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MICRC

08/17/2023 10:00 a.m. Meeting

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>> CHAIR CLARK: Thank you. As chair of the commission, I call this meeting of the Michigan Independent Citizens Redistricting Commission to order at 10:00 a.m. This Zoom webinar is live streamed on YouTube on the Michigan Independent Citizens Redistricting Commission YouTube channel. For anyone in the public watching who would prefer to watch via a different platform than they currently are using, please visit our social media at Redistricting MI. Our live stream today includes closed captioning. Closed captioning, ASL interpretation and Spanish, Arabic and Bengali translation services will be provided. Email us at redistricting@Michigan.gov.

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Members of the media who have questions before, during or after the meeting should direct those questions to Edward Woods III at woodse3@Michigan.gov.

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

I'll turn it over to you, Ms. Reinhardt.

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

>> CHAIR CLARK: Present. And I am attending this meeting from Rochester Hills, Michigan.

>> MS. SARAH REINHARDT: Juanita Curry.

>> COMMISSIONER CURRY: Present, and I'm attending this meeting from Detroit, Michigan.

>> MS. SARAH REINHARDT: Anthony Eid.

>> COMMISSIONER EID: Good morning, Sarah. Present virtually attending from Detroit, Michigan.

>> MS. SARAH REINHARDT: Brittini Kellom.

>> COMMISSIONER KELLOM: Good morning. Present and attending from Wayne County, Michigan.

>> MS. SARAH REINHARDT: Rhonda Lange.

>> COMMISSIONER LANGE: Present attending remotely from Wexford county, Michigan.

>> MS. SARAH REINHARDT: Steve Lett.

>> COMMISSIONER LETT: Present, attending from grand traverse county.

>> MS. SARAH REINHARDT: Cynthia Orton.

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

>> MS. SARAH REINHARDT: MC Rothorn.

>> COMMISSIONER 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 from Luce County, Michigan.

>> MS. SARAH REINHARDT: Erin Wagner.

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

>> MS. SARAH REINHARDT: Richard Weiss.

Dustin Witjes.

11 commissioners are present and there is a quorum.

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

We will now do the adoption of the agenda. Are there any additions or removals from the agenda today?

I see none.

Do you have any, Rebecca? Since you're on the phone?

>> VICE CHAIR SZETELA: I don't. I did ask Edward to restrict temperature the agenda to move the independent legal up to the top, but I thought that had been done already. Has that not been done?

>> CHAIR CLARK: It has been done. It's the top item on the new business. Yep.

Okay. And we will now entertain a motion to approve the meeting agenda.

>> So moved.

>> COMMISSIONER WAGNER: That was my only concern.

>> CHAIR CLARK: Thank you. I have a motion to approve it by Commissioner Lett.

Do I have a second?

>> COMMISSIONER CURRY: Second

>> CHAIR CLARK: And a second by Commissioner Rothhorn.

Is there any discussion or database on the motions?

I see none.

Hearing none, it is moved and second that the agenda be adopted. All in favor raise your hand and say aye.

>> Aye.

>> CHAIR CLARK: All opposed, raise your hand and say nay.

(No comment)

>> CHAIR CLARK: I see none. The ayes prevail. The motion is adopted and we will move forward at this point.

>> MS. SARAH REINHARDT: Mr. Chair?

>> CHAIR CLARK: Yes?

>> MS. SARAH REINHARDT: Apologies for the interrupt. I just wanted to note that Commissioner Witjes has joined us by phone.

Commissioner Witjes, can you let us know where you are joining remotely from.

>> CHAIR CLARK: We cannot hear you, Commissioner Witjes.

>> MS. SARAH REINHARDT: We can return to him in a moment and see if maybe we can work out some technical issues.

>> CHAIR CLARK: I also see that Commissioner Lange has joined us on the phone.

>> MS. SARAH REINHARDT: Yes. She was present during roll.

>> CHAIR CLARK: Okay. Good. Okay, great.

Okay. Without objection, we will begin the public comments pertaining to the agenda topics portion of our meeting.

Hearing no objection, we will now proceed with public comments. Individuals who have signed up and indicated they would like to provide live remote public comment to the commission will now be allowed. I will call your name and our staff will unmute you. If you're on a computer, you will be prompted by the Zoom app to unmute your microphone and speak.

If you are on the phone, a voice will say that the host wants you to speak and prompt you to press the star 6 to unmute.

I will call you by your name or the last four digits of your phone number.

Also, please note that if you experience technical or audio issues or we do not hear from you for three to five seconds, we will move on to the next person in line and then return to you after they are done speaking. If your audio still does not work, you can email redistricting@Michigan.gov and we will help you troubleshoot so you can participate during the next public comment period at a later meeting.

You will have two minutes to address the commission. Please conclude your remarks when you hear the timer.

First in line, we have James Galant that will be speaking today.

>> MS. SARAH REINHARDT: Mr. Chair, apologies again for the interruption, but I misspoke earlier. It is actually Commissioner Weiss who has joined by phone. Commissioner Weiss, can you hear us?

It seems like we may still be having technical issues, but I will work with Commissioner Weiss to get that resolved.

I will unmute Mr. Gallant and his time will begin.

>> CHAIR CLARK: Thank you. Go ahead and proceed, Mr. Gallant.

>> James Gallant: Can you hear me?

>> CHAIR CLARK: Yes, we can.

>> Thank you very much. Market county suicide coalition, these are my opinions.

Mr. Chair, please post all of my written comments to the website, like you said. I submitted several and they only posted one. If you could post all of my public comments, that would be great because I have receipts for them.

And chairman, please properly dispose of your impending unfinished business item of reciting the Pledge of Allegiance that was made that you had voted to put on the agenda at a prior meeting several months ago. And it was -- it was kind of tabled by consensus by chairman Kellom and suggesting that it was too controversial and then you never made a motion and you never voted on it. So that's still unfinished business. Please add that to the agenda here and properly dispose of that under Roberts rules of order because this is how Marx's style communism works. Our case in controversy is that it appears that your consensus decision-making process is -- it contradicts and is repugnant to our U.S. and Michigan constitutions. The discussion comes first. And the business appears to be generated by the staff instead of by the commissioners. It says that you can hire employees and they will perform their duties at the direction of the commission, not at their -- they're directing you. That's where all this business is coming.

They've already made it and you rubber stamp it. This is how communism works. It's Marxist tile communist. I've never met communists before, but now I have.

And consensus decision making is an alternative to Roberts rules of order, even though Mike Brady specifically told you must follow Roberts rule of order. And you can't change the rules, but within the framework of Roberts rules of order because that's how we do it in capitalist societies. You're doing it the way they do it in communist societies. And you can do that in the basements of your non profits and at your corporation --

>> CHAIR CLARK: Your allotted time has ended. Please conclude that statement, if at all possible.

That concludes our public comments, so we do not have any other individuals that are here to speak today.

Please feel free to email public comments to the commission at redistricting@Michigan.gov. We appreciate everyone who offers public comment in whatever way you choose and we invite you to keep sharing your thoughts, especially if you would like to share ways that the commission -- let's move on on the agenda to unfinished business.

Unfinished business agenda item 5 a, changing the rules and procedures for calling a special meeting.

