



STATE OF MICHIGAN
INDEPENDENT CITIZENS REDISTRICTING COMMISSION

Resolution 2021.01.01
ICRC Hiring of General Counsel
Presented: January 7, 2021

RESOLVED, that the Independent Citizens Redistricting Commission (ICRC) hereby approves the Offer Letter, dated January 7, 2021, and Employment Contract to Julianne V. Pastula for the ICRC General Counsel position, which upon her acceptance shall be effective on January 11, 2021.

Attachments:

Offer Letter to Julianne V. Pastula for General Counsel staff position
Employment Contract for Julianne V. Pastula

MOTION TO AMEND:

- ☐ Yes
☐ No

	Main	Amendment
Motion by Commissioner		
Second by Commissioner		

RESULT: _____
If Roll Call Vote, see attached.



STATE OF MICHIGAN

INDEPENDENT CITIZENS REDISTRICTING COMMISSION

January 7, 2021

Ms. Julianne Pastula

[REDACTED]
Livonia, MI 48154

Dear Ms. Julianne Pastula:

This letter is to confirm an offer of full-time employment and your acceptance of the General Counsel position for the Michigan Independent Citizens Redistricting Commission.

This letter is subject to your acceptance of the Employment Contract from the Commission, which is forthcoming. Some basic details regarding the General Counsel position include:

- Your pay rate will be \$150,000.00 annually.
- Travel expenditures will be reimbursed, according to the State of Michigan guidelines.
- Westlaw or Nexis Lexis will be reimbursed, upon approval by the Executive Director.
- Office supplies utilized in your work with the Commission will be reimbursed, upon approval by the Executive Director.
- There will be no health insurance or other employee benefits offered with this position.

If you have questions, please don't hesitate to contact Sue Hammersmith or me.

Sincerely,

Erin Wagner

Erin Wagner, Member
Independent Citizens Redistricting Commission
WagnerE2@michigan.gov
State of Michigan phone: 517-898-9865

Cc: Members of the Michigan Independent Citizens Redistricting Commission



STATE OF MICHIGAN
INDEPENDENT CITIZENS REDISTRICTING COMMISSION

EMPLOYMENT CONTRACT

The Michigan Independent Citizens Redistricting Commission (ICRC) retains Julianne V. Pastula (Employee) to provide general legal counsel services to the ICRC. The services provided to the ICRC will be pursuant to the following terms and conditions in this Contract.

1. Parties/Purpose

- 1.1 Parties. The parties to this Contract are the ICRC and Employee. ICRC agrees to pay all fees and costs associated with the services rendered after review and approval by the ICRC.
- 1.2 Purpose. The ICRC and Employee agree that she will provide the General Counsel services as described in the Job Posting attached to this Contract. The Employee will work solely for the ICRC during the term of this Contract.

2. Term of Contract

The initial term of this contract is January 11, 2021 through March 31, 2022.

The Contract may be extended at the option of the ICRC upon thirty (30) calendar days written notice to the Employee and mutual agreement of the parties.

The Contract may be terminated for any reason or no reason upon thirty (30) days written notice by either the ICRC or the Employee.

3. Compensation for Services Provided

The total amount of compensation for services and expenses during the term of the Contract shall not exceed the contract value set forth on the Contract, unless otherwise amended by a contract addendum.

- 3.1 Rate of Pay. The employee shall be paid an annual amount of \$150,000, issued via payroll. For this contract "annual" shall constitute a period of 365 days, in this instance beginning on January 11, 2021 and ending on January 11, 2022. For the remaining term of this contract of January 12, 2022 through March 31, 2022 Employee shall be paid the "annual" amount of \$150,000 prorated based upon 79 days with this prorated amount being \$32,465.75.
- 3.2 Reimbursement for Actual Expenses. ICRC reserves the right to deny reimbursement of any expenses for which approval was not sought pursuant to this Contract. Travel expenditures will be eligible for reimbursement based on standard State of Michigan guidelines. Westlaw or Lexis Nexis and general office supply expenditures will be eligible for reimbursement.

