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MICRC

20240227-0800 Meeting

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>> CHAIR ORTON: As Chair of the Commission, I call the meeting of the Michigan Independent Citizens Redistricting Commission to order at 8:04 a.m.

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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 WoodsE3@Michigan.gov or 517-331-6309.

For the public watching and the public record I will turn to the department of state staff take note of the commissioners present.

>> MS. SARAH REINHARDT: Good morning Commissioners please say present when I call your name and please disclose the location you are attending from by stating the City, Township or county. I will call on Commissioners in alphabetical order starting with Elaine Andrade?

>> ELAINE ANDRADE: Present from Skokie, Illinois.

>> MS. SARAH REINHARDT: Donna Callaghan? Juanita Curry? Anthony Eid?

>> COMMISSIONER EID: Good morning Ms. Reinhardt and happy election day present remotely attending from Detroit, Michigan.

>> MS. SARAH REINHARDT: Brittini Kellom?

>> COMMISSIONER KELLOM: Present and attending from Wayne County, Michigan.

>> MS. SARAH REINHARDT: Rhonda Lange? Steve Lett?

>> COMMISSIONER LETT: Present, Lee county, Florida.

>> MS. SARAH REINHARDT: Marcus Muldoon?

>> MARCUS MULDOON: Present, Carrollton, Michigan.

>> MS. SARAH REINHARDT: Cynthia Orton?

>> CHAIR ORTON: Present attending remotely from Battle Creek Michigan.

>> MS. SARAH REINHARDT: Rebecca Szetela?

>> COMMISSIONER SZETELA: Present attending remotely from Wayne County Michigan.

>> MS. SARAH REINHARDT: Janice Vallette?

>> COMMISSIONER VALLETTE: Present attending from Highland tie ship Michigan.

>> Erin Wagner? Richard Weiss?

>> COMMISSIONER WEISS: Present from Saginaw Township Saginaw Michigan.

>> MS. SARAH REINHARDT: Nine Commissioners are present and there is a quorum and happy election day to you all.

>> CHAIR ORTON: Thank you. 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 WEISS: Second.

>> CHAIR ORTON: It's moved and seconded we approve today's agenda is there any discussion on the topic? Seeing none, all in favor of approving today's agenda raise your hand and say aye.

>> Aye.

>> CHAIR ORTON: Any opposed raise your hand and say nay. The motion is approved, and the agenda is adopted.

Without objection Vice Chair Janice Vallette will facilitate the public comment portion of today's agenda. You're on mute, Janice.

>> COMMISSIONER VALLETTE: Okay without objection we will begin the public comment pertaining to the agenda top shuns portion of our meeting. Hearing no objection we will now proceed with the public comment.

Individuals who have signed on and indicated they would like to provide live remote public commentary to the Commission will now be allowed. I will call your name and our staff will unmute you. If you are 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 that the host wants you to speak and prompt you to press star six to unmute.

I will call on you by name or the last four digits of your phone number. Also please note that if you experience technical or audio issues or we do not hear from you in three to five seconds, we will move on to the next person in line and then return to you after they are done speaking. If your audio still does not work email

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 have 90 seconds to address the Commission. Please conclude your remarks when you hear the timer. First in line to provide public comment is Joe hunt. Please allow our staff a moment to unmute you.

>> MS. SARAH REINHARDT: Mr. Hunt, if you can unmute yourself you are free to address the Commission.

>> MS. SARAH REINHARDT: Seems Mr. Hunt is having some technical issues so I would recommend we move to the next participant, and we can return to him.

>> COMMISSIONER VALLETTE: Okay next person is Anthony Scannell. Please allow our staff a moment to unmute you.

>> Thank you good morning Michigan Commission. I'm present; attending remotely from Detroit, Michigan. I say no on the Tulip map. I could live with many of the other maps, but not with the Tulip map. I would love to see the City of Taylor made whole again. I've heard a lot of public comment and I think it's a worthwhile thing to do, the City of Taylor, make Taylor whole again. I would request that you guys please drop the Supreme Court appeal. Please drop that. I mean, think of the money you will save the taxpayers of Michigan. We will be happy with that. And lastly happy election day. Yeah. Yeah. Get out there and vote. I'm sure.

>> COMMISSIONER VALLETTE: Thank you for addressing the Commission. Next in line is James Gallant. Please allow our staff a moment to unmute you.

>> COMMISSIONER LETT: I just turn them off.

>>Hello, can you hear me.

>> COMMISSIONER VALLETTE: Yes, we can.

>> Good thing you didn't do what Commissioner Lett just said. This is James Gallant, Marquette County Suicide Prevention Coalition. These are my opinions. Yeah, don't shut them off, don't cut them off because, Madam Chair, I think we are going prove today what we are talking about here about not following the rules. You just proved to us that can follow Robert's Rules of Order. You approved the agenda by saying approve the agenda, okay, motion second, now discussion and then vote. We know you can do it. You're just not doing it with the rest of the stuff because everything else on your agenda you have no motions for it. And do remember when you started this mapping process and procedure, okay, about two months ago, then Page 366, Line 8, there shall be no debate before a motion and a proper second. And, yes, you started that two months ago. And then Commissioner Lett jumped in, oh, yeah, how about you start with a huge formal decision-making process like he just suggested, oh, yeah, we just do that. Who started that? Reinhardt started it. Bringing the business to you. You are not taking it to them, saying, hey, bring a draft policy, they are bringing it to you in advance. And that is wrong. You don't have a motion for that. It's unilaterally approved by Commissioner Lett. And then the new business says litigation counsel on maps and

VRA counsel on mapping deliberations. When do motions start? Motion to approve and then you get to deliberate. I'm glad we got more attorneys here, especially our parliamentarian, Mr. Fink, and now General Counsel may act as parliamentarian, not Sarah Reinhardt. She lied to us. She lied to the people of the state. She lied to the Secretary of State. She cannot be the parliamentarian because your rules say it may be the General Counsel, that is it, there is nobody else, okay?

>> COMMISSIONER VALLETTE: Thank you for addressing the Commission. Next in line is Alyson-Grigsby.

>> CHAIR ORTON: While they are being unmuted note that Commissioner Curry is present.

>> MS. SARAH REINHARDT: Thank you. Commissioner Curry can you share where you are joining remotely from today?

>> COMMISSIONER CURRY: I'm joining remotely today from Detroit, Michigan.

>> MS. SARAH REINHARDT: Thank you.

>> COMMISSIONER CURRY: Uh-huh.

>> Good morning can you hear me.

>> COMMISSIONER VALLETTE: Yes we can.

>> I'm a resident from one of the affected districts in Detroit and also with Voters Not Politicians. I'm just coming on just to let you know that we at VNP Voters Not Politicians have provided you all a spreadsheet tracking all the public comments that were given during last week's public hearings in Detroit. As well as tracking all of the overall sentiment regarding the various maps and you know if they suggest tweaks or what they over all recommend so I hope you all find this useful in helping you make your final amendments and final decisions. You're in the home stretch so best of luck and thank you for all the work you have been doing.

>> COMMISSIONER VALLETTE: Thank you for addressing the Commission. Next in line is Steve Walker. Please allow our staff a moment to unmute you.

>> Hello. This is Steve Walker. I live in southwest Detroit, which is District 1. I want to reiterate two things I said last week. And then I have additional comment. I think whatever map you pick you should include Melvindale in with Dearborn. Communities of interest are your third priority. And I'm sure the Arabs or the Yemenis who live in Melvindale want to be in with Dearborn. Secondly, I think the people I know who moved to Harper Woods would like to be in the lakeshore District. That makes sense to me. And I'm sure it makes sense to them. Lastly, I want to comment on the Motown Sound District. So many people last week-endorsed the map, I don't know if that is your preferred map or not. And I think they did it, turns out because it has one more VRA compliant District than the other maps. Most of these people don't realize is that District is already represented by a Black woman, Ms. Edward. So you're not increasing Black representation. Don't Patti Philips yourself on the back. Again, when Sherri brought the lawsuit, when she was trying to do was increase Black representation.

>> COMMISSIONER VALLETTE: Thank you for addressing the Commission. That concludes our public comment. Please feel free to e-mail public comments to the Commission at redistricting@Michigan.gov. We appreciate everyone who offers public comment in whatever way you choose and invite you to keep sharing your thoughts.

>> MS. SARAH REINHARDT: Madam Vice Chair.

>> COMMISSIONER VALLETTE: Yes.

>> MS. SARAH REINHARDT: I recommend that we return to Mr. Hunt to see if he has resolved his technical issues.

>> COMMISSIONER VALLETTE: Okay.

Mr. Hunt?

>> MS. SARAH REINHARDT: Mr. Hunt if you can unmute yourself you are free to address the Commission. It looks like his technical issues have not been resolved.

>> COMMISSIONER VALLETTE: Okay.

>> CHAIR ORTON: Okay thank you very much. So we will move on to unfinished business 5A, mapping process and procedures. Without objection I will ask Sarah Reinhardt to provide an overview of this item. Hearing no objections please proceed, Ms. Reinhardt.

>> MS. SARAH REINHARDT: Thank you very much. Give me just a moment to pull up the document. There we go. Oops hold on. Sorry about that. There we go. Okay so I just wanted to briefly review the beginning part of this procedure for the selection of House maps which was approved and adopted by the Commission last week. I'll just be going through sort of the initial part here tonight or here this morning. Excuse me. So that you all are aware of what you're likely to be doing today. And if you need me to review some of the later parts today, I'm happy to do that as well.

So as you know today marks the beginning of the selection process for which House map you would like to move forward to the District Court. So what maps are up for consideration, those are limited to the ten draft proposed maps put forth for the public comment period, which ended on the 23rd. And which were viewed by the public during last week's hearings. And during the selection process you all may modify draft proposed maps if the amendments stem from the public comment that you received during that period. And during the hearings.

So prior to these meetings I hope that you had an opportunity to review all the maps and review all the public comment that you received. And continue to receive.

And then here is kind of the step by step of how this process will go. So what I would imagine you all would get through today is doing an overview of the plan. So this includes reviewing each of the plans. Talking through what you heard from members of the public. Talking through what you may prefer or not prefer and why. And it's during this period here that you could vote to amend the maps as described in this Section here.

During the overview and discussion the Commission by majority vote may vote to amend one or more draft proposed maps. And I believe Mr. Morgan is present and Mr. Brace is present here today to help facilitate any adjustments or modifications that you would like to make.

So after you're done making any adjustments to the maps you would move on to the voting procedure. I don't anticipate that you will get to that today. But if you do I'm happy to bring this document back up and review the voting procedure at that time.

So I will pause there, are there any questions?

>> CHAIR ORTON: I don't see any questions.

>> MS. SARAH REINHARDT: Okay, all right well thanks everyone.

>> CHAIR ORTON: Thank you very much. For that reminder.

So next on the agenda is new business 6A. Litigation counsel on the maps without objection I will ask litigation counsel Mr. Raile and Patrick Lewis to facilitate this item. Hearing no objection please proceed, Mr. Raile and Mr. Lewis.

>> David Fink: If I may interrupt a moment, this is David Fink. Patrick is Richard available also? I know there was some issue about the availability of both of you at the same time.

>> Mr. Lewis: Mr. Raile should be able to join us in the next ten minutes so happy to start the discussion and have him join us as necessary.

>> David Fink: Let me ask briefly of the Chair if you would prefer and I don't know, I'm not looking at the agenda right now but is there another item that you can address for a minute or two so that Mr. Raile and Mr. Lewis can both be on at the same time? If not, Mr. Lewis is prepared to go forward.

>> CHAIR ORTON: The next thing is the VRA counsel on the maps. So I don't know if we need to go in order.

>> David Fink: In that case Patrick it would be best if you go forward now.

>> Patrick Lewis: Sure, I think we can start then we can hear then the Commission can hear VRA counsel's advice. That is fine. So well good morning everyone I know it's been a while since it's been a moment as they say since we have last talked. And I just want to cover, you know, three basic points here this morning. The first is I want to go through with you in a very high level the remedial framework. Most of this part you will have already heard.

We will then talk a little bit about logical outgrowth and the concept that you heard from the Chair about being able to revise proposed plans to take into consideration the effective public comment.

And then there are a few litigation considerations that we will also cover.

