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MICRC

01/13/22 10:00 am Meeting

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>> CHAIR SZETELA: Are we ready, Ms. Reinhardt? I was going to say I hear feedback.

As Chair of the Commission, I call the meeting of the Michigan Independent Citizens Redistricting Commission to order at 10:05 a.m.

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

For anyone in the public watching who would prefer to watch via a different platform than they are currently using, please visit our social media at Redistricting MI. Our live stream today includes closed captioning. Closed captioning, ASL interpretation, and Spanish and Arabic and Bengali translation services will be provided for effective participation in this meeting. Please E-mail us at Redistricting.gov or details for language translation services for this meeting.

People with disabilities or needing other specific accommodations should also contact Redistricting at Michigan.gov.

This meeting is also being recorded and will be available at www.Michigan.gov/MICRC for viewing at a later date and this meeting also is being transcribed and those closed captioned transcriptions will be made available and posted on Michigan.gov/MICRC along with the written public comment submissions.

There is also a public comment portal that may be accessed by visiting Michigan.gov/MICRC, this portal can be utilized to post maps and comments which can be viewed by both the Commission and the public.

Members of the media who may have questions before, during or after the meeting should direct those questions to Edward Woods III, our Communications and Outreach Director for the Commission at WoodsE3@Michigan.gov or 517-331-6309.

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

>> MS. SARAH REINHARDT: Good morning, Commissioners. Please say present when I call your name.

Doug Clark.

>> COMMISSIONER CLARK: Present.

>> MS. SARAH REINHARDT: Juanita Curry.

>> COMMISSIONER CURRY: I'm present.

>> MS. SARAH REINHARDT: Anthony Eid?

Brittini Kellom?

>> MS. SARAH REINHARDT: Rhonda Lange?

>> MS. SARAH REINHARDT: Steve Lett?

>> COMMISSIONER LETT: Present.

>> MS. SARAH REINHARDT: Cynthia Orton?

>> COMMISSIONER ORTON: Present.

>> MS. SARAH REINHARDT: MC Rothhorn?

>> VICE COMMISSIONER ROTHORN: Present.

>> MS. SARAH REINHARDT: Rebecca Szetela?

>> CHAIR SZETELA: Present.

Janice Vallette?

>> COMMISSIONER VALLETTE: Present.

>> MS. SARAH REINHARDT: Erin Wagner?

>> MS. SARAH REINHARDT: Richard Weiss?

>> COMMISSIONER WEISS: Present.

>> MS. SARAH REINHARDT: Dustin Witjes?

>> COMMISSIONER WITJES: Happy new year.

Present.

>> MS. SARAH REINHARDT: 11 Commissioners are present. And there is a quorum.

>> CHAIR SZETELA: Thank you Ms. Reinhardt.

As a reminder to the public watching you can view the agenda at Michigan.gov/MICRC. I would now entertain a motion to approve the meeting agenda. So moved.

Yes, Commissioner Clark?

>> COMMISSIONER CLARK: I would like to add an agenda item under new business I'd like to add it as the first item under new business and that is a vote for a closed session meeting on pending litigation.

>> CHAIR SZETELA: So you want to add agenda item 6A and current 6A would be B, current 6B would become C with the agenda item being vote for closed session, correct?

>> COMMISSIONER CLARK: To discuss pending litigation.

>> CHAIR SZETELA: To discuss pending litigation, all right, is there a second? Seconded by Commissioner Weiss and a motion by Clark and seconded by Weiss to add new business item closed session for pending litigation to displace A and B and bump them to B and C is there any discussion or debate on the motion? All right hearing none let's go ahead and vote on the amendment all in favor raise your hand and say aye.

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Opposed raise your hand and say nay.

The ayes prevail and the motion is adopted at this point I would entertain a motion to amend the meeting agenda, oh.

>> COMMISSIONER WITJES: I just need a second.

>> CHAIR SZETELA: You did not get a second on that so Commissioner Rothhorn has seconded so motion to approve the meeting agenda as amended made by Commissioner Witjes and seconded by Commissioner Rothhorn is there any debate or discussion on the motion? All in favor raise your hand and say aye.

All opposed raise your hand and say nay the ayes prevail and the meeting agenda is adopted.

Okay, I just wanted to take a quick point of personal privilege there was an e-mail that went out last night about communications with opposing counsel and I just want to make clear for anyone who did not get a response back about that last night I was the person who spoke with opposing counsel but the sole reason for that contact was for service of complaint and I indicated I prefer they send by e-mail than a process sever to my House and wanted to mention who did not get the e-mail last night so there is no misunderstanding there was discussion other than that.

It was solely limited to serve me by e-mail rather than a process sever.

I just don't want people to worry there was something else.

Next agenda item.

>> MS. JULIANNE PASTULA: General Counsel. Good morning, Madam Chair and Commission.

On that point, I also sent out an e-mail and did not identify who the Commissioner was which is what I always do just a reminder it is never appropriate to contact opposing counsel in a case against us.

So I encourage all Commissioners if they are thinking about doing that, please contact me.

Because the legal team that is information we would need to know.

Particularly since the Court rules are available to everybody but thank you for raising it Madam Chair and just a friendly reminder to all Commissioners and staff, please reach out to myself as your point of contact for the legal team.

So that we can be aware of these happenings.

Thank you.

>> CHAIR SZETELA: So I don't want to turn this into a debate it was a point of privilege because your e-mail did not indicate what was said and implied someone was working with Plaintiff's counsel but perfectly clear as an attorney there is nothing inappropriate about someone who is tasked receiving process of service contacting a Plaintiff and indicating how to facilitate.

That is what I just said I don't want to turn it into a debate.

Mr. Woods?

>> MR. EDWARD WOODS: I think the Commission needs to empower the Executive Director to kind of resolve this so we can stop going back and forth and so if the Commission would make a motion that the Executive Director would work with these two parties so that we can move forward between the e-mails and everything else that is going on it's becoming disruptive to the Commission and we have done a great job and national press and they want the Commission to tell its story about the success.

We had Newsy and from economist and positive reports that Commissioner Orton put in our chat with regards to MSNBC with regards to "New York Times."

So this is not that big of an issue.

It's just something that can be resolved offline.

But let's not remember what the voters elected you to do, and that is to draw fair maps which you have done and let's not muddy that success.

Over disputes that can be resolved offline.

So I would like someone from the Commission to make that motion and I'll be happy to work with our Executive Director to facilitate that process so it can be done decently in order.

>> CHAIR SZETELA: Commissioner Clark?

>> COMMISSIONER CLARK: Yeah, I will put that motion forward.

>> COMMISSIONER ORTON: Seconded.

>> CHAIR SZETELA: Motion by Commissioner Clark and seconded by Commissioner Vallette to empower the Executive Director to resolve the dispute with

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respect to whether it's appropriate to contact opposing counsel to facilitate service of process. Is that correct?

>> MR. EDWARD WOODS: I don't want to limit it to that.

I want to limit it to the dispute between General Counsel and the Chair of the Commission.

>> CHAIR SZETELA: Okay, is that acceptable? It's your motion.

>> COMMISSIONER CLARK: It is.

>> CHAIR SZETELA: Thank you motion and seconded by Commissioner Vallette.

Any discussion or debate on the motion? All in favor raise your hand and say aye.

All opposed raise your hand and say nay.

I am going to abstain from voting because there is conflict of interest on that.

>> MS. JULIANNE PASTULA: For the record I would say I have no dispute.

>> CHAIR SZETELA: I'm sorry, Julianne. For the record I would like to say I have no dispute, but I certainly welcome any necessary intervention to address the problem.

>> MR. EDWARD WOODS: I think we just need to move on.

>> CHAIR SZETELA: I'm not going to comment on that.

We will let that lie.

Okay moving forward.

First item on our agenda is unfinished business A and B amend rules of procedure and remote hybrid meeting policies without objection I will ask our General Counsel to provide information on these agenda items.

I'm sorry, we amended.

So I skipped over, okay, Commissioner Kellom is present.

I just want to acknowledge that for the public record.

And no, we are going on to the amended rules of procedure I was thinking I skipped public comment but I did not.