Without objection, I will ask Commissioner Rhonda Lange to present this item

With no objection, please proceed, Commissioner Lange.

>> COMMISSIONER LANGE: Can you hear me?

>> CHAIR CLARK: Yes, we can.

>> COMMISSIONER LANGE: Okay. I think we pretty much went over why I was recommending the change at the last meeting, so pretty much what I'm asking is for the commission to vote on changing the rules that would allow two commissioners to call a special meeting. It was suggested also that we do it with three commissioners, one

from each political party. However, in doing that, I think that we could get into a situation where we could be having a quorum, which is against the rules, and, again, the reason for this is there were four commissioners from two political affiliations that felt a special meeting was in order and they were not able to have one. So I think hopefully there wouldn't be a need in the future, but I think it's a good idea to have that rule in place to do that.

So I'm going to leave it at that.

>> CHAIR CLARK: Thank you, Commissioner Lange.

Commissioner Lett, you have a comment?

>> COMMISSIONER LETT: Yeah. I'm not in favor of this amendment. Two people is, in my opinion, too few. It would, in my opinion, again, if you have a couple of commissioners who feel aggrieved, for whatever reason, can then force a special meeting. If you leave it at -- if you have four commissioners who agree -- will agree, then I think you have a little leavening with four people.

Four people would have more opinions and I think would be more in the mainstream of what the commission would be looking at. Two is too few. We need to have some consensus, even on a special meeting. And four would be a relatively good number.

>> CHAIR CLARK: Commissioner Curry.

>> COMMISSIONER CURRY: And I agree with Commissioner Lett. I don't think that we should, at this time, be changing anything, any rules or anything.

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

>> VICE CHAIR SZETELA: Yeah. I guess I'm just trying to understand. Is Steve saying he's okay with the changes if it's increased to four versus two?

>> CHAIR CLARK: Commissioner Lett?

>> COMMISSIONER LETT: That would be correct.

>> CHAIR CLARK: Okay.

>> VICE CHAIR SZETELA: Okay. I would be in favor of that, too. Excuse me. Just increasing the number from two commissioners to four commissioners, but otherwise going with the changes that Rhonda has opposed.

Rhonda, do you have any thoughts on that?

>> COMMISSIONER LANGE: I would be okay. I think with the four, but I still think that the more commissioners that have to agree, we push, I guess, the quorum because -- I'm fine with four. I mean, if it needs to be four, let it be four. It's not what -- yeah. I'll leave it at that.

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

I still cannot hear from Commissioner Weiss.

Commissioner Rothhorn, comments?

>> COMMISSIONER ROTHORN: I think Rhonda spoke well to this last month when the idea of polling. So I'm -- I feel personally stuck between sort of a rock and a hard place. I think two is too few, but I also don't agree with the idea -- or I agree with idea that the more commissioners we have, we're essentially polling and gathering votes, which I think is against what we -- yeah, want.

So I guess I feel like maybe -- yeah, personally, I guess I'm just saying I do feel like I'm stuck. I understand that the situation and why we want to change it, but I also feel like changing is not necessarily, no matter how many people, right? Because two is too few and three or four, Rhonda has spoken to this so I guess that's my situation. I feel stuck.

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

>> COMMISSIONER WAGNER: I do, considering the fact that the chair, the vice chair or the executive can each call a special meeting individually and independent of the other person makes me think two is just fine.

>> COMMISSIONER CURRY: Even though they can call a meeting, it doesn't --

>> CHAIR CLARK: Commissioner Curry, do you have a comment?

>> COMMISSIONER CURRY: Even though they can call a meeting, it doesn't get to votes. It may be a day when some people may not be able to be there. And then you're voting on a small number. So I'm in disagreement to it. I don't think we should change anything.

>> CHAIR CLARK: Are there any other comments from anybody else? I have a few comments to add.

All right. Let me add my comments. I see no way -- no reason to make any change at all. I'm satisfied with the way it's written today.

There's a -- I think there's a couple underlying factors. One is to have a special meeting, you've got to organize all the staff behind the scenes, which would include all the interpreters and that. And that gets into scheduling. It also allows us, the way it is today, to do some research prior to the meeting which in the case of the last time we had a suggestion to have a special meeting and we did not, we spent two weeks doing research. And, unfortunately, one of them was a holiday week and that caused part of that problem.

Thirdly, the time between regular meetings is a maximum of about four weeks. And other than court issues that come up that we have to have a date to make changes to, I don't -- I personally don't see where there's an urgency for very many items to be, you

know, in a special meeting at all. So I would suggest that we keep things exactly as they are.

Commissioner Lett.

>> COMMISSIONER LETT: I will -- I will hold mine until Rebecca was --

>> CHAIR CLARK: Okay. Go ahead, Commissioner Szetela.

>> VICE CHAIR SZETELA: Yeah. I have some further comments on that. Thinking about the comments that were just made about the power of the chair and the vice chair, I mean, in those situations, you have one person who is making a decision to call or not call a special meeting.

So, you know, we're all supposed to be equal owes this commission. The chair and the vice chair are supposed to be facilitators, not leaders. So to me, the way it's currently written is it seems like it's giving a disproportionate amount of power to a Chair and a vice chair and disenfranchising everybody else who might have some concerns. So in light of that comments about the power of the chair and the vice chair, I do kind of feel like two is sufficient. We've been in place for almost three years at this point. We've honestly, I think, only one time had a request for a special meeting in that three-year time period. So I don't think that this is going to be used in a manner that is not judicious. So in light of that, I actually move to adopt the proposed changes that Rhonda has made in the exact text that she has proposed.

>> CHAIR CLARK: I have got a motion on the floor.

Do I have a second?

>> Seconded.

>> CHAIR CLARK: I'm sorry, who seconded?

>> COMMISSIONER WAGNER: I did, Commissioner Wagner.

>> CHAIR CLARK: Commissioner Wagner seconded it. Commissioner Szetela put the motion forward.

Commissioner Lett, you have a comment?

>> COMMISSIONER LETT: I move to amend the proposed language to read four commissioners.

>> CHAIR CLARK: Okay. Do we have a second to that?

I see no second.

Commissioner Szetela, I can't see your hand. Did you have a second on that?

>> VICE CHAIR SZETELA: No, I did not.

>> CHAIR CLARK: Okay. And I don't know of anybody else that's on the phone.

Okay. Thank you.

All right. There is no second to that, Commissioner Lett.

So let's move forward with a vote on the motion.

>> COMMISSIONER LANGE: Roll call, please.

>> CHAIR CLARK: Yes. Let's have a roll call.

Ms. Reinhardt.

>> MS. SARAH REINHARDT: Commissioners, please indicate your support of the motion with a yes or a no.

Again, the motion would be to amend the adopted rules of procedure to allow two commissioners to call for a special meeting with not less than five hours' notice.

Again, please indicate your support of the motion with a yes or a no.

I will call on commissioners in alphabetical order starting with Erin Wagner.

>> COMMISSIONER WAGNER: Yes.

>> MS. SARAH REINHARDT: Doug Clark.

>> CHAIR CLARK: No.

