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MICRC

2024-1630 Meeting

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>> CHAIR ORTON: As Chair of the Commission I call this meeting of the Michigan Independent Citizens Redistricting Commission to order at 4:36 p.m.

This Zoom webinar is live streamed on YouTube on the Michigan Independent Citizens Redistricting Commission YouTube channel.

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Our live stream today includes closed captioning.

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This meeting is being recorded and will be available at www.Michigan.gov/MICRC for viewing at a later date.

This meeting is also being transcribed and those closed captions transcripts will be made available and posted on the Michigan.gov/MICRC website 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, III, Executive Director for the Commission, at Woods E3@Michigan.gov or 517-331-6309.

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

>> YVONNE YOUNG: Good afternoon, Commissioners.

Please say present when I call your name.

If you are attending the meeting remotely, please announce during roll call you are attending the meeting remotely and unless your absence is due to military duty, announce your physical location by stating the County, City, Township or Village and the state from which you are attending the meeting remotely.

I will start with Commissioner Elaine Andrade.

>> ELAINE ANDRADE: Present from Imlay Township.

>> YVONNE YOUNG: And Imlay Township, Michigan?

>> ELAINE ANDRADE: Yes.

>> YVONNE YOUNG: Donna Callaghan?

>> DONNA CALLAGHAN: Yes, present from San Miguel de Allende, Mexico.

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>> YVONNE YOUNG: Juanita Curry?

>> COMMISSIONER CURRY: Present; attending remotely from Detroit, Michigan.

>> YVONNE YOUNG: Anthony Eid?

>> COMMISSIONER EID: Good afternoon and welcome to our three new members. Present; remotely attending from Detroit, Michigan.

>> YVONNE YOUNG: Brittini Kellom?

>> COMMISSIONER KELLOM: Good afternoon. Present and attending from Baltimore, Maryland.

>> YVONNE YOUNG: Rhonda Lange?

Steven Lett?

>> COMMISSIONER LETT: Present; attending from Lee County, Florida.

>> YVONNE YOUNG: Marcus Muldoon?

>> MARCUS MULDOON: Present, from Carleton, Michigan.

>> YVONNE YOUNG: Cynthia Orton?

>> CHAIR ORTON: Present; attending from Battle Creek, Michigan.

>> YVONNE YOUNG: Rebecca Szetela?

Janice Vallette?

>> COMMISSIONER VALLETTE: Present; attending from Highland Township, Michigan.

>> YVONNE YOUNG: Erin Wagner?

>> COMMISSIONER WAGNER: Present; attending remotely from Eaton Township, Michigan.

>> YVONNE YOUNG: Richard Weiss?

>> COMMISSIONER WEISS: Present; attending from Saginaw Michigan.

>> YVONNE YOUNG: We have ten Commissioners present and we have a quorum.

>> CHAIR ORTON: Thank you, Ms. Young.

>> YVONNE YOUNG: You're welcome.

>> CHAIR ORTON: Now we have swearing in of the new Commissioners. So, without objection, I will ask Sarah Reinhardt the MICRC to facilitate this item. Hearing no objection, please proceed, Ms. Reinhardt.

>> MS. SARAH REINHARDT: Thank you, Madam Chair. I will hand it off to Mike Brady to facilitate the swearing in.

>> Mike Brady: Welcome to the Commission.

My name is Michael Brady. I'm the chief legal director for the Michigan Department of State and I'm here to administer your oath of office on behalf of Jocelyn Benson who was not able to make it today to the special meeting.

Please repeat after me.

I do solemnly swear or affirm.

>> I do solemnly swear or affirm.

>> I will support the Constitution of the United States and the Constitution of this state.

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- >> Mike Brady: And I will faithfully discharge the duties.
- >> And I will faithfully discharge the duties.
- >> Mike Brady: Of the office of Commissioner.
- >> Of the office of Commissioner.
- >> Mike Brady: Of the Michigan Independent Citizens Redistricting Commission.
- >> Of the Michigan Independent Citizens Redistricting Commission.
- >> Mike Brady: According to the best of my ability.
- >> According to the best of my ability.
- >> Mike Brady: Thank you very much.

Thank you for your service.

- >> CHAIR ORTON: Thank you.

And welcome.

Again.

And I think it was stated that there were ten Commissioners present but I believe that is 11.

Just for the record.

And.

- >> YVONNE YOUNG: It is 11.

My apologies.

- >> CHAIR ORTON: Thank you.

So as a reminder to the public watching you can view the agenda at www.Michigan.gov/MICRC.

I would now entertain a motion to approve the agenda.

- >> COMMISSIONER LETT: So moved.
- >> COMMISSIONER CURRY: Second move.
- >> CHAIR ORTON: Motion made by Commissioner Lett and seconded by

Commissioner Curry.

Is there any discussion or debate on the motion?

Seeing none, please so it's moved and seconded that we adopt the agenda as stated.

So all in favor raise your hand and say aye.

- >> Aye.
- >> CHAIR ORTON: Any opposed raise your hand and say nay.

Okay, the ayes prevail.

And the agenda is adopted.

So without objection we will begin the public comment portion of our agenda.

Let's see.

Sorry, finding my place, hearing no objection we will now proceed with public comment.

Individuals who have signed up and indicated that they would like to provide live remote public commentary to the Commission will now be allowed to do so.

I will call your name and our staff will unmute you.

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If you're on a computer you will be prompted by the Zoom app to unmute your microphone and speak.

If you are on the phone, a voice will say the host wants you to speak and prompt you to press star six to unmute.

I will call on you by your name.

Also please note that if you experience technical or audio issues or you do not we do not hear from you for three to five seconds we will move on to the next person in line and return to you after they are done speaking.

If your audio still does not work e-mail redistricting@Michigan.gov and we will help you trouble shoot so you can participate during the next public comment period at a later meeting.

You will have two minutes to address the Commission.

First to provide public comment is Chris Andrews.

>> Hello.

>> CHAIR ORTON: We can hear you.

>> Hi, this is Chris Andrews from Haslett.

Welcome to the new members.

I appreciate your commitment to a strong democracy.

The purpose of proposal two of 2018 was to create fair statewide maps where the party that typically wins the most votes gets the most seats.

It ends gerrymander.

I commend the Commission for incorporating the voices of the public in your decisions and making a good faith effort to do this.

