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ICRC

12/03/20 Meeting

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>> Steve Lett: Good afternoon everybody.

To all the commissioners as well as all of the citizens viewing us on YouTube or other media.

I call this meeting of the Michigan independent citizens redistricting commission to order.

The Zoom webinar is being live streamed on Facebook and YouTube.

For anyone in the public watching who would prefer to watch via a different platform then they are currently using please visit our social media at redistricting mi to find a link for either viewing on YouTube.

Our live stream today includes closed captioning.

We have ASL interpretation available for this meeting.

If you are a member of the public watching who would like easier viewing options for ASL interpreter on your screen, please e-mail us at redistricting@Michigan.gov and we will provide you with additional viewing options.

Similarly members of the public who would like to access translation services during the webinar can e-mail us at redistricting@Michigan.gov for details on how to access language translation services available for this meeting.

Translation services are available for both Spanish and Arabic.

Please e-mail us and we will provide you with a unique link and call in information.

This meeting is being recorded and will be available at redistricting Michigan.org for viewing at a later date.

This meeting is also being transcribed and those transcriptions will be on redistricting Michigan.org with written public submissions.

Members of the media who have questions before during or after the meeting direct the questions to Tracy media relations director at the Department of State.

Members of the media should have her contact information.

For purposes of the public watching and the public record I will turn to the Department of State to take note of the commissioners present.

Sally would you please call the roll?

>> Sally: Thank you Mr. Chair.

Commissioners please unmute and say present when I call your name.

Anthony Eid.

>> Present.

>> Brittini Kellom.

>> Present.

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>> Cynthia Orton.

>> Present.

>> Doug Clark.

>> Present.

>> Dustin Witjes?

Erin Wagner.

>> Present.

>> Janis Vallette.

>> Present.

>> Juanita Curry.

>> MC Rothhorn.

>> Present.

>> Rebecca Szetela.

>> Present.

>> Rhonda Lange.

>> Present.

>> Richard Weiss.

>> Richard we can't hear you.

>> Present, do you hear me now?

>> Yes, thanks.

>> And Steve Lett.

>> Present.

>> So we have two commissioners not present with us today.

We have to have nine for a quorum.

And we have 11 so we have a quorum.

Okay, we have an agenda which was provided to us prior to our opening.

Are there any additions, deletions or comments by anybody on the agenda?

Hearing none, I would consider a motion to approve the agenda as presented.

>> So moved by MC.

>> Second?

>> Rhonda: Second.

>> And it's been moved and seconded that the agenda be approved as presented all in favor say aye.

>> Aye.

>> All opposed the same sign.

It is adopted.

Next, we have the review and approval of the minutes from December 1st, 2020.

Since I usually have a correction, I don't have any corrections.

They look pretty good to me.

Anybody have any corrections, additions or deletions for the minutes of December 1, 2020?

>> Hearing none I would entertain a motion to approve the minutes.

>> Sally might.

>> MC?

>> No I think Sally might, that's all.

>> Sally: Apologies to interrupt I wanted to note for the record commissioner Curry has joined via phone so while the public can't see her, she is now part of the meeting.

>> So that means we now have 12 present.

So we still have a quorum.

Nobody has left, good.

Okay, now motion to approve the minutes.

MC.

>> Second.

>> And all in favor say aye.

>> Aye.

>> All opposed the same sign.

The minutes are approved.

We do have public comment today.

I am informed.

So we will move on to that.

A few notes about the public comment for those of you joining us for the first time, because this is a virtual meeting members of the public have to sign up in advance to address the commission.

Staff at the Department of State will unmute each member of the public for up to two minutes on a first come, first serve basis.

This means members of the public will be called on in the order in which they signed up to address the commission in the event that there is more than one.

To those members of the public participating in public comment please note you will have no more than two minutes to address this commission this afternoon.

You can also submit your thoughts to the commission and the public by e-mails redistricting@Michigan.gov.

The Department of State will provide your written thoughts to the commission by indicating in that e-mail that you would like to submit your written comments as public comment, it will be included in the online meeting archive or the commission.

Public comment sign up links are also posted on redistricting Michigan social media pages on Facebook and Twitter at [redistricting mi](http://redistricting.mi).

Now I would like to recognize Sally Marsh, Michigan Department of State director of special projects who will call on members of the public to address the commission.

Sally?

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>> Sally: Good afternoon.

So I'm hearing a little feedback, okay, so individuals who signed up and indicated that they would like to provide live public commentary will now be allowed to do so.

Just a few technical notes.

After I call your name your screen will change and you will rejoin the meeting as a presenter then you will need to turn your sound and your video on before you make live public comments.

I believe the individual addressing us today might be using their phone for a microphone so we may have to trouble shoot that.

If needed.

So we will try to work with you.

We only have one participant in public comment today so we will see if this works with your audio currently and if not, we will come back to you in a minute.

So first in line and our only public comment in line is Katie.

Just allow us a moment to promote you and allow you to speak.

Thanks.

Okay can you guys hear me?

Yes.

>> You have two minutes go ahead.

>> Hello commissioners I'm very grateful for your time.

My name is Katie Fahey and also thank you for your service.

I called in today because I created the Michigan ballot question committee voters not politicians and led the effort to create the commission that you all serve on today.

Meaning James Lancaster one of the considerations for legal counsel directly reported to me as our legal counsel.

I trust your judgment so I'm not here to advocate for one candidate over another.

But I did want you guys to know that if you're looking for somebody who has worked with him before on this direct issue, I'd be happy to answer any questions.

I'd also be happy to explain how we took really seriously balance of making sure you have constitutional expertise and public perception around partisanship and what you can do with hiring related to that.

Overall the best advice I could give is really look at somebody who knows the Michigan Constitution well and as somebody who helped study independent commission success for the last four years, I also advocate you think about somebody who can really help you navigate the order that the criteria has been placed in for how the lines need to be drawn and what the considerations should be from the commission.

Your legal counsel should be thinking about this constantly and at 3:00 in the morning thinking how do we best make sure you both serve the Michigan Constitution as well as the commission.

So thank you for your time.

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I know that being in this position takes a lot of leadership.

And thoughtfulness.

And strategy.

And I hope that you guys are not afraid to take that and to take the balances of these considerations seriously.

I've been so proud to watch so far so thank you again for your service.

>> Thank you, Ms. Fahey, for addressing the commission.

We take your comments as we take all comments from the public seriously.

And we will consider those in our deliberations.

This concludes the public comment for this afternoon.

At this time we have a webinar presentation on Michigan demographics and census.

Panel this afternoon will be Tom is that correct, Tom.

>> That is correct, thank you.

>> Great, and Lisa Neidert.

>> That is correct.

>> Two for two so this will be wrong Noah Durst.

>> That is correct as well, thank you.

>> And Eric Guthrie.

>> Yes, sir that is correct.

>> Somebody snuck in a normal name.

I guess they are all normal names, aren't they?

All right, the moderator is Tom.

I will turn it over to you Tom and take it away.

>> Tom: Thank you very much chairman Lett and hello again commissioners it's an honor to be back with you today.

You have been a busy group.

And have made significant progress since I was last with you back in September.

And it has been great to see this commission in action.

In just a few minutes we will turn this over to today's presenters but I wanted to take just a couple minutes to briefly address the importance of what you are doing.

I think it's easy to lose track of that as you get into the details of your work.

When I spoke with you last time, I noted that democracy itself has been in decline across our country and around the world.

There is a lot of research about these issues.

And one of the more comprehensive studies is known as the democracy index.

It's an ongoing study that ranks the health of democracies around the world using 60 different indicators or measures.

That study has shown declining health of democracy here in the United States for a number of years and for a number of reasons.

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With some of our biggest challenges in the category of political participation and political culture.

That study finds we no longer have a full democracy in the United States.

They list us now as a flawed democracy and it's really quite concerning.

But there are lots of efforts underway to improve our democracy.

And many reasons for optimism.

And from my perspective the 13 of you as Michigan's independent citizens redistricting commission provide one of the most hopeful developments happening today certainly in Michigan but also on a national scale.

And this is why I've been particularly encouraged to watch you come together 13 strangers from across the political spectrum.

With a common goal to serve the people of Michigan.

I personally am grateful for your efforts to work together and to provide an example for how we can strengthen our democracy going forward.

Your efforts touch directly on political participation and political culture where the United States is lagging today.

You've really done a great job so far and I'm confident you will continue to do so over the coming year.

The work is going to be challenging and will require compromise.

But if you hit any particularly rough patches, I hope you will remember this is a high calling that you each have answered.

And by respecting each other and working as a team you can provide a remarkably important lesson and a source of hope and into inspiration for the rest of us and are doing that.

I would like to quickly note the terrific job that has been done to support your work by the team at the secretary of state's office.

Including secretary Benson and our good friends Sally Marsh, Mike Brady, Sarah Reinhardt and the rest of that team at the Department of State really well done.

Okay with that I'll make a quick introductions of our panelists and then turn it over to them to give us an overview of issues related to the census and the demographics.

We have three who are experts on these and related issues today.

Each will speak for roughly 10-15 minutes and we will have an open Q and A for the balance of our time.

As with our previous panels I know today's speakers would be happy to provide additional help to the commission after today's session.

And of course that continues to be the case for us at the University of Michigan as well.

So if you commissioners have further questions or would like additional help after today's session please do not hesitate to reach out to any of us.

So our presenters today include Lisa from the population study center at the University of Michigan's institute for social research.

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Lisa has a Ph.D. in sociology and demography from University of Texas and teaches at U of M and served as the data archivist for the data population center and expert on U.S. census.

She will present today on Michigan demographics and the census.

Including expected timeline for when you will get the data which unfortunately is going to be delayed due to the pandemic and other issues.

So that is an important thing for you to keep in mind.

After Lisa we will hear from Noah Durst assist and professor of urban and racial planning at Michigan State University's school of planning decision and construction.

Noah has a Ph.D. in public policy also from the University of Texas, Hook the horns today and expertise in a number of areas including housing and housing markets, land use regulation, local governance and residential segregation.

He will present today on Michigan demographics and on the census data that you will be using including census geographies so you understand different levels of data.

Finally from Eric Guthrie for the State of Michigan which if I can say sounds like an awesome job.

Eric has a Ph.D. in sociology from South Dakota state University expert in the census and Michigan demographics.

He advises many different stakeholders about demographics in Michigan.

Teaches sociology at Kellogg community college and serves as a State of Michigan's liaison to the U.S. census Bureau and will present on census and data you can tap in to. Also on changes in Michigan's population over time.

And regional variations in Michigan's population and industry characteristics.

So with those brief introductions I will turn it over now to Lisa who will start us off.

Lisa?

Take it away.

>> Lisa: All right.

I want to share a screen.

So I'm so glad to be here and you all are so lucky to be part of this inaugural redistricting commission.

So I'm going to talk about the census and redistricting and not too much about demography I will let my partners do that.

Very first a little bit of census history.

Is that is in the Constitution.

And it tells you who is counted and what its purpose is to basically reapportion the population.

And it's to be taken every ten years, so that power among states can be redistributed based on population and rapidly growing states would get more seats in the house and states that were slow growing would eventually lose power.

And this has happened.

Back in 1900 California only had eight seats.

And by now they have 53.

Florida started out with three back in 1900 and now they have 27.

On the other hand you can take a state like Iowa actually had 11 seats back in 1900 and they are down to four.

And we hit our peak at 19 and we are down to 14 and we are likely to lose a seat.

So in this after the 2020 census.

So Congressional reapportionment has happened every year since 1790.

Except for 1920 you can see this 1900, 1910, 1930 and we did not reapportion seats among Congress in that year.

And it was because that was the first year that the urban population was larger than the rural population.

The rural states didn't really want to give up the power to these new urban populations particularly the big cities.

They saw them as filled with for runners and Catholics and emerging Black population.

And so that has the only blemish on reapportionment.

So that's mostly been a success.

But redistricting hasn't always been.

And the issue for most of the 20th century was not gerrymandering which is what everyone has heard of it's a term called malapportionment and it meant states were not redistricting after the census like after the census of 1900.

Most states did not redistrict and so what would end up happening was that the rural districts were representing far fewer people than the urban districts.

And so here is an example.

Tennessee was the poster child for the Supreme Court case that put an end to this.

And they had not redistricted their local geography since 1901.

And so you basically have this imbalance the urban areas had very little representation and the rural areas had more.

Now, they were not the only state that did that.

Another thing that states did was have a county unit system so that every county got a state Senator or a state representative.

And so Wayne County in Michigan, that is 1.75 million, would have the same representation as Keweenaw County up in the UP that is under 5,000 in population.

Another scenario states would redistrict but they had these crazy rules of how they redistricted.

So California for their state Senate said you cannot divide up a county and you can't combine more than three counties.

So LA county was 6 million people had the same representation as these three small counties that did not sum to 20,000.

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Now, if Michigan had used those rules, you would have Wayne County and the three western UP counties Ontonagon and Iron and the eastern UP counties would all have the same power.

And I'll just show you here is an example.

Michigan never used this system.

But here is an example of our Congressional districts back in 1960.

We had a Congressional district that had 800,000 and our smallest one was 117,000.

So really, really out of whack.

And that is such a blunt tool.

You don't have to use computers or anything to create these discrepancies.

So luckily this was rectified after this 1962 Supreme Court case called Baker versus Carr and the consequences of it and some subsequent cases was that Congressional districts have to be exactly the same size after the census with we can have a difference of one or two if you can't divide, if it comes out with a remainder and the state legislative districts have a little bit more leeway but they pretty much have to be the same size as well.

And so here is what Michigan looked like after the 2010 census.

You can see that they actually all had the same size within one.

So some of them were 75, some of them were 74.

I have them sorted by their current population size.

And so you can see after ten years or nine years two West Michigan districts have grown by over 40,000.

And then Rashida district in Detroit has lost 33,000 and Kildee is up in the thumb area and that is also lost 30,000 or so.

So you can see the gap between the smallest and largest districts is about 75,000.

So if you weren't redistricting at some point you get out of whack.

I have these guys in red because they did not run in 2020.

So they have been replaced.

But so that's not a terrible you know discrepancy but after another ten years it would start mattering.

And if you're in a fast-growing state like Texas, their slowest district grew by 14,000 and their fastest grew by over a quarter of a million.

So you can see that some states are really out of whack and really need to be redistricted every ten years.

But so does Michigan.

So let's turn to the 2020 census.

It was a short form census.

It does not ask very much.

And it has two forms.

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Most of us filled out the household form because we live in houses or apartments but if you lived in a dorm, you would have been in a group quarters and the other group quarters populations are prisoners, military barracks and nursing homes and sometimes redistricting commissions across different states care about prisoners.

I want to make a little diversion to the Hispanic origin race question.

The census Bureau actually wanted to change the way they asked this instead of asking Hispanic origin and then race, they really just said let's just let people describe what category describes you.

And so I would choose white and then if I wanted to, I could choose my background.

They added with request from this population a middle east or north African choice called Mena and that is relevant for southeastern Michigan.

We actually have this population.

And so they are no longer stuck choosing am I white, am I Black, what am I?

They actually had a category.

But the office of management and budget which is the overseer of the Federal statistical system did not approve this change so for the 2010 census they first asked are you Hispanic or Latino and then they asked your race and it has all those same race categories but no Mena category.

Not to worry.

There are other sources of data that will allow you to identify that population in Michigan decently well and when you go on your listening tours, the folks that are in that community could tell you, well, these are the places or the cities we live in.

And so you will be able to satisfy that population even though you won't really have the data.

The redistricting data will be counts down to all kind of geographies, I'll let Noah and Eric discuss in more detail.

