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MICRC

04/20/23 1000 Council Meeting

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>> CHAIR CLARK: Good morning. As Chair of the Commission, I call the meeting of the Michigan Independent Citizens Redistricting Commission to order at 10:00 a.m.

This Zoom webinar is being live streamed on YouTube at 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 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@michigan.gov](mailto:Redistricting@michigan.gov) for additional details for accessing language translation services for this meeting.

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This meeting is also being recorded and will be available at [www.Michigan.gov/MICRC](http://www.Michigan.gov/MICRC) for viewing at a later date.

This meeting also is being transcribed and those closed captioned transcriptions will be made available and posted on Michigan.gov/MICRC website 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 Executive Director and at [WoodsE3@Michigan.gov](mailto:WoodsE3@Michigan.gov) or you may call 517-331-6309.

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

>> MS. SARAH REINHARDT: Thank you Mr. Chair. Good morning, Commissioners. Please say present when I call your name. If you are attending from and I will call on Commissioners in alphabetical order starting with Doug Clark.

>> CHAIR CLARK: I'm present, attending remotely from Rochester Hills.

>> MS. SARAH REINHARDT: Juanita Curry.

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

>> MS. SARAH REINHARDT: Anthony Eid.

Anthony, I see you are on but if you are talking you are muted.

>> COMMISSIONER EID: Good morning, everyone. Virtually attending today from Detroit, Michigan.

>> MS. SARAH REINHARDT: Thank you. Brittini Kellom.

Rhonda Lange?

>> COMMISSIONER LANGE: Present; attending remotely from Mecosta County, Michigan.

>> MS. SARAH REINHARDT: Steve Lett?

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

>> MS. SARAH REINHARDT: Cynthia Orton?

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

>> MS. SARAH REINHARDT: MC Rothhorn?

>> CHAIR ROTHORN: Present, attending remotely from Lansing, Michigan.

>> MS. SARAH REINHARDT: Rebecca Szetela?

>> VICE CHAIR SZETELA: Present, attending remotely from Wayne County Michigan.

>> MS. SARAH REINHARDT: Janice Vallette.

>> COMMISSIONER VALLETTE: Present. Attending remotely from Highland Township, Michigan.

>> MS. SARAH REINHARDT: Erin Wagner?

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

>> MS. SARAH REINHARDT: Richard Weiss?

>> COMMISSIONER WEISS: Present; attending remotely from Saginaw Township, Saginaw Michigan.

>> MS. SARAH REINHARDT: Dustin Witjes?

>> COMMISSIONER WITJES: Present; attending remotely from Tuscola, Illinois.

>> MS. SARAH REINHARDT: Thank you. 12 Commissioners are present and there is a quorum.

>> CHAIR CLARK: Excellent. 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.

>> COMMISSIONER WITJES: So moved.

>> CHAIR CLARK: I didn't catch who moved the motion at the beginning.

>> COMMISSIONER WITJES: That would be me.

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>> CHAIR CLARK: The motion was made by Commissioner Witjes and a second was by Commissioner Lett.

Is there any discussion or debate on the motion? I see is none.

I don't have access to you, Rhonda.

Do you have any discussion?

>> COMMISSIONER LANGE: No, I do not.

>> CHAIR CLARK: Okay, thank you.

Hearing none it is moved and seconded that the agenda be adopted.

All in favor raise your hand and say aye.

Aye.

All opposed raise your hand and say nay.

The ayes prevail, the motion is adopted .

Without objection we will begin public comment pertaining to agenda items, agenda topics portion of our meeting.

Hearing

no objection, we will now

proceed with the

public comment.

I have one individual signed up for public comment and that is Mr. Skinnell.

>> MS. SARAH REINHARDT: That individual is not present.

>> CHAIR CLARK: He is not present, okay.

And we will move on.

To unfinished business.

Next on our agenda is unfinished business.

>> MS. SARAH REINHARDT: Mr. Chair.

>> CHAIR CLARK: Yeah, I apologize for the interruption I want it noted that Commissioner Kellom has joined by phone Commissioner Kellom can you let us know where you are attending remotely from.

>> COMMISSIONER KELLOM: Good morning attending remotely from Wayne County.

>> MS. SARAH REINHARDT: Thank you.

>> CHAIR CLARK: Next on our agenda is unfinished business.

The item is temporary staffing services.

Without objection I will ask MICRC executive director Edward Woods III to present the item.

Without objection please proceed, Mr. Woods.

>> MR. EDWARD WOODS:

COMMISSIONER CLARK: We can't hear you, Mr. Woods.

You are on mute.

>> MR. EDWARD WOODS: I am on mute.

I'm setting up, can you see the screen?

>> CHAIR CLARK: We can now, yes.

>> MR. EDWARD WOODS: Wanted to make sure everybody can see it.

All right, temporary staffing services we went out for bid for temporary services and approved six vendors the current vendor that the state previously have we have is no longer on the state approved list.

The MICRC purchasing rules allows to use vendors approved by the state who have gone through a competitive bidding process.

We voted for advocacy service corporation and raised some concerns with regards to the employment agreement.

That employment agreement has been revised.

Our attorney, our local counsel, David Fink, is here if anyone has questions with regards to that.

Since that time Abbot service company sent amended proposal that provides 90,000 in annual savings.

From our current contract we have right now.

One of the things Abacus with the Abacus service proposal from insight three there is a cap on Federal and state unemployment taxes.

And by giving us a breakdown once we reach that cap, they will no longer charge us for those taxes.

And so the recommendation is to go with Abacus with regards to the temporary staffing services.

The reason why we are getting, excuse me, a great break, we want to thank the local counsel David Fink for bringing this to our attention and insight three and with the breakdown we allocate where the costs were going so, we can identify some cost savings.

As you know although we are a Commission, we are not temporary employees.

We do not recruit so there is no recruitment costs.

There are different types of costs we would have for payroll and reimbursement expenses versus being temporary employees so as a result of them coming back with the amended proposal as a result of the concerns that you raised at our attorneys worked out, we believe that providing more than 90,000 of savings is worth the Commission's consideration in terms of going with Abacus service corporation. If there are questions our legal liaison is with us and Commissioner Lett and local counsel Mr. David Fink is here and between the three of us, we can answer any questions you may have.

>> COMMISSIONER CLARK: Thank you Mr. Woods.

Is there any discussion among us? Or a motion to move forward with this?

Commissioner Wagner?

>> COMMISSIONER WAGNER:

COMMISSIONER CLARK: We can't hear you.

>> COMMISSIONER WAGNER: Is that amended proposal, are they getting a contract with MICRC as a whole? Or is it still individual contracts with each Commissioner?

>> MR. EDWARD WOODS: The client would be MICRC.

But the agreement would have to be signed individually as employees so they can pay you directly.

Because they will not pay MICRC.

The MICRC pays you.

They will pay you directly so you can get your W2 forms and information with regards to that.

So once again the client would be the Commission.

So that's why we would need to approve the have the motion made that is on the screen but once again they would work directly with you as relates to the employee.

>> CHAIR CLARK: Commissioner Witjes?

>> COMMISSIONER WITJES: I move to adopt.

>> COMMISSIONER LETT: Second.

>> CHAIR CLARK: Okay we have a motion by Commissioner Witjes to adopt the Abacus proposal and seconded by Commissioner Lett.

>> MR. EDWARD WOODS: I want to make sure Commissioner Clark the motion that they are making is the one that is on the screen as relates to Commissioner Witjes as well as Commissioner Lett.

>> CHAIR CLARK: Okay why don't you read that motion Mr. Woods.

>> COMMISSIONER WITJES: I got it so I move to approve the amended proposal from Abacus corporation to provide payroll and reimbursement services to the Independent Redistricting Commission through the state's staffing services contract.

>> CHAIR CLARK: That is the motion that is.

>> MR. EDWARD WOODS: Can you finish it please.

>> COMMISSIONER WITJES: Includes a markup of 24% and stops collecting Federal and state unemployment taxes once the caps are reached.

>> MR. EDWARD WOODS: This needs to be noted Mr. Chair that this is 2% less than the current contract that we have right now.

Just so we know in terms of the markup.

But it's additional savings because once the cap is reached, we will save even more money.

>> CHAIR CLARK: It is a savings for us.

Absolutely.

Do we have any Commissioner Kellom? Or Commissioner Lange?

>> COMMISSIONER LANGE: Commissioner Lange I do.

>> CHAIR CLARK: Yes.

>> COMMISSIONER LANGE: What happens since these contracts are for individuals, if an individual is not comfortable with the content still of the contract and does not sign it? So I guess that is directed to our legal.

>> CHAIR CLARK: I'll tell you what my opinion is, Commissioner Lange. Is that's our method of getting paid. And we need to conform to that.