By your own metrics the current maps lean slightly republican, but they are the fairest we have had in 40 years.

It is unfair to blame the Commission for the problems with the Detroit area maps.

You listened to your experts.

It is imperative that if the maps are redrawn they are at least as fair as the ones they are replacing.

It can be done.

The fair maps project is one example.

The easiest adjustments may be the most unfair.

We are counting on you to create fair maps for all Michiganders.

Thank you.

>> CHAIR ORTON: Thank you for addressing the Commission.

Next to address the Commission is Dustin Witjes.

>> There we go.

Can you hear me now?

>> CHAIR ORTON: Yes, we can.

>> All right, first and foremost I want to be the first of the ex-Commissioners to welcome Donna, Elaine and Marcus to the Commission. Congratulations on being chosen.

I have no doubt that all three of you will make an excellent addition to the Commission and I hope you enjoy your time, soak everything up like a sponge, it's a wild ride let me tell you.

I wish you all the best.

I didn't have a chance to actually look through the agenda today.

This was all kind of last-minute.

But I believe there is still a motion that was made at the last meeting by Commissioner Lett to appeal the maps that were presented.

I strongly urge all three of you to vote in the favor of the appeal.

If it comes to that today I don't know.

If I was there my vote would be to appeal.

Take that add you wish.

And I wish all three of you the best of luck and I yield my time.

>> CHAIR ORTON: Thank you for addressing the Commission.

Next to address the Commissioner is Chari Grove.

>>Hello, can you hear me?

>> CHAIR ORTON: Yes, we can.

>> Oh, thank you, I'm from Washtenaw County.

I just had a question.

How can the Commission justify an appeal given the Court's comprehensive order?

>> CHAIR ORTON: We don't answer questions in this format, so we appreciate your question.

Do you have anything?

>> You can't answer questions?

>> CHAIR ORTON: We don't answer questions during public comment periods.

>> Is there a reason for that?

>> CHAIR ORTON:

>> MS. SARAH REINHARDT: Ms. Grove you have one minute remaining for your public comment time.

>> I just wondered why questions wouldn't be answered?

>> CHAIR ORTON: It is just not our procedure to answer questions and get in discussion during public comment.

We just listen to the public comments during public comment period.

>> Okay, thank you.

I yield my time.

>> CHAIR ORTON: Thank you for addressing the Commission.

Next to address the Commission is Ali-Faulkner.

>>Hello.

>> CHAIR ORTON: We can hear you.

>> Great, I would just like to say as a concerned citizen I would like to ask the Commission to reflect on how much they have spent to date defending the racially gerrymandered maps because I think that it's a huge issue.

And needs to be reflected on greatly.

Thank you so much.

I yield the rest of my time.

>> CHAIR ORTON: Thank you for addressing the Commission.

And Commissioner Wagner I see your hand.

We have one more public comment and then I will call on you.

The next to address the Commission is Shannon Ciecko, I'm probably pronouncing that wrong but.

>> You were good.

I am just calling from Wayne County. I'm calling as a concerned citizen and concerned about the appeal potentially delaying justice.

For the Black voters in Detroit.

I know you can't answer questions, but I wanted to make that and put that out there as a concern and I yield back my time, thank you.

>> CHAIR ORTON: Thank you for addressing the Commission.

Commissioner Wagner, did you have something?

>> COMMISSIONER WAGNER: I did.

Thank you, Chair.

I just had just put it in chat.

Could someone please get ahold of Ms. Cheri Grove and ask her to submit that to the Commission as a whole through the website?

>> CHAIR ORTON: Excellent.

>> MS. SARAH REINHARDT: I'm happy to do so, Commissioner Wagner?

>> COMMISSIONER WAGNER: Thank you.

>> CHAIR ORTON: That ends the public comment period for the meeting.

Next on our agenda items for discussion is our Voting Rights Act legal counsel.

Without objection I will ask MICRC Executive Director Edward Woods III to facilitate this item.

Hearing no objection, actually I see Commissioner Eid's hand.

Do you have something?

>> COMMISSIONER EID: Just a point of order.

We did have a motion at the last meeting that was made and seconded.

And no action was taken on it.

So I believe that takes precedent unless that motion is withdrawn.

>> CHAIR ORTON: Okay, you're referring to Commissioner Lett's motion.

>> COMMISSIONER EID: Yes, that is correct, that was the motion that was made and seconded at the last meeting.

And because we lost forum no action was taken on it.

So as far as I know, that since it was motioned and seconded, that still stands unless it is withdrawn.

>> CHAIR ORTON: Okay, Mr. Brady or Mr. Fink, can I have some guidance? Should we -- do we go right to that?

Or what do we do?

>> David Fink: Excuse me, but who do we normally have serve as parliamentarian?

>> CHAIR ORTON: Mike Brady, I believe.

>> MS. SARAH REINHARDT: Sonya, if you could give us just a moment.

We are looking into an answer to this question.

Just one second.

>> CHAIR ORTON: Okay.

>> David Fink: I have an opinion, but I don't think I should be the one expressing.

>> CHAIR ORTON: Okay, thank you.

>> MS. SARAH REINHARDT: All right thank you for your patience, apologize about that.

It was a great question.

So the question would still be pending.

And would be the first item to address under unfinished business.

>> CHAIR ORTON: Okay, thank you.

So Commissioner Lett, can you rephrase your motion?

>> COMMISSIONER LETT: Yes, Madam Chair.

My motion is to file an appeal on the decision by the three-Judge panel which would consist of filing a notice of appeal and the appeal.

And a motion to stay the proceedings and the District Court which we anticipate would be denied and a motion with the U.S. Supreme Court to stay the injunction.

I believe that is my motion.

As best as I can remember it.

It certainly is the intent of what my motion was.

And it was seconded so.

>> CHAIR ORTON: Who seconded that?

Do we remember?

>> COMMISSIONER LETT: Janice, did you second it?

>> YVONNE YOUNG: Commissioner Weiss second that.

>> CHAIR ORTON: Commissioner Weiss so we have a motion to appeal, seconded, is there any discussion or debate on the motion?

Commissioner Eid?

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>> COMMISSIONER EID: Well, I can imagine this is probably very confusing for our new members.

And the timing is, you know, unfortunate that we are voting on this, and you all are new. So you might not have the background.