So to begin with a discussion of the remedial framework as the Commission is aware, the Court's finding was that race predominated the configuration of the Districts that you all changed. The District Court discussed the use of a racial target as a racial goal that dominated the process. You know, I know that the Commission, you know, there is an

appeal pending on that but that was the Court's finding and that is what we have to focus on for purposes of the remedy.

So the goal, of course, is to when you are creating a remedial plan is to comply with the Constitution, comply with the laws and also to eliminate the violation the Court found. And in that case that would be the racial goal.

So you -- the Court directed us to modify of course the Districts that were struck down and quote any other districts as reasonably necessary to cure the unconstitutional racial gerrymanders and that is what you have done. So, you know, we are going to want to...the Court is going to be looking at the plan that this Commission ultimately adopts and that we will be defending principally through that lens. The Court is going to be looking to see if the new plan, you know, does not have race as a predominant criteria. And that it is faithfully following the criteria under the Michigan Constitution. You know, we know that we were instructed, the Court in its order from January 5th stop using the VRA as a proxy for race. I see Mr. Raile has joined us, good morning.

And so that is our primary objective.

The more that, you know, the courts are going to look at the what we call the direct evidence which is the testimony before the Commission. They will look at statistical information. And other data. And, you know, we saw some of this at the trial the first time around. You may see more of it you know, going forward.

So with that in mind I think we, you know, I think you know the creation of your districts, how your districts were configured in these ten plans. But, you know, we are looking to make sure that you are -- that these districts are going to be, you know, that you have changed of course all 7 districts are changed. Did not repeat a District from the prior plan. And then, you know, to put the Commission in the best position, you know, that the Commission should take into consideration changes to other districts that are necessary, you know, as well, to take us out of the realm of an accusation for example that we just made minor changes but that the overall racial goal was preserved.

You know, I'm not commenting here on any specific map. This is just sort of, you know, again the concept of general overview.

I think in terms of, you know, the next step, we won't cover this too much, I know you will hear from VRA counsel after us, but you know, the Supreme Court has talked about the need to sort of balance the competing hazards of liability between you know racial gerrymandering and compliance with the Voting Rights Act. And so we know that, you know, the plan has to comply with the V RA. It has to avoid racial vote dilution. You know, the Court has not addressed the VRA claim in this case. And, again, I will defer to my VRA counsel on that or to the Commission's VRA counsel on that particular point. But I think, you know, we will be in a position to, you know, defend, you know, the work

of the Commission, you know, to the extent that you are, you know, avoiding, you know racial vote dilution.

I don't know, Richard if you had anything you wanted to add on that?

>> Richard Raile: I would definitely second that as you know the litigation counsel and so our principal role here, although we have done advising on the front end throughout the process in limited forms we are here to defend what you do. Because of the Court's order, the litigation counsel and the VRA counsel worked separately. So we had no -- we didn't know what Mark Braden was going to advise or anything like that. We saw some of the public presentation with everybody else. I can say on the litigation end that we stand in a solid position to defend what you have. We note that the Court wanted VRA compliance to be by reference to primaries. And not to general elections. The Court did not think that general election information was informative. So you have a primary analysis. It's looking at turn out, actual turn out in primaries. And so on the litigation end I feel good about defending that. We don't know for sure what's going to work. We do know that the Court has taken a dim view of racial predominance for any reason including VRA compliance. We are not entirely sure where it's going to come out on that. But I feel like you're positioned well based on the advice that you have. So we feel good about defending that in the coming weeks.

>> Patrick Lewis: Thank you very much. I think sort of turning and looking at the Supreme Court has talked about the competing hazards. It's talked about the tug of war between the Voting Rights Act and racial gerrymandering. You know, to add to that mix, I would just bring up the fact that, you know, your plan, of course, still has to comply with the Michigan constitutional criteria except to the extent that would explicitly conflict with the principal of Federal law. And so I think, and I don't know that I have heard anything in the record to suggest such an expressed conflict exists. But I would just point out that and I think, you know, you are the Commission is rightfully focused on the other criteria. Including community of interest. Including partisan fairness. Neither advantaging or disadvantaging an incumbent or candidate. You know, the preservation of town and City lines and compactness in that order of precedence. Do keep that in mind as you are considering these plans. And determining which plan you're going to adopt. I understand that, you know, you have your partisan fairness numbers. I believe those all have been run. They will be available and certainly something to consider. You know, I happen to notice, I have not seen the most recent version of it, but at the time of publication I looked at them and you know, without passing judgment on any particular plan, you know, I did notice as a general principle your partisan fairness numbers were fairly consistent with the plan that had been the Hickory plan over all. And I think that's certainly a good place to start. Talking very quickly here you're going to be making a decision. You are going to be picking over the next few days one of these ten plans. Either with or without a modification. You know, just a few things to keep in mind. You know, if there are reasons that are driving the selection of one plan

over another, you know, say what those are. I think make sure you're discussing the reasons and why you are making the decisions you are making. I know you have used, I don't know, the -- I believe a few of these maps may have been changed for VRA reasons. Make sure that you are prior to publication that, you know, you have got a record of what you changed and why. So that it's very clear for all of us and it will help us as litigation counsel to, you know, explain and defend your work to the Court. I know the Court will be very interested in the reasons underlying why the plans were configured the way it was, what made you select one map over another. The role of public comment. I know the Court was very focused on making sure that the Commission had the opportunity to receive public comment. So those I think are just sort of the main points.

Richard, I don't know if you had anything to add on that as well.

>> Richard Raile: No but we do have a question from Commissioner Szetela.

>> CHAIR ORTON: Yeah, Commissioner Szetela?

>> COMMISSIONER SZETELA: Good morning Mr. Lewis.

>> Good morning.

>> COMMISSIONER SZETELA: Just listening to what you said I have a concern. So as you know I'm an attorney. And, you know, the Court's order had made a holding that the Commission in general as to its Detroit area districts used racial targets and that race predominated in the drawing of our districts. However, there were only 7 House Districts that were still alive and being challenged at the time of the Court's ruling. So the Court issued that order that you just read. Which was directing us to fix the 7 districts that were specifically identified and considered in the Court's ruling then they also had that language about and other districts as reasonably necessary to cure whatever the exact language is cure the unconstitutional racial gerrymander. Despite that language, our General Counsel advised us when we were drawing that we should only change the 7 districts that the Court identified and that we should limit any changes to any other districts as part of that drawing. And my concern with this, and this is something I have raised multiple times. There is actually four other districts in Wayne County that are also racial gerrymanders that would be 16, 17, 18 and 26. Each one of those districts we do with a racial target. 16 and 17 include parts of west Detroit. That reach across Redford into Livonia and were specifically drawn that way because we were trying to reduce the Black voting age population. In 16 and 17. The same thing is true for District 18, which is Southfield. The Black population in Southfield is 64% and stretched it across Southfield to Farmington to add white population to reduce Black voters in the District 18. Then we did the same thing in District 26. Now, I advocated we need to change each one of those districts as well in all of our maps however none of them have been changed except in my independent map so nine out of the ten collaborative maps that we have all leave those districts largely intact. And based on the comments that you just made and maybe I'm misunderstanding you, it sounds like

that potentially could be a problem that needs to be addressed. So I'd like you to weigh in on that because I know the position the Commission has taken has very much been we are focusing on the 7 District and trying to make minimal changes to other districts and not addressing those four districts, 16, 17, 18 and 26. And the comment that was made by General Counsel was that there is still legal and if someone wants to sue us over them they can sue us over them, that is a paraphrase but the gist of what we were told so I would really like your feedback on that.

>> Richard Raile: That is a good question and a difficult question, and it gets into some degree of uncertainty which is something that as litigators, lawyers, and as a body subject to competing types of law that we just have to live with.

I think that an approach, Commissioner Szetela, like you described where you went in the map you described, which I don't know to be true, I'm just basing it off of your description, that, you know, you have changed other districts that you understand to be affected in the same way. I could certainly defend that approach as legitimate if someone were to come in and say that maybe there's an arguable state law limitation on how many districts you change. I could defend on the basis that you suggested if the Commission were to adopt your plan. I think that is a legitimate approach. I would actually -- could take a position, I don't know if it would win but I think it's a very reasonable position that at least change rule does not apply to the Commission which has legislative power as compared to a Court. We know that a Court in a remedial phase is bound by a doctrine of least change to remedy the violation if it's configuring a map and it has to narrowly tailor its remedy. I would argue the Commission is not bound in that way because it has a legislative power. It's not just remedial power. I could imagine an argument under the state Constitution that maybe there is a limit. That is very much subject to uncertainty. The bottom line is the approach that you have described in your map is very much defensible. We are not here to weigh in on whose map gets picked et cetera. But I don't think the Commission would need to not vote for the map you described on that basis. On the other hand, I do not think that the approach that you described is strictly necessary. Certainly not for the remedy phase here. The Court's jurisdiction is limited to the districts that it has adjudicated where the Plaintiffs have standing. And so forth. And there's not a record built out in the way that you described. I certainly don't know those facts that you described to be true. So I think we could also defend an approach that's different from what you describe. So I don't necessarily think that the Commission is bound to take the approach that you have suggested. I think that it can weigh both approaches. I do think it's fair, I mean the point you make about future lawsuits down the road I think is certainly fair. It's something the Commission could weigh. But of course bearing in mind that future lawsuits down the road could take many forms and say many different types of things and so it's difficult to predict. So I know that's maybe not the most helpful answer that

you had hoped for, but we are here to defend what you all do and I'm comfortable taking a position either way on the issue that you have taken in Court. Does that help?

>> COMMISSIONER SZETELA: Yeah, that is helpful. Thank you very much.

>> Okay.

>> CHAIR ORTON: Are there any other questions? And I just want to note that I don't think it has been noted that Erin Wagner joined the meeting.

>> Patrick Lewis: Well I think we have a few other topics, I think we can cover. Just some considerations if the Commission chooses to modify any of its existing plans we can talk about that. And there is a few other, there is a litigation point that we want to raise at the end. So, you know, very briefly, again, I think Commissioner Orton described the rule that allows for the rule of proceeding that governs you know the activities in the next few days that allows for modification of existing plans, proposed plans to take into account public feedback.

So the Michigan Constitution, you know, we have a memo that sort of lays this out in depth from a few years ago. But at a very high level. You know, we believe it is defensible under the Michigan constitutional to take a position that, you know, when you publish these plans, you receive this public comment, if there are changes to a proposed plan that are the logical outgrowth of those public comments that the Commission has the ability to revise the plan to take that into consideration.

You know, that should be done in a limited way. And I think the wholesale rewrite of the plan, I think would exceed what courts have generally allowed under this logical outgrowth theory. This comes from Federal administrative law principals when Federal or state agencies will create a rule to receive public comment and may revise the rule to take into consideration to take in public comment. It's a very similar concept.

I think if we are going to go down that road I think it's again certainly something that you know as we articulated in our memorandum from a few years ago, we think that is within the Commission's power. We think that is not only within the Commission's power, we think it's fairly consistent with the District Court's remedial order, which, you know, not only required public comment but prescribed specific public hearings to receive that public comment. I think the Court would welcome us taking that in consideration, including if it needs modifications to a plan.

Just a few ideas in terms of considerations if the Commission were to choose to modify a plan, as mentioned I think, you know, limiting you know, the scope of those changes to those reasonably necessary for public feedback I think is helpful. You know, if you are changing enormous quantities of districts on the plan, you know, that is going to be harder to defend. The more limited the comments, you know, the better. The more limited the basis of change the better so that you are tailoring changes to adapt the public feedback. You know, I think it's harder the more that it looks like the changes are so broad that you know they are being used essentially to create a completely new plan.

To the extent changes are being made we do recommend that, and I think you're going to do it, but to document the reason why. You say we are making these changes. We received a lot of public feedback that says X and Y and on that basis we intend to make this change. As your litigation counsel we go to Court to explain this to the Court, to defend it against any challenge, you know, it will be important to have that record, so everyone understands clearly the basis for the Commission's decision making.

You know, in terms of a permissible basis I think the Michigan constitutional criteria should be your guide. Communities of interest. Partisan fairness. You know, the other criteria. Are good reasons to follow that kind of a plan. I think, you know, in firms of anything that would be more problematic would be of course if you are making you know to the extent that a change would introduce and scale a, you know, a racial goal of some kind. I don't know that that's true. But that's something to take into consideration that that will be considered as part of, you know, the Court's review.

