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MICRC

04/08/21 12:30 pm Meeting

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>> Good afternoon. As Chair of the Commission I call this meeting of the Michigan Independent Citizens Redistricting Commission to order. At 12:31 p.m. This Zoom webinar is being live streamed to YouTube. For anyone in the public watching who would prefer to watch via a different platform than they are currently using please visit our social media at redistricting Michigan to find the link for either viewing on YouTube. Our live stream today includes closed captioning as well. We have ASL interpretation available for this meeting if you are a member of the public watching who would like easier viewing options for the ASL interpreter on your screen please do 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. Closed caption and ASL Spanish and Arabic translation services will be provided for effective participation in the meeting.

people with disabilities needing other specific accommodations should e-mail Reinhardt S@Michigan.gov and it's being recorded and available at redistricting Michigan.org. For viewing at a later date.

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

Members of the media who may have questions before, during or after the meeting should direct those questions to Edward Woods the III communications and outreach director for the Commission at Woods E3@Michigan.gov. Members of the media should have this contact information.

Let's move on to our roll call. I will turn the turn our attention to Ms. Sally Marsh for the public watching and record and Department of State Sally Marsh will note the Commissioners present.

>> Sally: Thank you, Madam Chair and good afternoon everyone. I will call your name and when I call your name, please unmute yourself, indicate that you are present and where you are remotely attending the meeting from. Doug Clark.

>> Doug: Present and I'm remotely attending the meeting from Rochester hills, Michigan.

>> Sally: Juanita Curry.

>> Present and I'm remotely attending the meeting from Detroit, Michigan.

>> Sally: Anthony Eid.
>> Present remotely attending from Detroit, Michigan.
>> Sally: Brittini Kellom.
>> Brittini: Present, remotely attending from Detroit, Michigan.
>> Sally: Rhonda Lange.
>> Rhonda: Present, attending remotely from Reed City, Michigan.
>> Sally: Steve Lett.
>> Steve: Present; attending from Lee County, Florida.
>> Sally: Cynthia Orton.
>> MC Rothhorn.
>> MC: Present, attending from Lansing, Michigan.
>> Sally: Rebecca Szetela.
>> Rebecca: Present; attending remotely from Wayne County, Michigan.
>> Sally: Janice Vallette.
>> Janice: Present, attending remotely from Highland, Michigan.
>> Sally: Erin Wagner.
>> Erin: Present; attending remotely from Charlotte, Michigan.
>> Sally: Richard Wiest.
>> Richard: Present; attending remotely from Saginaw, Michigan.
>> Sally: Dustin Witjes.
>> Dustin: Present; and I'm attending from Howell, Michigan.
>> Sally: There are 12 of 13 Commissioners present and there is a quorum.
>> Brittini: Thank you, Sally. And let's move on to adoption of the agenda reminder to the public watching. You can see the agenda at redistricting Michigan.org. And taking a moment to review the agenda, are there any amendments or discussion regarding the agenda? MC is shaking his head. And he says, no.
>> I would move to approve, this is MC.
>> Brittini: Okay hearing now I would entertain a motion to approve the meeting agenda. I have a motion made by MC Rothhorn. And I have a second made by Commissioner Douglas Clark. All in favor of the agenda as we move and second that the agenda be approved, adopted excuse me I could not get the word out, adopted as presented all in favor raise your hand. [Hands raised]
All opposed same sign. By my count the ayes prevail.
And the agenda has been adopted.
So let's look at the review and approval of minutes. Same thing are there any changes or thoughts on the minutes?
If not, I would entertain a motion to approve the minutes from last week's meeting which are also posted on redistricting Michigan.org. I have Erin Wagner with a motion. Who is second and Dustin Witjes for a second. We will now approve or vote on the minutes as presented. All in favor signify with a raised hand. All opposed?

And the minutes have been approved and adopted.

So we will move on to public comment. I think we have about six individuals for public comment today. And for those of you just 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. For those members of the public participating in public comment please note you will have no more than two minutes to address the Commission this afternoon.

As far as our written public comment you can also submit always your thoughts to the Commission and the public by e-mailing redistricting@Michigan.gov. The Department of State will provide your written thoughts to the Commission and by indicating in that e-mail that you would like to submit your written public as public comment it will be on the online meeting archive for the Commission. Public comment sign up links are also posted on redistricting Michigan social media pages, on Facebook and Twitter at redistricting Michigan. 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: Thank you very much, Madam Chair. So as indicated individuals who have signed up to provide live public commentary will now be allowed to do so. For those of you participating in live public commentary for the first time after I call your name your screen will change and you will rejoin the meeting as a presenter. Then you will need to make sure your sound and video is turned on before you make live public comments. And if you have any technical difficulties, we will move on to the next person after a few seconds and then come back to you to see if you can resolve those. And as always if your audio still does not work you can e-mail redistricting@Michigan.gov, we can help you trouble shoot and you can also provide your comments in writing for this meeting. So first in line to provide public comment is Chad Bailey. Please allow us a moment for our staff to unmute you.

>> Good afternoon. Can you all hear me?

Hi. I'm contacting you from Ann Arbor. I have written an e-mail about this, so I just wanted to present it also this way.

I would like to propose an approach to ensuring compliance with the civil rights act that approaches the problem in a different way than what the team has proposed in previous presentations such as ensuring voting districts specifically for protected minorities.

My proposed approach would use the so-called efficiency gap to ensure that no protected racial or ethnic group has a disproportionate fraction of its votes wasted. By wasted I mean the sum of two types of votes. First, votes for winning candidate,

beyond the number required to win the election. And, second, votes for a losing candidate.

Typical approaches to gerrymandering of packing and cracking often maximize the number of wasted votes for particular type of groups, such as a political party.

In my approach the efficiency gap for each protected racial and ethnic group will be used by the Commission to ensure that no groups bears a disproportionate share of wasted votes. My motivation for this is a long history of public policy enshrining racial segregation of Metro areas in an unconstitutional and illegal way.

Throughout Michigan Federal, state and local Governments deployed numerous policies to enforce and further racial segregation for FHA requirements for racial covenants, in deeds of new houses, including in my hometown of Ann Arbor. Choosing highway alignments, displaced and dispersed residents. Other areas like Detroit's black bottom and paradise valley. And affording nonprofit status to organizations that exclusively serve segregated areas.

My concern about creating minority districts in redistricting is that such districts do nothing to address that injustice. Politicians selected from segregated districts have little incentive to segregate rather urban, suburban, or rural.

And if voters in districts are homogenous and segregated, those politicians are likely to support homogenous and segregated lifestyles. Substantial research shows that when a politician relies on a broader and more diverse electorate to gain or stay in power, they tend to follow policies that benefit the general public instead of particular groups. I refer in particular to research by Elizabeth Gerber of University of Michigan and Bruce and Smith.

>> Sally: Your two minutes has ended. Please conclude your statement. Thank you for addressing the Commission today.

Next in line for public comment is Audry A. Anderson. Please allow a moment for our staff to unmute you.

>> Hello. Everyone. And to the Commission. I appreciate the time and sacrifice you are putting in to doing this work. I also appreciate this time to address you. And so thank you for what you're doing.

First it is very important that there is the high level of trust and confidence in this process. That is new to us. As people. As citizens of the State of Michigan. And so therefore my comment is that you really consider providing us with assurance by way of allowing us to attend some of the meetings or opening the doors if you will to some of the meetings that you all have, that you really consider a very good communication plan to address the public. And that it is user friendly to those who do not have access to technology. Also, would you please consider supporting a campaign that will reach all residents particularly being an African/American woman, excuse me, I'm a little bit nervous here, that you reach people of color. I'm very concerned about those pockets in our community that will not have access to this process that's going on.

>> Sally: Thank you, your two minutes has concluded please conclude your statements.

>> And, lastly, for your public hearings, you have sites that are listed, however, it is not clear to me, I live in the Ann Arbor Ypsilanti area if I would go to the Detroit site or where would I go to participate in the public hearing. Thank you for your time.

>> Sally: Thank you very much. That concludes our public comment for this meeting.

>> Brittini: Thank you so much, Sally. And moving further along the agenda can we have the Executive Director's report?
Sue?

>> Sue: You certainly may. Good afternoon Commissioners. Happy to see everybody today. I want to update you on the contract with election data services. As you know it's been a little over a month since you approved contracting with them. We've had three or four meetings with them and, in fact, we were meeting this morning which is why I got on the call a little bit later than normal. But I think by tomorrow morning we may have that contract very close to being finalized. So I just want you to know that the delays have been in some part due to the addition of the racially polarized voting analyst so that appendix was made. And now the current things that are being worked out have to do with IT and security issues with Commissioners having software downloaded on their state computers. So we are very close to having that ironed out. And we will let you know when that is finalized.

Secondly, I want to thank Cathleen Simlar for taking our minutes for the last 7 months of the Commission. She has quote retired. You know unquote from this position. And then now we have Mustafa taking our minutes but we thank her for her service over the last month and she did a great job and we really appreciate her stepping in from the Michigan Department of State and helping in the process.

Thirdly the application deadline for the executive assistant position did close on Monday. And staff is reviewing the resumes and hope to interview candidates next week and have someone on board as quickly as possible to help us out. Also you may be interested in knowing that the State of Michigan did extend the remote working to July 12th. Most recently. And then lastly our ice breaker for today is describe one of the happiest days of your life. So I'm going to start this morning with Rebecca.

>> Rebecca: I'm always terrible at these because I'm not a favor person or favorite thing kind of person, not good with favorite books or foods but I will say probably it's the day that I found out I was pregnant with my first set of twins that was probably one of the happiest days of my life.

>> Sue: Thank you for sharing and the second set, wow, double bonus, huh?
Oops you are muted.

>> Brittini: I was going to say the second set it was more a little bit of oh, Lord can we go through this again but it all worked out fine in the end so.

>> Sue: You love them all I know. I know how about you Janice?

>> Janice: My...the day that sticks out in my mind is I was about nine years old and I lived in the city and my dad took the training wheels off my bike and I can still feel him alongside of me pushing me and I can see when I look behind him back after he let go, sorry I'm getting emotional. So this is one of my favorite days that always sticks out in my mind. I can see him standing there after he let go and that was the day, I learned to ride a two wheeler.

>> Saw: Awesome, very nice. Erin, how about you?

>> Erin: Oh, I'm kind of on the same boat Rebecca is in but I would say when my kids came into my life. So thanks.

>> Sue: Thank you. Richard how about you?

>> Richard: I guess I'm going to have to go with two. One finding out I'm going to be a dad. And second when I became a grandpa twice.

>> Sue: Okay special times for sure. Dustin, how about you?

>> Dustin: When I didn't die on I-96 when I spun out in the middle of winter and came into oncoming traffic. That was pretty bad but I'm still alive so I guess that is one of the happiest days of my life. Kind of saw my life flash before my eyes and managed to make it through it.

>> Sue: I bet you did and we are happy you are with us. Thank you, Doug how about you?

>> Doug: Yeah, I believe the happiest days of my life was the birth of my two daughters, not twins so three are three years apart. I feel that the greatest gift you can give is the gift of life to someone. And I'm very happy about that and I'm very happy how most of it turned out with their own lives. Thank you.

>> Sue: Wonderful. Thank you. MC, how about you.

>> MC: I'm going to go with today. With the idea that every day is the happiest day of my life.

>> Sue: Every day is a gift, isn't it. Absolutely. Steve, how about you?

>> Steve: I think that would be the day I graduated from law school.

>> Sue: Nice accomplishment. Thanks for sharing. Brittini, how about you?

>> Brittini: So I'm similar to Rebecca I don't have favorites. I'm a birthday person. So each birthday that I have, that is the best day ever for me.

>> Sue: Good, that's good, another year, another year, thank you. Anthony, how about you?

>> Anthony: Well, I don't have any kids yet and I'm not yet married so that rules out both of those that almost everyone has been saying. My white coat ceremony a couple years ago was a really nice day.

>> Sue: Nice accomplishment and Juanita how about you?

>> Juanita: I was thinking about your question and the only thing I could really come up with that I could say make me happy is that I have control over my life where I can be happy in just about anything that I do. So every day is pretty good.

>> Sue: You choose that don't you, everyday?

That is great. Edward, how about you.

>> Edward: I have to be with my youngest son was diagnosed with trisomi18 known as Edward syndrome and happy to see him come out healthy without clubfeet and hands so that was definitely the happiest day of my life.

>> Sue: A lot of relief there absolutely. Juvenile how about Julianne.

>> Every day I wake up is the greatest day on earth and I agree with MC and make every day happy.

>> Sue: Thanks for sharing. I always tell people my happiest day is the day my son sold his motorcycle. He scared me to death. But I also love my kids. And my granddaughter so family is really important to me too. But thank you for sharing today. And we will take it back to you, Brittini, thank you.

>> Brittini: Thank you so much, Sue for that thoughtful ice breaker and updates that you provided to us. I also want to thank those that gave public comment I forgot to thank you so if you are still listening thank you so much for sharing with us. We really appreciate that.

Let's move on to the Department of State, Ms. Sally Marsh do you have a report for us, any updates?