But at the last meeting we went into a private session with our legal team, and they laid out the pros and cons of what appealing might do.

So.

>> CHAIR ORTON: Point of order, it wasn't a private session.

I mean I don't know what we call it.

>> COMMISSIONER EID: You're right.

>> CHAIR ORTON: Exactly.

We voted to go into closed session and after taking a ten-minute break we lost quorum, so we no longer had a closed session meeting.

But some Commissioners did have a discussion with some legal counsel.

Uh-huh, just wanted to clear that up.

Go ahead, Commissioner.

>> COMMISSIONER EID: I'm good, thank you for clarifying.

>> CHAIR ORTON: Okay.

>> COMMISSIONER EID: Commissioner Orton.

>> CHAIR ORTON: Commissioner Wagner?

>> COMMISSIONER WAGNER: However, since Commissioner Eid was so fortunate in bringing up the fact that you all did have a private discussion, I would like to put it out there to the Secretary of State that I am still waiting for that audio recording.

Because I would like to know what was discussed.

Thank you.

>> CHAIR ORTON: Is there any other discussion or debate on the motion?

Okay, hearing none I think we need a roll call vote.

>> COMMISSIONER LETT: Sorry to interrupt just as a point this motion only requires a majority which would be seven since we have now at a full 13 members.

>> CHAIR ORTON: Thank you.

>> COMMISSIONER EID: I thought we had 11 today with us.

>> CHAIR ORTON: We do have 11 present, but we have 13 Commissioners.

>> COMMISSIONER EID: So it would be majority of the Commissioners present, correct, meaning six.

>> MS. SARAH REINHARDT: Correct.

>> CHAIR ORTON: Thank you.

Roll call vote.

>> YVONNE YOUNG: Okay, I was trying to.

>> CHAIR ORTON: Sorry I did not mean to rush you.

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>> YVONNE YOUNG: You are fine, I was trying to type the motion so if I may can the motion be restated?

>> CHAIR ORTON: One more time Commissioner Lett.

>> COMMISSIONER LETT: You guys are pressing me.

Okay the motion is to appeal the decision of the three-Judge panel.

And to do that we would -- the motion is to file a notice of appeal and appeal and to file a stay of the injunction in District Court and assuming that's going to be denied, a motion for a stay along with the appeal in the United States Supreme Court.

>> CHAIR ORTON: Thank you.

>> YVONNE YOUNG: Thank you, Commissioner Lett.

>> COMMISSIONER LETT: You're welcome, Yvonne.

>> YVONNE YOUNG: Commissioner Orton, are we ready for the roll call vote?

>> CHAIR ORTON: Yes please.

>> YVONNE YOUNG: The motion is to appeal the decision of the three-Judge panel, file notice of appeal for stay in the District Court and a stay in the U.S. Supreme Court.

A yes response means that you agree with the motion.

A no response means that you do not agree.

I will call the Commissioners in order starting with Donna Callaghan?

>> DONNA CALLAGHAN: In favor.

Aye.

>> YVONNE YOUNG: Juanita Curry?

>> COMMISSIONER CURRY: Yes.

>> YVONNE YOUNG: Anthony Eid?

>> COMMISSIONER EID: Yes.

>> YVONNE YOUNG: Brittini Kellom?

>> COMMISSIONER KELLOM: No.

>> YVONNE YOUNG: Steven Lett?

>> COMMISSIONER LETT:

>> YVONNE YOUNG: Steven Lett you are on mute.

>> COMMISSIONER LETT: Yes.

>> YVONNE YOUNG: Marcus Muldoon?

>> MARCUS MULDOON: Yes.

>> YVONNE YOUNG: Cynthia Orton?

>> CHAIR ORTON: Yes.

>> YVONNE YOUNG: Janice Vallette?

>> COMMISSIONER VALLETTE: Yes.

>> YVONNE YOUNG: Erin Wagner?

>> COMMISSIONER WAGNER: I am wondering since I wasn't privy to y'all's personal meeting last Thursday due to a family emergency I cannot vote on that

because I'm not privy to what you guys are and neither are the other three new Commissioners.

So what do we do?

Do I note I can't vote?

>> MS. SARAH REINHARDT: If you would like to abstain from the vote you would state you abstain from the vote due to lack of information.

>> COMMISSIONER WAGNER: Absolutely abstain because y'all have not got across that information.

>> YVONNE YOUNG: Richard Weiss?

>> COMMISSIONER WEISS: Yes.

>> YVONNE YOUNG: And Commissioner Elaine Andrade?

>> ELAINE ANDRADE: I abstain.

>> YVONNE YOUNG: With eight yes votes, one no vote and two abstentions the motion is approved and carries.

Thank you.

>> CHAIR ORTON: Thank you.

>> YVONNE YOUNG: You're welcome.

>> CHAIR ORTON: So next on the agenda is a Voting Rights Act legal counsel.

So without -- oh, sorry, I see David Fink's hand.

>> David Fink: Thank you, thank you, before we went to the next matter, I just wanted to be clear that in this meeting that all the Commissioners should be aware, that if they want legal advice counsel remains prepared and available to provide that advice.

If Commissioner Wagner or any other Commissioner is interested in getting advice either from the Fink best or Baker Hostetler we are available and just as we provided that advice and information during the meeting that was conducted because we couldn't have a closed session, we are available.

We will be happy to provide that advice.

Just let us know and we will set it up.

>> CHAIR ORTON: Thank you.

Commissioner Wagner?

>> COMMISSIONER WAGNER: In response to Mr. Fink's gracious.

>> COMMISSIONER CURRY: Response.

>> COMMISSIONER WAGNER: Thank you, brain fart.

Lots of stuff going on this week.

It had to be recorded because it was a closed session when we took roll.

OMA states all meetings need to be recorded.

I expect that recording, because I want to hear what they heard, not your version of what you think was asked and heard.

So thank you.

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>> CHAIR ORTON: Okay, moving on, we will try again for Voting Rights Act legal counsel.

Without objection I will ask MICRC Executive Director Edward Woods III to facilitate this item.

Hearing no objection please proceed, Mr. Woods.

>> MR. EDWARD WOODS: Good afternoon, Commissioners.

I hope all is well.