So Richard I don't know if you had anything to add on logical outgrowth.

>> Richard Raile: A couple points to find tune and it's our position and has been for some time the provocative to make changes based on comments is implicit in the structure of the Michigan Constitution when a legal document provides for a public comment period, it is generally assumed that the body that entertains those comments can actually listen to them and implement them. It would make little sense for the Michigan Constitution to provide for a 45-day comment period and then tell the Commission that it's barred from doing much on that basis. It's not entirely clear. The Court has never said this. This is a position as Mr. Lewis said that is based on a backdrop, not only a Federal law but also a state law in the administrative procedure context. The ratification history of the Constitution in Michigan suggests that administrative procedure context, concepts informed this Section of the Constitution. So we feel and we've always felt that the Commission has a very strong basis to listen to comments and make tailor changes to plans based on that comment.

The limiting principal is that it has to be within the purpose of the public comment period. And of course you could imagine a scenario where a map was so thoroughly changed it would be fairly said it had not been presented at public comment. And that would undermine the purpose of the public comment period. As Mr. Lewis said you want to be clear about the changes, you want to tailor those changes. And I think a critical point here is what Mr. Lewis said at the end. You want to make sure that changes are not undermining the plan on the basis of other criteria. That could, might imagine a scenario where ripple effects took an ostensibly performing opportunity District under the Voting Rights Act and compromised its status as that. As Mr. Lewis said, you know, if you have changes that are race based and introduce racial predominance that is going to raise a whole separate set of problems that frankly are probably going to be more severe in the remedy phase because the Court's role here is really to enforce Federal law. We would likely take the position at the remedial phase

that the Federal Court lacks the power to enforce the state Constitution's some type of logical outgrowth doctrine and not the right forum for that. I'm not sure we would win but have a compelling basis to argue that. So for the immediate future you want to make sure you're not taking anything, if you choose this path out of compliance with Federal law. But we do think that you're at a point. You have heard a lot, making changes on the basis is a path that is available to you if you want to do it. And you're on mute, Mr. Lewis.

>> Patrick Lewis: I'm the first one today who spoken mute, so I have done my best of that for today. But, you know, I agree with those comments. And I think you know the last one would be if you are going to make changes, you know, we would recommend before the vote the final vote, that the map as revised have all of your numbers run on it. Have your partisan fairness numbers run on it. Have all of your criteria run. If there is a Voting Rights Act analysis have that run. Just to check your work on the modification and to make sure that it's fairly implementing your intent and that it's and that the resulting, you know, plan is, you know, still fits your goals and doesn't undermine, you know, a goal that perhaps you didn't realize it was doing at the time that you entered those changes. I suspect that was in the cards, but I just wanted to make sure we said that explicitly. And are there any questions? I'm looking for hands. I'm not seeing them.

>> CHAIR ORTON: Any questions for them?

>> Richard Raile: So we just have one last point that ties into the ongoing litigation strategy. It's minor. But we feel that it's our obligation to mention that there is an interplay between the enactment of a remedial map by the Commission and the outstanding appeal in the U.S. Supreme Court that you should consider. As has been our position all along we are not here to make a specific recommendation. We are here to put out something that you need to consider a specific risk that you should just weigh in your judgment to decide how to handle it. And the risk at issue is that once you pass a new plan, as I said before, that plan is enacted by your legislative power. It stands on a different legal footing than a Court ordered plan which stand on a remedial equitable authority. You are the legislature of Michigan. With respect to the redistricting function. And so when you act to adopt a new plan, it is likely to have the status of legislation of Michigan. And what that might mean as to the House plan, potentially, is that the new plan would moot the appeal as to the House plan. And the same issue will arise down the road to the Senate plan.

New legislation, the argument will go has replaced the legislation that was enjoined by the Court in relevant part. And so an appeal couldn't grant the Commission relief because in all events the state would stick to the new plan. And therefore for the Supreme Court to weigh in on the injunction would be an advisory opinion which it lacks jurisdiction to do.

Now, there are uncertainties surrounding that analysis, there are different arguments that I can make and I'm not going to go through all of that here because it's not your priority today. What I will tell you and the reason I'm raising this is that the tried and true method of avoiding this problem, if you want to avoid this problem, is an approach that the Supreme Court approved a couple of decades ago where a legislature made the new plan contingent on the continuing validity of the injunction. To be precise, what the legislature in that case said, and many legislatures since then have done this, is they adopted by resolution as part of the legislative package language that said, this new plan that we are enacting today is valid and will govern elections unless the judgment or injunction of the Federal Court in the lawsuit that precipitated the remedial phase is reversed, vacated or otherwise disturbed in any way. In which case the state will automatically revert back to the prior plan.

And we know from Supreme Court precedent that that approach avoids the mootness problem. It's an approach you certainly don't have to do it. But it's an approach where if that was something you were very concerned about avoiding, you would have the option to do that. And I do believe you would need to do that at or around the time that you adopted the map. So it's something you should consider. I don't want to spend too much more time on it although I do have a question from Mr. Fink on that.

>> CHAIR ORTON: Mr. Fink?

>> Dave Fink: Yes, I just wanted to ask Richard if you could please provide specific language. You say you stated it and I know we could have written it as you said it but if you would just provide the text of what a resolution, how a resolution might read or an amendment might read so we can provide it to the Commissioners in case they want to do that. In other words, and to be clear, what I'm hearing you say is if the Commission believes that the new maps are majority of the Commission believes that the new map that they adopt is preferable to the -- to Hickory, then there would be no need to do that. But if the Commission believes that they still would prefer the original Hickory map, they're going to have to say so in that language that you described, otherwise the appeal may be mooted and there's no point in going forward with it. Did I get that right?

>> Richard Raile: I think you did, it's a policy judgment, it's not the lawyer's job to make those, it's the Commission's job to identify its preferred choice. The other note that I should have said earlier that just came to mind is that this will not be a problem very likely if the Court were also to reject the new map that you are about to promulgate. Because then obviously the Commission is still injured, and appeal would still do it good. That wouldn't be moot. So we are addressing the scenario where you have a new map, a new House map, the Court declines to enjoin it at the remedy phase. It approves it as we say, and then the Commission still wants to prosecute the appeal, it still wants to try to revert back to Hickory. It should express that now. We will provide the language to the General Counsel today to circulate. But it's a policy choice for the Commission. It's not a choice nor the lawyers.

>> CHAIR ORTON: Commissioner Eid?

>> COMMISSIONER EID: I'm just wondering how -- where does the inner play with that issue come in if what the Court ends up doing is picking a special master's map?

>> Richard Raile: That's a good question and what I just said. If the Court rejects your map, which would really have to be accomplished through a new injunction in our position you wouldn't have this problem. Right? So in your hypothetical, you pass a map, it goes before the Court, the Court rejects that map, and it decides to impose in its equitable powers the special master drawn map for the 2024 elections, then your appeal that you have pending now would certainly not be moot. And in addition, you would also have a right of appeal as to that second injunction. And I will just state it is our position, I believe this is very strongly supported in precedent that the Federal District Court cannot just pick the special master's map. Your map, once you adopt it, will be the legislation of the state that carries the presumption of validity, and it has to be affirmatively enjoined before the Court can adopt another map, a special master's or a litigant's map or any other map as a remedy. So we are describing here a scenario only if your new map makes it through this next round of litigation and the remedial phase. Does that answer your question, Commissioner?

>> COMMISSIONER EID: Kind of. So do we have to pass that type of resolution in anticipation? Because we don't know yet what is Court is going to do. Do you see what I'm saying. Can we wait until the Court decides which map they're going to use and then go about passing that type of resolution?

>> Richard Raile: I think you would be safest to do it in anticipation. I'm not saying you can't do it down the road. I have never seen it done weeks down the road and would raise some uncertainties, not saying it's not defensible but usually that happens kind of up front and I think Mr. Fink put it in the right way. A lot of it just comes down to whether the Commission actually prefers its new map to Hickory or whether notwithstanding you prefer Hickory and want to go back to that. That is obviously the Commission's choice, not our choice.

>> CHAIR ORTON: Any other questions? I don't see any other hands. Do you have anything else?

>> Richard Raile: We do not.

>> CHAIR ORTON: Okay thank you very much.

>> Richard Raile: Thank you and we look forward to defending whatever it is that you pass.

>> CHAIR ORTON: Thank you. Okay so next on the agenda is new business 6B, VRA counsel on maps. Without objection I will ask Mr. Braden to facilitate this item. Hearing no objection please proceed Mr. Braden.

>> Good morning.

I'll do something strange. I will at least initially be very direct and short. I believe all ten plans that were circulated for public comment comply with the Voting Rights Act. So I

do not believe any of them, if you are concerned about making changes that you think might be necessary to comply with the Voting Rights Act I believe all the plans that you circulated, in fact, comply with the Voting Rights Act. They provide an equal opportunity to the Black community and this region to elect their candidates of choice. Each of them provides at least proportionality if not more than proportionality of the number of districts in which the Black community has turned out to vote in the democratic primary, which of course is what the Court has asked us to focus on. VRA compliance is analysis of the whole process. Clearly the candidates of choice win overwhelmingly in a general election. The question the Court felt that we had not sufficiently addressed was the question of the primaries. Those had not been originally addressed because of the difficulty in accessing primary data that would support sort of a traditional statistical analysis. We have taken a different way of looking at it and look at the actual turnout of the Black elaborate in the democratic primaries.

So all the plans provide for more than proportionality of democratic primaries in which the Black turnout actually is a majority. Based on that, it seemed to me that abundantly it's clear that is an equal opportunity to elect their candidates of choice if they have the Black community is majority of the electorate showing up to vote. That of course does not mean and none of the analysis no matter what anyone says to you means particular candidates are going to win or lose. That is what you have elections for. So I won't predict how many will be won by its choices of which communities or even if you can identify which choices of which communities. Because they tend to, and I have traditionally looking at your data there have been a variety of individuals who have significant support in minority communities. But are not necessarily majority supporting the minority community. Sometimes there is not. So based upon that we can wade into the details if you desire. But I'm confident and I believe all the plans are in compliance.

>> CHAIR ORTON: I see a hand by Sarah Reinhardt.

>> MS. SARAH REINHARDT: Hi, just wanted to note for the record that Commissioner Lange joined at 8:42 a.m. Commissioner Lange, can you share where you are joining remotely from?

>> COMMISSIONER LANGE: Attending from Osceola County, Michigan.

>> MS. SARAH REINHARDT: Thank you.

>> CHAIR ORTON: Thank you. So are there any questions for Mr. Braden? I have a question. So I don't know how important the question is but the ten plans we put out.

>> Yes.

>> CHAIR ORTON: I think five of those or approximately were plans before we made any changes for VRA and so they had much lower numbers.

>> Yes.

>> CHAIR ORTON: But you think any.

>> Yeah, I believe the five plans that we made the changes, here let me look at it a different way and we've created some charts, I don't know if they are available, or not,

right now. But basically we have plans that create 11, 12 and 13 districts. Where the percentage of the primary vote is majority Black. So in the area we are looking at, so that approximately 25% of the Black voting age population 25% of the population is Black. So based upon that, you're looking at more than proportionality representation in the democratic primary process. So you're looking at when you have 11 districts you are basically that's 28% of the districts having a Black majority in the primary. If you have 12 districts, 34%. And if you are I mean 30%. And if you are 13, 33%. So it's clear that all of those provide an equal opportunity to the Black community to elect their candidates of choice. Because they have more than the number of districts of which they would be the sort of proportional representation numbers. So if you look at it, it's not, again, I'm not going through the long presentation I did a week ago. I'm happy to go back through it. But assuming I do, and the districts are reasonably configured, all the districts that show 11, 12 or 13 are compliance with the Voting Rights Act. And I don't think I personally don't believe there is a valid argument that if you're talking about a plan that provides proportionality, roughly proportionality or greater than proportionality that that can be a violation of the Voting Rights Act.

>> CHAIR ORTON: Okay thank you. I see Sarah Reinhardt's hand again.

>> MS. SARAH REINHARDT: Hi apologies I just wanted to note for the record Commissioner Wagner also joined at 8:30 a.m., Commissioner Wagner can you share where you are remotely from?