Not very many variables you get age really you get the total and 18 plus and you can convert to less than 18.

Hispanic origin populations, race, and then the group quarters population identifying what kind of group quarters.

And these are counts and they go down to little, tiny counts so or not counts but small geography so you can build your own districts.

And your expert that you have helping you do that will be able to manipulate the data. You don't have to know how to do this.

Timeline normally there is a statutory deadline that the census Bureau will release the data by December 31st of the year the census came out.

And that is for apportionment and every state learns I will get two extra seats or I'm losing a seat.

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Then the redistricting data where it's all the detail down to small geographies comes several months later and in 2010, they released it on a weekly basis with the last dates getting it by April 1st, 2021.

But the census Bureau because of COVID, their schedule was completely thrown off.

They have indicated that they are not going to meet this December 31st deadline.

They gave approximate deadline for apportionment data of January 26th but then I saw at a census oversight committee that maybe it's December or January 23rd.

Instead of January 26th so we don't quite know.

But the April 1st deadline is going to be missed if this one is missed.

Well what can you do?

There is an alternative.

Your expert, you all can practice by using the 2010 redistricting data.

And as you can see Michigan has not really grown a whole lot.

And there has not been dramatic shifts in population across the state so this will work pretty well for Michigan.

It won't work so well for Texas.

But even in Michigan, the populations will have shifted.

There will be more Asians in an area than there were ten years ago.

And you won't be able to see that until you get the right data.

And, again, Eric might want to touch on this, but there is a correct version of this data you will want to use.

But you all don't have to worry about this as much as your map maker will be more aware of that.

And that is all I have to say.

I will say that there is no one variable that will help you all with what you're trying to do.

You can't just plug one thing in and it will divide us up into 13 Congressional districts or the state legislative districts, there is lots and lots and lots of variables and you can certainly get a sense of Michigan geography here is the kind of thing that State of Michigan is using for emergency preparedness reasons or when COVID first started here is what we are using.

And "Washington Post" had the six political states of Michigan, none of those work.

We need 13 divisions.

So that's it.

>> Thank you, Lisa.

That was terrific overview so next we will turn to Professor Noah Durst, Noah take it away.

>> Thank you.

Let me get my presentation loaded here.

And I'll be much -- I'll be fairly brief below the 15 or 10 to 15 minutes allocated.

I'll talk to you today about the census geography so these are the spatial units that census data are reported in.

And then I will give you a brief introduction to how we can use those data to look at trends population trends and then Eric will really pick up where I leave off and look at some other resources but also other ways to look at census data.

So let's.

>> Sally: Really quickly sorry to interrupt but the screen share we see is presenter mode so I don't know if you want to share a different part of your screen before you get going.

>> Noah: Interesting and I don't know why that would be the case. Let me try that one more time and see if it works now.

Okay.

>> Sally: If you have two monitors potentially you can just screen share from now to the other monitor screen and that normally works.

>> Noah: Let me try that one last time then.

Thanks for your patience.

And I think that will work.

Okay let me share that screen and then here we go does that work?

Perfect.

Thanks for your patience with the technology.

Okay so I would like to start by talking about the geography itself.

So the nation is divided into 50 states.

And a few other territories.

And the census is an effort to go out and interview residents in every household in the entirety of the nation.

So once that data is collected, cleaned and prepared, we can then look at it in space and see where the distribution of population is and we can choose the scale that we want to look at.

So there are some natural ways to look at those data spatially.

And one is to look at states.

But you can subdivide states into a series of local Government entities.

So in the case of Michigan we can divide up the state into counties.

We can look at how trends have changed over time from county to county and in the process of redistricting we can actually group entire counties together.

So we can use counties as a spatial unit to look at population trends and actually to build districts.

But there are other ways to subdivide the state into local Governments and one would be townships.

So Michigan is Michigan and Midwest and the northeast have townships or towns that are also local Government entities that cover the vast majority of the state and could

subdivide the state up in local Governments and visualize data that way and do the same for what the census Bureau calls places and one example of places are cities. There are other places that the census Bureau documents that are unincorporated communities so these more like neighborhoods or communities we all know by name. But they don't have a local Government there.

In near where I live Okemos is a place we recognize and refer to but not a local Government it's Meridian Government who is responsible for the provision of services. We can then narrow down further.

The way the census Bureau does that is goes from the state level often to counties and then counties are subdivided into another geography and the entirety of that county has been divided up into statistical geographic units.

So these the next step are tracts so a census tract depending on where you're located could be a very, very large entity, geographic entity.

If you're in a rural area your census tract could be possibly the entirety of a county or a large portion of your county might be one tract.

The census Bureau aims to have a fairly standard population distribution in a county on the order of four to 5,000 people.

But depends on the specific location and how that population is distributed.

Tracts you might think of in an urbanized as a large neighborhood, maybe a part of a city.

Possibly a district in a city and it may be comparable in size to a tract.

Tracts are then divided up into what are called block groups and a block group is literally in many cases a group of blocks.

But they add together block groups when added together form tracts and then tracts when added together form counties.

So in this way we can take census data from the decennial census and look at it in increasingly smaller scales to get a very precise idea of who lives where and what neighborhood and we can even go to a smaller scale, the block unit.

So blocks are the smallest geography delineated by the census Bureau.

In urbanized in central cities they literally are city blocks and they are often in denser areas.

They are rectangles or squares that are really delineating the boundary of the block itself.

And the way this is done for the census Bureau they use big data, they can identify where roads, streams and other dividing lines are and then produce estimates of where these blocks are located.

So within each block, is a neighborhood.

Or a small part of a neighborhood.

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And here I have to show this neighborhood that is in Ingham County, Michigan, with satellite imagery to see down below and see what is actually there which is a city block with about a dozen or so houses.

So those are the houses that in this case are interviewed during the census taking process.

And we don't actually in the census data products see those individual households. We all that data is aggregated at the block level so the block is really the smallest unit or geographic unit that can be used to visualize spatially results from the decennial census.

So in the process of redrawing districts, there are various spatial scales that can be considered and when necessary you can do all the way down to literally the block level to redraw a district and apportion some seats or to redistrict some neighborhoods into one district and others into another.

And that can be done at a very spatially precise scale.

Really the level of a neighborhood.

In order to describe how we might anticipate changes in redistricting, as Lisa touched on, we can try and do that a little bit spatial so I will transition to a map of the geography of the state and population per square mile so this is population density.

And I just want to clarify that I'm using data from 2018.

But there was not a decennial in 2018, it happens every decade so I'm using estimates from a different statistical data product called the American community survey.

This is a sample a random sample of residents in each neighborhood.

I'm doing this at the tract level and that American community survey can go down to the block group level.

But not the block.

The decennial it's the only way to get block level estimates of population.

Here I'm presenting population per square mile using data from the American community survey.

Published in 2018.

You can see where concentrations of population are located.

Per the vast majority of the population is located in the Detroit Metro area as you can see in the southeastern side of the map.

And there are also large pockets of population around the other major cities around Grand Rapids, Lansing, Flint, Kalamazoo.

And then you can see the suburbs as well shown in a lighter red and a pink.

Along the fringes of denser areas and vast majority of the state is rural, very low population densities.

So something to think about as you consider the process of redistricting is that if we are required to have districts with equal sizes, that means some districts in rural areas, the districts that cover rural areas, are going to be much larger than those in urban areas.

And that's driven by the location of population across the state.

So in the process of redrawing districts, those areas shown in dark red on the map will necessarily, will be required to have smaller geographies.

The district itself will appear smaller on the map.

But that's driven by the need to balance the population and it's in recognition of the fact that the population of the state isn't distributed equally across space.

We can get a sense of the way in which these population trends might be changing by comparing the decennial census data from 2010 and 2018 data are estimates and accompanied by a sampling error.

So there is when you do a random sample there is a little bit of variation depending on the random sample, that happens to be given in that given year and are pretty good and working with county and aggregate the data up to the county level and feel pretty confident the population trends are a realistic estimate of what we will anticipate seeing once we have the decennial data for 2020 but they are still again estimates.

And I aggregated at the county level so we can see on the broad scale how these trends vary or might have varied over time.

And what do we see when we do that?

There are two primary counties that have that were estimating at this point will have lost substantial numbers of residents over that eight to ten year time period.

Mainly we are talking about Wayne County, where Detroit is and then we are talking about Flint.

Or Genesee county.

Those are the two counties in the state that lost or we estimated they will have lost a 10,000 or more residents over that eight to ten year period.

The suburbs around the Detroit area appear to have gained 10,000 or more residents over that same time period.

As have Ottawa and Kent County and then Kalamazoo Counties as well.

You can also see those are the counties that have the largest swings in population or the estimated swings in population.

Those are also our most urbanized counties in the state and that is where we would anticipate to see a larger change if one percent of the population moves in or out of a specific county in a very large county that could mean 10,000 people have moved.

But you can also see throughout much of the rest of the state in the more rural areas we also see a fairly noticeable decline in population just to a lesser degree where many of the counties to the in the upper peninsula and throughout elsewhere parts of the state have lost an estimated thousand or more residents over that eight to ten year time period.

Again, these are estimates.

They are likely to be fairly accurate at least on the whole.

And they give us a sense of where population trends have changed over time but also how we might anticipate seeing districts be redrawn.

We might anticipate rural districts being spatially larger than they were current or previously just simply due to the change in the number of people living in rural parts of the state.

That's all I have for you.

Fairly brief overview.

I'm happy to ask or answer any additional questions later on in the presentation.

>> Thank you, Noah, very informative overview.

Next our last presenter today is Eric Guthrie again demographer for the State of Michigan and when we are done here, I want to hear all about your job.

Now if you can just give us an overview of Michigan demographics and the census.

>> Okay, thank you very much.

Let me just share my screen here and make sure that everybody is on the right screen. Share.

Okay everybody should see my presentation now.

First of all I just want to thank everybody for having me here today and also thank you for your service on this commission.

I think that we can all agree that it's vital and very important service.

Thank you very much.

I want to talk about a few topics today.

I'm going to start off just talking about my role as a state demographer and what other state resources I think might be of value to you.

I'm going to talk about Michigan population change, the dynamics of that population change from demographic perspective.

And regional, ethnic and race dispersion in the state housing tenure and large industry distribution and economic regions and how those can be thought about in the state.

So first of all in terms of my position I am again the state demographer Lee as on to the census Bureau for all of the demographic program and part of the reason you see all of these logos on my background.

I work in market information which is part of DT and B and also serve on the Federal and state and lead for the state data center census data center and I spend my time as a civil servant for the State of Michigan advising state leaders businesses and non-profits and anybody who needs assistance understanding how the population is distributed, changing, and what we can look forward to in the future.

So I don't know this type of work is my passion and I have been doing it for a while.

In terms of state resources, I did mention that I work in the Bureau of labor market information and strategic initiatives.

I do the demographic work along with a couple of our staff members.

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Everybody else in the Bureau are economists and if you are looking for economic data or labor market information our Bureau can certainly help you with that.

And in addition other DTMB resources that might be of use to you, the center for shared solutions does all of the state's geographic work in terms of maintaining the boundaries for all of our various, important locations.

And you're going to get a presentation later on not today but later on from somebody from CSS that is probably going to go over all of the things they are going to be able to provide for you.

The treasury department would have tax information and state financial information. Not sure how useful that would be to you, that would be mostly revenue-type information.

Michigan Department of Education has an extensive amount of information on the youth population.

And you know those data are generally publicly available through census and also can do custom data requests for you as well.

The Department of Health and human services is going to have a lot of information for you on vital statistics, birth, deaths those change over time.

Also under the umbrella of health and human services the office of the commission of aging, the aging population is very important in our state.

And they are going to be able to provide you with a lot of information on that as well.

Lisa mentioned earlier the importance in some states in redistricting of prisons.

I don't believe they are necessarily the same requirements in Michigan as other states have but the you are looking for information on prison populations the department of corrections might be able to assist you with those types of data as well.

So there are a lot of state resources available to the commission in addition to those that are going to be coming out from the census Bureau in a redistricting file.

Just to -- I want to touch quickly on what you will get from the redistricting file.

The redistricting file is going to be a differently private file at this point at least what the Bureau has made public so far is there is not going to be a direct file or anything other than that differential private file.

So my suggestion is to make sure that you have a person competent in demographic analysis to help you understand what the effects of that process are going to be on the data because there is going to be noise and confused into the data you receive to do the redistricting.

Okay moving along to Michigan population change.

We have done some projections out of my office for Michigan's population.

And the first quadrant of this graph we can see this side sorry dotted dark green line Michigan population is projected to increase.

The reason that we are projecting population increase is because of anticipated migration to the state.

These projections were completed prior to the COVID pandemic so obviously some things are up in the air at this point, but this is where we saw Michigan's population going.

In the most recent iteration of our projections.

This light green line is really here to emphasize the importance of migration in the state. We are Michigan to achieve a net zero migration meaning we had as many people leave as enter the state in a given year or another way to think about that if we had no people leave the state Michigan's population would begin to decline.

And that is primarily because of the change in the births and deaths that we are seeing in the state.

Michigan especially it's our population is beginning to age and our baby boomers are starting to enter the older age groups.

We are going to see deaths beginning to increase as the baby boom generation begins to experience the effects of mortality and our birth rates have come down to a historic low.

And given the impacts of COVID we are not expecting to see increases in that fertility rate.

So we are anticipating a natural decline in the population because of deaths exceeding births around the year 2030, maybe a little bit sooner.

So in terms of our population growth it is going to be almost entirely dependent upon net migration which just background and most recent years has been made positive because of our international migration or domestic migration has still been negative for some time.

Now to kind of help you understand how these three things come together in terms of population growing, I need to show you how the population structure has changed over time.

The population pyramid meant to show the population structure.

I'm going to start in 1990.

You can see there is a big bulge here in the 25-45 year range which represents the baby boom population as we set this graphic in motion.

We can see that, oops there we go, that the baby boom population is beginning to start at around 2010 cross that 65 year Mark.

The traditional time where we think about people retiring and they are going to be beginning to exit the labor force.

One thing that is hard to see without an overlay of the national population structure is that this part of our population is more narrow than the national population meaning we have fewer people around 35 to 55 in our population.

We have more people in this 55 to 75 age group and fewer people in this sort of below 20 age group and we can see with this shape here this final that is a graphic representation of declining birth rates in the state.

So that is sort of a visual representation of that graphic that I showed you before.

As we transition into a period of natural decline which would emphasize how important migration is going to be in future populations in the state.

So it's important to obviously for this group to understand some of the regional differences and distributions of Michigan's population.

A really important aspect of that is the racial and ethnic distribution of the population.

We can see from this table that obviously the white non-Hispanic population is the largest single group in our state constituting over 74% of the population.

The next largest group would be our Black or African/American population.

Constituting well over 13% of the population.

And our Hispanic group in the state constitutes about 5% of the population.

One thing to note about this particular way that I have aggravated the race and ethnic data is the Hispanic origin was created as a Souter race category much the way the census Bureau was anticipating asking the 2020 data the reason I do it like this generally is because Hispanic persons can be of any race.

So if I would have put them in the other race categories, the if you would have summed up this data, they would have been greater than the total population by the Hispanic population so this is just a way for us to see that distribution.

There are other ways to look at it though if anybody's interested, we can certainly talk about that at greater length.

These are some maps that I have developed to kind of show how these groups, any group over 5% is distributed across the state.

We can see that the white non-Hispanic group covers the state pretty extensively and we can see however when we look in our more deeply or our heavily populated urban cores, they tend to have lower concentrations.

When we move to our Black or African/American population we can see they are more likely spread across the state but there are more significant areas where we do not generally see Black or African/American populations.