Go ahead, General Counsel.

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>> MS. JULIANNE PASTULA: Thank you so much Madam Chair and good morning to the Commission and happy new year.

At Commission's last meeting it was requested that the rules be modified, the MICRC's rules of procedure be modified to permit remote attendance for any meeting.

So before you have a memorandum dated January 10 with corresponding red line versions of those rules that effectuate changes the changes incorporate remote attendance at rules for any meeting and consistent with the Court's opinion that was recently released it also removes all references to the Open Meetings Act throughout the document.

I do note in the memorandum the notice period for posting of meeting notices, I inserted a placeholder of five hours to be discussed by the Commission.

And put up wards revision by the Commission.

My recommendation would be 15 hours.

I know that Commissioner Lett expressed to me via e-mail his suggestion was 15 hours and I definitely support that recommendation.

Further I would put a recommendation of no less than 12 hours before the Commission.

I'd be happy to walk through those changes by Section if the Commission would like at this time Commission Orton?

>> COMMISSIONER ORTON: So how many hours a meeting has to be posted, is that what you are talking about? Or how many hours a Commissioner needs to give intent to attend virtually.

I'm not sure which one we are talking about.

>> MS. JULIANNE PASTULA: Through the Chair to Commissioner Orton that the both it would be both so the placeholders are there for the remote attendance meetings that are set forth in the addition of Section 5.5, that is the portion of the remote and hybrid policy that set forth the current procedure for notifying of remote attendance but that can certainly any of those timeframes and language into this body as well so I was speaking the 15-12 hours recommendation and 15 hours no less than 12 hours recommendation relative to posting a meeting notice.

>> COMMISSIONER ORTON: So follow-up, I think that is great as far as Commissioners giving notice to attend virtually do which even have to do that and does it have to be posted a certain amount of hours before? Because it seems to me, we want the Commissioners to attend as possible and if we are allowed to attend virtually, I

think we should be able to attend virtually because we don't know what will happen at the last-minute or whatever.

>> CHAIR SZETELA: Sickness so I would move that Commissioners can attend virtually without previous publication notice.

>> CHAIR SZETELA: So I would just to facilitate what Commissioner Orton suggests under 5.5A where it says we will give notice as soon as possible, I would just send it right there and just eliminate a time limit on that as soon as possible to the Secretary of State and entirely take out B because if we don't have to provide notice that members are attending remotely then you know there is just no need to even have B whatsoever so I think that would facilitate what you are saying and I agree and I department see a reason why we should have as much flexibility as possibility because the reality is we are still in the middle of a pandemic, it's winter and people are traveling long distances and a benefit of having people be here and want to facilitate that as much as possible.

>> I second the motion.

>> Third.

>> CHAIR SZETELA: So is that consistent with your motion? So just to we have a motion to amend to 5.5A drop it off after the word as soon as possible have a period delete the rest of it and delete B.

>> Yes, I agree with that.

>> CHAIR SZETELA: Then the current B or current C would become B a motion by Commissioner Orton and second by Commissioner Vallette to amend this policy to change Section 5.5A to put a period after the word possible and delete the rest of the sentence and delete 5.5B entirely and change 5.5C to B.

Any discussion or debate? All in favor raise your hand and say aye.

All opposed raise your hand and say nay.

So the amendment carries do we have any further discussion or debate on this, on these changes? At this point I would entertain a motion to adopt the rules as amended.

I need a motion first.

>> COMMISSIONER WITJES: So moved.

>> CHAIR SZETELA: We have a motion by Commissioner Witjes to approve the rules of procedure of the Michigan Independent Citizens Redistricting Commission as

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amended as of today, which is January 13, 2022, seconded by Commissioner Rothhorn is there any discussion or debate on the motion?

>> MS. JULIANNE PASTULA: Madam.

>> CHAIR SZETELA: General Counsel? We can't hear you.

>> MS. JULIANNE PASTULA: For the members of the public who are watching we lost a bank of microphones so our technical support is working on fixing that right now so just give us a few moments.

>> MS. JULIANNE PASTULA: Okay thank you Ms. Reinhardt Madam Chair I wanted to note that given the escalation and continuing pandemic situation particularly in the State of Michigan that the Commission may want to consider also allowing for remote meetings in person and remote, that the Commission may have the option to do that as well.

I believe that was also a suggestion of a Commissioner.

And to effectuate that change I would suggest.

>> CHAIR SZETELA: 5.2 maybe.

>> MS. JULIANNE PASTULA: No I would suggest under Section 6.2 meetings, which reads official action shall be taken only at a meeting which is conducted in accordance with these rules.

The Commission shall conduct meetings as follows, I would propose adding the clause prior to as follows in person or remotely by majority of vote of the Commission in setting such meeting.

And that would again give the Commission the flexibility given the ongoing health crisis to continue meeting remotely.

>> CHAIR SZETELA: So we have a motion and a second at this point.

So can we amend it or should we just vote this down and then do that.

>> MS. JULIANNE PASTULA: It would be appropriate, there could be a motion to amend or the Commission could ask for that language to be brought back at a later date.

>> CHAIR SZETELA: Okay anyone interested in amending? Just say what you want to say.

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Commissioner Vallette is asking that I repeat what Commissioner or General Counsel Pastula motion is under Section 6.2 that we specify that motion or that meetings can be conducted in person or remotely at the discretion of the Commission.

So we are just expanding it so we can have remote meetings again if we need to.

>> COMMISSIONER VALLETTE: I would like to say that.

>> MS. SARAH REINHARDT: One motion, Commissioner Vallette.

>> COMMISSIONER VALLETTE: I say that we should meet virtually through the bad weather months and because of the COVID like February and March. And we start back with in-person meetings.

I actually like the in-person meetings.

I think we read each other better when we are in person but we never know what the weather is going to be and COVID is, you know, going up.

So I would like to put that out there.

>> MS. JULIANNE PASTULA: Madam Chair.

>> CHAIR SZETELA: Yes.

>> MS. JULIANNE PASTULA: If I understand Commissioner Vallette's motion, she just made, would be to amend Section 6.2 to clarify that remote meetings can be called virtual remote meetings can be called February and March of 2022.

And January excuse me.

>> CHAIR SZETELA: Do you want to limit it that much what if we end up in June and we have Zeda? Let's not limit it.

Mic.

>> COMMISSIONER VALLETTE: February March we don't meet and still going forward.

>> CHAIR SZETELA: Mic so Commissioner Vallette said can we make it a twofold and I will let her continue her statement.

>> COMMISSIONER VALLETTE: I just want to say for the one more meeting in January we meet virtually.

February, March, and then going forward we make a decision.

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I'd hate to think that because we made it that anybody can call in whenever they want and do it virtually.

I hate to think people back there are here and no one shows up or there is two people or one person.

So going forward I'd like to just say straight out virtual until the weather gets better in April.

And then I guess we can decide what we are going to do going forward.

>> CHAIR SZETELA: Any thoughts? Discussion? I'm assuming that is a motion Commissioner Vallette? Commissioner Orton?

>> COMMISSIONER ORTON: So I don't know that we need to put it in the policy.

We just need to leave it open so we can decide and amongst ourselves we can decide if it's smart to plan on not meeting in person through the winter.

>> CHAIR SZETELA: Mr. Woods?

>> MR. EDWARD WOODS: Yeah, I would just like to have the Commission consider you know the option or flexibility don't really narrow or tie yourself down with regards to that.

Because just because it might work in the winter might not mean it works in the summer so instead of limiting yourself why don't you just have a broader policy that gives you the flexibility to do remote when necessary.

>> COMMISSIONER ROTHORN: If I understand it.

>> CHAIR SZETELA: Go ahead Commissioner Rothorn.

>> COMMISSIONER ROTHORN: So the spirit of Commissioner Vallette's suggestion is to encourage us to attend in person.

And I hear that.

And I think what I also hear is that we don't want to limit ourselves.

So I think why don't we agree I guess Yeah it's the difference between what we put in policy and what we want to encourage.

So I think I don't want to limit us in policy to a right something that will we want to encourage, we want to encourage each other to meet in person.

