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MICRC

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>> CHAIR ORTON: As Chair of the Commission I call this meeting of the Michigan Independent Citizens Redistricting Commission to order at 1:03 p.m. This webinar is live streamed on YouTube on the 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 included closed captioning closed captioning, ASL interpretation and Spanish, Arabic and Bengali translation services will be provided for effective participation in this meeting. E-mail us at redistricting@Michigan.gov for additional viewing options or details on accessing language translation services for this meeting.

People with disabilities needing other specific accommodations contact redistricting@Michigan.gov. It's being recorded and available at www.Michigan.gov/MICRC for viewing at a later date. This meeting is also being translated, sorry, transcribed and those closed caption transcripts will be made available and posted on the Michigan.gov/MICRC website and written public comment submissions. There is also a public comment portal that may be accessed by visiting Michigan.gov/MICRC.

Members of the media who may have questions before, during or '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 to take note of the Commissioners present.

>> YVONNE YOUNG: Good afternoon, Commissioners. And happy holidays to each of you. Please say present when I call your name. If you are attending the meeting remotely please announce during roll call where you are attending the meeting remotely and unless for military duty state your physical location with the county, state, Township or village from which you are attending the meeting remotely. I will begin roll call. Doug Clark?

>> COMMISSIONER CLARK: Present. I'm attending remotely from Huntington Beach, California.

>> Juanita Curry?

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

>> YVONNE YOUNG: Anthony Eid?

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

- >> YVONNE YOUNG: Brittini Kellom? Rhonda Lange?
- >> COMMISSIONER LANGE: Present; attending remotely from Osceola County, Michigan.
- >> YVONNE YOUNG: Steve Lett?
- >> COMMISSIONER LETT: Present; attending remotely from Lee County, Florida.
- >> YVONNE YOUNG: Cynthia Orton?
- >> CHAIR ORTON: Present; attending remotely from Battle Creek, Michigan.
- >> YVONNE YOUNG: Rebecca Szetela?
- >> COMMISSIONER SZETELA: Present; attending remotely from Wayne County, Michigan.
- >> YVONNE YOUNG: Janice Vallette?
- >> COMMISSIONER VALLETTE: Present; attending remotely from Highland Township.
- >> YVONNE YOUNG: Erin Wagner? You are muted.
- >> COMMISSIONER WAGNER: That is not fair it says use the space bar to unmute, present and attending remotely from Eaton Township.
- >> >> YVONNE YOUNG: Richard Weiss?
- >> COMMISSIONER WEISS: Present; attending remotely from Saginaw Township, Saginaw, Michigan.
- >> YVONNE YOUNG: We have ten Commissioners present. We have a quorum.
- >> CHAIR ORTON: Thank you, Ms. Young.
- >> YVONNE YOUNG: You're welcome.
- >> CHAIR ORTON: As so as a reminder to the public watching, you can view the agenda at www.Michigan.gov/MICRC. So I would now entertain a motion to approve the agenda. I would just like to say first we have only three things on the agenda. We have many more things that are waiting to be discussed and those are on the agenda for the January 11th meeting. So this meeting is pertaining to those three things. Commissioner Wagner, do you have something?
- >> COMMISSIONER WAGNER: I vote to strike the ED contract off of the agenda as this was supposed to be solely to discuss our game plan going forward with the maps and the Agee case.
- >> CHAIR ORTON: Is that a motion?
- >> COMMISSIONER WAGNER: I did say I motion.
- >> COMMISSIONER LANGE: I'm second.
- >> CHAIR ORTON: We have a motion on the floor. Is there any discussion about that? Commissioner Lange, you have your hand up do you have something?
- >> COMMISSIONER WAGNER: Not on that topic, but when we are done with that I do have a topic.
- >> CHAIR ORTON: Commissioner Clark? You are muted.

>> COMMISSIONER CLARK: I think it's important to realize that those time constraint relative to that topic and it's probably going to be a very short topic to go through so my recommendation is that we keep it on the agenda.

>> CHAIR ORTON: Any other comments? Commissioner Wagner?

>> COMMISSIONER WAGNER: The e-mail I got stated, this was solely from Edward, to discuss the Court's decision in the Agee case. I think we need to remain with that because we have much more pressing matters besides the ED contract to get through and they are not even on the agenda today.

>> CHAIR ORTON: Commissioner Lett?

>> COMMISSIONER LETT: Because, I would inquire of Sarah, the notice that was sent out, did it pertain strictly to the Agee case or did it pertain to Agee and the contract?

>> MS. SARAH REINHARDT: The meeting notice that was posted did not state a purpose for the special meeting, only that it was a special meeting.

>> COMMISSIONER CLARK: Thank you.

>> COMMISSIONER LETT: With that, to avoid further complication, I would support only dealing with the Agee case. We can certainly deal with the contract at our next meeting on January the 11th. So I would be in favor of just limiting the special meeting to the Agee case.

>> CHAIR ORTON: Can we, okay, assuming there is no other hands, let me know if some of the hands that were up were meant to be up. Can we have a roll call vote?

>> YVONNE YOUNG: Certainly. Get myself together here. The motion is to strike the contract item for the Executive Director from today's agenda. A yes vote would indicate that you are for striking the item from today's agenda, a no vote means you would like the agenda item to remain. I'll start with Commissioner Curry?

>> COMMISSIONER CURRY: I vote that we strike it until the next meeting, so I guess that is what a no vote.

>> YVONNE YOUNG: A yes vote means you move to strike it. No means, right, no means you want it to remain.

>> COMMISSIONER CURRY: Yes, I want to strike it.

>> YVONNE YOUNG: Thank you, ma'am. Anthony Eid?

>> COMMISSIONER EID: Yes.

>> YVONNE YOUNG: Brittini Kellom? Rhonda Lange?

>> COMMISSIONER LANGE: Yes.

>> YVONNE YOUNG: Steve Lett?

>> COMMISSIONER LETT: Yes.

>> YVONNE YOUNG: Cynthia Orton?

>> CHAIR ORTON: Yes.

>> YVONNE YOUNG: Rebecca Szetela?

>> COMMISSIONER SZETELA: Yes.

>> YVONNE YOUNG: Janice Vallette?

