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MICRC

06/15/23 10:00am Meeting

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>> CHAIR CLARK: As Chair of the Commission, I call the meeting of the Michigan Independent Citizens Redistricting Commission to order at 10:03 a.m.

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

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

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

Please announce during roll call if you are attending the meeting remotely and state the county, City Township or village which you are attending I will call on Commissioners in alphabetical order starting with Doug Clark.

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

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

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

>> MS. SARAH REINHARDT: Brittini Kellom. Rhonda Lange?

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

>> MS. SARAH REINHARDT: Steve Lett?

>> COMMISSIONER LETT: Present; attending from Grand Traverse County.

>> MS. SARAH REINHARDT: Cynthia Orton?

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

>> MS. SARAH REINHARDT: MC Rothhorn?

>> CHAIR ROTHORN: Good morning. Attending remotely from Lansing, Michigan.

>> MS. SARAH REINHARDT: Rebecca Szetela?

>> COMMISSIONER 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 Cook County, Illinois.

>> MS. SARAH REINHARDT: Thank you. 11 Commissioners are present and there is a quorum.

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

As a reminder to the public watching, You can view the agenda at [www.Michigan.gov/MICRC](http://www.Michigan.gov/MICRC).

I would now entertain a motion to approve the meeting agenda. So moved.

>> CHAIR CLARK: Motion to approve by Commissioner Lett and a second by Commissioner Rothhorn is there any discussion or debate on the motion? 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.

Today we have no individual has signed up for public comment. So we will move on from there.

That concludes our public comment second shin please feel free to e-mail public comments to the Commission at [redistricting@Michigan.gov](mailto:redistricting@Michigan.gov). Unfinished business next on our agenda is the unfinished business portion of the agenda. First on the agenda will be Section 5A fiscal year 24 budget status. Without objection I will ask MICRC Executive Director Edward Woods III to present this item. Hearing no objection, please proceed, Mr. Woods.

>> MR. EDWARD WOODS: Thank you, Commissioner Clark. I will be sharing my screen. We are -- are you able to see it?

>> CHAIR CLARK: Yes.

>> MR. EDWARD WOODS: Excellent. I want to recognize two distinguished Commissioners who are out knocking on doors, 56 doors none other than our Vice Chair, Commissioner Cynthia Orton and another Commissioner, Commissioner MC Rothhorn and as you know with the fiscal 24 budget status we are trying to make sure in a proactive manner that we are included in the front end versus having to use the legal system to get us included like we have the last time. And were delayed funding for about four and a half months.

So we have a three-prong approach. Visit with State Representatives and Senators. Communication with state budget office and Commissioner Clark and I are chairs working on. Then the dialog with Attorney General's Office we are working on with our local counsel in conjunction with the MICRC counsel Commissioner Lett. That has been our approach that we are using. We don't really have any new updates at this time. We have responded to inquiries whether it was Commissioner Bolen who I mean represent Bole intersection and following up with Commissioner Orton and Commissioner Rothhorn as well as following up with regards to the amount of money that was requested from the state budget office as well as Attorney General's Office. And what we have been sharing is we just want to follow the Constitution. We know the Commission followed the Constitution in developing the maps. Fair maps and we just want the Constitution to be followed as relates to funds.

So that is just a simple message as you already know we get 25% of the general fund, general purpose money for the Michigan Department of State.

So this is what we -- this is our three-prong approach. This is what we are doing. They are expected to approve the budget by the end of this month. So we are still trying to knock on doors and follow-up to make sure that we are included on the front end with regards to that.

Another thing I'd like to share with you is we did, I repeat we did have, move over there, and then but this is what we passed out to each of the Senators and representatives who were on the appropriations committee as well as the top leadership positions. We did a Black and white postcard. We personalized it by either putting the representatives' name as you see here or we included the Senator's name as you -- instead of representative it had their names. It was a mail and we dropped it off at all of the offices with regards to that.

So once again just wanted to share an update with you with regards to that. But also provide time for our Vice Chair, Commissioner Orton, and Commissioner Rothhorn with regards to the process. Thank you.

>> CHAIR CLARK: Thank you Executive Director Woods. Appreciate it.

That concludes our unfinished business. Next on the agenda is new business items number 6A legal rate increases. Without objection I will ask Commissioner Steve Lett MICRC legal liaison. Hearing no objection please proceed Commissioner Lett.

>> COMMISSIONER LETT: I'm sorry, I was trying to get my other computer working so I could -- where are we at on the agenda? Is.

>> CHAIR CLARK: We are at legal rate increases item 6A.

>> COMMISSIONER LETT: We received a request from Baker as well as Fink and the VRA attorney for an increase. Baker and you should have received this materials asked for an increase of substantial amount. And in some cases and particularly Kate case about 25%. And Richard, find my document, and Richard Ralle roughly the same amount. We thought that was a little high. It was well passed the amount of inflation even though inflation has been high. Their argument was that they had not had any increases since the initiation of the contract, which is true. There are provisions in the contract that provide for them, all of the attorneys to have a rate increase. We met with Baker, specifically with Kate and Richard. And went over what we thought were issues for us. Basically that they were a little on the high side. So after a discussion we said we proposed and subject, obviously, to the Commission's approval, but we proposed that they reduce the rate in Kate's case from 670 an hour to 760 an hour. Instead of the 835 an hour. And Richard's case from 670 to 760. Same as with Kate versus 780. They put on their standard rate for comparison, which are substantially higher. I would say that standard rates are just what they happen to publish. That doesn't mean that anybody, any of their clients are paying the standard rates. Rates are negotiable at any time.

The other item I draw to your attention is Dema who is an associate in Washington relatively new to their firm, having come on in 2021. She was added in. They added her in and neglected to tell us once we figured that one out, we went back, got her CV, and looked it over. She certainly appears to be qualified. Additionally she is doing a lot of the work and has done a lot of the work for the case in Michigan.

Her rate is actually going down from 485 to 435. And the explanation is certainly they brought her on at whatever rate they were paying her at the time without letting us know so she is getting a rate reduction.

So the rates are there. Inflation comes into play. They were requesting rates from May 1st effective May 1st to the end of the year. We reached a tentative agreement. And I say tentative because you all can decide what you decide, but at the end of the year, January 1st, they will be back for a further rate increase. And we will take a look at it then and see what they're asking for. And what we would be agreeing to. We will deal with Baker then Fink and Bruce. Any questions? Discussion?

>> CHAIR CLARK: Commissioner Rothhorn, you had a question?

>> COMMISSIONER ROTHORN: Just want to really appreciate the negotiation. And that we just didn't accept it the way it is and appreciate how you walked us through it, Steve. Steve and Edward, whoever is on the team, Doug just thank you and Cynthia even, I don't know but thank you.