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But I don't want to put the encouragement in policy.

So I guess what I'm hoping, I really hear what you're saying.

And I appreciate that.

And I want that as well.

And yeah, keeping ourselves open and not limiting us in policy feels real important at this point because there is so much uncertainty and we don't know how long we will be meeting one year, two years, a month.

We just don't know.

So that flexibility feels important and I really want to go on record saying I like the idea of encouraging us to meet in person.

It's important and Commissioner Vallette we read each other better and I think it's important.

>> CHAIR SZETELA: All right any other comments or can we get a motion to amend at this point? Commissioner Vallette?

>> COMMISSIONER VALLETTE: So MC, are you suggesting that we don't say we are just going to meet virtually for the next two months, that we make it if you don't come you just don't come? Are we considering the people who have to come here so early and set up equipment for maybe somebody and there is nobody here.

>> MS. JULIANNE PASTULA: Madam Chair.

>> CHAIR SZETELA: General Counsel.

>> MS. JULIANNE PASTULA: Thank you so much.

I understand the discussion is occurring but I'm going to offer a recommendation.

The Commission can amend the rules to put the months in the rules or if there is not the timeframe put in the rules themselves the appropriate thing would be to adopt the motion.

That the meetings in the winter this January through March of 2022 be held remotely for all members and the public, so that would be the adoption for the Commission.

Either put it in the rules or to have a corresponding resolution.

>> We are having a hard time hearing.

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>> CHAIR SZETELA: She can't hear you.

>> MS. JULIANNE PASTULA: My apologies.

I have my mask on.

>> I think it might be the mic itself.

>> CHAIR SZETELA: We have a motion on the table.

So and we have a limited time today.

So I just I'd like to get this resolved so we can get through our agenda items.

>> MS. JULIANNE PASTULA: Madam Chair.

>> CHAIR SZETELA: Steve there he is.

>> MS. JULIANNE PASTULA: Madam Chair thank you.

>> CHAIR SZETELA: Just for the record I would like to designate that Commissioner Lett has signed on Commissioner Lett would you like to state your location for the record where you are remotely attending from.

>> MS. JULIANNE PASTULA: It has not been adopted.

>> CHAIR SZETELA: Sorry Commissioner Lett you will have to wait a few minutes.

>> MS. JULIANNE PASTULA: Madam Chair, thank you.

If I could restate I got thumbs up I believe, if I could restate the options before the Commission as I understand the discussion that is ongoing.

>> CHAIR SZETELA: Okay let me restate the two options we have in front of us one would be amend 6.2 to specify the meetings can be in person and remote with no limitations on it the other option is specifically call out meetings during January, February and March would be specifically remote.

Then are you also intending that we leave in maybe remote at other times too?

>> COMMISSIONER VALLETTE: I think we should revisit that at the end of March.

>> CHAIR SZETELA: She is saying she thinks we should revisit that at the end of March and decide how we want to go forward just in case anybody's having problems hearing.

Okay, so I would consider a motion on one or the other, Commissioner Eid?

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>> COMMISSIONER EID: I guess.

>> CHAIR SZETELA: Bring it to your face because thank you.

>> COMMISSIONER EID: I have a little bit of a different opinion.

I think we would just leave it open to Commissioners who might need to attend virtually for health reasons.

While I agree with all the points stated earlier as far as you know concerns with the pandemic, in my opinion we are still a public body and until the state makes a decision where other public bodies don't meet in person anymore, I think we should stick to that.

>> CHAIR SZETELA: All right, so how would we like to proceed folks? We can choose to amend this Section or we can leave it as it's already amended and vote.

We already have that motion out there.

Looking for feedback here, guys.

All right since we are ensure why don't we just vote on the primary motion to adopt rules of procedure and we can come back and address this at a later time does that work for everybody, I'm seeing thumbs up.

All right, so we already have a motion to adopt the rules of procedure of the State of Michigan, Michigan Independent Citizens Redistricting Commission as amended effective immediately, January 13, 2022.

Any additional debate or discussion on that motion? All in favor raise your hand and say aye.

All opposed raise your hand and say nay.

The ayes prevail and the policy is adopted.

All right now Commissioner Lett can you identify where you are remotely dialing in from?

>> COMMISSIONER LETT: You sure you want me to.

>> CHAIR SZETELA: We absolutely do.

We love your presence.

>> COMMISSIONER LETT: All right this is Steve Lett and I am remote from Lee County, Florida.

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>> CHAIR SZETELA: Thank you Commissioner Lett.

All right our next Commissioner Eid?

>> COMMISSIONER EID: As far as General Counsel if we could get a few different options circulated for our next meeting and we can circle back to this, that would be great.

>> CHAIR SZETELA: Just in case that was not heard Commissioner Eid ask General Counsel to propose a few different options on this and circulate it back to us so we can get back to it.

All right at this point we are going to move on to item 4B which is motion or I'm sorry rescind remote hybrid meeting policies and procedures which is resolution 2020102 may I have a motion? Motion made by Commissioner Eid.

Seconded by Commissioner Lett.

Lett and Eid.

Is there any debate or discussion on the motion? All right hearing none it's motioned and seconded we approve 20220102 to rescind hybrid meeting policies and procedures those say aye.

Opposed says nay.

The ayes prevail and are adopted.

Without objection, we will now begin the public comment pertaining to agenda topics portion of our meeting. Hearing no objection, we will now proceed with the public comment pertaining to agenda topics.

Individuals who have signed up and indicated that they would like to provide live in person public commentary to the Commission will now be allowed to do so. Please step to the nearest microphone when I call your number. You will have one minute to address the Commission. Please conclude your remarks when you hear the timer. First in line to provide public comment is number one.

>> MS. SARAH REINHARDT: And Commissioners can you hear me?

>> CHAIR SZETELA: No.

There you go.

>> MS. SARAH REINHARDT: Before we proceed the reason that the microphones on the left side, I guess your right side are blinking is because there was a short.

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And these microphones no longer will work.

So our tech team here is going to work to space out the microphones that are on this side among all of you so that you have access to microphones and that means you might be sharing one or Commissioners that are located on this side if you would like to relocate to a seat on this side you might have an easier time accessing the microphones.

Those of you who remain over here we will hand out hand mics as soon as public comment ends.

>> CHAIR SZETELA: All right thank you they will continue to do that while we have public comment, okay all right.

So number one.

>> Good morning, Commissioners I'm a member of Delta Theta as well as the Detroit Branch NAACP and I'm here speaking today.

First, I want to say that I oppose the final maps you voted on and selected but I want to talk about the operation of business here.

First, I believe the Commission failed to address the concerns expressed by Black Detroiters and allies regarding Voting Rights Act or minority majority districts.

The selected maps disenfranchise Black Detroiters and fail to use relevant information such as primary election data and address prison gerrymander.

Thank you, Commissioner Kellom and Curry, for your attempts to provide context to the concerns that were expressed but I believe that some Commissioners and some members of the public disrespected them and their ideas and their suggestions were belittled.

As previously stated, the Black Commissioners when they expressed concerns and advocated for Black Detroiters were their ideas were the ideas expressed were intolerant, ignorant and racist.

The administration of the Commission was lack luster and multiple time when the administration did not set proper boundaries with the Commission.

For example, there is no way that the Commission should have known that you would be in violation of the open Michigan Open Meetings Act when meeting with your VRA expert in closed session.

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Some Commissioners also were downright rude and dismissive to the public. The Commission's failure to work for the people multiple times the Commission asked you or the citizens asked you to look at these maps again.

Yet some Commissioners, some Commissioners sat and indicated that they were tired and just wanted the maps done.

I don't know of any other public officials that can say that on the record and get away with it.

>> CHAIR SZETELA: I'm sorry to interrupt you but your time has ended Thank you for addressing the Commission. Thank you.

>> Good morning.

My name is Rick Blocker from Southeastern Michigan.

First thing I want to say is that you violated the Voting Rights Act.

It was clear that it needed more work done and Dr. Handley's analysis she had Marshall Bullock as a white man, he is Black.

John James is Black.