>> MS. SARAH REINHARDT: Juanita Curry

>> COMMISSIONER CURRY: No.

>> MS. SARAH REINHARDT: Anthony Eid

>> COMMISSIONER EID: No

>> MS. SARAH REINHARDT: Brittni Kellom

>> COMMISSIONER KELLOM: No.

>> MS. SARAH REINHARDT: Rhonda Lange

>> COMMISSIONER LANGE: Yes.

>> MS. SARAH REINHARDT: Steve Lett.

>> COMMISSIONER LETT: No.

>> MS. SARAH REINHARDT: Cynthia Orton.

>> COMMISSIONER ORTON: No.

>> MS. SARAH REINHARDT: MC Rothhorn

>> COMMISSIONER ROTHORN: No

>> MS. SARAH REINHARDT: Rebecca Szetela

>> VICE CHAIR SZETELA: Yes

>> MS. SARAH REINHARDT: Janice Vallette

>> COMMISSIONER VALLETTE: No.

>> MS. SARAH REINHARDT: And I'll return to Commissioner Weiss. Commissioner Weiss, if you're present, can you indicate your vote?

>> COMMISSIONER WEISS: Yes.

>> MS. SARAH REINHARDT: Confirming your vote was yes?

>> COMMISSIONER WEISS: Yes.

>> MS. SARAH REINHARDT: By a vote of four yet to eight no, the motion does not carry.

>> CHAIR CLARK: Thank you, Ms. Reinhardt. The neighs have it and the motion fails.

Next on our agenda, is unfinished business agenda item 5b, fiscal year 23 revised budget.

Without objection, I will ask MICRC director Edward woods III to present this item.

Hearing no objection, please proceed, Mr. Woods.

>> EDWARD WOODS III: Thank you, Commissioner Clark. Let me go ahead and share my screen.

If you're able to see it, just nod your head and say yes. That would be helpful to me to know that you can see it.

All right. Great.

If you look at our far right column, we've had some -- it is not increasing the budget, just so we're clear. We are just moving some money as relates to expenses. Once again, we're not increasing the budget. The budget appropriation for fiscal year 2023 is staying the same. We're looking to reduce. Our meeting budget we're looking to reduce from \$12,000 to \$7,500. Our cell phone will stay the same. Our technology and computers will stay the same. Staff salaries will stay the same. We did have copy and expenses with regards to the map booklets. The Congressional district maps, the statehouse maps, the lessons learned and then the county maps. So we need to move to cover those costs, so that would be \$7,000.

As you know, we did hire Lisa Hahnby to provide assistance from court cases. And so our estimate of \$50,000 has increased and we're moving \$100,000 there from 50 to \$150,000.

Legal bills for litigation, the decrease from \$2 million to \$1,925,000. We have a \$1,000 decrease from local council, a \$10,000 decrease for holding and then we will have \$5,000 for professional services, which helps us with our financial records.

Commissioner salaries will stay the same and then our office supplies will go from \$3,825 to \$2,500.

So once again, this is a revised budget to accommodate the expenses as we move to this fiscal year. Once again, it does not change, I repeat, it does not change the total amount that was approved of \$3,170,000.

If there's any questions, Mr. Chair, I can take them at this time.

>> CHAIR CLARK: Any of the commissioners have questions?

If none, can I get a motion to approve that budget, please.

>> COMMISSIONER LETT: So moved.

>> CHAIR CLARK: I got a motion by Commissioner Lett to approve it. Do I have a second?

>> COMMISSIONER CURRY: Second.

>> CHAIR CLARK: Second by Commissioner Curry.

All in favor, raise your hand and say aye.

>> Aye.

>> Aye.

>> CHAIR CLARK: All opposed, raise your hand and say nay.

Okay. The ayes prevail. The motion is adopted. And we will move on to new business.

Next on our agenda is new business item, agenda item 6a, legal representation individually and collectively.

Without objection, I will ask our MICRC general and local counsel, Nate Fink to presents. Hearing no objection, please proceed, Mr. Fink.

>> NATE FINK: Thank you, Chair Clark, and good morning, all. I hope you're all doing well.

Thank you for the opportunity to present to you. We were asked to provide a legal opinion on whether the constitution, the Michigan constitution requires the commission to cover the cost of retaining personal counsel for individual commissioners in the AG case.

While the commissioners have been named individually, you have been named individually in that case, you have not been sued in your personal capacity, but rather in your official capacity. The U.S. Supreme Court and, frankly, a number of other state and federal courts, have made very clear that suits against public officials in their official capacities are, in effect, suits against the entity that the officials are a member of. And it's not a suit against the individual in their personal capacity, unless explicitly stated otherwise in the complaint that's filed.

Additionally, the Michigan constitution gives the commission, not individual commissioners, the authority to -- and I'm quoting from the constitution -- defend any action regarding an adopted plan. And then that's the end of the quote. And can to obtain funding for that purpose.

There's nothing that we can see in the Michigan constitution that would require the commission to fund personal counsel for individual commissioners in the AG case. And with that, I'm happy to answer any questions that commissioners may have.

Thank you for the opportunity to present that, Chair.

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

Commissioner Szetela, since you brought this issue forward, do you have any comments?

>> VICE CHAIR SZETELA: Yeah. I just -- it seems like there's some inconsistency here. Because for everybody who is not a lawyer, the term filing an appearance means that the lawyer has stepped forward in front of the court and said they are representing you as an attorney. So when I'm talking about appearance, I am just saying that is what Baker, Hostetler and Fink have done. And they have done that on behalf of individual commissioners. So currently Baker, Hostetler and Fink are representing the commission as a whole and then they are also individually representing individual commissioners. And those fees have been consistently and entirely covered by the commission.

My concern is when I met with Baker Hostetler, and I know other commissioners have experienced the same thing, I was told point-blank that Baker Hostetler did not represent me, despite the fact that they have filed an appearance on my behalf. And it seems like some of the arguments that are being presented are, frankly, inconsistent with factual statements that I provided to Baker Hostetler. So it seems that there is a conflict of interest in the first place.

So the remedy for that should be either Baker Hostetler, within their own firm, spins off the current group representing the commission and assigns me my own counsel or I

get my own counsel myself and the same would be true for other members of the commission on who are experiencing that same tension where they're basically being told the person who is representing them isn't representing them.

So that is kind of where this is coming from is that direction that I received from Baker Hostetler that they don't represent me, yet they are filing documents on my behalf as an individual commissioner in front of the AG court.

So I'm just trying to reconcile what you're saying because the state has been paying for our individual legal expenses as part of the defense of the AG case. So why would it be any different if I see, hey, you know what? It looks like there's a pretty obvious conflict of interest here in this point and that I should have someone else, other than Kate, representing my individual interest as a defendant as part of the commission.

>> CHAIR CLARK: Nate, do you have any comments relative to that?

>> NATE FINK: Well, I think we've made our opinion clear. It's been provided in writing and also today. I've stated it. The -- both the Michigan constitution and the case law is clear that when -- when members of a governing body are sued in their official capacities, it's, in effect, the suit against the entity itself. And the individual commissioners are not facing personal exposure related to this and frankly, this is an issue that comes up very frequently in the context of litigation involving governmental entities. You know, you can think of any number of analogous circumstances when a governing body takes a particular action, perhaps gets sued related to that action. There may have been members of that particular governing body that had not voted to support that.