>> CHAIR CLARK: Thank you. Commissioner Wagner?

>> COMMISSIONER LETT: It was all Cynthia's idea if you don't like it.

>> CHAIR CLARK: Commissioner Wagner, you have the floor.

>> COMMISSIONER WAGNER: Thank you Commissioner Clark. Commissioner Lett I have a question. As you said rates are negotiable. But I wanted to know what justifications beyond inflation do they give for their rate increase? Are we looking at them putting in more hours? In the near future what is going on with that, please?

>> COMMISSIONER LETT: No. Well no and yes. Yes, they gave more -- their justification is this: Law firms generally speaking rates have been going up all across the country. Not necessarily just in Cleveland and Washington. So their justification, I think their primary justification really is hey we held our rates from the inception of the contract until now. And our rates as far as a law firm goes with our other clients, and of course they are not telling us number one who their clients are nor what the rates are for the other clients but that we have been increasing our rates across the board to all of our clients. And we felt, they felt now is the time that they should increase their rates here.

Now, are there more hours? There certainly have been more work being done. There's been several very contentious motions filed that has required a lot of research. There will be a hearing coming up that they will be attending. And then the rest of the work after that motion, which we assume will not be granted for either side, so we will have to move on with preparing for trial. So, yes, there will be more work coming up. But that's not primarily a reason to increase their rate.

So I think their two big things is look inflation is where it is. And we have held the line on our rates and so now is the time that they should be increased as a -- they say as a matter of course but you know really in the law profession unless we are in a deflationary period which we are not law firms typically raise their rates annually or



somewhere around that case. So I don't know if that -- that is not necessarily a satisfactory answer. But it's real life.

>> CHAIR CLARK: Commissioner Wagner?

>> COMMISSIONER WAGNER: I understand that, Commissioner Lett. I just think with the economy the way it is and the fact that most Americans can't increase their income in that fashion that it should come more in line with what the cost of living actually is. Like I'd rather see it on inflation rates. If we are sitting 12.5% inflation let's see their income come up that far. Thank you.

>> CHAIR CLARK: Thank you, Commissioner Wagner. Commissioner Lange, I can't see if you have a comment, or not.

>> COMMISSIONER LANGE: I have no comments.

>> CHAIR CLARK: Okay thank you. Commissioner Eid?

>> COMMISSIONER EID: Hello everyone I'm just wondering do we have a projection on how this increase would affect the overall budget going forward? I know it's kind of hard to say because we don't know how many hours are going to be incurred. But is there a projection of some sort?

>> COMMISSIONER LETT: Edward, I don't know. I did not do a projection. I can tell you just looking at the percentage increases it's going to go up somewhere in the neighborhood of 12%.

>> CHAIR CLARK: Executive Director Woods?

>> MR. EDWARD WOODS: It really depends on the hours. We don't have the hours right now in terms of May or June. We do know we have a Court case in July. So it really depends on the hours. But if you take a look at the document, I shared the budget remaining. So at least you kind of know where we are as of April 30th. And I can share that on the screen so that everybody can see it. But this is a projected in terms of where we are, in terms of our budget and what has been approved by the Commission. So if we go down, you look at the budget here, fiscal year 22 we expended 1.1. For 23 through April 3, 805 so total expenses has been 1.9 million. Our contract value is 3 million. And we have 1.1 remaining that has been approved by the Commission. Obviously, the Commission can appropriate more funds but this is what we have right now.

>> COMMISSIONER LETT: Anthony when I say 12% that is not -- that is whatever the hours turn out to be if we were at the old contract price it would be 10 or 13% lower than what it will be at the new contract price depending how many hours they put in.

>> COMMISSIONER EID: My main question and it's for Edward. They have done a phenomenal job we have won every case we have been insofar knock on wood. Can we afford the increase is the main question.

>> MR. EDWARD WOODS: Yes, we can absorb it into the budget is the answer. But we also you know, we have an avenue with regards to requesting funds through the legislature as relates to legal costs. As Commissioner Lett already shared this is normal.

In the legal profession in terms of the increase with regards to that. And we need them to defend our maps. If the Commission, you know, deems as necessary. So the answer is, yes, there are funds available. But, you know, whether or not the Commission wants to do the increase is up to the will of the Commission.

>> CHAIR CLARK: Are there any other comments? Commissioner Rothhorn?

>> COMMISSIONER ROTHORN: I just want to suggest that we need an alternative if we want to sort of continue to debate. I guess what I mean is I think the team has done a good job of sort of debating and lowering the cost. I think there is an unfortunate precedent with contractors in general that like state Government like just raised the budget right. This is the cities and the countries money. I say the City and the country, yeah, the states right sorry state citizens, us, paying for this. I think we each want to be responsible. And what I want to suggest is we are going against precedent. Right. If we try to say hey, we don't want to accept this. Right and we are asking our team to go back and negotiate it. So I just want to offer that I think it is an -- I think it's worth trying. And I think we have to sort of understand what are the consequences. You know, yeah, where are we? Do we have another like law firm and that sort of thing is what imaging trying to where is our leverage?

>> CHAIR CLARK: Well let me go back in history for a minute, Commissioner Rothhorn. When we initially put out an RFP for this work, we got no responses. So we had to put out a second RFP and we only got one response. And that was Baker Hostetler and elected to go forward with them at that point this time because it was time critical at that point. So we got ourselves into this situation. I guess I had a question and I don't know if Executive Director Woods can address this. But was there any mention in the purchase order, the original purchase order, that rates would increase over time?

>> MR. EDWARD WOODS: Yes.

>> CHAIR CLARK: So that was part of the purchase order.

>> MR. EDWARD WOODS: Correct and part of the contract.

>> CHAIR CLARK: Part of the contract, okay.

So we should accept that as we go forward in my opinion. Commissioner Wagner?

>> COMMISSIONER WAGNER: I just want to say I think they have done a fantastic job at negotiating rates. But I would still like to see them come in at, you know, where inflation rate is right now. I'd like to see us go back to the table. And if DEMA has been doing most of the work I would rather see that person get paid more. However it works out. And that's all I have to say. Thank you.

>> CHAIR CLARK: Are there any other comments? All right, before we move on to the Voting Rights Act counsel and litigation counsel do I have a motion regarding Baker Hostetler.

>> COMMISSIONER LETT: Lett I move we approve the rates that have been presented for Baker Hostetler.

>> COMMISSIONER SZETELA: Second.

>> MR. EDWARD WOODS: Commissioner Clark and Commissioner Lett want to make sure with clarity with regards to the motion it's retroactive to May 1st.