Clearly when you got the information that you could adjust the maps for 55% of people of keeping communities together it was ignored and only addressed slightly in the House maps or the State House maps.

There was no attempt to go back to the Senate maps or the Congress maps.

We have to live with this situation with Black people being disenfranchised for the next ten years, possibly 20 years.

It's not good enough to say that people will reject no matter what we did.

The time should have been taken to get this right.

I just cannot emphasize enough to you how a number of Black people feel in the City of Detroit and the surrounding areas about being disenfranchised.

Thank you for your time.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number three.

>> Good morning, Commission.

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My name is Natalie I'm a native Detroiter a member of the NAACP member of the Detroit alumni chapter of Delta sorority incorporated.

I'm also speaking on behalf of my community as a private citizen.

I would like to address the MICRC public comments in a way we can discuss redistricting engagement process and how it can be improved in the future.

I strongly suggest adding diversity and historical training on understanding the voter rights act so all Commissioners will understand that any District with a Black voting age population below 40% is unacceptable.

Not considering all the facts and data, and the Commission's Voting Rights Act analysis will continue to lead future Commissions down the same path of disenfranchisement of Black and Brown communities.

Despite their best intentions.

The Commission should look at the way politics worked in Detroit and other communities, not just try and hit a number.

Cracking Detroit will never be fair.

Secondly, eliminate all closed door meetings and private memos.

All Commission meetings should be performed publicly to offer a clear, honest assessment about what's going on with the Commission to stop backdoor deals and discriminatory practices.

>> CHAIR SZETELA: Sorry to interrupt again.

>> To have more than one minute to present.

Thank you for listening to my concerns and thank you for your time and devotion to this Commission.

>> CHAIR SZETELA: Thank you for addressing the Commission. For some reason our timer is not audibly indicating so I will let you know when your one minute has expired.

Thank you.

Number four.

>> Hello, Happy New Year, Commissioners, Anthony Skinnell and unaffiliated with any organization and happy to say that very much.

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So I seen on your agenda you have to write a report on every map you approved.

And I am interested to see how the rubber meets the road there because I have your Congressional map Chestnut here on another fabulous Michigan department of transportation map, at least for Metro Detroit.

And I've already explained to you why I don't support the Congressional map I don't know if you can see it, you got District 13 which we would be sitting in now and it's clear they have two distinct parts and as I recall scored the least compact district which is funny another one spans two peninsulas.

So I don't support your map.

And I'm interested to see how the rubber hits the road there and you may issue a dissenting report if you did not vote for the map, you can do a dissenting report and I wish the litigants success and would help in writing the report.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number five.

>> Good morning.

My name is Ms. Anderson a member of Delta sorority and citizen of Detroit and part of the action committee as well as a member of the Detroit Branch NAACP.

I oppose the maps the Commissioners have indicated.

I feel these maps lack commitment and honor to the Voting Rights Act.

And have not provided us with the majority minority majority districts that we should be not accustom but allowed to have based on the Voting Rights Act.

Primary data was not included in the analysis.

And that the inconsistent information in the Handley report.

There has been the Commission was guided by I believe it's Adelson and it appears Mr. Adelson was directing the Commission to a final outcome.

We don't oppose the process but we oppose the outcome and as the gentleman just said before me the dissension of individual Commissioners would be well served for this Commission.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number six.

>> Good morning my name is Erica Bryant I'm a resident of the City of Detroit.

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I too am a member of the Delta sorority incorporated and offer comments today as a private citizen.

I strongly suggest that future Commissions allow more than 90 seconds to one minute to address mapping concerns.

At least three minutes would be more appropriate to provide public comments in the future.

This process is very, very important.

As you heard my sisters indicate and share their specific concerns with the process as well as the outcome.

I believe allowing additional time for public comment will go a long way towards building public confidence in the process, improve the quality of the Commission's decision making and also increase the likelihood that all stakeholders will accept the result.

Thank you very much for your time and your service.

>> CHAIR SZETELA: Thank you for addressing the Commission. At this point we are going to move on to remote public comment.

Individuals who have signed up and indicated they would like to provide live remote public commentary to the Commission will be allowed to do so. I will call on 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 would like you to speak and prompt you to press star six to unmute.

I will call on you by your last name or the last four digits of your phone number. Also, please note that if you experience technical or audio issues or if we do not hear from you for 3-5 seconds, we will move onto the next person in line and return to you when they are done. If your audio still does not work you can email redistricting@michigan.gov and we will help you troubleshoot so that you can participate at a next public comment period at a later hearing or meeting. You will have one minute to address the Commission. Please conclude your remarks when you hear the timer.

First in line to provide public comment is Kurtis Fernandez.

Please allow a moment for our staff to unmute you.

>> Hi this is Kurtis from API vote mission. I want to thank the Commission for the hard work they have done during the redistricting process.

Overall I found the process relatively accessible to the public.

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I also appreciate that Commissioners made themselves frequently available to meet with community orgs outside of regular meetings and hearings.

That being said I do think there needs to be more education on how to fulfill compliance with the seven constitutional criteria.

Especially when it comes to compliance with the VRA.

Given many members of the public have concerns and not compliance with the VRA.

I think there was some concern that more weight was given to live or in person comments versus remote comment.

Most importantly I do think that the public including community organizations needs to be engaged in order to improve the redistricting process, address concerns about transparency, and ensure fairness of maps.

Thank you for your time.

>> CHAIR SZETELA: Thank you for addressing the Commission. Next in line is...she already spoke that concludes our public comment for today.

However, I would like to mention that all e-mailed and mailed public comment is provided to the Commission before each meeting. And the Commissioners also review the public comment portal on our www.Michigan.gov/MICRC website on a regular basis. We appreciate everyone who provides public comment in what manner they choose to do so and invite people to share thoughts, Especially if you want to share ways the MICRC process or procedures are good or could have been more effective

Moving on to new business agenda item 6A vote for closed session to discuss pending litigation Commissioner Clark, I'm assuming you will address that.

Do you have a mic?

>> COMMISSIONER CLARK: Yes, thank you.

I'm going to turn it over to the General Counsel.

She has made a request that we have a closed session.

And she can provide the details to it.

>> CHAIR SZETELA: General Counsel?

>> MS. JULIANNE PASTULA: Thank you so much.

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Yes, and thank you Commissioner Clark.

The legal team has requested that the Commission convene a closed session to discuss the pending litigation being the Detroit Black caucus litigation filed with the Supreme Court and served on the Commission on January 11th.

The purpose of the closed session would be to discuss legal strategy only and moving that case forward.

And therefore we have members of your lead litigation counsel as well as local counsel available to attend should the Commission vote to convene a closed session.

They will be participating remotely and able to have those critical discussions with the client on this pending litigation.

>> CHAIR SZETELA: Commissioner Clark?

>> COMMISSIONER CLARK: Yes, I'd like to put the motion forward we have a closed session as described by General Counsel.

>> COMMISSIONER LETT: Second.

>> CHAIR SZETELA: We have a motion by Commissioner Clark and seconded by Commissioner Lett any discussion or debate on the motion? Commissioner Eid and then Commissioner Witjes.

>> COMMISSIONER EID: So two quick questions.

One is I understand we amended our rules of procedure to allow ourselves to have closed door sessions that are not in violation of the support, Michigan Supreme Court ruling against us.

Does this closed meeting meet that criteria? And then my second question is: Can you explain how it would be detrimental to have this discussion in an open session?

>> CHAIR SZETELA: General Counsel?

>> MS. JULIANNE PASTULA: Thank you so much Madam Chair and thank you for the question from Commissioner Eid.

Analysis was made and certainly had the Commission not amended its rules it would not be able to move forward.

So given the amendment of the rules your legal team has made the analysis again based on the Supreme Court's opinion which provided guidance to the Commission and they noted specifically the absence of pending litigation previously.

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So in case, in the instant request from your legal team to convene in closed session today and the legal team I want to be very clear needs to have this discussion today because we have Court deadlines that we need to meet.

The purpose of this closed session would only be to discuss the legal strategy in moving this case forward and how the Commission wants to position this case and have those critical discussions.