>> COMMISSIONER VALLETTE: No.

>> YVONNE YOUNG: Erin Wagner?

>> COMMISSIONER WAGNER: Obviously mine is a yes, strike it.

>> YVONNE YOUNG: Richard Weiss?

>> COMMISSIONER WEISS: Yes.

>> YVONNE YOUNG: Doug Clark?

>> COMMISSIONER CLARK: No.

>> YVONNE YOUNG: With a vote of eight to two the ayes prevail. The motion is adopted to strike the item, the contractor item for the Executive Director from today's agenda. Thank you.

>> CHAIR ORTON: And so we are still waiting for a motion to adopt the agenda. But, Commissioner Lange, you have something.

>> COMMISSIONER LANGE: A motion to add to the agenda a discussion as it relates, since we just got the Agee ruling, I would like to add to the discussion on if we should continue to retain Bruce Adelson as VR counsel to the discussion on how we proceed in light of the Agee case.

>> CHAIR ORTON: Mr. Lett.

>> I will second that motion.

>> COMMISSIONER LETT: I think probably Edward can have a little information on that for us regarding Attorney Adelson. Edward, would you enlighten us, please?

>> MR. EDWARD WOODS: Sure, thank you members of the Commission. I received an e-mail from Mr. Adelson, I have not had a chance to talk to him, but he sent an e-mail indicating that he would be terminating his contract with the Michigan Independent Citizens Redistricting Commission effective December 29th, 2023. And that he would be doing no additional work since the e-mail would be -- since the e-mail was submitted.

>> COMMISSIONER LETT: Since the -- thank you, Edward. Since Attorney Adelson is withdrawing his representation, I guess I would ask the motion maker if they would consider withdrawing the motion since it's now moot.

>> COMMISSIONER LANGE: I will withdraw my motion, thank you.

>> CHAIR ORTON: Commissioner Wagner, you still have something?

>> COMMISSIONER WAGNER: Yes, for Executive Director Woods. Director Woods, can you tell me what date that Bruce sent that resignation?

>> MR. EDWARD WOODS: It was last night, Commissioner Wagner.

>> COMMISSIONER WAGNER: He resigned effectively last night, okay, thank you.

>> MR. EDWARD WOODS: Well, yes, he said he wasn't going to do any work through the 29th just for clarity.

>> COMMISSIONER WAGNER: Okay, thank you.

>> CHAIR ORTON: Okay, so we are still waiting to adopt the agenda, so.

>> COMMISSIONER LETT: I move to adopt the agenda.

>> COMMISSIONER SZETELA: I will second.

>> CHAIR ORTON: Okay. Can we have -- well, all in favor raise your hand and say aye. Aye.

Opposed? If any? Okay, the agenda is adopted.

So we have next on the agenda is public comment. And individuals who have signed up and indicated they would like to provide live remote public comment to the Commission will be allowed. I will call your name, if you're on a computer you will be prompted by the Zoom app to unmute your microphone and speak. If you are on the phone, a voice will say the host wants you to speak and prompt you to press star six to unmute. I will call on you by name. Also, please note if you experience technical or audio issues or we do not hear from you for three to five seconds, we will move on to the next person in line and return to you after they are done speaking. If your audio still does not work, you can e-mail redistricting@Michigan.gov and we will help you troubleshoot so you can participate in the public comment during a later meeting.

You will have two minutes to address the Commission. Please conclude your remarks at the end of two minutes. First in line to provide public comment is James Galant.

>> Can you hear me now?

>> CHAIR ORTON: Yes.

>> All right, thank you very much. And Happy New Year and happy holidays, you folks. This is James Galant, Marquette County Suicide Prevention Coalition and these are my opinions. And I'm here to tell you that I told you so. Okay? And I know some people think I'm an obstructionist here. But I am maybe for the cheaters. And I told you you should have followed Roberts Rules of Order as instructed by the Department of State, clearly, at the first meeting. Now, the Chair just said we are waiting for a motion to approve the agenda as amended. You didn't have a main motion, so your amendment was not in order.

Now, Secretary of State Benson is the secretary without a vote. She's not here. She is MIA. You cannot have other common law in America, our parliamentary law in America, you can't have a meeting without a secretary. Secretary of State was not a good idea that Dr. Nancy Wang put that in the amendment that the Secretary of State has to be here for you to have a legitimate meeting. And I think whoever just did the roll call and is answering the questions for the Secretary of State is identity theft. They are stealing her title of Secretary of State to be the secretary today.

Now, I believe that your -- a lot of this is all about the Baker Hostetler and the attorneys. And I told you back then, Commissioner Lett said very clearly that these are partisan attorneys. You cannot have partisan employees. You are to instructing employees are nonpartisan, including attorneys. And this is unconstitutional. And if Secretary of State Benson was here she would have been able to say that as the

secretary without a vote. It's not a proper motion to hire those people. And, you know, the League of Women Voters said that you did a disservice by allowing not enough discussion before you made the decision. Yeah, before you made the motion like you are doing right now. Motion second, discussion, vote. Mike Brady told you that specifically before the first meeting. And Commissioner Lett was not properly under Roberts Rules of Order even elected Chair of the Commission at the first meeting. She started right out with multiple questions. One question first in America. You have one question at a time.

>> CHAIR ORTON: Thank you for addressing the Commission. Next in line is Dustin Witjes.

>> COMMISSIONER WITJES: Hello, can you hear me?

>> CHAIR ORTON: Yes.

>> COMMISSIONER WITJES: I initially signed up for two sets of two minutes, but I won't need it. My comment today is going to be basically to appeal and appeal hard. That is how I would vote if I was still on the Commission at this particular point.

The second is just an idea. Once the replacements are picked, if you need someone to train them how to use the software, I will be more than happy to do so. As I was one of the more, I guess, affluent users of redistricting software. So just here is an idea. Might save time. Might save money. So something to think about.

Second or third thing I was going to bring up was the letter to remove Rebecca was indeed sent before my resignation, time stamps of the e-mails will show that. However, if it becomes an issue where my letter was not dated correctly I would encourage someone to have the courage to refile the letter as written to have the possibility of her being removed from the Commission. It's not the fact that she testified, in fact, all testimony and I welcome it all, everyone's opinion inside of Court, the fact is that she was working directly with opposing counsel. And testified to that fact. As well as always stating the Commission speaks with one voice and her actions prove otherwise. That is what I have to say and please take them as you will.