I'm not aware of any law that would allow or would require those governing bodies to fund the separate counsel, separate personal counsel for the particular individuals or

members of that body who didn't support the action that they're being sued about. I'm happy to review some kind of law that would support that, but from our reading of the -- all of the case law in the constitution, we don't see an obligation of the commission to fund personal counsel for one or any number of individual commissioners who may not agree with the ultimate decision that was made by this commission in a majority vote to pass these maps and defend them.

>> VICE CHAIR SZETELA: So, again, what I'm struggling with, Nate, is the commission has been fund can personal counsel for commissioners to date. Every single one of us has a appearance by Baker Hostetler and Fink Bressack filed on our behalf. And nobody has been writing out checks to Baker Hostetler or Fink Bressack for those expenses. That's what I'm struggling with. You're saying the commission doesn't have an obligation to fund it. Maybe that's true, but historically the commission has been funding it for well over a year. So there's a real inconsistency there. You're saying, well, we're going to fund it as long as it's going to, no offense, personally benefit Fink Bressack and personally benefit Baker Hostetler, but when it's another attorney that might be benefiting, suddenly it's an issue. It seems honestly a little self-serving and a little inconsistent for this commission to be advised to take that position when they have been paying the individual legal fees all along. None of us have been writing checks to Baker Hostetler.

>> CHAIR CLARK: Commissioner Lett, do you have a comment?

>> COMMISSIONER LETT: Yes. Having reviewed all of the legal bills that come in from both Baker and from Fink, they are not setting out in separate amounts any fees for a individual commissioner or for all of the commissions. The bills are coming in and they're billing based upon their representation of the commission. I think procedurally,

obviously, and I think every -- at least the attorneys realize that if you're named on a complaint, you're going to have to have some type of appearance by whatever attorneys or whoever attorneys are representing. And in this instance, the commission. So the attorneys have, in fact, appeared for the commission and the commissioners since everybody was named on the complaint. But they're not billing us individually. They're not billing the commission individually for each commissioner. They're billing the commission as a whole, which is exactly what Nate has indicated.

>> CHAIR CLARK: Thank you, Commissioner Lett.

Any other comments from the other commissioners?

Commissioner Curry.

>> COMMISSIONER CURRY: Yes. I'm in agreement with Commissioner Lett. I mean, it's very clear that they are representing all of us as an entity, one person as a whole. And so I agree with Commissioner Lett.

I don't take it as something that they're separately doing to different -- because our names are listed. We're one total entity and they're representing us.

>> CHAIR CLARK: Thank you, Commissioner Curry.

Any other comments?

>> COMMISSIONER LANGE: I have a comment.

>> CHAIR CLARK: Yes, Commissioner Lange. Was that --

>> COMMISSIONER LANGE: I have to say that -- in listening to the argument about getting individual attorneys or having an attorney represent us in individual capacity, that's exactly what I was told by Fink when I asked for an update on court cases. I submitted and said I would like an update on how the case is going. No offense, but I don't always feel that I get all of the information that I need or want from the liaison

updates. So I actually asked if I could be briefed on that. And I received an email telling me that I could get my own attorney. So to say that we're being represented as one, I feel like maybe we're being represented as a commission as a whole, but I don't think the whole commission is being treated the same.

That's all I've got to say.

>> VICE CHAIR SZETELA: Yeah, I --

>> CHAIR CLARK: Commissioner Eid. I'll get to you Commissioner Szetela in a moment.

>> VICE CHAIR SZETELA: Thank you.

>> COMMISSIONER WAGNER: Yes, hello. The only thing I have to say is I have complete support in our legal team to defend the commission as it sees best. I think they've done a great job so far. And I want them to know that, at least from this commissioner, I appreciate the work they do and think they're doing a great job.

>> CHAIR CLARK: Thank you, Commissioner Eid.

Commissioner Szetela, you have another comment?

>> VICE CHAIR SZETELA: I'm going to make a motion at this point, even though I know you guys are going to vote it down. At the end of the day, I'm firing Baker Hostetler and Fink Bressack as my individual attorney. You guys aren't going to be able to stop me from doing that. But I am going to make a motion that the commission approves allowing commissioners to hire their own counsel if they so choose.

>> CHAIR CLARK: Can he have a motion on the table by Commissioner Szetela. Do we have a second?

>> COMMISSIONER LANGE: I'll second it.

>> CHAIR CLARK: Do I have another comment, Commissioner Eid?

>> COMMISSIONER EID: Yeah. I thought the issue wasn't whether commissioners can hire their own lawyers. I'm pretty sure that any one of us can if we want. I think the issue is who pays for it, correct? Does the commission pay for it or do the individual commissioners who want their own legal representation pay for it? So it might be good to state that if that is the issue, it might not be, but that's my understanding of it, if --

>> VICE CHAIR SZETELA: No, that's the issue. So to clarify, that the commission will fund the defense of the individual defendants in the AG case if they so choose to choose alternative counsel.

>> CHAIR CLARK: Okay. Thank you, Commissioner Eid, Commissioner Szetela. Commissioner Lett, you have a comment? No? Commissioner Orton.

>> COMMISSIONER ORTON: Yeah. So my thought is, of course, we can hire our own lawyers if we want, but ultimately it would be the taxpayers paying for each individual's lawyer if we approve this. And the taxpayers voted for this amendment for maps to be redrawn by a commission. So it makes sense that the legal fees for the legal team to defend the maps of the commission, that makes sense that that comes out of our budget. But it doesn't make sense that everyone can get their own individual lawyer and that the taxpayers have to pay for that.

>> VICE CHAIR SZETELA: Just a

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

>> COMMISSIONER CURRY: Yes. I -- you know, I'm picking up in my -- somewhere I'm picking up that it's an override of because I can't get my way I'm going to fight everything that I see in my way. And I think you're taking the commission to a place that we don't want to go. This is unnecessary. It's not -- it doesn't make sense

what you're saying. They cannot sue an individual person. And with that, we ought to leave it alone. I think it's causing more problems, more misunderstandings. It's going to -- it seem as though attorneys do not even understand their law, the law. We went to school all these years and you don't even understand the law. It doesn't make sense.

>> CHAIR CLARK: Thank you, Commissioner Curry.

>> VICE CHAIR SZETELA: Can I comment?

>> CHAIR CLARK: Go ahead.

>> VICE CHAIR SZETELA: I don't appreciate being told --

>> COMMISSIONER CURRY: I didn't know that is that you don't know what you're talking about.

>> VICE CHAIR SZETELA: That what you're saying.

>> COMMISSIONER CURRY: You've been interpreting everything backwards for the past couple of weeks or months.

>> VICE CHAIR SZETELA: No, I haven't.

>> CHAIR CLARK: All right,

>> COMMISSIONER CURRY: Why don't you cooperate? We came together and because you couldn't get your way, you act like a spoiled child.

>> VICE CHAIR SZETELA: Again, Commissioner Clark, could you please caution Commissioner Curry about not engaging in personal attack he easy?