>> COMMISSIONER LETT: That is correct that is what we discussed beginning May 1st. I believe that is for all of them.

>> CHAIR CLARK: We have a motion.

>> MR. EDWARD WOODS: Correct.

>> CHAIR CLARK: Commissioner Lett and a second by Commissioner Szetela. The motion is moved that the Michigan Independent Citizens Redistricting Commission approves the rate increase for Baker Hostetler litigation counsel as presented retroactive to May 1st, 2023.

Can I ask the Secretary of State to do a roll call vote on this, please?

>> MS. SARAH REINHARDT: Certainly, Mr. Chair. Commissioners, please indicate your support of the motion as it is presented on the screen. With a yes or a no when I call on you. I will call on Commissioners in alphabetical order starting with Rhonda Lange?

>> COMMISSIONER LANGE: No.

>> MS. SARAH REINHARDT: Steve Lett?

>> COMMISSIONER LETT: Yes.

>> MS. SARAH REINHARDT: Cynthia Orton?

>> VICE CHAIR ORTON: Yes.

>> MS. SARAH REINHARDT: MC Rothhorn?

>> COMMISSIONER ROTHORN: Yes.

>> MS. SARAH REINHARDT: Rebecca Szetela?

>> COMMISSIONER SZETELA: Yes.

>> MS. SARAH REINHARDT: Janice Vallette?

>> COMMISSIONER VALLETTE: Yes.

>> MS. SARAH REINHARDT: Erin Wagner?

>> COMMISSIONER WAGNER: A strong they for me.

>> MS. SARAH REINHARDT: Richard Weiss?

>> COMMISSIONER WEISS: Yes.

>> MS. SARAH REINHARDT: Dustin Witjes?

>> COMMISSIONER WITJES: No.

>> MS. SARAH REINHARDT: Doug Clark?

>> CHAIR CLARK: Yes.

>> MS. SARAH REINHARDT: Anthony Eid?

>> COMMISSIONER EID: Yes.

>> MS. SARAH REINHARDT: One moment, please. By a vote of eight yes to three no's the motion carries.

>> CHAIR CLARK: Thank you, Ms. Reinhardt the ayes prevail and the motion is adopted.



Commissioner Lett, could you continue on and I think we have a similar discussion with the Voting Rights Act counsel.

>> COMMISSIONER LETT: As much fun as I'm having, I will continue on.

Bruce Adelson has also asked for a rate increase from 425 to 465. A 9% increase. He likewise had not requested any increases up until this date. Therefore we are presenting what he is requesting. It's obviously a little lower than what Baker was asking. He has not done a lot of work on the case recently. But as we move forward into the trial phase, he will obviously do quite a bit more as our expert, as an expert witness.

Therefore, unless you have any questions, I would be happy to try to answer them. Or any comment.

>> CHAIR CLARK: Are there any comments from any of the Commissioners? Commissioner Lange, do you have any?

>> COMMISSIONER LANGE: No, I do not.

>> CHAIR CLARK: Okay, thank you. Commissioner Eid?

>> COMMISSIONER EID: So you said this one is at 9%. That is a little bit more in line with the rate of inflation, correct?

>> COMMISSIONER LETT: Well that depends what you consider rate of inflation Anthony. There are about 20 different rates of inflation depending what you are looking at. But, yeah, it's in line.

>> CHAIR CLARK: Any other questions, Commissioner Eid?

>> COMMISSIONER EID: No.

>> CHAIR CLARK: Commissioner Orton?

>> VICE CHAIR ORTON: Yes, so kind of back to what MC said when we were talking about Baker, what are our alternatives? I feel like we -- Bruce is the one that was there when we were mapping. He is the one that we took expert advice from. What are the alternatives of not keeping him on?

>> COMMISSIONER LETT: I didn't hear that last part, Cynthia.

>> VICE CHAIR ORTON: Just what are the alternatives if we don't keep Bruce on, if we don't agree to this, I don't see an alternative.

>> COMMISSIONER LETT: That's very precedent of you because there really isn't one as far as Bruce goes. We would end up having to call him as a witness anyway if we didn't -- if we severed our relationship with him. Because he did -- he was there so he is a witness. So we would have to call him. And guess what he is going to charge? So and I don't know that there is any reason that we would consider not continuing with him. Certainly, there are, I think there are more individuals out there who would be equally as capable of, you know, giving an opinion at this stage of what our position is in the case. You know, so we will be paying them and paying Bruce too. That doesn't make a lot of sense. No offense.

>> CHAIR CLARK: Commissioner Wagner, you have a comment?

>> COMMISSIONER WAGNER: I do. I just wanted to say thank you to Mr. Adelson. And Fink Bressack as to rate increases and I would go up to 12.5% increase given their work. So thank you very much.

>> CHAIR CLARK: Okay are there any other comments from the Commissioners? Okay.

>> COMMISSIONER LETT: I'm sure if that is what the Commission wants to do Bruce would be more than happy to accept it.

>> CHAIR CLARK: Do I have any motion from the floor? Commissioner Eid?

>> COMMISSIONER EID: Yeah, I will move to have the motion as it originally was, the 9%.

>> VICE CHAIR ORTON: I'll second it.

>> CHAIR CLARK: We have a motion from Commissioner Eid and seconded from Commissioner Orton. And that motion is moved that the Michigan Independent Citizens Redistricting Commission approves the rate increase for Federal Compliance Consulting LLC Voting Rights Act counsel as presented retroactive to May 1st, 2023. Okay can I ask the Secretary of State to do a roll call vote, please?

>> MS. SARAH REINHARDT: Certainly, Mr. Chair. Commissioners please indicate your support of the motion with a yes or a no. I will call on Commissioners in alphabetical order this time starting with Steve Lett?

>> COMMISSIONER LETT: Yes.

>> MS. SARAH REINHARDT: Cynthia Orton?

>> VICE CHAIR ORTON: Yes.

>> MS. SARAH REINHARDT: MC Rothhorn?

>> COMMISSIONER ROTHORN: Yes.

>> MS. SARAH REINHARDT: Rebecca Szetela?

>> COMMISSIONER SZETELA: Yes.

>> MS. SARAH REINHARDT: Janice value?

>> COMMISSIONER VALLETTE: Yes.

>> MS. SARAH REINHARDT: Erin Wagner?

>> COMMISSIONER WAGNER: Yes.

>> MS. SARAH REINHARDT: Richard Weiss?

>> COMMISSIONER WEISS: Yes.

>> MS. SARAH REINHARDT: Dustin Witjes?

>> COMMISSIONER WITJES: Yes.