>> Sally: Commissioners, no new update this week. We continue to work on that public comment tool and I'm looking forward to being able to show it to you in the weeks ahead but again rest assured it will be ready to go before your public hearings start so excited about that and nothing else from me.

>> Brittini: Thank you, Sally. I appreciate that. It doesn't look like we have any unfinished business for today. So looking at the agenda we will be moving into new business and the first item under new business is the VRA legal Counsel interview questions so this would be the time that we look at the questions that we all received and are available to the public and we look to see if there are any changes, eliminations, what have you. Rebecca, can I turn it over to you to lead that discussion? Who is also the Chair of that committee.

>> Rebecca: Yeah, did everyone have a chance to look over the questions? Are there anything we want to change, edit, add?

Doug, I see you got your hand up.

>> Doug: I've got a number of comments. Let's start with number five. We are asking the question that to explain your proposed budget. But yet the billing on this is an hourly based billing. Of so many dollars an hour. And based on whatever work he does for us so I don't know if the proposed budget portion of that question is relevant. I think the estimated range of hours that you believe will be necessary to do the work is relevant though. That was one question that I had.

The other one I had a question, I didn't fully understand number 8 given your past experience why do you think the relevant population for section two analysis is in

Michigan. I don't think I understand the components of a section two analysis. I think it would be probably more relevant to ask that and I don't know what population plays in a section two analysis, okay, so that is another item I have.

I thought number nine was really good. Ten, it is critical that the public have a high level of trust and confidence in ability to provide objective independent nonpartisan advice. How can you provide the assurance. I think that was handled personally in the RFP response that we got. And otherwise we never would have had that level of confidence in him to bring them forward for an interview so I'm not sure we should even deal with number ten.

And I didn't think number 12 was really relevant at this point in time until we find out what the Supreme Court's decision is because it's really an unknown what they could decide. I don't think it's a binary decision, yes, no, or whatever. So I think that is irrelevant at this point in time. So those are my comments on it.

>> Rebecca: Okay, any other comments?

>> Brittini: I think Anthony has his hand raised.

>> Rebecca: I see you Anthony go ahead.

>> Anthony: Thank you. I was wondering if our general counsel could explain the Bronovich case.

>> Is Julianne: The oral arguments were held in March before the U.S. Supreme Court it was a challenge to Arizona's policies if you vote in the wrong precinct your vote is disregarded. And also related to the collection of absentee ballots that you would not it puts restrictions on who can drop off or deliver absentee ballots so it would restrict that. I think normally if people are going, they will collect ballots from I think one of the examples was an Indian reservation or certain places where people would drop off numerous ballots. Their own and others so that is what is before the Court. It's all related to the voting rights act which also ties back into Doug's question on excuse me Commissioner Clark's question on number six the population for a voting rights act analysis. Again, section with the equation being struck out of section four really section two is what survives nationally and has national implications under the voting rights act so it was getting his impressions on what he where his professional opinion thinks the Supreme Court right go and how it may impact the Commission's redistricting work this cycle. Because I think the oral argument was very unique in that people have a lot of opinions on it. Thank you.

>> Anthony: I like all 12 questions. In the past we also asked our interview Es to disclose whether they made political contributions in the past so I was wondering if we would like to do that for this position as well.

>> Rebecca: Yeah, I mean I think that would be advisable. Does anyone have any objections to doing that?

Okay, go ahead Julianne.

>> Julianne: Thank you, Madam vice Chair. So the political donation disclosures was part of the vendor work sheet in your RFP. And an important part of those disclosures is that they are ongoing and should be updated throughout the contract term. So I make that comment in full support of the Commission's decision to question that but wanted to highlight that was a question and it will continue to be a requirement throughout the life of the contract term. Thank you.

>> Brittini: Thank you Julianne to go back to what Doug said about question ten I agree I think it might be beneficial for the public maybe to hear the commentary and perception on, you know, how he could provide assurance and trust. I think that could be beneficial. But other than that I think these are a good set of questions. I agree also with Doug about maybe number five though.

>> Rebecca: About the proposed budget.

>> Brittini: That is my opinion.

>> Rebecca: We can take off the first part and leave and take out please explain your proposed budget and rather have the question be what is the estimated range of hours you believe will be necessary to do the work. I think that makes sense to do that.

How -- are there any more comments about the questions themselves?

Okay, so how do we want to divvy these up guys?

Do you want to just break them?

There is four of us who were on the committee, the subcommittee, do we want to break them into three each?

And then someone else will have to pick up the question about political contributions as well?

Does that make sense everybody?

>> Brittini: If someone else wants to I can give my role to someone else if they would really like to ask questions so it doesn't seem to authoritative.

>> Rebecca: Anyone want to ask questions or feel like talking a lot today, MC I was going to say I can tell you want to do it.

>> MC: I'm feeling chatty.

>> Brittini: You get it MC no qualms about it.

>> MC: I like the idea of trying to streamline what we are there is a public there is our own education as well as the public's education when we are asking the questions. So the idea I would read what Julianne basically said that we have this on going right instead of adding the question I would just offer that. I also I think Doug is right, I think the critical trust that we want like I think we can read what they said and I was going to offer that. I would read those two questions, I would read the answers that they provided. That's what I was going to offer to do I suppose. Instead of asking those questions. But I'm also happy to make it easier and just ask the questions and divvy it up. So I will take Brittini's place or step in for Brittini and just ask whatever y'all want me to ask.

>> Rebecca: Doug, go ahead, please.

>> Doug: .

>> Rebecca: You are on mute.

>> Doug: Sorry about that. If somebody wants to take my questions, they are welcome to do that as well. And I would, based on what MC just said I would not read the responses. I would let Bruce respond to them personally. So that we don't miss interpret anything he said. I would suggest we do it that way.

>> Rebecca: Okay, anyone else want to ask questions?

All right so Doug are you okay if we just have MC, myself and Anthony handle the questions and we will just do four each instead of trying to find someone else to do it, will that work?

>> Doug: That works.

>> Rebecca: To break it up easily why don't I take questions one through four. And then MC I'll have you do five through eight. And Anthony, I'll have you do nine through 12. Does that sound good?

All right I think we have a plan. Back to you Brittini.

>> Brittini: .

>> Rebecca: You're still on mute.

>> Brittini: .

>> Rebecca: Since Brittini is having some technical difficulties let me look back at the agenda because I think we were going to take a break anyway we were going to take a break from 1:10 to 1:15 and that will give Brittini a moment to fix her technical issues. So everybody take a break and we will see you back at 1:15. Thank you very much.

[Recess]

>> Brittini: I was waiting for everyone to be on the screen but I don't want to delay too much longer but Sue do you want to introduce who we have here for our presentation, do you mind?

>> Sue: I don't mind at all.

>> Brittini: Okay.

>> Sue: We are happy to have Bruce Adleson from Federal compliance consulting LLC here, he will be making a presentation regarding his proposal for the voting rights act legal counsel, so take it away, Bruce.

>> Bruce: Thank you Sue and good afternoon. It's a pleasure to be here. Thank you so much for the opportunity to speak with you today so I do have a short PowerPoint presentation that is an overview of redistricting. Tells you a little bit about myself. And with that let's get the screen share. And let's get started.

Okay just to tell you a little bit about myself I'm a Michigan licensed attorney and have been licensed in Michigan since 1984 when I began my law practice or the practice of law in Flint. I have had an active Michigan practice over the years. I have Michigan

clients today. And I've had the opportunity to work in voting and election law. In Michigan advising jurisdictions and also providing a pro bono counsel and advice through prior Michigan secretaries of state and election directors.

I have 21 years of redistricting experience. This is my third redistricting cycle. And that covers various responsibilities. I was a senior trial attorney with the U.S. department of justice's voting section, during the 2001 redistricting cycle. So as part of that I reviewed dozens of redistricting plans and was significantly involved in the department's oversight of redistricting. And that includes the department's voting rights act objection to the Arizona legislative redistricting plan.

Where I had an opportunity to work with the redistricting Commission from the other side of the table. If you will.

In the 2011 redistricting cycle, I was the voting rights act expert for the Arizona redistricting Commission. And also the consulting expert in a Federal Court challenge to our work. Which the Supreme Court upheld our work from buy a nine to nothing vote. My private practice focuses on compliance. I work with local and state Governments, healthcare providers all kinds of organizations and the impetus is compliance, I don't do partisan or political work and I don't or never represented any campaigns candidates or political parties. My focus as I said is compliance.

So I have extensive experience in working with various local state Governments across the country, various communities, community organizations and Native American tribes. I'm a faculty of the Georgetown University school of medicine and Pittsburgh school of law.

In fact, I had a class today a class on Thursday next week is the last class of the semester so this is a good transition from that Zoom presentation to this one. And I wanted to provide some quotes from the Supreme Court and also the free Judge Court decision in the Arizona case to focus a little bit on what I think are really keys in moving forward with redistricting. So we recommended various districting population moves and priorities to the Commission. And the Supreme Court in recognizing that our advice was correct. Also made the point as you can see at the bottom of the second paragraph, there is nothing in the record to suggest to the contrary. And that is really important. In looking at what I think over all about redistricting and what's important particularly for citizens, Commissions to look at is having a very robust transparent record. And I think that as we all learned back in elementary school in math remember we were all told show our work. That is absolutely true. When it comes to redistricting. And it is certainly true to reinforced several times by the Supreme Court in both its opinion and oral argument that while the record showed backs up what they are claiming meaning the Commission and that is what you want. That is what you want everyone to see. You want everybody to know what you're doing and then in the event of a legal challenge you can just quote to the record, cite to the record to confirm what it is that you actually did.

And I've been very fortunate to have the reputation I do in redistricting and in various states localities, local Government and citizens organizations. So to emphasize my point show your work. It's really important with redistricting. There are all kinds of as you know decisions that are made. Priorities that are looked at, redistricting criteria to comply with. Showing why you made decisions, what you did in making your decisions is really absolutely essential.

And so that is one of the takeaways from the Harris AIRC Court case show your work, create a strong record and have objective expertise about why you do certain things, why you move this town to this district or this line here. Have that in your record and show your work and explain why.

And I think that that also goes to the...my emphasis in redistricting without citizen involvement. Make sure that everybody is aware of what is happening. But also to provide an accessible process both for people for example with disabilities and people who may be limited or proficient so for example in Michigan you have three jurisdictions I think that are covered by the voting rights act for languages other than English meaning election information must be provided to them in Spanish for example in Fennville and also in Hamtramck can language under the voting rights act is labeled as Bangladeshi and I worked with very carefully in Arizona and local cities and counties I have worked with as well is making everything very much accessible.

And in providing the community citizens residents education, education about the process. Why do we do this?

Why do we redistrict?

And what is redistricting really all about?

And that goes to really the show your work point but also, it's all in the analysis. The answers to all questions are in the analysis. And I learned a very valuable lesson with justice. When we were first examining the Arizona redistricting plan. There was a particular district where I believe just by looking at the numbers that it was -- it would not have been possible for minority voters in that district to elect what's called their candidates of choice. Because the number was just so low. The minority population as I recall was probably in the low 30s. Well, in doing the outreach that I did and talking to people in the community, I talked to particular state legislature who told me, Bruce, the Hispanics in this district have been electing candidates of choice for years. It's historical. Yes, the amount, the number of percentage of minority voters is pretty low. Lower than in majority minority districts for example. But do the analysis. Do the work. You will see that we elect candidates of choice.

He was right. And I had to justify this to my superiors at justice who had the same reaction that Bruce there is no way this district can be an ability to elect district of voting rights act district because the percentage is so low. But then we showed them the analysis. And they agreed. And that is certainly what the Federal Court and the Supreme Court decided in the last cycle. And every time the legislature and I still cross

paths. I did a redistricting webinar earlier this year which he happened to be on and we both had a mutual shout out and recalled exactly this situation. What I call now the case of legislative district 23. So not making assumptions and letting things prove out by analysis is a valuable lesson that I learned.

These are as you know are your statewide redistricting criteria. And I've bolded three that I found to be of particular interest. The third one district shall reflect the diverse population and communities of interest is very interesting because it is relatively high up the list of priorities. Compared to other states. And I'm not aware offhand of another state having a criteria about the diverse population of the state.

You also have provisions that are similar to what Arizona has regarding political competitiveness in creating a district. Your language is different than theirs. And Michigan it's districts are not provided a disproportionate advantage. In Arizona the language is that the extent practicable competitive districts should be favored if it's possible to do so and there is no detriment to other redistricting goals. So that is something that I'm very familiar with. It's something we looked at in Arizona. And moved forward with to the extent we could to create competitive districts and not run afoul of one person, one vote for example. Or the voting rights act.

What are compact and contiguous districts is a question I guess contiguous is an easy concept and a district consisting of two or more areas is not contiguous. A contiguous district is all you can reach and you can walk to each point in the district so to speak where everybody is connected. There is not a three mile strip down the middle of the district that divides it. Everything is connected.