>> COMMISSIONER WAGNER: Remotely attending from Eaton Township Michigan.

>> MS. SARAH REINHARDT: Thank you.

>> CHAIR ORTON: Thank you. Are there any other questions for Mr. Braden?

>> I will make one observation. If you make additional tweaks, to use my favorite word here but I think that is basically reflected in some of the conversations that you heard from litigation counsel, modest changes, if you make additional modest changes in the plans they are unlikely to change these numbers but it probably would be worthwhile to have Dr. Palmer run them again. But assuming as when we went from the race blind drawn plans to very minor modifications of those, if you are talking about sort of the same level of changes, they are very unlikely to change these numbers. Again, 11 and 12 are roughly proportional, actually 13 I think gets to a size of a difference that is slightly more than proportional. So I don't think they are voting rights claims available against those plans.

>> CHAIR ORTON: Thank you, Mr. Fink?

>> David Fink: Yes, I just wanted to say based on what litigation counsel has indicated that Mr. Braden graciously said you might want to review VRA compliance. To be clear whatever plans you expect to be voting on tomorrow should be reviewed for VRA compliance, if at all possible. And I know Mr. Braden has gone through some trouble to create a situation that is possible for us to do that. No matter how small the

tweaks are I would strongly recommend that we still do that VRA check before your final vote.

>> I think that is an excellent observation. It won't or should not take that long to do. But I'm assuming we are really talking about a precinct here or a precinct here, precinct here means a precinct there. We are all experienced enough in redistricting to know that. But obviously the smaller the changes the less likely it is to make any impact upon these analysis.

>> CHAIR ORTON: Thank you. Anything else for Mr. Braden? I don't see anything. Thank you very much.

>> My pleasure, the less we talk the fewer questions you get, and I don't know whether that is good or bad but I'm hoping it's good, thank you.

>> CHAIR ORTON: You will still be around if we have questions as we go, is that true?

>> I have a comfortable Chair, well semi comfortable Chair here so I'm not going anywhere.

>> CHAIR ORTON: Thank you.

>> I might walk out of the room and get a cup of coffee but other than that I'm not going anywhere.

>> CHAIR ORTON: We will allow that. Okay, so next on our agenda is new business 6C, mapping deliberations. Without objection I will facilitate this item. Hearing no objection, I'm not sure how we want to proceed in this. But if anyone has any tweaks that they would like to try or talk about, I know I saw John Morgan here and Mr. Brace. So I think now would be the time to try those changes or talk about those changes. Does anyone have anything? Anthony?

>> COMMISSIONER EID: Well, what I heard from our public hearings over the past two weeks was that most people preferred Motown Sound. But with some minor changes. A lot of people spoke out about the Melvindale area so we can take this time to see if we can modify that area.

>> CHAIR ORTON: Okay, Commissioner Szetela?

>> COMMISSIONER SZETELA: I was going to say on Melvindale we did have some people say they wanted it put with Dearborn but we had people from Melvindale saying they did not want to be put with Dearborn but Lincoln Park and Allen Park which having ground up in that area obviously makes more sense to me but I think maybe we should have a discussion about whether we want to make that change before we start making that.

>> CHAIR ORTON: So if this helps over the weekend I worked a little bit to try to see how that would work and I came up with like three different options, maybe I can have Mr. Morgan just kind of show those just as a starting point and then people can see if they like or not like those anyway it will show if you move Melvindale other parts that

would have to be moved so unless there is objection, Mr. Morgan, would you share that? I think the first one I called Motown M1.

>> MR. MORGAN: Did you want to start with Motown Sound with no changes or go directly to the changes.

>> CHAIR ORTON: That is a good idea Motown Sound as it is.

>> MR. MORGAN: Just a moment, I have to locate that original map.

>> COMMISSIONER LANGE: Madam Chair.

>> CHAIR ORTON: Yes Commissioner Lange? LAN Lange while they are waiting to bring that up I just want to give my two cents since my service is very spotty today. I'm against making changes to the Melvindale. We had conflicting public comment. We had a lot of public comment that said that they didn't want to be put with Dearborn. And that is the stance that I'm taking on it. We've had this happen in other areas and when you look at the population I don't think that 17% should dictate the whole thing. So I am adamantly against it and won't go with the change. So I just want to put that out there, thank you.

>> CHAIR ORTON: Thank you.

>> MR. MORGAN: Okay, I will share my screen here. Okay and again this is just for reference so you can see how things stand in this area in the Motown Sound so, again the Commission has talked about this quite a bit, but at the moment in the Motown Sound plan you have southwest Detroit with River Rouge and Ecorse. You have Melvindale with Allen Park, Lincoln Park and a portion of Southgate. You have Dearborn with a portion of Detroit. And then you have the rest of Dearborn with Dearborn Heights over here. So that's the configuration as it stands now. And then I will change so Commissioner Orton, these are three different options that you looked at here. So the first one I believe is going to be a straight two District swap of putting Melvindale in three and making adjustments of taking a portion of Dearborn out. So that's the concept that we would be looking at here.

>> CHAIR ORTON:

>> MR. MORGAN: Okay so this is let's see so we are looking at District 2 and 3 only. And they're both within population here. We can look at other metrics as you like but the simple situation is Melvindale in and then this portion of Dearborn out. And those are balanced in terms of the population. So it affects only those two districts.

>> CHAIR ORTON: So I think there are positive and negative things about this change. But does anyone have any comments or questions? Commissioner Szetela?

>> COMMISSIONER SZETELA: Yeah, I think it's inconsistent with most of the public comment we got from Dearborn. Dearborn wanted to be in two districts, not three and this is breaking Dearborn into three districts which actually is diminishing the voting power of the Arab Americans in the District because Dearborn is 60% Arabic, so you are essentially diluting their voice by doing this. So I do not think this is a good choice.

>> CHAIR ORTON: Okay I agree.

>> COMMISSIONER SZETELA: Good try.

>> CHAIR ORTON: I was just trying to find out what solutions there could be so this is the first one so can you pull up number two? Please, John?

>> MR. MORGAN: Okay and so in this next version so let me use this while we have it on the screen to explain the moves. As we are all generally aware when you make changes to one District it affects other districts so what Commissioner Szetela said I understand in this case, this one for one swap is an additional split of Dearborn. So in this next version we are looking at making adjustments that don't quite do that. So not taking an additional portion of Dearborn. So it will be and affect more districts, it will be 1, 2, 3 and 4 that are affected in this next version. Then the counter balancing consideration is trying to keep Ecorse which in the Hickory plan was not with District 1 but in this case it would be in District 1. So in this scenario did Commissioner Szetela have another comment?

>> COMMISSIONER SZETELA: No I saw my hand was raised and I was trying to lower it.

>> MR. MORGAN: So in this case the population circle is a little different. Where Melvindale goes in, the first move but none of Dearborn comes out. This is the municipal boundary up here and a split of 15 and 3. This is generally accomplished by taking away this portion of Detroit from District 3 and putting it into District 4. So, again, we understand so 3 would be overpopulated so it sheds from 3 to 4. Then 4 sheds the one and then this portion here is Detroit, so rather than taking Ecorse it takes a portion of Detroit. And that accomplishes the idea of not having an additional split in Dearborn. It does introduce a split here in Detroit. And then I will point out one thing that has been discussed before regarding District 4. So in this configuration where this portion was added to District 4 it does have the effect of lowering the Black population a little bit. I would have to get the numbers precisely, but it definitely does move in that direction. So again it keeps Ecorse River Rouge with one, it does change the makeup of one and we want to potentially look at that and this is the configuration.

>> CHAIR ORTON: Commissioner Szetela you have another comment?

>> COMMISSIONER SZETELA: I have a couple concerns with this. One you're splitting up the Latin American community of interest in one that we were trying to keep together. Two, you're then taking I mean the entire reason for this redraw is to protect Black voters in Detroit and so you're taking this little sliver of Detroit and putting it into a predominately Whitehorne district where those voters will no longer have say in elections and not be able to pick candidates of choice so I think you are reduplicating the problem we are trying to fix. And, again, that is to prioritize a different community of interest which is lower on the ranking than the Voting Rights Act.

>> CHAIR ORTON: Right, we are just trying to come up with possible options because there is always competing interests. Commissioner Eid?

>> COMMISSIONER EID: Yeah, I disagree with what was just said. I like this quite a bit. I think it does a lot of very positive things. The number one thing that I think we heard in the past two weeks was to add Melvindale to District 3. Like just go by the numbers, at least the meetings I was at, which was all of them, the number one thing we heard, you know, keep that community of interest which includes Dearborn, Dearborn Heights, Melvindale. Certainly there are people that wanted it the other way. But the numbers just from what I heard outweigh in one direction. But I like this configuration for a couple reasons. I like that it does not take Ecorse out of District 1. It keeps Ecorse there. Instead of taking Ecorse out which is another configuration, it's probably that third configuration, I don't know for sure, but that's the two configurations that I came up with. Either one like this kind of straddling Melvindale or the other one putting Ecorse back in with District 2 which is how it originally was on the Hickory map and the Court didn't say we had to change District 2. What you are taking out here is Oakland heights, a little bit of Carbon Works of which is an industrial neighborhood with almost no folks actually in it. And adding it into District 2 and exchanging it for the Detroit neighborhoods of bar done, McFarland and a little bit I think a little bit of Aviation sub. So to me that works. I think, you know, I did not even think about how it might also help in unpacking District 4, which is another benefit. So I like this configuration. I think it does a lot of good.

>> CHAIR ORTON: Commissioner Szetela?

>> COMMISSIONER SZETELA: Sorry, I was unmuting. Yeah. Again, I just think that I don't think the predominant comment is Melvindale wants to go to Dearborn. And heard from the Arab community they want that configuration, but other people specifically said we don't want to be put with Dearborn because then Melvindale has no voice. Melvindale has I believe about 12000 people in it. Dearborn is going to dominate this District and people in Melvindale will have no voice which is why they wanted to be combined with Lincoln Park and Allen Park. This gets in the concept of sacred-cows prioritizing one community of interest over oath community of interest which is the Latino community and the wishes of the people in Melvindale about where they believe they should be appropriately placed based on the characteristics of their community over the voting rights interests of Black voters which is the purpose of redrawing this map. We are not redrawing this map to benefit the Arab voters in Dearborn. We are supposed to be fixing it for Black voters in Detroit. And, again, it's taking the Black voters and diluting them into Allen Park and Lincoln Park, and I do not think it's appropriate.

>> COMMISSIONER LANGE: Madam Chair.

>> CHAIR ORTON: Go ahead Commissioner Lange?

>> COMMISSIONER LANGE: Let Commissioner Kellom go first and just put me on the list to speak.

>> CHAIR ORTON: Commissioner Kellom?

>> COMMISSIONER KELLOM: Commissioner Eid went over this briefly, but I was curious to see a neighborhood overlay just to better understand exactly or more accurately understand what I'm looking at.

>> CHAIR ORTON: Good idea.

>> MR. MORGAN: Okay, I will set that up.

>> CHAIR ORTON: While he is doing that do you want to go, Commissioner Lange?

>> COMMISSIONER LANGE: Sure, thank you. I just wanted to kind of go off from what Commissioner Szetela was saying and what Commissioner Eid said. While there were a lot of public comments about the Melvindale when you look at the names there were a lot of repeat people pushing the same thing. Our first round when we first did maps I got pages of public comment that said Melvindale did not want to go with, they wanted to be with Ecorse, et cetera. I've got pages of that public comment plus we had in person public comment around that stated the same thing they did not want to go with, and they shared schools with other areas, and I think in the past we said on certain areas take the lakeshore District. We said that it was put in a Congressional and a Senate District together, their community of interest. So they are looking at not necessarily doing it in a House District. This community of interest has been kept together, I believe in a Congressional. I believe in Senate. And it has two very strong House Districts. So I really don't think that it's fair to look at one particular community and not give consideration for others that have talked about their community of interest. That's it.

>> CHAIR ORTON: Thank you. Okay there is the overlay. Commissioner Kellom?

>> COMMISSIONER KELLOM: Can we go to District 4? I can on my screen I can only see part of okay just a moment here.

>> MR. MORGAN: So you wanted District 4, the communities in District 3 were put into District 4. So Warren avenue, garden Dale, Fisk horn. It's funny the letters are.

>> COMMISSIONER KELLOM: Yeah.

