governs deadlines to submit nominating petitions for elections held in May, as mandated by Charter. MCL 168.646a governs nominations for offices that are elected at the regular November election. Finally, Sections 644e and 644f govern deadlines for nominating petitions for positions to be elected in the odd year general election. MCL 168.644e; MCL 168.644f. Because cities elect their officers in the odd year general election, see MCL 168.642, these statutes control the deadlines for petition submission and preempt the City Charter.

Section 644f governs deadlines to submit nominating petitions for officials elected during the odd year general election unless an exception set forth in Section 644e applies. Section 644e reads as follows:

Except as provided in section 642, an officer required to be elected at the odd year general election must be nominated at the odd year primary election. **If a charter provides for nomination by caucus or by filing a petition or affidavit directly for the general election, the candidate filing deadline**

**or certification deadline is 4 p.m. on the fifteenth Tuesday before the odd year general election.** If a charter provides for the election at the primary of a candidate who receives more than 50% of the votes cast for that office, the candidate filing deadline or certification deadline is 4 p.m. on the fifteenth Tuesday before the primary. MCL 168.644e.

Because the City Charter provides that candidates for city office are to be nominated by petition, the second sentence (bolded above) applies. As such, nominating petitions for city commissioner do not have to be submitted until the fifteenth Tuesday before the November 4, 2025 (the odd year general) election. Therefore, Mr. Nemecek should have until July 22, 2025 to submit petitions containing at least 20 signatures to your office.

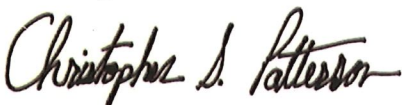
## CONCLUSION

We respectfully urge you and the City to affirm the commitment to electoral fairness by recognizing the July 22, 2025 filing deadline established under Michigan Election Law. This straightforward resolution would uphold both the letter of the law and the democratic principles our community values.

While we remain hopeful for an administrative remedy that serves the public interest without unnecessary expenditure of taxpayer resources, the fundamental right of citizens to choose their representatives through a legally sound process must be preserved. The integrity of our local democracy deserves nothing less than full compliance with governing election laws.

We ask that democracy be allowed to play out and Mr. Nemecek (and any other potential candidate for City Commissioner) be given the opportunity to submit nominating petitions up until July 22, 2025, as provided by law. Should you wish to bring this issue before the City Commission, it is our understanding that it will meet on May 13, 2025. We therefore will expect to hear from the City by May 14, 2025 regarding whether a resolution of this issue can be reached.

Sincerely,



**CHRISTOPHER S. PATTERSON**  
**MEMBER**

Direct: 517.381.3205

[cpatterson@fsbirlaw.com](mailto:cpatterson@fsbirlaw.com)

CSP/HLS/bjf