>> CHAIR ORTON: Next in line is James Dindoffer.

>> MS. SARAH REINHARDT: It's Robert Dindoffer.

>> CHAIR ORTON: It is, okay, I apologize.

>> Hello, can you hear me?

>> CHAIR ORTON: Yes.

>> Oh, great. Hey folks, first I want to commend you on the job you have done so far. I've paid attention for a little while and feels like getting the gang back together again with the first comment today. I wanted to tell you all my State House District was struck down or I guess there is an injunction was entered prohibiting the use of the District for further elections. Unless they have the District and includes the Grosse Pointes and Detroit river front area towards downtown. I thought it was a good District based on my understanding. Having heard what your attorneys had to say about the Voting Rights

Act. I certainly, as a Grosse Pointe, think a better community of interest is Grosse Pointes with other suburban communities but that does not mean that the District has drawn as good. The side benefit was for a while we had speaker of the State House as our State Representative and I was expecting that. So it's all good. Now that it has been struck down if that continues to be the case and the neighboring District 11 which includes two thirds of St. Clair shores I would combine a community of interest the Lake front suburban of Grosse Pointes and two thirds of St. Clair shores in a State House District. It would be almost what you need for a State House District and reflect the Lake St. Clair of interest which has been discussed throughout the whole process. And it would be a real close District and it would mean that everybody is running and has to pay attention to the issues that are common to everyone in the District. Much like the State Senate District you all drew around Lake St. Clair which was the closest District in the state. Had both major party candidates talking about water infrastructure and issues protecting the Lake. Doesn't matter what party support if you live in the community you've got someone who is a candidate who cares about the issues that are common to all of us. I think it would be a real victory for the community of interest concept and standard if.

>> CHAIR ORTON: Thank you for addressing the commission. That concludes 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.

>> MS. SARAH REINHARDT: Madam Chair.

>> CHAIR ORTON: You can keep sharing your thoughts especially if you would like to yes.

>> MS. SARAH REINHARDT: I apologize for the interruption. I wanted to point out Commissioner Wagner has her hand raised.

>> CHAIR ORTON: Commissioner Wagner?

>> COMMISSIONER WAGNER: Got to remember not to hit the space button to unmute. Through the Chair I would like to ask Mr. Dindoffer if he could send a letter to the Commission with exactly his points that he just pointed out here since we are discussing two of those districts that are potentially within the redrawing efforts. So if he could do that, that would be wonderful. And thank you.

>> CHAIR ORTON: Sarah, I believe you are the one that would have contact with him potentially. So.

>> MS. SARAH REINHARDT: Yes, I can reach out to Mr. Dindoffer to make that request.

>> CHAIR ORTON: So next on the agenda is items for discussion 5A, the Agee case update. Without objection, I will ask Commissioner Lett, our legal liaison to facilitate this item. Hearing no objection proceed, Commissioner Lett. I also see David Fink is on. You may also speak. You guys can tag team, however you want to do it.

>> COMMISSIONER LETT: Sure. First off in order to get things going and what is I think not appropriate way I would at this thyme like to make a motion. I would move that we file a notice of appeal and appeal with the United States Supreme Court along with a motion for immediate stay of the injunction which would be filed through the local District Court and then at the Supreme Court assuming that the District Court would deny our motion for stay. If I have a second I would speak to it.

>> COMMISSIONER WEISS: Second.

>> CHAIR ORTON: We have a motion and a second. Is there any discussion on the motion? Mr. Fink, you would like to say something?

>> Mr. Fink: I can't speak to the motion that's for the Commissioners but I think it's extremely important. First, as your counsel to recommend in the strongest possible terms that you go into closed session. That you follow appropriate procedure to go into closed session because in making the decision you will be making you will be getting advice from among other people certainly Commissioner Lett but also from your retained counsel. And if you do not go into closed session, it becomes virtually impossible for counsel to provide accurate, candid, confidential advice. To be clear, there's nothing wrong with taking advice on a confidential basis in a closed session. Every governing body in the United States with which I am familiar everyone I've ever participated with has always conducted closed sessions to discuss litigation. As you know the Supreme Court has explicitly found you can conduct a closed session if you are getting legal advice regarding pending litigation. And obviously the Agee case is pending litigation. I know not everyone on this call is an attorney. But you all have had the experience of working through the legal process more than some attorneys at this point. And to unilaterally hamper yourself in this way, to put that constraint on you, put you in a tremendous disadvantage in litigation. I would compare it to being in a poker game and being the only person in the poker game whose cards are dealt up. While everyone else's cards are held privately. If the world can see all of the advice that you get, we are limited in what advice we can give you. I would also point this out, and this is important, what you say you're all now obviously aware of the fact with the 10,000 page transcript every word that has been spoken has been fair game for anyone who wants to challenge anything the Commission has done. The same holds true to the advice that you get and the information that you exchange among ourselves in a session discussing your legal options. But, again, it's a one-way thing. It can only hurt you. It can't help you to be in closed session. The reason I'm saying that is anything that you say or anything that we say has the potential to become an admission of the Commission that is used against the Commission in future litigation. You can be bound by statements that are made.

The other side of the coin though is the things you say here can't be used to help you. Because anything that you would say that could be used to help you can just be said in Court by your lawyers. Or by a witness. So it's a One-way Street in which there is

nothing but disadvantage to proceeding in an open session. It is beyond any -- I can't give an example of anybody in any legal matter who has done anything that is less constructive in being able to go forward in litigation than to say I will not talk to my attorneys in private. I will only talk to them publicly. To be clear the Michigan Supreme Court said you can have a closed session. I know I've talked a little too much. But it's really been gnawing at me thinking about the possibility this session could go forward in an open way. I realize I will probably be quoted in the paper myself for being a -- the poster child for secrecy in Government. But there is nothing secret about or improper about having confidential communications with your lawyers. That's what you're supposed to do. And I hope you will make that decision. Thank you.

>> CHAIR ORTON: I see we have three hands up of Commissioners but I see that Commissioner Kellom has joined us. So I assume you need to let us know where you are joining from.