>> COMMISSIONER CURRY: Let's work together. We're not trying to --

>> CHAIR CLARK: Commissioner Curry

>> VICE CHAIR SZETELA: Point of order.

>> CHAIR CLARK: Commissioner Curry, we need to not taking personal attacks on people.

All right. Any other comments? I've got one.

Okay. Could you read the -- before I comment, could you read the motion back, Ms. Reinhardt.

>> MS. SARAH REINHARDT: Certainly. The motion was to approve or allow individual commissioners to choose individual counsel for the AG case, if they so choose, this would be funded by the commission.

>> CHAIR CLARK: I have a -- my comments are I have a personal problem with that. I -- and that issue is we don't know what the dollars are. Every other time we've gone forward and hired a contractor that we paid for, we go through purchasing. We get a purchase order, which defines the cost. It defines the terms and the conditions. And we don't have any of that information. And we need to issue a purchase order if we're going to do this sort of thing. And I think we're way ahead of ourselves in approving expenditures when we don't even know what that is going to be. I think we're putting ourselves in a bad business situation. And it's not -- it's detrimental not only to us but to the citizens of Michigan.

Mr. Fink.

>> NATE FINK: Commissioners, I don't know if commissioners were -- the only thing I -- I just wanted to add one thing, which is certain commissioners, of course, have filed dissenting reports and did not vote for all of the maps. And I just want to reiterate that the constitution, constitutional amendment which created this body, says that the commission has the constitutional authority to defend any action regarding an adopted plan. And to obtain funding for that purpose.

Just as I discussed with the analogy to other governing bodies, I don't see any authority that would -- that would support the commission funding the dissenting

commissioners' legal counsel and representative because that would not be defending an action regarding the adopted plan. It would really be the opposite of that. So just focusing on the constitutional language, it just seems to me to be clear in this context that the legal opinion that we came to is that -- and it is the appropriate one, which is that the commission does not have an obligation to fund personal counsel for individual commissioners. And, yes, of course, the individual commissioners are certainly entitled to have their own counsel if they want. But the commission is not obligated to fund it.

>> CHAIR CLARK: Thank you, Commissioner Fink. I completely agree with Mr. Fink on that.

Commissioner Curry, do you have a comment?

>> COMMISSIONER CURRY: No.

>> VICE CHAIR SZETELA: I had another comment,

>> CHAIR CLARK: Go ahead, Ms. Szetela.

>> VICE CHAIR SZETELA: I am more than happy to submit a retainer agreement and a proposed budget to the commission. If you're going to actually look at that and consider it, I'm more than happy to withdraw my motion and go ahead and do that. I've already spoken with multiple attorneys and I decided on one. So, I mean, this is happening one way or another. It's just a question of who is going to pay for it.

So if you happen to see the documentation, I'm perfectly happy to provide that to you. Obviously, I'm going redact out anything confidential. But I have no issue providing that and that's perfectly fine.

So I'm going on withdraw my motion today. I'll get you that documentation so you can look at it. And we can go from there and consider this at our next meeting.

>> CHAIR CLARK: Commissioner Szetela, I appreciate that. I think -- I think we maybe should have a vote first to see if we're willing to do the --

>> VICE CHAIR SZETELA: I just -- I just withdrew -- I just withdrew the motion, though. So --

>> CHAIR CLARK: Okay. Motion is withdrawn and are you going to table the issue?

>> VICE CHAIR SZETELA: Yeah. That's what I just said.

>> CHAIR CLARK: Okay. Fine. Commissioner Lett.

>> COMMISSIONER LETT: I make the motion that the commission not pay for any commissioner's personal retained counsel.

>> CHAIR CLARK: Do I have a second to that? Commissioner Curry seconds it. The motion was brought forward by Commissioner Lett and seconded by Commissioner Curry. Any discussion?

I think we've had a lot of discussion on the subject.

Okay. Let's do a roll call vote, then.

Ms. Reinhardt, could you move forward with the roll call vote.

>> MS. SARAH REINHARDT: Absolutely, Mr. Chair.

Commissioners, the motion before you is that the commission will not pay for any commissioner's personally retained counsel. Please indicate your support of the motion with a yes or a no. I will call on commissioners in alphabetical order starting with Doug Clark.

>> CHAIR CLARK: Yes.

>> MS. SARAH REINHARDT: Juanita Curry

>> COMMISSIONER CURRY: Yes.

>> MS. SARAH REINHARDT: Anthony Eid.

>> COMMISSIONER EID: Yes.

>> MS. SARAH REINHARDT: Brittni Kellom

>> COMMISSIONER KELLUM: Yes.

>> MS. SARAH REINHARDT: Rhonda Lange.

Commissioner Lange, I apologize, you might still be muted.

Commissioner Lange, can you hear us?

It looks like we might have having technical difficulties with Commissioner Lange. I will return to you at the end of the vote.

Steve Lett

>> COMMISSIONER LETT: Yes.

>> MS. SARAH REINHARDT: Cynthia Orton

>> COMMISSIONER ORTON: Yes

>> MS. SARAH REINHARDT: MC Rothhorn

>> COMMISSIONER ROTHORN: Yes

>> MS. SARAH REINHARDT: Rebecca Szetela

>> COMMISSIONER LANGE: No

>> MS. SARAH REINHARDT: Janice Vallette

>> COMMISSIONER VALLETTE: Yes earn Wagner.

>> COMMISSIONER WAGNER: No.

>> MS. SARAH REINHARDT: Richard Weiss

>> COMMISSIONER WEISS: Yes.

>> MS. SARAH REINHARDT: And I'm returning to Commissioner Lange.

>> COMMISSIONER LANGE: Can you hear me?

>> MS. SARAH REINHARDT: Yes, we can.

>> COMMISSIONER LANGE: Apologies. I cut out. So could you real briefly tell me what the yes and the no is? I apologize.

>> MS. SARAH REINHARDT: Sure. The motion is that the commission will not pay for any commissioner's personally retained counsel. So a yes vote would be that the commission will not pay for personally retained counsel for individual commissioners.

>> COMMISSIONER LANGE: Okay. No.

>> MS. SARAH REINHARDT: By a vote of 9 yes to 3 no, the motion carries.

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

I want to make one comment before we move on to the next agenda item. I'd like to ask the commissioners to keep all personal attacks on individuals to themselves and not present those in a meeting at all.

Next on our agenda is new business agenda item 6b, Voting Rights Act media coverage.

Without objection, I will be -- I will ask Voting Rights Act legal counsel Bruce Adelson to present this item.

Hearing no objection, please proceed, Mr. Adelson. And it's great to have you back again with us.

>> BRUCE ADELSON: Thank you, Mr. Chairman. It is great to see you, see you all again today. Thank you so much for the opportunity to discuss on this important point.

A couple of things. Excuse me.

In various aspects of what I do, whether it's teaching, being a lawyer, or the other aspects of my professional life, I see all kinds of information that times is incomplete or I get questions whether or not the information is accurate. It's not surprisingly that particularly today with all of the court cases that have been going on in fact, yesterday

with the new court decision about therapeutic abortions, they're just like non stop court cases. So I have read many different views and opinions about the Supreme Court's voting acts right decision in the past term in the case called the Allen versus Merrill case. Those are consolidated cases.