And compactness can be measured by various scores and analyses within redistricting. But typically the appearance and function of a district are good ways to see how compact it is. If you Google gerrymander and you Google oddly shaped districts you will be able to tell often by looking at the district that there might be something strange going on here. There might be something that is not compliant with one person, one vote or maybe even potentially a racial gerrymander where you are using race to gain political advantage. So that is what I look at is the shape of the district to determine whether or not and the courts did too whether or not there is something unusual, fishy or questionable and how the district is created. Typically it's a good best practice is using visible geographic features. Mountain ranges, rivers, are good markers of where to have a district border.

And I know that from a community of interest standpoint it can often to maintain cities schools and districts where possible and it's something I worked on with redistricting I've done now through three cycles is seeing to the extent it can be done if that is something that the local jurisdiction favors. There was one example in Arizona where there was a majority Hispanic city that I had recommended splitting because I thought that might enhance voting rights act compliance but the residents in the town were opposed to it and felt very strongly about it. In the end the Commission decided not to. So we came

up with other ways to address the voting rights act issues which is something that often happens in redistricting. If plan A may not work, or plan A has some complications like here, or there is a community opposition, okay let's look to plan B and if necessary, go further than that to in order to achieve the goals of the redistricting criteria. And have compliant districts.

Part of redistricting too involves analyzing election results, looking at the whether or not a particular area or a district, what the turn out rate is, what voter registration is. Does the minority community have a history of electing candidates of choice for example?

So that's part of the analysis in creating districts.

This is a question I've had a lot recently. I did a webinar presentation about this about a month or so ago. Ideal population. So the idea is that in doing the math simply so frankly so I could follow it. If you have a population of one million and you have ten districts, ideal population for each district is 100,000. Now, coming as close to that ideal number for Congressional districts is important. There is less leeway with population deviations in Congressional districts. You have more opportunity to go away from the ideal a little bit with legislative districts or at the county or school district or city level. But this idea of ideal population has been something that has been a focus of the Supreme Court. It has been litigated a lot. And a good rule of thumb as the Court has said is deviations in populations should generally stay below 10%. So going over 10% it's not necessarily we can't do this, it's illegal, that's a problem. It may be a sign that it is. But as I said earlier, it's all in the analysis. In figuring out okay why are we doing this?

In Arizona there were some districts with higher deviations from the ideal than others and as the courts recognize we did that to address certain voting rights act issues to strengthen the districts. And to ensure that minority voters would continue to be able to elect their candidates of choice.

This is a quote from a Supreme Court case mathematical nicety is not a constitutional requisite when redistricting so the Constitution doesn't say you must be the population of deviation has to be absolute zero but as I said for Congressional it needs to be as close to the ideal as possible. Not necessarily for legislative. That substantially quality of population that you see in the middle paragraph is kind of a good shorthand for a goal to reach and that's think of that as a 10% population deviation. I mentioned in the previous slide that is looked at as a good best practice to achieve.

And this is one of the claims in the Arizona litigation. That some of the deviations were done to favor one party or the other. Courts rejected that and said the record doesn't show that. But the record shows is what we actually did. That we created these districts to comply with the voting rights act. And to strengthen the ability of minority voters to elect their preferred candidates.

At the time Arizona had not received what was called preclearance under the voting rights act on the first attempt in more than 20 years from the justice department. The Chair of the Commission said right from the start that was a priority of her's. And it was something that we worked towards. And we achieved that result for the first time in more than 20 years. Justice pre-cleared or approved our redistricting plan. On the first attempt. Without any questions. Without any additional submissions.

Race is a part of the redistricting process. It sometimes surprises people but it's been recognized by the Supreme Court as you see here that having an awareness of race when you draw a district lines is a part of redistricting. And that by itself is far from illegal. It is what redistricting can be all about.

In a challenge to districting plan claiming that racial discrimination for example and here as you can see in the middle of the page race must not be the predominant factor motivating the decision. So if and you will see in a moment the mistake that Alabama made but if I make a decision that I want to put and have the minority population concentrated in two, three or four districts with 70 or 80%, just as an arbitrary number that would luckily be struck down as unconstitutional because I'm using race arbitrarily to create these districts and that was a mistake that Alabama made. In this Supreme Court decision in 2015, the Court found that Alabama had this policy of prioritizing what you can see at the top mechanical racial targets. That weren't based on analysis. That they were just selecting arbitrary numbers for certain districts. And the Court said, no. That that's unconstitutional, it's a racial gerrymander and without a strong basis in evidence as the Supreme Court said in our case is without analysis showing why you're doing that and the why being confirmed then you just can't just randomly select 60% here, 80% here, 55% here. The analysis has to back it up. And in Alabama they didn't do that. So I use this case an awful lot as being very instructive about here are the improper unconstitutional use of race in redistricting.

And these are two terms that are commonly used in kind of redistricting jargon. Cracking and packing. Cracking as you can see has been defined as dividing people among multiple districts. So they fall short of a majority in each one. Packing is what you saw in Alabama. The Alabama legislative redistricting packed African/Americans into certain districts with arbitrary numbers, without any and analytical or evidentiary basis so that is packing people in districts and win by overwhelming margins.

Just as a mention one of the things that I do with in presentations and also with my clients is kind of keep abreast of redistricting litigation today. And as you may know there are several Federal cases that there are currently being litigated or have been. Dealing with redistricting. And this is one in Ohio where the Court recently let's just say denied the Plaintiff's request to order the census bureau to produce data now. And the Court was very district in chastising the Plaintiffs and saying essentially, I'm not going to order a Federal agency to do something that it is in sworn testimony it has told me it cannot do. So I see no prospect of the census Bureau being ordered by a Federal

Court to produce data now when they have said quite unequivocally, they cannot and the data will be released later this year. That is where I look at my clients, keep them appraised of what is happening in the courts so they know where the process is and they are not surprised about anything that they may hear or they may say or they may hear or they may read.

That is my PowerPoint for today. Okay. Well, I hope that was helpful. This is the general overview of some aspects of redistricting some terminology and a little bit about my background and experience. So thank you.

>> Brittini: Thank you, Bruce. We are very happy to have you here. And we appreciate the information. I will speak for myself but I think I can also speak for the other Commissioners, the information you shared was valuable. So you will hear from some of the other Commissioners that you see here and they will engage in a discussion with you right now. I'm going to hand it over to Commissioner Rebecca Szetela.

>> Rebecca: Hello.

>> Bruce: Hi.

>> Rebecca: Let me find my sheet I'm bouncing around looking at 20 different things at once Rebecca Szetela I'm the vice Chair of the Commissioner and have a few questions for you I will ask you the first four then somebody else will ask you the next couple and somebody else the next couple.

Due to delayed census data what do you believe will be the most significant issues facing the Commission?

>> Bruce: As you know redistricting can be a very fraught process in the sense that there is a lot on the table. There is a lot of stake. You are redistricting your state for your next legislative election. So there is a lot involved, meaning the leadership of your state, the candidates people will be voting for, and it is already a very complex process. Yes, it has been made more complex in a sense because the census data are delayed. But frankly as I have had discussions with mapping consultants and others who are involved in redistricting, the way we look at it is the data will be out by September 30th perhaps on September 30th. So as long as you are equipped with the necessary expertise, we are good to go. We know the analysis that we need to do. We know that I know you have a mapping consultant that they know how to download the data. And put it in the formats that they need. So in a way I view the delay can be a benefit in the sense that you have more time for community outreach, education, the people always have questions about why do we redistrict. What does deviation mean?

What is contiguous?

So and being able to answer those questions with a little bit more time I think that could be a benefit. I know that some of the local jurisdictions and other states that I work with are seeing it that way. That they are planning a more robust outreach and they might have originally. Because they know they have plenty of time to take care of it. And they

also know that what the issues are for each jurisdiction. And that they are well positioned when the data come out to just get going.

>> Rebecca: Thank you. What challenges do you foresee for individuals serving in the role of the RA counsel during the redistricting cycle?

>> Bruce: I think it's like anything, I think it depends on how expert, how informed the Council is. This is not something that is -- this is something that I learned in law school. It's not something that I learned when I started practices in Genessee county. This is something the department of justice taught me and I have learn now through three redistricting cycles. I think being aware of the attention on redistricting, that people are very interested in it. And they are all kinds of different players who like to weigh in and I know certainly in Arizona. Whether they were elected officials or other people, people came up to us, people came up to me all the time, Bruce, you know, you are looking at this district and this line. Is there any way we can move the district from here to here? Or from here to here?

So that's an issue that comes up regularly but as I said you know I understand the process. This is my third cycle. I've had the honor and benefit of working with the redistricting Commission in Arizona. Both as an enforcement attorney for the United States and also as an expert. And there is a consultant expert in litigation, so I understand what is involved, what the dynamics are. And then what the stresses can be.

>> Rebecca: Please describe your plan in the work product you will provide to the Commission.

>> Bruce: My plan which is the same really for all of my clients is in working with you if I'm fortunate enough to be retained about what are your priorities?

Let's talk about the big picture and the small picture. I know you have community meetings coming up.

And what will the focus be?

What are your priorities?

So the way I look at my role as an attorney is to in collaboration of course with you and act in accordance with your priorities and your preferences. So I mean, I think that that's when you talk about work product, the work product is really defined by not only the work that you request but also the types of analysis that we have to do. The if there are some big breaking Supreme Court decision or trial Court or appeals Court decision dealing with redistricting in your part of the country, then we are going to want to know about that.

So my work product is to provide the advice, counsel and analysis, work closely with you, staff, the mapping consultant, your general counsel in producing districting plan that is compliant and satisfies your criteria.

>> Rebecca: All right thank you. Please talk about a time when you had to communicate complicated legal terms whether VRA related or otherwise to public or

nonpublic decision maker, how do you approach those conversations and presentations?

>> Bruce: Well, if I could do this today, I would like to bring my students in because we can talk to them. And I do that every week with my law school class. I teach medical school and that is going to be starting up again in the summer. So I do a lot of public speaking. I've taught in elementary and middle school. You talk about explaining difficult concepts. I've had to explain difficult concepts to students from five to 15 years old. Plus college and graduate students. Plus general audiences, whether it's concerning voting rights act in a presentation to the national association of state election directors or presentation to for example one of my rural counties about the Americans with Disabilities Act. What is effective communications mean?

So I think partly too by having been a reporter and also having been a radio commentator is part of understanding how to communicate. As well as having being a litigator, having done my share of jury trials. And being able to communicate principals, concepts, ideas, legal issues in a way that is generally understandable. And I think that is something that from what I have been told people say I do very well.

>> Rebecca: Okay, thank you.

>> Thank you.

>> How do you plan to communicate with the Commission, the Commission staff and the public?

>> Bruce: As I said earlier that will involve our conversations and communications. Like in Arizona, for example, I used to speak regularly with the Commission Chair. She asked to schedule and have a scheduled time to discuss whether they were legal issues or questions she had about the law of redistricting. Talking with individual Commissioners, whether on the phone at that time or in person. The media, any time that I had been contacted by the media that was something that I always discussed with the general counsel for the Commission as well as the Chair about how would you prefer that I handle this. So I tend to be very open as far as availability. And I've had clients in Alaska and Hawaii and Alaska some of my clients we related to redistricting so with the time changes we used to talk at all kinds of unusual hours. And that is something I still do today. You know, my...the benefit with my firm since I run the firm and I set the hours and I set my own schedule. So that's inherently flexible. And in working with you, communicating in the ways that are priorities for you and your preferences is something that I've done throughout my legal career and as a hallmark of a priority in working with state, local and county Government in redistricting.

>> Rebecca: Okay, thank you very much. I'm going to hand it over to MC.

>> MC: Hi.

>> Hi.

>> My name is MC Rothhorn. Thanks for being here. I'm feeling I'm getting a lot of this. I'm going to ask you some questions that you may have answered already so I'm

going to ask you to elaborate on your experience so in particular because of your experience please share the estimated range of hours that you believe will be necessary to do the work.

>> Bruce: Well, I think that it's really, it's very difficult for me to say oh, I think it will take X number of hours because I don't really know yet what the data will show. I don't have I have not talked to your mapping consultant and of course we have not talked. So being able to say it will take X number of hours would be frankly be misleading. If I said oh, yeah, this will take me 20 hours to do when we don't even know what the exact scope of what I will be doing specifically will be. Sure we know generally, but I'll tell you that one thing I can tell you, having been a lawyer since 1983 I can do things a lot faster than many of my younger colleagues. And certainly when it comes to redistricting, I don't have to look up what the definition of standard deviation is, what Lario versus Cox when it comes to the 10% standard so I think that is certainly something my clients appreciate now that I could do things pretty quickly because I've -- I don't usually like to do this but I can't think of another way to say it. I know what I'm doing. This is my third cycle. As I said, you know, I have done and as I said I had the benefit of having actually worked with an independent redistricting Commission. So I understand where you're going. I understand what the process is going to look like. So I hope that helps.

>> MC: It does and I'm going to ask another follow-up to that hours and prediction. Given again that you worked with the Arizona and it might be useful to maybe gauge some of the what hours you did there and how that might, yeah. So what I'm asking is how would you allocate your time among the necessary tasks, everything you said including attendance at MICRC meetings and if necessary, responding to media inquiries.

You touched on all of this been but how would you allocate your time.