I would also note for the record that the -- that the Commission, again the legal team has made that analysis, is recommending a closed session move forward and is that responsive to both of your questions, Commissioner Eid?

>> COMMISSIONER EID: Could you also just explain why we can't have that discussion in public?

>> MS. JULIANNE PASTULA: Thank you that was the part that I that escaped my mind.

Yes, so again we are discussing the options available for the Commission moving forward and so that the Commission can make those legal -- participate in those strategic discussions as a full body.

So if we were to have those discussions in open session it would be again like having opposing counsel giving them a copy of our play book.

Again I think the sport reference is what we went with the last time we talked about it so in keeping with that yes, it's not advisable or appropriate to have these discussions in open session.

>> CHAIR SZETELA: Commissioner Lett?

>> COMMISSIONER LETT: Thank you.

I concur with the motion to go into closed session.

And as everybody is pretty much aware, I was not a particular fan of the first go around.

However, I believe that the Supreme Court and our rules have now allowed this to move forward.

And I concur with General Counsel, this is a topic that would not normally be discussed in the public.

It is procedurally as well as tactically what we as a Commission want to do moving forward when we are sued.

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And that certainly is within the per view of confidential confidentiality between our counsel and ourselves.

So I'm in favor of this, thank you.

>> CHAIR SZETELA: Any additional comments? Okay at this point we can go ahead and vote and this will be a roll call vote, I'm sorry General Counsel?

>> MS. JULIANNE PASTULA: Excuse the interruption Madam Chair a clarification if the Commission wanted to make the distinction whether it would be immediately going into closed session or setting a time that you know, five minutes from now, ten minutes from now to give everybody time to clear the room and log into the separate session, yes.

>> CHAIR SZETELA: Does anyone care?

>> MS. JULIANNE PASTULA: Or Noon, just immediately or a time certain.

>> CHAIR SZETELA: It will have to be a fast closed session.

All right, just eats time.

What? I'm sorry.

Commissioner Witjes?

>> COMMISSIONER WITJES: Might as well do it right now.

>> CHAIR SZETELA: Do.

>> COMMISSIONER WITJES: Have the closed session right now.

>> CHAIR SZETELA: We need a motion and a vote.

>> COMMISSIONER WITJES: Okay.

>> CHAIR SZETELA: Waiting for a motion and a vote.

Commissioner Clark.

>> COMMISSIONER LETT: I move we go into closed session.

>> COMMISSIONER CLARK: I will second.

>> CHAIR SZETELA: Motion by Commissioner Lett and seconded by Commissioner Clark to call a closed session pursuant to 6.2.5 of the MICRC rules of procedure any additional debate or discussion on the motion? Ms. Reinhardt?

>> MS. SARAH REINHARDT: Just as a reminder to members of the public viewing remotely and in person should the Commission decide to go into closed session members of the public attending in person will kindly be asked to step out of the room and the live stream will temporarily pause.

Upon the conclusion of the closed session the Commission will come back into public session and those who have stepped out of the room may reenter the room if you would like to and the live stream will resume.

>> CHAIR SZETELA: This has to be by a roll call vote please do the roll call.

>> MS. SARAH REINHARDT: Indicate your support of the motion with a "Yes" or "No," I will call on Commissioners in alphabetical order starting with Doug.

>> COMMISSIONER CLARK: Clark yes.

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

>> COMMISSIONER EID: Yes.

>> MS. SARAH REINHARDT: Brittini Kellom?

>> COMMISSIONER KELLOM: Yes.

>> MS. SARAH REINHARDT: Steve Lett?

>> COMMISSIONER LETT: Yes.

>> MS. SARAH REINHARDT: Cynthia Orton?

>> COMMISSIONER ORTON: Yes.

>> MS. SARAH REINHARDT: MC Rothhorn?

>> VICE CHAIR ROTHORN: Yes.

>> MS. SARAH REINHARDT: Rebecca Szetela?

>> CHAIR SZETELA: No.

>> MS. SARAH REINHARDT: Janice Vallette?

>> COMMISSIONER VALLETTE: Yes.

>> MS. SARAH REINHARDT: Sorry she is not present, Richard Weiss?

>> COMMISSIONER WEISS: Yes.

>> MS. SARAH REINHARDT: Dustin Witjes?

>> COMMISSIONER WITJES: No.

>> MS. SARAH REINHARDT: By a vote of nine in favor the motion carries.

>> CHAIR SZETELA: Okay, all right so the results of the roll call vote are nine in favor two no, the motion did carry.

The closed session will go into effect immediately.

It's currently 10:58 and we would ask members of the public in attendance to please leave the room and the permissible of pending litigation being Detroit caucus docket 163926 and the reason for the closed session is to discuss legal strategy and pending litigation with MICRC lawyers.

And all members of the public are required to exit the room and online streaming of this will resume at the conclusion of the closed session Commissioner Lett you will need to log back in through the link that Ms. Reinhardt had just e-mailed out as well.

>> COMMISSIONER LETT: Thank you.

[Closed session]

>> MS. SARAH REINHARDT: Test one two and Commissioner Lett thumbs up if you can hear me, okay.

>> COMMISSIONER ROTHORN: Are we okay so as Vice Chair of the Commission I reopen the I'm going to call the open session back to order and I'm going to acknowledge that the closed session ended at 12:21 in order to open the session will the secretary please call the roll.

>> MS. SARAH REINHARDT: Please say present when I call your name and if you are attending remotely, please let us know you are attending remotely I will call on Commissioners in alphabetical order starting with Doug Clark.

>> COMMISSIONER CLARK: Present.

>> MS. SARAH REINHARDT: Juanita Curry.

>> COMMISSIONER CURRY: I'm present

>> MS. SARAH REINHARDT:

Anthony Eid?

Brittini Kellom?

>> COMMISSIONER KELLOM: Present.

>> MS. SARAH REINHARDT: Rhonda Lange?

>> MS. SARAH REINHARDT: Steve Lett?

- >> COMMISSIONER LETT: Present, from Lee County, Florida.
- >> MS. SARAH REINHARDT: Cynthia Orton?
- >> COMMISSIONER ORTON: Present.
- >> MS. SARAH REINHARDT: MC Rothhorn?
- >> VICE COMMISSIONER ROTHORN: Present.
- >> MS. SARAH REINHARDT: Rebecca Szetela?
- >> COMMISSIONER VALLETTE: Present.
- >> MS. SARAH REINHARDT: Erin Wagner?
- >> MS. SARAH REINHARDT: Richard Weiss?
- >> COMMISSIONER WEISS: Present.
- >> MS. SARAH REINHARDT: Dustin Witjes?
- >> COMMISSIONER WITJES: Present.
- >> MS. SARAH REINHARDT: 10 Commissioners are present.

And there is a quorum.

- >> COMMISSIONER ROTHORN: Thank you, Ms. Reinhardt.

It's 12:25, without objection we will be in recess until 12:45.

Hearing no objection, we are in recess until 12:45 .

[Recess]

>> COMMISSIONER ROTHORN: As Vice Chair of the Commission I call this meeting back to order at 12:52 p.m. will the secretary please call the roll?

>> MS. SARAH REINHARDT: Commissioners, please say present when I call your name.

If you are attending the meeting remotely, please disclose you are attending remotely and as well as your physical location you are attending from.

I call on Commissioners in alphabetical order starting with Doug Clark.

- >> COMMISSIONER CLARK: Present.
- >> MS. SARAH REINHARDT: Juanita Curry.
- >> COMMISSIONER CURRY: I'm present
- >> MS. SARAH REINHARDT: Anthony Eid?

Brittini Kellom?

- >> COMMISSIONER KELLOM: Present.
- >> MS. SARAH REINHARDT: Rhonda Lange?
- >> MS. SARAH REINHARDT: Steve Lett?
- >> COMMISSIONER LETT: Present, attending remotely from Lee County, Florida.
- >> MS. SARAH REINHARDT: Cynthia Orton?
- >> COMMISSIONER ORTON: Present.

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>> MS. SARAH REINHARDT: MC Rothhorn?

>> VICE COMMISSIONER ROTHORN: Present.