And as we move over to our Hispanic or Latino or Latin-X population we can see there are concentrations but they are more spread across the state than the African/American populations.

I want to Zoom in on the two maps to show you there are significant concentrations we can see in areas across the state as well.

They are hard to see in that larger view.

Housing tenure is a very important aspect to think about.

When we think about how different groups think differently and experience Michigan in different ways.

I'm going to start off with you know talking about occupied housing units so that is this map here.

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We can see that in the south eastern part of the state generally the majority of the housing units are in this part with high occupancy.

If we draw a line roughly around here, we can say about 80 percent of the population is below that line.

We have about 17% in this sort of northern lower peninsula area.

And about 3% of the state's population in the UP.

Now, this is just one variable.

And if we move over to this map that one variable is represented on this part of the graphic so still in green.

Separated into three groups.

0 to 62%, 62 to 84 and 84 to 100 and then I introduced another variable the percent that is owner occupied so if a unit is occupied it's either occupied by owner or a renter.

And I only have one more slide so I know I'm getting a little over time so I will be brief.

But just when we look at the lower part of the state versus the northern part of the state, we can see that this lower part of the state kind of exists in this area.

So we still have a relatively high amount of percent occupied and still higher percent of owner occupied.

We move into this upper part of the state, we see we move down and have a lower percentage of occupied units but we still have similar proportionalities of those occupied units being owner occupied.

So one would think that you know if we have fewer units that are owner occupied then we have more units that are renter occupied, right?

Well, there is another way to look at these data.

And I took away the two variable map and going back to one variable map.

This is the same map with occupied housing units but this map shows units that are vacant for season or recreational use so think second homes and vacation homes, lake houses and things like that and we can see that a lot of the vacant housing in the same area is actually vacant for seasonal or recreational use so it would not be available for rent or something like that.

I just want to kind of go back and forth real quick so you can see how these regions mirror each other and see that they are pretty much the same areas.

So where we don't have a lot of occupied housing units in the state, we tend to see a lot of seasonal or recreational use for those housings.

In terms of the economic regions, we have a lot of economic regions in the state depending on industries.

And ways to conceptualize and we can see manufacturing is heavy in large portions of the state.

Healthcare and social systems spread out more evenly though with some higher concentrations in the northern part of the state.

I've been talking to some people about this particular representation and what might be more important would be a representation of healthcare workers per resident because this part of the state has a lot of older residents that are going to be in need of healthcare workers as they move further and further into the older age groups. You can see that the northern part of the state is really heavily involved in the hospitality industry.

Some that are established and used by various entities property is used by the Michigan economic development corporation and Michigan works which is the labor force development area and Michigan Government has a variety of regions of their own and also Michigan council of Government regions are very important to the state.

These are things like southeast Michigan Council of Government SIMCOG and up in the northern part of the state near Traverse City we have networks northwest and they have their own regions as well.

And so that is what I have for the group and I obviously I'm available to clarify anything that may have been unclear.

Thank you.

>> Thank you very much, Eric.

That is the end of the presentations, the formal presentations and now we have time just for open question-and-answer period.

I've encouraged the panelists just to have you know an open conversation among themselves as well if one of them says something that the others think is particularly important to dig in further, they may just follow-up directly that way.

But at this point we will start it off with questions coming from any of the commissioners.

MC did I see you?

Please go ahead.

>> MC: I wanted to make sure that I understood I think Lisa mentioned that sort of if we are going to do use sort of draft if we are going to draft maps using 2010 census data it's important, we use correct data and I wanted to make sure that I understood the meaning of, yeah, the correct piece and I'm not sure I just want to make sure and get clarification.

>> Lisa: The correct version is the one that takes in the differential privacy. So you can use the original 2010 data and then you can use the version where the census Bureau has said this is how we are going to release the 2020 data. If you worry about confidentiality, Noah had shown the picture of a census block and so the fact that you can get a census block not you but if you are the only white person living in your block, then you are somewhat identified.

So the differential privacy version I'm just going to say mux it up a little bit.

And a lot of demographers and state demographers say how good or bad it is and take original 2010 data and take the differential privacy version of it and say oh, is

Keweenaw County got an extra 1500 people once they do this differential privacy version?

So there are some variants in that.

But anyone that you are dealing with as your expert that is going to help you make maps if they don't know the word differential privacy then you don't want to be hiring them.

You all don't have to worry about it as much and I think Eric has actually probably played with that and should weigh in more than I should.

>> Eric: Yeah, regarding the differential private data, so to date census Bureau has put out several versions of the 2010 data with a differential privacy algorithm applied to it so we can see the effects of the various improvements they have been making to the algorithm.

I can tell you to date I have not seen a data set that I consider to be fit for use which is concerning concerning how soon these data are set to be released.

Some of the issues that we have seen when we have been doing analyses of this data are when we do block level analyses, we see areas with very high characteristic concentration and so just not to use jargon when we see areas that have concentration up so let's say for example a block that has a large number of African/Americans, so African/American that would be a characteristic of the population.

So areas with high characteristic concentration tend to have their concentration lowered in areas with low characteristic concentration have had their characteristic contributions raised.

To even that out.

Which could be problematic when we are talking about stitching together individual census blocks to create a larger region especially if we are trying to keep communities of interest together because the fear is with that type of error involved there will be a multiplicative error and undo the attempts that will be made for making more fair districts.

Now this process is under development.

There has not been a final talk on algorithm.

Data set that has been shown to us in any sort of final form and have a feeling up to the day they will be releasing the data they will be continuing to work on that algorithm.

And the Bureau has been getting a lot of feedback on it.

But just the bottom line is the data that you're going to be receiving is going to --

>> I think we may have lost Eric for a second there.

Lisa.

>> Jump in there to clarify I think I know what he was talking about.

>> And have noise infused into it.

>> You are back.

>> Am I back?

>> Okay I'm sorry I don't know where I got lost.

But what I was saying the data you will get will have noise infused to it to some degree that is why I was recommending you having somebody on staff that is to echo I think what Lisa was saying that is familiar with what census has been doing to protect the privacy of respondents in the census.

So that if you see -- so they can tell you if something doesn't look right when you start aggregating areas together.

>> Yeah, I'm sorry Erin please go ahead.

>> Erin: Lisa, you had mentioned that sometimes redistricting commissions care about the prisoners and I was wondering if you could clarify exactly when that would be. I would imagine it might have something to do with the amount of prisoners in an area and when they would be released to when they could vote if that is kind of what you are thinking or not.

>> Lisa: Yeah, there is probably a website called prisoners of the census and what it ends up being is prisoners are often not located in the community they came from. And so it ends up giving more representation to someplace in northern Michigan. And you are a city Council in a little village and you have a population of 2500 in your district because we've made them all equal.

It ends up there is only 46 non-prisoners because you happen to take the prison. So in some ways the voting population of your district is tiny compared to the rest of the districts in that little community someplace up north.

So since typically those villages are not answering the needs of prisoners, you know, a road is bumpy, we have bad water, they are not really being represented by that city Council person.

So some states have specifically said we are not going to let you pad your representation areas with prisoners that are being taken care of by the city of or state of New York or the state of Maryland.

And so the census Bureau does give that information that they can be pulled out of the voting districts at the state and local levels.

You're right, people wanted to have the prisoners attributed back to the community they came from.

And the census Bureau was asked to look at that and they said we can't really do it. Sometimes the address that the prisoner grew up in no longer exists so they can't really find it and so they do not put prisoners back into the population the city that they came from.

So it's a little bit different than what you're saying but it's the idea that we don't want to have your district and a board member and usually at large but a trustee representing very few real residents of that community.

The prisoners are not going in and grocery shopping and attending schools and going to doctors in the community.

But I don't think Michigan has a big push to do that.

But nationwide there are states that do that.

You can look at a map of the State of Michigan.

It still could be of interest to your committee if you make a map of the group quarters population you can actually see some darkening in places in the UP and then in the central upper lower peninsula and so maybe those counties, they all have something in common that they have got prisons in them.

So that maybe they consider themselves a community of interest.

Because they do have that similarity.

So you can see these clumps showing up where prisons are located in the state.

>> If I could add on to what Lisa was saying, you are absolutely correct.

Another issue that some folks have been concerned about is the prison populations tend to be disproportionately persons of color, right?

And so what we see is a shifting of voting and political power away from communities of color and into rural areas which tend to be wider and then those persons of color are not able to vote.

So their power is essentially given to those communities.

So I mean, that is a concern for people that are active in this discussion as well.

And you know the census Bureau has offered too to do some tabulations to help states that do, do a reallocation of prisoners back to their home places but the state would have had to have given on those populations and to my knowledge Michigan has not done that so I don't believe the census will be able to provide Michigan with those data.

>> I'm sorry Eric yes, please.

>> I had another question for Noah and you mentioned that wane and Genesee counties are expecting them to have a loss of population.

Can you tell us what that transpired from?

>> Good question and I don't know if I can point to one single cause.

The map that I showed highlighted loss of population in those two counties and then an increase of population in the suburban counties between the two.

So that is one decades worth of a 40 year, four or five decade long pattern of migration out of those cities predominately by white residents so that is probably you know the last decade the trend continuing.

Related to that question but also to what Lisa and Eric were just discussing is as the commission begins to think about where communities of interest are, I think it's very important to keep in mind how entrenched patterns of residential segregation by both class but also race are across the country but also in the state.

And those patterns of residential segregation are often drawn along the boundary line between cities, between individual cities and suburban cities next door.

So as you think about the process of deciding where communities of interest are, and how to define what one district could or should be versus another I think it's important to

keep in mind when you look at the map and you look at the distribution of population you are looking at decades of historical patterns of demographic change. Often from one city to the next.

And they are very stark patterns of residential segregations primarily by race. Primarily between white and Black residents between the city and using the city boundary as a way of delineating or distinguishing between potential districts brings with it decades of history and it's important to be aware that that's the case that cities redraw their borders, there is jurisdictional borders via municipal annexation and that is very common.

So cities can if not redistricting but they can gerrymander in very similar ways so the city boundaries themselves are not an ahistorical way to distinguish communities of interest. To use city boundaries is to use the history of the city itself and its demographic population so just something to keep in mind as you think about these issues.

>> Moving forward for Genesee County migration is important to understand the population and as we move forward natural decline is a more important factor of being more dense and verse.

>> Is that considered domestic migration what Noah was just describing or is that something different domestic migration?

>> Likely so when I was talking about the state in terms of domestic versus international migration, the state has seen positive net migration in recent years because of the high amount of international migration we have seen because we have still lost more residents to other states than we have gained.

So we did not do that analysis down to the county level that it was part of our analysis for determining total migration that we did and we later just aggregated to the county level.

But if the pattern held true, they would likely be the same as well.

>> International migration is an interesting question.

Can you tell us more, how much do we know about the populations that have come into Michigan in the last decade or two decades where have they come from?

Have they settled into particular parts of the state?

This feels like something that could easily tie into the issue of communities of interest, are there particular sources of data to turn to to learn more about this?

>> There are.

I'm sorry I'm assuming that question was directed to me but if I stepped over somebody else, I apologize.

There are ways to understand that.

There are census tables that will help.

There are also micro data that are available for slightly larger geographic areas and maybe a little less help for the commission.

But we can get data for place of birth and year of entry from the data that should help a lot and I believe those data are available in sort of a broad more broad categories in the summary data as well.

So those data are available so we can look around and see where those immigrant communities of interest are located and how long they have been there.

>> And is it typical, do we know any of our panelists is it typical for redistricting efforts to look at other sources of data beyond just the census?

>> Well, one thing that you know I said the 2020 census was the short form census. The census Bureau every single year is collecting data on something called the long form census and it asks like Eric said place of birth, where did you live last year? And that is where we will figure out that people are leaving Detroit but staying within Wayne County.

And your education and lots of other variables.

And I think that in some ways some of those variables could be helpful for figuring out a little bit about communities of interest.

The thing is that they don't go down to tiny geographies but for a lot of the state, from about Gaylord up, many, many of the Congressional districts don't even cross county lines.

They are made of an entire county.

Now some of the state house districts definitely but there is something called a county subdivision or a county division.

And so you can get quite a bit of information from that but then a variable like age, that is an old demographic variable and about Gaylord up it's older people.

Gaylord down it's young people.

And the upper peninsula is all these what is it called?

Natural decrease counties, they have more deaths than births and it's not because they have poor health up there it's just, they have old people.

And the young people are moving Two Cities and so they are just aging in place.

Maine is one of oldest in the nation and no one is migrating there to retire.

Young people are just leaving.

So I think you would be well served to look at the American community survey data which both Eric and Noah showed in their slides.

>> Another question kind of stepping away from the details of data, how would you or three panelists advise the commission when it comes to choosing a vendor who will be working with the data, who will be drawing the maps, Lisa you noted if a vendor has not heard of the term differential privacy that is going to be a big red flag, stay away from that vendor.

Are there other tips that you would give to the commission for how to choose vendors to work with the data and draw the maps?

>> Lisa: Well I think they should be familiar with there are a lot of websites that have looked at redistricting across the nation for every single state and they say what if I just start in this little corner and make myself a Congressional district and let the computer randomly accumulate populations and so it's done with an algorithm, with no nefarious purposes.

And then you do that and you have a lot of county breaks so you do another one where you put a rule in and say try and minimize those county breaks.

So the vendor has got to be familiar with not the old fashion way of how everyone on the commission could do this with colored pencils and drawing and accumulating the population by hand so they have to have a lot of mapping skills but data skills as well. And there are a lot of people that know how to do that.

And you can see, I teach a course where I have the students look at all different kinds of maps drawn with different ideas in mind.

And so I would just make sure that the vendor knows how to do more than, you know, just taking the existing map and saying, okay, this population has to be a little bit bigger. Let's steal it from this one.

And just tweaking the current map which may be what would be an unskilled vendor would do.

>> Eric and Noah are much better map people so they can tell more about that.

>> Yes, and we will come back to that.

I see Doug has a follow-up here or a new question.

>> Doug: I do.

Actually it's relative to this.

Do you have a list of what you would call preferred vendors maybe four or five of them? That we could, you know, do some research on and because eventually we are going to have to select one and get one through an RFP.

>> Eric: I can tell you the state, we have a redistricting commission that looks at more of the technical stuff in terms of making sure the census has the data that they need and that we are pulling in the data correctly.

I work with Bureau of elections to make sure the elections data are put together.

And so and then they have actually looked at you know the various vendors that do like maptitude and when Rob Surber presents to the group he may be able to speak more to the specific vendors that are providing those products because there are a number of them but that group has already seen presentations and has an idea on at least which vendors out there have been used by Michigan in the past and which vendors out there are supplying what at least that group thought when they were going to be doing redistricting would have been important.

So advice might be beneficial for MCSS on that unless anybody else on the panel has specific suggestions from products or paperwork as well.

>> Lisa: I guess I would say I think the product you're using is less important than the person running it because y'all would do no good, I would do no good if somebody just plopped some mapping software on my computer and said this is the magic bullet and if you don't have you know any clue of how to do it and several of you would figure it out, but you would in no way be an expert.

So it's somebody that has got facility I hope you are getting more than just a vendor that's got software.

I hope a person comes along with that software.

>> I think one additional I'm sorry go ahead.

>> I think on that note I think having someone who will liaise with you and work with you to possibly to produce maps, sample maps for you.

Or to be engaged in assisting you to make some maps is crucial.

But you know, the technological side can get a little complex but I want to emphasize that the process of -- in many ways the process of looking at a map, a sample map and figuring out for yourself whether it feels right, whether it seems to have been produced via a fair process I think is you will find is fairly intuitive and you will get to talk about it as a commission.