The legal people have already been involved but I will let Mr. Fink.

>> COMMISSIONER LANGE: I'm going to disagree, Mr. Chair, because it's on each of us as an individual.

The prior one said each one as an individual would be responsible so if somebody came back on, they are not coming back on to the Commission as a whole. They are coming back on as a Commissioner.

I feel the whole confidentiality clause goes against everything that this Commission was founded on and who determines what is confidential and what isn't? I still have questions.

And as any person that does due diligence and any attorney should say if you are not comfortable with the terms of a crack you should not sign them.

That is why I'm asking.

>> CHAIR CLARK: I appreciate that, Commissioner. Let me have Mr. Fink address that, please.

We can't hear you, David.

You are on mute, David.

>> MR-FINK: Sorry, I apologize for that. Ideally this might not be the way that one might want to set this up.

But the Commission operates in an unusual legal context as a governmental entity, but a governmental entity that is independent of most traditional methods of compensation. And most traditional relationships in Government.

You're not -- none of the Commissioners are employed by a particular agency.

So there is no state agency to pay you.

It's a separate agency.

But as a separate agency, to set up an entire payroll system and to set up all of the necessary checks and balances to manage funds, would be quite a daunting task.

So what's happened is we have to operate within the programs that are acceptable to the state, management and budget operation.

That's why we had to pick among the six contractors who are approved, that's why we had to work with them.

But we had some flexibility and were able to nail this down.

Now, if an individual Commissioner is not prepared to or willing to sign that document, their issue is really with the state department of management and budget.

And it's a battle that I don't think is worth fighting to be candid with you.

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I don't know if you wanted that much candor but I raised some of these issues because I did have some concerns about some of these things as Mr. Woods has already noted. And the net result was a very substantial savings.

I heard something like 90,000 a year for the Commission.

We substantially changed the contract.

The contract forms had all sorts of requirements and obligations for the Commissioners that did not make sense in the context of the actual relationship that you have with this company, that's really for you just a payroll processing company.

They do not determine what is or is not confidential.

They do not.

You have all of the rights and responsibilities that you had legally before and after.

I don't know if I've answered all of your questions Commissioner.

So please do let me know.

>> COMMISSIONER LANGE: I do have one more, Mr. Fink.

You're saying it would be on the state budgeting or whatever that would be on them.

But with this contract that's being presented is the payroll services contract, is it not? As negotiated by you.

So I don't understand why that would have to be taken up with the state.

And not a service provider.

Does that make sense?

>> MR-FINK: Well, yes and no.

It's a little awkward to do this in a public setting but that is the setting which we operate so I will continue to do that.

In an ideal world, we wouldn't have to deal with any of this.

In an ideal world, we would set up a full scale HR operation at the Commission.

And you would be compensated through payroll much as you would in any state department.

But we can't do that.

And so we -- but we do still have to operate within the constitutional legal constraints set up by the Government on how we acquire goods and services.

So we had to use an approved company.

Approved vendor.

This is an approved vendor.

Then we can negotiate with that vendor but only within the constraints of what their agreements are and what they agreed to and how they will do business with the state.

The confidentiality provision as it is right now is quite a bit less onerous than the original version.

And because here is what it says.

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It says the employee promises that he will -- he or she will not use or disclose confidential information without expressed written consent except as necessary to perform his or her duties.

Or to authorize representatives of the company or client.

Well the client is authorizing you to do anything that you can otherwise legally do.

And any disclosure you make, any communications you have are necessary to perform your duties.

So there's not really a constraint there.

That is meaningful.

It's they needed a confidentiality provision so there is one.

But we wordsmithed it enough that there is really very little constraint on you.

There is no constraint on you frankly.

They cannot come after you because of any disclosure.

I can't imagine one or think of one they can possibly come after you for.

>> COMMISSIONER LANGE: Okay so you are saying I apologize for interrupting because I think I've taken up enough time.

So you are saying as our outside legal counsel or consulting counsel that they could not come out after us as individuals for breaking that confidentiality is that what you're telling us legally?

>> MR. FINK: Yes, I'm telling you, you should have no -- as a practical matter you should have no concern.

I can't say it's not a legal requirement, it's a legal requirement but there is nothing that is necessary for you to disclose if you choose to in the performance of your duties.

And you are authorized by the Commission to disclose anything that you can legally disclose.

>> COMMISSIONER LANGE: Okay, thank you for that clarification.

That makes me feel better.

Sorry for wasting so much time.

>> MR-FINK: It was not a waste of time and a very legitimate concern you raised.

>> CHAIR CLARK: Thank you Mr. Fink and do you have any more questions Commissioner Lange?

>> COMMISSIONER LANGE: No my question has been answered.

>> CHAIR CLARK: Commissioner Szetela and Commissioner Wagner would like to speak, so Commissioner Szetela go ahead, please.

>> VICE CHAIR SZETELA: I was just going to add that in general most Commissioners aren't going to have access to confidential information.

That's not true for everybody.

Like Edward and his role may have a birthday or Social Security number related to being Executive Director or information from vendors that may be confidential.

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So there is not a ton of risk here in terms of what we get because most things we get as Commissioners are public.

However I do think it may be beneficial to address Rhonda's point to have a simple answer to what confidential information is because we don't have it in the contract. Could we add confidential material is material and a standard and I and David know and Steve know because we are lawyers of what that means.

But for people who are not lawyers' that phrase may not have a specific meaning. Can we add a one line definition and it will go to Rhonda's concern and make it clear what confidential information is.

>> MR-FINK: You will know the status of the signing of these contracts.

>> MR. EDWARD WOODS: Nothing has been signed just so we are clear with regards to the amended proposal.

So if the Commissioner agrees to the amended proposal then we would work to adjust the employment agreement according to the wishes of the Commission.

>> MR-FINK: I think Commissioner Szetela makes a very good point.

We can if you decide to go forward with that we can simply tell them we need -- let's put a realistic definition of confidential and material into the contract to avoid the concern. Keeping in mind.

>> CHAIR CLARK: Commissioner Szetela would you like to amend the original motion to include that, please?

>> COMMISSIONER SZETELA: I don't know that I would need to amend the motion. Because I think the terms of the contract itself isn't part of the motion. I think we can just vote on the motion as is and just go back to Abacus with the direction.

Unless I'm misunderstanding the motion.

Let me go back and look at it quit.

I thought the motion was hiring them as a vendor not the terms of the contract itself.

>> CHAIR CLARK: I don't have it in front of me at the moment.

>> MR. EDWARD WOODS: More of a vendor.

Commissioner Lange was referring to is the employment agreement and we can work on that separately.

>> CHAIR CLARK: Okay great then we won't need to make an amendment.

Commissioner Wagner you had a comment, please.

>> COMMISSIONER WAGNER: I do.

The only thing I see of concern in the revised employee agreement is that the MICRC as a whole is not singled out as the client.

And I would like to see that amended, if at all possible, please.

>> MR. EDWARD WOODS: That should be on schedule A Commissioner Wagner. On the back Page it says client and it should list Michigan independent. If not, I will send you the updated one that does.

Client on schedule A is referred to and I also verified that with the representative for Abacus that MICRC is a client.

>> COMMISSIONER WAGNER: Thank you.

>> CHAIR CLARK: Okay thank you, Commissioner.

Commissioner Lett you have a comment?

>> COMMISSIONER LETT: Thank you.

While I don't disagree with Rebecca's comments regarding the definition of confidential, I think that we ought not do that.

For the simple reason that anything that we would say that would indicate that there is something that we do that is confidential is going to raise newspaper articles.

It's going to raise comments from our very faithful commenters on our broadcast.

We tried that with going into private closed session with our attorneys that weren't related to litigation.

And that didn't get us anywhere other than the Court saying it wasn't confidential.

So the Constitution requires that everything we do be open and to the public with the exception of litigation preparation and counsel with our litigation counsel.

So I would be against any definition other than what's there right now.

>> CHAIR CLARK: Thank you.

Any other comments? Commissioner Kellom, I can't see your hand from where I'm at. Do you have any comments?

>> COMMISSIONER KELLOM: No comment, thank you.

>> CHAIR CLARK: Okay thank you.

Apparently, we've got a two different opinions on the definition.

Do we want to have Mr. Fink, you want to make a comment on that?

>> MR-FINK: Well, I do -- I don't have a problem either way.

I do believe that the phrase accept as necessary to perform his or her duties essentially over rides every aspect of the confidentiality because the constitutionally you can't be prohibited or precluded from the necessary openness that is mandated by law.

And Commissioner Lett does point out the most obvious, which is that I'm giving you this advice in a public meeting.

Normally we wouldn't be having these discussions in public.

I have to have this discussion in public because nothing is confidential with the Commission.