>> MS. SARAH REINHARDT: Rebecca Szetela?

>> COMMISSIONER VALLETTE: Present.

>> MS. SARAH REINHARDT: Erin Wagner?

>> MS. SARAH REINHARDT: Richard Weiss?

>> COMMISSIONER WEISS: Present.

>> MS. SARAH REINHARDT: Dustin Witjes?

>> COMMISSIONER WITJES: Present.

>> MS. SARAH REINHARDT: Nine Commissioners are present.

And there is a quorum.

>> COMMISSIONER ROTHORN: Thank you, Ms. Reinhardt. So we are moving on to new business agenda item 6B.

Unless there was something that we needed to finish from last time.

So before we move there Commissioner Orton you have the floor.

>> COMMISSIONER ORTON: Before we move on could we just kind of continue our discussion about like future meetings? Are we going to be in person or not? I think Janice's idea of just during these winter months planning on being remote is a really good idea.

I don't think it should be in the procedure, but I think we should have a plan to be noticed to the public.

>> COMMISSIONER ROTHORN: There was a respectful because there are lots of people that set us up so it's a different set up if we go remote so that is a respectful idea.

I'm seeing some thumbs up, okay I'm seeing lots of thumbs up.

So I suppose.

>> COMMISSIONER ORTON: I will make a motion and we can see if it's voted or not.

So a motion that the rest of January, February and March we hold remotely and then go forward from there as our procedures say.

>> COMMISSIONER ROTHORN: The motion was made by Commissioner Orton, seconded by Commissioner Curry to have all the meetings from January 27th through

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March 24th, those are on the second and fourth Thursdays each of those would be held remotely and we would evaluate after March whether we want to continue.

But at this point just through March 24 held remotely.

Okay so that is our motion.

Any discussion on the motion? Commissioner Kellom?

>> COMMISSIONER KELLOM: Yes, I was just going to suggest maybe we keep it open because I mean anything could happen until you know the end of time as being a Commission.

I think instead of having it in the winter months kind of how we had it before, we all have the opportunity to go remote whenever just to come back and make another motion.

I see Commissioner Orton's hand.

>> COMMISSIONER ROTHORN: Please Commissioner Orton?

>> COMMISSIONER ORTON: Yes, thank you for that clarification.

That is what I meant is I think we still as Commissioners have the option to attend virtually.

But in this case, we would just know for the winter months we don't have to have the building reserved and those types of things if we decide we are just going to do virtual for this particular time period.

>> COMMISSIONER ROTHORN: Commissioner Witjes?

>> COMMISSIONER WITJES: It's my two cents, I know we changed our rules and procedures and all that, but I mean, we were required to be in person any way before we did that.

And we took and those particular rule changes that went into effect on the 1st say that everyone on a public body must be in person we basically just ignored to help people that we currently have out for example Steve with a medical issue they can stick around.

I firmly believe we need to be meeting in person.

For one it's been a real mild winter so far, so I don't really think it's going to get much worse but we should be meeting in person.

That is what I believe.

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So I'm telling you right now I'm voting no on this.

>> COMMISSIONER ROTHORN: Any other debate? Excuse me General Counsel?

>> MS. JULIANNE PASTULA: Mr. Chair thank you so much.

My notes reflect, and I invite the secretary to confirm, my notes reflect that the only change made was this regard to the notice periods, that of for the rules.

And as far as the Commissioner attendance, that the change to add in person or remote meetings was not taken up by the Commission earlier this morning.

It was discussed, there were two motions made, moved, neither of those two motions were seconded or voted on and the Commission elected just to vote on the main motion.

Certainly the Commission can -- I just wanted to confirm that was my understanding.

>> COMMISSIONER ROTHORN: And I think that is accurate.

The reason I think the reason we are bringing it up again, I don't know if the motion here would impact those rules.

Sounds like it might and General Counsel you are asking for clarification because we approved something that does not include that.

What we are discussing now to go into virtual through March 24 would impact what we just approved prior to the closed session.

And so help me clarify.

What is it we are trying to do? We are trying to essentially say we want to go remote.

That's what the motion on the table is.

Our rules say that we can each be remote but then there is a set up and right and if everyone is coming here and expecting in person then that doesn't really -- it's not fair.

And it feels like it's, Yeah, it's a different so that is why we are talking about it, to try to understand like if everyone is virtual, it just feels and I think that is why we are talking about this.

Go ahead Commissioner Curry, can you turn your microphone on?

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>> COMMISSIONER CURRY: We have to discuss it because if everyone say if five people decide to go virtual that have not been virtual, I'm not talking about the two that always go virtual but if a lot of people go virtual and we are renting this big place out then that is going to work against to me having this big, old place.

So we need to decide one way or the other.

>> COMMISSIONER ROTHORN: Thank you Commissioner Curry and Commissioner Vallette?

>> COMMISSIONER VALLETTE: I think that maybe we should say that for January, February and March we meet virtually and then starting in April we meet in person.

Not leave it as we will rediscuss it or anything.

We just say we come back and we meet in person.

>> COMMISSIONER ROTHORN: Director Hammersmith?

>> MS. SUANN HAMMERSMITH: I think the issue is the amendment was never made to the rules of procedure to actually be remote.

So I think that would have to be done first to amend the rules.

And then you could decide on your remote meetings for the first quarter of this year remaining.

>> COMMISSIONER ROTHORN: So General Counsel and then Secretary of State General Counsel please.

>> MS. JULIANNE PASTULA: Thank you Mr. Chair.

I stepped away briefly.

So as I understand what the Commission is wanting to do is on a temporary basis for the months of January through March, I think it was January 27th through March 24th due to the ongoing COVID health pandemic to hold, to suspend the Commission's rules and hold those specific meetings remotely.

That's the motion that I understand Commissioner Orton to be making.

Is that correct?

>> VICE CHAIR ROTHORN: And it was seconded by Commissioner Curry.

>> MS. JULIANNE PASTULA: Then we are fine.

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>> COMMISSIONER ROTHORN: Okay I'm seeing thumbs up from the secretary.

So we, okay, and lots of thumbs up.

So that motion is on the table.

Any further discussion? This is the temporary suspension of what we voted on and allow us to meet virtually January 27-March 24th.

Commissioner Eid do you have a question or a thought?

>> COMMISSIONER EID: Yeah, I mean I guess I'm not going to be in favor of that.

While I understand the reasons why we are doing it, I do think there is an expectation from the people that we meet in public.

I totally understand if Commissioners who can't be here in public would want to be virtual.

I think that's totally fine.

but to just have everything be virtual, I don't agree with that.

>> COMMISSIONER ROTHORN: Any other comments? Or discussion? Didn't we do that when we first started a year.

>> COMMISSIONER CURRY: Didn't we do that when we first started and it worked, it worked well.

>> COMMISSIONER ROTHORN: Virtually.

Okay, Commissioner Eid then Commissioner Vallette?

>> COMMISSIONER EID: We did and that is true, I think that is a really good point that Commissioner Curry raises.

But for me the difference is back then when we were meeting virtually all public bodies were meeting virtually because that's what the state had decreed, public bodies meet virtually.

At this point in time public bodies are still meeting in person.

Now if that were to change, I would totally be in agreeance with the proposed motion but as it stands now public bodies are still meeting in person, in public.

>> COMMISSIONER ROTHORN: Commissioner Vallette?

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>> COMMISSIONER VALLETTE: Okay, I'm not saying that you know we do everything virtually but what I'm saying there are three things that we need to consider, COVID for one thing it's on the rise.

Another thing is expense of having the building here.

Another thing is having the people come and then no one show up except for them.

And then there was one more and I forgot.

And the weather.

So I say if we just for these five meetings all it is five.

Another thing is it's not like we are telling the public guess what we are not going to meet in person.

They have two weeks.

We are not meeting again for two weeks.

So it's not like we are suddenly saying, you know, oh, like they are not showing up at the door and we are not here.

We are letting them know two weeks ahead of time that we won't be here.

>> COMMISSIONER ORTON: And it's still a public meeting.

They can still join us just like always.