>> MS. SARAH REINHARDT: Doug Clark?

>> CHAIR CLARK: Yes.

>> MS. SARAH REINHARDT: Anthony Eid in.

>> COMMISSIONER EID: Yes.

>> MS. SARAH REINHARDT: Rhonda Lange?

>> COMMISSIONER LANGE: No.

>> MS. SARAH REINHARDT: By a vote of ten yes and one no the motion carries.

>> CHAIR CLARK: Thank you Ms. Reinhardt the ayes prevail and the motion is adopted.

We have one other subject relative to rate increases. I'll turn it over to Commissioner Lett to discuss litigation counsel.

>> COMMISSIONER LETT: The next one is the Fink law firm. And the rates are set out there. 6% for Dave. 7% for Nathan, Phillip, David and Glenn. We did have some discussion with the Fink law firm. And you know this is what they felt was where they wanted to be with their rates. They certainly indicated, I mean we discussed with them also the Baker rates, et cetera. They said they would be more than willing to accept the same increase as Baker. However, they didn't in the end do that. That was rather in jest. So as far as at least I'm concerned, and I think the Commission is concerned, Baker, excuse me, Fink is doing an excellent job. Nate is contacting the state powers to be to try to get our budget through. I think he is making some progress. You never can tell with the legislative Branch. But I would certainly go along with the request as they have presented.

They are in a little different boat in that the rates in Michigan are going to be lower than the rates in D.C. or Cleveland or any of the large Metropolitan areas. And while Detroit is our largest Metropolitan area, it doesn't rank up there with D.C. or Chicago or Cleveland or Philadelphia. Detroit is not a silk stocking law firm City. So their rates are going to be lower.

But unless there is any questions, that is where they are at. I would recommend approval.

>> CHAIR CLARK: Okay any comments from the Commissioners? I see none. Do you have any comment, Commissioner Lange?

>> COMMISSIONER LANGE: No comment, thank you.

>> CHAIR CLARK: Okay.

All right. Hearing no comment, do I have a motion?

>> COMMISSIONER LETT: If Edward can put the motion up, we can have a motion.

>> CHAIR CLARK: If we can get that motion put up on the screen.

>> COMMISSIONER LETT: I move acceptance as stated on the screen.

>> CHAIR CLARK: Okay.

Is there a second?

>> COMMISSIONER WITJES: I'll second that.

>> CHAIR CLARK: Motion made by Commissioner Lett and seconded by Commissioner Witjes. The motion reads, move the Michigan Independent Citizens Redistricting Commission approves the rate increase for Fink Bressack local counsel as presented retroactive to May 1st, 2023. Okay can we have a roll call vote by the Secretary of State?

>> MS. SARAH REINHARDT: Certainly, Mr. Chair. Commissioners once more please state your support of the motion with a "Yes" or "No." I will call on Commissioners in alphabetical order starting with Cynthia Orton?

>> VICE CHAIR ORTON: Yes.

>> MS. SARAH REINHARDT: MC Rothhorn?

>> COMMISSIONER ROTHORN: Yes.

>> MS. SARAH REINHARDT: Rebecca

>> COMMISSIONER SZETELA: ?

>> COMMISSIONER SZETELA: Yes.

>> MS. SARAH REINHARDT: Janice Vallette?

>> COMMISSIONER VALLETTE:

>> MS. SARAH REINHARDT: Can you confirm your vote?

>> CHAIR CLARK: We can't hear you, Janice?

>> COMMISSIONER VALLETTE: Sorry yes.

>> MS. SARAH REINHARDT: Thank you Erin Wagner?

>> COMMISSIONER WAGNER: Yes.

>> MS. SARAH REINHARDT: Richard Weiss?

>> COMMISSIONER WEISS: Yes.

>> MS. SARAH REINHARDT: Dustin Witjes?

>> COMMISSIONER WITJES: Yes.

>> MS. SARAH REINHARDT: Doug Clark?

>> CHAIR CLARK: Yes.

>> MS. SARAH REINHARDT: Anthony Eid?

>> COMMISSIONER EID: Yes.

>> MS. SARAH REINHARDT: Rhonda Lange?

>> COMMISSIONER LANGE: No.

>> MS. SARAH REINHARDT: Steve Lett?

>> COMMISSIONER LETT: Yes.

>> MS. SARAH REINHARDT: By a vote of ten yes and one no the motion carries.

>> CHAIR CLARK: The ayes prevail and the motion is adopted.

Okay, that concludes Section 6A.

May I ask Commissioner Lett and Commissioner Woods to notify the appropriate companies of the decision on the Commission? If you could coordinate that between the two of you, I would appreciate that.

>> COMMISSIONER LETT: Certainly.

>> CHAIR CLARK: Next on our agenda is new business agenda item 6B modifying the Executive Director's contract without objection I would like to speak to this item. Hearing no objection I will proceed.

During the course of the last three or four months I've been working with Commissioner Woods. And one of the -- I've noticed two things. That I think impact the

contract we have with him. And number one is we cannot, and I'm not saying this but we cannot get timely invoices from the vendors to be able to pay the bills. So that timeliness combined with the problem or the issue we are having with the legislature and ensuring that the funds are available for next year, I present a problem in my mind that we need to extend his contract by 30 days in order to ensure that all the bills are paid and that we don't have to go back and deal with the legislature again.

I think we have a motion that if Edward could get it on the screen, Executive Director Woods. I see we originally have the contract of additional 30 days from when we deactivate the Commission and I would like to extend that to 60 days. The motion being moved that the Michigan independent Redistricting Commission modifies Executive Director's contract to work from 30 days to 60 days after dormancy. Okay are there any comments to that? Commissioner Rothhorn?

>> COMMISSIONER ROTHORN: Sorry, sounds like you were reading the motion and I would second the motion so we can move into debate.

>> CHAIR CLARK: That motion is seconded. Any other comments? Commissioner Lett?

>> COMMISSIONER LETT:

COMMISSIONER CLARK: We can't hear you Commissioner Lett.

>> COMMISSIONER LETT: I would propose an amendment. And it would read modify Executive Director's contract to work from 30 and I'm assuming days, I can't read that after that, or to such other time as may be necessary to wrap up the business of the Commission.

>> CHAIR CLARK: That in my mind extends it indefinitely. And we need to define what the business of the Commission is. Is it just the financial portion, or not?

>> COMMISSIONER LETT: Well whatever would be necessary.

>> COMMISSIONER CLARK: Okay.

>> COMMISSIONER LETT: You can insert -- certainly I would agree to insert the word necessary to finalize the business of the Commission.

>> CHAIR CLARK: We have an amendment. Do we have a second to that amendment? I see Commissioner Rothhorn?