So, now, Commissioner Szetela points out correctly there are certain types of nonpublic material information, Social Security numbers.

Personally identifying information.

Things like that.

That are confidential and should remain confidential.

There isn't a lot of context in which the Commissioners are going to get that information in the course of their I put quotes employment with Abacus.

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I'm comfortable doing it either way.

I'm comfortable getting a definition.

For me the most important thing is to have the exception because that exception in the -- by the way, they took a draft that we sent them.

We gutted what their previous contract was and they were very cooperative.

They did not pick and poke at it.

When we came back to them and said look there are a lot of things here inconsistent, they had you indemnifying and all kinds of crazy things in there.

I shouldn't say crazy.

There were lots of things in there that were not consistent with your actual relationship with Abacus.

Admittedly, this one about confidentiality is also not consistent with your relationship with Abacus with your actual relationship with Abacus but it is constrained by the term except as necessary to perform his or her duties or to authorize representatives of company or client.

So once the client tells you you can disclose it, you can disclose it.

And you are the client.

And you're performing your duties.

So I don't know how to resolve in the question for you.

I'm happy to go either way.

>> CHAIR CLARK: Okay thank you.

Commissioner Witjes, do you have another comment? Commissioner Witjes? I saw your hand? None, okay.

Well we've got two conflicting opinions on how to deal with this.

Do I hear Commissioner Lett do you have a comment?

>> COMMISSIONER LETT: Yeah.

I just want to make it very clear that I do not disagree.

There is not a differing opinion to Rebecca's suggestions.

My comments really go to what are the optics of doing this here in the open right now.

That's my concern.

>> CHAIR CLARK: Okay Commissioner Szetela?

>> COMMISSIONER SZETELA: I was just going to add I don't really think it's an issue with the motion that is approving Abacus.

I think the terms of the contract are a different issue we can deal with offline and I don't think it impacts the motion one way or the other.

>> MR. EDWARD WOODS: Commissioner Clark I just want to be clear we are talking about the employment agreement and not the contract.

Because the phrases are interchangeable throughout the conversation.

And the contract is with Abacus.

But the employee agreement is with each individual Commissioner.

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And so we can separate those, I think that would be very helpful.

>> CHAIR CLARK: Okay, great.

I see no other hands.

No other comments.

Okay we have a motion on the table.

All in favor of the motion to have Abacus as our vendor for payroll purposes please raise your hand and say aye.

Aye.

Okay Commissioner Lange I couldn't hear you.

>> COMMISSIONER LANGE: I said aye.

>> CHAIR CLARK: Thank you.

And all opposed raise your hand and say nay.

Okay, the ayes prevail and the motion is adopted.

And we will move on to new business.

Next on our agenda is a new business item 6A which is Arab community center for economic and social services request.

Without objection, I will ask Kim Brace from Election Data Services to present first.

Followed by Sarah Islam from access.

Hearing no objection please proceed, Mr. Brace.

>> KIM BRACE: All right.

Thank you very much, Commissioners.

And I'm glad to be here once again with you.

Can you see my screen?

>> CHAIR CLARK: Yes.

>> KIM BRACE: Okay, so I'm here to meet with you.

And give some background on this issue.

We have been working heavily with the Census Bureau for a long time and have been following this issue.

And there is information coming from OMB in terms of what they're looking at for the census designations looking towards the 2030 census.

So if you will recall, the OMB has statistical policy directive number 15.

It is what is laid out within the Federal Government of how you deal with race and ethnicity.

Since this was adopted in 1997, it has been for a two-question format.

Where the question on whether you're Hispanic or not is the first question.

And the second question is your race.

This was the way it was laid out in the form was conducted in 2010.

And in 2020, again, it was Hispanic is a separate question.

And then followed by the person's race with some definitions and allowing for things to be filled in.

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And since 2000 you can check off up to six different choices as we dealt with in the 2020 census and your redistricting process.

What the 2020 census found is that there was significant increase in some other race category.

If you recall in all the various tabulations that we provided to you during the redistricting process, some other race was sometimes a significant factor.

And it has been increasing since 1980.

There has been now a push for the Middle Eastern and north African categories to be added to it.

And we will have another presentation on that specific point.

There is an effort to combine the race and ethnicity and instead of having two questions, it would be incorporated into one question.

They also found there is a need for dis-aggregated data that is different than what they had before.

The OMB was looking at inconsistent and updating some of their terminology.

Since the 2010 census and 2020 there has been concerns over the nonresponse over the decades.

That has been increasing.

And particularly for Hispanics that are not reporting a race.

So, in other words, they are just not responding to the Census Bureau's questionnaire.

That was a major concern of the OMB.

There were numerous campaigns and lobbying at the Census Bureau.

And the U.S. Congress.

Key stakeholders to change the race and Hispanic origin questions.

So there has been a significant effort on that part by different groups.

There is, as I mentioned, the growth of some other race since 1980.

It's now the second largest racial group in the country is some other race.

It's not African/American or Hispanic or whatever.

It was the second largest.

And the qualitative research and focus groups found that respondents expressed confusion and frustration with the separate race and ethnicity questions.

And so this was part of the reason why OMB has been looking at this to try to seek some solutions.

What the Census Bureau found in the 2020 results is rather interesting in terms of how it relates to race and ethnicity.

This is a slide that the Census Bureau produced that I copied.

And made use for your benefit.

You see that 49, almost 50 million people identified as some other race, surpassing the Black population as the second largest race.

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Multiple race groups increased significantly from 2010 as people chose more than one race to report.

And so you get this rather heavy emphasis that has changed some of the dynamics of what is in the census and the census data itself.

And that could have some impact in people looking at and studying the census.

And it definitely will have an impact on yours and my favor subject of redistricting.

When looking at the Hispanic side of things, since we have some history on that, the large proportion of Hispanics did not report a racial group in 2020.

43% of Hispanics failed to identify the racial group.

And that was just like in 2010.

So there is confusion within the Hispanic community in terms of their origin.

And that has had an impact on some of the data.

13% of the Hispanics in 2010 did not answer the separate race question at all.

That dropped down to 8.1%, which is going in the right direction.

But there is still the problem that Hispanics have with whether they are white or some other race.

And that's what one of the problems on the data set.

So what the OMB has come up with right now is a preliminary, I repeat a preliminary, not a final suggestion of what their proposal is for the self-response data collection.

On the left hand side is what they are looking at in dealing with the minimum and more detailed categories.

So you would have capabilities of identifying subgroups like what if you recall we were seeing on the Hispanic side where we had Mexican, Puerto Rican Cuban as a subgrouping that we could pull out on the Hispanic.

But now they are incorporating some of those sub groupings for a lot of the other categories including the Middle Eastern one where you can see the various categories of different individuals and different parts of the middle east.

This is what the proposal is.

On the right hand side is just the minimum, kind of what the questionnaire would look like.

But really the left hand side is what they are looking at in all likelihood.

It does have an impact on what we are going to see.

And part of what we are going to see, and people are working with this in the Census Bureau, is getting back to the categorizations of what you and I were looking at last year and two years.

What the Census Bureau is looking at now is instead of the six different categories that we had before, in all likelihood we may get down to having a race alone question with the Hispanic being able to be separated out.

And then a kind of a max category.

So that is where things are going at this point in time.

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But the Census Bureau is not designating that per se quite yet.

Because they are waiting for OMB to look at the overarching questions to be asked.

There is some additional issues that are up there besides what we have just been talking about.

It may be that the American community survey might eliminate the questions about ancestry.

And that ancestry question is something that we were very much interested in as we got into more of the data.

That ancestry doesn't come out with the PL files.

But is part of what is commonly called STF1.

But that's going to be a question of whether or not they have any of the ancestry questions.

The bigger question from my standpoint and probably from your standpoint is how is the PL data going to be reported.

There is a lot of different possibilities.

And this will right now not be resolved by OMB.

But will go back into the hands at the Census Bureau.

And so there will be continued input that we will have with them and my suggestion is that you should have with them when James Galant Whitehorn comes along and asks questions of all people involved in redistricting what do you think with this or that.

How will the multiple race categories be reported? And it may be that it's just the minimum single standalone and any combination, the max, that may be where they come down with as I mentioned.

But we are still waiting to see.

And then the other magic question that's going to impact me as well as will impact you is what is the disclosure avoidance issue.

How is that going to impact small geography data when suddenly that disclosure avoidance issue starts nullifying any data at very small levels.

And if you remember, we were dealing with very small levels down at the census bloc.

Does the Census Bureau no longer have census bloc data? Do they only have bloc group data or they only have census tract data.

Do they allow for precinct data that you have to configure and that's the configuration is their lowest level.

We don't know that yet.

But that is a significant factor as it's going to relate to redistricting.

It's kind of something that is under the radar track right now but it's something that you as Commissioners need to be cognizant of.

