

## Michigan Independent Citizens Redistricting Commission

Virtual Meeting via Zoom Webinar. Full agenda, presentations, and video recordings are available at [www.Michigan.gov/MICRC](http://www.Michigan.gov/MICRC)

**Thursday, April 25, 2024**

**10:01 a.m. – 12:47 p.m.**

### MINUTES

#### **PRESENT**

Elaine Andrade (*remotely from Imlay Township, MI*)  
Donna Callaghan (*remotely from Mexico*)  
Anthony Eid (*remotely from Detroit, MI*)  
Rhonda Lange (*remotely from Osceola County, MI*)  
Steven Terry Lett (*remotely from Lee County, FL*)  
Marcus Muldoon (*remotely from Carlton, MI*)  
Cynthia Orton (*remotely from Battle Creek, MI*)  
Rebecca Szetela (*remotely from Oakland County, MI, left at 12:05 p.m.*)  
Janice Vallette (*remotely from Highland Township, MI*)  
Erin Wagner (*remotely from Charlotte, MI, left at 12:16 p.m.*)  
Richard Weiss (*remotely from Saginaw, MI*)

#### **ABSENT**

Commissioners Curry and Kellom.

#### **OTHERS PRESENT**

Edward Woods III, Executive Director  
Michigan Department of State (“MDOS”) Staff  
David Fink, Fink Bressack  
Nate Fink, Fink Bressack  
John Morgan, Election Data Services

#### **CALL TO ORDER AND WELCOME**

Commissioner Eid, Chair, called the meeting of the Michigan Independent Citizens Redistricting Commission (MICRC) to order at 10:01 a.m.

#### **ROLL CALL**

MDOS staff called roll. A quorum was met.

#### **ADOPTION OF THE AGENDA**

**MOTION:** Approve the agenda. Moved by Commissioner Lett. Supported by Commissioner Weiss. Commissioner Eid, Chair, held a vote on the motion to approve the agenda, by show of hands. **MOTION APPROVED.**

## **PUBLIC COMMENT PERTAINING TO AGENDA TOPICS**

Commissioner Eid, Chair, put a motion “to begin public comment pertaining to agenda topics portion of the agenda” forward without objection, which was adopted.

Two individuals provided public remote comment: James Gallant, Mary Ann Fontana.

A complete inventory of live and written public comment is available at:  
[www.Michigan.gov/MICRC](http://www.Michigan.gov/MICRC).

## **ITEMS FOR CONSIDERATION**

a. Appeal to the U.S. Supreme Court

Commissioner Eid, Chair, requested that Nate Fink facilitate this issue. Nate Fink recommended the Commission go into closed session to discuss pending litigation: *Agee, et al v. Benson, et al*, Case No. 22-cv-272, U.S. District Court for the Western District of Michigan (the “*Agee* litigation”). Specifically, Mr. Fink recommended the Commission go into closed session to discuss the pending appeal before the U.S. Supreme Court and negotiations regarding Plaintiffs’ attorney fee claim with the Commission’s attorneys.

**MOTION:** Go into closed session to discuss the Appeal to the U.S. Supreme Court topic in the *Agee* litigation (including negotiations regarding Plaintiffs’ attorney fee claim) with the Commission’s attorneys. Moved by Commissioner Lett. Supported by Commissioner Orton. Commissioner Eid, Chair, held a vote by roll call. **BY A VOTE OF 9-2, MOTION APPROVED.**

<u>Commissioner</u>	<u>Vote</u>
Elaine Andrade	Yes
Donna Callaghan	Yes
Anthony Eid	Yes
Rhonda Lange	No
Steve Lett	Yes
Marcus Muldoon	Yes
Cynthia Orton	Yes
Rebecca Szetela	No
Janice Vallette	Yes
Erin Wagner	Yes
Richard Weiss	Yes

Commission moved to closed session. Closed Session commenced at 10:20 a.m.

Commission returned to open session at 11:44 a.m.

## **ROLL CALL**

MDOS staff called roll. A quorum was met.