We are recommending that Baker Hostetler fill the role as voting right act counsel. We have two people from Baker Hostetler to share their vast expertise as relates to the Voting Rights Act and to answer any questions that you may have.

We have with us today Richard Raile and Mark Braden. Thank you, gentleman, for coming. And I will let -- make Braden or Richard Raile provide the expertise share that with you then if we can open up the floor for questions.

I do see that Commissioner Lett, our legal liaison's hand is up, so let me defer to him before we proceed, Commissioner Orton?

>> CHAIR ORTON: Go ahead.

>> COMMISSIONER LETT: I would just move that we retain or continue to retain Baker Hostetler as VRA counsel.

>> CHAIR ORTON: Do we have a second.

>> COMMISSIONER WEISS: Second.

>> COMMISSIONER WAGNER: I think my hand was up y'all and you do this all the time.

>> CHAIR ORTON: Is there any debate or discussion on the motion?

Commissioner Wagner?

>> COMMISSIONER WAGNER: Yes, I believe don't our voting rights counsel have to go through the RFP process?

>> MR. EDWARD WOODS: No Commissioner Wagner.

When we had the partisan analysis, we already had Election Data Services on contract. And they had the racial polarizing expert with Lisa Handley then the Commissioner added to that for partisan fairness measures, and we are doing the same process.

As you know we are under a compressed timeline.

We have the qualifications.

They are here to share the qualifications.

But we need to move forward as relates to what the quarter is requiring for us and so we have utilized the same process we used before.

>> COMMISSIONER WAGNER: I see.

Thank you.

>> CHAIR ORTON: Okay, any other discussion?

On the motion?

Commissioner Eid?

>> COMMISSIONER EID: Well, I would like to hear from the good folks at the law firm to discuss their qualifications and discuss, you know, if they are ready to take on this responsibility.

>> CHAIR ORTON: Okay, I'll turn the time over to you.

>> Mark Braden: Whichever one.

I will let Richard talk later about the details of the appeal.

I'll just talk a little bit about our experience of the firm.

I started in redistricting in voting rights litigation when I had a different color hair.

And probably more of it.

The firm and myself have represented and been involved with redistricting litigation and advising redistricting stakeholders in a majority of the states in the country.

And have been involved -- I first planned when I was involved in drafting was in Ohio which of course I know is a dirty word to the folks in Michigan.

But I worked for the Secretary of State of Ohio.

Was involved in drafting plans for them.

And we have been involved across the country advising various stakeholders in the process.

And they have sort of ranged from state legislative bodies and people attacking plans by state legislatures for different Redistricting Commissions.

So this is familiar ground for us.

Representing you is a little bit different than providing advice to a legislative chamber but it's very similar to much of the work we have done over the years.

Advising legislative chambers.

So we can go into great detail on this subject, but I think it's safe to assume I don't know of anyone who has been involved in more advising and litigating of these issues than myself and my partners at the firm.

>> Richard Raile: I'm Richard Raile, a lot of you know us, we are litigation counsel.

We have also given advice to this Commission.

We have not actually to date provided Voting Rights Act advice.

We were not asked to do that in the first go around.

We are available to do that now.

And I see four advantages to that under the circumstances.

That I just want to outline here.

Obviously, you know, we have our own interests.

That is obvious.

You know that.

But there are four good reasons to proceed with this path.

The first one is that you already have us here.

And that is significant because tomorrow morning or I guess it will be early afternoon the Federal three-Judge Court has asked us in our capacity as litigation counsel to state the Commission's position on who will be the Voting Rights Act counsel.

And the reason it did that was that the Plaintiff's counsel in a filing earlier this week and making the case that you all should not be allowed to draw new Districts.

That the Court just take the pen and draw Detroit itself made many arguments about alleged problems with this body.

One of them was that the Voting Rights Act Council, Mr. Adelson had resigned and you don't have a replacement.

The fact that we are in the room and can start right away, I think it would be a nice rejoinder to that and it can be very effective to point out to the Court tomorrow morning when making the case as we intend to make very vociferously tomorrow in a proceeding assuming we are not successful in the stay you just directed us to seek assuming that does not work out, you should have the pen.

That is our goal tomorrow.

That's what we aggrieved.

We have that right.

We have the legal basis for it.

And we want this Commission to draw the maps.

That's what the people of the state wanted.

And this little component of it is just one part of it.

But it is material.

The other side has erased it, and the Court has expressly asked the Commission's position on that.

So if we walk away today without us being the choice, we still need to answer that question tomorrow.

And we don't have an answer.

The second reason this is a good idea is that the Voting Rights Act Council in your case should we not obtain a stay will be very specific to the litigation.

The Court has said certain things about the prior maps.

It has maybe not said as much as it could have about what the Voting Rights Act means in this context.

But the whole goal of the Voting Rights Act counsel will be to provide you the information that you need to hopefully result in a map that the three-Judge panel will approve assumes it's necessary without, for example, a stay pending appeal.

We stand in a good position to do that.

Because we handled the litigation.

We know what's in the record.

We know what the expert testimony in the case says.

We know what the Plaintiff's position on various case issues is.

And so we would be prepared to offer our perspective and it's a very informed perspective on what types of strategies provide the best chance of getting a map approved by the three-Judge panel should that prove necessary.

The third reason that our -- this is a good path is the one that mark said, we do this work.

We do provide this advice.

We do this litigation throughout the country.

So we do have the expertise.

Mark has outlined that.

I won't be labor the point.

The fourth reason it's a good idea we were not wound up in the trial Court's decisions.

As I said earlier, the Commission did not go to Baker and Hostetler for voting acts right advice in drawing the prior maps and so this is not a scenario where the Court might look a stance as it might if you have, you know, for example if Mr. Adelson had stayed on there would be an issue with the Court having sort of a miss trust of that individual that may taint the Court's perspective of maps.

We are not in that position.

We can stand up in Court and say quite candidly, and correctly that we defended the advice that you were given and based on the direction we have just received we will continue to defend the advice that you were give own by Mr. Adelson, but it actually wasn't our advice.

And so we would be able to come in, sort of as a clean slate and offer that position.

We are willing to do it.

We have very much valued the partnership with this body.

We care about the state.

We care about this institution.

Its mission.

And we have done our best to defend its maps and four lawsuits to date.

And so we have every incentive and every interest if you desire in continuing in that role.

>> CHAIR ORTON: Thank you.