What is the timetable that we are looking at? The OMB extended the deadline for the input on this first range of questionnaires.

It is now April 27th.

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It was last week but they extended that deadline.

And so I would encourage the Commissioner to have some input by that deadline to comment to the OMB.

Right now as of last night there were 18,000 people that had submitted comments and content questions to the OMB.

I just checked this last night so that is the number.

It may increase now because of all of this.

And there is a desire within the Census Bureau that this gets resolved by the 2024 elections.

If you recall in 2018 and 2020, there was questions in terms of what did the administration at that point in time, how they were handling the census.

How they were dealing with citizenship questions.

There is a desire within the Bureau that that not happen again.

And therefore they are trying to get things decided by the 2024 election.

Are they going to be successful? I don't know.

But that is the desire within the bureaucrats and the Census Bureau to get some of these questions resolved before the 2024 election.

And, with that, that would be my presentation to you.

>> CHAIR CLARK: Thank you, Mr. Brace.

Before we turn it over to Ismael, I want to note Commissioner Wagner has left the meeting.

So Commissioner or excuse me Ms. Ismael would you like to present your material, please?

>> Good morning, my name is Sarah Ismael. I'm an associate with Access. Thank you to the Commissioner for having me and thank you to Commissioner Brace for the presentation.

So yes, we have been actively working on January 26 that the Federal Government is coming down with a revision of statistics policy directive 15.

As Commissioner Brace said they are trying to have a combined race and ethnicity question as well as Middle Eastern category.

And the deadline was April 12 and we have garnered support for action where we were able to get around 12000 public comments.

So currently we know that Middle Eastern and north African communities are aggregated in the white population.

As the Commission knows we are not protected under the Voting Rights Act either.

We have been trying to show the OMB how important this designation is and this category is to Middle Eastern north African communities.

So at the current moment we are not able to quantify any inequities students face in terms of all levels of education.

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We are -- also we saw during the pandemic how businesses were unable to access loans during the pandemic and research.

We are done in aggregate with the white population.

We can't actually quantify our health disparities.

Even though our community is effected disproportionately in terms of cans, diabetes, heart disease and so right now we are just hoping especially with the Commission.

The Commission knows that when our community of interest was looked at if I remember correctly in the Senate House map it was divided in three districts then the House map it was divided in 7 districts.

We are just hoping the Commission will pass a resolution on behalf of you know the ethnicity question and the Middle Eastern and north African designation as well because you do know firsthand you know what we kind of went through when the maps were being created.

Thank you.

>> CHAIR CLARK: Thank you.

Any comments or questions for our speakers?

>> COMMISSIONER LANGE: I do.

>> CHAIR CLARK: Yes, Rhonda.

>> COMMISSIONER LANGE: It's not really for the speakers but I'm sorry my time is short.

I have another meeting.

So I just want to put out this comment.

That while I understand the concept of where this is coming from and what they are asking for, this Commission has established rules and this sounds like it's a policy thing. And our rules state that the Commission as a whole will not come out in favor nor against any policy.

And I feel like doing a resolution would go against our policy.

However, I don't see an issue with individuals, if individuals on the Commission want to do what they want to do outside.

But we have had rules set in place.

There has been a lot of policies that I haven't agreed with and a lot of policies that I have that I've been very quiet on.

And because of the rules that we set forth and I think as a Commission we need to follow those rules.

While I am sympathetic and do have my own personal feelings on this, speaking as a Commissioner as part of the Commission I don't think it's something we should do.

And I just got to put that out there because my time is short and hopefully I'm here for the vote.

That's all I have.

>> CHAIR CLARK: Thank you, Commissioner Lange.

Currently there is no motion on the table.

We've got three individual Commissioners who want to speak.

We will start with Commissioner Szetela.

>> VICE CHAIR SZETELA: Yeah, I was just going to echo what Rhonda just said.

I agree with her.

I sympathize with the position.

I personally support having this designation but I just don't really feel it's appropriate for us as a Commission to weigh in as a Commission on this matter.

I feel like it's more of an individual issue that people could comment based on their experiences as individual Commissioners but I don't really think it's appropriate for us to weigh in because I feel there are political aspects to it that we should not be weighing in to.

>> CHAIR CLARK: Thank you Commissioner Szetela.

I share the same opinion that both you and Rhonda do.

Commissioner Rothhorn?

>> VICE CHAIR ROTHORN: I guess I don't see this as a policy.

I see this as a comment that was asked for and I see because it's in the context like Mr. Brace said it's like we actually benefit from having data, right? So what I mean to think I think we should discuss, it's not a policy.

We are looking at what sort of data do we get.

And we struggled, we needed independent Commissioners to understand the complexities of the certain area where we were trying to get it right.

It seems to me like it's about data, not a policy.

And an individual choice.

It's about I want the next Commission to have better data.

And I want them to be able to actually see people who are currently unseen in the data.

>> I'm sorry can I say something real quick.

>> CHAIR CLARK: Please do.

>> I just want to just to clarify this is a directive so the directive is being changed so a directive is an order being established by an authoritative figure so it's not a policy just for clarity.

>> CHAIR CLARK: Thank you.

Anything else, Commissioner Rothhorn? No.

Commissioner Eid?

>> COMMISSIONER EID: I got to agree with Commissioner Rothhorn here.

I mean, if not us to comment on an issue like this then who? An issue like this, having a name designation on the census directly affects our ability to do this job.

And holds us to a higher standard and being able to identify communities of interest.

I remember back to the Dearborn public meeting that we had where we had quite literally dozens of folks speak about how having this designation would only help their community of interest but would also help us as a Commission figure out where that community of interest was.

And in effect be able to have, be able to draw better districts that more accurately reflect that community.

Because we didn't have that data, we had to go through and look at secondary measures.

I remember some of the measures we looked at were the main one that we used actually was the 2018 Governor election where we had Abdul El-Sayed running for Governor and used people who voted for him as a proxy for the Arab American vote. But it wasn't the actual vote because we didn't have that data.

And having that data would just be a huge benefit.

And specifically this Commission.

You know, put all the policy stuff aside how you feel about it.

But it would allow us to do our jobs better.

And looking at our code of conduct, it says that Commissioners will not publicly oppose or support specific ballot initiatives or legislation beyond those related to work of the Commission itself.

This does have to do with the work of our Commission.

In fact, it's directly related.

And if there is this designation in the future, you know, who knows what will happen.

If we decide to comment or not.

But if there is a designation in the future, it makes our jobs, future Commissions' jobs much easier.

So I would be completely in support of it.

>> CHAIR CLARK: Thank you, Commissioner Eid.

Commissioner Orton?

>> VICE CHAIR ORTON: So while I am in the port of there being a designation, I agree that there -- it's not the place of the Commission to do something about it.

It's the place of individuals who feel in support.

And I agree it would have made our job so much easier.

And it would make life better probably for MENA individuals.

But it's just not the Commission's place to try to make a statement about it, I think.

>> CHAIR CLARK: Thank you, Commissioner Orton.

Are there any -- you have your hand up still Commissioner Eid.

You have another comment? Commissioner Lett?

>> COMMISSIONER LETT: My comment would be the I don't think we should take a position on specific designations.

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But I certainly agree that we could take a position that the more data we have, whatever that data is or is going to be, the better it would be.

I agree with MC, that, you know, the more data we have the better it would be.

Though I don't know that I agree if we got all that data our job is going to be a lot easier.

I certainly don't see that happening.

But we've all been there.

>> CHAIR CLARK: Thank you, Commissioner Lett.

Commissioner Weiss?

>> COMMISSIONER WEISS: Yes, I listened to all the comment and find it interesting what Sarah brought to us.

I thought that was an interesting subject but it looks like somebody has already figured that out and possibly they are going to fix this.

And I think as a Commission we shouldn't really take a stand against anything because there has been other things about prison gerrymandering, I think is interesting and I think we should not back statements or not that we disagree or agree with it.

Thank you.

>> CHAIR CLARK: Okay, thank you, Commissioner Weiss.

Ms. Reinhardt, you have a comment?

>> MS. SARAH REINHARDT: Yes, apologies I did not mean to raise my hand.

Sorry.

>> CHAIR CLARK: Okay, thanks.

Any other comments from anyone? Okay good discussion.

There is no motion on the table.

And Commissioner Rothhorn?

>> VICE CHAIR ROTHORN: I want to acknowledge I mean we had this combination with Mr. Brace.

Right.

There was a presentation about the data.

And I think you sort of said we don't know how it will affect us.

But I do have a question I guess for Mr. Brace.

Is like right because of what the letter is, I don't know that you have seen it but I'm just wondering do you have a sense of there is a directive and there is a proposal.

Right? And there is an and right now all that is asked of us right now, particularly by the access group is that we make a comment.