>> COMMISSIONER ROTHORN: Yeah, it makes sense because I think with want to do this once. I think we are, right, we don't know, it's hard to anticipate and I hear what you are saying Commissioner Clark that we may want a little bit more control because we are right as the Commission we are the boss. But it's so hard to convene unless we actually have a director who can do it. So I see the wisdom in Commission Lett's proposal and I think it's wise to, yeah, amend it.

>> CHAIR CLARK: So you second that.

>> COMMISSIONER ROTHORN: I am.

>> CHAIR CLARK: We have adopted an amendment by Commissioner Lett and seconded by Commissioner Rothhorn. Any other comments? Commissioner Orton?

>> VICE CHAIR ORTON: Yeah. I agree. I like that idea. But somehow we need to figure out the wording so that there is a finalized time and yet it leaves it open like if all the bills don't come in by 60 days or whatever. It leaves it to whenever he can wrap it up. I don't know how to word that.

>> CHAIR CLARK: Ms. Reinhardt?

>> MS. SARAH REINHARDT: Yes. Just a point of clarification regarding Roberts rules. So motion to amend was made. However, I'm not -- I don't believe that the initial motion was ever made. So there was no motion at that point to amend. Your Executive Director placed a suggested motion on the screen for you. But to my knowledge no one actually made that motion. So therefore a motion to amend isn't necessary.

>> MR. EDWARD WOODS: Commissioner Clark made the motion and it was seconded by Commissioner Rothhorn.

>> MS. SARAH REINHARDT: Okay great, thank you. That clarifies that, thank you.

>> CHAIR CLARK: Fine. Any other comments? Commissioner Eid?

>> COMMISSIONER EID: We still need to vote on whatever amendment.

>> CHAIR CLARK: Correct.

>> MS. SARAH REINHARDT: Correct.

>> CHAIR CLARK: Commissioner Lange, do you have any comments?

>> COMMISSIONER LANGE: I do. How far out are we looking right now? I mean, we don't have a crystal ball. We don't know how long this litigation is going to take. So wouldn't it make more sense to do some type of motion like this once we have a better idea of what the future is going to look like? I think we are just -- I think we are putting the cart in front of the horse in my opinion.

>> CHAIR CLARK: I appreciate that comment. My thoughts on that would be we could deactivate very quickly. And may not have time to deal with this. And so that is why I brought it up today. And we got it on today's agenda. I felt that it would be in our best interest to get it set.

>> COMMISSIONER LETT: If Sarah.

>> CHAIR CLARK: Commissioner Orton?

>> VICE CHAIR ORTON: Yeah, I was just going to say I agree with Doug that if our -- this is the last legal case that we have right now and if it were to be dismissed then we are done. And so we need to have something in place for the bills.

>> CHAIR CLARK: It could actually be done before the next meeting.

>> VICE CHAIR ORTON: It's possible.

>> CHAIR CLARK: We would have to convene any way to vote on deactivating. But, yeah, it would be a last-minute thing. Commissioner Lett?

>> COMMISSIONER LETT: Yeah. I just want to clarify the language. I think modify Executive Director's contract to work from 30 days to whatever time is necessary to complete the work of the Commission after dormancy. To whatever time is necessary to complete. I think that says it all but somebody wanted a word this there. I guess I like



that language. It says what we mean it to say. If there is another word that I think we were going to put in the necessary work of the Commission, I think I agree to that, putting in the necessary.

>> CHAIR CLARK: And change the verbiage right now and I will read it once it comes up on the screen. It says the motion, the adopted, the motion that was brought forward by Commission Lett, the modified one says that move the Michigan Independent Citizens Redistricting Commission modifies the Executive Director's contract to work from the 30 days to whatever time is necessary to work to complete the work to complete the work of the agency after dormancy. Commissioner Wagner, do you have a comment?

>> COMMISSIONER WAGNER: Just wanted to say I would really like to see a final endpoint just because I don't want to see us, you know, where are the Commissioners now ten years from now. So if we could get an end like I'm good with 45 days but that gives Executive Director a goal to accomplish within a time code so if we are still in the comment phase that is mine, thank you.

>> CHAIR CLARK: In other words Commissioner Wagner you don't want it open ended like this.

>> COMMISSIONER WAGNER: I don't want it open ended like that, no.

>> CHAIR CLARK: Any comments relative to that? Commissioner Lett?

>> COMMISSIONER LETT: No.

>> CHAIR CLARK: Commissioner Rothhorn?

>> COMMISSIONER ROTHORN: Gosh, I mean I appreciate that we do want to keep or have it closed but it doesn't feel like it's in our power and that is what I heard, yeah, Doug say is that right we get these bills when we get them. And I hear.

>> CHAIR CLARK: Right.

>> COMMISSIONER ROTHORN: Executive Director Woods can actually ask for them. And I'm guessing that he is asking for them right now and we are still not getting them so what happens is I think there is not a lot of power or agency that we have. We are at the will of some other people and it feels like we can make sure we are pushing things and I trust that Director Woods will do that. I don't think we will be taken advantage of. I appreciate we want to have an endpoint but I think that is where the dormancy when what we call dormancy will be initiated at some point. And, yeah, it's just completing the necessary work to actually you know fulfill dormancy that feels like what we are trying to discuss here.

>> CHAIR CLARK: Commissioner Wagner you have another comment?

>> COMMISSIONER WAGNER: I did but MC talked so long I forgot what it us. Sorry MC.

>> CHAIR CLARK: Commissioner Witjes, you have a comment?

>> COMMISSIONER WITJES: Yeah, wouldn't I -- if we are not getting the bills we need to pay and we do go dormant and bills get sent in wouldn't that by default fall on the secretary of state to ensure those get paid?

>> CHAIR CLARK: It's not just the bills if we have to go back and deal with the legislature as well.

>> COMMISSIONER WITJES: If we are dormant, it wouldn't make a difference. Wouldn't that fall on the secretary of state if we, in fact, a dormant? We won't continue to just come out of dormancy just to ensure that a bill is paid. That is kind of silly.

>> CHAIR CLARK: No, we won't come out of dormancy. The Executive Director will just take care of it.

>> COMMISSIONER WITJES: But that still doesn't answer my question why wouldn't that fall on the secretary of state at that particular point?

>> CHAIR CLARK: Theoretically it could. Ms. Reinhardt, do you have a comment on that.

>> MS. SARAH REINHARDT: I would have to consult with Mike and the finance department but makes sense if you are dormant likely it would either be our team or the team that currently handles payment of your bills would handle that, yeah.

>> CHAIR CLARK: Commissioner Lett do you have another comment?