So even if the technological part is intimidating in some ways, the process itself of coming to a decision should be fairly straightforward because I think when you look at a map that has been gerrymandered many of us will see it and say what is up with that there?

So I think you will -- I hope it will not be as onerous or as daunting as it might seem if the technology is new.

>> I need to correct something I referred to the state committee as a commission and that was an error.

You are the commission.

We have a state committee that works on some of the technical aspects of pardon me on my one last thought as far as vendors if you have a vendor, vendor telling you what you should do is a red flag rather than what they think a map should look like because that is obviously why you are here.

>> MC.

>> MC: So I want to make sure I'm hearing that we will have to use algorithms and the process and use software that is going to use algorithms and one of the things I understood is that we can potentially be sued because there is things that can be manipulated behind the scenes in these algorithms but there is a process that we will go through as a commission to draw these maps using software that uses algorithms but we will essentially be able to we have to use algorithms and we have to create a process and allow it to be seen and transparent and then we are ultimately creating good redistricting maps is that fair to say?

We have to use algorithms?

>> Lisa: I think I misspoke a little bit.

I'm saying that sometimes when algorithms are used it can reveal what the state would -- what its Congressional districts would look like had there been no human input and you are right algorithms certainly can have something hidden some bias in them but not all the choices you make are based on completely let the computer take charge.

You can say that I want it to be accumulating random you know as much as possible I want the racial distribution of each district to look the same.

That is going to be pretty hard to do in Michigan.

But you could at that point be going okay we need this little thin slice to be going all the way up and so that's telling it a rule but you are telling what the rule is.

So it's not a mystery box rule.

But what is interesting about the algorithm-based redistricting programs when they choose that choice, it ends up you can see that ah, okay, maybe this date shouldn't have 13 in for one party and five for another party.

Had they used this mysterious algorithm it would have been nine and nine.

So but then you can look at it and say I don't like the way it looks go in there with a human hand and change this and go ahead and change this.

But you have good instincts to worry about that the map maker is just going to push a button and you all don't get to have any input because the program is the expert and you're just supposed to sit there with your hands folded.

So there are a lot of computer programs where you have explicit rules that you get to control.

And say I want it to do this, I want it to do that.

>> Yes Anthony.

>> Anthony: Kind of to add to this idea of you know using different types of software that use mathematical models to assist us in drawing the maps.

I think it will also be important to know or have explained to us, you know, in detail how those models came to be and what the different variables and those models are.

Especially because you know we have specific criteria.

We have to go by in the Constitution.

So we will have to make sure that whatever vendor that we choose and whatever model that that software uses matches up with that criteria that we have to abide by.

>> Yeah, I think that is a terrific point Anthony.

One additional complication I think in all of this that I would be interested to hear from our panelists if they are aware of any other states that maybe have gone through this, the issue of communities of interest.

You commissioners as you are going around the state and holding public hearings presumably you are going to get maps handed to you, some may be simply you know drawn on a piece of paper saying you know here roughly is community of interest in my county.

And that's not data that can be plugged in to an algorithm.

It will be a hand drawn piece of paper so I don't think we have any good sense yet for how many communities of interest will be submitting information to you.

Could be a lot.

To our panelists do we know of other redistricting experiences across the country that have had to kind of incorporate less formal data?

And whether there are any best practices for how to approach that?

>> All right I don't have any good advice on that.

Sorry.

>> No, that is okay.

There may not be good examples.

I'm not aware of it.

>> Lisa: Well I think you can come from drawing Battle Creek and Kalamazoo might want to be in the same Congressional district so you just start out with that constraint that those two counties are treated as one Uber county.

And I think that is a possibility.

You will have an idea of some areas in the thumb that might need to stay together.

And I think that's -- that would be the kind of question you should be asking the map maker saying we have been going around and talking to these areas and Detroit has a whole bunch of community areas that were created in the 1980s.

None of them are big enough to be a Congressional district.

But maybe you don't want to draw a line smack through I think of palmer park as one.

But there is lots of community areas in Detroit and so you say we would like to as much as possible not maybe keeping all of them, I don't know which ones are still resonate with folks that live in Detroit or maybe there is a new one.

You can say we want these census tracts to stay together.

Can your -- the Middle East, North African population there are certain communities and not just Dearborn but several communities in southeast Michigan that might want to be clumped together.

They are not big enough to be their own Congressional district.

But please don't leave out one little part.

So that's the kind of thing to ask the map maker saying we are going to put Crayola marks on where we think the areas that need to stay together, can you draw maps with these constraints and they can.

And that's where again there has to be respect both ways where they are taking your input of what you are constrained by the commission of what you're supposed to be paying attention to.

>> We have about ten minutes left.

Yes Anthony.

>> Anthony: I think what will -- you know, this might be at this point of where we are in the process, I know you know some of us might feel a little overwhelmed but I think once we get out there and start visiting the communities that we have to go visit you know it will become rather clear on what those communities want.

>> MC please.

>> I have a question, it's personal.

So I work with group housing, I work in a community cooperatives where and I'm just curious if cooperatives are housing cooperatives are considered part of that data?

This I think is directed at you Lisa when you were looking at you know do you know if housing cooperatives are part of the group model within the census?

>> Lisa: Well first of all did you get a census questionnaire that as you mailed to you?

>> MC: My business did but not me but yeah that is why I was curious.

>> Lisa: You didn't get it at your house.

>> MC: I live in an individual family home in a neighborhood but I work with group housing so I'm just curious.

>> Lisa: I believe that people like the cohousing units and stuff, the cohousing communities those are each individual.

They are treated as individually but it's a good question.

I mean U of M has dorms and then they have a lot of these high rises that are suspiciously like dorms.

Six bedroom units.

But those are not group quarters so.

>> Do you know about the cooperatives at the U of M?

So student housing cooperatives and I wonder.

>> Lisa: I don't know about those.

The nitty-gritty details I don't know.

>> So I just wanted to jump in on that.

I guess it would depend on what you mean by cooperatives because if we are talking about multiple people living in the same facility and then being provided services or anything like that, that is generally going to be a group quarter.

So if you think of like adult foster care or if you think of places with persons with disabilities are living in a conjugate living arrangement that is all going to be a group quarters type or supposed to be a group quarters type of situation.

So I'm not familiar enough with that term of housing cooperative to speak specifically to it but if you are having people living in a facility and receiving services, then that's more than likely going to be considered a group quarters type of situation.

If you received a questionnaire at your facility to answer about all of the residents in your facility then that was likely a group quarters questionnaire.

>> We've heard a decent amount of concerns of under counts on the census.

Under counts of potential different types of groups.

To our panelists are you concerned about the census under counting groups in Michigan and if so, is there anything to be done about it?

>> I have some things to say but welcome other members of the panel to go first if you have some ideas on them.

>> Lisa: There worry nationwide about potential under count and it's pretty typical once mall apportionment was gotten rid of people were more worried about under count because it did not make a difference if your district was 900,000 and another was 150 why worry about under count but now if they are all supposed to be the same size under count comes into effect and there is worry that some of our communities might have been under counted.

I don't think Michigan is any different than any other place.

But I suspect there are going to be suits nationwide about this being a bad census.

But you need to just plow on and wait to see if there is any remedy for the under counted communities.

>> Eric: As far as under counts I'm personally concerned about, concerned about the under count around college campuses, not necessarily in the group quarters or the dorm populations but in the areas around college campuses where students lived in housing units and may have left due to COVID issues prior to the time when they would have been counted in what would have been an early nonresponsive follow-up operation that was scheduled to occur in March and April that did not happen. And because it was meant to get those college students before they left for the summer. And I'm not concerned about the prison populations or anything like that.

I think DOC probably was giving them good information.

I am concerned about our communities of color broadly.

As they are often times communities that are more difficult to count or do not respond to the census to the same level.

Michigan has had historically a fairly hi response rate to census, the last census it was estimated that we had a very, very slight over count to the population.

And what I'm concerned about with is really a whitening of the population in terms of if we get a very solid count of the white population but had issues with our count of our communities of color, our state may look whiter than it actually is which is obviously problematic for a number of reasons.

There are a variety of aspects of under count and communities in specific that are very concerning.

The census because of the timing issues and because of COVID and because of differential privacy and a variety of other reasons.

>> Rebecca and then Erin.

I'm sorry Rebecca did not have a question.

Erin if you would like to go.

>> Erin: With regard to under counting subject, I know that on this census I don't remember if it was on the last census or not, but at least this time I got an e-mail or a message ,a text message message, because I had not filled out the paper form of the census, I could go online to fill that out.

Do we have or will we have counts of how many people actually filled out online as opposed to the paper counting and how would that affect under reporting at that point?

>> Lisa: That is a variable on this census long form.

They have on whether you filled it out.

That's called a para data so you have information on you know how the person filled it out and sometimes if you fill it out in private as opposed to face-to-face you might answer differently.

And you know you might shave ten years off your age or whatever.

I mean that is a bad example.

But the census Bureau definitely keeps track of who did it online.

There is parts of the State of Michigan up in the U P where they just mail paper questionnaires.

They knew people didn't have good Wi-Fi service up there.

And stuff.

So there is different parts of the nation that got forms dropped off in person because they didn't have normal mail delivery addresses.

So the census Bureau and they have places they said we better do this and I have a Spanish language questionnaire come to this part of you know these five blocks or whatever.

Or both languages English and Spanish.

But the under count is more you know people are not answering or they are not getting you know the follow-up wasn't very good.

Michigan is actually a very good state.

I was very disappointed with the state that we were in good shape on self-response.

But then when it was nonresponse follow-up we fell behind and instead of being in the top six or so states we dropped quite a bit.

But in the end, we supposedly caught you know caught most of our population.

But.

>> Okay well I think we are just about at our time unless there is a last question from any commissioner.

Yes, Juanita.

>> Juanita: .

>> You are muted.

>> Juanita: I was always curious of how you all kept up with the people that lived in apartment buildings.

I live in Detroit and there are a lot of apartments in Detroit.

How do you keep up with these people when they are moving all the time in and out of apartments with the census?

>> Eric: For the census account for the population as of April 1st so the census Bureau you know their plan was to you know enter apartment buildings and go door to door to every apartment.

>> Okay.

>> Eric: If the population didn't answer either online or with a form, the first question they ask them, you know, is were you living here on April 1st and then they proceed with the interview from there.

So the Bureau did -- there are always issues of getting into secure buildings but they work through that sort of thing.

But they do go through and knock on every door in apartment buildings and as part of the lead up to the census the local update census addresses all local areas were invited to submit addresses which included apartment numbers to the census Bureau and Detroit did participate in that program.

>> Lisa: To furtherance that I was actually a nonresponse follow-up you know interviewer.

And you would come knock on a door and then you know, we are way, way late, we are interviewing people in August instead of April.

But let's say somebody is at an apartment and they were living there on April 1st but by now they are 22-year-old child is not living there, we say you know who was living here on April 1st.

So you are supposed to be capturing the people even if they are not living there now but apartments are hard, there were a lot of glass door entryways so you have to get the manager of the company to let you in.

And then you leave a little thing saying I came knocking on room door 17, please and then there is a phone number and a URL for the person to respond without somebody having to physically come by.

But there is less good count of renters than there is of homeowners.

So.

>> Juanita: Thank you.

>> Okay I think that wraps up our time.

I'd like to leave you commissioners with the thought that we heard from Professor Justin Levia back in one of the early September webinars which was especially compared to some of the gerrymandered maps we have had in the past you would have to work pretty hard to design bad maps.

You all are going to have a lot of resources at your disposal.

And you know, I think there is every confidence that the maps you end up with are going to be pretty good.

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So this has been kind of overwhelming, Michigan is a big state, it's a complicated state, there are a lot of different sources of data to turn to.

At the end of the day, you would have to work pretty hard to do a bad mapping job here so I hope that is a little positive end to this session.

I'd like to thank the commissioners for giving us your time, thank our panelists for volunteering their time and thanks again to the team at the Department of State for making it easy for us to do this.

Thank you all.

>> Before everybody takes off, I would like to thank on behalf of the commission you, Tom, for moderating this for us.

Lisa, Noah and Eric for the information they provided.

It's all very good information.

And we will certainly put it to use.

And I assume that we will be back in touch with all of these fine experts when we have questions coming up.

I'm assuming they will allow us to do that so once again thank you all and have a good rest of the week and wonderful holidays coming up, thank you.

>> Thank you very much.

>> At this time we have been at it for a while.

So let's take a ten-minute break and come back about well 1:59 would be 2:00 so be back at 2:00.

[Recess until 2:00 p.m.]

Okay it looks like everybody is back.

Just as kind of a brief general conversation what did everybody think about the seminar?

And I will start.

I thought they did a nice job and gave us a lot of information so we now know what we don't know.

It's a known unknown.

And we won't know what the -- we know the unknown will not change until sometime next year.

So it will be interesting to see what the Court does with some of the stuff today.

I have not heard but any other comments?

>> Brittini: Cynthia.

>> Cynthia: I really appreciated that.

I was happy to be able to take in more, understand more information than previously when people were trying to teach us things.

So I think it's coming slowly and I look forward to learning more.

>> Steve: We can see what the quote map makers have to say to us when we start talking to some of them.

So, well.

Old business we are up to.

>> Juanita had a hand raise.

>> I'm sorry Juanita.

>> Juanita: .

>> Juanita, did you have something to say?

>> I think she is trying to figure out how to unmute, I think.

>> Steve: Can't hear you Juanita.

>> Juanita: I had my hand up.

>> Steve: I apologize.

>> Juanita: Can you hear me now?

>> I can.

>> Juanita: I had my hand up because I thought it was very, very informative so much so I need to hear it, I would love to hear more and more so we can really get a good idea what we are doing but I thought it was great.

It was very informative.

>> I agree Juanita and what I took away from that is I think you know when we are looking for this you know wonderful map maker vendor when we find the right person, we will have that experience again of them literally walking us through the process and being able to actually feel like we have a hand in making a positive change.

So, yeah, I think it will be just fine.

No worries for me at least.

>> Steve: Okay, all right, next is old business and Department of State update.

Sally, are you bringing that to us?

>> Sally: Hey everybody.

Yes, I will be and then I'll be handing it over to Mike.

So just to kind of round out the conversation about the webinar I'm so glad that was so helpful to all of you.

We have another one tomorrow from Rob Surber who is the enterprise portfolio management office director which is a mouthful of a title but the bottom line is he is one of the people who helps oversee and manage the data that some of the data at least that Eric Guthrie and others were speaking to from the center for shared solutions within state Government so he will be able to kind of walk through what is already available and agreed on a nonpartisan and bipartisan basis within the State of Michigan.

It's something we have.

Some other states have, some other states don't have.

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So it's a hopefully will be a helpful presentation to all of you and understanding what's been done and maintained by like I said a bipartisan and nonpartisan group and what he will kind of talk about and I wanted to make sure to parse out two or three different concepts from the past presentation you all just heard which is the data itself.

The software that you use to access and manipulate the data and actually draw the maps.

And then any consultant or vendor that would either bring the software and the expertise to actually draw the lines.

Or potentially just the expertise and you all will purchase the software right.

So there are three different buckets and I wanted to make sure that to just emphasize that what Rob Surber can talk about tomorrow can kind of build on today's conversation in terms of both data that you can use and he has experience in helping state Government in Michigan obtain the software that's needed in order to manipulate it.

So he can as you are kind of parsing through these things and what you need, he can talk to both of those pieces but you know historically and I'm sure it will continue the committee he oversees and that has been maintained for a while stays far away from the actual map drawing part of it.

So that sort of third piece of the mapping consultant is not what they do.

By design, right?

And so I just kind of wanted to provide that further context to all of you.