Right? For or against.

What I'm asking you, Mr. Brace, is like does -- I think during your presentation you said it's hard to predict, right, the data will allow us to right have improved the data or not.

But how do you expect it to affect your job? Therefore our job?

>> KIM BRACE: Very good question, MC.

Commissioner.

It is a legitimate question.

The OMB is seeking to get people's comments on what some of their research has shown.

As well as some of their preliminary thinking in terms of how the questions could be asked.

And that's all they are asking for right now.

I pointed out there's other issues that will impact us also that is important to keep in mind.

But it's not something OMB is talking about right yet.

But it is probably down the road.

And conceivably with where OMB is going with the questions and how they are formatted, it will raise some of those additional issues.

But for right now, what they are seeking input in is, is in the right way to go, to combine Hispanic and race together, to add a MENA category.

Those are the two main things that they are focusing on as of right now.

>> COMMISSIONER ROTHORN: Thank you.

>> CHAIR CLARK: Thank you Commissioner Rothorn, Mr. Brace who is the decision maker on this.

>> KIM BRACE: The head of the statistical group, it's within OMB.

They would come out with a directive to all Federal agencies on how they would deal with race and Hispanic origin.

It's up to state Governments to have their own decisions on that, for example. And we've seen that in some instances.

We've seen differences in terms of you know, I've been involved with the prison gerrymandering issue.

Different entities in the prison system treats racial categories differently.

So that is all possible.

What OMB is structured to do is give guidance to Federal agencies including the Census Bureau but also, you know, Department of Health and education.

And all the other kinds of Federal agencies that may have a racial categorization within their system.

>> CHAIR CLARK: Thank you, Mr. Brace.

Commissioner Eid? You had a comment?

>> COMMISSIONER EID: Two comments.

One, I would just I want to reemphasize that this does have to do directly with redistricting and with the future of redistricting in Michigan.

I mean, to me it just makes sense.

I often think about how much harder and how impossible this job would be, you know, if there wasn't a Black category on the census or if there was not a white category on the census.

Or a Hispanic category on the census.

And it goes back to just having more data is beneficial.

So with that said I'd like to motion to submit resolution to OMB in support of a MENA designation.

>> CHAIR CLARK: All right.

Do I have a second to that motion? Commissioner Szetela?

>> COMMISSIONER SZETELA: I'm sorry I can't hear you.

>> VICE CHAIR SZETELA: Never mind I'm just going to wait for the second.

>> MS. SARAH REINHARDT: Commissioner Kellom provided the second.

>> VICE CHAIR SZETELA: I was going to ask that we do a roll call.

>> MR. EDWARD WOODS: Commissioner Kellom.

>> CHAIR CLARK: I'm sorry I don't have a second yet to the motion.

>> MR. EDWARD WOODS: Commissioner Kellom provided a second and also have a comment.

>> CHAIR CLARK: Do you have any other comments?

>> COMMISSIONER KELLOM: I did, yes and reiterating what Commissioner Rothhorn and Commissioner Eid had already said.

This is not a statement we are necessarily making about race or ethnicity.

It bears some discomfort there.

This does allow us to do our job in terms of identifying communities which we were tasked to do this whole time.

So often times folks get really uncomfortable to say we are not going to speak for or speak for a certain group.

Of course we identify a variety of diverse ways on this Commission.

And I don't think that the raising of this issue as it's already been stated is us getting into folks' personal identifiers or business.

But it's a start that folks need because they don't have the same ability or power that the 13 of us have as Commissioners.

And, yes, I did give a second.

>> CHAIR CLARK: Okay thank you Commissioner Kellom.

Commissioner Lett?

>> COMMISSIONER LETT: Excuse me I have a question for Kim.

Kim, what other subgroups are they looking at adding besides the two that we are talking about?

>> KIM BRACE: That is the two that they are looking at adding to the form.

They are looking at sub groupings within the various racial groups.

And basically what the form would be is a combined race and ethnicity all into one question.

So but you still have the capability of selecting any of the eight categories now or seven categories like you currently do.

You just have an additional category of Middle Eastern.

There is some question on whether or not they would not have the some other race.

And that's one of the questions that I think is still standing right now.

The way they have formulated the one that I showed on the screen, they do not have the some other race as a category.

Whether or not people will feel comfortable in just making the selection and/or making the combination selection I think remains to be seen.

Like in the 2010 and going up to 2020, there were continued testings of these.

And I would anticipate there would be continued testing.

Probably in the 2025 test census kind of thing.

To give some further ideas on how people react to this kind of set of questions.

>> CHAIR CLARK: Okay, given no more questions or comments we have a motion on the table.

And it's been seconded.

And request of a roll call vote.

So if the Department of State could do the roll call vote I would appreciate it.

>> MS. SARAH REINHARDT: Thank you, Mr. Chair.

Commissioners, the motion before you is to submit a resolution to OMB in support of adding a MENA designation.

Please indicate your support of the motion with a yes or a no.

I will call on Commissioners in alphabetical order starting with Cynthia Orton.

>> COMMISSIONER ORTON: No.

>> MS. SARAH REINHARDT: MC Rothhorn?

>> VICE CHAIR ROTHORN: Because it's a resolution I think, yeah, resolution I will just say resolution for comment.

So I'm going to say yes trusting it is going to work.

>> MS. SARAH REINHARDT: Rebecca Szetela?

>> COMMISSIONER SZETELA: No.

>> MS. SARAH REINHARDT: Janice Vallette?

>> COMMISSIONER VALLETTE: Yes.

>> MS. SARAH REINHARDT: Richard Weiss?

>> COMMISSIONER WEISS: No.

>> MS. SARAH REINHARDT: Dustin Witjes?

>> COMMISSIONER WITJES: No.

>> MS. SARAH REINHARDT: Doug Clark?

>> CHAIR CLARK: No.

>> MS. SARAH REINHARDT: Juanita Curry?

>> COMMISSIONER CURRY: No.

>> MS. SARAH REINHARDT: Anthony Eid?

>> COMMISSIONER EID: Yes.

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>> MS. SARAH REINHARDT: Brittini Kellom?

>> COMMISSIONER KELLOM: Yes.

>> MS. SARAH REINHARDT: Rhonda Lange?

>> COMMISSIONER LANGE: No.

>> MS. SARAH REINHARDT: Steve Lett?

>> COMMISSIONER LETT: Yes.

>> MS. SARAH REINHARDT: By a vote of five yes to seven no the motion does not carry.

>> CHAIR CLARK: Thank you.

We will then move on.

Next on our agenda is new business item.

Which is item 6B.

Archiving the Commissioners work without objection MICRC Executive Director and myself will present this item.

Hearing no objection, please I will proceed forward and give you a synopsis of what has taken place.

During the last week or so Commissioner Woods and myself were asked by a U of M close up group.

And Michigan state group with Tom Ivacko and Matt Grossman and they have suggested to us that we take our materials and get them in a historical archive.

So that they are available for research.

So we had a conversation Edward and I did with Tom Ivacko and Matt Grossman to hopefully get more information on this.

Basically what we got was both Michigan State and the University of Michigan under the Bentley historical library at the University of Michigan in a and a group at Michigan State called matrix did this type of work.

And apparently Wayne state also does this.

And they suggested that we either use one or multiple groups to touch base with and see if we could historically or archive our historical data.

And that purpose would be for research.

So all types of things we have done, all the meeting minutes, all the YouTube videos, all that type of data would get put in one location.

And kept forever.

And would be available to researchers for redistricting purposes and communities of interest purposes.

So my impression is we got into that discussion was Tom and Matt had a lot of knowledge about the Bentley historical library and the matrix group in Michigan State. Basically what they have is contacts for us to talk to if we decide to move forward with this sort of endeavor.

And we walked away with some action items.

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Tom was going to get us in contact with the Bentley group.

Got a contact name from him.

Both Edward and I do.

Matt is going to get us a contact with the matrix group.

We don't have that yet.

And I was going to during this Commission for discussion to see if there was any interest in getting involved in doing this sort of thing.

And if there is, then we need to identify a point person as one of the Commissioners to coordinate the work.

And the coordination would have to be with MDOS, with the YouTube data, which obviously is YouTube group.

Probably our lawyers and using Steve as the conduit to them to see there are no issues with the lawsuit going on.

So I want to open it up for discussion, including discussion from Mr. Woods to add anything that I may have overlooked.

And see if there is an interest in moving forward with this.

Mr. Woods?

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

What I want to share is we got research from research and we will get additional requests.

As many of you already know California has a Commission.

Colorado has a Commission.

Arizona has a Commission.

And then there is others that have various iterations of Commissions.

So there is going to be some comparing, contrast, some analysis.

And what we are trying to do is to make the Commission's record publicly available at different sources.