Mr. Fink?

>> David Fink: Yes, thank you.

I would like to speak to this briefly in part because of the first thing that Richard said, which was that he acknowledged that they have an interest in recommending themselves, if you will.

As we always do, professionals.

I can speak a little bit more objectively to say that I have had what I really will call the privilege of working with the Baker firm during this process.

And what I've observed is they are extremely qualified.

Extremely competent.

Very knowledgeable in this area.

And in particular on issues related to the VRA which we have discussed.

And they carry an unusual quality that you have all been able to observe by now.

But I find it very important in attorneys.

All effective attorneys speak legalese but the Baker lawyers who have been working with us are also fluent in English.

And that's been a very positive thing.

They are able to translate for folks who are not experts in this area effectively and communicate to allow the Commission to make informed decisions.

In the end, they would be a fantastic choice.

But I have to add they are the only choice.

And they are the only choice for a very important reason.

If you don't have VRA counsel on board by tomorrow at 1:30, the chances that the Commission will be available effectively to keep control or to have control of the mapping and redistricting process during this remedial phase is far less likely.

Baker is a great choice.

They are the right choice.

And they are the only choice if you want to continue to control the process.

So if that recommendation isn't strong enough, call me later.

>> CHAIR ORTON: Thank you.

Commissioner Lett?

>> COMMISSIONER LETT: Thank you.

I echo attorney Fink's comments.

As liaison with the attorneys and all the attorneys I've had an opportunity to observe and interact with both the Fink firm and the Baker firm and they are both excellent firms.

Certainly, the Baker firm, it is as good or better than the other than the VRA attorney we had, which was Bruce.

And I have no qualms and putting it forward for the VRA attorney and as David says, we really don't have much of a choice.

Fortunately we have a good firm on board already that we can utilize.

>> CHAIR ORTON: Thank you.

Commissioner Wagner?

>> COMMISSIONER WAGNER: Thank you, Chair.

My question is do we have an updated bill as to what that will entail having them as VRA counsel if we so choose to go that route?

>> CHAIR ORTON: Can you address that?

>> MR. EDWARD WOODS: Thank you, Commissioner Wagner.

Commissioner Orton if I may.

Based upon hours, no different, Commissioner Wagner than it was with the partisan fairness measures.

It's just based on the hours spent so there is not an increase in the rate.

It's just the additional work.

I'd like to echo what Commissioner Lett has shared and let you know I did take a look at the three principles.

As relates to the Voting Rights Act, two of them are here Brady and Richard Raile and point person from Baker Hostetler, which is Kate McKnight and all have extensive experience, it's on their resumes.

It's something you can also look at for the public on their website.

And echo very easy to work with, very knowledgeable and the speaking of clear English.

So I think Mr. Fink's hand is up I think the Commission might be ready to vote, Commissioner Orton.

So Mr. Fink?

>> David Fink: Just a quick comment to be responsive to what Commissioner Wagner was asking and that is that while you can't anticipate the actual cost because cost is based on the hours as Edward so properly, Mr. Woods so properly pointed out. But what is important to know is if you were to bring in alternative VRA counsel, there would be a tremendous amount of work that they would have to do to get up to speed and the Commission would have to pay for that.

And it isn't a cost with the Baker firm because they are absolutely up to speed.

They can hit the ground running this evening, they are ready to go.

So that's the only comment I wanted to make about cost.

>> CHAIR ORTON: Thank you.

Okay I see Commissioner Eid's hand.

>> COMMISSIONER EID: Sonya, I just want to say I'm very comfortable with Baker Hostetler.

You know, I've obviously worked a lot with them over the past couple years defending our work.

Even though I don't necessarily agree with it all, I agree with the process.

And you know they are very easy to work with.

And I think they do a great job.

A quick question is if as Mr. Fink just alluded to let's say at a later point we decide to perhaps hire a different VRA counsel, this is hypothetical down the road, not saying we will but is there a chance for a collaboration between the groups if that's what the Commission wants?

>> MR. EDWARD WOODS: We would have to look at it based on the contract. The Commission would have control of that process. So we can cross that bridge when it comes.

Thank you so much.

>> Richard Raile: If you are posing us to lawyers can we collaborate the answer is yes.

Incidentally we were asked that question when we interviewed to become the litigation counsel and you asked us can you work with Bruce Adelson who you already hired as your voting rights counsel and the answer we gave then was yes.

And I think we have followed through as I said.

We have vigorously defended what was advised.

It was not our advice.

We defended it because that is our role to do.

So you tell us what to do.

We don't tell you what to do.

That is how we roll.

>> CHAIR ORTON: Thank you.

Seeing nothing else I think we are ready to take a vote.

Probably a roll call vote.

>> YVONNE YOUNG: Good afternoon Commissioners.

We will begin a roll call vote.

The motion is to continue to retain Baker Hostetler as VRA counsel.

A yes vote.

>> CHAIR ORTON: Can I just say not continue because they weren't our VRA counsel before so.

>> YVONNE YOUNG: To retain.

>> CHAIR ORTON: Sonya to retain them as VRA counsel I believe.

>> YVONNE YOUNG: That is what I had at first and I switched it.

>> MR. EDWARD WOODS: That is perfect, thank you.

>> YVONNE YOUNG: Thank you.

To continue -- to retain Baker Hostetler as VRA counsel for the Commission, a yes vote means that yes you would like to retain and a no vote is, no, that you would not like to retain.

I will start with Commissioner Callaghan?

>> DONNA CALLAGHAN: Yes.

>> YVONNE YOUNG: Juanita Curry?

>> COMMISSIONER CURRY: Yes.

>> YVONNE YOUNG: Anthony Eid?

>> COMMISSIONER EID: Yes.

>> YVONNE YOUNG: Brittini Kellom?

>> COMMISSIONER KELLOM: Yes.

>> YVONNE YOUNG: Rhonda Lange?

She didn't pop on, did she?

No.

Steve Lett?

>> COMMISSIONER LETT: Yes.

>> YVONNE YOUNG: Marcus Muldoon?

>> MARCUS MULDOON: Yes.

>> YVONNE YOUNG: Cynthia Orton?

>> CHAIR ORTON: Yes.

>> YVONNE YOUNG: Janice Vallette?

>> COMMISSIONER VALLETTE: Yes.