Hopefully that will be a helpful discussion.

And Matt Grossmann will be back to help moderate the conversation and bridge the two conversations you had today and then tomorrow.

I'm not sure if we will have time to do any further webinars before the end of the year.

But trust me I've got the list.

I'm trying to do some follow-up with some of the folks and certainly once you have your executive director on board and others to kind of further help bring those together so you can keep diving into the information so working on it but I wanted to make sure you at least got these two pieces before the end of the year.

And then just a quick note on compensation.

The good news is I think we are quickly going to be able to move forward here.

The way that Kelly Services I just learned the way that Kelly Services actually does payroll is on a weekly basis so you will have a weekly sum as opposed to the two week every two weeks that was discussed.

And they will be able to provide sort of lump sum up front that will cover the time between when you actually start receiving your payroll and the beginning of this past fiscal year which was October 1st.

So more details to come but I've gotten clarification on both of those points and my expectation is that you'll be getting communication from them directly soon on signing paperwork and contracts.

So continuing to move that ball forward.

And I know that Mike is trying to call back this.

I think he had to drop off.

Let me see if I can see him here.

Oh, he is on now.

All right so I'm going to turn it over to Mike for just a brief update on the executive hire piece and then you know he can turn it over to Doug and Rhonda.

>> Mike: .

>> Mike, can you hear us?

>> Mike: Oh, I think I was on mute can you hear me now?

>> Sally: Yes, hi Mike.

>> Mike: Thank you good afternoon, I'm Mike Brady from my Department of State and calling on just wanted to provide a brief update on the follow-up to the executive director conversation two days ago.

I e-mailed Rhonda and Doug and the question had come up that I thought more about after we got off Tuesday's meeting.

And the question concerns the Open Meetings Act and concerns specifically whether in the commission's full delegation of authority to Rhonda and Doug and whether that effectively created a new committee, a new committee, there had been a prior committee of course that was set up for the purpose of reviewing applicants for the executive director position and not eliminating any reviewing doing due diligence and coming back with a recommendation who this commission should interview and take it from there.

And as I thought about it and ultimately you know consulted with some other open meeting act attorney experts, there is a concern that with the commission, there is a way, it was a close enough call that I wanted to you know just bring it back to you all and clarify this to avoid any kind of lawsuit that someone might bring against you all for the Open Meetings Act so I think knowing we had the meeting today and figured it would be better to air on the side of caution.

And just kind of avoid that altogether.

So basically came the question of the delegation of authority and had this commission delegated to Rhonda and Doug merely the ministerial act of reaching out and you know gathering information all of that and bringing it back for this commission to make the formal offer?

Or rather we just say arrive at the formal decision of what the salary should be?

So 50% we can offer you know at what point within that range?

But instead what I recalled of Tuesday's meeting was that this commission had actually formally delegated the authority to not just have a conversation gather information you know and frankly even negotiate but to actually arrive at a decision that would be binding on this commission.

And that is a delegation of authority, authority to make that decision rests with this commission.

This commission can delegate that authority to Rhonda and Doug but in so doing it at that point it would have again argument both ways but I think ultimately even if you went in Court it sure would be a distraction with everything else to even have that lawsuit. And so if that is what this commission wants to do then Rhonda and Doug, we can still proceed that way.

We can notice a public meeting for them to speak openly with the candidate Ms. Hammersmith and have that actual negotiation back and forth happen in that regard.

And whatever Rhonda and Doug decide there they would have the authority still of this commission to make that offer and have it be binding.

Alternatively they can clarify Rhonda and Doug are simply performing a ministerial act and reaching out to Ms. Hammersmith gathering information you know could even discuss certain numbers but with an understanding from both of them and also more to the point from Ms. Hammersmith that Rhonda and Doug are not authorized to make a binding offer and rather would be able to hear out any concerns any needs the candidate may have in terms of benefits or otherwise and salary and bring that back as a recommendation to this commission and this commission would retain its sole authority to make the decision.

And if we were to approach the latter or use the latter approach, then Rhonda and Doug would not be a committee and not have binding authority and you would not have given them authority to affect Ms. Hammersmith or the commission.

That is the update, apologies for you know not thinking of that in full on Tuesday. One of the questions I wanted to round out in case one of you asked the question earlier in the conversation on Tuesday there was a question, well, could the Department of State do this for us.

And I responded at one point and said well perhaps the chair and vice chair and ultimately the commission decided to have it be Doug and Rhonda.

To clarify, even if this commission were to ask you know for example Sally and I to go and you know do the other approach it does not matter who you -- if you gave someone binding authority or authority to make an offer that is binding and make that decision that itself would be the creation of a public body regardless of whether those individuals on that committee so delegated whether those individuals are actually commissioners as the case Rhonda and Doug or if it is Sally and I it would not make a difference on that particular point.

>> Steve: So Mike do I understand what you are saying is that Doug and Rhonda can go have a conversation with Ms. Hammersmith and in general terms say you know we are considering hiring you.

What are you looking for as salary?

Benefits, et cetera?

Come up with some perimeters of what would be acceptable then bring those back to us for discussion and we would -- we as the commission would then make a final decision, is that what you're saying?

>> Mike: It is.

>> Steve: So that would require a new motion from someone to authorize Doug and Rhonda to make contact with Ms. Hammersmith without committing to a formal contract, bring it back for approval by us assuming that she wants to do something. She may have changed her mind by now.

Rhonda?

>> Rhonda: Just a quick question for Mike.

So if we take that route, are Doug and I still allowed to talk beforehand to organize what we want to ask her, whether it be what type of compensation are you looking at? Are you looking at, are we able then to communicate with each other, not just Ms. Hammersmith?

>> I'm very by the rules and I don't want to do anything to mess up.

>> Mike: Absolutely.

No, I appreciate the question and I appreciate your attention to detail in particular on that point.

I think it will serve the commission very well over the duration of your tenure.

I believe you would.

In particular I'm looking at the constitutional amendment this is article four section six in particular I direct you to subsection 11.

And so I know we have gone over this many times but I will read it again because I find it helpful for myself and also as a refresher and certainly for members of the public who may be watching.

So section 11 says I'm sorry this is subsection 11.

The commission is members, staff, attorneys and consultants shall not discuss redistricting matters to members of the public outside of an open meeting of the commission.

Except that a commissioner may communicate about redistricting matters with members of the public to gain information relevant to performance of his or her duties if such communication occurs and there are two exceptions A in writing B in a previously noticed forum or town hall open to the general public.

So a few different things on this.

Not to go on for too long but worth breaking it down with my read of it and if someone has a different read by all means and I think it's important for everyone to be on the same page here so the subject of the sentence is the commission, its members, its staff, its attorneys and its consultants.

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So Rhonda and Doug you are both members of the commission to the subject and says shall not discuss specifically redistricting.

I suppose someone might argue that anything you do is redistricting.

I don't think that is a reasonable interpretation of the language.

And I you know would never presume to know exactly what I Judge would say but I don't think it's reasonable shall not discuss redistricting members among the public and does not say amongst each other it's a limitation on whether you can discuss these things again that is outside the commission, its members.

Its staff and attorneys and consults shall not discuss redistricting with whom with members of the public.

It does not say amongst each other and the read on 11 as a prohibition that would otherwise effect you is individual conversations between Rhonda and Doug on this matter don't apply for two reasons.

One the prohibition is not between two members of this commission speaking.

On any topic.

The prohibition is between members, staff, attorneys consultants and members of the public.

So Rhonda and Doug are not members of the public for this.

The candidate for whom you are you know discussing bringing on as an employee if that person accepts then someday that person will be staff.

But right now that person is a member of the public so that is a separate question but in terms of Rhonda and Doug you can speak with each other because prohibition does not apply to you because of members.

The other reason it does not apply on this topic you are not discussing redistricting.

You are or redistricting matters.

You are discussing an employment contract for this commission for to hire staff.

A specific staff person.

I just don't think there is any other way to read that particular prohibition.

And so I think it takes you to the next question beyond Rhonda simply whether you and Doug can speak with each other, I think you know can you, can Doug speak with Ms. Hammersmith and you know who is a member of the public still if and until she accepts an offer of employment with you.

And I think you can because what you're accepting as an employment matter it's not redistricting or a redistricting matter.

Again so long as you don't get in a conversation about redistricting and you are simply talking about her potential employment with this public body.

So that's you know the full answer there.

And I want to briefly acknowledge that subsection ten does talk about -- it has a line in there that came up in some internal conversation at the Department of State.

I don't think it's actually applicable but will acknowledge it.

It says subsection 10 second sentence the commission shall conduct all of its business at open meetings.

And so it doesn't have a restriction about redistricting it says all of its business. However, the subject in that sentence is not or the subject in the sentence is the commission.

The commission shall conduct after that it says it talks about the functioning of those meetings, nine commissioners including you know at least one commissioner from each selection pool will constitute quorum and advance notice and commission shall conduct hearings in a matter et cetera and the commission shall use technology.

So the focus of subsection ten is entirely on the commission, which is not 13 of you individually, but the body politic of the commission itself.

How you collectively act whereas 11 is in Stark contrast of section 11 talks about the commission, its members which is each of you, its staff, its attorneys, its consultants so the back and forth of the construction of two subsections 10 and 11 have clarity of what they are talking about and 11 could have said shall not discuss any of business but it did not say that it says shall not discuss redistricting matters so I hope that is helpful.

>> MC?

>> MC: Mike, my only concern is the precedent we may have set with the subcommittees because I also believe that we didn't delegate authority to the subcommittees to actually choose the candidates.

They were delegate right that we ultimately as a commission are choosing and hiring. But the subcommittee were whittling down and just concerned we may have set a precedent.

I agree with your interpretation right but because we have actually created the subcommittees with the Open Meetings Act, I'm wondering if we are in danger of, yeah, sort of just in practice if we have set up a precedent and with that, we should follow it with this small subcommittee.

Yeah.

>> Steve: Anthony.

>> Anthony: Well, I mean, all of our -- we did choose, you know, we voted for someone to be the executive director.

So you know that person at least as of now is chosen to make this, you know, this process go a little faster, I don't see a reason why we can't discuss a job offer either now or tomorrow.

Maybe you know someone can write it up tonight.

And bring it to us tomorrow.

And we can discuss it.

We can approve it.

And then after we all approve it Doug and Rhonda could send it and say pretty much you know this is our offer.

This is your job offer you know any time I've had a job offer I had an offer sent to me then it's on me to accept, decline or negotiate.

But usually that is only after a you know a written offer is sent to me first so I'm just wondering what everybody's thoughts on that are.

>> Doug: Rhonda had her hand up.

>> Rhonda: As far as discussing it and writing up something in the group I think we were kind of all on the same page where we didn't want to put a number out there right away.

You know, because what if somebody would be willing to work for less which saves the commission money so I think I kind of think that is how we got to this talk to her, see what she would expect and then put out an offer to her.

Maybe we could submit a paper to her, have one done up like you said offering employment and asking what her you know I've had many employers ask what is your expected pay range, what salary are you looking for?

And that might direct us a little bit better.

And then none of us would be, you know, potentially breaking any rules if we like you said did do up a letter but then got some additional information from her maybe, I don't know.

I just don't want to get us sued, that is all I know.

>> Doug: Mike, I would prefer to keep things not in writing until we have an initial discussion with her.

And then because we still have to come back to the committee or to the commission to get approval on that.

And I would hate to have something sitting out there in writing.

I would rather have it as an upfront discussion with her and see what's on her mind as well.

And then come back.

>> Steve: Well, I think we are at the point at least a suggestion was to have you, Doug and you Rhonda get in contact with her probably on a conference call, evidence collection and bring it back to us for a decision.

So that is a little change on what your marching orders were before.

I'll make that as a motion.

If there is a second, we can further discuss it or vote on it.

>> Doug: I second it.

>> Steve: Any further discussion?

Sally?

>> Sally: So, yeah, hi everybody.

I just thought I might kind of bring together what I hear Anthony saying and I think you know what Mike is sort of trying to illustrate as an option for you all.

I think to your point on Doug and Rhonda can kind of have that initial conversation and then based on that conversation have a draft letter that would be talked about tomorrow at tomorrow's commission meeting for example.

You all could agree on it or make any edits to it or make any changes and then have that in writing so it's not you know it's not having anything in writing but rather sort of having that ministerial research related conversation first before making a formal offer letter and kind of cementing that offer.

So I just kind of I know it's sort of embedded in things that Mike has said and others but I wanted to illuminate that as sort of what the next steps could look like beyond just Doug and Rhonda's conversation.

>> Doug: The offer letter Sally is something you and I had discussed with Mike. And we are going to get some template coming out of HR to do that.

>> Sally: Yes, which I already have the template I just need to update it with the commission with a new seal.

It's pretty straightforward.

So that would be easy to turn around in other words in time for tomorrow.

>> Doug: Correct, okay.

>> Steve: Assumes that you, Doug and Rhonda will be able to get ahold of her between now and tomorrow's meeting.

>> Doug: Rhonda and I have to spend a little time together then we have to get ahold of her yes.

>> Steve: Maybe that happens, maybe that doesn't but here is my point our meeting is tomorrow and if it happens fine, we can talk about it but if not, we are meeting on the 10th and that would certainly give us enough time to do this.

So.

>> Okay.

>> Steve: All in favor of the motion with the discussion raise your hand.

>> (Hands raised) those opposed raise your hand unanimously passed.

So however Doug and Rhonda you want to get ahold of her and between you and Sally and everybody bring us something back that we can live with.

>> Doug: I will call you right after the meeting, Rhonda.

Steve there is one other item I want to bring up about the executive director.

>> Steve: Yes.

>> Doug: During some thought, when we previously had authorized the 13 of us to get computers and phones, we did not do -- that did not include the executive director and general counsel and so forth.

So we need to authorize that money for when we hire these people in so we can get the ball rolling on getting them that material.

So I would just like to put a motion forward that we authorize expenditures for the for all of the ICRC staff that we do hire for example being the executive director and general counsel communications director so they can have mobile phones and laptops.

>> Steve: Okay, MC?

>> MC: I was just seconding the motion.

>> Steve: I don't want to limit it but I guess I do want to limit it to the ED general counsel and communications at this time.

>> Okay.

>> Then we can revisit it if we need to down the line.

Would that be acceptable?

>> Doug: Yeah, that is fine.

>> Steve: Okay, then motion and seconded to provide for laptops and phones for executive director general counsel and communications once they come on board.

They don't all have to be here before they get them.

All in favor raise your hand.

(Hands raised)any opposed?

Same sign.

That passes unanimously.

So hey we are up to general counsel candidate.

Who is the committee?

>> Doug: I'm the chair of the committee.

And MC and Richard are on the committee so let me start by talking about the process that we used.

And make some comments on that.

And then as you know we have two candidates we are recommending.

MC is going to talk about the -- why we chose Julie Ann and I will talk about James.

And so to start off, what we did as a committee and you got a copy of this from the other -- the meeting from earlier this week, we developed a scoring table.

That we use to evaluate each of the candidates.

And we only had 11 candidates.

>> MC: Mike.

>> Mike: I want to clarify some of the conversation of the Open Meetings Act that I believe the committee is speaking to it, it was advisory committee and speaking right now to its recommendation that it made but it's not when it says like it chose, I think what commissioner means why it arrived at its recommendation to this commission. And in no way did that limit the field for this commission to consider all of the applicants for the general counsel position.

It's a very important distinction and I know that is what the committee has done and I wanted to make sure the record reflects that.

>> Steve: As aside we decided several meetings ago when we started this process that the whole commission would look at all of the candidates at before we made a final decision.

So whether or not we are looking at one, two, three or four today we have the power any commissioner has the power to bring up anybody they want to.