So there has been some information that I have seen that has been incomplete or inaccurate. So today, I wanted to take the opportunity to give a general overview of the Supreme Court case. And show you how the actual meaning of the case, the holding of the case is often very different from what's being portrayed, either on social media, online and or aspects, or in conventional media. And I think that to use the words of the Court I think are always best, that in this case -- this case is basically a status quo case. It really didn't change the existing Voting Rights Act law for the most part. The main area that it did, I'll talk about. But the court said, the heart of these cases is not about what law exists today. It is about the state of Alabama's attempt to remake section 2 of the Voting Rights Act and remake the court's jurisprudence. That's essentially what this case is all about.

There were concerns that the court would overturn section two of the Voting Rights Act or somehow weaken it or alter its composition. And the court didn't do that. Alabama put together a vigorous defense which they're currently litigating in the trial court right now to this case. Alabama raised several arguments about proposed changes, that the court, for example, reversed. Thornburg versus Gingles, which as you know, we talked about two years ago as setting up a three-pronged test, three conditions to evaluate whether redistricting is -- a redistricting plan is discriminatory.

Alabama wanted the Supreme Court to throw that case out. The Supreme Court said no. Alabama said that section 2 of the Voting Rights Act is unconstitutional under the 15th amendment. The Supreme Court said no.

Without going through all the arguments, I think that's an important point. And going back to what the court said, the heart of this case is Alabama's attempt to remake section 2, both court decisions and the language of the statute.

Let's talk a little bit about what the court did say regarding the Thornburg versus Gingles decision. That was about 37 years ago. In that case, with the three preconditions, the court reaffirmed that and held that our holding in Thornburg is reinvigorated. It is still the law of the land. It is still how we investigate these cases. And I think there's some important information there as well as in the trial court record about what this case says about the Voting Rights Act.

I've spent a lot of time looking at the lower court record, the transcripts, the maps, the expert opinions and the court's opinions. And in that case, the lower court case, the lower court is currently rehearing this case after the Supreme Court kicked it back to them.

In that case, the court says and even the expert of Alabama said that in the majority of elections, black preferred candidates lose in the majority. That's the state's expert. The experts also found that regarding black preferred candidates, that black voters support the same candidate in each election. More than 92% of the time. While white voters support black preferred candidates about 15% of the time. That's a big disparity. Very suggestive of significant racially polarized voting. At that rate, I've seen that polarization in other parts of the country, in other redistrictings that I've done and that's about as stark as you can get.

So that remember that in the Gingles case, the three preconditions are is the minority community big enough to form a majority in a single member district? That's one.

Two, do minority voters vote for the same candidate? Do they vote cohesively?

And three, does the white majority vote as a bloc, usually to prevent black voters or minority voters from electing candidates of their choice?

So in the Allen case and in the lower court combined cases, there was overwhelming evidence that black preferred candidates don't win. And there is significant racially polarized voting. And one thing that struck me that I remember very well in reading the court's opinion in one of the expert reports, one of the experts analyzed 13 elections. As you know, there have been all kinds of elections that have been analyzed in Michigan with your redistricting. That Dr. Handily did and there are other experts that have been retained in the current case.

In the Alabama cases, one particular expert analyzed 13 dispositive elections. 13. In those elections, black preferred candidates never won. That means they lost every single election while white preferred candidates won. Admittedly, math was never my strong suit in high school. Anyways, a pretty stark distinction and says an awful lot. So I think that the importance, the salience of analysis that we've talked about an awful lot was reaffirm by the Supreme Court in this case. The Court did hold that racially polarized voting analysis must be used to very real whether or not a redistricting plan is discriminatory under the Voting Rights Act.

And that's where all these numbers come from. That black voters lost 13 of 13 elections, that white voters overwhelmingly voted to oppose black preferred candidates. So that's pretty stark.

As you know, what the analysis revealed in Michigan, and I think that one of the other points that I think was very interesting about this case, the court made some very strong remarks about the use of computer generated maps in redistricting. That the experts generated literally millions of maps, millions of alternatives. And the state of Alabama said, essentially, that these maps show that creating an additional district in which black voters can elect candidates of choice is clear because the maps don't support that.

The Supreme Court said, and I highlighted this in the opinion because I think it's really important. Court said how many maps do we need? How are courts supposed to decide this issue? The Court said that the numbers of maps that could be generated in Alabama is at least in the trillion trillions. And they used the word that, frankly, I've never heard before, googols, which many of you may know or may not know, that that means you take the number one and put 100 zeros after the one. So the court is saying you could produce that number of maps, which to me, frankly, is something that is beyond my comprehension. With all of those maps, the court said that still doesn't show us, tell us what to decide, how to decide. Describing that as this is an answerless question. So that creating all these algorithms and creating millions, trillions and trillions in googols of maps doesn't decide the case.

The Court said that -- held that court should exercise caution before treating results produced by all these algorithms and alternative maps with care. They're not dispositive, they don't prove a section two violation. And evaluating this evidence more generally, the Supreme Court should be attentive to the concerns that the Supreme Court raised in this Allen case.

So essentially, the court said section 2 cannot require courts to judge a contest of computers when there is no reliable way to determine who wins or even where the finish line is. So very strong holding by the court, which is not something -- I didn't expect the court to go as far as it did, but I guess when you use trillions of trillions of maps and the word googol when you're talking about large numbers, that speaks to a point of what the court said, that maps aren't going to do it. That there's other proof racially polarized voting and election analysis that's needed.

So I wanted to clarify that this case is basically a status quo case about section two. It really doesn't change section two. It doesn't overrule Thornburg versus Gingles. It doesn't remove all the tests that we talked about two years ago and that you used during mapping. So it is something that, as an attorney and as a professor I take very seriously what information is out there that either my clients, my students or others are reading. I'm always very concerned, if I think the information is incomplete or inaccurate. So that's why it was a pleasure for me to come and talk with you today. And that I had the opportunity to do so, of course, it is a pleasure to see you all. I don't think I've been to a meeting in two years, a year and a half. I was trying to remember and I can't remember.

But it is a pleasure to see all of you. And Mr. Chair, that's my summary of my general description of the Alabama Supreme Court voting rights case.

>> CHAIR CLARK: Thank you, Mr. Adelson. Commissioner Eid, you have a question?

>> COMMISSIONER EID: Yes. Thank you for being here today, Bruce. It's always nice to hear from world class experts such as yourself.

I'm wondering if you might be able to comment on how that situation in Alabama compares or contrasts to what we have in Michigan for information purposes.

I know you might not be able to get into specifics, but maybe you can speak generally to similarities or differences between the electorate in both states.

>> BRUCE ADELSON: I'm not going to make specific comments to things that are being litigated. What I will mention is the percentages of white voters and black voters supporting black preferred candidates in Michigan, very stark difference. I will leave it up to you to look at the plethora of information that's out there in Michigan to determine what the difference is.