>> YVONNE YOUNG: Erin Wagner?

>> COMMISSIONER WAGNER: Mine is a no confidence vote.

I don't know if I can get away with that or if it's just a no so makeup your mind.

>> MS. SARAH REINHARDT: Sorry Commissioner Wagner no confidence vote is not currently an option in the Commission's rules of procedure it would be yes, no or abstention because of interest or lack of information.

>> COMMISSIONER WAGNER: Then I would say, no.

>> YVONNE YOUNG: Richard Weiss?

>> COMMISSIONER WEISS: Yes.

>> YVONNE YOUNG: Elaine Andrade?

>> ELAINE ANDRADE: Yes.

>> YVONNE YOUNG: Excuse me with a vote of ten yes to one no, the motion passes.

It's approved.

Thank you.

>> CHAIR ORTON: Thank you very much.

>> YVONNE YOUNG: You're welcome.

>> CHAIR ORTON: So next on the agenda is our potential meeting schedule.

Without objection I will ask MICRC Executive Director Edward Woods III to facilitate this item.

Hearing no objection please proceed Mr. Woods.

>> MR. EDWARD WOODS: Thank you so much Commissioner Orton.

Commissioners as you know we do have a special meeting scheduled for next week at 10:00 a.m.

We do have a special meeting scheduled for next week at 10:00 a.m. and do have a full agenda and I would probably plan for at least two to three hours.

It might be four.

Depending on some of the discussion.

But we also need to set our meeting calendar at that agenda as well.

But with regards to the mapping process, while we do the appeals we still have to follow the Court order unless we get a stay.

We need to identify dates, identify dates for potential mapping as well as in-person meetings in the Detroit area.

Once again we need to identify dates for mapping virtually and potential in person meetings in the Detroit area.

And the reason why I'm asking for that information now so I have enough time to get those things scheduled, as you know we have to have the audio visual and the space and we're going to probably have to get some people to assist with registration.

So it will be a process -- a huge process.

And we kind of want to get the jump start on it now.

Some of you may have vacations planned.

Medical appointments, you know, personal business, what have you.

And so what I'm looking at, if you can help me, and if there is any particular days, starting with the 16th of January, all the way through let's just say February for now that is just absolutely is a problem and will not work for you because you have something scheduled?

And if you can give me a moment, I have multiple screens, that is why I look to my right and left so much during the meeting, so I can pay attention to what is going on.

So I will -- I want to make sure I have these dates but once again if you can identify the dates that you're absolutely not available from January 16th to the end of February that would be helpful so we can avoid as many conflicts as possible.

Commissioner Orton if you can just whoever's hand is up and go from there.

>> CHAIR ORTON: Are you asking for the dates right now or for us to send you the dates.

>> MR. EDWARD WOODS: I'm actually asking for the dates right now, the absolute dates.

These are no dates I'm not available because that will be helpful and then we can plan from there.

>> CHAIR ORTON: Okay Commissioner Eid?

>> COMMISSIONER EID: Sonya, I mean our -- so I guess my question is: Are we planning on going back to being completely in person like we were for the first map drawing process?

>> MR. EDWARD WOODS: No it's a hybrid Commissioner Eid.

So I just I want to know the dates so I don't schedule an in-person meeting if that date is not available.

So I have some lead time.

>> COMMISSIONER EID: Do we know and we might not know and that is okay if we don't do we know how many in-person meetings we will have in the Detroit area?

>> MR. EDWARD WOODS: No, I just need to know your dates you're not available, so I don't schedule something on a day you have planned.

>> COMMISSIONER EID: I'm available at all times.

>> MR. EDWARD WOODS: Great, thank you so much.

>> CHAIR ORTON: Commissioner Lett?

>> COMMISSIONER LETT: Sonya, I'm available also but I think we need to be aware that if we go back to drawing maps it's going to be five days a week, 9:00 to 5:00 whether it's hybrid or in person or all Zoom.

So this is not -- we will meet for two hours every other Thursday.

We will get back at it.

Thank you.

>> COMMISSIONER EID: You know it might be more than that.

I remember when we were in Lansing sometimes we would go more than 9:00 to 5:00.

>> CHAIR ORTON: Don't scare our new Commissioners.

Commissioner Callaghan?

You are on mute.

>> DONNA CALLAGHAN: I'm unavailable February 2 through February 9th.

>> MR. EDWARD WOODS: Thank you so much.

>> CHAIR ORTON: Anyone else have dates that they are unavailable?

Commissioner Wagner?

>> COMMISSIONER WAGNER: What is the timeframe we are looking at again, please?

>> MR. EDWARD WOODS: Tuesday, January 16th to the end of February.

>> COMMISSIONER WAGNER: That's what I thought.

Would it not be prudent because I've got a lot of things going on and a lot of irons in the fire for us not to send out an e-mail to the issue Commissioners and come back.

Because I honestly can't give you an answer.

>> MR. EDWARD WOODS: Okay.

>> COMMISSIONER WAGNER: I have someone going into surgery.

I've got other things I've got to go through, and I know the 16th and the 17th for sure I'm not available.

But there's time periods that I would be.

So like it wouldn't be prudent for me to tell the entire public what's going on.

>> MR. EDWARD WOODS: No, I need the absolute dates you're not available so I can work from there.

>> COMMISSIONER WAGNER: Like I said I have timeframes within those dates if you can get with me later I can give you those.

>> MR. EDWARD WOODS: No thank you very much.

>> COMMISSIONER WAGNER: Thank you.

>> CHAIR ORTON: Commissioner Vallette?

>> COMMISSIONER VALLETTE: Edward, I sent you an e-mail.

But the only date I have right now in those timeframes you gave is February 28th.

>> MR. EDWARD WOODS: Great, thank you.

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>> CHAIR ORTON: Commissioner Callaghan, your hand is still up. Do you have something else?

Okay.

Anybody else have a date?

Juanita?

>> COMMISSIONER CURRY: Yes, I have an appointment with my doctor I think it's on the 14th of January.

But I'm not sure about February.

But I can pretty much get the date I want for February.

So I should be okay.

>> MR. EDWARD WOODS: All right and I just want to reiterate these are dates that you're absolutely not available the whole day.

And I do know you might have appointments, you know, on a particular day or a time.

I'm not worried about that.

I'm just saying like it could be an anniversary date.