>> Bruce: Let's say for example there is a meeting tomorrow in Kalamazoo and that you asked me to attend the meeting with you. So let's say the meeting is two hours so there is a two hour block of my time to attend the meeting and let's say you ask me I have been asked before to do either a PowerPoint presentation or some other presentation. Let's say the presentation is 15 minutes. So we have 15 minutes is part of that two hour block of time. There will be preparation time for me and my office. Just as there was with the PowerPoint, I did for you today. Now, let's say that it took an hour for me to put the PowerPoint presentation together for today. So we are talking about for the meeting in Kalamazoo three hours. My time at the meeting, the PowerPoint presentation unlike some of my colleagues I don't bill for driving to the airport. Sitting on a plane. And then driving from Metro to Kalamazoo. I only bill for work time. That's something I learned a long time ago. And something I have adhered to. So we are talking if that is all that we are talking about for our Kalamazoo meeting, we are talking about three hours. Media coincidentally although it was not before my class today, I really isolate myself to prepare for class. And as I was preparing, I got a

phone call from a reporter who asked me about civil rights and baseball. Because I wrote a book about integration of baseball in the south. So we talked for about ten minutes. Having been a reporter, I understand the type of information that reporters want and how to convey it. So I think that that is very useful too that I understand what -- how they want their information structured. And that is something that I can give them so we don't have to have a lengthy conversation. Just like I said today it took about ten minutes, I think this was a reporter with the Christian science monitor so he got what he wanted in ten minutes and we were done.

>> MC: Thank you.

>> Sure thank you.

>> MC: Third question or four please identify how our general counsel and your firm can work together to reduce costs?

>> Bruce: I think one of the things I'm sure we will do and something I do with all my clients is we don't work in isolation. And I don't you know let's say research something for ten hours and say hey, I just spent ten hours researching this. I will take ten hours writing up a memo and then I will send it to you. Because perhaps she has already done that or perhaps you all have talked about it, you're just not interested in that. So rather than me just take 20 hours to do something, that may have already been done we will talk about hey there is this particular point I think would be helpful, what do you think?

And we would talk back and forth. I'm a big believer particularly in an enterprise as large as this. To collaboration is essential. Communication is essential. Frankly and communication is my business both as an educator and a public speaker. That has been true for a long time. And I think that that is paramount as well as the collaboration. That is something that I've done in every redistricting I've been involved with.

>> MC: Thank you. Last question, given your past experience what do you think the relevant population for a section two analysis is in Michigan?

>> Bruce: Well, Michigan I believe according to the American community survey must have been two years ago you have about ten million people. And that may be what the 2021 census shows. Your population is about 79% white. Your largest minority population is your African/American population. And that's about 14%. Your other minority populations are relatively small. Hispanic I think is about 3%. Asian is about 3%. So when you look at section two you typically are going to be looking at the largest population of any one minority group so looking at the African/American population that would likely be the starting place. But I would not foreclose looking at let's say Hispanic population because let's say the 3% is all concentrated in two counties. Let's say. And in a very small geographic area. Is it conceivable that Hispanics could be a majority in h a single member district?

Potentially. But like I said at the beginning, it's all in the analysis. We start with the African/American population because it's overwhelmingly the largest population of color.

And start from there. Whether or not other populations need to be looked at from a section two perspective really depends on what the data show. And also what the analysis shows. I tend to be very cautious in the sense that as my son likes to tell me I don't like to make assumptions it's like show it to me. We have to prove it. We have to look at it. We have to analyze it. So I don't tend to make assumptions.

But here given the numeric size of the population it would start with the African/American population.

>> MC: Appreciate that. Thank you.

>> Sure.

>> MC: That was my last question.

>> Bruce: Thank you.

>> Anthony: Hi, Bruce. This is Anthony and I will finish off the questions and first off thank you for being with us today and thank you for your PowerPoint presentation earlier. I'm sure it was not only informative for us but also for the public watching. So we appreciate that.

>> Bruce: Thank you.

>> Anthony: I just have a few more questions for you. And you have kind of touched on this a little bit already when you were talking about your past redistricting cycle experience. But given that experience in redistricting what are common mistakes made by other boards or Commissions and how do you think we can avoid those pitfalls?

>> Bruce: Well if you don't mind, I won't use the word mistake but let's instead and let me focus on pitfalls that I like. There are all kinds of potential pitfalls and I think if you don't mind me making kind of a Michigan aside, I know what the roads can be like in the winter. I have pictures of my old cars to prove it. So if you look at the reality of Michigan roads in the winter, yeah, there are going to be lot of potholes did you encounter along the way. That's why I stress transparency, build a strong record, let the analysis prove out.

That's the key to a successful redistricting, successful to me means that you have a redistricting that is legally compliant, that satisfies your criteria. Where people are not going to come up to you and say redistricting after you are done, you did redistricting? What does that even mean?

So that's how you know you have avoided the holes, the pitfalls is this transparency. It's something I strongly advocated. It's something that was a priority during the last cycle in Arizona. And just as a contrast, the redistricting Commission in Arizona in 2001 where we at the justice department objected, we asked them several times to prove what they were saying about a couple of districts. They said that these let's say two districts were voting rights dot compliant. It was the lead attorney so I did most of the communication with them. I asked their lead attorney you have to show us the work to prove this. You know, we have not been able to prove this through our analysis. If you know something, if you can point to something in the record, that will help us

understand this, please they couldn't do that. And under this particular provision of the voting rights act they had the burden of proving that their districts were compliant. They couldn't do it. We tried, boy, did we try to come up with all kinds of ways to look at it. We couldn't do it.

So and that's part of the reason we did an objection. So if you have that strong record, the objective expertise, show your work, just like justice Briar said five years ago. That will prove out and confirm that oh, yeah, we did this to comply with the voting rights act, here is the proof, here is the analysis. That's how you avoid pitfalls.

>> Anthony: Thank you for that wonderful answer. My next question is kind of regarding the transparency you were just speaking about. It's critical to this Commission that the public has a high level of trust and confidence in your ability to provide objective, independent and nonpartisan advice to the MICRC. Can you go into a little bit more detail on how you would provide that assurance?

>> Bruce: Sure, as you saw from our proposal, and as I said earlier, we don't do any political work. Any campaign work. Any work for candidates. Zero. And we tend I think I listed in the section for contributions, my recollection is going back like to 1985 that I've made three contributions to candidates in local or state elections one was a judicial candidate in Michigan back in the 80s. Another was to my friend Steve Morino who is a county republican county Commissioner in Colorado. He was running I think wealth county. He was running a few years ago. And you know I know him. So I contributed to his campaign. In Michigan secretary Benson I have known her for several years. I got an e-mail that she was running. I guess it was in 2018. Oh, you know, she was running so I contributed to her because I know her. And we talked about voting rights when she was in Wayne County, a Wayne County Wayne state professor. So that's about the extent of our local or state contributions. We don't do that. And as I said, we don't do any professional, partisan, campaign, candidate work at all. I think if I looked at all the jurisdictions that I've represented over the years from a compliance standpoint, they are pretty balanced, and that is just by coincidence. And if they are not, they may even be their Commissions, their boards, may more majority republican and democrat. I really honestly don't know. So that's what I would say. It's to me it's compliance. I let the law show me the way. And the facts and that's it. I don't deviate from that. That's what I did in Arizona ten years ago. That is what I do with all my clients. We do not do politics. We do the law.

>> Anthony: Wonderful. To continue on here we've spoken a lot about you know following the analysis and letting the analysis of the work that we come up with do the talking for us. As you know the Michigan Constitution requires that as we adopt plans, we are to issue reports explaining the basis on which those decisions are made. From your perspective, what should be included in those reports? And how would that information be used to defend the plans from challenge?

>> Bruce: I think in part if you look at some of the information I provided in our proposal, I provided some graphs that had several districts with different populations. That's an example of something we did in Arizona and the reports that we produced. To justify, to explain why we were doing what we were doing. And when we had public meetings, and would do the work of forming districts, if we moved precinct A from district one to district two, we would explain why. And in working with the mapping consultant we would show the percentages of people in each district. We would show a little bit about the electoral history and that was all up on a big screen for everybody to see. We would have the paper copies, examples of which I sent you. So we -- I work very closely with the general counsel for the Commission as well as the mapping consultant to show what exactly what you're saying. The information that confirms why we did what we did shows the analysis. Explains for example, racially polarized voting. It discusses whether it exists in a particular area or not. And then explain why we included the population we did. What's the legal basis for it? So that was something we did regularly. And it is certainly something that I understand what your legal requirements are. And, certainly, something I'm well experienced to do again.

>> Anthony: Okay, and I have one last final question. And you have been with us a little while now. The last question is depending on its timing how could the U.S. Supreme Court decision in the Bronovich case impact our redistricting work this cycle?

>> Bruce: This is a good kind of question to close because it will have my shortest answer. It really shouldn't matter at all because that is not a redistricting case. It's not a vote delusion under section two. It's vote denial alleging discrimination because, as I recall, Arizona has a law that where they don't accept provisional ballots at the wrong precinct or in a different county, for example. And also have a law that forbids or regulates whom can collect and submit voter registration materials. That's not unless I'm missing something, that's not what you all are doing. So it should have nothing to do with that. I understand that and I tend to be reluctant to predict what courts are going to do when I'm certainly reluctant to predict what the Supreme Court is going to do. But I'm not aware that this is a vote delusion case or has anything to do with redistricting so unless the Court declares section two of the voting rights act is unconstitutional which I do not expect them to do, it shouldn't really have any impact on your redistricting.

>> Anthony: Thank you.

>> Bruce: You're welcome.

>> Brittini: Are there any other questions for Bruce while we have him from any of the other Commissioners, yes, Doug.

>> Doug: Again Bruce it's a pleasure to have you with us today.

>> Thank you.

>> Doug: Throughout your discussions this morning, you emphasized the term show your work. So as we proceed down this path and eventually, we will have to show our work and just prior work somewhere along the line we have to document, somewhere we have to have a repository to keep that data. And both the analysis data and the decisions that we made. Do you have any preferred recommendations on how that is accomplished?

>> Bruce: Well, I think that is a good point. I think that the you know your mapping consultant about is like going to be the data czar in a sense, that is the person who is going to be drawing the maps with you and you may have him store the data on his computer. I don't know if you have set up where you prefer to have storage with on the Commission's computers. You have multiple options for that. So I don't really have a specific recommendation. But I certainly know from my perspective if I do section two analysis for you for any proposed district, then I retain a copy in my files and you will have a copy to or multiple copies for distribution. Excuse me and I would suggest that you retain, you meaning the Commission retain multiple copies, that you may want to have make a copy available to the public. That's up to you. And that is an attorney/client privilege issue. But you are the client. You are the boss. If you want to disclose certain memos, certain documents, that's up to you. We certainly would discuss that. But so typically what I do in my work is of course I retain copies of everything. And then in redistricting the mapper has a copies of the work that the mapper is doing and then the client, the state, the county, the city has a repository for all the data and all of the analyses.

>> Doug: .

>> Brittini: Thank you Bruce for that answer any other questions?

Doug did you have something else for him?

Okay, well, if we don't have any other questions for Bruce, Bruce, it was a pleasure to have you here. And to give your presentation and once again and to get into some good discussion with the Commission. So we thank you. And I hope you have a wonderful, wonderful rest of your Thursday.

>> Bruce: Well thank you. I very much P appreciate that. If you don't mind, I'm going to take a break from Zoom for the rest of the day.

>> Brittini: I don't blame you.

>> Bruce: Thank you very much.

>> Brittini: Take care.

>> Bruce: You too. Good-bye.

>> Brittini: Thank you, Commissioners, for that wonderful period of questions and answers. And Doug, for continuing to give thoughtful questions and you're always such a good listener when we have folks. I appreciate that, not that but Doug takes care in listening to what folks say. So looking at if we can press on and no one needs like a two-minute break looking at the agenda we are now at the Commission discussion for

resolution. For 1-20-21 which if I am correct that resolution is to extend the contract for VRA legal counsel, if I'm incorrect feel free to give me some guidance on that. But I think we are in line to discuss that, Rebecca do you want to lead the discussion?

>> Rebecca: Yeah, so we have a resolution that was proposed and presented to us by our team. And is there any discussion with respect to the resolution or to whether or not we want to hire Mr. Adleson and his company Federal compliance consulting? Douglas, I see you have your hand up.

>> Doug: Thank you, just a couple quick comments. I think he did an excellent job today. I think he really reinforced his experience in the field. I think that was really significant. He is very good on his feet in conversation and communication and he comes across to me as a very honest and straightforward person. And I think that's the type of person that we are looking for. So that's my comments on the discussion this morning.

>> Rebecca: Okay thank you Dustin.

>> Dustin: I would agree. The second he started speaking I was like this is a person that I can possibly trust watching my kids if I had them. So he was straightforward. He seemed honest. He seems like he is a great person for the job and we should potentially retain his firm for this and that is just my opinion.

>> Rebecca: Okay, Steve?

>> Steve: Yeah, I would move that we adopt the resolution to retain the firm and extend an offer to him to hire him.

>> Dustin: I'll second that.