>> COMMISSIONER KELLOM: Hello attending from Detroit, Michigan.

>> CHAIR ORTON: Thank you and I see Sarah Reinhardt that is what she wanted I guess. So Commissioner Lange?

>> COMMISSIONER LANGE: Since it was put out there in the public by Commissioner Lett, I'm going to let the public know my opinion on it transparently. I am adamantly against appealing it. I think the Court got the ruling right. This is me as an individual Commissioner. I do not speak as for the whole Commission, but I'm adamantly against it. And I just want everyone to know that publicly. So that's all I've got.

>> CHAIR ORTON: Okay, Commissioner Szetela?

>> COMMISSIONER SZETELA: Sorry, thought I unmuted. I have a couple things. First I would actually ask Commissioner Lett to kind of reconsider that motion. Because it's got three different things wrapped into one and I think it's a little confusing procedural because he has appear and ask for a stay and if we don't get the stay at the lower ask for a stay at the upper Court and would like to see them broken up along with explanation for those who are not lawyers as to what you're talking about. Just procedural there. In terms of the closed session, I'm not going to talk about the closed session, in terms of appealing to the Supreme Court. First of all I would like to know what are the potential grounds for appeal. What are we thinking? We've got some pretty robust factual findings over 50 pages which are rarely if ever considered by the Supreme Court as something they would consider overturning because we as lawyers know the Supreme Court is going to trust the judgment of the three judges who actually evaluated the credibility of witnesses. And actually were able to see people testifying in front of them, those are not things they are going to weigh into so I would really want to know what would be the grounds for appeal. I certainly am not in favor of appealing from a financial perspective. I believe we have and Edward you can correct me on this but I believe we spent over 5 million on legal fees at this point, a large chunk is

defending the litigation. I think we spent much taxpayer money and I would like to see us redraw maps and be done with the investigation rather than spend taxpayer money. The other point I want to raise up and Steve you can weigh in on this is about the stay. We would have to go to three panel judges and ask for a stay and will most likely deny it because it's dealing with constitutional violations against individuals. Then we would go to the Supreme Court who we would then ask for a stay in front of them as well. They may grant it, they may not grant it. But I want to make it clear that there is the potential that if the stays are not granted we are still drawing maps so it's not like the appeal is stopping us drawing maps. We might still be forced to do both at the same time. So draw the maps, get them redone and potentially have an appeal proceeding at the same time assuming the Supreme Court accepts the appeal. So again I don't think appeal is worth our time or money and it's kind of an insult to the Black voters in Detroit who spent a lot of time trying to get relief from us. To quote something that Commissioner Lett said when we adopted the maps he thought we got it right in terms of Detroit and if we got it wrong we can fix it. We are at the point we can fix it and I think we should. That's all.

>> CHAIR ORTON: Commissioner Wagner?

>> COMMISSIONER WAGNER: I was looking for clarification on appealing to the Supreme Court. Timeframe that would entail I definitely agree with Commissioner Szetela on this. I think it would be doing a big disservice to the people of Detroit. But I was looking for clarification from Commissioner Lett. As to length of time and appeal and that process would take. I would like to see two game plans in perspective. If that is the way we are going to go and attack the maps as well. Let's hit it on two fronts.

>> CHAIR ORTON: Commissioner Eid?

>> COMMISSIONER EID: These are good question and I would like to hear responses from the legal team and hear what they think and they asked us to move to closed session. And I like the poker analogy as somebody who dabbles in Texas hold 'em from time to time. So we have a motion on the table but if I could modify that motion to request that we go into closed session to hear the answers to some of these questions that the Commissioners have brought up, I think that would be a good idea.

>> CHAIR ORTON:

>> COMMISSIONER CLARK: I would second that motion.

>> CHAIR ORTON: Okay, I don't really know if that works. Can we have a parliamentary help here?

>> MS. SARAH REINHARDT: Absolutely. Give me just one moment to look something up here. So my understanding is that a motion to go into a closed session is a privileged motion. And I believe that that would override or take precedent over any main motion that is currently standing. Yeah.

>> CHAIR ORTON: So the way you stated it, Commissioner Eid, is that you were just kind of adding it on to that? It's probably better to make a separate motion that would take precedent, we can vote on that first.

>> COMMISSIONER EID: Okay, yeah, I will motion to move to closed session if there is a second.

>> COMMISSIONER CLARK: And I will second it.

>> CHAIR ORTON: Okay, so we have a motion and a second. And we probably need a roll call vote.

>> MS. SARAH REINHARDT: That is correct just to review the rules of procedure quickly before Ms. Young begins. To go into closed session requires a two thirds affirmative roll call vote of members serving.

>> COMMISSIONER LETT: So for our math challenged people, how many votes is that going to be, Sarah?

>> MS. SARAH REINHARDT: I believe eight.

>> COMMISSIONER LETT: Okay.

>> COMMISSIONER EID: Any votes that take place will have to happen after the closed session ends, correct?

>> MS. SARAH REINHARDT: Correct.

>> YVONNE YOUNG: Commissioners, we have a motion.

>> COMMISSIONER SZETELA: Yvonne, I actually had a comment on the motion for closed session.

>> YVONNE YOUNG: I didn't see your hand, sorry.

>> COMMISSIONER SZETELA: Commissioner Orton?

>> CHAIR ORTON: Go ahead, Commissioner Szetela.

>> COMMISSIONER SZETELA: I did not comment on the closed session because we did not have a motion before. I'm not in favor of going to closed session. Anything we can discuss should be discussed apparently and if that means the counsel have to be careful what they are saying and tailor what they are advising I think that is appropriate. But I just don't want to go into another closed session because I think the pushback on that was pretty enormous before and I don't think we need it. Thank you.

>> CHAIR ORTON: Commissioner Weiss, do you have something?

>> COMMISSIONER WEISS: Yes. I understand Commissioner Szetela's point, but I also believe we should listen to our lawyers. Now, personally I would like to go into closed session and hear what our lawyers have to say about this. And I believe it's to our best interests to do that. So that's my comment on that.

>> CHAIR ORTON: Commissioner Curry?

>> COMMISSIONER CURRY: I agree. I think we should go into closed session and hear what our lawyers are saying.