>> Mike: Correct thank you.

>> Doug: This is our recommendation coming out of evaluation of 11.

So we have a scoring sheet that we used.

And the scoring sheet was developed based on the job posting and the supplemental questions that were posted as well.

As part of that job posting.

Basically what we have is five columns.

First column being a category and the categories that we decided to assess people on were based off entirely with exception of two entirely off of the job posting of the supplemental questions.

Okay and I'll get to what those two were in a minute.

So the first two categories were requirements coming out of the job posting, so the people did not meet those requirements both of them, we didn't go any further with them.

Okay?

And they got zero points.

Everybody is quantitative in this methodology that we used.

So then for each of the categories in is second column we had a choice of four scores you could give for an individual.

And a short definition of what the scores were.

The third column was a comment.

If you chose to make comments on that category.

And then the fourth column is the important thing in my mind.

And that we assigned to each of these categories a waiver because we felt that some of the cat go R -- categories were more important to us than other categories and then what we did we put the weighting multiplied it by the score in the second column and came up with a number for each category then we totaled those up.

Okay?

And that gave us a quantitative measurement of individuals based on their experience and skills.

The two categories that we added that were not part of the job posting was one that came out of our committee meeting.

Dealing with I'm sorry let me grab it here real quick.

Dealing with knowledge of the State of Michigan Constitution.

That was never specified.

In the job posting.

But we felt that was a very important thing.

And then the other was kind of a catch all category.

Which dealt with overall general impression, other favorable or unfavorable comments that we would want to make on that individual.

So what we did is that we took those scores and unfortunately, we only had one committee meeting so we took those scores and listed our top five candidates and talked about our top five candidates and we then decided to use the initial score sheet without that one category and the reason we did that was because we just don't have the time but we thought we were right on spot on this.

So we did that.

And we came up with something interesting.

We had three people float to the top with higher scores then we had a big separation on the numbers.

And that separation was I believe for one person.

And then we had another big separation that lumped all the rest of the people involved.

So that is separation kind of gave us the opportunity to see who were the top candidates that we had in front of us.

So one of the things that before we discuss this one of the things that we did discuss was that we wanted to limit our recommendations to two people.

And the reason we did that is because we wanted to allow an hour minimum 45 minutes, probably an hour of interviews for each of the candidates which is going to take time.

But that was important to us because we want to have more time to connect with the candidates, personally and understand how they would fit into the team so that was important to us.

And have additional time to deliberate as a commission to talk about these people.

So that is kind of the methodology we used.

And as we mentioned Monday, we came up with Julie Ann as one of those candidates.

And James Lancaster as one of the other candidates.

So let me make a comment and this is directed more towards any individual from the public that is listening.

This whole purpose was to come up with a short list of individuals.

And that short list was our recommendation on who we thought was the most qualified based on their experiences.

And what we use as our source was the resumes that they produced.

And that's it.

We did not go out on the Internet.

We did not go do any other research.

We used that as our mechanism to identify these people.

Again, because we assessed them according to the categories on the job posting which is what we were looking for.

So given that to have an understanding of the process and again this is for the public that may be listening that is our short list.

It's based on nothing but the resumes that came out.

And that is what we are going to recommend to the commission to talk about.

But there is more to selecting the ultimate individual that we are going to hire.

And that is what I want to spend just one minute on is additional things in the process and the reason I want to spend one additional minute on this is because we've got a number of feedback from the public about one of the individuals.

And some of it pro, some of it con.

And the important thing to recognize is we appreciate it.

This type of feedback is what we are looking for.

However, it was not in the initial short list of considerations.

But it will be in the considerations as we move forward because we spent from Monday to today those on a committee but as a commission researching the Internet, researching political donations and so forth.

So now we have additional information.

So our next step which will be today when we discuss these candidates is to fold that into the criteria as well.

And then once we select as a commission the two or one or maybe none of the candidates that we want to interview, then in the interview process we will gather more information and then after that interview process then we are still going to meet again and discuss the individuals.

So the process has just started.

So the pro comments and the con comments we got and we got a considerable number of them, are relevant and they will be considered but they were not considered as part of the initial committee so I wanted to make sure that was understood.

So the MC or Richard do you have any other comments relative to that?

Okay so let me turn it over to.

>> I have a question before we continue.

>> Sure.

>> Steve: Who are your top five?

I know who your top two are, who is your top five?

>> Doug: That depends on the individuals.

Here is what happened.

Because we never met in the first place, there are two of us that use the quantitative process and one that did not.

Didn't have the resources to do that.

So the -- of the reason we chose the two we did because they floated up to the top for all three of us, okay?

So for example, my top five well, I mean I can sum it up for the two of us that quantified it would be Pastula.

Kerwin, Lancaster, Gray and Casbee.

Those are the top five but let me go back to what I said before, there is a big separation in numbers between number three and four.

And so that's why we did not even consider anybody past number three.

So but all of us had Pastula and Lancaster right up near the top MC go ahead.

>> MC: Yes, it is accurate we use the resumes and use their writing samples and I think it was also, yeah, like so we looked at the detail too not just the resume but in the writing samples and et cetera.

>> Doug: Yeah, so still a big gap Steve in the numbers.

It's kind of a red flag being on the ones that floated to the top are the ones that you know had the more experience and more what we are looking for.

>> Steve: Who is number three on your list?

>> Doug: I had Pastula, Kerwin and Lancaster as the top three.

>> MC: Richard do I remember correctly grow Monifa Gray was one of the top ones for you too if I remember that correctly?

>> Doug: That is the one you and I both chose.

And I guess I would add Gray in as number four, yeah.

>> Steve: Interesting those were my five.

>> Doug: Oh, really.

Good.

>> Steve: Who is next, MC.

>> Doug: MC will talk about Julie Ann and I will talk a little bit about James, go ahead.

>> MC: So just I think what Doug did when he is talking about this is, I think we recognize as a committee it's so difficult to qualify and talk about these people who are right incredibly qualified and have experience and we are doing a job that feels almost impossible so we were trying to quantify to try to create transparency and help you all understand our methodology and I just that is the only piece I wanted to add to Doug's. So with regard to Julie Ann, in particular one of the reasons I think we wanted to promote her was because the three years as general counsel to the board of ethics in Detroit which is, I think we want a high ethical standard for our staff and then hold them to the highest standard.

One year liaison to the city Council responsible for legal advice and other information. I think this is where it demonstrates an on demand knowledge of laws that are directly related to those that our commission might require including Open Meetings Act, VRA voting rights act and the Robert's Rules, these may be required on Zoom meeting when we are drawing maps in public quick, yeah.

Redistricting experience.

One of the few people who had redistricting experience in the city of Detroit and Julie Ann's application was the only one that was able to give an example of the work she did regarding the voting rights act others researched it and familiar with it but had not necessarily applied it in the way she did.

Litigation experience with city Council at many levels including appellate.

This demonstrates ability to lead a team in defense of our commission.

Maps through our Court system at the various levels that we are likely to have to go through.

I think all the candidates frankly demonstrated that ability or many of them.

The and then is the writing sample it was appreciate choice and writing sample she was one of two candidates who provided writing samples that directly related to work showing proficiency with the subject at hand.

As we all know if you are a lawyer you can have proficiency in a lot of different areas but we are looking at sort of constitutional State of Michigan and frankly what do you call it constitutional and Federal and laws that feel really tricky.

And so her writing sample directly addressed it.

Then her cover letter you know just showed that she knew the details of a complex governmental organizational chart so she addressed the commissioners via the secretary of state, small detail.

Her application was short.

Not the longest but not the shortest.

She states she is committed to a public service career and with Michigan's largest city as a legal professional for over 17 years which implies a deeper understand of the Michigan Constitution and need to clarify that.

That could be assumption and we need to clarify that, check.

>> Steve: Who is next, Richard?

Doug?

>> You are muted, Doug.

>> Doug: Sorry I'm going to speak on James Lancaster, we took a look at him.

He has got a substantial amount of experience.

He has 20 plus years' experience in our shoes as appointed commissioner in Dewitt which we thought was very relevant.

Demonstrates an ability to be compassionate with each of us and provide wisdom.

He was two years as general counsel of NSHDA with private and public employees and we thought that was significant as well.

He has no VRA, no voting rights act experience at the Federal level however he was involved with putting together the constitutional amendment that formed this committee. And bringing that forward.

So that was significant.

His writing sample is directly related to our work.

As the commission.

And he was very informative with his history and demonstrates proficiency with the subject.

His application was concise and directly addressed the duplicate materials he submitted for the executive director and general counsel and responsive to our request to resubmit for the general counsel.

From his initial application so we felt his experience and that he has demonstrated not only in the public but in the Government was significant because we looked at Government experiences as one of the key items, so that was the basis for our decision on James.

>> MC: .

>> Go ahead MC.

>> MC: We also discussed the difference between good evangelical experience and political experience and I think what we are ultimately what we are trying to tease out in everything we do as a commission is, we are a governmental body.

And we are trying to be nonpartisan so I don't know that right we want to try to be -- I know for me it's important to clarify when I try to be political versus governmental and want to acknowledge they are not the same and overly partisan is not something we are looking for.

But we do need governmental in addition to other you know not just governmental experience but we need that in order to understand how we are actually going to move forward as a body who is essentially in the legislative branch of Government.

>> Doug: Steve I think I would like to open it up and talk about each of these candidates and then additional discussions needed on others we can do that as well.

>> Steve: Brittini do you want to lead the discussion for us, please?

>> Brittini: As always Rhonda you are up.

I love it.

>> Rhonda: I love it Brittini you make me laugh.

You guys are bringing me out of my shell I must say.

First, I want to say I reviewed all of the resumes prior to your meeting fellas.

And I commend you on your meeting.

You were very efficient.

Got right to the point so I commend the work that you did.

I had a couple top picks picked out prior to your meeting too just from what I read and actually one of them was Julie Ann is it Juliana or Julie Ann so I do agree with you there.

There was another one that I would like to discuss with the committee but after everybody has time to do their input on the ones you're recommending.

With that being said, I did up some notes to keep me on track after your meeting.

I did some digging on my own and some notes.

So I want you to know that my comments I'm about to make has nothing to do with public comments we received.

And I'm the one that keeps saying public perception, public perception and I know you guys are going to be so tired of hearing that from me but as I said before I try to look at everything from all Sides.

All Sides.

So here is what I've got.

I wrote it down so I could stay on track and let me just go at it.

The first thing I worry about with public perception with Mr. Lancaster, the voters not politicians.

We've had people that have worked with them, we've had their executive director contact us.

We even had the executive director contact us that one of our executive director candidates was too political.

She you know she only contributed to republicans and she was too political to be considered for that position.

So you know as -- a lot of their volunteers said the same thing we need somebody impartial.

We need somebody you know that doesn't have that politicalness.

And when they did their public comments, I noticed that a lot of them said that 2.5 million supporters in Michigan, they have 2.5 million people that voted for this proposition.

And, yes, they did and that is a great feat but Michigan has a state of 10 million people and during that election there was over 1.5 million people that voted against it.

And upon doing my search on the Internet there are many people that do not trust this commission already, that think we are going to lean politically and you know some people will have to get over that because we are doing our best.

But I personally don't want to do something that it's going to make people think even worse because we are trying to build their trust.

To really show them we are trying to be impartial to get them to give us input.

Another thing and when I bring this up, I mean no disrespect to anybody online or none of our commissioners.

But when we were discussing and it was not -- it was discussed, it was not really discussed in our meeting but it was brought up when we were discussing the executive director Mr. Lancaster for that position.

And Steve, you said you know him.

I don't know how well you know him and I'm not saying anything negatively towards you or insinuating anything but it was brought up that you know him in one of our meetings so I'm wondering if we go that route too will it look like we show favoritism and I

understand in your lawyer you will come across other lawyers but will it look like in public perception we are showing favoritism that somebody on the commission already knows them.

And lastly, you know, we are supposed to be impartial.

And when going through those candidate lists, I think that there were other candidates that might be less controversial and as far as public perception.

And I'm sorry, if we don't give really the meaningful consideration how are people on Sides that might not agree, I hate the whole political arena, I hate the whole democrat-republican thing I do because it's gotten so way out of hand.

But it's the world we live in right now.

You know, people are not very trusting of other Sides, maybe we can bridge that gap but I want to leave you with a quote.

From one of our call in people that called in about our executive director.

It's something to think about as the commission as a whole and that call in person was Matt Nancy Wayne the executive director of voters not politician and she said regarding our executive director position, quote, there are right and wrong choices.

The right choice will bring voters together.

The wrong choice will continue to tear us apart.

And seeing the public comment that we got, I am not saying anything about

Mr. Lancaster personally, I don't know him, I'm not saying anything about his integrity, I'm not in a position to talk that.

I don't know him.

I'm just trying to look at it from all Sides.

Obviously, there is people that are opposed because the political donations and I do think we need to take that into consideration because we did it for our executive director position also.

So that's all I got.

Once everybody comments I would love to talk about the other person I thought might be good and thank you, sorry I was nervous.

>> Brittni: You are okay Rhonda and should be a safe space where you can express those opinions and a hand and Anthony, I see you too.

>> Doug: I do and like I said the recommendation coming out of the committee dealt with the resumes and supplemental questions so after Monday's meeting I got online and I researched these two candidates.

And both were one was on the Internet and political contributions.

And I came up with a list of what I felt were significant political contributions that James had made.

And I only looked at 2016, 2018 and 2020 political campaigns.

And it raised a red flag to me.

And immediately.

And then I got an e-mail the next morning from Sean McMillin and he had pulled those contributions from probably a different source than I had gotten it from because this is much more extensive.

Maybe he included more additional years.

I don't know.

But it was really significant.

Which raised two red flags for me.

And then we got a lot of public comments, some prosome con.

And they were all directed to the James' performance and so forth.

And I really appreciated those.

I read through each one of them.

But what settled in my mind is we went through the same discussion with the executive director with one of the candidates.

That she felt too political.

And toward one party.

So knowing that additional information, I'm not sure I would even want to move forward with him as an interview.

So that is -- I don't think it might not be worth our time.

So maybe we will get comments from some other people and talk about this but that comment, but it may be well worth our time just to interview one person.

Maybe two.

I don't know.

But we will get some comments from some of the other folks.

Thanks.

>> Thank you, Doug Anthony and MC, or I'm sorry Rebecca, sorry, I thought Anthony.

>> Anthony: Hey everyone.

First, I want to just thank Rhonda so much for you know really doing the due diligence of considering you know all of these points that are very valid and they are points that we should consider.

But I'm kind of going to play devil's advocate here for a second.

While I agree, and I kind of said this at the executive director meetings as well, while I agree public perception is important, we should also keep in mind that this person, whoever we hire for any position they are going to be working for us.

You know, they work for the 13 of us and at the end of the day they are going to do what we you know direct them to do.

Because I mean us 13 are going to be their boss and that is just the fact of the matter of how it is.

And I also worry about you know, we are getting these public comments.

However, you know we have not done research on who these public comments are from.

And it's like what I said at the last meeting.

They could be from a select few partisan individuals that want to you know exert their influence on our decision making.

And that worries me.

It really does.

So while I think we definitely should take their opinions in to consideration I also think that we need to find the best person for the job.

The person with the most skills that are able to you know do the job that we are directing them to do.

So I just think that is something we should consider.

I also went over all 11 of the applicants and there were four that stuck out to me.

The two that the committee chose and then another two.

So after we are done having this discussion, I know Rhonda had another person to add and then I might also have a fourth person to add.

I don't know if we want to interview five like how we did before.

Steve, I heard you mention earlier about five.

So that is something we can discuss.