>> COMMISSIONER LETT: Well, I think and I really have not given it a lot of thought until right this second in going dormant we go dormant on the completion of all of the work of the Commission and in this case, what is keeping us open are the lawsuits. Once all of those are settled, then we would be in a position to go dormant but before we do that, we have to complete all of the work of the Commission part of which is paying the bills. So I could easily see there would become a point in time where we are, in fact, not even meeting, just waiting for all the bills to be paid and then have one final meeting to go dormant. I don't think that, you know, the case is in on Monday and we are dormant Tuesday. I don't think that is the way it's going to work so that would be my comment on it.

>> CHAIR CLARK: Yeah, my opinion on that, Commissioner Lett, would be that we would not keep the Commission active. Just waiting for bills to be paid. That the Executive Director would complete that work for us. We wouldn't -- and we would go into dormancy almost immediately. Commissioner Wagner, did you have a comment?

>> COMMISSIONER WAGNER: I did. I remembered what I was going to say.

>> CHAIR CLARK: Okay.

>> COMMISSIONER WAGNER: Executive Director Woods, how far out are we, you know, realistically right now on our bills, please? And thank you.

>> MR. EDWARD WOODS: Sure, right now we have we are missing bills. We require with bills details. It's not just hours worked but what was actually done with those hours worked. So we are behind on bills from our mapping drawer right now, actually two months behind. We do not have our bills with our payroll vendor right now. And you will

see the estimate when I provide the May. We also do not have the IT bill is an internal bill that is done through DTMB on the state. That usually comes every month. So we know about that one. And hold only. I'm trying to see. I mean the goal would still be to do it within 30 days. I don't want anyone to think that is not the goal with regards to what we are doing and what we are aggressively doing. But we just don't have the cooperation. We don't have the litigation counsel bill for May right now as well. And I think they were probably waiting to see what would happen with their rate increase. Because it was going back to May 1. Whereas the others just submitted it anyway. Then will do an adjustment.

So once again the goal is still 30 days. I think what you are hearing is providing some time with regards to enabling that to get done and completing the work of the Commission which would be everyone mailing in their computers, their cell phones, their paper files, all of that has to be done. I think some of you have boxes. I don't know if you need additional boxes. But all of that would have to take place. And if you don't have boxes, we would send boxes to you with regards to that. But there will be a close out that will need to take place as well. But once again the goal is 30 days. I mean let's not take away from that. It's just everyone might not be cooperative with regards to that. And that is really kind of the will of the Commission. Hopefully that answers your question, Commissioner Wagner.

>> CHAIR CLARK: Commissioner Witjes?

>> COMMISSIONER WITJES: Yeah, I mean I just like the 30-day item for the Executive Director. I just don't like the open ended piece of it as has been stated. But then again, I also fallback to my initial thought, well, if vendors are being uncooperative and sending in their invoices for us to pay, I fail to see how that is our issue. And with that being said, we can send something out to them you have 30 days after we go dormant to make sure your final invoices are sent our way if not you have to deal with the Secretary of State to make sure you get paid. It's our responsibility to make sure we get sent things on time from our vendors.

>> CHAIR CLARK: Thank you. Are there any other comments?

>> MR. EDWARD WOODS: I just want to reiterate from a process standpoint all the bills in the process of the bills being paid is outlined in our rules and procedure. And so we would maybe you might need to change that if we are going to allow the Secretary of State to use MICRC funds to pay bills. And so I know Ms. Reinhardt is going back to her team but also want you to know we also have a process for how bills are being paid. Commissioner Clark, I think Commissioner Witjes kind of brings a point. And so if we want to just kind of move this thing along, I'm very comfortable sending out letters to our delinquent vendors letting them know what is taking place. And if people are okay with the original motion of 60 days, I think that is more than enough time to get it done just in case there is something that happens that is unexpected.

>> CHAIR CLARK: Okay.

All right, well we do have an amended motion on the table. Which we have got to vote on. And maybe you can bring that back up on the screen, please? And I will read that. And ask for roll call vote. The amended motion is moved that the Michigan Independent Citizens Redistricting Commission modify Executive Director's contract to work for 30 days to whatever time is necessary to complete the work of the Commission after dormancy. I have one additional comment from Commissioner Eid.

>> COMMISSIONER EID: Sorry about that. So we haven't voted on the amendment yet. So first we have to vote on the amended if we are going to accept the amended language, that is going to pass or fail. If it passes, we then vote on the motion. If it fails, we go back to the original wording.

>> CHAIR CLARK: Correct.

>> COMMISSIONER EID: I just want to make sure we are clear.

>> MS. SARAH REINHARDT: The amended motion is what the Chair read.

>> CHAIR CLARK: Yeah, let's have the amended motion up there first.

>> COMMISSIONER ROTHORN: It is.

>> CHAIR CLARK: Okay, yes, it is. I'm sorry and that is the one I just read, okay.

So can we get a roll call vote on this as well?

>> MS. SARAH REINHARDT: Certainly, Mr. Chair. Commissioners please indicate your support of the motion with a yes or a no. I will call on Commissioners in alphabetical order starting with Rebecca Szetela?

>> COMMISSIONER SZETELA: So just clarifying I'm voting on what is on the screen?

>> MS. SARAH REINHARDT: Correct

>> COMMISSIONER SZETELA: Okay yes.

>> MS. SARAH REINHARDT: Janice Vallette?

>> COMMISSIONER VALLETTE: Yes.

>> MS. SARAH REINHARDT: Erin Wagner?

>> COMMISSIONER WAGNER: No.

>> MS. SARAH REINHARDT: Richard Weiss?

>> COMMISSIONER WEISS: Yes.

>> MS. SARAH REINHARDT: Dustin Witjes?

>> COMMISSIONER WITJES: No.

>> MS. SARAH REINHARDT: Doug Clark?

>> CHAIR CLARK: Yes.

>> MS. SARAH REINHARDT: Juanita, sorry, Anthony Eid?

>> COMMISSIONER EID: No.

>> MS. SARAH REINHARDT: Rhonda Lange?

>> COMMISSIONER LANGE: No.

>> MS. SARAH REINHARDT: Steve Lett?

>> COMMISSIONER LETT: Yes.