>> CHAIR ORTON: Okay, any other comments?

>> MR. EDWARD WOODS: Commissioner Orton, I want to make sure that it's clear we are going in closed session because of pending litigation.

>> CHAIR ORTON: To discuss.

>> MR. EDWARD WOODS: Pending litigation, correct.

>> CHAIR ORTON: Okay, so Commissioner Eid, do you have something?

>> COMMISSIONER EID: If it helps I can respecify, you know, go into closed session specifically to hear the legal opinion regarding the Agee case and nothing else.

>> CHAIR ORTON: Okay.

>> COMMISSIONER CLARK: And I would second that comment that Commissioner Eid just made.

>> CHAIR ORTON: Okay, Commissioner Wagner?

>> COMMISSIONER WAGNER: Sorry, but if we go into closed session to discuss the last thing, all that other stuff on the agenda would we not have to come back into the public meeting?

>> CHAIR ORTON: Yes.

>> COMMISSIONER WAGNER: Okay. Commissioner Eid, your hand is up but I assume you are done. Okay. I think we are ready for the vote.

>> YVONNE YOUNG: Good afternoon, Commissioners. The vote is to amend the appeals motion to move to closed session meeting specifically to hear legal opinion regarding the Agee case. A yes vote means we would -- the Commission would like to go into a closed meeting, closed session and a no vote would mean that we would not want to go into a closed session meeting. I will start with Anthony Eid?

>> COMMISSIONER EID: Yes.

>> YVONNE YOUNG: Brittini Kellom?

>> COMMISSIONER KELLOM: Yes.

>> YVONNE YOUNG: Rhonda Lange?

>> COMMISSIONER LANGE: No.

>> YVONNE YOUNG: Steve Lett?

>> COMMISSIONER LETT: Yes.

>> YVONNE YOUNG: Cynthia Orton?

>> CHAIR ORTON: Yes.

>> YVONNE YOUNG: Rebecca Szetela?

>> COMMISSIONER SZETELA: No.

>> YVONNE YOUNG: Janice Vallette?

>> COMMISSIONER VALLETTE: Yes.

>> YVONNE YOUNG: Erin Wagner?

>> COMMISSIONER WAGNER: A firm no.

>> YVONNE YOUNG: Richard Weiss?

>> COMMISSIONER WEISS: A firm, yes.

>> YVONNE YOUNG: Doug Clark?

>> COMMISSIONER CLARK: Yes.

>> YVONNE YOUNG: Juanita Curry?

>> COMMISSIONER CURRY: Yes.

>> YVONNE YOUNG: With a vote of eight to three, the yes votes prevail and the motion is adopted. Thank you.

>> CHAIR ORTON: Okay. So I'm not sure the procedure of going into closed session. It looks like we have a comment from Commissioner Wagner?

>> COMMISSIONER WAGNER: Just a quick one. You voted we go in closed session. Can we take a ten-minute break before we actually get there so we can have like, you know, a toilet break? Thank you.

>> CHAIR ORTON: Sure. Commissioner Lange, do you have something?

>> COMMISSIONER LANGE: Just full disclosure, we are going into closed session and I am not the only one that can hear this and there's nothing I can do about that. So I just want the Commission to know as a whole.

>> COMMISSIONER CURRY: I did not understand you, Ronda, what are you saying, dear.

>> COMMISSIONER SZETELA: She is in a public location. I guess why can't you use your telephone so not everybody in the world is listening to you on a closed session, Rhonda?

>> COMMISSIONER LANGE: Well, since you put it so nicely I will do that. Thanks.

>> CHAIR ORTON: So, Ms. Reinhardt, how do we do this?

>> MS. SARAH REINHARDT: So if you would like to go into closed session, once everyone has joined you can motion to recess at that point for a period of ten minutes per Commissioner Wagner's request or you could do so now and upon return we could talk about logistics for going into closed session and move into the closed session.

>> CHAIR ORTON: Okay. Do you have a preference, Commissioner Wagner?

>> COMMISSIONER WAGNER: No, my bladder might but I can hold. We can get through the closed session first.

>> CHAIR ORTON: Okay. Why don't we do that so we know everyone is in there and then we will take our break.

>> MS. SARAH REINHARDT: Great so logistics for the closed session, the Executive Director will e-mail out a link for you all to join the closed session which will not be public facing. Do not distribute the link to anyone else since this is a closed session. Once you all have joined the closed session, we will take roll and commence with a recess at that point. Are there any questions?

>> CHAIR ORTON: So will we be coming back to this open meeting after?

>> MS. SARAH REINHARDT: Yes.

>> CHAIR ORTON: So we just leave this one open.

>> MS. SARAH REINHARDT: Yes. And we will go over instructions on rejoining once the closed session meeting concludes; but, yes, this meeting will remain open and we will just put up a slide that says closed session in progress so individuals watching the live stream are aware of what is happening.

>> COMMISSIONER SZETELA: So stay logged into this and then separately log in; is that right?

>> MS. SARAH REINHARDT: No. You will all the Commissioners and individuals joining the closed session will log out of this meeting entirely and then log in using the new link that Edward will circulate.

>> COMMISSIONER SZETELA: Got it, thanks.

>> MS. SARAH REINHARDT: You're welcome.

If you open up your e-mail you will find an e-mail from Edward with the new link. Commissioner Vallette, did you need any assistance?

>> COMMISSIONER CURRY: I did.

>> COMMISSIONER VALLETTE: I'm sorry, am I supposed to check my e-mail? And how do I get to the e-mail because I don't see a spot to close, only leave?

>> MS. SARAH REINHARDT: That is fine. You can click the leave button. That is fine. Commissioner Curry, do you see the leave button?

>> COMMISSIONER WAGNER: Sarah, this is Commissioner Wagner. Has everyone else already gotten the e-mail because I have not received one yet?

>> MS. SARAH REINHARDT: I have received it. I'm happy to forward it to you.

>> COMMISSIONER WAGNER: Thank you.

>> MS. SARAH REINHARDT: You're welcome.

>> COMMISSIONER CURRY: So, Steve, I guess I'm hooked up right, right? Can you hear me?

>> COMMISSIONER LETT: I can hear you but I guess you got to ask Sarah.