As you know we have our books that we have at the State of Michigan Archives.

But this really provides something like a search function where people can look for materials.

And do different things.

So that they have this available.

I believe that our Commission is a best practice.

It's something that should be replicated across the country.

Along with the lessons learned that we learned to make the process better.

But we have to be able to tell our story and we have to be able to document our record.

And having it the reason why you heard about Michigan State University, University of Michigan, we also reached out to Wayne state University, have not heard back from them yet.

But those are known as the highly research institutions in Michigan.

In terms of where people, in terms of schools and so that is why they were selected in terms of reaching out to them.

But I do think what we have done is worthy of being archived so it can be studied and looked upon to improve the democracy process when it comes to redistricting.

Thank you.

>> CHAIR CLARK: Let me make one additional point relative to this.

If we chose to do this, and move forward with it, we could select one of the schools or all three or two of them.

We could go with just U of M at the Bentley historical library or go with MSU the matrix group.

It's our choice.

And if we wanted to pursue this.

So let me open it up for discussion.

No comments, Commissioner Lett?

>> COMMISSIONER LETT: Yeah, I think this is something that should be explored. I don't know that we have enough information at this time other than bringing something to look at.

I mean, the questions that I would have is there going to be a cost to the Commission? Who is going to do the work? I'm assuming that this is going to somehow be put in a digital format.

And who is going to do that? Et cetera, et cetera.

So I would suggest that Doug and Edward go down that path, see what they're talking about other than simply saying we want historical records.

I think that is a good idea.

>> CHAIR CLARK: Let me comment on a couple points you made there. Because it came up in our discussion.

Yes, it will be in digital format.

Tom had indicated to us that the Bentley historical library would not charge us for this work.

And they would do the majority of the work.

And have it coordinated but we need to validate that with them.

We haven't had the discussion with them on that.

I don't know about the matrix group.

I personally wouldn't want to pursue it if there is any cost to us. At all.

Other than manpower of course.

So Commissioner Rothhorn?

>> VICE CHAIR ROTHORN: I want to acknowledge woman power and hoping the Chair and Vice Chair might do this.

I think we have elected leadership.

I trust our Executive Director and elected leadership.

My computer is about to restart and I have to go.

>> CHAIR CLARK: Are you going to come back?

>> VICE CHAIR ROTHORN: If my computer restarts in time, right, I don't know how long it's going to take.

>> MR. EDWARD WOODS: If you can snooze it or join by phone.

>> COMMISSIONER ROTHORN: Join by phone I will join by phone.

>> CHAIR CLARK: Great I appreciate that, do we still have a quorum

Ms. Reinhardt?

>> MS. SARAH REINHARDT: We do Mr. Chair.

>> CHAIR CLARK: Commissioner Lett?

>> COMMISSIONER LETT: I have a question for Sarah do you see any issues or who to contact about access to the records we've already turned over all these records at least I believe.

>> MS. SARAH REINHARDT: Sorry my computer froze for just a second.

Yes, whoever is determined to be the member of the Commission that will be working with on this I'm happy to connect them to state staff people who take care of this, yes.

>> CHAIR CLARK: Okay, any other comments relative to this? Commissioner Eid?

>> COMMISSIONER EID: Yes.

So currently there is no Wikipedia Page about our Commission.

There is one about.

>> CHAIR CLARK: Can I interrupt you for a minute Commissioner Eid? We will get to Wikipedia and let's do it after we have the discussion on the historical library.

>> COMMISSIONER EID: Yeah, the reason I bring it up because it might help influence that.

But.

>> CHAIR CLARK: Okay go ahead.

>> COMMISSIONER EID: I agree.

I was going to say that having the historical library complete could help pursue that as well.

>> CHAIR CLARK: Okay, yeah, we will get to that subject.

It's a completely different approach to that.

So Commissioner Orton?

>> VICE CHAIR ORTON: So this kind of was answered already in the presentation.

But just for clarification, at first I thought maybe it's redundant because all of our records are public.

And publicly available.

But this would make it more easily searchable.

Is that the main point.

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>> CHAIR CLARK: And put it in a research type of environment, yeah.

>> VICE CHAIR ORTON: Okay.

>> CHAIR CLARK: So I have no motion on the floor for this.

Whether we want to move forward.

>> COMMISSIONER LANGE: Chair Clark?

>> CHAIR CLARK: Yes, Commissioner Lange.

>> COMMISSIONER LANGE: Could I put the motion we table this particular aspect of it until we have more information regarding for sure if there is a cost until details are verified so then we can make an informed decision?

>> CHAIR CLARK: You may.

We will have to vote on that.

Commissioner, I'm sorry, Executive Director Woods and I will contact the Bentley historical library and find out what the costs are and get some more details.

Commissioner Lett?

>> COMMISSIONER LETT: Yeah, I was just going to say, you know, we don't excuse me we don't have a motion on the table.

There is really nothing to table.

And I think our direction has as Commissioner Clark has just stated let's go get some more information, bring it back and have further discussion.

>> CHAIR CLARK: Okay, Executive Director Woods and I will do that.

Okay, all right we need to turn to one other subject relative to this is what Commissioner Eid brought up.

Which is Wikipedia.

Commissioner or I'm sorry Executive Director Woods and I had a discussion relative to that.

He has done some research on it.

Both California and Arizona have Wikipedia entries on the Internet relative to their redistricting.

And Commissioner or Executive Director Woods has done some research relative to that.

And why don't I turn it over to you, Edward and you can talk to the group relative to the cost associated with that and whether or not we want to do it and see value in it.

Thanks.

>> MR. EDWARD WOODS: Thank you.

Commissioner Clark.

When I was going through you know how do people document, archive their work obviously the State of Michigan and our research institutions I saw redistricting in California, Wikipedia entries and redistricting in Arizona.

Wikipedia entry.

I saw the California Commission.

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And it's just really when you do a search engine and looking for results in order to do a Wikipedia it is really an intense process where you have to have someone actually write up your Page.

It's not a self-promotion Page.

They call that a conflict of interest.

You have to associate your write up with multiple sources in order to actually get it published and outline your work in terms of documentations.

So when you are looking at a Page you are usually looking at a number of different sources, whether it's research from the Brennen center whether it's a newspaper from bridges or Detroit free press or "New York Times" or other type of things that kind of document what the Commission was able to do and its work.

So it's really not a self-promotion Page.

There is a process where people can edit.

And there is a way that you need to watch for your edits.

But it's a very intense process.

It takes several months to complete.

If that is something that we want to do.

I reached out to two groups with regards to that.

And the one group is called white hats wiki and they provided a proposal where they would actually do the writing.

Make sure that we follow the Wikipedia guidelines in terms of establishing what the work that the Commission has done.

And having that posted.

And so when I talked to Commissioner Clark, he said let's just bring it to the Commission for a discussion with regards to that.

But it provides another avenue with regards to our work being out in the public sphere and the cost would not exceed 5,000.

>> CHAIR CLARK: I can take any comments or questions relative though that. I will make a comment on that before we get Commissioner Orton's comments. My opinion is we should not be spending money at this time on this sort of thing. I don't see the value in it.

Personally.

I read the California and the Arizona wiki Page.

Wiki leak or wiki pages I guess they are called.

I don't understand what additional value it would get for us.

So that is my personal comment.

Commissioner Orton?

>> VICE CHAIR ORTON: Yeah, I agree with your comment, Doug. I think this is not something that would be of benefit since there is a cost. We wouldn't be writing it.

So I just don't understand why we would want to do it.

Our work is done.

It's not like we need to get our name out there or anything.

And we don't know what would be written for one thing.

And it would cost the taxpayers money.

There is I see no benefit to that.

>> MR. EDWARD WOODS: Excuse me Commissioner Clark I just want to make sure what is written would be approved by the Commission.

It's not just something that someone would do without our authorization.

As well as the documentation and the references that is associated with that so I just want to make sure we are very, very clear that the Commission would see what is written.

Because that is part of the process in terms of how that is done.

If that I decide to do this project.

>> COMMISSIONER LANGE: I have a comment.

>> CHAIR CLARK: Yeah, go ahead Commissioner Lange.

And then Commissioner Witjes has a comment after you.

>> COMMISSIONER LANGE: I'm going to agree with both you and Commissioner Orton regarding the cost and the benefit.

Also I do know that Wikipedia as it was stated anybody can go in there and change information on it.

I've seen it done in nefarious ways as it relates to some political figures on there.

And I did bring this up to our Executive Director.

And he said white hat would monitor the Page for 60 days and then it would be up to the Commission.

Well, who is going to monitor that Page when we are in dormancy? I do not see a benefit to this at all.

And I don't think it's in our best interest.

That's all I have.

>> CHAIR CLARK: Thank you for your comment, Commissioner Witjes?