I believe demographically, according to the census, that the black population in Alabama is higher than it is in Michigan. I'm not 100% sure about that, but I am mostly sure that it is -- it is higher. So I will defer to the analysis that's out there and to the documents and pleadings that have been filed in the current litigation as well as the Michigan Supreme Court litigations without getting into specifics. And defer to you, defer to that information because it frankly is all there. And the number that I think is among the most important, 13 elections analyzed in Alabama. Of those 13 elections, black preferred candidates won zero, zero. With all the redistricting that I've done over the last 20 years, it is rare that I've seen something like that. That's why I remember it so clearly. Because it really smacked me in the face as being highly probative.

>> CHAIR CLARK: Commissioner Rothorn, do you have a comment?

>> COMMISSIONER ROTHORN: I just wanted to say thanks again, Bruce. And if I'm not mistaken, the last time we saw you, baseball had different rules. So I wanted to say that sometimes rules do change, but just not on this status.

>> BRUCE ADELSON: Commissioner Rothhorn, I very much appreciate that and you have opened the door for me to say as we are closing in on the end of baseball season, I am, of course, with being a Yankees fan, having my -- a fair amount of agita about the way the season has gone. However, I will say that I have had the opportunity to go to some ball games this year and I did make a very quick trip to Michigan to meet with a client earlier this year. And my client surprised me with tickets to a tigers game. So she knows that I very much enjoy Comerica Park. It was one of those come in late, leave first flight in the morning. So I very much appreciate what you said and I look forward to perhaps, Mr. Chair, having a meeting where we can talk about the new rules of major league baseball.

>> CHAIR CLARK: Are there any other comments for Mr. Adelson?

>> COMMISSIONER EID: I'm sorry you had to suffer through a tigers game.

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

>> BRUCE: You know it's the moment. It's the moment and we had a great time.

Thank you.

>> CHAIR CLARK: Commissioner Lange, do you have a comment?

>> COMMISSIONER LANGE: No comment.

>> CHAIR CLARK: Commissioner Kellom, do you have a comment?

>> COMMISSIONER KELLOM: No comment.

>> CHAIR CLARK: I'm sorry, I didn't hear you.

>> COMMISSIONER KELLOM: No comment, Commissioner Clark.

>> CHAIR CLARK: Thank you. We want to thank you very much, Mr. Adelson. And join us any time. It's always a pleasure to have you with us.

>> BRUCE: Thank you, Mr. Chairman. It is always a pleasure to be with you and see you all and thank you for your gracious invitation.

>> CHAIR CLARK: Thank you.

Next on the agenda is the new business item 6C, fiscal year 23 financial report for July.

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

Hearing no objection, please proceed, Mr. Woods.

>> EDWARD WOODS III: Thank you, Mr. Chair. It is loading up on our screen.

You see the report for July. It's pretty standard report that we have. Our first item deals with travel. The costs. And then we have our facility meetings. The \$792 is an estimate for our phone. We did get that yesterday, so we will process it. The \$9920 for July usually comes on the end of next month, which would be this month. That's an estimate. Salaries. The 5,000, I did reach out and heard from Mr. Brace, he's on vacation. He estimated that the bills for both June and July will be \$4,000. I went \$5,000 just in case, just as an estimate, but we will be getting those invoices here shortly.

Then you see the amount for Baker Hostetler for the month of July. The amount for Fink Bressack for the month of July. And then the next amount is for our voting rights council at \$1,569.38 and ow financials services at 293. Our commission at 53,000 and our office supplies. So total amount spent in July was \$135,981.33. Noting those estimates. And so that is the financial report for the month of July.

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

>> CHAIR CLARK: Any questions from the commissioners?

Commissioner Orton.

>> COMMISSIONER ORTON: Yeah, I have a question, Edward. I understand that our legal team is working right now on our behalf, but can you explain what our mapping consultants are doing? They have a line item, but I don't know what they're doing.

>> EDWARD WOODS III: I don't have their invoices, but they're saying most of their cost is preparing for the legal cases in terms of requests from the attorneys.

>> COMMISSIONER ORTON: I see. Okay. Thank you.

>> CHAIR CLARK: Any other questions from the commissioners?

Okay. I see none. Commissioner Szetela. Do I have any questions from you or Commissioner Kellom?

>> COMMISSIONER KELLOM: No, Commissioner Clark. I'll raise my hand if I have a question, but thank you for being considered.

>> CHAIR CLARK: Thank you so much.

Do I have a motion to approve the budget financial report for July?

>> COMMISSIONER LETT: So moved.

>> CHAIR CLARK: I have a motion to approve it by Commissioner Lett. Do I have a second? I have a second from Commissioner Rathhorn. Is there any or discussion or debate on the motion?

Okay.

Let's take a vote. All in favor raise your hand and say aye.

>> Aye.

>> Aye.

>> Aye.

>> Aye.

>> CHAIR CLARK: All opposed, raise your hand and say nay.

(No response)

The ayes prevail and the motion is adopted.

Next on our agenda is new business item agenda item 6d, fiscal year 24 proposed budget review.

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

Hearing your objection, please proceed, Mr. Woods.

>> EDWARD WOODS III: That you can, Commissioner Clark.

Once again, this is the proposed budget. The proposed budget for fiscal year '24 that starts October 1, 2023, and ends September 30th, 2024.

As you know, we get 25% of the Michigan Department of State general fund general purpose. And that amount is \$3,331,200. Salaries are basically \$745,000. They're basically the same. No changes there.

Travel cost is \$10,000.

We're not sure if we're going to have court -- have to go to court, if people will be testifying with regards to the court case. We're just not sure about that. So we just wanted to make sure we had an add watt amount, obviously. If we do not spend the amount as in past years, we will return it back to the legislature.

\$33,000 is basically for technology. We have \$10,000 for meetings that we have at this time. \$2,535,000, that's the bulk of that amount. The bulk of the amount is really going to contracts for consultant, our litigation counsel, our local counsel, line drawing, voting rights and our professional services. So that's where the bulk of the money is going.

No advertising or promotion and then office supplies, \$3,200. And that gives us a grand total of \$3,331,200.

Once again, if we do not spend it, we do return it, but wanted to plan for contingency weeks not knowing what may happen. And if it does become necessary, as we did with fiscal year 23, we can always come back and provide a revised budget for fiscal year 24.

Commissioner Clark, that concludes my presentation. If there are any questions, I can take them at this time.

>> CHAIR CLARK: Are there any questions from the commissioners?
Commissioner Lange or Commissioner Szetela, do you have a question?

Okay. There are no questions.

Can I get a motion to approve?

>> COMMISSIONER LETT: So moved.

>> CHAIR CLARK: Okay. I've got a motion to -- a motion by Commissioner Lett and a second by Commissioner Eid.

Is there any more discussion or debate on the motion? Seeing none, all in favor raise your hand and say aye.

>> Aye.

>> Aye.

>> Aye.

>> CHAIR CLARK: All opposed, raise your hand and say nay.

(No response)

Okay. The ayes prevail and the motion is adopted.

Next on our agenda is new business agenda item 6e, national redistricting commissions conference.

Without objection, I will ask our executive director to present. I will add my remarks after he speaks. Hearing no objection, please proceed, Mr. Woods.