<b><u>Commissioner</u></b>	<b><u>Roll Call</u></b>
<b>Elaine Andrade</b>	Present
<b>Donna Callaghan</b>	Present
<b>Juanita Curry</b>	Not Present
<b>Anthony Eid</b>	Present
<b>Brittni Kellom</b>	Not Present
<b>Rhonda Lange</b>	Present
<b>Steve Lett</b>	Present
<b>Marcus Muldoon</b>	Present
<b>Cynthia Orton</b>	Present
<b>Rebecca Szetela</b>	Present
<b>Janice Vallette</b>	Present
<b>Erin Wagner</b>	Present
<b>Richard Weiss</b>	Present

At the direction of the Chair, David Fink provided an overview of the tentative settlement agreement regarding Plaintiffs' claim for attorneys' fees and costs as a "prevailing party" in the *Agee* litigation, which included the following basic terms:

- The Plaintiffs' demand is approximately \$2.4 million.
- The pending appeal would be dismissed.
- Plaintiffs' expert Sean Trende's fees would be reduced by \$32,000, constituting all of the work he did in Calendar 2024.
- Attorney fees (totaling \$2,174,571) would be reduced by 30% (\$652,371).
- Going forward, the Commission would not object to reimbursement of fees and expenses during the Senate remedial phase, but fees and expenses related to the Senate mapping, including monitoring, analysis and evaluation of plans, through the day after a final plan is submitted to the Court by the Commission, would be capped at \$100,000, including all attorney fees and expert fees.
- If objections are filed by the Plaintiffs, and if those objections are rejected, Plaintiffs would not seek fees or costs related to that work.

- If the Court sustains an objection by Plaintiffs to the Commission’s Senate remedial map, the Commission would not object to fees, subject to the standard rules related to the reasonableness of those fees, but no such fees or expenses would include work performed prior to one day after the final Senate remedial plan is submitted to the Court by the Commission.
- If payment is delayed more than 90 days after entry of a stipulated Order, Plaintiffs will receive interest at the statutory post-judgment rate.

**MOTION:** Approve the settlement agreement in the *Agee* litigation regarding Plaintiffs’ attorneys’ fees and costs, as described by David Fink. Moved by Commissioner Lett. Supported by Commissioner Weiss. Commissioner Eid, Chair, held a vote by roll call. **BY A VOTE OF 11-0, MOTION APPROVED.**

<u>Commissioner</u>	<u>Vote</u>
Elaine Andrade	Yes
Donna Callaghan	Yes
Anthony Eid	Yes
Rhonda Lange	Yes
Steve Lett	Yes
Marcus Muldoon	Yes
Cynthia Orton	Yes
Rebecca Szetela	Yes
Janice Vallette	Yes
Erin Wagner	Yes
Richard Weiss	Yes

**MOTION:** Dismiss the pending appeal in the U.S. Supreme Court in the *Agee* litigation. Moved by Commissioner Lett. Supported by Commissioner Weiss. Commissioner Eid, Chair, held a vote by roll call. **BY A VOTE OF 11-0, MOTION APPROVED.**

<u>Commissioner</u>	<u>Vote</u>
Elaine Andrade	Yes
Donna Callaghan	Yes
Anthony Eid	Yes
Rhonda Lange	Yes
Steve Lett	Yes
Marcus Muldoon	Yes

<b>Cynthia Orton</b>	Yes
<b>Rebecca Szetela</b>	Yes
<b>Janice Vallette</b>	Yes
<b>Erin Wagner</b>	Yes
<b>Richard Weiss</b>	Yes

## **MAPPING**

Collaborative mapping by the Commission.

## **MINUTES**

Commissioner Eid, Chair, indicated that draft minutes for April 18<sup>th</sup> have been provided to the Commission for review and approval.

**MOTION:** Approve the meeting minutes for April 18. Moved by Commissioner Lett. Supported by Commissioner Weiss. Commissioner Eid, Chair, held a vote by show of hands. **MOTION APPROVED.**

## **EXECUTIVE DIRECTOR REPORT**

Commissioner Eid, Chair, requested that Executive Director Woods facilitate this topic. Executive Director Woods presented updates to the Commission regarding the website including the need for updating hyperlinks in documents, a request for ideas for user-friendly updates to the website, and that the Redistricting 301 and the May Public Hearing Flyer are available on the website. Executive Director Woods also provided website statistics for January, February, and March 2024.

## **ACKNOWLEDGMENTS/ANNOUNCEMENTS**

Executive Director Woods provided a reminder that the Commission will meet again today at 4 p.m.

## **ADJOURNMENT**

**MOTION:** Adjourn the Meeting. Moved by Commissioner Lett. Supported by Commissioner Weiss. Commissioner Eid, Chair, held a vote by show of hands. **MOTION APPROVED.**

The meeting was adjourned at 12:47 p.m.