>> COMMISSIONER CURRY: Can you hear me?

>> MS. SARAH REINHARDT: This is still the main session. You are going to want to leave this meeting and look for an e-mail from Edward and I just resent the link to both you and Commissioner Lett. So you will click leave and then look for an e-mail from me containing a link that says closed session in the e-mail.

Commissioner Lange, did you need assistance?

>> MS. SARAH REINHARDT: Hi, Juanita.

This is the main session.

So this would be the wrong Zoom meeting.

If you want to click leave, I will have Edward call you and help you find the right one.

>> COMMISSIONER CURRY: I have clicked leave already several times and it keeps taking me back to this.

>> MS. SARAH REINHARDT: Yeah, I apologize about that.

If you want to click it one more time, I will have Edward call you and help you navigate to the right meeting.

>> MS. SARAH REINHARDT: Hi, Juanita.

>> COMMISSIONER CURRY: Can you hear me now?

>> MS. SARAH REINHARDT: This is still the main meeting and not the closed session.

So if you want to click the leave button and I can text you dial in instructions if that is helpful.

(Off the record at 1:55 p.m.)

(Back on the record at 3:26 p.m.)

>> CHAIR ORTON: So, Sarah, are you going to take us off of the closed session in progress sign?

When we can start?

>> MS. SARAH REINHARDT: Yes.

I will take that down now and you can start whenever you are ready.

I'm not sure if you were ready or if I defer to you.

>> CHAIR ORTON: Edward, do we know?

>> MR. EDWARD WOODS: I gave them ten minutes and told them 3:45 and said if we don't have anybody there by 3:55 we would adjourn.

>> CHAIR ORTON: Okay.

So it is past 3:45 so.

>> MR. EDWARD WOODS: Excuse me Madam Chair, that was the start time so the ten-minute grace period would end at 3:55.

>> CHAIR ORTON: So we are going to wait that time.

>> MR. EDWARD WOODS: Correct.

>> CHAIR ORTON: I'm of the opinion that even though we can't do business we can still acknowledge the Commissioners that are leaving us and other things, can't we? And then adjourn.

>> COMMISSIONER CURRY: Yes.

>> MR. EDWARD WOODS: That is correct and Commissioner Rothhorn and Commissioner Witjes are in the attendee right now so they are here and obviously Commissioner Clark is with us.

>> CHAIR ORTON: Great.

>> COMMISSIONER CURRY: Good.

>> CHAIR ORTON:

>> Edward, while we are waiting, I will ask this question: Have you or anybody received any kind of notification from the absent Commissioners as to why they have chosen not to be present with the exception, of course, of the one Commissioner who is dealing with a health situation?

>> COMMISSIONER CURRY: Maybe because they quit.

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>> COMMISSIONER LETT: Richard has something.

Go ahead Richard.

>> COMMISSIONER WEISS: Yes, I did text Rebecca and she told me that she was busy with a client on the phone.

And that she had contracts to handle before the end of the year.

So she didn't I guess didn't have time to come back.

I found that quite interesting since the state and the public is paying us to do this job.

And they pretty much sabotaged this meeting on purpose.

That's my opinion, of course.

And I believe one of the other Commissioners also did the same thing.

One of the Commissioners I believe has a very valid thing why they didn't show up.

So we will take it at that and I guess we will let the public decide to comment on this.

Thank you.

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

We also received notification from Commissioner Lange and said I have an emergency and will not be rejoining.

And this was received today at 1:46 p.m.

>> CHAIR ORTON: Richard, your hand is up just so you know.

>> COMMISSIONER WEISS: I'm sorry.

I'm old.

You got to forgive me.

>> COMMISSIONER CURRY: Sound like my words.

>> COMMISSIONER LETT: So can we suggest to move forward with our praises of the people who are leaving us?

They don't deserve praise but we can still be nice and do it.

>> CHAIR ORTON: Yes.

I think Edward was asking us to wait until 3:55.

And we will take roll call and see who we have then we will move forward.

Okay it is 3:55.

I call this meeting of the Michigan Independent Citizens Redistricting Commission back to order at 3:55.

And will the Department of State please take roll call?

>> YVONNE YOUNG: Certainly Madam Chair.

Steven Lett?

>> COMMISSIONER LETT: Present.

>> YVONNE YOUNG: Cynthia Orton?

>> CHAIR ORTON: Present.

>> YVONNE YOUNG: Rebecca Szetela?

Janice Vallette?

>> CHAIR ORTON: Can't hear you Janice.

>> COMMISSIONER VALLETTE: I said present.

>> YVONNE YOUNG: Thank you we didn't hear you dear.

Erin Wagner?

Richard Weiss?

>> COMMISSIONER WEISS: Present.

>> YVONNE YOUNG: Doug Clark?

>> COMMISSIONER CLARK: Present.

>> YVONNE YOUNG: Juanita Curry?

>> COMMISSIONER CURRY: Present.

>> YVONNE YOUNG: Anthony Eid?

>> COMMISSIONER EID: Present.

>> YVONNE YOUNG: Brittini Kellom?

>> COMMISSIONER KELLOM: Present.

>> YVONNE YOUNG: Rhonda Lange?

There are eight Commissioners present.

We do not have a quorum.

>> CHAIR ORTON: Okay, thank you Ms. Young.

>> YVONNE YOUNG: You're welcome.

>> CHAIR ORTON: Since there is no quorum present we cannot take care of any business.

And the quorum but we do have a couple other things on the agenda which are just presentations.

And I would like to move forward with that.

So we have, hold on, a farewell to some of our Commissioners.

And without objection I would like to ask MICRC Executive Director Edward Woods III to present.

Hearing no objection please proceed, Mr. Woods.

>> MR. EDWARD WOODS:

>> CHAIR ORTON: You are muted.

>> MR. EDWARD WOODS: Appreciate that.

I didn't want the background music to play so let me share the screen to see the tribute.

>> COMMISSIONER LETT: He is getting old don't worry about it.

>> MR. EDWARD WOODS: Beats the alternative so thank you.

[Music plays]

>> CHAIR ORTON: Thank you, Edward.

Now, if anyone any Commissioners have anything to that they would like to say about or to these former Commissioners and Commissioner, please go ahead, Juanita?