>> Rebecca: I have a motion by Steve to adopt the resolution, I have a second by Dustin, Brittini I will pass that off to you to handle the voting.

>> Brittini: I was going to say can't get in trouble. All in favor signify with a raised hand. [Hands raised]

All opposed same sign. All right the resolution, oh.

>> MC: I wanted to ask Julianne if there was any reason, we wanted to amend it, was there any answers in there that you thought oh, we might want to amend for whatever reason, was there anything in there you thought oh, gosh, we should.

>> Julianne: No.

>> MC: Thank you then.

>> Brittini: All opposed same sign?

All right the resolution as presented has been adopted. Thank you, Commissioners, for that vote.

Next on under new business we have a communications and outreach report brought to us by Mr. Edward Woods, III.

>> Edward: .

>> You are on mute, Edward.

>> Edward: Good afternoon Commissioners. How are you?

A little change in pace with the tone and inflexion of voice. We are excited to talk a little bit about our proposed communications and outreach plan. I want to share with you that Richard Zumba I had a chance to speak with him yesterday will be bringing the report, the full report of the market research survey next Thursday. You will get a copy over the weekend. Which you will bring the full report, I repeat the full report, he will do a survey next week so that you can get the market research survey report.

So I just wanted to share that with you.

Right now I'm going to go over our proposed communication outreach plan. I am not looking for approval. I'm just looking for you to take a look at it then get public comment. I wanted you to see it first and then seek approval for it next week.

All right I will share my screen. And go over it with you can everybody see it? Nod your head, great. I'm going to move it so it looks like I'm looking in front of you. Can you still see it?

You can still see it thumbs up or something.

>> Dustin: We can't see it. Wait, no I can I was saying we need to do per Julianne we need to do a roll call vote for Federal compliance for the contract and do we want to do that now before we go any further and get it done with.

>> Brittini: Thank you, Dustin I got caught up laughing with Rebecca. So go ahead Rebecca.

>> Rebecca: Not me Sally.

>> Brittini: No, so can we -- is there -- is there a vote or is there a motion we don't need to do a motion.

>> Julianne: Yes, I would redo the entire process Madam Chair.

>> Brittini: No, okay, is there a motion for the contract as presented for Federal compliance?

I have a motion.

>> Steve: I move we hire the Bruce Adleson firm for the VRA attorney.

>> Motion presented by Steve and seconded by Dustin. All in favor of the motion as presented signify with a raised hand.

>> Julianne: Madam Chair.

>> Brittini: A roll call vote by Sally Marsh excuse me, Sally.

>> Sally: Hello Commissioners. I will now take the roll call vote. I will start in alphabetical order but start midway down the list. So first Cynthia Orton have you joined us?

>> Cynthia: I have, I vote yes.

>> Sally: MC Rothhorn.

>> MC: Yes.

>> Sally: Rebecca Szetela.

>> Rebecca: Yes.

>> Sally: Janice Vallette.

>> Yes.

>> Sally: Erin Wagner.

>> Erin: Yes.

>> Sally: Richard Wiest.

>> Yes.

>> Sally: Dustin Witjes.

>> Dustin: Yes.

>> Sally: Doug Clark.

>> Doug: Yes.

>> Sally: Juanita Curry.

>> Juanita: Yes.

>> Sally: Anthony Eid.

>> Anthony: Yes.

>> Sally: Brittini Kellom.

>> Brittini: Yes.

>> Sally: Rhonda Lange.

>> Rhonda: I'm on the fence but I'm going to say yes.

>> Sally: Steve Lett.

>> Steve: Yes.

>> Sally: That's a unanimous vote.

>> Brittini: Thank you, Sally. So we will move forward with the hiring of Bruce Adleson Federal compliance for our VRA legal counsel.

So now that we've handled that, thank you, Commissioners for keeping me in line, I love that. We can move back to Mr. Edward Woods for his piece of his report.

>> Edward: Thank you, again, Commissioners for this opportunity. Once again this is just a proposed communications plan for information purposes. And looking for a vote next week.

This is based upon the strategic plan that was approved our mission is to lead Michigan's redistricting propose for the State House and district lines are drawn fairly in a citizen led transparent process meeting constitutional mandates. Our visions to chart a positive course for elections, based on fair maps for Michigan today and for the future. And reemphasizes our core values integrity respect transparency and purposeful.

Background in 2018 Michigan voters passed proposal two to amend the Michigan Constitution for preventing gerrymandering openness and transparency and reduce partisan ship letting citizens execute the redistricting process and created the Michigan independent redistricting Commission, 13 randomly selected Michigan residents, four democrats, five independents and four republicans the MICRC is responsible for redistricting the Michigan's U.S. Congressional, state and house districts.

Market research methodology. The Glen Gariff group conducted a survey of voters the 600 sample live operator telephone survey was conducted on March 27th to the

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31st, 2021 and has a margin of error of plus or minus 4.0% with a 95% level of confidence. 50% of the respondents were conducted via landline telephone and 50% of respondents were conducted via cell phone telephone. This survey was commissioned by you the MICRC Commission.

Key findings of the survey just the key highlights that came out. 53% of respondents have heard of the new redistricting change, 53% of the respondents have heard of the redistricting 24.3% heard of the MICRC. Only 24.3 percent plurality of voters have no opinion as relates to the Commission positive or negative. Just no opinion.

The two strongest testing facts emphasize that map fairness and public feedback was important to those that were surveyed. Map fairness and public feedback.

The three key messages that resonated with the 600 people who took the survey, no unfair advantage citizen input and transparency were all key messages that resonate with voters.

New stories and websites were the most likely avenues for engagement. And 48.2% had participation, believe their participation will have an impact.

As a result we want to have our goals goal number one ensure fairness in redistricting process. The three objectives, share the process for random selection of Commissioners. Address gerrymandering through the composition of the Commission, emphasize that hiring and mapping decisions require support from each representative group. On the Commission.

Goal number two, heightened awareness in the redistricting process. Recruit Michigan residents to sign up for alerts. Reinforce that Commissioners are everyday citizens. Number three collaborate with statewide organizations and their affiliate/members to inform residents about Michigan's new redistricting process.

Goal number three model transparency in the redistricting process. Objective one create a robust accessible and user friendly website that promotes and documents every action of the Commission. Site how the Commission follows the laws rules and procedures. Objective three establish and maintain solid and ethical relationships with media for accurate ballots and timely information release and this was a standard that was developed by the public relations society of America as relates to objective number three.

And goal number four increase engagement in the redistricting process. Objective one execute three multimedia education campaigns. One dealing with the public hearings two with the map submission and three with the adoption of maps which is also the second public hearing. For residents to participate in the redistricting process through public comments and hearings. Identify engage stakeholders and communities of interest to maximize the voices of residents. Objective three utilize town hall forums to partner with local organizations and inform residents about the redistricting process.

Here is our process was to present to the Commission. Receive feedback and public comment next week and then have the Commission take a vote as relates to the plan.

When we are looking at platforms and things to get the word out, we are looking at ads editorials, e-mails, events, Facebook, fact sheets, frequently asked questions, info graphics, Instagram, presentations, press alerts, Twitter, videos, website and YouTube are the platforms we are looking at with regard to that.

If there are any questions, I can take them at this time. And, once again, I wanted to present it to the Commission before getting public feedback and soliciting comments from the public as well as our communications and outreach advisory, which any statewide organization is able to participate and engage just by dropping me an e-mail to participate.

>> Brittini: Anthony has a question and then MC.

>> Anthony: I guess my biggest question is mainly -- scratch that.

Edward, what would you say was the most informative or I guess was there anything surprising that came about this market research?

>> Edward: Just the highlights. I think Richard since he did the survey would be the best person to just go over it and look at it. But the highlights are just what caught my attention in terms of what he shared and what we discussed briefly idea. Next week he is planning to give about a 15, 20 minute presentation and then open it up to the Commission for questions. But I mean I think the highlights I think I was probably happiest at 48.3% plan to be engaged. I mean to me that was a good loading point or starting point. With regards to that. I wasn't sure if it was going to be lower so I think that would probably be something Anthony but I don't want to steal Richard's thunder in terms of explaining the survey and the ins and outs since he is the one that conducted it.

>> Brittini: MC.

>> MC: I'm thinking about some of the process or ways we will implement it and thinking imaging how I will be involved in some of this work as a Commissioner. Is it clear that we who is going to do this work?

The results of the survey I suppose, how are we what you are sharing if that would be useful for me to know.

>> Edward: I am build out with regard to key performance indicators, you are going to have questions about responsibilities. Obviously, the Commissioners are doing some of the work with regards to the presentation. I shared with you before you know we wanted the data so we could identify where we needed to go but also we had data when I first started from Tommy V group from the University of Michigan and the data showed that we had very little awareness amongst elected officials so one of the first things that we did as a Commission was we went out and we collaborated and partnered with the Michigan municipal league and Michigan township association and the Michigan association of counties to start increasing awareness amongst the local and elected officials. And so as we get more information, we will be continuing with the presentation assignments with regard to the Commission. And as you know on the agenda, we have

the multimedia education campaigns for the public hearings. That's going to be some additional work. And so as we build out and expand you know we will be talking about responsibilities and roles. But what I wanted to do is one make sure the communication plan aligned with the Commission's strategic plan and then build it from there so that we can build these things out and you can see the objectives and see the alignment.

>> Brittini: Thank you Edward for that clarification, Doug.

>> Doug: Yeah, Edward could you go back I believe it's slide six. Goal number one.

>> Edward: Sure.

>> Doug: Yes, objective three, what is meant by each representative group?

>> Edward: Democrats, republican and independents or unaffiliated.

>> Doug: See, I disagree with using that term because I look at this as one unified group of 13 people. We don't meet separately as republicans and democrats and nonpartisans. So I would recommend that get changed.

>> Edward: I guess when it comes to hiring Doug the way the hiring process worked is what I'm trying to capture so if you have some language that could assist me to better capture it in order for hiring or mapping decisions to be made, you have to have a representative from the democrats, the independents and the unaffiliated groups that we call independents as well as republicans. So that's what I'm trying to capture. So definitely I'm open to word smithing; but, you know, that is right there in our Constitution.

>> Doug: What is in the Constitution when we vote on the maps, we have to have two maps from each representative republicans and democrats and the nonpartisans.

>> Edward: Right would you prefer if I just said that instead of each representative group?

>> Doug: Use the verbiage in the Constitution.

>> Edward: Sure.

>> Doug: If that is acceptable with everybody.

>> Doug: I don't want to delineate us in three separate groups, we are one group trying to accomplish the same goal. That is all I have.

>> Dustin: I would totally agree with Doug here. I see all 13 of us as one cohesive body. Not divided by language in said Constitution but unfortunately, we have to use the language in said Constitution to portray what it is that we are doing.

>> Edward: Thank you for that.

>> Brittini: Steve.

>> Steve: I don't disagree with those comments but I think what we have done, and I think what Edward was getting at, is that when we have had committees to review hiring, we have purposefully said we want a republican and a democrat and an independent to review those so whether or not it was in the constitutional amendment, we have, in fact, by our own operations done that. So if we are going to change that I think purposefully that would be fine.

>> Brittini: Thank you, Steve, I appreciate that thought, Doug.

>> Doug: Yeah, as I recall the reason we did -- took that approach with the one republican and one democrat and one non-partisan was for public perception. And did not really have to do with the decision making. I think it was entirely a public perception issue that drove that decision.

>> Brittini: MC go ahead it looks like you have something to say.

>> MC: I'm going to let it simmer a little bit.

>> Brittini: That is fair, go ahead Edward.

>> Edward: No, no, no I didn't know if the discussion was finished, but I did note that there was consensus on Commissioner Clark's suggestion to mimic what is in the Constitution. And that's what I will do.

>> Juanita: Can you read it. Edward can you just read it one more time the Constitution?

Or that part.

>> Edward: .

>> Julianne: I have that out if you would like me for do it, Edward.

>> Edward: Go ahead.

>> Julianne: It's Subsection 12 of the Constitution, and it says a decision on the dismissal or retention of paid staff or consultants requires the vote of at least one Commissioner affiliating with each of the major parties and one non-affiliating Commissioner. Again, those were the selection pools from the application process, being affiliating with democratic, affiliating with republican, or a non-affiliating.

>> Juanita: Okay, thank you.

>> Brittini: Thank you, Julianne. Is that sufficient, Juanita?

>> Juanita: Yes.

>> Brittini: Okay, Steve.

>> Steve: Doug, I agree that that's what we decided to do. Are we now changing that we are going forward?

We want to not present that type of transparency to the public and act as one group, unaffiliated with anything, which, quite frankly, I think is the proper way to go.

>> Brittini: Doug, that is directed at you, go ahead.

>> Doug: No, I think we should I mean we have limited number of subcommittees anyway. And so I think we should just continue forward with that. But it was the verbiage on that one slide that bothered me. Particularly the word groups. Because we are not really split up into groups at all. Except to do separate work functions. I think we operate as one total group. I think we operate very well as one total group. So I would suggest we leave all that alone and just change the verbiage on that slide so that the connotation is not there are separate groups among us, that the connotation is that we are working together as one group and there may be some constitutional verbiage that is associated with that, but that's my point.