- >> MS. SARAH REINHARDT: Cynthia Orton?
- >> VICE CHAIR ORTON: No.
- >> MS. SARAH REINHARDT: MC Rothhorn?
- >> COMMISSIONER ROTHORN: No.
- >> MS. SARAH REINHARDT: By a vote of five yes to six no, the motion to amend fails.
- >> CHAIR CLARK: The nays have it and the adopted motion fails. So let's vote on the original motion. And can you bring that up on the screen?
- >> COMMISSIONER ROTHORN: I think I could read it.
- >> MR. EDWARD WOODS: Give me a little time because I have to change the wording back, Commissioner Clark.
- >> MS. SARAH REINHARDT: I have the motion if it's allowable.
- >> CHAIR CLARK: If you can read it Ms. Reinhardt.
- >> MS. SARAH REINHARDT: Certainly. The original motion is: Move that the Michigan Independent Citizens Redistricting Commission modifies the Executive Director's contract to work from 30 days to 60 days after dormancy. It was moved by Commission Lett and supported by Commissioner Rothhorn.
- >> CHAIR CLARK: Thank you. Could we take a roll call vote on that, please.
- >> MS. SARAH REINHARDT: Certainly. Commissioners please indicate your support of the motion with a yes or a no. I will call on Commissioners in alphabetical order starting with Janice Vallette?
- >> COMMISSIONER VALLETTE: Yes.
- >> MS. SARAH REINHARDT: Erin Wagner?
- >> COMMISSIONER WAGNER: Yes.
- >> MS. SARAH REINHARDT: Richard Weiss?
- >> COMMISSIONER WEISS: Yes.
- >> MS. SARAH REINHARDT: Dustin Witjes?
- >> COMMISSIONER WITJES: Yes.
- >> MS. SARAH REINHARDT: Doug Clark?
- >> CHAIR CLARK: Yes.
- >> MS. SARAH REINHARDT: Anthony Eid?
- >> COMMISSIONER EID: Yes.
- >> MS. SARAH REINHARDT: Rhonda Lange?
- >> COMMISSIONER LANGE: No.
- >> MS. SARAH REINHARDT: Steve Lett?
- >> COMMISSIONER LETT: Yes.
- >> MS. SARAH REINHARDT: Cynthia Orton?
- >> VICE CHAIR ORTON: Yes.
- >> MS. SARAH REINHARDT: MC Rothhorn?
- >> COMMISSIONER ROTHORN: Yes.



>> MS. SARAH REINHARDT: Rebecca Szetela?

>> COMMISSIONER SZETELA: Yes.

>> MS. SARAH REINHARDT: By a vote of ten yes to one no the motion carries.

>> CHAIR CLARK: Thank you. Ms. Reinhardt the ayes prevail and the motion is adopted.

All right let's move on to the next item on the agenda, which is the approval of the May 18th minutes. These draft minutes have been provided to the Commission before this meeting and are posted on the website. Are there any edits to these minutes? Commissioner Orton? I'll get you in a minute Commissioner Lange.

>> VICE CHAIR ORTON: Maybe we will do the same we have to do the fiscal May report first.

>> CHAIR CLARK: I'm sorry I missed that. All right let me back up. Next on the agenda is the new business agenda item, 6C, fiscal 23 May financial report. Without objection I will ask our Executive Director to present. Hearing no objection please proceed, Mr. Woods.

>> MR. EDWARD WOODS: Thank you, Commissioner Clark. Are you guys able to see the screen? Wonderful. This is just a partial list of expenses. We still need to do reconciliation. Once that takes place. But meeting expenses 690. This consists of the sign language interpretation, the closed caption. Just so you know this happens every month. Travel is our meetings with the legislature and what have you, associated. The cell phone bills, the cell phone bill we have local counsel which is Fink Bressack VRA counsel which is Federal Compliance. The printing with the maps, the county maps we have that are also in line as well as the postcards that were delivered to legislative offices. Insight three and you see the Commission salaries and supplies mainly dealt with postage and mailings, and salary is the staff and that is the total expenses but it does not include the IT. That comes through DTMB. Does not include the litigation counsel bill as I shared, they were probably waiting to see what would happen today with the Commission's vote and submit the invoice at one time. Does not include the mapping consultant and does not include any payroll expenses from May 29, 30 and 31. This is where it is. You will get a full report on the next meeting but kind of wanted you to know where we are. But if there are any questions, I can take them at this time.

>> CHAIR CLARK: I see no questions from the Commissioners. Commissioner Lange did you have the same comment that Commissioner Orton had?

>> COMMISSIONER LANGE: Yes.

>> CHAIR CLARK: Okay thank you Executive Director Woods.

Now let's move on to the approval of the minutes. Which is our next agenda item. Being the approval of the May 18th minutes. These draft minutes have been provided to the Commission before this meeting and are posted on the website. Are there any edits to these minutes?

>> COMMISSIONER WITJES: Move to adopt.



>> CHAIR CLARK: Seeing none, fine do I have a motion to approve the meeting minutes of May 18.

>> COMMISSIONER WITJES: So moved.

>> COMMISSIONER LANGE: Chair Clark?

>> CHAIR CLARK: Yes, Commissioner Lange?

>> COMMISSIONER LANGE: I'm going to abstain from voting because I was not at that meeting and I have not been able to watch the entire replay of the meeting.

>> CHAIR CLARK: Could you repeat that, please.

>> COMMISSIONER LANGE: I stated that I'm going to abstain from voting to approve them because I was not at the meeting.

>> CHAIR CLARK: Okay, fine. Any other comments? Okay do I have a motion to approve the meeting minutes of May 18? I have one from Commissioner Rothhorn?

>> COMMISSIONER ROTHORN: Dustin Commissioner Witjes motioned and I will second.

>> CHAIR CLARK: Commissioner Witjes supports the motion and Commissioner Rothhorn seconded it. Okay all in favor raise your hand and say aye.

Aye.

All opposed raise your hand and say nay.

Okay the ayes prevail. And the minutes are approved.

>> COMMISSIONER ROTHORN: We should probably call for the abstention that Commissioner Lange wanted to ask for.

>> CHAIR CLARK: Commissioner Lange abstained from the vote because she was not present at the May 18th meeting. Yep.

>> COMMISSIONER ROTHORN: We will just let the record reflect she abstained.

>> CHAIR CLARK: Let the record reflect that.

>> COMMISSIONER ROTHORN: Thank you.

>> CHAIR CLARK: Let's move on to the Executive Director report. There is an executive director report without objection I will ask Michigan Executive Director Woods to provide his report. Please proceed, Mr. Woods.