>> MR. MORGAN: Okay it's a new neighborhood.

>> COMMISSIONER KELLOM: It wasn't just you.

>> CHAIR ORTON: I have a question, just about the map which I didn't notice before. Over on the left of District 4, is it -- is that just a color difference?

>> MR. MORGAN: Yeah, this is the park and green and purple.

>> CHAIR ORTON: Got it. It just looked strange. Commissioner Szetela, your hand is up, and I don't know if it's still up.

>> COMMISSIONER SZETELA: Oh, sorry, I can't see well on my phone when it's still up, is it down now.

>> CHAIR ORTON: Yes.

>> COMMISSIONER SZETELA: Okay thank you.

>> CHAIR ORTON: Anything else about this?

>> COMMISSIONER KELLOM: This is my last comment after looking at which is a mixture of things we said. I do remember the previous comments when we first started to draw and have public hearings or primarily have public hearings about this Dearborn and Melvindale discussion. I noticed that when the public started to be fond of a map namely Motown Sound then we had a slow boil and a slew of comments talking about this Melvindale switch. And I've been on the fence for no other reason, I don't think that the Yemeni community is no less important. I understand that drawing a map brings up all sorts of communities, but I think primarily we are drawing for the City of Detroit more than that. This brings up the general argument as we are going through this process today and tomorrow of what type of sacrifices we make. And I hate that word because sacrifice to me sounds like someone is going to be harmed honestly. And just like there are strong feelings about this switch I have strong feelings about the Redford, Brightmoor, 16, 17, those districts that did not come up, right? But I know as a Black person, as a Detroiters they have no business being with Livonia. We've heard from our attorneys. It was something that I was also going to raise earlier. So I just bring up District 16 and 17 because here we are considering a switch that I agree got a lot of voice and got a lot of public feedback. I think our hard job as a Commission is how do we champion voices that might have all sorts of reasons why we did not hear a lot of, which are Black citizens and Black community and make that decision based upon, you know, districts and demographics and all that stuff. Because to be honest we are here considering Melvindale because in the past week that's all we've heard about so it's almost it's in our consciousness, it's now relevant. So just kind of putting that out there loosely.

>> CHAIR ORTON: I totally agree with those comments. I just thought since we heard so much, you know, just give it a little try. I would love it, I'm sure all of us would love it if we could accommodate everybody and every group but obviously there is competing interests. So any way there is one more option which is not a good option, but it was the only other way I could figure.

>> COMMISSIONER KELLOM: Commissioner Orton I would say I appreciate this. Because you did make the effort. And I think it's a good effort. I don't think it was a bad idea because it makes sense. I was interested to see how this happened. I think it's hard when you might not have everyone like helping you to do something. So I don't want you to feel the pressure of oh, it just didn't work out.

>> CHAIR ORTON: Never know until you try.

>> COMMISSIONER KELLOM: Yeah, and I think that is important.

>> MR. MORGAN: All right just take a moment to reload that so in this version again with the competing pressure of keeping River Rouge and Ecorse together in this plan they stay together but in District 2. So in this plan we have a similar change up here in District 4 and 3 so 3 drops a portion of what it had or all of what it had in Detroit into 4 and 4 adjusts with 1, I believe. Yeah, that is right. And then 1 drops River Rouge and

Ecorse to District 2 and you say well that population doesn't balance. Well, it doesn't. And so a little bit of Allen Park here. The portion between Dearborn and Melvindale goes into 3. So now 3 has the same basic configuration between 3 and 15. It has Melvindale, and it has very small portion to equalize the population in Allen Park. And then you have River Rouge and Ecorse are kept together but not in District 1. So to Commission Eid's point, you know, if you split Ecorse and River Rouge that's how it was in the Hickory plan. And this is just another option that works on the numbers. But it's a little different than some of the other options that have been discussed.

>> CHAIR ORTON: So I think like I was trying to keep River Rouge and Ecorse together and I don't think District 2 is bad but I do think that it is now splitting up the Hispanic community because I think we needed Ecorse and River Rouge in with 1 to keep that together so I think that is the negative of this but.

>> MR. MORGAN: We can always reference the numbers if you need to.

>> CHAIR ORTON: Okay, Commissioner Wagner?

>> COMMISSIONER WAGNER: Just a quick question for Mr. Anthony Scannell on any one of these did you endeavor to put Taylor back together?

>> MR. MORGAN: I was not asked to do that in this plan.

>> COMMISSIONER WAGNER: Thank you.

>> CHAIR ORTON: I actually did look at that, but I don't think anyone would be happy with what happened. So I was not going to present any of that. Commissioner Szetela?

>> CHAIR ORTON: You're on mute.

>> COMMISSIONER SZETELA: Sorry and I still have concerns of breaking up the Latino community of interest we have been asked to keep together. And then splitting Melvindale off from Lincoln Park and then we are actually splitting all lend park in half which considering that is a small community I don't think that is a great choice either. Again I think the end result of this is you are actually diluting the Arab American voters in Dearborn because you are pulling in Melvindale which is only 17% Arab American and then you are pulling in all learn park which has very low Arab population so you are actually you know, doing the contrary of what you are trying to do which is trying to creep a strong Arab community of interest and actually splitting them up in a way that I actually think will be harmful so I think the original configuration is the best. It keeps Dearborn in two districts between Dearborn and Dearborn Heights and parts of Detroit with high Arab along Warren Dale and I just think I appreciate the efforts to try to do something different, but I just think it doesn't work unfortunately.

>> CHAIR ORTON: Commissioner Eid?

>> COMMISSIONER EID: Yeah. I kind of agree with what was just said. I think unlike that last configuration that we had shown a second ago this one by having Ecorse and River Rouge be with 2 would probably do more harm than good.

>> CHAIR ORTON: I agree. I didn't like it either. I just thought it was worse showing some different options. Does anyone else have any other options they would like to show or explore? Any other ideas? Commissioner Eid?

>> COMMISSIONER EID: Well, the other idea is just taking off Ecorse, but, you know, I kind of like the second version that you showed better than that. Because it keeps River Rouge and Ecorse together. Which, you know, might be more beneficial for the Down River community compared to just taking out the Carbon Works Oak land heights area you had in the second configuration. We could show that if there is will to show it. But I do think that second configuration that you had is better.

>> CHAIR ORTON: Go ahead and show your idea or do you have an idea?

>> COMMISSIONER EID: Just pull up the second one.

>> CHAIR ORTON: Okay.

>> MR. MORGAN: Do you want to make changes to this potentially or just look at it?

>> COMMISSIONER EID: Make a copy of the second one.

>> MR. MORGAN: Got it.

>> COMMISSIONER EID: Zoom in to districts 1 and 2 in the Down River Area once it loads. And.

>> MR. MORGAN: You want the neighborhoods on for this?

>> COMMISSIONER EID: No, sure, I don't think it's going to make a difference because we are a little bit outside of Detroit. Got a lot of layers loaded in there, John.

>> MR. MORGAN: Some are even from other states.

>> CHAIR ORTON: That won't happen.

>> COMMISSIONER EID: So put Ecorse into 2.

>> CHAIR ORTON: Commissioner Curry you have a comment?

>> COMMISSIONER CURRY: I don't think we should separate River Rouge or Ecorse. Keep them together. With the first configuration.

>> COMMISSIONER EID: Yeah, I don't either, Commissioner Curry. That is how I like how this does keep them together. I'm just trying to show an example.

>> MR. MORGAN: Okay.

>> COMMISSIONER EID: Then those areas to the left of District 1 that are currently in 2, put them in 1.

>> MR. MORGAN: Okay now you have done this before I think so will this balance on population or will it require?

>> COMMISSIONER EID: Looks like there is 92000 and 10,700 so it should.

>> MR. MORGAN: Okay District 1 is over and have to make an adjustment of 4. Do you want to do that? we can save that.

>> COMMISSIONER EID: Just undo that last precinct.

>> MR. MORGAN: Okay so keep that one precinct in District 2.

>> COMMISSIONER EID: Yes.

>> MR. MORGAN: Okay, it is potentially possible to move between 1 and 4 as well.

>> COMMISSIONER EID: Right.

>> MR. MORGAN: Okay, all right. Aye Eid so that is the basic idea of that example. It kind of, you know, in the original Hickory map Ecorse is with District 2 split from River Rouge so that is how it was originally. But I do like the other configuration better. That kept them together and instead straddled up the east end of Melvindale to take up Oak wood heights and a little bit of Carbon Works as a little bit of spring well mainly because it does not seem like a lot of folks live there.

>> CHAIR ORTON: Okay, any comments on this besides what already has been said? Commissioner Szetela?

>> COMMISSIONER SZETELA: Yeah, I would just point out that my concern is with taking Ecorse out in addition to splitting up the Latino community I'm worried you are accidentally unintentionally recreating the District 1 that was also struck down because you're basically redrawing that same configuration so I would have that concern as well.

>> CHAIR ORTON:

>> COMMISSIONER EID: Well if people like the second configuration best that Commissioner Orton put up how about we decide on that? We can decide if we want to take the change or just not take that change.

>> COMMISSIONER CURRY: I don't think we should make a change.

>> COMMISSIONER SZETELA: I don't think so, I don't "Like" the changes and keep the original configuration in the Motown Sound.

>> CHAIR ORTON: Does anybody else have an opinion? Commissioner Andrade?

>> ELAINE ANDRADE: Yeah, I just wanted to reiterate that this was a great excise in -- exercise in trying to get Melvindale in. But we have done it and I think the original Motown Sound was presented is a better option.

>> CHAIR ORTON: Okay anyone else? Commissioner Eid?

>> COMMISSIONER EID: Yeah, so I don't really understand why the Motown Sound is a better option than this change to me and I will make the plea if we don't vote on it, we don't vote on it, it's okay.

But I think it's beneficial. It reunites the community of interest we heard from the community without messing up that much stuff. I think it keeps intact the Latino community and the Down River community of interest by keeping Ecorse and River Rouge with District 1 and helps the VRA considerations by helping slightly to unpack District 4 by including those two Detroit neighborhoods in with District 1. And, you know, they neighbored the Midwest neighborhood. So I think it makes a lot of sense. But that's just my opinion.

>> CHAIR ORTON: And are you talking about this version or the one that keeps River Rouge?

>> COMMISSIONER EID: Let's pull it up, the second version that you created.

>> MR. MORGAN: Okay, I will pull that up and then, again, the on these plans I've run the partisan fairness stuff, but as we heard the attorneys talk about if you were going to make a change you might want to send this forward to the VRA analysis.

>> CHAIR ORTON: Commissioner Szetela, I don't know if your hand is still up or again.

>> COMMISSIONER SZETELA: No, I had another comment but I'm waiting, I was confused about what map he was referring to because he was referencing things that were not on the map that was this front of us. But I'm going to wait and see until John opens this map up.

>> MR. MORGAN: Yeah, the M2 version.

>> CHAIR ORTON: After it gets open I would also like to see matrix as far as what it does to the Hispanic community.

>> MR. MORGAN: Okay, okay so this is what Commissioner Eid was referencing. This is the M2 version.

>> COMMISSIONER EID: Yeah, and it keeps Ecorse and River Rouge with the Down River District. Puts Melvindale back with District 3 and to do that you know all this is 12000 people between districts 1, 2 and 4 so it does not change any other Districts that we have not changed so far. It adds a couple neighborhoods from Detroit into District 1 which I think helps VRA concerns by unpacking a little bit of District 4 as I think it was Mr. Morgan who pointed that out. But, you know, I think this is the best one. That is just my opinion.

>> CHAIR ORTON: Commissioner Szetela?

>> COMMISSIONER SZETELA: Yeah, I think it's the same issue I mentioned last time. You are still splitting the Latino community because of the neighborhoods you pulled out of Detroit were part of Latino community of interest and taking the neighborhoods from Detroit and you are diluting them putting them this Allen and Lincoln Park so Black voters who were supposed to be redesigning maps for are now being pulled into a District where they will have no ability to elect their community or their voters or candidates of choice, excuse me. And then, you know, again this same issue with Melvindale, Melvindale asked to be kept with Allen and Lincoln Park and are splitting them off as well and having the Inn tended effect of diluting the Arab American community of interest that is currently in 3 because you're adding in a District that is 83% not Arabic into Dearborn. So I think unintentionally if the point is to keep the community of interest together, that's actually going to dilute that community of interest.