>> Brittini: Thank you Doug.

>> MC: We don't have to affirm this until next week so we could potentially look at this over the week, cool.

>> Edward: I will work on some word smithing.

>> Brittini: We appreciate you, Edward.

>> Edward: All right and then knowing what the plan is we are starting our public hearings as you know in the next couple of almost a month from now. And I have some good news to share with you. Is that the city of Dearborn has agreed to provide complimentary rental for the public hearing. But that will unfortunately necessitate a change and I will share it on my screen. And that actually works out well with some of the other venues but you see highlighted in yellow Dearborn is available June 3 at no cost to the Commission. And then that would move Flint to June 1 and Pontiac to June 10th. And so Madam chairperson I'm looking for approval with regards to these changes.

>> Brittini: All right can I have a motion to accept the revised public hearing schedule and locations as presented by Edward Woods, III?

>> Steve: So moved.

>> Brittini: Thank you Steve, do I have a second?

Juanita, so my saw Juanita first I apologize. Juanita was the second. Okay can we have a vote if you are voting to approve the revised public hearing schedule and locations please signify with a raised hand.

>> Dustin: I have a question, are any other dates going to potentially be changed as far as you know?

Because I'm about to put in my paid time off requests with my job for all of these dates that were just shown.

>> Edward: No the dates are fine. It's just the locations. We are sticking with these dates.

>> Dustin: Okay.

>> Edward: I wanted you to know the locations moved just because we have people working with us to help us with that 10-1 time while we are on the public hearings and doing presentations and outreach activities. And so we just want to give them enough advanced notice.

>> Dustin: Perfect, thank you.

>> Brittini: Erin, go ahead. I apologize. Is there any discussion before we continue with this vote?

>> Erin: My only question was with the legislation, the legislatures extending the remote hearing time to July 31st I believe it was won't that affect the meetings?

>> Edward: That is the remote work schedule for state employees is to July 12th. There was an e-mail that came out last Friday that spoke to that. Does that answer your question Commissioner Wagner.

>> Erin: It does. Thank you.

>> Brittini: Doug.

>> Doug: Yeah, but Edward, don't we use state employees in our meetings?
And that would impact them.

>> Edward: Well, that is actually for them coming to work. So I'm not sure how that works with the Secretary of State. I'll defer to Sally Marsh to see if that is going to be a concern.

>> Brittini: And Julianne seemed like she was also going to speak, no, okay.
Sally.

>> Sally: Hi Commissioners, yes, so as your Executive Director mentioned earlier, the remote work for those individuals who are currently already working remotely in state Government has been extended. Now important to note many of my colleagues and state employees across the state are working in person right now, right at the Secretary of State branch offices among other places throughout our department and across state Government. And certainly when there are reasons to be in person such as helping staff a public hearing for example, you know, that remote work extension does not affect that. So there are folks from our team who will be supporting all of you at the public hearings in person. So no worries about that. But thank you for the question.

>> Edward: Thanks, Sally.

>> Brittini: Julianne.

>> Julianne: Yes, thank you it would have been I wanted to make sure MDOS answered appropriate for me to answer for them. But I did want to clarify that the remote work policy for state employees is very separate and distinct from our ability to meet remotely and to conduct remote meetings as a public body. Again we have that authorization extended through April 30th. Based on the Ingham County board of Commissioner's action but we certainly are monitoring the different locations that the Commission is going to and what not. I just wanted to make that really critical distinction.

>> Brittini: Thank you Julianne, that is appreciated. Any more questions or discussion about the public hearing schedule or yes, Steve.

>> Steve: I guess my question is if we are meeting in a place Midland and that county is under a no public meetings act still are we going to have members of the public there?

Are we going to be broadcasting this?

How is the technology going to work so that it's out amongst anybody who wants to watch and are we going to have it set up so they can call in questions without necessarily having to sign up in advance and if they have to sign up in advance how are we going to get that information out?

>> Edward: All of the public hearings will be live streamed so we will have the technology. We are working with MDOS with regards to signing up for public comments

and we will be bringing those recommendations back to the Commission. With regards to the process for that. And then what was your last question Commissioner Lett.

>> Steve: Well, I guess I think those answered it.

>> Edward: Okay.

>> Steve: As I understand the process then these are going to be live streamed, there is going to be a process for the public if they are not there to ask questions remotely. We are going to be there in the flesh. And we will have people there in the flesh that want to be there.

>> Edwards: Correct you can call in and ask questions or you can do it virtually through Zoom.

>> Steve: Okay thank you.

>> Edward: We wanted to make sure we address the digital divide because everyone does not have Internet access so we wanted to make sure we had a phone provision provided and that will take place.

>> Steve: We had one question from today from Audrey Anderson about where she was to go.

>> Brittini: Uh-huh.

>> Steve: How is that going to be?

I never gave that much thought. You can go obviously you can go to any open meeting we have. Are there going to be something suggesting to people that this is the area we expect this meeting to cover?

>> Edward: Under like you said open to go to any one of the public hearings so whatever best fits their schedule they are -- they can attend obviously in person or virtually. On Tuesdays the public hearings are starting at 6:00. And then on Thursdays we are starting our weekly meeting at 5:00. And then the public hearing will start after that so whatever is best for anyone's schedule to attend either in person or virtually the choice is up to them.

>> Brittini: Juanita. Thank you, Edward.

>> Juanita: Also when Audrey she spoke as if she didn't know there were two locations in Detroit, is there any kind of way that we can at the end of our time, our schedule that we can announce the different settings or something so that they can if they happen to miss a day or miss us on one of the virtual meetings that they can catch it if we constantly announce the timings that we are going to be at different places or whatever. If that is not too much.

>> Edward: Not at all it will lead us to the next thing with regard to public hearings and why we are doing the contract but absolutely.

>> Juanita: Okay, thank you.

>> Brittini: It seems we are ready to vote, I hope we are. So I will restart the motion and have a motion to accept the revised public hearing schedule and locations, Julianne.

>> Julianne: Actually Madam Chair you can just restate because the discussion happened appropriately and so you can just restate the motion, the motion maker of the second and take your vote.

>> Brittini: Okay, first I thought your note said restart so that sounds like I don't know. So we are voting. The motion has been made to vote for revised public hearing schedule and locations as presented and shown to us. All in favor please signify with a raised hand.

[Hands raised]

All opposed?

Okay it's been carried. We accept the revised public hearings and schedule and locations.

Edward, did you have something else for us?

>> Edward: Yes, our purchasing policy requires us to go out for bids and to alert the Commission with regards to doing that and part of that is dealing with our quote for services as relates to a multimedia education campaign for our public hearings coming up, in May. We want to make sure that we get that done. So it is important to kind of make sure we are tying in with regards to the strategic plan that was approved by the Commission with regards to our marketing. I provided a quote for services one is for the southeast media market so that we can do all of that in one time and then the second one is for everyone, every other area except the southeast and the southeast we are also including the county that borders Ohio so we can make sure we get that. And then the other one we are also addressing the counties that border Indiana. The background, the scope, and the responses right there for you for both of those that we are going out for bid. So if there is any questions, I can take them at this time. But we just need your approval to go out.

>> Brittini: Any discussion before okay is there a motion?
Doug.

>> Doug: Yeah, I don't fully understand what we are going to be voting on. Could you kind of review that, Edward.

>> Edward: Sure. We are voting on the scope as to increase awareness and engagement, the contractor will assist the MICRC in developing and executing a multimedia education campaign to ensure Michigan residents know how to participate in the redistricting process. The selected contractor will use the market research provided by MICRC and other data to make data driven recommendations on effective communication, key messages and outreach methods. Ideally, pending budget availability the campaign will reach residents through television, radio, print media, social media, editorials, promotional materials, short messages services, other known as text videos events, et cetera. It is expected that the contractor will ensure extensive media coverage at each public hearing.

To cut costs the MICRC there handle placement of print ads and video production. Please note, and this is the one that doesn't include Southeast Michigan, and this should include media markets bordering Indiana as well as Wisconsin. So that is the scope of the work that we are doing.

And following the Commission's to go out and purchase this, I expect this to follow in more than the \$5,000 category. But in order to do it, I need to go out and get three bids. And so that's why I'm here for approval.

>> Doug: Are you going to put out different RFP for different sections of the state or is it all one RFP?

>> Edward: It's an RFP because it's not over 50,000 and I'm going for three bids so it will be one and I mean there is two RFP, not one combined or I should say two quote for services.

>> Doug: If we are not using the RFP process then how do we protect ourselves on all the terms and conditions like were stated in the other RFPs?

>> Edward: That would be put into the contract based on who gets the service.

>> Doug: Okay so 40 pages is going to be put in a contract with those people.

>> Edward: I mean the terms and the conditions will be and I don't know if it will be all 40 pages.

>> Doug: I used that as an example.

>> Edward: Right, okay.

>> Doug: Gotcha.

>> Brittini: Rhonda.

>> Rhonda: Two questions. And Doug just asked and I may not have heard. Do these two bids cover the entire state?

You have one specifically for southeast. Does the other one cover the rest of the state including the UP and rural areas?

>> Edward: Yes.

>> Rhonda: Is the cost of that something that comes out of the preapproved budget already?

>> Edward: Yes.

>> Rhonda: Okay.

>> Brittini: Thank you, Rhonda for that. Any other questions or discussion?

Can I have a motion, please?

Erin Wagner with the motion and MC with a second. If you approve the issuance for bid request for promotional consultants as presented and as Edward has described please signify with a raised hand. [Hands raised]

And I know we have Cynthia here so Cynthia if you could signify with the yellow animated hand if you are voting. Great, thank you and if you do not approve all those not in favor please signify with the same sign.

All right.

>> Edward: Madam chairperson I want to make sure everyone understands it's two one for the southeast and one for non-southeast, they were combined into one motion.

>> Brittini: I was combining it into one motion, yep. Is that clear for you Julianne for your purposes?

>> Julianne: I think present it as two separate resolutions.

>> Brittini: I only have one, if there are two then.

>> MC: The resolution reads services for southeast media market and Michigan media market except for Southeast Michigan so I think it's comprehensive.

>> Julianne: We are good. Thank you for asking.

>> Brittini: Thank you everybody. So that request for promotional consultants has been approved.

If I'm looking at the agenda correctly, Edward, are there any other things you need from us?

>> Edward: No I just want to thank the Commission for responding and doing all the outreach activities. Greatly appreciated. I know that we are getting requests and we are also looking to do some more. So please stay tuned. And thank you for everyone for responding during the week so the public hearing with regards to your availability will be setting those up as well. Thank you so much.

>> Brittini: Thank you, Sue, yes you have a hand raised.

>> Sue: There is one more resolution that applies to Edward's work. And that is to authorize me to execute contracts so I want to make sure that we don't lose that.

>> Edward: Oh, yes, thank you, Sue.

>> Brittini: I was like maybe they skipped that one but I have a billion screens up so I don't so we do have one more resolution. Go ahead, Edward.

>> Edward: Yes, these are contracts and I want to make sure everyone understands there are two separate contracts done at each facility possibly and trying to get them all combined but it would be the contract with regards to the facility and then obviously because of our extensive technology it would be an AV contract so I just want to make sure that everybody understands the contracts that we are doing.

>> Brittini: Any questions or concerns about the contracts for related to the AV for public hearing venues is that how I'm understanding it?
Okay.

>> Edward: That money has already been approved in the budget.

>> MC: Sorry.

>> Brittini: Go ahead.

>> MC: I will move that we accept or approve the authorization for the Executive Director to execute contracts as described in the resolution to 21.04.04.

>> Dustin: I will second that.

>> Brittini: Thank you. I saw you. And Dustin was vocal with his second. So if you are voting to approve the authorization of the Executive Director to execute contracts with public hearing venues, please signify with a raised hand.

[Hands raised]

Thank you, again, Cynthia.

All those opposed same sign.

The vote carries. Now we are complete. And thank you, Sue, for noting that with the communications and outreach section. Do we feel like we can -- our next thing is the legal counsel report by Julianne Pastula, our general counsel. Do we need a break or, yes, Rebecca.

>> Rebecca: I would love a five-minute break.

>> Brittini: That is what my feeling was, so let's take -- let's just say come back at 3:00 then. All right.

[Recess]

Welcome back and entertaining and watching us today and continuing on with our agenda. We will wait a couple more minutes. Everyone is not back. The main characters are not back so I will wait a couple minutes. Okay hopefully everybody had a good five minute do whatever break. Let's move on to our legal counsel report brought to us by our general counsel Julianne Pastula.

>> Julianne: Thank you very much Madam Chair I will share my screen. I have very brief power points the first item we will be covering this afternoon is the proposed remote meetings policy. That draft is dated April 6 of 2021. And overview is that the Commission is required to establish these rules and procedures being a public body. The language in the policy mirrors the Open Meetings Act specifically an in particular sections three and 3A. There are minor adjustments made to accommodate the Michigan Constitution as well as operational processes. And I will highlight those modifications as we go through. The general provisions cover remote attendance of an individual member of the MICRC due to military service, a medical condition, which the OMA defines as an illness, injury, disability or other health condition and also a local state of emergency or disaster where that member resides. In order to have remote meetings of the MICRC where all members as well as the public would be remotely attending would be due to either a statewide or local state of emergency or disaster declaration. And that would indicate that there is a risk to personal health or safety of the MICRC and the public if held in person.