I don't know what you have going on.

I'm looking for more absolute dates, I'm not available.

That does not mean you're not available at a particular time.

I'm just trying to wipe out dates where no one is absolutely not available that whole day.

So that's what I'm really working on.

Because I know people's schedules change.

They are fluid and have appointments, I get that.

But if there is any absolute dates you're not available, that would be helpful.

>> CHAIR ORTON: Okay, I don't see anything -- anyone else's hand up.

I see a note from Commissioner Kellom.

I see that.

>> MR. EDWARD WOODS: I do, thank you so much.

>> CHAIR ORTON: Okay, and okay next on the agenda is new business.

Is there any new business from any Commission?

David Fink?

>> David Fink: This is not new business of course, I'm not a Commissioner, I could not present anything.

Instead it's in an odd way it's just to clarify something on the record for the Commissioners to know.

Commissioner Lett correctly pointed out when he made his motion twice that he was indicating he would expect the District Court to deny the motion to stay.

I do want the Commissioners to know that while it's an unusual thing that we have to first ask the trial Court for a stay before we ask the Appellate Court for the stay so in this case the three-Judge panel before we go to the Supreme Court.

But it's not impossible for the trial Court to grant a stay.

I have actually in the course of my career had a trial Court grant a stay.

Not because the Judge thought that he had made a mistake.

But because he considered the implications of the order and the possibility that the sequencing wouldn't -- if he were ultimately reversed it would be unfair to a jury.

So it's conceivable that the and from my perspective, not as unlikely as you might think that the three-Judge panel could say based on the timing and the circumstances that a stay is the right thing to do.

So I just wanted to say that here because I didn't want the record to -- our public perspective to be suggesting we are filing a motion we don't think can be granted. It could be granted.

>> CHAIR ORTON: And that is the order of things, right?

We have to file that before we can go on.

So thank you for that clarification.

Commissioner Weiss?

>> COMMISSIONER WEISS: Yes, since all the recent events in the last couple months, I believe our Executive Director and communication director, Mr. Woods, is on a lowered salary so what I'd like to do is make a motion that we take his salary back to 40 hours a week or back to what it was prior to this.

Because I believe his duties have increased dramatically because of certain events that have happened.

And are happening now.

And what is maybe about to happen down the road here.

So I will make that motion.

>> COMMISSIONER LETT: Second.

>> CHAIR ORTON: For new business thank you.

Seconded by Commissioner Curry.

Okay, so there is a motion to how do I say it?

To.

>> COMMISSIONER CURRY: Increase.

>> CHAIR ORTON: Increase Director Woods' hours back to full time is that what you're saying Commissioner Weiss?

>> COMMISSIONER WEISS: Yes, that's because that is what he was being paid before and we went on a lower schedule, so he had agreed, and we agreed to lower it. I would like to take it back to his normal salary because I'm sure the duties have increased dramatically.

>> CHAIR ORTON: That is seconded by Commissioner Curry.

Is there any discussion or debate on the motion?

>> COMMISSIONER WAGNER: Question.

>> CHAIR ORTON: Commissioner Wagner?

>> COMMISSIONER WAGNER: Are we supposed to discuss what is on the agenda for the special meeting and those motions should be brought up as new business for the next meeting.

>> CHAIR ORTON: We can bring up new business now in this meeting.

>> COMMISSIONER WAGNER: Correct but I'm saying he can't make a motion and us vote on it in this meeting but can be brought up as new business for the next meeting.

I was under the understanding special meetings is only what is on the agenda.

>> CHAIR ORTON: I was under the understanding that we didn't even have to have an agenda for a special meeting.

But if I can have some clarification from our parliamentarian.

Thank you.

>> MS. SARAH REINHARDT: I mean, I would view the motion as an order even though it's not listed on the agenda.

It was motioned and seconded.

So at this point it is before the Commission.

>> CHAIR ORTON: Okay.

I thought I saw another hand up, but I don't see one now.

Commissioner Curry?

>> COMMISSIONER CURRY: I think we should go back to our original salary too because we are going to be working I don't know how many hours and we took the lower rate because we weren't working hardly.

>> CHAIR ORTON: That's a different motion.

So we will stick to this first.

>> COMMISSIONER CURRY: I will motion that we do that.

>> CHAIR ORTON: Commissioner Wagner do you have something else?

>> COMMISSIONER WAGNER: Bear with me you guys my week has been crazy, yes, I do have a freaking question about the motion, but Juanita I get you got it out there.

What were we just discussing right before this?

Before Juanita said what she did.

>> CHAIR ORTON: Director Woods going back to full time.

>> COMMISSIONER WAGNER: Oh, yes, dang it, now it's gone.

Okay it was important too, but I don't remember what it is.

>> CHAIR ORTON: It will come back, Commissioner Eid?

>> COMMISSIONER EID: Well personally I agree with both motions but I'm wondering if my fellow Commissioners would be willing to table it and at it to the agenda at the next meeting just because I think we should try to be in the habit of keeping with the agenda.

I do agree with both motions if we do end up voting on it.

>> CHAIR ORTON: Commissioner Lett?

>> COMMISSIONER LETT: Well Commissioner Curry has stated what she desires in the motion there was not a second and I would agree with Anthony that this should be added to the next meeting where we have an opportunity for a full and frank discussion regarding this.

>> CHAIR ORTON: Thank you.

Commissioner Wagner?

>> COMMISSIONER WAGNER: I remembered, thank you, and I had to write it down. If that was Commissioner Weiss', sorry, I totally mutilated your name motion, I was actually going to suggest that Edward get some kind of office help as opposed to possibly upping his contract because he just stated to me on the phone today and I hope this is not outing you Edward that your plate is full.

And I get having full plates.

So I would rather like to see that amended possibly to consider actually getting him some help to get his job done, thank you.

>> CHAIR ORTON: Commissioner Weiss?

>> COMMISSIONER WEISS: Thank you for that reply, Commissioner Wagner.

So I guess my question would be then Mr. Woods, do you believe you are swamped, and would you like some help?

And if so I think we should discuss this.

>> MR. EDWARD WOODS: I can bring back a motion, bring back a recommendation Commissioner Weiss with regards to that.

I do agree with your motion just so I'm clear and on the record with regards to the amount of time that is being spent and thank you for your kindness and curtesy as well as the Commission for considering that.