>> COMMISSIONER LANGE: Madam Chair?

>> CHAIR ORTON: Go ahead Commissioner Lange?

>> COMMISSIONER LANGE: I would like to make a motion we proceed with the argue configuration for Melvindale on the original Motown Sound map.

>> COMMISSIONER SZETELA: Second.

>> CHAIR ORTON: Okay we have a motion and a second. So discussion.

>> COMMISSIONER LANGE: Roll call.

>> CHAIR ORTON: I have a question about that. Are you saying what do you mean proceed with it?

>> COMMISSIONER LANGE: I'm saying as far as the configuration goes for the Melvindale, that we attempted to make some changes. I am motioning that we go with what the original Melvindale area was. So that's not saying that changes can't be made in other areas but I'm saying as it was configured on the original Motown Sound. Does that make sense? In other words, you've tried to make changes, I don't feel that the changes work for communities of interest in other areas. I would like to proceed looking at other areas and keep Melvindale as it originally was drawn.

>> CHAIR ORTON: Okay so basically you would like to end discussion on this area?

>> COMMISSIONER LANGE: It would be like an end discussion, yeah, I guess basically that would be it.

>> CHAIR ORTON: Okay, Commissioner Eid?

>> COMMISSIONER EID: Two things. The first is you know I think it's clear that Melvindale is included in the community of interest. The community came out and said unequivocally Dearborn, Dearborn Heights, Melvindale plus Detroit is what every single commenter said so it's in the community of interest. Now they are debating community of interest, interests here and that I agree with. But Melvindale is that part of the community of interest we are talking about now. Second, I do think we should vote on this but I think the motion is not consistent with the rules we passed for this last week. The rules say that you know we try to make changes then we vote on the change. So we should vote on it, but I think the way that the motion is worded, it shouldn't be to stick with the Motown Sound map. It should be do we want to adopt this change or not, at least that is what the rules say we passed last week if I understand them correctly.

>> CHAIR ORTON: I think that is the spirit of the motion. Maybe Commissioner Lange can clarify, but we have one more comment, Commissioner Szetela?

>> COMMISSIONER SZETELA: Yeah, I was just going to say I think that's exactly what the spirit of the motion is. That we have looked at making changes, the changes are not working. And the opinion of quite a few people it seems like so we want to sort of stop discussion on this point and move on to other areas that we might change knowing we have limited time.

>> CHAIR ORTON: Any other discussion on this motion? And Commissioner Lange, can you clarify or restate the motion, how you mean it to be?

>> COMMISSIONER LANGE:

>> CHAIR ORTON: Commissioner Lange? Well without Commissioner Lange I don't see her. I think maybe she dropped off, Commissioner Wagner?

>> COMMISSIONER WAGNER: I did hear she has spotty Internet. But could we look at it?

>> CHAIR ORTON: Okay go ahead.

>> COMMISSIONER WAGNER: While we are doing this can we look at the original Motown map while we are considering what Commissioner Lange has yet to say?

>> CHAIR ORTON: Yes, go ahead Commissioner Lange. Maybe you didn't hear. I was asking you to restate or clarify your motion.

>> COMMISSIONER LANGE: Okay, the motion was that we move on, I'm trying to think how you want me to word it, I think Commissioner Szetela said it very well we have looked at different configurations for the Melvindale and that we proceed with the original configuration as was drawn in the original Motown Sound. If that makes sense and maybe somebody can help me word it better because I'm not the greatest at wording, but we've looked at different configuration. I motion we keep the original configuration for that particular area.

>> COMMISSIONER SZETELA: For District 3?

>> COMMISSIONER LANGE: Correct.

>> CHAIR ORTON: Thank you, Commissioner Eid?

>> COMMISSIONER EID: If I can just make a friendly suggestion to the motion that I think is more consistent with the rules, I think we can make it very simple, the motion should be should we make these changes to the Motown Sound map, "Yes" or "No"? A no vote would be we stick with the Motown Sound map as it was drawn. A yes vote would be we adopt these changes to districts 1, 2, 3 and 4 for the Melvindale area. Does that track with what your original I think that is the spirit of your motion, Commissioner Lange?

>> COMMISSIONER LANGE: Actually the spirit of my motion is keeping the original configuration for that particular area. I think I said it okay. I think everybody understood so a yes vote would be keeping the original configuration, a no vote would be they want to consider a different configuration. I'm not naming any specific configuration that has been done other than the original Motown Sound configuration and moving forward with that one in that area.

>> CHAIR ORTON: Okay we have a few more hands. Mr. Fink?

>> David Fink: Just I'm not expressing an opinion what should be done with the plans but the form of the motion and the suggestion by Commissioner Eid. The rules that you have adopted in terms of procedure for voting include a process where majority of the members can vote to amend one or more of the draft plans. This motion is proposed while I certainly think we all understand the spirit of the motion, this is a motion not to amend. And it becomes complicated if somebody then wants to propose a different amendment at a later time. So I would hope that the record would be presented in a simpler way if the motion were reworded as an affirmative motion to make a change which can then be voted down. Or if it fails to obtain a second, it doesn't go forward at all. And it accomplishes exactly what Commissioner Lange is trying to accomplish. My again this is not judgmental about the idea or the concept, it's simply that it could create a problem later if somebody says well you know there are a few precincts here we want

to change based on a public comment. Not we are anticipating that. We have not heard that but this is a process that could come up later on something else so it would be a lot smoother I think if we kept with the original plan which was if you want to propose a change in one of the plans propose it. If it gets a second it's voted on, if it doesn't get a second we move on.

>> CHAIR ORTON: Thank you. Sarah Reinhardt?

>> MS. SARAH REINHARDT: I was going to say something similar as to what Mr. Fink said but I will also add that Commissioner Lange your motion to move forward with the -- that area's configuration as it currently is I would just note that the process that's currently been adopted it outlines that the maps as they are currently are already moved forward as options for voting on in the final vote. So I think that adds or as Madam Chair had recommended rather a motion to end this particular discussion about the configuration of Melvindale and move on would also be another option to what Mr. Fink noted.

>> CHAIR ORTON: Thank you Erin Wagner?

>> COMMISSIONER WAGNER: I was looking for the original Motown Sound map while we had this discussion.

>> MR. MORGAN: Okay, I can do that.

>> CHAIR ORTON: Okay so in light of that, Commissioner Lange, are you willing to change your motion? I think Mr. Fink is saying a motion for something is okay but a motion against something is going to complicate things down the road.

>> COMMISSIONER LANGE: Okay how was it not a motion for something? I'm sorry. I guess I'm a little confused. The motion was for the original configuration. But how about I amend the motion and say a motion to end discussion on this particular area.

>> CHAIR ORTON: I think.

>> COMMISSIONER LANGE: As far as it relates to Melvindale.

>> CHAIR ORTON: I think that will work. Thank you.

>> MS. SARAH REINHARDT: Just to clarify Commissioner Lange, the -- I know sorry it's kind of confusing, I'm confusing myself talking about it. But so the reason why the original motion, I think we all understood the spirit of it, we just wanted to get clarification for the record. And what I was saying was that your motion to move forward with the original configuration, it was kind of a moot point in a way because the original configuration has already been moved forward for consideration by the full Commission. So really the motion would be like you had amended it to either end discussion or to make changes. I think are the two options there that would better fit the spirit of what you were motioning for. Does that make sense?

>> COMMISSIONER LANGE: It does, thank you.

>> MS. SARAH REINHARDT: Sure.

>> CHAIR ORTON: Okay, I thought I saw another hand, but I don't see it now.
Commissioner Eid?

>> COMMISSIONER EID: So ending discussion, which we can do, that's fine, but that doesn't make the decision on if we are going, if the Commission is going to adopt that change, or not. That's what as Mr. Fink said, that is what we need to decide on. Take a vote on it "Yes" or "No." We only heard from four Commissioners on this discussion and there is 13 of us so I think the motion should be as Mr. Fink said an affirmative motion to adopt these changes to the Melvindale area that we were just speaking about and in that second version that Commissioner Orton put forth, or not. And that's consistent with the rules. It's an affirmative motion. That does everything. That's what the motion should be. And if you don't want it, that is cool, just vote no.

>> CHAIR ORTON: Commissioner Szetela?

>> COMMISSIONER SZETELA: Yeah, I feel like the same can be said about Rhonda's motion. I'm going to call the question at this point. We have a motion that's been seconded to end discussion about making these changes to the Melvindale area. I think it's an appropriate motion and I think we just need to vote at this point.

>> CHAIR ORTON: Okay so the question has been called so we need to vote on that. Is that correct, Sarah Reinhardt?

>> MS. SARAH REINHARDT: That's correct.

>> CHAIR ORTON: Okay, will you please do a roll call?

>> MS. SARAH REINHARDT: Sure, Commissioners please state your vote on the motion to end discussion on the motion to end discussion. Please state your support with a yes or a no. I will call on Commissioners in alphabetical order starting with Juanita Curry?

>> COMMISSIONER CURRY: Leave everything the way it was at first, so I guess that is a yes.

>> MS. SARAH REINHARDT: Thank you. Anthony Eid?

>> COMMISSIONER EID: Yes.

>> MS. SARAH REINHARDT: Commissioner Kellom?

>> COMMISSIONER KELLOM: This is to end discussion?

>> MS. SARAH REINHARDT: Correct.

>> COMMISSIONER KELLOM: Yes.

>> MS. SARAH REINHARDT: Rhonda Lange?

>> COMMISSIONER LANGE: Yes.

>> MS. SARAH REINHARDT: Steve Lett?

>> COMMISSIONER LETT: No.

>> MS. SARAH REINHARDT: Marcus Muldoon?

>> MARCUS MULDOON: Yes.

>> MS. SARAH REINHARDT: Cynthia Orton?

>> CHAIR ORTON: Point of clarification this is calling the question then we will vote on ending discussion; is that correct?

>> MS. SARAH REINHARDT: That's correct. Another phrasing of calling the question in Robert's Rules is actually called ending discussion. So it's ending discussion on the motion which is before the Commission to end the discussion.

>> CHAIR ORTON: Okay, yes.

>> MS. SARAH REINHARDT: Okay, Rebecca Szetela?

>> COMMISSIONER SZETELA: Yes.

>> MS. SARAH REINHARDT: Janice Vallette?

>> COMMISSIONER VALLETTE: Yes.

>> MS. SARAH REINHARDT: Erin Wagner?

>> COMMISSIONER WAGNER: Yes.

>> MS. SARAH REINHARDT: Richard Weiss?

>> COMMISSIONER WEISS: Yes.

>> MS. SARAH REINHARDT: Elaine Andrade?

>> ELAINE ANDRADE: Yes.

>> MS. SARAH REINHARDT: With 11 yes and one no vote, the motion carries, and discussion is now ended and the main motion, which is Commissioner Lange's motion to close discussion on the Melvindale area configuration is before the Commission now.

>> CHAIR ORTON: Thank you and we've already had that discussion, so we don't need to discuss it again, right? We ended discussion.

>> MS. SARAH REINHARDT: Correct.

>> CHAIR ORTON: Roll call vote please.

>> MS. SARAH REINHARDT: Absolutely Commissioners please state your support of the motion with a yes or a no. Again the motion before you is to end discussion on configuration of or modifications to the Melvindale area that you have been discussing. I will call on Commissioners in alphabetical order starting with Anthony Eid?

>> COMMISSIONER EID: No.

>> MS. SARAH REINHARDT: Brittini Kellom?

>> COMMISSIONER KELLOM:

>> MS. SARAH REINHARDT: Commissioner Kellom I'm sorry if you stated it we did not hear you.

>> COMMISSIONER KELLOM: I didn't.

>> MS. SARAH REINHARDT: Sorry.

>> COMMISSIONER KELLOM: There is no way for you to come back to me.

>> MS. SARAH REINHARDT: I can return to you if you would like.

>> COMMISSIONER KELLOM: Please.

>> MS. SARAH REINHARDT: Rhonda Lange?

>> COMMISSIONER LANGE: Yes.

>> MS. SARAH REINHARDT: Steve Lett?