So again if it is there is not a local state of emergency in the area, we could have in person meetings there and if there is not then everyone would attend in person except for the members who qualify under the first bullet point.

The requirements for remote meeting are also set forth in the act. It requires two-way communication, which is not only between members of the MICRC but between members of the MICRC and the public during public comment. The Constitution also

requires contemporaneous public observation so that is not required by the Open Meetings Act but it's a critical component of the Constitution so I included it. And, again, these requirements for remote meetings the two way communication and the contemporaneous viewing I would like to highlight that even in person meetings or if there was not a pandemic the Constitution requires these as well of the Commission. So this is not unique or it would not be happening any differently if this was a different year where we weren't still suffering under COVID-19.

The notice provisions mirror the 18 hour in advance and there is also specific information that needs to be contained in the notices that we currently adhere to. The agenda must be posted at least two hours prior to the start of the meeting and that does not three clued amendment of the agenda during the meeting. Must identify with the remote location. There is an exception if they are on active military duty and do not need to provide a location. And these are all things we are doing currently.

The additional work requirements for a remote attendance of an in-person meeting. Again, this would be a public hearing or a regular Commission meeting that is going to be conducted in person. And there will be an individual member that will be participating remotely due to either military service, the medical condition or the local or state or local state of emergency.

So the notice provisions that are required, they must be a notice of remote attendance of the member on the MICRC website, a contact information being e-mailed for that individual member and the timing of posting.

So the reason I put e-mail in parentheses and I'd like to highlight another constitutional sensitivity here that subsection 11 requires correspondence in writing outside of open meetings or openly noticed public forums so that is why it's been the contact information has been specified to be the member's e-mail address and the timing of posting is an operational concern to balance the needs of your staff to be able to post notices with quote sufficient time for the public to contact the member.

So that is the requirement that the member would notify the secretary to the Commission, via e-mail at least six business hours prior so that notice can be generated and posted in advance of the meeting so the public has meaningful opportunity to contact the member.

And that would conclude my brief presentation and I can and am happy to respond to any questions or comments.

>> Brittini: Doug.

>> Doug: Yes. Actually I'm not looking at your slides but I'm looking at the actual document, Julianne.

>> Julianne: Yes.

>> Doug: And specifically looking at Section C1C for where it says individual members remotely attending a meeting of the MICRC under subpart such and such of this section shall notify the secretary of the Commission by e-mail as soon as possible.

The term secretary to the Commission is not a term that we have used in any frequency at all. Could you clarify who that individual is?

>> Julianne: That individual this would be the MDOS staff assigned to the Commission so I would recommend that it would be that it would be either Ms. Marsh or Ms. Reinhardt would receive that notice in writing. And it would become part of the public record.

>> Brittini: Thank you Julianne, Dustin.

>> Dustin: Wouldn't Secretary of State Benson be the one who would need to get that because she is the secretary without a vote?

>> Julianne: Certainly if the Commissioner wanted to direct the e-mail to Secretary Benson, I would strongly encourage to CC and to include the staff because the secretary is the secretary to the Commission but for notification and reporting purposes, the staff is who will be facilitating those notifications.

>> Dustin: I get that. So I would make sure that we include Secretary Benson. She is the secretary without vote and include and carbon copy the staff that we work with on a daily basis because I would imagine that she would not be receiving all of the e-mail and everything and communications that we are sending back and forth between the staff and herself with her office in the position that she has.

>> Julianne: And, Commissioner Witjes, yes, I think that -- and I very much enjoy your language. Again, we don't like to put individual's names in policies. But, certainly, noting that the e-mail nor the Secretary of State and CC'ing, MDOS staff, I'd be happy to make that update.

>> Brittini: Thank you, Julianne. Thank you, Dustin, as well. Any more discussion or questions?

Thank you Rhonda I did not see Sally on my screen, Sally.

>> Sally: Hi Commissioners I wanted to sort of provide even broader context sort of to Commissioner Witjes' point which is you know for those of you and Mike Brady on our team reminds us of this from time to time that you know the Secretary of State in state law is designated to do a lot of different things, right, in the motor vehicle code among other things and it's very common for and actually sort of assumed that that is going to be designated to individuals you know at the direction of the secretary. So I just wanted to provide that information to all of you and to the public that that type of terminology is used not just for the Secretary of State of course but for other positions within state Government in laws and codes and other things.

>> Brittini: We appreciate that context, Sally. Any more thoughts or questions? Can I have a motion to approve the remote and hybrid meetings policies and procedures as presented with the edits.

>> Dustin: So moved.

>> Brittini: Thank you, so moved by Dustin. Seconded by was that, Doug?

>> Steve.

>> Brittini: Steve, sorry, I thought it was both of you. All right, if we are in favor of the policies and procedures as presented, please signify with a raised hand.

[Hands raised]

And Cynthia if you, thank you. All those opposed the same sign.

The vote carries for that resolution regarding hybrid meetings policies and procedures.

The next thing that I see and Julianne will give us some discussion on this is the resolution or discussion of the lost or stolen equipment policy which is very important. So please, Julianne, talk to us about that.

>> Julianne: Thank you, again Madam Chair. I have another brief presentation I would just like to note when I'm saying brief today, I mean brief.

>> Brittini: You are telling the truth, I see it.

>> Julianne: Normally I say brief and I'm not being entirely accurate. So today we have before the Commission a proposed lost or stolen equipment policy. This policy draft is dated April 5th. The overview for this particular policy is who it would apply to, any individual associated with the MICRC. That would include Commissioners, staff consultants and contractors with access to or possession of State equipment, would have to implement and maintain appropriate safeguards to protect that equipment.

What this is, is a policy and procedure for reporting damaged, malfunctioned, lost or stolen State issued equipment. And the why is to establish uniform standard reporting procedures. So those procedures are very straightforward. We have general provisions, includes encouragement of use of theft prevention devices. Also to be prepared with information that all Commissioners and staff and individuals with State issued equipment from the MICRC would note the identifying information in the equipment, the policy outlines, serial numbers that should be captured and user ID numbers. And this information should be gathered not only for the equipment currently in your possession but upon receipt of any new equipment issued. The notification will be for the Executive Director to provide to members of the Commission and staff if they are suspected loss or theft. If there is suspected fraud or embezzlement the director would notify counsel and then advice on next steps. The procedure for lost or stolen equipment they would notify the executive director immediately to obtain a report form and instructions for completing that form. The form is a department of technology management and budget standardized form so this policy does comport with DTMB procedures. The form should be completed and filed within 24 hours of the suspected loss or theft. And in the cases of theft that should also be reported to local law enforcement with a report requested.

I would also like to highlight for instance of a lost or stolen cell phone those must be reported to DTMB customer service center and that information is also provided in the policy itself.

As to damaged or malfunctioning equipment, the procedure would be to promptly notify the MICRC Executive Director and reach out to the DTMB customer service center. The customer service center will create the ticket and assign a service technician to the individual that will be able to assess the repair or replaced status of that device.

And I am available to answer any questions or comments on this proposed policy before you.

>> Brittini: Any questions comments or thoughts or for the good of the order?

>> Dustin: That all seems pretty straightforward and I would move to adopt that policy.

>> Brittini: If there are no more questions, I'm going to accept Dustin's move to acceptance and then accept Doug Clark's second. All right, if you approve the loss of stolen equipment policy as presented, please signify with a raised hand. [Hands raised]

Thank you. If you don't like that policy same sign. All right the vote carries. Thank you, Commissioners. Thank you, Julianne, as well for putting that together and presenting that to us.

>> Julianne: Thank you for your time.

>> Brittini: I would love to hear from our Executive Director Sue Hammersmith so she can talk to us about some administrative business.

>> Sue: Okay, the first item on the agenda Commissioner Clark had asked if we would consider the saying the pledge of allegiance prior to our meetings as some governmental bodies do. We also provide for your information the Michigan pledge and a land acknowledgment policy. So those are all provided. The Commissioners have had a chance to review them. And I think Commissioners Szetela and I don't know Brittini if you want Commissioner Szetela to guide the discussion on that.

>> Brittini: Sure, sure, I'm sure there are lots of thoughts but I would love for Rebecca to guide the discussion.

>> Rebecca: Yeah, before I guide the discussion on other people, I wanted to make my comments first just so I don't have to kind of administer and try to make comments at the same time. So I have two sort of overarching views on this one is my feeling is it's just not necessary. We have been conducting business for 7 months and we never said the pledge. Over half of the boards I know some people have reported that when they went to local boards, they were saying the pledge out of the boards I have gone to and I have done 6-8 half of them did the pledge and half of them didn't so it's really kind of a mixed bag and never received public requests for the pledge so I don't think the public is clam erring for us to do this during our meetings.

It does not advance the work we are doing and I don't see how that adds anything to the work of the Commission and it is just going to add time to our schedule that we already had problems fitting everything we want to fit into meetings in to. Then I also think it's

kind of odd because we are not a Federal board. We are not a Federal agency. We are an independent Commission of Michigan. Not of the Federal Government so why would we be pledging alliance to the Federal Government just seems a little odd to me. Then my other concern and this is really the big one I feel it's unnecessarily decisive if we have public meetings where we start out with the pledge. We know from media reports there are people who are taking a knee for you know the pledge of allegiance or other patriotic acts with respect to the Federal Government during sports events and so on and so forth. And I'm just concerned if we start with that with the meetings, and particularly the public meetings, we will have a situation where someone doesn't stand or do the pledge and other people who are upset and it's just creating a divisive atmosphere before our public hearings, which I think is the last thing we want. We want everybody to feel comfortable and don't want Bob at the end of the aisle mad at Jim at the other end of the aisle because one is mad that one stood and the other is mad because the other stood, so those are my very short thoughts on it and I will take it away to Doug. Go ahead.

>> Doug: I agree with you on part. I attended a couple of the city Council meetings. I had a different experience, they all did the pledge, but that is just hit and miss on what goes on in the state.

I asked this to be on the agenda. And also what was distributed to us was something that I did not ask for which was the State of Michigan pledge and a land acknowledgment. So I would like to since this was never brought up by any of the Commissioners, I'd like to eliminate that as part of the discussion this afternoon and just concentrate on the pledge of allegiance to the United States.

I think it's our patriotic duty to say it. I mean we are part of this nation and I believe that's the right thing to do. It does not take that much time and we share your concerns at the public meetings and people taking the kneeling and that sort of thing but it's what society has become at this point in time so I would like to just put a motion forward that the beginning of each meeting of the Commission that we recite the pledge of allegiance of the United States led by the Chair of the meeting. So that is all I have to say at this point.

>> Rebecca: We have a motion, do we have a second at this time?
Rhonda?

Rhonda is that a second?

Okay so we have a second. Do we have it looks like we have further discussion so let's continue with the discussion. Dustin, go ahead.

>> Dustin: I vehemently disagree. We have not done it. We don't need to do it. I have dual citizenship. I pledge allegiance to both the United States and the Netherlands 50/50. I will continue to do that. And that is set and if we do that when the beginning when it starts, I will turn my camera off and I will not be saying it.

>> Rebecca: Rhonda, I'm sorry, did you also have a comment?

You are good or you have a comment?

>> Rhonda: I do. I'm sorry. I'm using the little hand thing there. Okay, I've got very strong opinions on the pledge of allegiance. One because I served in the military. And so the flag means a great deal to me. And I understand that there is division and some people find the flag as offensive and I don't think that when you say the pledge of allegiance to the United States of America, you're saying a pledge to the Government. What you're doing is you are pledging yourself to the fellow Americans as being an American, as being the best American that you can be. And my thoughts on this are very strong.

Another reason I have a very good friend who is 22-year-old son came home from Iraq in a casket with that flag over his casket. And he loved this country. And that's what that flag represents. And I don't understand and you're probably right Rebecca this is what you were talking about the conversation where it could go both ways different opinions but I don't understand how people can take it as offensive. I think we would want to unite, is that what we hear how we need to unite as a country? We are all Americans. I think saying the pledge is just basically saying that we are all American. Let's come together. Let's treat each other respectfully. I don't know of any words in it that are racist. That are not opening arms to everybody in my opinion. Others might see it differently but I feel very strongly about it and I would really encourage doing it.

As far as the other two I don't feel strongly. Actually my sentiment is kind of the same as Dustin's as far as the pledge to the state because I've lived in other states and I'm not going to pledge play allegiance to a state but pledge allegiance to the country as a whole. The native lands I know Sue called me and talked to me about it and I get what she is saying but I don't think it's necessary and just so everybody knows I'm not saying anything against Native Americans or for those of you that don't know my maternal great grandparents were Native American so I'm not disrespecting them in any way. I'm just saying I don't find it necessary. So that is my thoughts on it. Thank you for letting me express them.

>> Rebecca: Thank you Rhonda and Brittini you have your hand raised.