So thank you.

>> CHAIR ORTON: So Commissioner Lett and then I have something.

>> COMMISSIONER LETT: Yes, I think certainly, and it was going to be my intent to bring something up at the next hearing regarding getting some additional office help for Edward.

However, I think that it would be beneficiary for him to come back to us at the next meeting with a recommendation of what some office help would look like.

And instead of us just shooting from the hip and saying let's go hire five people and take it from there.

>> MR. EDWARD WOODS: Thank you.

>> CHAIR ORTON: Thank you.

So we have a motion on the floor and a second.

My question is do we want to think that out some more and bring it back in the next meeting or do we want to vote on that now?

Commissioner Weiss, are you wanting us to vote on that motion now?

>> COMMISSIONER WEISS: If it's all legal and agreed upon I would say yes I think Edward make a week ago already.

I know his duties have increased.

So if we can vote, yes, I would like to have a vote.

>> CHAIR ORTON: Then we will take oh, Commissioner Vallette?

>> COMMISSIONER VALLETTE:

>> CHAIR ORTON: You're on mute.

>> COMMISSIONER VALLETTE: Maybe a week ago but maybe we should think about making it retroactive because he has been busy not just starting today.

You know, so we should talk about making it retroactive.

>> CHAIR ORTON:

>> COMMISSIONER CURRY: That's good.

>> CHAIR ORTON: Okay so let's talk about making it retroactive.

Commissioner Weiss, you have something.

>> COMMISSIONER WEISS: Retroactive is good, Ms. Vallette as usual you are right on ball.

So I guess we should maybe discuss taking it back two weeks, a week, month, two months.

I don't know.

>> MR. EDWARD WOODS: Let's go with January 1.

>> COMMISSIONER WEISS: Okay Edward thank you very much for that.

>> CHAIR ORTON: Good suggestion.

Okay so we have a -- so the motion then Commissioner Weiss is to restore Edward Woods to full time retroactive starting January 1st.

>> COMMISSIONER WEISS: Correct.

>> CHAIR ORTON: Okay and that is seconded.

>> COMMISSIONER LETT: Seconded.

>> CHAIR ORTON: Commissioner Wagner?

>> COMMISSIONER WAGNER: No, I forgot again, never mind.

>> CHAIR ORTON: We are ready for a vote.

I think a roll call vote is in order.

>> YVONNE YOUNG: Good afternoon Commissioners.

The motion before you is to restore Executive Director Woods hours and pay back to full time retroactive beginning January 1, 2024.

A yes vote means that you are in support of the motion and a no vote means that you are not in support of the motion.

I will begin with Juanita Curry?

>> COMMISSIONER CURRY: Yes.

>> YVONNE YOUNG: Anthony Eid?

>> COMMISSIONER EID: Yes.

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- >> YVONNE YOUNG: Brittini Kellom?
- >> COMMISSIONER KELLOM: No.
- >> YVONNE YOUNG: Steven Lett yes.
- >> Marcus Muldoon: Yes.
- >> Cynthia Orton?

Yes.

- >> YVONNE YOUNG: Janice Vallette?
- >> COMMISSIONER VALLETTE: Yes.
- >> YVONNE YOUNG: Erin Wagner?
- >> COMMISSIONER WAGNER: No.
- >> YVONNE YOUNG: Richard Weiss?
- >> COMMISSIONER WEISS: Double yes.
- >> YVONNE YOUNG: Elaine Andrade?
- >> ELAINE ANDRADE: Yes.
- >> YVONNE YOUNG: Donna Callaghan?
- >> DONNA CALLAGHAN: Yes.
- >> YVONNE YOUNG: With ten yes and one no the motion carries.

It is passed and approved, thank you.

- >> CHAIR ORTON: Thank you very much.
- >> YVONNE YOUNG: You're welcome.

Okay so as the items -- is there any other new business?

- >> COMMISSIONER EID: Juanita made a motion.
- >> CHAIR ORTON: Juanita made a motion, but it was not seconded.
- >> COMMISSIONER EID: What was that?

Orton sorry Commissioner Lett what did you say.

- >> COMMISSIONER LETT: She did not get a second.
- >> CHAIR ORTON: Right.
- >> COMMISSIONER EID: I'll second it so we can discuss it and I move.
- >> COMMISSIONER LETT: I say we move it to the next meeting.
- >> CHAIR ORTON: A motion and a second and a motion to table it so I guess we discuss the motion to table it first.

Do we have a second on the motion to table it?

- >> COMMISSIONER WEISS: Second.
- >> COMMISSIONER EID: I will second as well.
- >> CHAIR ORTON: A motion and a second to table Commissioner Curry's motion to raise our pay until the next meeting January 11th.

Can we -- we will just do a hands raise vote.

So all in favor of tabling that motion to the next meeting raise your hand and say aye.

- >> Aye.
- >> CHAIR ORTON: Any opposed raise your hand and say nay?

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>> COMMISSIONER EID: They.

>> CHAIR ORTON: Okay so the motion -- the ayes have it, the motion passes and we will table that to the next meeting.

So as the items on the agenda are completed and the Commission has no further business the motion to adjourn is in order may I have a motion to adjourn.

>> COMMISSIONER LETT: So moved.

>> COMMISSIONER WAGNER: Before we adjourn I'm requesting please one more time the recording from y'all's closed meeting of last Thursday.

>> CHAIR ORTON: It's a motion.

>> COMMISSIONER WAGNER: Addressed as new business.

>> CHAIR ORTON: Out of order, that is not pertain to what we are talking about.

You can take that up with.

>> COMMISSIONER WAGNER: I have and would love the secretary of state.

>> CHAIR ORTON: We have a motion on the floor.

>> COMMISSIONER WAGNER: Thank you.

>> CHAIR ORTON: Do we have a second to adjourn?

>> COMMISSIONER WEISS: Second.

>> CHAIR ORTON: We have a motion and a second all in favor say aye.

>> Aye.

>> CHAIR ORTON: Any opposed say nay?

The ayes have it.

And we are adjourned at 5:47 p.m.

Thank you.

>> COMMISSIONER VALLETTE: Welcome new Commissioners.

>> MR. EDWARD WOODS: Thank you Commissioners, appreciate your support.

>> Thank you.

>> Thank you.