>> COMMISSIONER WITJES: I was going to say the exact same thing that Commissioner Lange just said.

>> CHAIR CLARK: Okay thank you.

Any other comments? Okay, do we have a motion.

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

>> CHAIR CLARK: What is that.

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

>> CHAIR CLARK: Sorry I did not see your hand Commissioner Curry?

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>> COMMISSIONER CURRY: Yes, I want to say, this is to everyone I think we should just kind of wait until we get more discovery of what is going on with that Wikipedia.

And then make a final vote later on.

>> CHAIR CLARK: I've seen the proposal and I've seen the cost associated with it. It's not only the cost of the original document that would get posted but there is also cost for changes to it on an ongoing basis.

So it doesn't stop as far as from a financial perspective.

>> COMMISSIONER CURRY: I guess that seems like something we would be concerned about especially if someone could go on there and change it.

So THE CLERK: Correct.

>> COMMISSIONER CURRY: I have problems with that.

>> CHAIR CLARK: Commissioner Eid?

>> COMMISSIONER EID: You guys know me I like to play devil's advocate sometimes.

>> CHAIR CLARK: That is okay.

>> COMMISSIONER EID: A potential benefit can be kind of like controlling the narrative a bit.

As one of y'all just said at this moment and with like Wikipedia in general anybody can go and edit anything so since there is not a Page currently, there is the potential for you know, folks to go and make one.

And you know, it could be nefarious.

I mean Lord knows that there are people that are not exactly happy with us around the state.

So you know that just could be one potential benefit kind of controlling the narrative and being able to approve what is on there to have some sort of base line.

Because right now there is no Wikipedia Page.

There is one on proposal two in 2018.

And there is a little blurb on ballot pedia which is kind of like Wikipedia but just for political stuff.

>> CHAIR CLARK: Thank you Commissioner Eid. Commissioner Orton? We can't hear you.

You are on mute.

>> VICE CHAIR ORTON: Okay sorry I will just say one more thing. I just think our work is done.

Unless we get told we need to redraw something our work is done.

I don't think we need to worry about getting the narrative out there or anything.

And I just don't think the taxpayers should have to pay for that.

>> CHAIR CLARK: Okay thank you.

Any comments on any motions on how we handle this? Which direction? I see none.

I will put forth a motion that we do not move forward at all with spending additional money on the Wikipedia Page.

And that's not a sufficient value to us.

>> COMMISSIONER WITJES: That is a second by me.

>> CHAIR CLARK: Okay.

>> MS. SARAH REINHARDT: Mr. Chair.

>> CHAIR CLARK: Go ahead Ms. Reinhardt.

>> MS. SARAH REINHARDT: So to clarify the motion was not to move forward.

>> CHAIR CLARK: Correct.

>> MS. SARAH REINHARDT: So you're making the motion not to move forward but also not making a motion to approve moving forward would have the same result.

>> COMMISSIONER WITJES: Yeah, I suppose that is true.

>> CHAIR CLARK: And I want the verbiage we don't spend money on this at all, period.

>> VICE CHAIR SZETELA: She is saying we don't need a motion to accomplish that.

We need a motion to take action.

You don't need to take a motion to not take action.

It's odd.

>> CHAIR CLARK: Okay, I'm fine with that.

All right then the discussion is over with -- on that and we will move on to our next agenda item.

>> COMMISSIONER LANGE: Mr. Chair real quick.

I apologize but just for documentation reasons I have to leave right now for my other meeting.

>> CHAIR CLARK: Thank you, Commissioner Lange.

>> COMMISSIONER LANGE: Thank you.

>> CHAIR CLARK: Do we still have a quorum Commissioner Reinhardt?

>> MS. SARAH REINHARDT: We do.

>> COMMISSIONER CURRY: I have to leave too.

>> VICE CHAIR ORTON: My computer is restarting and I can't do anything about it.

>> MS. SARAH REINHARDT: If Commissioner Curry leaves as well and if

Commissioner Orton's computer restarts, we have nine remaining which is the minimum for a quorum.

>> CHAIR CLARK: Commissioner Szetela?

>> COMMISSIONER SZETELA: Yeah, I actually need to leave at 11:40.

So I suggest we wrap things up quickly.

>> MS. SARAH REINHARDT: Commissioner Szetela if you wouldn't mind staying until Commissioner Orton is about to rejoin, she had to restart her computer for an update and it should be pretty quick.

>> CHAIR CLARK: Commissioner Eid?

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>> COMMISSIONER EID: Just to be clear no one made a motion.

>> CHAIR CLARK: Correct.

>> COMMISSIONER EID: Okay.

>> CHAIR CLARK: Correct, yep.

Okay no action will be taken.

So let's move on to our next agenda item.

It's a new business item 6D litigation counsel travel clarification.

Without objection I will ask Commissioner Lett and executive director Woods to present this item.

Hearing no objection please proceed Mr. Woods.

>> MR. EDWARD WOODS: Thank you. Our litigation like our Brexit, our local litigation counsel, if we add an attorney to -- as if they add someone as a key personnel, it needs to be voted by the Commission.

We provided a resume of Dema-Atiya-Dima. She is a Michigan native working with Baker Hostetler and has information on the maps so it's just approving her as a key personnel.

Commissioner Lett if I forget something please share.

>> COMMISSIONER LETT: You forgot to say she was a graduate of the University of Michigan law school which really calls into question.

But she has been doing most of the work and done a good job.

There is absolutely no reason not to approve her.

Well, there is a reason.

But we will overlook that.

>> CHAIR CLARK: Do we have a motion to.

>> MR. EDWARD WOODS: Yes, I will put it on the screen, thank you.

>> CHAIR CLARK: Who made the motion.

>> MR. EDWARD WOODS: No one, I will put what we need on the screen.

>> COMMISSIONER ROTHORN: I say we have the Executive Director to work with the Department of State to add Dima-Atiya to the contract retroactive to November 21, 2021, please.

>> CHAIR CLARK: Thank you and do I have a second? Commissioner Weiss has the second on that.

All right, is there any other discussion or debate? Okay if not all in favor raise your hand and say aye.

Aye.

All opposed raise your hand and say nay.

Okay, the ayes have it and the motion is adopted.

I had an -- I made a mistake a minute ago and had jumped forward to the litigation counsel travel clarification.

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Rather than the subject we just talked about which was the litigation counsel attorney addition.

So let me go jump forward to the litigation counsel travel clarification which is number 6D.

Without objection I will ask Commissioner Lett and director Executive Director Woods to present this item.

Hearing no objection, please proceed, Mr. Woods.

>> MR. EDWARD WOODS: And Commissioner Clark you did perfect.

You did everything right so you were in order.

>> CHAIR CLARK: Thank you.

>> MR. EDWARD WOODS: Okay travel clarification.

When we were reviewing legal bills, we realized that there was a discrepancy in terms of how travel was covered for the litigation counsel.

What we do or should be providing is reimbursement for expenses but we do not pay for hours worked.

We do not pay for hours worked while they are traveling.

So what we need to do is just provide that clarification in the contract that the Commission does reimburse for expenses.

But does not pay for hours worked as relates to travel.

Commissioner Lett if I forgot something, please let me know.

But I don't think this has a Michigan Wolverine reference.

>> COMMISSIONER LETT: Just a little difference.

We pay for their travel expenses.

In other words, if they drive, they get mileage.

If they fly, we pay for the airfare.

They stay here and we pay for the rooms.

If they happen and it could, if they happen to work on our case while they are flying or riding or whatever they can charge an hourly rate for the time they work on our case or cases.

What they can't do is get on the plane, sit there and read the in plane magazine and charge for the hours that they are in the air, which they were.

They were charging from door to door.

And we had a conversation with them and said that that's not something that we would agree to pay.

And they have gone back, recalculated their billing and taken out what they were charging for simply flying from wherever they were, Columbus or Washington or wherever to here, which would most recently have been for the interviews with the Commissioners for preparation for the case.

So that has been resolved.

And if there are any questions Edward or I would be happy to take them.

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>> CHAIR CLARK: We have gotten an adjusted bill from them.

So I think it's resolved.

We need to push it by the Commission to get a clarification on our contract with them so do I need to get a motion in order to accomplish that.

>> MR. EDWARD WOODS: Let me put that on the screen for you.

>> CHAIR CLARK: Okay, Commissioner Rothhorn? I saw your hand was raised.

>> COMMISSIONER ROTHORN: Thanks for all the work you two.

Executive Woods and Commissioner Lett.

I authorize and please I'm motioning we authorize the MICRC director to work with the Michigan Department of State to ensure approval, ensure approved travel expenses are reimbursed and hourly rate is not billed in the litigation contract.

>> VICE CHAIR ORTON: I will second.