But as far as this political discussion goes, you know, that would be a question I'd love to ask you know Mr. Lancaster and see how he responds to the question, how he feels about these public comments, if they feel it might be detrimental to his job or his ability to perform the job and that's just my opinion on the matter.

>> Brittni: Thank you Anthony Rebecca did you still want to share?

>> Rebecca: Of course I'm going to say something because I'm a lawyer and this is dealing with lawyers so.

So I have a whole bunch of thoughts so I actually wrote them down to make sure I get them out here and the first thing is I'm surprised how light the bench is and by that, I mean the people who applied we didn't have a ton of people apply.

And there was a Durst of what I consider true qualifications for this position.

And who applied.

So we are looking at a pretty light bench which is unfortunate and I think that sort of colors some of my thought process on this.

I'm sure some of you remember from with discussion of Amna and when we talked about James applying for the executive director position one of the first comments, I made was well why is he not applying for the general counsel and my thinking on that is because in my opinion being a lawyer myself, the role of an attorney is quite a bit different than executive director.

When you are dealing with executive director you have someone with a lot of discretion, when you are dealing with an attorney, an attorney has ethical obligations under Michigan law and under the -- our admission to the bar with respect to the advice that we give.

And we are not there to give our personal opinion of what we think should happen we are there to give legal advice about what the law is and what it requires just like we have seen here with the attorneys here advising us.

So to me there is a constraint on James in terms of his role as an attorney that would not have been if he was executive director and that is precisely what my concern was in the executive role.

And it's different with someone who is an attorney because you have the constraint. The political contributions I looked at those like I have for every other candidate and he has a litigation background and I have a litigation background and I can tell you when you are an attorney representing clients and in front of a Judge who is up for election you donate to his campaign or her campaign it's expected.

So I don't think that is uncommon for someone who has litigation background with 100 checks going to this Judge and that Judge, when you are a litigator you will donate to the Judge you are standing in front of because you don't want it to hurt your client.

So I threw those out as a wash however that being said there were numerous other contributions primarily to democrats.

I don't think I saw any republicans.

I mean but it was a very long list so it might have been.

So that is kind of my point on that.

And one of the points of analysis I use with Amna is and I'm sure you guys remember this too is that when you have someone who is generating so much controversy if you have other qualified candidates why would you consider continuing with that person? I think with James it's a little different because we don't really have a deep bench there and honestly, he is the most qualified.

In terms of years of experience, in terms of constitutional experience, in terms of Government experience.

And so I would hate to dismiss him out right without at least an interview.

Because of that fact.

It's not like we have 20 other people.

Who we can go look to.

To fill that interview gap.

You're dealing with someone of 35 years' experience practicing law versus someone with six that is a big difference.

So and then the last thing is I read through all of the commentary from the public.

And I take it seriously.

And I think we all need to take it seriously.

I think we need to think about it.

And push them hard on it in an interview but the takeaway I took from that is there is a lot of concern about his alignment with the democratic party and I think that is valid.

And appropriate line of inquiry.

However, when you look at the work that he actually did for voters not politicians and what he drafted and what it looks like and the fact that it is very neutral, it is not slanted towards one party or another and the fact that it has actually gone through judicial scrutiny and been scrutinized by multiple judges and been upheld as being neutral and independent, to me is an indicator that the democratic background is not impacting the legal advice he is giving.

And that he is capable of being independent as I would expect him to be as an attorney. So that's my very lengthy thought on James.

>> Rebecca, that was extremely thoughtful.

I agree and disagree in some areas but Cynthia and then Erin.

>> Cynthia: So I just wanted to I really appreciate what Rebecca and what everyone has said.

I am glad that the public is interacting with us and giving us their thoughts.

That is valuable to us but I do not want us to be I don't know the word, I don't to be unduly swayed either way but the people that choose to interact with us.

There is lots of people that definitely have not interacted with us so I do think we need to take the information that's given to us and really look into it and think about it.

But not let the public determine the decisions that we make.

I just want to say that.

>> Thank you, Cynthia, Erin.

>> Erin: I was just going to say as one of the republicans on the commission I was really impressed with Mr. Lancaster's resume.

And if you're going to look at my political contributions, I can tell you up front I have not given anything to the democratic party.

I just haven't.

And I think you're going to be hard pressed to find somebody that, well, may have given to both but I just don't want us to turn down someone with such an exemplary resume due to political contributions when I don't think in his role as general counsel, he would give us you know lead us wrong.

That's all I want to say.

And you know thank you to all the public comments that have come in.

But I think we really need to not turn away great experience just because of their political contributions.

I think they can keep it separate and if they can't that ought to come out in an interview.

>> Brittni: I'm just going to say very quickly some thoughts that I have.

I think so I think we have to be a little bit more decisive because and this could be my personal opinion, I think and you know we know we are live and folks are always watching but it seems like we wax and wane depending on the situation.

If I were outside looking in.

In terms of you know we immediate this and attempting to think about or reconsider this for this candidate when we had a staunch stance when it came to the executive director. So if we are thinking about how we are publicly being perceived and if we are a strong commission, I think that balance has to be constantly considered and right now it seems that you are making and the you is not directed towards anybody so I will say we, we are making a consideration that was not happening initially for another candidate. And that I have a problem with honestly.

Because I think a part of our job is to be fair and to be a Beacon of light in a different way.

So while you may want to interview, I just go back and I remember that conversation. We even added, we amended the questions to address political affiliation, to address contribution.

And now it seems like we are saying well, it's not that important.

I think integrity has to be important for the commission and for the candidates.

And to Anthony's point we cannot assume because humans are not robots that just because they are working under us that they are going to do whatever we say because this is a job.

And I would hate for us to get in a situation, this is a blanket statement for any of the candidates that we hire where it ends up not looking good.

That we have to now have a conversation of something else.

And that is kind of where I stand.

I think we need to pick one way or the other and stick to it.

Because I think we as a commission sometimes we don't trust and I listen and there is a lot of -- we spend a lot of time making decisions and hemming and hawing over things when we have the ability to be more concise so I don't know who is first.

>> Rebecca, Rebecca, go ahead.

>> Rebecca: We did not deny people interviews based on politics in the past and we already had the information about Amna and we did not deny her an interview based on it and if we structuring this, we not interview James Lancaster that is not consistent we should go with the interview with who is recommended and ask him the questions like we did Amna.

>> Interview but there were comments made in the commission of then if we are interviewing him then we should also not completely consider this wealth of information we have.

At this point as we have discussed before when we get resumes it's really important that we -- a part of this process is transparencies so people will send us more things after this meeting today for sure so we have to weigh all of that and we can't pick and choose when goes into the shadow.

That is all I was trying to articulate.

Rhonda, I'm sorry Doug and then Rhonda.

>> Doug: I just wanted to say, yeah, I think we need consistency on the approach that we take.

As you mentioned, Brittini.

Then I support what Rebecca said.

We did -- we knew certain things about Amna and because of public comments and so forth and some were in a very similar situation of James but we did move forward and interview her and got her opinion on it and she was honest about those.

So I think I made the comment before you know I would hesitate whether we should even interview him.

I think we should treat him like we treated Amna as we move forward.

>> Brittini: MC still wanted to speak I just could not see him MC go ahead and then Rhonda.

>> MC: This is MC I had to take my video off because my Internet is unstable and I did not want to lose connection with y'all.

So it's mostly about the potential to balance a team out with our executive director.

I just wanted to offer that one of the reasons that our small committee had suggested we have 45 minutes to an hour was because we don't have an executive director in house yet.

We have chosen one.

And I think the idea is that we would also -- we want to consider our team and that is the last piece, I just wanted to suggest that we want to make sure that we have this sort of expertise if our executive director doesn't have that sort of legal background that we need, and there is a cost benefit right and I think that is what we are each speaking to we may, yeah, we may have to make a super hard choice in order to get the expertise we need but it's not clear, check.

>> Thank you, MC.

Rhonda.

>> Rhonda: I want to go back to the point real quick that they were making about Amna and her interview.

Yes, we did interview Amna but if you all remember those comments came in prior to her interview.

So she was already scheduled for the interview when those comments came in.

So it's a little bit different scenario, I think.

I mean obviously whatever the group decides, I have my feelings.

I displayed them but as far as Amna goes because we still honored her with an interview in order to not for the public comment, we would have to call her and say we no longer want to interview because she was already scheduled before we received that list.

I believe we received them like the day before her interview.

So I mean it was already scheduled and I just want to make that point.

Thank you.

>> Brittini: Thank you Rhonda.

Anthony and then Steve.

>> Anthony: Rhonda I'd love to hear about the other candidate that you singled out.

>> Steve: Are we done talking about Mr. Lancaster?

>> I was going to say Steve had his hand up so before we go there yes by all means.

>> Steve: Yes, I know Mr. Lancaster and I know him on a first name basis.

I imagine that there may be other people that come before this committee that other people may know and if we are going to disqualify anybody because one of us knows them, I think we are going down the wrong path if there is something that some reason that I know that he shouldn't be considered I would certainly let you know that.

There is not.

So his knowing me and me knowing him is of no qualifications or concern.

I guess on Rebecca's comment that the bench is not very deep.

If we want to get a deep bench then maybe we ought to consider 3 or 400,000 of salaries because those are the types of salaries to draw people in who do this stuff on a day-to-day basis.

And we are not going to pay that.

So I looked at these resumes and could they be better?

Sure they could be better but I thought that the people had over all had qualifications for us to at least interview them.

And so that was my -- those are my two comments.

We can move on from there.

>> Brittini: Go ahead Rhonda.

>> Rhonda: Steve I want to say I meant no disrespect to you.

>> Steve: None taken.

>> Rhonda: I want that perfectly clear I was not meaning disrespect and I was purely speaking looking at a public perception thing and not saying anything about your integrity or Mr. Lancaster's so I want to make sure I know I said that before but I do want to stress that to you.

>> Steve: Well my point is that just because one of us knows somebody is not a disqualification of that person.

That's my point.

>> Okay.

>> Steve: You would have to go a long way to hurt my feelings.

>> Rhonda: I did not mean to hurt your feelings I wanted you to know I'm not being disrespectful and meant no disrespect by that comment, okay, maybe for my benefit then.

>> Any other thoughts on Mr. Lancaster?

Before we kind of talk about other candidates?

Okay, well I think Anthony, you know, spearheaded the conversation of discussing other folks and we may have had in mind.

So Rhonda would you like to share to start the conversation about who else you were thinking about or considering?

>> Rhonda: Sure, my second pick when I went through them was Clinton Hubble. And I did up a quick little sheet with notes on why I thought he would be good. Obviously, I'm not an attorney.

So you know as far as experience goes there may be some stuff obviously the attorneys are going to know better.

But what I put on here his objective I liked his statement that the Michigan citizens have the right to determine their own future and he believes in the constitutional mission of our commission.

His educational accomplishments was the moot Court board -- I believe Rhonda froze up on her Internet side.

>> Rhonda if you can hear us you disappeared.
We will come back to you when you come back.
Does anybody else have.

>> The Rhonda you are showing up as being on mute on my screen so maybe turn your mute off.

>> The whole thing just crashed.
Can you hear me?

>> We can now.

>> Rhonda: Okay.

>> Start over.

>> Rhonda: I will do this quick in case it happens again, that was weird.

His educational accomplishments he had the moot Court board of advocates.

Order of barristers I probably said it wrong and national champion on civil rights I looked up the moot Court for those like me that don't know anything about lawyers.

And the moot Court board of advocates is a student organization that provides hands on lawyering experience and further refines members communication and advocacy skills by exposing them to simulated Appellate Court experiences.

Moot Court is led by executive board and faculty advisors membership is competitive and students selected for the program complete and advocacy course and complete internal and national competitions.

I'm so nervous I don't know why.

The order of barristers is an honor society for law school graduates membership is limited to graduating law students and practicing lawyers who demonstrate exceptional skill in trial advocacy, oral advocacy and brief writing so finding out what those were was impressive especially with the writing aspect and trial and argued in Federal and

state Court and agreed constitutional cases at the Michigan Supreme Court if I read this right which Constitution there we go.

He does pro bono work for people that have adversary Court bankruptcies so you know the fact that he does pro bono work I thought that was a good thing.

Awards and recognition pro bono circle of excellence by the state bar of Michigan.

The national champion of the McGee Civil Rights Moot Court Competition.

His cover letter talks about the values instilled in he him from his parents to always keep a fair mind be careful and study and be zealous about giving voice to people who cannot voice for themselves.

He started his own law firm out of law school in a time of recession and I know how bad that was because I was working two jobs including the real estate job and that is ambition and open and function your own business this that type of, yeah, economy.

I'm sorry, I blanked out shows me he does have initiative.

And he represented clients from different organizations religious groups economic backgrounds trustees directors so he has a wide sloth of experience arguing different things.

He has represented clients and agency and all levels of state and Federal Court including the Michigan Supreme Court.

Which if we do get sued it could end up going to the Michigan Supreme Court so to have somebody that has argued in front of the Supreme Court and argued a constitutional case obviously not this particular amendment but has argued constitutional cases in fronts of the Supreme Court, I think would be a good thing.

Although his writing sample was basically a whole Court case it looks like, I found it was very long but I found it to be quite interesting for the parts that I could understand because I'm not a lawyer so there are some that I did not understand I'll say.

But I think it shows that he has a good concept of Federal and state Constitution.

And I would expect any lawyer to have an understanding.

I would assume that is part of your schooling is to know the Constitution, maybe I'm assuming wrong but he has exhibited that he does know and if it's not part of your training it probably should be.

I don't know.

But anyway with that said you know I would ask that the committee maybe consider him.

Like I said we have two lawyers so they would though better than me if you know if you reviewed this you would know better than me how good he is but that's my opinion and that is who I was thinking.

>> Brittini: Thank you Rhonda.

You are close but it's barristers but you got it.

I think I saw Juanita and then Rebecca who took herself off mute early on and then Doug.

Don't be mad if I got the order wrong.

We are a nice bunch then Anthony you all are fine and hash it out however you want to.

>> Juanita: I enjoyed Rhonda.

I thought that was really in agreement with her because Clinton Hubble was one of my choices.

And I thoroughly looked at his record and his accomplishments and his experience and I winded up looking up moot Court and barrister and all of that and I was really wondering why he was not on the list for candidates to be interviewed.

But he was my choice.

I'm not going to hold it long because Rhonda said everything almost, I wanted to say.

But I really gave him a hands up and the other guy kind of okay.

That's it.

>> Did you all hear me?

>> Yes, Juanita we heard you.

Rebecca?

>> Can't hear you Rebecca.

>> Rebecca: Okay I'm ready.

So he is a litigator.

That is the gist of my comment is he is a litigator, he is a very experienced litigator.

He does civil and criminal litigation which is not the same as constitutional law.

Litigation is very different from doing either corporate or Government law where you're analyzing statutes and advising clients and giving them advice which is more what we need at this point.

We need someone who has the advisory experience not someone who has litigation experience.

You know if we needed a litigator at some point in the future, we can always farm that work out to the extent we are not comfortable with who we pick for the general counsel position.

But from my perspective general counsel is someone who is more of an advisory role, not a litigator, not someone who is going to fight our legal battles at this point, we need someone to give us sound legal advice based on experience looking at the law and statutes and regulations and advising us what we should do and not someone who tries cases.

To me it's the difference between going to you know a proctologist versus an obstetrician and the longer you are the more specialized you are unless they are specifically trying constitutional cases which he is not, to me the skills are not transferable.

>> Brittini: Anthony and Richard.

>> I fully agree with what Rebecca just said and I'm looking at his supplemental questions and one of the things the question regarding working in the public sector and Michigan state Government he says I'm an outsider with respect to state Government. You are right he is a litigator.