4. Representations

- 4.1 Qualifications. Employee, by signing this contract, attests that she is qualified to perform the services specified in this Contract and agrees to faithfully and diligently perform the services.
- 4.2 Services to be Confidential. Employee shall keep confidential all services and information, including records and reports. Employee shall not divulge any information to any person other than authorized representatives of the ICRC, except as required by testimony under oath in judicial proceedings, or as otherwise required by law. Employee shall take all necessary steps to ensure that no member of her business entity divulges any information concerning these services. This includes, but is not limited, to information on the Employee's computer system, if any.
- 4.3 Assignments and Subcontracting. Employee shall not assign or subcontract any of the work or services to be performed under this Contract without prior written approval of the ICRC.
- 4.4 Media Releases. News releases (including promotional literature and commercial advertisements) pertaining to Employee's work must not be made without prior ICRC approval.
- 4.5 Non-Discrimination. Under the Elliott-Larsen Civil Rights Act, 1976 PA 453, MCL 37.2101, et seq., the Persons with Disabilities Civil Rights Act, 1972 PA 220, MCL 37.1101, et seq. Employee agrees not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight, marital status, partisan considerations, any mental or physical disability, or genetic information that is unrelated to the person's ability to perform the duties of a particular job or position. Breach of this covenant is a material breach of this Contract.
- 4.6 Conduct. Employee agrees to be bound by the ICRC Code of Conduct and the State of Michigan Standards of Conduct for Public Officers and Employees, Public Act 196 of 1973, MLC 15.341, et seq.
- 4.7 Legal Representation. Although Employee is not a member of the classified civil service, Employee will be entitled to request Legal Representation in the manner set forth in Civil Service Rule 2-19 and any applicable Civil Service Regulations.
- 4.8 Compliance. Employee's activities under this Contract are subject to applicable State and Federal laws.

5. Termination of Contract

Employee may be terminated as set forth in paragraph 2 and pursuant to the Michigan Constitution 1963, Art IV, § 6.

6. General Provisions

- 6.1 Governing Law and Jurisdiction. This Contract is subject to and constructed according to the Laws of the State of Michigan, and no action shall be commenced against the ICRC, its designee, agents, or employees for any matter whatsoever arising out of the Contract, in any courts other than the Michigan Court of Claims.
- 6.2 Retention of Documents. All documents and records of any kind, either written or electronic, pertaining to the ICRC are property of the ICRC, and at the conclusion of the employee's term of employment, or before if requested, shall be preserved and turned over to the ICRC.
- 6.3 No Waiver. A party's failure to insist on the strict performance of this Contract shall not construe waiver of any breach of the Contract.
- 6.4 Additional Employees. It is understood that during the term of this Contract, ICRC may contract with other employees providing the same or similar services.
- 6.5 Other Debts. Employee agrees that she is not, and will not become, in arrears on any contract, debt, or other obligation to the State of Michigan, including taxes.
- 6.6 Invalidity. If any provision of this Contract or its application to any persons or circumstances shall, to any extent, be judicially determined to be invalid or unenforceable, the remainder of this Contract shall not be affected thereby, and each provision of the Contract shall be valid and enforceable to the fullest extent permitted by law.
- 6.7 Headings. Contract section headings are for convenience only and shall not be used to interpret the scope or intent of this Contract.
- 6.8 Entire Agreement. This Contract represents the entire agreement between the parties and supersedes all proposals or other prior agreements, oral or written, and all other communications between the parties.
- 6.9 Amendment. No Contract amendment shall be effective and binding upon the parties unless it expressly makes reference to this Contract, is in writing, and is signed by duly authorized representatives of all parties and all the requisite State approvals are obtained.
- 6.10 Issuing Office. This Contract is issued by the ICRC and is the only State office authorized to change the terms and conditions of this Contract.

ICRC

Employee

Steven T. Lett, Chair
ICRC

Julianne V. Pastula

Date _____

Date _____



General Counsel
Michigan Independent Citizens Redistricting Commission

Date Posted: Monday, October 5, 2020

Application Deadline EXTENDED: Applications due Friday, November 13, 2020 no later than 5:00pm.

Background:

Every 10 years following the U.S. Census, district lines for political offices must be redrawn in states across the country to accurately reflect their population. In Michigan, a randomly selected commission of citizens is responsible for drawing U.S. Congressional and Michigan State House and Senate district lines. Voters amended the state constitution in the November 2018 general election to make citizens — not legislators or special interests — responsible for drawing district lines (called “redistricting”). The commission is composed of 13 randomly selected Michigan registered voters: four who affiliate with the Democratic Party, four who affiliate with the Republican Party, and five who do not affiliate with either major political party.

In September 2020, the randomly-selected Commission convened for the first time. The General Counsel will assist the Commission in fulfilling their constitutional obligations as they embark on a new process involving new redistricting criteria and requiring transparency and public engagement throughout the map drawing process. Final maps must be completed and approved by November 1, 2021.

General Position Description and Responsibilities:

Seeking an experienced attorney with solution-oriented and collaborative leadership skills to serve as the General Counsel of the Michigan Independent Citizens Redistricting Commission. The General Counsel must demonstrate experience in serving a public body in Michigan with issues ranging from Open Meetings Act, Freedom of Information Act, contracts, hiring and employment issues, as well as a commitment to the enforcement of the Voting Rights Act of 1965.

This individual will be a public servant involved in the citizen redistricting process, and accordingly must exhibit the highest standards of excellence, integrity, and nonpartisan commitment. At the direct report of the Commission and the Executive Director, the General Counsel will serve as the primary legal counsel for implementation and legal compliance with Michigan Constitution Article IV Sec. 6, helping guide and assist the Commission in executing a robust, independent, fair, citizen-led, and transparent redistricting process.