- >> COMMISSIONER LETT: Yes.
- >> MS. SARAH REINHARDT: Marcus Muldoon?
- >> MARCUS MULDOON: Yes.
- >> MS. SARAH REINHARDT: Cynthia Orton?
- >> CHAIR ORTON: No.
- >> MS. SARAH REINHARDT: Rebecca Szetela?
- >> COMMISSIONER SZETELA: Yes.
- >> MS. SARAH REINHARDT: Janice Vallette?
- >> COMMISSIONER VALLETTE: No.
- >> MS. SARAH REINHARDT: Erin Wagner?
- >> COMMISSIONER WAGNER: Yes.
- >> MS. SARAH REINHARDT: Richard Weiss?
- >> COMMISSIONER WEISS: Yes.
- >> MS. SARAH REINHARDT: Elaine Andrade in.
- >> ELAINE ANDRADE: Yes.
- >> MS. SARAH REINHARDT: Juanita Curry?
- >> COMMISSIONER CURRY: The question one more time.
- >> MS. SARAH REINHARDT: To end the discussion about the reconfiguration of the Melvindale area. And to move on.
- >> COMMISSIONER CURRY: Yes.
- >> MS. SARAH REINHARDT: Okay, and Brittini Kellom?
- >> COMMISSIONER KELLOM: No.
- >> MS. SARAH REINHARDT: Okay, with eight yes votes and four no votes the motion carries.
- >> CHAIR ORTON: Okay, thank you. So we will move on from this area. Is there any other tweaks that anyone is interested in talking about? Commissioner Kellom?
- >> COMMISSIONER KELLOM: I wanted to, well, I have two things that I'm kind of, that are in my thoughts. One, the river walk map is a map where I just cleaned up basic boundaries. So I wanted to use that. It did something to western Wayne. I have no intention on suggesting that change. Or Motown Sound but I did want to use an overlay to help address some of the areas, the neighborhoods to be specific, that were better tweaked in that map. Because I don't think they were reflected in this map. We started off with Motown Sound. I made the western Wayne change then it got named river walk and within the western Wayne change came the boundary cleanups. And Commissioner Orton or maybe Commissioner Eid we were doing stuff in 8, 5 and 4 just on boundaries then we went over to the north end area to the gardens I think that is what happened. But if the details of that are incorrect the major thing I wanted to do is to use that to create those edits.
- >> CHAIR ORTON: So you want to see Motown Sound with an overlay of river walk?
- >> COMMISSIONER KELLOM: Yes.

>> MR. MORGAN: Okay, so Commissioner Kellom, are you potentially going to make changes to this? Or you just want to look at them?

>> COMMISSIONER KELLOM: If the Commission agrees, I would like to make changes that cleanup the boundaries and the neighborhoods.

>> CHAIR ORTON: While he is doing that I have a suggestion. If we come across any changes that the people agree to consider and then we save that map, I think any changes that we make then we should just agree to send those off for full evaluation, VRA and then it can just be a consideration instead of moving or instead of making that the new Motown, you know. We would still have the original Motown to vote on and then we have the Motown with changes that would be analyzed, and we can vote on that as well. Does that make sense?

>> COMMISSIONER KELLOM: I don't want to be the only one answering, Commissioner Orton. It sounds like you are suggesting to make a copy of the original Motown even in this moment so that you preserve the original map that the public saw and that we worked on, if I understand you correctly.

>> CHAIR ORTON: Right. But I don't think there is any harm in putting whatever changes we want to make forward to the VRA analysis before we do our full consideration. Commissioner Szetela?

>> COMMISSIONER SZETELA: Yeah, I was going to ask for clarity about basically what you're saying are we creating an alternative map or is she working off the original?

>> CHAIR ORTON: Alternative map I believe.

>> COMMISSIONER SZETELA: Okay.

>> CHAIR ORTON: Then we can always adopt that after it goes through evaluation, is that what you're thinking Commissioner Kellom?

>> COMMISSIONER KELLOM: I wasn't, but that is fine. When I say I wasn't, I was going to work off the original map because it's not major changes but I'm fine other way.

>> COMMISSIONER SZETELA: Can anyone see a map right now because I'm no longer seeing a map.

>> MR. MORGAN: No, I'm preparing to import the river walk. So I took it offline for a moment.

>> CHAIR ORTON: Okay while Mr. Morgan does that I'm going to suggest like a 7-minute break. Is that okay with everyone? Seeing no objections, let's return.

>> COMMISSIONER LETT: How about 15, 7 minutes I can't make it to my bathroom.

>> CHAIR ORTON: Okay, 15. Okay, then our time is going to be short, but we will come back at 10:30.

[Recess until 10:30]

>> CHAIR ORTON: Okay, it's 10:30 and, Mr. Morgan, are you ready with what you were asked to share?

>> MR. MORGAN: Yes. So this was what Commissioner Kellom requested the base map that's themed and colored in is the Motown Sound map. And then the dark blue overlays are the river walk districts. So this is the western side. There is changes on the north and east as well.

>> CHAIR ORTON: Commissioner Kellom?

>> COMMISSIONER KELLOM: Okay, let me -- I know we won't touch that western side because that was a major change. But now see I wanted to see this because I could not remember if I made those tweaks in the Motown Sound. I may have because I think District 12 and 10 is a whole other configuration for the lakeshore. That was not my intention either. So this is making me remember. Okay, John, can you go north or scroll up so I can see the top parts? Okay.

Never mind. I guess I did make those tweaks. Okay.

You can take the overlay off.

>> MR. MORGAN: Okay.

>> CHAIR ORTON: So is there anyone else that has somebody? Commissioner Szetela?

>> COMMISSIONER SZETELA: Wondering if we can put the neighborhood map on.

>> CHAIR ORTON: On to Motown.

>> COMMISSIONER SZETELA: This or Motown. It doesn't matter.

>> MR. MORGAN: I'm loading the neighborhoods, just one moment.

>> COMMISSIONER SZETELA: Do you have the names on as well?

>> MR. MORGAN: I can do that.

>> COMMISSIONER SZETELA: It's big I want to look on the west side of Detroit. There it is right there I see it looking at Rosedale and Grandmont. Brittini do you have any concerns about putting Grandmonts with one, so we have Rosedale and Minock Park and all the parts together?

>> COMMISSIONER KELLOM: No, I was slow walking the changes. So, yes, I think that would be a great idea because we did receive public comment last week, everything is blending together, about how we split Grandmont and Rosedale and they are very strong communities. They have a rich history and always been together, there is north Rosedale and Grandmont community center that does fabulous things for the area so, no, I would not object to those changes but that is only me.

>> CHAIR ORTON: Well, I have a question so that would affect District 16. I'm just looking to see that is a District that we already did change in Motown.

>> COMMISSIONER KELLOM: That is also true. I was going to say, and I know how the Commission feels about changes especially you know I know we are rule followers and I know I can be a bit of a rebel and we talked about the Melvindale area. But so I feel strongly, I'm not going to say this is going to change anything, about how District 16 and 17 are configured. Which is why I don't necessarily object to how to putting Rosedale and Grandmont back together. I know Commissioner Szetela did not finish

her thoughts and I don't know what her plan or suggestion for tweaking the area but I would use this opportunity to say I do think that area would experience a hardship in the way of representation and we could also I think that it could more positively impact if we made edits to those areas VRA districts so I don't know if we are willing to like make a copy and make those changes and get it sent off for analysis. Or if we are going to dig our heels in and not want to make those changes. But I'm just thinking about the public comment. I'm thinking about a gentleman that came up to me and said I'm only one individual and I can get together with my community and he was in the Rosedale area. But also connected to Brightmoor. He is like we will never have a chance to elect, and it might sound anecdotal, and he wasn't the only person walking over and talking about the maps. To be honest the way that we have is strong and you know this Black community in with Livonia it does not make demographic or geographical sense so that is my Ted talk on that.

>> CHAIR ORTON: Well, this is the copy that you made. So you know, we would be able to make changes if you want. Commissioner Szetela?

>> COMMISSIONER SZETELA: Yeah, I mean I haven't played with this at all but I would just try to take Grandmont and put it in 16 and maybe take that part of the map on Schoolcraft, Southfield right there and try to move that the other way or that little kind of triangle one where John was just kind of -- I'm not sure on the population so he would have to select Grandmont for me to see what we are going to move so just adjust the boundary to put Grandmont back with Rosedale and then.

>> CHAIR ORTON: I saw Commissioner Curry was agreeing with that.

>> COMMISSIONER CURRY: I agree with Brittini and Rebecca. I think they should be together, Grandmont and Grandmont.

>> CHAIR ORTON: Commissioner Eid?

>> COMMISSIONER EID: Yeah, if it's just a swap between 16 and 4, I don't think there is a problem with that. It's if you go and make more further downstream changes that I think we might run into problems. But you know, just switching Grandmont with...

>> COMMISSIONER SZETELA: John, can you select Grandmont so we can see the population there. That little shape right there.

>> MR. MORGAN: Okay, working on it.

>> COMMISSIONER KELLOM: I was going to say Commissioner Szetela I'm fine with we don't -- no one owns these maps. We really should be talking and drawing together. So please I like collaboration over critique so go for it. And help make the edits.

>> MR. MORGAN: Can you hear me?

>> CHAIR ORTON: We can, you didn't say anything before but...John, it looks like it's going in District 8.

>> MR. MORGAN: Thank you, right now I'm getting the population but that is helpful. Okay so that is on the left it's counting as 2475 on population.

>> COMMISSIONER SZETELA: Let's assign that into 16. This is already an alternative map I believe.

>> MR. MORGAN: Yeah.

>> COMMISSIONER SZETELA: So we are not messing something up.

>> MR. MORGAN: It could be that change might not necessitate any changes. Then that is the case.

>> COMMISSIONER SZETELA: So it does not require anything? We are still good?

>> MR. MORGAN: Right because the way when we started out 4 was under populated, sorry 16 was under populated and 4 was overpopulated so you have deviation availability to just put Grandmont in and make no other changes.

>> COMMISSIONER SZETELA: Just for the record the reason why I would do that north Rosedale Park and Minock and Grandmont as to be reunited with Grandmont two which is another part of their community of interest that was separated so that was the purpose of doing it.

>> MR. MORGAN: Okay and also I just labeled this E1, so it's saved under that name. If you take further action on this we can give it a different name or different designation.

>> CHAIR ORTON: Okay anything else Commissioner Kellom?

>> COMMISSIONER KELLOM: No, we should change 16 and 17. Okay, I'm done.

>> CHAIR ORTON: Commissioner Eid?

>> COMMISSIONER EID: Did we want to add Weatherby to District 4? We don't have to, we are well within the population deviation, but I think Weatherby is a small population. What do y'all think?

>> MR. MORGAN: It's also split at this point so.

>> COMMISSIONER EID: If you add it to District 4.

>> CHAIR ORTON: I think we are always in favor of keeping neighborhoods together if we can.

>> COMMISSIONER KELLOM: It was supposed to be Weatherby from District 16 to District 4, and I guess I missed that.

>> MR. MORGAN: It's 1100 people that will be going in to 4 and that would work.

>> CHAIR ORTON: Yeah, do that, please.

>> MR. MORGAN: Okay.

>> CHAIR ORTON: Okay, anything else for this?

>> COMMISSIONER EID: So what is the process now? Do we note now to adopt this change or not adopt it like how we did with the Melvindale area then send it off? Or.

>> CHAIR ORTON: I suppose we would have to vote to send this off for VRA compliance and checking everything. And John will need to go through and make sure there is nothing unassigned or whatever. And then the way I picture it is tomorrow, after we have everything back, we go through each map, look at each map according to each of the criteria and all of the analysis and then vote on them. But I guess if we have a group that we know we are not interested in, we could vote to dispose of those if we

want. And then go through each map individually and start the voting process. That's my understanding. Commissioner Szetela?

>> COMMISSIONER SZETELA: Yeah, I would just move that we advance this map to be submitted to VRA review. I'm not sure it's needed because it's such a small change. But I would just make that motion anyway so it's the Motown Sound FCE1.

>> CHAIR ORTON: Is there a second for the motion.

>> COMMISSIONER WEISS: Second.

>> CHAIR ORTON: So it's motioned and seconded we have this map move for VRA compliance. Any further discussion? Brittini?

>> COMMISSIONER KELLOM: This went really fast because I had something to say after you first talked, it was something I had. And then I wanted John to move the active matrix so I could see an area. But we've already got this motion, so I don't even know.