>> CHAIR CLARK: We have a motion from Commissioner Rothhorn and a second was I believe Commissioner Orton.

Okay, all in favor raise your hand and say aye.

Aye.

All opposed say nay.

Raise your hand and say nay.

Okay, Ms. Kellom, Commissioner Kellom? I couldn't hear you.

>> COMMISSIONER KELLOM: Aye.

>> CHAIR CLARK: Okay thank you so much.

All right let's move on to the next I'm sorry the ayes prevail and the motion is adopted.

Next on the agenda is new business item 6E, which is the fiscal year 23 financial reports.

Without objection I will ask MICRC Executive Director Woods to present this item.

Hearing no objection please proceed Mr. Woods.

>> MR. EDWARD WOODS: Thank you Commissioner Clark.

Just want to share knowing that time is brief but this information is also located for the public on our website.

For October 2022 our total expenses are 142,709.26.

And November of '22 was 140,694.42.

In December it was 150,448.12.

In January it was 202,990.09.

February it was 280,693.35.

And in March it was 338,097.81.

So in the six months we have spent about 1.26 million of our 3.17 appointment.

The reason you see a large increase in March is because of our expert witnesses that were used in the AG case with regards to that, with regards to the litigation counsel.

We have a couple of expert witnesses that we are paying for that.

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And then as you know Lisa Handley, who is our consultant, is being paid through the election data services or our line drawing consulting contract.

So just wanted you to have this information.

As you know we do provide quarterly reports for the legislature.

And this is what we have as relates as of March 31st.

2023.

Where you see 0, they are accurate and there was nothing paid.

And we do have for those that we are working on through Abacus for our expenses they will be able to be paid without being taxable.

And we will have that information for you, if not in May in June.

With regards to any expenses which we expect to be minimal for travel and office supplies.

But this is the financial report.

If there is any questions, I can take them at this time.

>> CHAIR CLARK: Okay seeing no objections let's move on to our next agenda item.

Next on the agenda is the approval of the minutes from the February 16th meeting.

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

Are there any other edits to the minutes? Okay, seeing none, may I have a motion to approve the meeting minutes of February 16th.

Who seconded?

>> MR. EDWARD WOODS: Commissioner Witjes.

>> CHAIR CLARK: Commissioner Witjes you brought the motion forward.

>> COMMISSIONER WITJES: Seconded.

>> CHAIR CLARK: Seconded.

And who brought it forward.

Commissioner Lett.

All in favor raise your hand and say aye.

Aye.

All opposed raise your hand and say nay.

And Commissioner Kellom?

>> COMMISSIONER KELLOM: Aye.

I'm sorry.

>> CHAIR CLARK: No problem.

Okay, the ayes have it.

And the minutes are approved.

Next on the agenda is approval of the minutes from the March 16th meeting.

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Are there any edits to these meetings? These minutes?

>> COMMISSIONER LETT: Move their adoption.

>> COMMISSIONER WITJES: Second.

>> CHAIR CLARK: Commissioner Lett all right approve the motion to adopt it and Commissioner Witjes seconded that.

All in favor raise your hand and say aye.

Aye.

All in favor, all opposed raise your hand and say nay.

Thank you, the ayes prevail.

And those minutes are approved.

Okay, next on the agenda is an executive report, director report.

Without objection I will ask MICRC Mr. Woods for his report.

Please proceed, Mr. Woods.

>> MR. EDWARD WOODS: Is everyone able to see my screen?

>> CHAIR CLARK: Yes.

>> MR. EDWARD WOODS: Perfect.

Website updates I want to give a big thanks to Sarah Reinhardt and the retro special project for MDOS and Nelson Lawrence who is the website person and the whole entire communication staff for their help which is led by Jake Rolo with regards to this.

We are trying to get our materials updated in time for the litigation.

It's possibly pending with the AG.

We did review of the website to ensure all materials are available.

There will be some minute corrections that we need to address at our June meeting no later than the June meeting and are down to 25 unresolved items where we had well over a hundred.

So just really want to thank MDOS team for all the work and things they are doing to make sure we are updated and information is accessible off the website.

So we don't have any concerns.

Highlights I want to thank Nelson the March website and tells about Page reviews, where people are going.

Our Commission attendance report cumulative through our first quarter of this year is at 93%.

The Commission has 93% attendance rate.

Presentations are continuing to go well.

We had Commissioner Szetela present to the American society of public administrators at Oakland University in count junction with Oakland University that took place in March. Then our county District maps are now on the website, they are picture maps that people are able to get and this has been very helpful for the public to be able to access those maps and use them for presentations and districts with regards to those lines so I want to thank you for that.

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Thank you, Commissioner Lett and attorneys, for insight three for the work making sure we balance the financials and also the employee agreement right with Abacus services. There was a lot of time really spent on that.

I just want to express my appreciation to those fine individuals.

Thank you so much.

If there is any questions with regards to my report, I can take them at this time.

But I do know time is a premium.

>> CHAIR CLARK: Thank you, Mr. Woods.

There is a legal liaison report.

Without objection I will ask our legal liaison Commissioner Steve Lett, excuse me, to provide his report.

Please proceed Commissioner Lett?

>> COMMISSIONER LETT: I have nothing to add we have not discussed.

>> CHAIR CLARK: Thank you Commissioner Lett.

MDOS updates without objection I will ask Mike Brady or Sarah Reinhardt from the Michigan Department of State if they have an update.

Hearing no objection, please proceed, Mr. Brady or Ms. Reinhardt.

>> MS. SARAH REINHARDT: Hi Commissioners just wanted to issue a reminder that if you have not worked with your Executive Director, Mr. Woods, to connect your computer to the state network yet, please do that as soon as possible.

It's imperative that gets resolved because we don't want to lose any records that are still on your device.

And as a reminder to all Commissioners going forward, please connect your computer to the state network ideally once a week but at minimum once a month.

And if you have any questions or concerns about that, please feel free to contact me or your Executive Director and thank you again to Executive Director Woods for his help assisting and coordinating with Commissioners on this.

Really appreciate it.

That's all I have.

>> CHAIR CLARK: Thank you, Ms. Reinhardt.

Correspondence, if any was available, was received in advance of our meeting today, along with any written public comments to the Commissioners.

Are there any agenda items.

>> MR. EDWARD WOODS: Commissioner Clark? I'm sorry.

>> CHAIR CLARK: Yes.

>> MR. EDWARD WOODS: Mr. Fink has a comment on a status over the AG case.

>> CHAIR CLARK: Okay go ahead, Mr. Fink.

>> MR-FINK: I will be brief and feel like I'm speaking right before dinner and won't hold people up.

The discovery in the AG case is almost complete.

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There was a -- the original cutoff date was April 14 and it was extended based on a joint motion allowing two depositions to be taken.

In fact, they are being taken right now as we speak.

They are going on.

And I would say I think it's important to say that the Plaintiffs never did choose to do any discovery and they did not end up taking the depositions as you all know of the Commissioners.

That said I want to be sure you understand and appreciate how grateful all of the lawyers are for the assistance we had from each and every Commissioner in the interviews.

And that information is and was and is very helpful as we go forward with completing the defense of the case or as counsel goes forward completing the defense of the case.

The next step in the case will be dispositive motions.

And by May 5th Baker will be filing a no surprise to anybody will be filing a motion to summarily dismiss the case for summary judgment.

And oral argument on dispositive motion will be heard on July 12.

So thank you all. And I know you have plenty to do today, but I wanted to be sure you heard this. And thank you for the assistance you gave us.

>> CHAIR CLARK: Thank you, Mr. Fink.

Are there any agenda items that Commissioners would like to have added to the future agendas? Okay seeing none are there any announcements?

>> MS. SARAH REINHARDT: Mr. Chair.

>> CHAIR CLARK: Yes Ms. Reinhardt.

>> MS. SARAH REINHARDT: I wanted to note that Commissioner Lange requested a discussion, a continuing discussion of archiving the Commission's work at the next meeting, thank you.

>> CHAIR CLARK: Okay, we will have Executive Director Woods add that to the next agenda.

>> MR. EDWARD WOODS: Sure.

>> CHAIR CLARK: All right as the items on the agenda are complete and the Commission has no further business a motion to adjourn is in order.

May I have a motion?

>> VICE CHAIR ROTHORN: You may.

>> COMMISSIONER WITJES: Second.

>> CHAIR CLARK: Motion from Commissioner Rothorn and a second.

Second from Commissioner Witjes.

All in favor raise your hand and say aye.

Aye.

All opposed raise your hand and say nay.

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Okay the ayes prevail, the meeting is adjourned at 11:50 a.m.

>> COMMISSIONER ROTHORN: Good-bye all thanks.

>> COMMISSIONER WITJES: Good rest of the week.