And so he doesn't bring forward the Government experience that we are looking for. In my opinion as well.

So just thought I would chime in on that.

>> Brittini: Anthony?

And then Richard.

>> Anthony: Can you hear me?

>> Yes.

>> Anthony: Like I said I went through them all as well and I, you know appreciate the work that the subcommittee did.

Because I came up with the same two people that they came up with.

But then I also thought that Matthew stood out to me a little bit.

Not as much as the other two candidates they already identified but I read his publication that was submitted to his publication sorry that was submitted to the Michigan association of clerks back in June 2020.

And I thought it was an interesting read.

Yeah, and that is about it.

I'm no legal expert.

By any means so I kind of put a little less weight on my personal opinion than I do on some of the lawyers on this commission.

But, yeah, I think next one we have to do is decide how many people we want to bring in for interview.

>> Richard go ahead and Juanita.

>> Richard: I did not want to jump in.

Just a little comment Juanita I did have him on my list.

But as Rebecca just said she made quite a bit of sense on her comments about him so maybe that is why he didn't get a little further I don't know.

That is all I have.

Thank you.

>> Juanita: I just want to say that I respect all of the lawyers that is on our commission.

And I'm going to heed to what they are saying.

I believe that they know best when it comes to the attorneys that we select.

>> Steve and then Doug you are next after Steve.

>> I looked at Mr. Hubble and quite frankly other than he is lawyer he does not qualify for our position.

He has no experience in the areas that we are looking for which is voter rights.

And as Rebecca said, he is a litigator.

I was a litigator my whole career.

And not to disparage you Rhonda but all of the things you liked about him was in law school and it means nothing once you get out of law school.

So I mean if he had done that type of thing after he got out of law school and had that type of experience that would have been good but when you go to law school you sign up and go do it and that is about it.

I just don't think he is qualified for the position.

Thank you.

>> Go ahead Doug.

>> Doug: I had to make sure I was off mute.

Given unless we have further conversation, I would just like to put a motion forward that we bring two candidates in for interview and that's the two that were recommended by the committee.

Which would be Julie Ann and James Lancaster.

>> Is there a second to Doug's motion?

>> Rebecca: I will second it.

>> Steve: Is there any discussion regarding bringing in Mr. Lancaster and Ms. Pastula only?

Anthony.

>> Anthony: So first I will say that I agree with this motion.

But we might want to think about having more than just two people interview since we have five in review for the last people.

Not saying that we need five.

But if there is another candidate that any of us feel strongly about, I don't think going to three or four you know I don't think that would hurt anything.

>> Steve: Doug.

>> Doug: I think one of the things we got to look at Anthony is that we didn't have the source full that you had in the executive director and they had the communication you had 40 people and you brought in six that is 15 percent.

We had 11 we bring in two that is 18%.

You know so really, we are bringing in a bigger percentage than what you did.

And we are short I think we are short on experience with a lot of these people.

So that is why we wanted to choose two.

And bring two forward and spend a lot more time with them and we felt these were the two best qualifiers.

MC?

>> MC: I want to acknowledge it's back to the team piece if we are able to bring our executive director into these interviews right, I think it was mentioned that we as the commission are hiring this general counsel person but I think if we look at the

organizational chart it will be the executive director who will be the boss and delegate authority to and executive director is the general counsel's boss.

They work for us.

They are independent but I just wanted to acknowledge that feels like it's an important piece and I don't think that is the only reason we should keep it shorter but I think that the time for us we are making a hard decision here.

We know this.

We are going to have to deliberate and try to convince each other and make nuisances and there is fine points here, it's tricky.

I guess what I'm suggesting is the time to deliberate and the time to bring in a person that we don't know yet who might complement this general counsel meaning executive director and frankly the communications person, right, we are building a team and I think we want to leave time for us to understand it and ask questions maybe three or four more questions based on the personality of the communications director, personality, right, I can't anticipate it all but my hunch is we want more time for each candidate and I will just leave it at that.

>> Rhonda?

>> Rhonda: I would be open to three.

If there is somebody else that as a whole people think would be qualified just so we are not so limited.

Because if they don't look completely good on paper, that doesn't mean that once they are, you know, interviewed that you might see something with them.

So if there was another one that ranked high that everybody would agree with, I would like to look at at least three just to give us a little more option.

>> Steve: Anybody else?

I have a couple of comments but I want everybody to have a chance before me.

I think let me ask when we had a top five and I'm not saying top five because their top five your guys top five happen to agree with mine, but for a couple reasons.

Number one we no Lancaster is going to be a lighten rod.

He already is.

He is going to remain that.

So I would and I think interviewing two people which I consider the interview to be the key.

To get somebody in here and talk to them face-to-face or as face-to-face as we can have on Zoom.

Will be key in picking whoever we want for general counsel.

I don't think I'm speaking out of school when I say that in a general counsel position how that person comes across is going to be important in our decision making.

We want to make sure that they are comfortable in public speaking.

We want to make sure that they can form thoughts on the fly.

Not just typing them out.

And so forth.

So I would think you know I Rhonda wants three, I really want four.

I don't know that we need five.

But I think that there are a couple more out of the three that Mort picked that we should get.

Lastly, we are not under that huge of a time crunch right now.

We've got time.

We are going to meet tomorrow with another seminar.

We have got the 10th coming up, and I don't know what Sally has scheduled for us on the 10th other than continue with choosing these communications and general counsel.

And so we've got time to do this.

And I don't want us to short ourselves.

Richard.

>> Richard: Just a quick thought here I just went through the notes I made when we had our thing and I believe MC had picked Monica Gray and Alisha Morrison and Doug had picked Katherine Kerwin and that is the ones that I had also liked but the other two had those picked so maybe out of that group of six if you narrow it down but then we are getting, if you go off and it's six people.

>> The Rhonda then Doug, Rhonda.

>> Rhonda: Since you are Rebecca are both attorneys your input is very vital in this, I would like to know Steve you said you had a few picks in mind yourself.

I would like to know who your picks are since you do have many years of experience being an attorney and same thing with Rebecca has experience so she had some other picks besides the two that were mentioned and I would like to hear them from both of you.

>> Rebecca: I already had my top five.

>> Rebecca: This was a hard choice for me because I believe it was Doug was saying when you rank these people it's like there is two and then there is like a huge gap.

So you know I think in terms of I looked at Katherine, my concern there again was her work as in litigation.

She does collections work.

It's not really related to interpretation of voting rights and constitutional law.

You know I'm not opposed to interviewing her.

You know maybe she is going to dazzle us during the interview.

But that was my concern there.

I looked at Donnard I believe is the names Hagen, is he is actually in Illinois but has some fairly decent you know public body experience that I thought he was an interesting candidate.

Again, young.

2014 grad.

And then the third person I kind of had like in my top five was Choy-Portus a 2013 grad and works with Detroit water and city since 2016 so not a ton of experience.

But a little bit more you know municipal kind of Government experience than some of the other people so those were kind of the five that I narrowed in on as possibly being people we might want to interview but I agree with the committee that James and Julie Ann were the clear top two out of what we had.

>> Steve: To answer your question out of the ones that have been talked about with Richard and everybody Katherine and Monifa would be my other two that I would go with for interviews.

Doug, do you have your hand up?

>> Doug: I just want to reemphasize what we have said before and you know we got two tiers of people.

We got a couple people who are really qualified and we want to excuse me invest our time and spend extra time with those two as we felt they are going to float to the top any way.

Just I'm going to look at it from a quantitative standpoint and I list the top four which are Pastula, Lancaster, Kerwin not in this order but Gray and those ended up to be the top four quantitatively we looked at.

I cannot speak off the top of my head about litigation experience or consultation experience and advice.

Like Rebecca can so.

>> Rebecca: I was going to say do we want to move for interview those four then is that the thought process?

>> We have a motion on the floor now to limit it to two.

>> Doug: The committee.

>> Steve: You can make an amendment if you want Rebecca.

>> Rebecca: I'm not particularly invested one way or another.

So.

>> Steve: .

>> We vote.

>> Motion on the follow interview Pastula and Lancaster.

>> Before we do that Steve can we get MC's opinion on this?

>> MC you have an opinion.

Of course you do.

>> MC: I'm okay, with what Rebecca said I think two it's been said.

I'm okay with moving forward on the motion.

>> Steve: Okay I want to take a roll call Sally.

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>> Sally: Commissioners please just give me one moment to pull up a list so I don't skip any one and I will do it in alphabetical order by first name just like our introductory roll call and if you could please say yes in favor of the motion or no not in favor of the motion when I call your name that would be great.

Anthony Eid.

>> Nay.

>> Brittini Kellom.

>> No.

>> Cynthia Orton.

>> No.

>> Doug Clark.

>> Yes.

>> Erin Wagner.

>> No.

>> Janis Vallette.

>> Yes.

>> Juanita Curry.

>> Oh, you are muted Juanita.

I'll come back to you in a second MC Rothhorn.

>> Yes.

>> Juanita I will wait to look and see if you're unmuted then I will call on you once you are.

Rebecca Szetela.

>> Yes.

>> Rhonda Lange.

>> No.

>> Richard Weiss.

>> No.

>> Juanita Curry.

>> Yes.

>> And Steve Lett.

>> No.

>> Motion fails.

I would move that we would interview Lancaster, Pastula, Kerwin and Gray.

>> MC: Second.

>> Rhonda had a question up, no, okay.

>> Steve: Okay I think we kind of discussed pros and cons.

Et cetera et cetera.

So we will do another roll call.

Yeah, Doug.

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>> Doug: Just one comment quantitatively those are the four that floated to the top.

>> Right I think everybody will be good with those.

We will do another roll call, please, Sally.

>> Sally: Thanks for your patience I need the right document up.

Same thing, this time I'll go with the last person first.

So Steve Lett.

>> Yes.

>> Richard Weiss.

>> Yes.

>> Rhonda Lange.

>> No.

>> Rebecca Szetela.

>> Yes.

>> MC Rothhorn.

>> Yes.

>> Juanita Curry.

>> Yes.

>> Janis Vallette.

>> Yes.

>> Erin Wagner.

>> Yes.

>> Doug Clark.

>> Yes.

>> Cynthia Orton.

>> Yes.

>> Brittini Kellom.

>> I abstain.

>> Anthony Eid.

>> Yes.

>> Motion passes.

>> Steve: Okay Sally, when are we going to be able to schedule and start scheduling interviews?

>> Sally: So we did reach out to all of the candidates for a general counsel earlier this week.

And in anticipation you all might make a decision today to see if they were available tomorrow afternoon.

So folks were.

So we could schedule those interviews for tomorrow afternoon.

The meeting can only go from 1:00 until 5:00.

We have a hard stop at 5:00 tomorrow so with the webinar presentation which will be about an hour, that would leave about two hours to do the candidate interviews and then you know 15 to 20 minutes to discuss the questions for the candidates and agree on those.

Hopefully it won't take as long as the executive director because you all kind of had previously thought about -- you have already engaged in that conversation before I should say about how to make those questions.

And then that would only leave you about a half an hour for discussion and next steps but again similar to the executive director conversation you don't have to make a decision on the same day.

So that would allow you time to have half an hour interviews for each of those four candidates.

That's one option.

That is the best I can do with the time that you have tomorrow.

If you would prefer to wait until next week to interview folks we can maybe see if we can have a little bit more time for the actual interviews themselves and then could spend the time tomorrow you know discussing the communications and outreach director positions instead.

>> Steve: I think the kind of the feeling of the group is we want to have more time to interview these people.

Is that kind of the general feeling, nodding of the head up and down would give me some kind of -- okay.

We are at almost at the end of the day.

Though we can go until 4:30 but I guess what my suggestion would be is to spend more time tomorrow on the communications person and then next week schedule more time for the four interviews.

That I think accomplishes what I've heard people say today we would like to accomplish.

Is there any thoughts?

Juanita you have your hand up.

>> Juanita: Yes, I had my hand up.

I made a mistake in our last, this has nothing to do with what we talked about mostly today but I would like to amend my nay because I did make a mistake with the communications outreach committee with the names and I want to correct it so any of you that wanted to go over some of those names you could.

>> Steve: I guess I lost you.

What are you telling us?

>> Juanita: In our last I think it was yesterday when we had a meeting, I named some people that we had put up for to interview or to select from.

>> Right.

>> Juanita: And I miscalculated some of those names and I wanted to correct the names.

We have eight but I want to correct them.

Can I just do that?

>> Steve: Sure go ahead.

>> Juanita: Okay great.

We have for our short list we have Michael Crow, Edward Woods and Brenda Kerfoot. Sonya Howell, Janet Lebson, Andrea Taylor, Amy Hybel and Bill Froehlich.

>> Steve: Those were the ones reported in the minutes, yes, those are all the same.

>> Okay.

>> Steve: Thank you.

Okay then tomorrow we have the seminar, Sally is that going to start -- is that first on the list?

With all our usual stuff?

Yes, okay.

>> Sally: Yes.

>> Then we will talk about the communications and the committee of communications we will be ready for us tomorrow.

And then we meet next week on the 10th and we -- do we have anything particularly scheduled on that day, Sally?

>> Sally: We can do the general counsel interviews on that day.

And I think I'll look Sarah and I will make sure that there is availability for translators and others but right now it's only set aside to be three hours long.

I think we will probably have to make that 3.5 or 4 hours and then maybe each of your four candidates would have 45 minutes instead of a half an hour.

>> Steve: We have the option to bring somebody back so I think what we found out in interviewing the ED positions that some of them took a little longer and some of them didn't take so long.

I assume this will be the same.

MC.

>> MC: I think Doug has drafted a list of draft list of questions, I can't remember if it's been sent out to everybody but I'm asking whether we should sort of look at that or potentially look at that to help us with the 10th and look at that tomorrow I'm not sure.

>> Sally: I would recommend you all that is why I was suggesting that we schedule more time for next week Thursday so that the candidates themselves don't have a week to prepare their answers to your potential questions.

>> Okay.

>> Sally: We will make them publicly available of course prior to the meeting as we do with all your documents for the various meetings but similar to the executive director position that is what I might recommend.

>> Steve: Do you always disparage lawyers like that?

Doug.

>> Doug: Yeah, I have the same comment that Sally because I originally sent that to Sally to have it distributed and then I had second thoughts were boy, it's going to be public and everybody is going to sit there and self-prepare their answers.

>> Steve: We can say it went out and come up with a second list and ask them.

>> Doug: Yeah, we could do that.

>> Steve: We will discuss it on the 10th.

>> Doug: We probably will just before we interview, I would guess so I think Richard and MC have seen it because we kept it within the committee so.

>> Steve: Okay anybody else?

Anything else for the good of the group?

If not, I would -- Cynthia.

>> Cynthia: I just had a thought.

So I really appreciated the information that the California commission gave to us, what they wrote up for the commission that would follow them of things that they learned that worked or didn't work and I was thinking about that the other day.

And that maybe we should consider some of us at least taking notes along the way because I'm afraid we will forget some of these set up things by the time we get done with our real work and we will forget to put those things in that might be helpful to the next commission trying to set up.

>> Steve: You are volunteering to take complete notes?

>> Cynthia: No, I think we should all take our own notes and just things if we see oh, we could have done that better because I recognize things that oh, we should have set this up beforehand or we could have done this a little bit better you know so new to this so hopefully they won't have to start from ground zero.

>> Steve: I'm up to page 34 on my notes so, okay, I move we adjourn is there a second?

>> MC: Second.

>> All in favor turn your computer off.

Good-bye see you tomorrow.

Take care, have a nice afternoon.

Good-bye everyone.