>> CHAIR ORTON: I just.

>> COMMISSIONER CURRY: I have enjoyed working with these three men throughout the whole entire time they have been with us.

And I'm certainly going to miss them gravely.

They feel like family and they have always been top notch, very respectable.

And I love all of them.

And I'm going to miss you guys.

And certainly hope the best for you all in the future.

God bless you.

>> CHAIR ORTON: I second everything Juanita said.

Definitely the Commission will not be the same with you gone.

>> COMMISSIONER CURRY: Absolutely.

>> CHAIR ORTON: Does anyone else have something?

>> COMMISSIONER KELLOM: I enjoy these three human beings so much and hope to keep in touch.

I'm so saddened you all are leaving.

And I just wish you all the best and the blessings, I'm going to get back on mute because I am an emotional individual.

So.

>> CHAIR ORTON: Richard?

>> COMMISSIONER WEISS: I will third it.

And I'm glad to see you guys could attend today.

I will miss you all.

So thanks for coming.

>> CHAIR ORTON: Steve?

>> COMMISSIONER LETT: Am I up?

>> CHAIR ORTON: Yes.

>> COMMISSIONER LETT: Well, I just want to say MC resigning would do anything to get out of bringing us sour dough bread.

Anything.

Now, I want -- I on the other hand provided him with a loaf of sour dough bread.

>> COMMISSIONER CURRY: That is big of you.

>> COMMISSIONER CURRY: It is.

>> COMMISSIONER LETT: As far as Dustin it's going to be a lot easier on my wallet because I won't to have cover his hotel bill.

>> COMMISSIONER WITJES: It was only once.

>> COMMISSIONER LETT: And Doug I don't really have anything bad to say about Doug.

I don't have anything bad to say about the other two but I certainly don't have anything bad to say about Doug.

And I have told him this over the phone he has been an excellent companion.

He has been an excellent mentor to the Commission as a whole.

And to me specifically.

And I certainly number one I wish him the best under the circumstances.

And I'll try to keep in touch with you, Doug.

I don't know that I will be successful all the time.

But I'm going to make that an effort, thanks.

>> CHAIR ORTON: Janice?

>> COMMISSIONER VALLETTE: I'm going to miss all three of you and my life is better having known you.

So thank you so much for, you know, being here.

I'm sorry to see you go.

>> CHAIR ORTON: Anthony?

>> COMMISSIONER EID: You know, I think all three of these Commissioners are some of the best of us.

And I have learned a great deal from each and every one of you.

I'm really sorry to see you go.

MC I will miss our bike rides.

I learned a lot from you of cycling and now it's a major hobby of mine and you kind of got me into it.

Your ability to just deal with all of our personalities I know it's not easy and I just want to thank you for the work you did.

You know, Doug and Dustin, both of you I think had extreme contributions to this Commission and the map drawing process.

All three of you were able to put partisanship aside time and time again and do what you thought was right.

And I'm going to miss you all.

I'm going to miss you all.

And I hope that your replacements are half the men that you three are.

>> CHAIR ORTON: And Steve your hand is up, is it up again or just, okay.

Well, I agree with everything that was said.

You three are very special, wonderful friends.

I'm better because of you.

Because of knowing you.

Like I think Janice said we will all miss you.

Dustin, do you have something to say?

I can't unmute you, there you go.

>> COMMISSIONER WITJES: I really wanted to raise my hand for the last time.

No.

I appreciate all the kind words.

And I can tell you right now that if you think in this is the end of you hearing of me during the rest of this process you're sorely mistaken.

I'll be coming in probably as to as many meetings as I can giving my two minutes or four if I want to pull that move.

And I'll be able to give advice in the ways that I can.

Plus I have all your phone numbers.

So I'll bug you that way as well so.

>> CHAIR ORTON: Wish you the best.

>> COMMISSIONER WITJES: It's been an absolute honor.

I wouldn't change anything for the world.

And it was a pleasure doing this with all of you as well as for everybody in Michigan.

And anyone who says that Michigan is not my home and that I've lost connections to it is also sorely mistaken.

Because everything I know is there.

So I'm going to miss all of you.

And this was by far the best I want to say not the best part of my life but it's pretty high up there as something I'm very proud of to be a part of.

I have all of you to thank for that.

>> CHAIR ORTON:

>> COMMISSIONER CURRY: I will miss you Dustin.

>> COMMISSIONER WITJES: I will miss you too Juanita.

Can I call on Sarah, Sarah has her hand raised.

>> MR. EDWARD WOODS: Sarah has her hand up and Madam Chair if clerk can respond like Commissioner Witjes to provide them that opportunity.

>> MS. SARAH REINHARDT: I'm so sorry to interrupt your response.

I just wanted to relay on behalf of the Department of State, you know, thank you for your service on the Commission.

And on a personal note, I have just really enjoyed spending time with each of you.

As you worked on the Commission and you will be missed.

So thank you very much.

>> MR. EDWARD WOODS: Commissioner Vallette, Commissioner Orton has been disconnected so if you can facilitate the meeting, please?

>> COMMISSIONER VALLETTE: I don't think I can do that.

Were we going to adjourn?

>> MR. EDWARD WOODS: Commissioner Clark's hand is up now.

>> COMMISSIONER VALLETTE: Commissioner Clark?

>> COMMISSIONER CLARK: I just wanted to say a few words.

I've enjoyed -- thoroughly enjoyed working with everyone that is on this call.

We went through some hard times.

Difficult things that we had to do.

And in my opinion the deliverables that we gave to the State of Michigan are excellent.

It's just what was asked for.

And I believe we delivered.

And we delivered in a very professional manner.

>> COMMISSIONER CURRY: Absolutely.

>> COMMISSIONER CLARK: I'm very pleased.

I'm very glad that we got through that together.

It's a difficult time to go through.

And I respect each and every one of you.

And will miss you and give me a call when you get a chance.

Thank you.

>> COMMISSIONER ROTHORN: So you don't have to facilitate I will jump in and finish.

Gosh, my heart is just wide open and thank you, thank you for all those kind words.

I will miss you.

And because I don't want to go out on a, right, I think I probably should respond to that I was maybe asked to resign.

I wasn't.