As the key attorney and point of contact for legal matters related to the Commission and redistricting, the responsibilities of the General Counsel will include the following:

- Serve as main legal advisor for the Commission, the Executive Director, and Commission Staff.
- Ensure compliance with the spirit and letter of the law regarding both open meetings and Article IV Sec. 6 of the Michigan Constitution in all Commission activities, policies, and procedures.



- Manage relationships with additional legal counsel, specialized legal counsel or experts, and/or representation in court on behalf of the Commission.
- Provide written and spoken legal advice to the Commission and its staff.
- Draft and issue legal opinions, memoranda, and advice on administrative and other legal issues.

Knowledge, Skills and Abilities:

The General Counsel must demonstrate capacity for high-level administrative and policy leadership and tasks, including, but not limited to:

- Ability to communicate effectively both in writing and in oral presentations. This includes the ability to synthesize and communicate complex information to a public audience.
- Provide accurate analysis of legal problems, legal research, and apply legal principles evidentiary rules and precedents to solutions.
- Ability to write and edit correspondence, briefings, memorandum, legal opinions, and regulations.
- Represent the Commission at meetings, public hearings, and legal proceedings.
- Knowledge of the Open Meetings Act requirements.
- Knowledge of parliamentary procedure established by Robert's Rules of Order for meetings.
- Knowledge and experience with Michigan state government administration. This includes familiarity and knowledge of practices, procedures and organizations within the legislative and executive branches of government.
- Experience advising public boards, commissions or governing bodies.
- Experience with litigation and/or managing litigation counsel.
- Experience and expertise in the implementation and/or enforcement of federal redistricting law, including the Voting Rights Act of 1965.

Requirements:

- JD and Active membership in the state bar of Michigan, in good standing.
- Minimum of 5 years (10 years preferred) of experience in the practice of law.

Additional information:

This position is a limited-term hire of 2 years. After the completion of the mapping process in the year 2022, the Commission will evaluate whether to renew a contract for General Counsel or if the responsibilities of the role are no longer required.

Article IV Sec. 6 (4) of the Michigan Constitution states, "The commission shall have procurement and contracting authority and may hire staff and consultants for the purposes of this section, including legal representation."

Accordingly, the Michigan Department of State will collect applications for presentation to the Michigan Independent Citizens Redistricting Commission. The Commission is fully autonomous and will review,



interview, and select the General Counsel. The Michigan Department of State will not review, score, or select applicants. Employees of the Commission will serve at the pleasure of the Commission.

Finally, Article IV Sec. 6 (11) of the Constitution states, "The commission, its members, staff, attorneys, and consultants shall not discuss redistricting matters with members of the public outside of an open meeting of the commission, except that a commissioner may communicate about redistricting matters with members of the public to gain information relevant to the performance of his or her duties if such communication occurs (a) in writing or (b) at a previously publicly noticed forum or town hall open to the general public." Individuals interested in serving as General Counsel should be aware of compliance with this guidance.

Work Location:

Position location flexible in the immediate term due to the uncertainty presented by the COVID-19 pandemic. Frequent travel may be required.

Salary range: \$124,025 - \$156,497

Contact Information:

All inquiries should be sent to The Michigan Department of State. To apply, please email your resume, cover letter, and answers to supplemental questions to Redistricting@Michigan.gov with the subject line "General Counsel Application."

Supplemental Questions

1. Are you an active member of the state bar of Michigan, in good standing?
2. How many years of experience do you have in the practice of law?
 - ☐ none
 - ☐ 1-4 years
 - ☐ 5-9 years
 - ☐ 10 or more years
3. How many years of experience do you have working in the public sector and/or Michigan state government?
 - ☐ none
 - ☐ 1-4 years
 - ☐ 5-9 years
 - ☐ 10 or more years
4. Describe your leadership approach and explain how you have implemented this approach in your current/previous position(s).
5. Do you have experience with the Open Meetings Act and parliamentary procedure established by Robert's Rules of Order for meetings?
6. How many years of experience do you have advising public boards, commissions or governing bodies?
 - ☐ none



- ☐ 1-4 years
 - ☐ 5-9 years
 - ☐ 10 or more years
7. Describe your experience with litigation and/or managing litigation counsel.
 8. Do you have experience with the implementation and/or enforcement of federal redistricting law, including the Voting Rights Act of 1965?
 9. Provide a writing sample (i.e. sample memorandum)

Equal Opportunity Statement

The Commission will provide equal employment opportunity for all persons regardless of race, religion, color, sex, sexual orientation, height, weight, marital status, partisan considerations, national origin, age, genetic information or disability that is unrelated to the person's ability to perform the job. The Commission is committed to promoting equal employment opportunity by employing and advancing persons based on merit, ability, and potential for development.