>> Brittini: Yes, my hand is raised and my heart is beating a thousand times right now. I would not feel comfortable as the Chair of our wonderful group leading something that is that contentious. I actually think you know what is brought to mind is the word group and I remember Doug raised it earlier about us being a group. And I think that pledge dissolves all of that. And I think it gives us as Commission, and I will speak for myself, I would not be able to handle out and about the public hearings. The words and the history of our county, I just think even this discussion and that it's live, that we are in danger of our individual perceptions being misconstrued. And that can happen at any -- you know, anyway; but I would hate for anyone to view us as discriminatory or forcing, you know, people don't feel like I don't feel like that is my

American duty to say that. I think that I can be an American and a great African/American and a great person without saying those words. And I think the connotation is just too heavy and too risky to make that an obligation being that we are just like we just don't owe that. We don't owe that to anyone and that is my feeling without being disrespectful to those that fight for our country. I think that is an amazing choice to do that. And I think mourning the lives that are lost and I might be entering into dangerous territory here but mourning the lives that are lost can be done so without observing a material or a fabric. I think the life is more important than the fabric. So that is my very strong opinion, I will have to echo Dustin I'm not sure how professional, yes, leading this group, yes but I don't know how I would handle that if that was a decision of the group.

>> Brittini: Okay MC I see you have your hand raised.

>> MC: Yeah because Dustin said he would it just puts us in an awkward space and divides us and don't see how it furthers, I know the intention is to say hey let's unite and feels like the conversation we are having these need to believe it won't unite us and I think it has been said already right if it has not been suggested up to this point we have successfully as a group bonded and gotten to this point without it and it feels to me if it won't add and if it has not been sort of brought to our attention up to this point as missing from our group, not other groups, I mean right it's important to suggest that we have a unique function so it feels like and it sounds like it's going to divide us so I'm not for it.

>> Rebecca: Janice go ahead.

>> Janice: When I talked to Sue last night, I told her I didn't care one way or another but after listening to everyone talk, I also don't think it's necessary. Like MC we have gone this long and have not done it, I don't see the reason for it.

>> Rebecca: All right, anybody else?

Go ahead Juanita.

>> Juanita: Just wondering can I be seen sometime. But I concur with most of what everyone has said. I don't think that we should venture off. It's already causing a little problem now and if we continue that we are going to have that always in the for front. Let's leave things as they were and continue being that 13 Commissioners. We know what we stand for and try to make us accept anything else is different. So let's just keep the camaraderie going. That's all I have to say.

>> Rebecca: Okay thank you. All right any other comments?

Steve, I see you have your hand up.

>> Steve: I call the question.

>> Rebecca: Okay Brittini back to you.

>> Brittini: All right, so it was moved by the motion was made by Doug and second by Rhonda if I am correct in remembering. So it is time for thank you Julianne and thank you also Rebecca for leading that discussion and thank you for everyone that shared

their opinion. And thoughts. So it's time for a vote. All those in favor of including the U.S. pledge at the top of our meetings please signify with a raised hand. All those opposed?

I don't know if I got Cynthia's vote. .

>> Rebecca: I don't think she did note or designate one way or another.

>> Brittini: My vote and correct me if I'm wrong, but the vote does not carry.

Okay, the next item for our administrative business is the updated budget. Sue, can you talk to us about that?

>> Sue: Yes, I just wanted to provide an updated budget. I did receive the March 31 numbers today. So I will go back through those and double check. But the bottom line is still the same. The only thing I did was move things from a projected expenses into confirmed as monies have been spent. So again I will go through that with a fine tooth comb after the meeting today and confirm I have captured everything.

Then I also provided the policy for approval of expenses. Doug and I were talking last week and about the responsibilities chart and it needing to be updated for the Chair and the vice Chair to approve expenses so I thought maybe since that was done in January Commissioners may have forgotten what we approved back then and that is just provided for your information because it was already approved.

>> MC: Okay, I will just note that that was back when we were the ICRC and not the MICRC.

>> Sue: It was pre-Edward, wasn't it?

>> Brittini: Thank you, Sue. And thank you, MC, not Dustin, on my screen, Dustin and Doug are next to each other, Doug.

>> Doug: I want to supplement what Sue said. The reason this came up is the responsibility of the matrix chart I had sent out. Or Sue actually distributed it. When we did this getting approval for the expenses and done separately for voting on the Chair and the vice Chair. And so I did not close that out on the responsibility matrix chart because I thought the two were two separate things but if we want to keep it as always having the Chair and the vice Chair and we need to make sure that the chart is handled appropriately.

>> Brittini: Any thoughts about what Doug is saying?

Any preferences?

Everyone looks indifferent. In one is in passion one way, yes, Julianne, thank you.

>> Julianne: I think what the Executive Director is highlighting there is no changes necessary unless you are wanting to change your approved policy. So again we don't put names on anything given the shifting nature either planned or unplanned that can occur. So that would be my thought.

>> Brittini: Okay yeah, I just asked because Doug mentioned the little caveat at the end and wanted to make sure thank you Sue for the updated excuse me if you hear Hendrix talking in the background because I have a dog. So looking at the agenda

again so thank you, Sue, for your handling the portion of the administrative business. We are now at and future meetings and agenda items which is also Sue so she has not gone anywhere yet and there are some strongly highlighted changes at the bottom of our agenda in yellow but I will let Sue kind of talk to us more about that.

>> Sue: Okay, so as staff builds out the agendas, one of the things that we confirmed this week is when Edward posts for those two media market contractors that we will need to have that posted for seven days. And then the contracts could start after that. But it does have to be posted for seven days so that puts us in a real time crunch. And we were hoping that we could change next week's meeting instead of from 9-2 that that would end at Noon and then the following day we would have those contracts and the Commission available for the Commission to approve and if we could just have a short meeting then on Friday the 16th from Noon to two that would really help expedite things on our end for those contracts to be -- to go into effect and as it is it will be less than a month until we start having public hearings at that point in time.

Also, when we get to May it's going to be exactly like what happened in April where we said we would cancel that first meeting. If we had to go from remote to live, if we had to switch gears that quickly. We don't know what May 6th will bring or the month of May. But the following week our public hearings would start so we would be having meetings on Thursdays if needed at the public hearings then we wouldn't have another regular standalone Commission meeting until July 8th because of the public hearings. So it seemed like a lot of logistics and work especially for the MDOS staff who plans these meetings to go through and have a meeting on May 6 unless we the meet virtually, those are the recommendations on the upcoming meetings.

>> Brittini: Thank you, Sue. So it looks like we will need to make a decision about these recommended changes. Do I have a motion to or a discussion first about the dates that are proposed?

Juanita.

>> Juanita: Yes, can we hear the dates for April again?
The next few dates that coming up, in April?

>> Sue: So next week is April, that is next Thursday, these are at the bottom of your agenda. So they were scheduled from 9-2. We are proposing we end at Noon. And then have a two-hour meeting the following day on Friday April 16th from 12-2. The other April meetings would be the same. So April 22nd from 1-4 and April 29th from 9-12 we are not proposing a change to those.

Those are already scheduled. And then, again, if we have to meet in person on May 6th that we would cancel that meeting due to arranging the logistics for an in person meeting on a quick turnaround, if we can meet remotely, we will meet remotely on that day.

>> Brittini: Thank you, Sue, for that clarification. MC.

>> MC: Excuse me, on the 16th I have a presentation from 1-2 for the Michigan nonprofit association that I'm scheduled to do. And I guess I'm not sure who I'm doing it with but I wasn't sure if okay with Rebecca and with Erin great so that might -- yeah so that is from 1-2 so we could be there 12-1 and I think that still would be quorum but I wanted to make sure that was not an oversight or potential oversight.

>> Sue: I was unaware so I didn't know about that. And I don't know I'm more trying to arrange with MDOS staff too. And allow for enough time to review the proposal so we can make a recommendation and not due to the end of the day next Thursday.

>> MC: I don't think it's a deal breaker if three of us are gone then we still have a quorum for the Commission can still do its business I wanted to make sure we were not crucial to anything.

>> Rebecca: Or maybe do it after do the meeting 2:30 to 4:30 then we can do our thing and gives us time in between in case it runs over or before either way, I don't care.

>> Sue: I think before is going to be tight for staff that is the only thing. We can work all night and we do but we want to make sure we have our ducks in a row before we come to you. I don't know how it looks for other people. I have got a commitment at 2:30 in Lansing actually.

>> Brittini: To the 16th you do.

>> Sue: I do.

>> Brittini: This doesn't sound feasible. That is what it seems.

>> MC: If Rebecca is also willing it's not like we have to but I mean we should be at all the meetings but I think it's okay if we are not and I guess to help the many as many schedules as possible be accommodated it feels like I would just offer to accept this amended schedule with that you know notice so to speak.

>> Rebecca: I would concur too because you are saying Noon to 2 so we would at least get some time to be able provide our feedback before we go to the other meeting.

>> Sue: We can build out the agenda to make sure that happens and that part of the meeting. I think we will have one other Commissioner though I think Cynthia is out of town at that point. And may not be in an accessible place for the meeting. So is that right?

Yeah, I think so. So there may be four Commissioners missing, Edward.

>> Edward: How about if we do 11-1?

>> Juanita: On what day?

>> Sue: On the 16th?

>> Edward: Uh-huh.

>> Sue: I think Sally had said the earlier might be a little better for her. I don't remember here she comes.

>> Sally: We are flexible that day so whatever works for all of you.

>> Brittini: Thank you, Sally.

>> Juanita: 11-1 is a good time to do, okay.

>> Brittini: So can I have a motion for the recommended change of April 15th, 9-12 adding a meeting on April 16th from 11-1 with also the recommendation to cancel May 6th meeting if we are required to meet in person.

>> Anthony: So moved.

>> Brittini: Thank you Anthony, can I have a second?

And I saw Rebecca's peace sign as a second. So if you are in favor of this recommendation for our future meetings please signify with a raised hand.

[Hand raised]

Erin did you have a question or were you voting?

Okay please signify with a raised hand.

All those opposed?

And the motion carries for the recommended changes for our future meetings. Sue did you have something else.

>> Julianne: I believe Anthony is frozen on my screen and I don't believe I captured his vote.

>> Brittini: He is moving and I see him.

>> Anthony: Yes.

>> Julianne: Yes, you are moving now.

>> Anthony: I voted in favor of the changes.

>> Brittini: Thank you Julianne, Steve, yes.

>> Steve: I guess this is a question for Julianne if the state has extended the virtual meetings to July 12th does that not free us up to meet through July 12th virtually?

>> Julianne: Remember the state has not extended it through July 12 but that only applies to those state workers who are able to work remotely are encouraged to do so under the state policy. There has been no extension of our ability to meet remotely outside of the Ingham County board of Commissioners reso, which goes through April 30th. But, again, we will continue monitoring, you know, the declarations and the different locations and keep the Commission apprised.

But, again, the July date does not have the impact on our scheduling of or conducting our public meetings.

>> Steve: We are certainly capable of meeting remotely. We have proven that.

>> Brittini: I agree, Steve.

>> Juanita: Me too.

>> Brittini: Juanita agrees too.

>> Juanita: I definitely agree.

>> Brittini: Yeah, are there any other things that we should know for that line item, Sue?

>> Sue: I can just give you an update on future agenda items. So next week Edward mentioned we will have the presentation on the market research and they will do that for us. His communications on outreach plan you will get a copy of that as edited ahead of

the meeting. So then you can take a look at that in preparation for approving that either as presented or as you choose to edit, you have edited once.

There may also be a marketing contract for a videographer that is coming in the future. I'm not sure when exactly. And some additional policies and procedures, Julianne continues to build out several of those, so and we are working on an updated timeline, but again right now we are under the constitutional timeline until the petition does go to the Supreme Court and even then, until something would be approved. We won't really know what our timeline is so that makes our work a little challenging. But we you know we continue the work that we have at hand which that is getting ready for public hearings and we will be helping to prep the Commission on public hearings, what will be go on, what the script will look like, what the process will look like for those. We also want a discussion on communities of interest before we go to our public hearings. So staff is working on some things that we are going to want your input and we will make sure that we get these on the agenda yet in April so we can have some hearty discussions in those areas.

>> Brittini: I appreciate that. Doug, did you have some thoughts or a question?

>> Doug: Yeah, one thing that Sue just brought up and this is directed to Julianne, has anything been submitted to the Supreme Court yet?

>> Julianne: Thank you for the question. So we have the draft is prepared. Fine tuning the petition based on the legacy data development out of the Ohio and Alabama lawsuits, so we are shooting to have it filed by the end of next week so hopefully at our next meeting we will be able to submit that. I'll be able to submit that update more clearly.

>> Brittini: Thank you Julianne, anything else for Sue?

No, okay, are there any announcements, anything that we need to know from anyone for the good of the order, not just any old thing?

No one else.

>> Steve: I say we adjourn.

>> Brittini: All right do I have Steve move we adjourn is there a second?

Dustin is with a second. All those in favor of adjourning at 3:45 signify, okay, all those opposed same sign. Meeting is adjourned. See you all next week. Have a wonderful day.

>> Good-bye everybody.

>> Bye Dustin.

[Meeting concludes at 3:45]