And I think you all know that but I want you to know that I'm doing this because it feels right.

Like there are people out there who want this.

Like we're going to be great.

We will give you all a fresh start.

You don't need my tired bones.

And I just think you're going to be just fine.

And I hear you.

Like you all are just really clear that like you're going to miss me and Doug and Dustin.

And I get that.

Right?

It's part of life.

We have these phases and we had a great run.

So I think it's going to, yeah, I think it's going to get better and y'all will do great and I think this is the right thing to do for the State of Michigan.

I think this process works.

Appreciate the State of Michigan.

I appreciate our Executive Director Edward Woods III still in this.

Trying to keep us altogether.

Build another team and even if he doesn't, if he goes on moves on like I will understand that too Edward.

Thank you for all your leadership and stuff you have done and every single one of you leaders that is in there, who has been a Chair and Vice Chair and even if you haven't been a Vice Chair or Chair you still provided leadership.

I just appreciate you all.

Thank you.

I hear what you're saying and I know it's going to be great.

I did not resign because I was forced.

It's a good thing and we all will be better because I'm resigning.

>> COMMISSIONER CURRY: We are going to miss you.

I'm going to miss you because you were my crutch.

>> COMMISSIONER ROTHORN: I'll see you in March because I will be in Detroit and Brittini I will check on you too there.

I will spend a weekend in Detroit

>> COMMISSIONER KELLOM: Thank you.

A level of authenticity and integrity is unmatched.

I only pray we get some measure of that.

>> COMMISSIONER ROTHORN: It takes one to know one thank you.

>> COMMISSIONER WITJES: Just remember the words, what would Dustin do.

And I really hope none of you folks lose sight on our what we delivered for the state our match and everything else and continue the good fight so they say and never give up.

>> MR. EDWARD WOODS: All right, Commissioner Vallette, since we don't have a quorum, we will just end the meeting.

>> COMMISSIONER VALLETTE: Have a good new year.

>> MR. EDWARD WOODS: Commissioner Eid put his hand up at the last moment.

>> COMMISSIONER VALLETTE: That figures.

>> COMMISSIONER ROTHORN: I'm just wondering is there anything we can do to like compel the missing Commissioners to rejoin?

Is there anything that...

>> MR. EDWARD WOODS: We don't have a quorum Commissioner Eid.

>> COMMISSIONER EID: I understand but this is an open question.

We are not voting on anything.

It's a question.

You know, I think that this is a delay tactic at the minimum.

I think most of us can see that but can someone are we allowed to speak to that if there is some way to compel the Commissioners who are missing to show up?

>> COMMISSIONER CURRY: They have my vote if you do find something.

>> Whether you can compel them or not you can reach out to them to let them understand the consequences of what they're doing.

If it is intentional as it appears, perhaps if it's made clear to each of them that either one of them, if just one Commissioner returns to the meeting, you can conduct a meeting.

I think you may want to reach out to them directly and let them know that.

If one of you has a way to contact them.

>> COMMISSIONER CURRY: We will certainly do that.

>> COMMISSIONER KELLUM: I think, you know, like I said before I compel each one of us to find our own ways of feeling empowered, to vocalize and act as a group because the missing of the meetings in this particular case prevents the very business that they express they want to get done.

So as a professional body and as one, you know, we just finished, we've lost three folks that all three of them in their own right have a collaborative spirit and each one of us on this call does.

We don't always agree but at least we are willing to dig in and have friendly disagreements.

And the situation that we're in we can't act either way with folks stalling and creating barriers to us doing what we need to do.

>> CHAIR ORTON: I apologize my power went out and it took me away but I'm back just on my phone.

I can see all of you but I can't get myself on there.

So anyway I guess, Janice, you're off the hook.

I can finish us up.

So I guess since we don't have a Commission or a quorum, we just adjourn and it's not really has to be an official thing but I wanted to let you know I am here.

I just missed a little bit of what Dustin said but I can imagine it in my mind.

So Edward, unless there is something else we will just adjourn and we will have to see moving forward because we were not able to take care of the business of officially voting in our next meeting dates.

>> COMMISSIONER EID: Can we recess for 15 or 20 minutes and reach out to the missing Commissioners and see, you know, see if we can get them to join?

>> MR. EDWARD WOODS: Commissioner Eid just for the record we do know that Commissioner Lange has an emergency and Commissioner Wagner also has an emergency.

And as Commissioner Weiss shared earlier in his text message as well as to my text message that Commissioner Szetela is meeting with clients because of end of quarter. And end of year, you know, timelines.

So we have made phone calls and we have sent a text.

With regards to the meeting starting at 3:45 providing a grace period to 3:55 so maybe these ongoing concerns can be raised are still continuing.

But there has been attempt to reach out.

>> COMMISSIONER EID: No, I know there has been.

I think we should just make one further attempt and see what happens.

Did any of the Commissioners give an estimated time when they would be available perhaps?

>> MR. EDWARD WOODS: I did not ask for that information, Commissioner Eid

>> COMMISSIONER KELLOM: I get the sentiment Commissioner Eid.

I just feel like the meeting started at 1:00.

It is now in the 4:00 hour.

Including the closed session.

The emergencies I don't know what time they were documented.

But we all left under the same understanding that we would be having that session and coming back at some point.

Things came up however they came up and a decision was made for these three Commissioners.

If you are not responsive or compelled because you already know business is happening, communication outreach and Executive Director Edward Woods III has reached out.

These individuals have also reached out and basically said they have no intention on coming back to this meeting so I don't know how much more.

I am not willing to wait additional time.

I will speak for myself.

For something that seems abundantly clear.

But if you just want it documented, sure, I get that too.

>> CHAIR ORTON: Commissioner Lett do you have something?

>> COMMISSIONER LETT: Let's call it a day folks.

They are not coming back.

They made that very clear.

We have done all we can.

We've had our thank yous and farewells to our members.

Let's call it a day.

>> CHAIR ORTON: Okay, thank you, everybody.

And we will hear from Director Woods as to when we will attempt to meet again and reach quorum and take care of Commission business.

Thank you very much.

We are adjourned at 4:17.

>> Happy new year.

>> MR. EDWARD WOODS: Happy new year.

>> COMMISSIONER CURRY: Happy new year you guys.