>> CHAIR ORTON: Well, we are still in discussion whether we are moving this map for VRA so go ahead and look.

>> COMMISSIONER KELLOM: It's another cleanup. I was going to suggest moving that northwest District that is by Davison, Schoolcraft next to Happy Homes. See how that is in 8 I was going to say put that into 4.

>> CHAIR ORTON: Perhaps Commissioner Szetela can withdraw her motion for the moment.

>> COMMISSIONER SZETELA: I can withdraw it if she wants to make additional changes.

>> CHAIR ORTON: Thank you.

>> COMMISSIONER KELLOM: Then Commissioner Szetela you can come back up and make your motion. So, yes, John, I want you instead of northwest being in District 8, putting that in District 4.

>> CHAIR ORTON: Can you state the reason for this change?

>> MR. MORGAN: Also, Mr. Fink has his hand up.

>> David Fink: I had my hand up to say exactly what Commissioner Orton or the Chair said, whatever changes are being made or proposed please state the reasons.

>> COMMISSIONER KELLOM: So originally, yep, that is my normal practice. Originally I asked John to put the overlay from the river walk on to this copy of Motown Sound to make the tweaks that cleaned up neighborhoods and kept communities together so the changes we made and maybe I took too quick of a look and did not have my handy-dandy notebook here, it reflects the tweaks that were in the overlay with the exception of the western Wayne change. So I'm continuing the process that I set out to do initially. It included the Grandmont change that was already made. It shifts northwest community from District 8 to District 4 because there were some breaks in those communities of interest and unnecessarily split areas that not only for people's sake citizen's sake should be together, but it just makes the map cleaner.

>> CHAIR ORTON: I have a question south of there, mid-west seems to be split, you know, just a little bit, is there a reason? There is probably no population in that area, I don't know.

>> MR. MORGAN: Let me click on the census bloc and that may answer your question.

>> CHAIR ORTON: Okay.

>> MR. MORGAN: That is the census bloc. So if you put that into 1 then you are splitting bar ton McFarland.

>> CHAIR ORTON: I understand and there is no population right there so.

>> MR. MORGAN: Correct.

>> CHAIR ORTON: Okay, thank you. So is there anything else on this map, Commissioner Kellom?

>> COMMISSIONER KELLOM: I was looking at garden view area at the bottom of 4 but, I mean, I don't know.

>> MR. MORGAN: What was done in the river walk was to take that area, garden view into 4 and then I think then 4 or sorry, yeah, into 4 and I think 4 drops some precincts of Warren Dale to 15 or 3.

>> CHAIR ORTON: I think it's Warren Dale. I'm wondering why it's split.

>> COMMISSIONER KELLOM: So I think if we make those changes it won't be split.

>> COMMISSIONER EID: It was split for population trying to get the population right on 3 and 4 when we drew this originally.

>> CHAIR ORTON: Commissioner Szetela?

>> COMMISSIONER SZETELA: Yeah, I'm just wondering, and I apologize because I kind of wasn't listening for the last few minutes so I'm wondering did you just put garden view into the District 3 or was that original?

>> CHAIR ORTON: It's original.

>> COMMISSIONER KELLOM: Original and I was going to say go ahead, it's okay but when I saw it I said it doesn't look.

>> COMMISSIONER SZETELA: Wondering if we can grab the other two precincts from Warren Dale and put it in 3 and take garden view and put it in 4 and if we need to maybe go a little south of there. I'm not sure, I can't read the second, yeah, I don't know how much population is in garden view. That's the question.

>> COMMISSIONER KELLOM: Commissioner Szetela, you're not off base. We could also put the overlay from the river walk in the area and it would clean it up the way it was but it's totally up to you all and not just me.

>> MR. MORGAN: This is the overview.

>> COMMISSIONER KELLOM: It is, yeah, so I believe that is what Commissioner Szetela just said, what we were discussing.

>> COMMISSIONER SZETELA: So.

>> COMMISSIONER EID: Two precincts in Warren Dale to 3 and switch it out with garden view?

>> COMMISSIONER SZETELA: That is the thought, yeah, I'm not one hundred percent on the population if it's about the same. I know those are pretty densely populated areas.

>> COMMISSIONER EID: Yes, give it a shot?

>> COMMISSIONER SZETELA: That does make a lot of sense from a community of interest perspective because Warren Dale does have a very high Arab American population.

>> MR. MORGAN: Okay so that is 6,000 people in those portions. And then presumably this will equalize because that was the -- what was done in the river walk.

>> COMMISSIONER KELLOM: Yes, that's how it should be.

>> MR. MORGAN: Okay so we are almost 6,000.

>> COMMISSIONER SZETELA: Could you scroll back down where you added Warren Dale because I think you missed a sliver.

>> MR. MORGAN: Okay.

>> COMMISSIONER SZETELA: What are you seeing there John?

>> MR. MORGAN: I do that to make sure the program is functioning.

>> COMMISSIONER SZETELA: Okay, yeah can you just Zoom in a little bit because I thought you missed a sliver. It was right along the western edge there. You see that little bit?

>> MR. MORGAN: Thank you.

>> COMMISSIONER KELLOM: Much better. This is along this turn on a motion retraction.

[Laughter]

District 5 and 8. I believe that we split Livernois avenue and John I'm not trying to move ahead of you. This is me saying this so I don't forget between District 5 and 8 we split Livernois which both sides of the street should be together. So I want to be sure. This is 5.

>> MR. MORGAN: This is 8.

>> COMMISSIONER KELLOM: That is 5 and that is the colors are confusing.

>> MR. MORGAN: I'm going to change District 11.

>> COMMISSIONER KELLOM: Okay.

Okay, I need to see.

>> MR. MORGAN: When I said 11 I really meant 17, pardon me.

>> COMMISSIONER KELLOM: No worry. I wasn't going to say anything.

>> MR. MORGAN: So this should show you better between 5 and 17. 5 and 16.

>> COMMISSIONER KELLOM: 5 and 8.

>> MR. MORGAN: 5 and 4 and 5 and 8.

>> COMMISSIONER KELLOM: Can you Zoom in the border between 5 and 8. Is that McNichols? I think that is Livernois.

>> COMMISSIONER SZETELA: It is, yes.

>> COMMISSIONER KELLOM: So I think the totality of Livernois should be in 8. So I feel I'm so close to my computer screen. I'm sorry this is me basically and now I'm Zooming in. It looks split. But I don't know if my eyes are accurate.

>> MR. MORGAN: Well and it's following the neighborhood boundary.

>> COMMISSIONER KELLOM: Okay.

>> CHAIR ORTON: Not to cut you short, but.

>> COMMISSIONER KELLOM: That is it.

>> CHAIR ORTON: We have three minutes left for today. So which is fine. We can pick this up tomorrow if you still think you have other changes.

>> COMMISSIONER KELLOM: No. That was it. That was the last one I wanted to make. I'm sad we have three minutes because I was going to suggest today eliminating maps, so we are not going through maps tomorrow.

>> CHAIR ORTON: We can eliminate some before we go through them if there are some people know they obviously want to eliminate. But if so Rebecca do you want to make your motion?

>> COMMISSIONER SZETELA: I would make a motion we advance this map which is the Motown Sound FC1E to our VRA experts for their analysis.

>> COMMISSIONER WEISS: I will second.

>> CHAIR ORTON: We have a motion and a second. Clarification from Sarah Reinhardt it's 1E, not E1. Or E1, not 1E.

>> COMMISSIONER SZETELA: There you go.

>> CHAIR ORTON: Is there any further discussion? Seeing none, Commissioner Eid?

>> COMMISSIONER EID: Yeah, I like the changes. I think it should be advanced. I would be interested to see if the BVAP of four went up significantly or not with those changes. It might or might not, I don't know because we are not looking at race but it's something we should look out for next. And I just want to make sure we are being consistent with our process. This motion I think is a good motion and I think it is the proper motion. And I just wish we had the same motion in the previous discussion for the Melvindale area. But I like these changes. Thank you.

>> CHAIR ORTON: Okay, any further discussion? Okay let's just try a vote, all in favor of moving this forward for VRA analysis raise your hand and say aye.

>> Aye.

>> CHAIR ORTON: Any opposed raise your hand and say nay. Okay Commissioner Szetela your hand is up but I assume that's not for the motion.

>> COMMISSIONER SZETELA: Right I actually have a second motion.

>> CHAIR ORTON: Okay so then the ayes have it and the motion carries and this map, John, if you would do what you need to do to get that on to VRA consulting or VRA analysis, that would be appreciated.

>> MR. MORGAN: Okay and I believe there was an indication that the VRA analysis team is available today and tomorrow.

>> CHAIR ORTON: Yes, thank you. And Commissioner Szetela you wanted something else?

>> COMMISSIONER SZETELA: Yeah I was just going to make a motion and I'm not sure if it's appropriate to do this in a batch or not that we remove the four maps from consideration the Bergamot two, the Bergamot one, the Tulip and the Water Lily and the reason for that is those are the ones that have the lowest number of VRA districts with nine and we didn't really hear very much support for them as part of the public comment. So I just ask we remove those from consideration to sort of streamline things.

>> CHAIR ORTON: Sarah Reinhardt? Okay we have a motion and a second, but I think we are out of time today. So we may have to bring that up tomorrow. Sarah Reinhardt?

>> MS. SARAH REINHARDT: Sure, I just wanted to note that the rules of procedure did -- does that was approved and adopted by the Commission did put forth all ten maps for consideration during the final vote, which has already been voted on by the Commission. However, you know, if you all wanted to remove some from consideration I defer to you all on that. But I would note that the structure of the final vote that will occur tomorrow, the motion that will be made, if the Commission defers to the rules of procedure that was adopted would be to like state your preferred map as you vote. So it means that if no Commissioner prefers the Bergamot or Bergamot two map or any of the other maps you referred to, Commissioner Szetela, that you would just not state that map. So I just wanted to add that just for clarification.

>> CHAIR ORTON: Thank you. Does that change your motion, Commissioner Szetela?

>> COMMISSIONER SZETELA: Well, I think since we are out of time I will just table that motion until tomorrow or I will withdraw it just to make it easier.

>> MR. EDWARD WOODS: We will follow back up with legal counsel Commissioner Orton on that in terms of how we can in the spirit of Commissioner Szetela how we can make that work.

>> CHAIR ORTON: Okay, all right then we need to go for today. So Director Woods, do you have anything for a report that you need to do today?

>> MR. EDWARD WOODS: No, not at all just a friendly reminder we meet tomorrow at 9:00 in the morning, not 8:00 but 9:00 in the morning.

>> CHAIR ORTON: Thank you. Thank you to everyone today. So correspondence was received in advance of our meeting today along with written public comments to the

Commissioners. Are there any further agenda items that anyone wants to add? Besides what we already know we are adding? Okay any announcements from any Commissioners?

>> COMMISSIONER EID: Everybody, please.

>> CHAIR ORTON: Sarah Reinhardt?

>> MS. SARAH REINHARDT: I wanted to make the announcement today is election day so anyone who is interested in voting today I encourage you to do so, and you can go to Michigan.gov/ vote to look up voter information including polling place location and information about your local clerk's office. And that is it.

>> CHAIR ORTON: Thank you.

>> COMMISSIONER EID: What time do the polls close today, Sarah?

>> MS. SARAH REINHARDT: 8:00 p.m. As long as you are in line by 8:00 p.m., you will be allowed to vote.

>> CHAIR ORTON: Okay so we have completed our agenda today. So I would entertain a motion to adjourn.

>> So moved.

>> CHAIR ORTON: Was that Commissioner Vallette? Moved it and who seconded?

>> COMMISSIONER KELLOM: I think Commissioner Wagner and Commissioner Curry.

>> CHAIR ORTON: Moved and seconded that we adjourn. So we are adjourned at 11:04 a.m.

>> COMMISSIONER SZETELA: I think we have to vote.

>> CHAIR ORTON: You're right. No discussion but unless there is discussion, I don't see any hands so all in favor of adjourning raise your hand and say aye.

>> Aye.

>> CHAIR ORTON: Any opposed say nay. Okay the ayes have it and we are adjourned at 11:04 a.m.

>> MS. SARAH REINHARDT: Thanks, everyone.

>> CHAIR ORTON: Thank you.