I don't think -- I have not heard from the public that they care whether Commissioners are joining virtually or in person.

>> COMMISSIONER ROTHORN: Commissioner Witjes?

>> COMMISSIONER WITJES: I just don't think we call ourselves a public body.

I just don't think we can make special exception to those rules that every other public body in the state has to follow.

So.

>> COMMISSIONER ROTHORN: Okay, Commissioner Kellom or General Counsel do you want to respond first?

>> COMMISSIONER KELLOM: So I'm just making sure I'm following the conversation.

I don't want to elongate it.

Why are we being so intentional with having the next five meetings be virtual instead of it just being optional? Why is it that it has to be virtual I think that is what I'm trying to distinguish here because I think that is what I think I'm hearing.

>> COMMISSIONER ROTHORN: Anybody want to expound?

>> COMMISSIONER ORTON: Let me see.

>> COMMISSIONER KELLOM: That is what I have the problem with.

>> COMMISSIONER ORTON: So I think since we changed the procedure so that we can be virtual we don't have to give the 18 hour notice or whatever.

We can attend virtually if we want to which I am behind.

If it were to happen that all of us decided we needed to be virtual some week we still rented this building and we still have AV people setting up for us.

And all the expense of all that.

But if we say due to winter weather and whatever.

>> COMMISSIONER CURRY: COVID.

>> COMMISSIONER ORTON: COVID we are going to for the next five meetings be virtual then we don't have that cost that we are experiencing.

>> COMMISSIONER KELLOM: I don't know.

I just don't I think we should just have the option to be in person both for the sake of what it looks like, the optics of it and as me saying having been in a position of wanting to I just think it should be open to in person and virtual because you could be virtual mandatory virtual because that is what it sounds like to me for the next five meetings and what happens if something more serious comes and we have to be totally virtual and we have just not been here altogether.

That is a bit of a rabbit hole thought but what the Commission decides I think it should be flexible if something happens if you are uncomfortable because of the reasons that Commissioner Vallette listed you have the option to be virtual and if you want to be in person because maybe your schedule allows you to be in person and you like being here you should be able to do that too.

>> COMMISSIONER ROTHORN: Commissioner Orton?

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>> COMMISSIONER ORTON: Yeah, I think whatever the Commission wants I'm behind.

That's good.

I do just think we can't just leave it like we have to decide at this meeting what the next meeting is going to be so that we so it's noticed properly and stuff so people can know where they are going to attend or how they are going to attend.

>> COMMISSIONER ROTHORN: To be clear the next meetings are in person.

Excuse me they are not noticed as in person or I mean they are scheduled but they are not noticed is that accurate, scheduled but not noticed? Okay Commissioner Curry?

>> COMMISSIONER CURRY: Yes, you know, if this was summer or spring I would love to travel and try to meet everybody but I am afraid to drive on ice, snow and if it's raining real hard.

Any far distance.

But other than that, and I know we are in the season for bad, bad weather.

I think if I stay anywhere out of Detroit I would not attend if it snowed three feet or two feet.

>> COMMISSIONER ROTHORN: Thank you Commissioner Curry.

Commissioner Witjes and then I'm going to get to General Counsel and Commissioner Vallette.

>> COMMISSIONER WITJES: I vote to end this and on taking the next five meetings virtual.

>> COMMISSIONER ROTHORN: Is there a second.

>> COMMISSIONER EID: Second.

>> COMMISSIONER ROTHORN: Commissioner Eid seconded to end discussion and it's a two third vote so we will vote on ending the discussion on this motion.

Should we do a roll call or is this can we do a simple hand raise, all in favor of ending discussion please raise your hand and say aye.

Okay looks like one can...you raise your hands please so we can just see? What is unanimous.

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Ending debate.

Those are the ayes and nay if you would not like to end debate nay please respond with a nay.

Okay, so discussion is ended.

That means we are at the vote.

General Counsel, please.

>> MS. JULIANNE PASTULA: Mr. Chair I was just going to offer to restate the motion if that would assist the body.

>> COMMISSIONER ROTHORN: Yes please.

>> MS. JULIANNE PASTULA: Before the Commission is a motion made by Commissioner Orton, seconded by Commissioner Curry, the motion is to suspend the rules of procedure to hold remote meetings temporarily due to the COVID-19 pandemic beginning January 27th and ending the meeting on March 24th would also be remote.

That is the motion that's before the body.

Is to temporarily hold remote meetings for the timeframe specified, thank you.

>> COMMISSIONER ROTHORN: Thank you.

All in favor please raise your hand and say aye.

All opposed please raise your hand and say nay.

Okay I believe we have 11 people in attendance.

So that is 11 or 10 in favor and one nay.

We have ten in attendance so we have nine in favor.

One against and so the motion passes

Okay, thank you.

I believe we are at the point where we are going to move on to new business agenda item 6B unless there are other things to discuss

Okay moving on to 6B.

This is the issue bid request for lessons learned video and report.

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Without objection I will ask Communication and Outreach Director, Edward Woods III, to present this item.

Hearing no objection, please proceed, Mr. Woods.

>> MR. EDWARD WOODS: Good afternoon, members of the Commission.

This is just basically a follow-up on our discussion from the last meeting with regards to the lessons learned inadvertently called a dock pen documentary.

And it's to identify the public and we started a campaign through statewide outreach and asked people to come and say how can we improve the process.

And we want people to improve the process by putting their comments in the public comment portal.

They can write but we do want to hear from the public how we can improve the process with the lessons learned without also look at the process and procedures that the Commission has implemented and developed, what the Commission feels has worked well and what could be how we can improve and include the technical report that has to be done as well as part of the process.

The script or the outline of the script would be approved by the Commission so you know exactly what is taking place before the money is spent to record the video.

So it's just a follow-up on that

And in addition to doing the video it will also be a written report so that if something was not able to get into the video it could actually be in the report so we don't miss anything.

Thank you.

>> COMMISSIONER ROTHORN: Thank you Mr. Woods.

Any discussion? Any questions? Commissioner Clark?

>> COMMISSIONER CLARK: Yes, I'm in favor of it but I think we have to be careful relative to the legal suits we are dealing with.

Do you want to speak to that.

>> MR. EDWARD WOODS: We will not be dealing with any pending litigation and in my report, we will talk about that as it relates to interviews with the press and stuff that is happening because I want to make sure the Commission is all on the same Page.

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We will not be discussing pending litigation at all, whatsoever.

>> COMMISSIONER CLARK: Not discussing it but even small facts that come out may impact it.

So I think it needs a lot of review.

>> MR. EDWARD WOODS: Absolutely.

>> COMMISSIONER CLARK: And going out by the attorneys as well as us.

>> MR. EDWARD WOODS: Sure.

>> COMMISSIONER CLARK: And even the production of it has got to be well controlled.

So I think those are my comments.

>> MR. EDWARD WOODS: Thank you.

>> COMMISSIONER ROTHORN: Commissioner Witjes?

>> COMMISSIONER WITJES: Move to adopt resolution 20220103 which is approve the bid to request for lessons learned report and video.

>> COMMISSIONER ROTHORN: Is there a second.

>> COMMISSIONER LETT: Second.

>> COMMISSIONER ROTHORN: Thank you moved by Commissioner Witjes adopted excuse me seconded by Commissioner Lett to adopt resolution 20210103 the issue bid request lessons learned video and report all in favor please raise your hand and say aye.

All opposed please raise your hand and say nay.

The ayes have it and the motion is adopted.

Thank you, Mr. Woods.

We will continue new business with agenda item 6C publishing requirements within 30 days after adopting maps and report on the adopted plans without objection I will ask Executive Director Hammersmith to start the discussion.

Hearing no objection please proceed Ms. Hammersmith.

>> MS. SUANN HAMMERSMITH: Thank you MC.

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For clarification I copied the constitutional sections that deal with the report that is due in 30 days.

And also the final report.

MDOS and MICRC staff met and considered what we should publish with the 30-day notice and that would be by our next meeting date, which is January 27th, that we would have this 30-day report due from the date the maps were adopted

So the thought was to create a public notice.

And General Counsel Pastula did draft a public notice.