>> MR. EDWARD WOODS: Thank you, Commissioner Clark. And we will put it up on the screen. May website stats for your review. 8161 Page views mostly are the final District maps as well as the District maps by county. DTMB through MDOS provided additional information regards to where people are downloading our maps. I thought you might find this interesting. Obviously, the bulk of that is coming from Michigan. The bulk of that is coming from Michigan. But then we have Virginia, Ohio, Illinois and New York. With regards to that. So once again people are taking a look at what has taken place here in Michigan and doing that. We had a meet and greet with Abacus service corporation, Abacus service corporation. Commission Curry and I did that last month. You will start receiving notifications. I know there was request to receive notifications

when transactions were taking place and you will be seeing something on Thursdays with regard to confirming payroll that will be sent to you individually so just wanted to share that with you. As relates to archiving updates we did have a meeting with the State of Michigan. I will share with you the form they are looking at for with regards to that. They are moving expeditiously on this item as well. Because they know we might be going into dormancy. And so they want to make sure they have the items as much as they can. So we are moving quickly on that.

Yesterday I sent out an e-mail to Commissioners with regards to computer updates. I can't emphasize enough the importance of doing that. If you saw the e-mail I provided instructions how to do it. If you can do that, you know, on a weekly basis, it will be very good in terms of keeping everything intact as relates to the computer updates and making sure cyber security is working and our computers are up to date and are functioning as effectively and efficiently as possible. Want to encourage you if you have not done so already to please do so. If you have questions, you can contact me or the DTMB help desk and they will be more than happy to help you.

Last but not least the county maps are out. We sent them in the archives. We have a couple more places to deliver those maps. As relates to the county maps. But they are almost completely distributed.

If you have any questions, you know, I can take them at this time.

>> CHAIR CLARK: Are there any questions from the Commissioners? Okay seeing none thank you very much, Executive Director Woods.

There is a legal liaison report. Without objection, I will ask our legal liaison Commissioner Steve Lett to provide his report. Please proceed, Commissioner Lett.

>> COMMISSIONER LETT: Thank you. The -- everybody should have received or if you have not it's in your in box now probably, the brief that has been filed by Baker in response to the original first briefed by the Plaintiff. Also a response from AG. If you have not looked at Baker's response brief it's about 60 days. It's a lot of reading. However if you want to know what the case is about, what our position is about and why, that is a very good brief to read. It sets out what the issues are, what our position is, what their position is, why we ought to win, why they should lose. In fact, what I said to Baker if I were the AG, I would change the name and put A G's name on it and submit it because it was really a good brief.

We do -- there is a possibility that we could prevail on certain parts of our request for summary disposition. Our attorneys do not feel that we will prevail on the whole thing. In other words that the Judge would dismiss the case. The Judges will dismiss the case at this stage. And for the same reason they don't feel that AG will be successful and getting a summary judgment motion to prevail. It's just these types of cases are not ones that are subject to summary judgment because they are so fact specific. In other words, in order to prevail on a summary judgment there can be no reasonable question that one side or the other should win. There is no factual, there could be no factual

development that would change the outcome. Well, in these cases there is all kinds of factual developments that have to be made.

The hearing is coming up, July 13th or 14th I believe. Edward, 13? 13th in Kalamazoo. I will attend and I believe Cynthia is attending, is that correct Cynthia? Anybody can come. I see MC going like that so maybe he is going to be there, yeah. I don't know if anybody else is. Raise your hand, Rebecca is going to be there. So MC you can prepare the sign so we can demonstrate out in front of the Court. That's about it. I would expect in this case that they usually set time limits. Not usually they set time limits for how long you can argue. It would not be surprising that those time limits would go by the boards and it will be a length, I think be a lengthy argument. I will -- Anthony asked us a question. And I'll ask you, Anthony, can I address that question regarding the Alabama case?

>> COMMISSIONER EID: Oh, please do.

>> COMMISSIONER LETT: Well, Anthony, if you have been following Alabama was in the Supreme Court, Supreme Court says that the District that Alabama provided which they basically jammed everybody into one all the minorities into one District and cut down potential two districts for minorities to one that was a violation of Section Two of the Voting Rights Act and took justice Roberts to vote with the liberals in order to do that. Anthony's question is does that affect this case? I think that was your question any way Anthony. And the -- my answer is not really. We didn't -- why we changed districts, we didn't put everybody in Detroit in Detroit. So it's a different situation. And historically Michigan has not been on the radar for voting rights violations as a lot of the southern states. So I think that has a lot to do with it. So we will see. But the Alabama case is, again, fact specific to its own situation. And I don't believe it's going to have a lot of value to us other than it reinforces Section 2 of the Voting Rights Act. So the thought process prior to the decision was that this would have given the Court an opportunity to further eviscerate the Voting Rights Act and it did not happen. It's a five-four decision, obviously we had four conservatives that voted lack step on most of this and got Roberts to come over to the what would be considered the liberal side and upholding the Voting Rights Act. So those are my comments. I don't know if Rebecca took a look at it, if you have any further comments or if anybody took a look at it and you have any comments.

>> COMMISSIONER SZETELA: I have no comments. I will leave the comments to the Court for them to decide what to do.

>> COMMISSIONER LETT: That is scary.

>> CHAIR CLARK: Okay does anybody else have any comments? Thank you, Commissioner Lett.

All right let's move on to the MDOS updates without objection I will ask either Mike Brady or Sarah Reinhardt from the Michigan Department of State if they have an update. Hearing no objection, please proceed, Ms. Reinhardt.

>> MS. SARAH REINHARDT: No updates from MDOS today thank you.

>> CHAIR CLARK: Let's move on to correspondence. If any was available, we received it in advance of our meeting today. Along with any written public comments to the Commissioners. Future agenda items if there are future agenda items the Commissioners would like to have added, please them up now. Commissioner Szetela?

>> COMMISSIONER SZETELA: Yeah, so I'm not sure if everybody has heard this. But Anthony has accepted a position as a deputy director of Michigan voices. And I just think as a Commission we might want to put on the agenda for next meeting to evaluate whether that is appropriate and allowed under our code of conduct because it's a progressive organization and in the middle of litigation and potentially mapping again I'm just concerned about whether that could potentially be perceived as you know potentially being an undue influence. I think as a Commission we need to evaluate that and determine if it's consistent with our code of conduct.

>> CHAIR CLARK: And that is on the agenda Executive Director Woods. Thank you, Commissioner Szetela.

Are there any other future agenda items? Okay, announcements are there any announcements? Any Commissioner has an announcement, please raise your hand. Commissioner Lange, do you have an announcement?

>> COMMISSIONER LANGE: I do not, thank you.

>> CHAIR CLARK: Okay, good. Let's move on to adjournment. As the items on the agenda have completed and the Commission has no further business the motion to adjourn is in order. May I have a motion to adjourn. I have a motion from Commissioner Lett and a second from Commissioner Wagner. Okay all in favor raise your hand and say aye.

Aye.

Okay all opposed raise your hand and say nay.

Okay, great the ayes prevail. The meeting is adjourned at 11:22 a.m. Thank you.