The adopted plans would be there would be links to the adopted plans so the maps the shape files and the mapping criteria data for each of the plans that were adopted, the census data would be available, the racial bloc voting data so the report from Dr. Handley and also the report from Moon Duchin about communities of interest.

Those were the items that we felt should be included to be published.

In the 30-day time period.

And we just wanted to bring those to this Commission and ask if there are other documents or data that you feel should be published, all of the data is on a repository and available to anybody who wishes it.

>> COMMISSIONER ROTHORN: I just have I see Commissioner Witjes do you want to go first?

>> COMMISSIONER WITJES: I will be quick.

I'm looking at the paragraph 16 where it says a Commissioner who votes against a redistricting plan may submit a dissenting report.

I voted for all of them so I can't do that although I want to.

However, would the Commissioners have additional time after this is released at the next meeting to provide a dissenting report or do they have to do it on that day as well?

>> MS. SUANN HAMMERSMITH: The parts 15 and 16 are separate from each other.

So part 15 talks about within 30 days what we need to publish and then subsequently a report is due.

There is no timeline whatsoever put on that report.

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So there will be time if a Commissioner wants to issue a dissent report to do so.

>> COMMISSIONER ROTHORN: Very good thank you General Counsel did you have something.

>> MS. JULIANNE PASTULA: Thank you so much what the executive director is saying the dissenting has to be with the report as an attachment I would recommend the anticipated release of the Commission's final report be known in advance so that any Commissioner that chooses to submit a dissenting statement has ample notice of when that would need to be finalized and turned over for incorporation into the Commission's report.

>> COMMISSIONER ROTHORN: Okay thank you.

So I had a thought.

It seems that we have public comment today that said in Dr. Handley's report there were two errors and I think what we might want to do is make sure we are publishing something accurate but I think it sounds like we also need to be reflecting what the data is that we use or the report that we used.

So I just wanted to acknowledge somehow, we should have it accurate and somehow the thread, right, should be limited there.

>> MS. JULIANNE PASTULA: Thank you Mr. Chair just for the record the notes that were highlighted during public comment have already been corrected in Dr. Handley's report in that updated report is available on the Commission's website.

>> COMMISSIONER ROTHORN: Fantastic.

I suppose we should maybe we can learn it sounds like those are minor errors or maybe Scribner's errors but do we know if they immediate a difference that is important to know Director Hammersmith please proceed.

>> MS. SUANN HAMMERSMITH: I did send that out to the Commission about a week ago a revised report and should be in your in box but after the meeting on the 28th when the couple of errors were noticed I went through the entire report and found wherever that specific name was, et cetera, and made sure I sent a list directly to EDS and Dr. Handley and she corrected that report within a week and it was posted on the website.

>> COMMISSIONER ROTHORN: Wonderful.

Thank you.

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Okay any other I guess do we need to have a resolution? Or what is our.

>> MS. SUANN HAMMERSMITH: When we published any time, we published in the past we have not gotten specific permission from the Commission to do so.

So like when the maps were published it's usually between meetings and time sensitive, so for example on November 12 when the 15 plans were gone through by the center for shared solutions and they were all ready to post those legal descriptions we just had MDOS post those.

So you know I don't know that we need a specific resolution.

>> COMMISSIONER ROTHORN: Looks like we do not.

>> MS. SUANN HAMMERSMITH: We just wanted you to be aware and if there are other things you feel should be published for the public to see we can add the publication notice and the goal is to get it out on the 27th or the before, the 27th is the 30th day after our meeting so 27th of January.

>> COMMISSIONER ROTHORN: Very good, thank you, Director Hammersmith.

Moving on next on the agenda are minutes for approval from the December 28th meeting held in Lansing.

These draft minutes have been provided to the Commission prior to this meeting and posted on the website.

Are there any edits to these minutes? May have I a motion to approve the minutes of the meeting held on December 28, 2021.

Motioned by Commissioner Witjes seconded by Commissioner Lett.

All in favor raise your hand and say aye.

All opposed raise your hand and say nay.

The ayes prevail and the minutes are approved.

Thank you everyone

There are staff reports today without objection I will ask Executive Director Hammersmith to provide her report.

Hearing no objection please proceed Ms. Hammersmith.

>> MS. SUANN HAMMERSMITH: Thank you Vice Chair Rothorn.

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Just wanted to follow-up with the revised budget that I sent out this week and ask if there were any questions on that or on any of the resolutions that were sent.

The resolutions were signed by Chair Szetela today and we will have them posted on the website.

Again those are resolutions that could not be done in advance of the meeting because you were vote on maps et cetera.

So any questions on those? If none I would remind you to catch up on any expense reports that might be outstanding.

And according to communications and Outreach Director Woods comments I would also be very interested in hearing from Commissioners on any administrative or operations, process or procedures that you felt were good, were effective, or could be improved and how they could be improved.

so I'm going to start gathering that information.

So we can at least provide information to the next Commission.

They won't start with a blank slate like you did.

>> COMMISSIONER ROTHORN: Thank you Director Hammersmith.

>> MS. SUANN HAMMERSMITH: Thank you.

>> COMMISSIONER ROTHORN: Without objection I would like to ask communication and Outreach Director Edward Woods III to provide his proceed.

Please proceed Mr. Woods.

>> MR. EDWARD WOODS: Thank you Vice Chair.

I did hear back from Richard Shuba with the Glengariff Group and did the initial survey and wanted to know if there was a post to do a compare and contrast and I asked him to submit a proposal just for the Commission's consideration so just want you to know that is coming with regards to that

I want to reiterate, I think the General Counsel has shared this already, with regards to pending litigation to just make sure we are not commenting or trying to converse with the press or if they change the press is very good at asking questions.

And the Commission has operated in an open and transparent manner.

There has been no smoking gun or something to look for.

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As relates to the Commission's proceedings and that.

So tribute to each and every one of you.

But now, you know, the hard work goes in terms of defending the maps that you all have approved following the seven ranked redistricting criteria.

And so we just want to make sure that you know no need to get cute, get smart or think that you're smarter than they are or better than they are.

They have a story to tell and they are looking you know for a story.

And our story is really how we came through on the proposal 201802 more than 61% of Michigan, Michiganders said they wanted you, not politicians to make the maps and that is a story that we can tell.

You know, without discussing pending litigation.

And as we continue to get media requests and interviews, we will continue to share that with the Commission.

So that you have the opportunity to share the work that you have done in fine fashion but just want to reiterate at no time whatsoever to talk about pending litigation because we do not want to be a detriment to any current lawsuits or any future lawsuits whatsoever.

And I know people understand that in theory but it also has to be in practice.

It can't be something done behind closed doors or manipulated.

The press knows how to get in contact with you.

They know how to reach you so refer them back to me or just say you can't comment but they have our statements.

We have not hidden anything from them.

We shared with them this week with regards to our intent for our lessons learned and what that was about and how it's a responsible use of tax dollars because citizens wanted input on the maps and want input on how we can improve the process and as we continue to operate in an open and transparent manner let's make sure we do not change history by offering comments when it comes to pending litigation that would be a travesty of the great work you have done so far.

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Just want to give you that caution and also remind you as you tell the story make sure that you do not give any indication of asking any questions or suggesting anything that might hurt us as relates to pending litigation or litigation to come.

Thank you so much.

>> COMMISSIONER ROTHORN: Thank you Mr. Woods.

Without objection I will ask Sarah Reinhardt from the Michigan Department of State if she has a report.

Hearing no objection please proceed Ms. Reinhardt.

>> MS. SARAH REINHARDT: No updates.

>> COMMISSIONER ROTHORN: Correspondence was provided with written public comments to the Commissioners in our meeting materials are there any future agenda items Commissioners would like to add to future agendas? All right, are there any announcements? Very good as the items on the agenda are completed and the Commission has no further business a motion to adjourn is in order.

Commissioner Witjes and Commissioner Lett are dynamic duo all in favor of adjourning, raise your hand and say aye.

All opposed raise your hand and say nay.

The ayes prevail, the meeting is adjourned at 1:26. Thanks very much, everybody.