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

Individual commissioners received an invitation for the national redistricting commission conference in Los Angeles on December 12 for a one-day event. I did reach out to the planning committee -- I mean to the person that provided the invitation because I did not receive any information. I also tried to follow up locally here in Michigan and was unsuccessful and I'm reaching the contact person. But the information that we received was from the planner was discuss lessons learned and best practices. And identify ways to improve public participation, fairness and transparency.

They invited commissioners from Arizona, California, Colorado and Michigan. So there will be a focus, I repeat a focus on state commissions only. I did ask whether they're looking at city, whether they looking at county, and they said no, the focus is on statewide independent commissions. There's an option to attend in person or virtual. Once again, there's an option to attend in-person or virtual. And I'm recommending there we look at virtual attendance because it's really only a one-day event.

Things are still in motion as of yet when we look at costs and public in terms of what's expected of us as a commission. I think it would be prudent if the commission would consider attending virtually and not having any expense to the taxpayers. Having said that, that is just my recommendation to you as a commission. You can do as you so choose.

That concludes my presentation. Commissioner Clark, I'll turn it back over to you for comment.

>> CHAIR CLARK: I have a couple of comments. While I was in California, I happened to meet one of the California representatives on their commission. She's in the same town as I was. And we met up for a couple of hours and had a discussion on different things. One of the things we did discuss is this commission's conference, the national redistricting commission's conference. This is not an official statement, but what she told me was that the California commission would allow two people to go. Of course, they're local. They would allow two people to go. And anything over two would be an open meeting. They would have to treat it as such.

It was undetermined because nobody knew the details behind the at that point in time, how they were going to pay for it, if at all, or if any of them were going to attend. So I thought I'd bring that up to you.

The information I've gotten about the conference is it is a one-day event. It is -- there's going to be a dinner the night before and then the following day there will be the all-day meeting, which will not only include commissioners from those four states, but include other guests that will be invited. And the agenda of the meeting has not been published at this point in time. And it will end at the end of that day. So we're basically looking at if people attend, they're really looking at a minimum of a few days in a hotel, as well.

I also have the same recommendation as Executive Director Woods, is that we as a commission, for those that want to attend, can attend by Zoom. We've been told Zoom is going to be an option and will be available to us. We currently do not have any money in the budget for fiscal year 24 for this sort of thing. Given that we've already

presented our deliverables in their final stages of being in the court, I personally don't see the benefit of any of us traveling out there to attend the meeting personally.

Although you can. At your expense. That is available to anybody to do that.

So I would at this point like to put forward a motion that we attend the meeting by Zoom from whatever location is appropriate. And at that point in time -- at that point in time, you know, it will be no cost to us. And for the budget. It's no different than any of these other meetings that we have because we have all our meetings by Zoom at this point. And if people would like to go out and -- and be there in personal, they can do that. And the expense will be theirs to handle at that point in time.

Anyway, the --

>> COMMISSIONER LANGE: I have a question.

>> CHAIR CLARK: Yeah. Let me finish. The motion is that we, as a commission, as the commission is paying the expense that we restrict it to a Zoom meeting.

So the question is from -- was that you, Rhonda?

>> COMMISSIONER LANGE: Correct.

>> CHAIR CLARK: Okay. Go ahead.

>> COMMISSIONER LANGE: Well, first, let me put out there --

>> COMMISSIONER ORTON: We have a motion so I think it has to be seconded before we discuss.

>> CHAIR CLARK: Yeah. Commissioner Orton?

>> COMMISSIONER ORTON: I'll second it.

>> CHAIR CLARK: Okay. And we have a second on the motion. Go ahead, Commissioner Lange.

>> COMMISSIONER LANGE: First I'm going to put out there that I will not be attending. The organization does a lot of lobbying and so I will not be attending. But second, my concern would be if there are nine commissioners that decide to attend, whether it be via Zoom or in person at their own experience or whatever, would that not constitute a quorum?

>> CHAIR CLARK: Can I have Mr. Brady respond to that, please. I don't know if Mike is available. He is online.

Go ahead, Mike.

>> MIKE BRADY: Good morning. Can you hear me?

>> CHAIR CLARK: Yes.

>> MIKE BRADY: Hello. I appreciate the question. I think what immediately comes to mind is under the open meetings act, which, of course, this commission is not subject to, the open meetings act does provide some exceptions to there being, you know, a meeting from quorum purposes for professional development or conferences so long as there's no action taken at the meeting and no deliberation taken at the meeting.

So in a certain regard, I don't know -- you know, I think one of you hosted a barbecue that I was invited to and was unable to attend maybe last summer or the summer before. I don't know if there were nine commissioners there or not. But the reason that was okay is because there was not any formal deliberation on the work of the commission, nor was there going to be any action taken by commission. So in the same way, I don't know anything about this conference, really, other than what's been presented on this call, but the idea that, you know, there's a virtual conference with, you know, potentially -- it's a national thing, it appears, so I think there would be hundreds of people. If you're calling in virtually, so it doesn't even allow you, really, the same kind of

opportunity to, you know, talk over lunch or something. So you don't otherwise have any other time.

So those are the things that would guide my thoughts there.

I know that, again, while the AG's office in its written opinion and Michigan Supreme Court has opined that this commission is not subject to laws created by the legislature because of its independent nature and as a constitutional body. OMA is not controlling. I also recall, I believe, that your rules of operation were inspired by the open meetings act and some of the standards created there. They make departure necessary other areas, as well. So that would be I think the thing we would look at, along those lines.

>> CHAIR CLARK: Thank you, Mr. Brady. Does that answer your question, Commissioner Lange?

>> COMMISSIONER LANGE: Yes.

>> CHAIR CLARK: Thank you. Commissioner Eid, you had a question or a comment?

>> COMMISSIONER EID: Yeah. You know, to me, this falls, you know, if this were any other group, or a business, I think it would fall under professional development, which is something that I think we honestly should foster and put some funds behind.

How much is this conference costing to attend?

>> CHAIR CLARK: It's undetermined at this point.

>> COMMISSIONER EID: Is there a -- usually for conferences, there's a fee just to get tickets.

>> CHAIR CLARK: Yeah, I don't know. We don't have any of the detailed information at this point in time.

>> COMMISSIONER EID: Okay.

>> EDWARD: Excuse me, Commissioner Clark, Commissioner Eid, there's no hotel that's been reserved in terms of discounts. They did mention they would waive the fee to attend. There would be per diem, there would be cost if there's parking at the hotel, there is there would be costs associated with getting you more than likely from LAX airport to there with regards to that. So with -- I mean, it's just estimates. But they're still in the planning process as relates to that right now.

>> COMMISSIONER EID: Well, if the fees -- if the actual conference fee is to be waived, supposedly, and the cost is just to cover travel, I do think we should set aside some funds for professional development and give this commission a chance to tell their story. We've been a pretty successful commission. We did enact maps into law, fair maps. You know, by many measures, they are some of the most fair maps that -- on a Congressional level that this country has ever seen and on a state level that the state has ever seen. And I think that we might have a little bit of a responsibility to tell that story and tell about our successes and also I think we would take back information from the folks that are attending to make us better commissioners. So I would be in support of having some funds to cover the travel of a couple commissioners who might want to go.

>> CHAIR CLARK: We have a motion on the table at this point.

Commissioner Wagner, you have a comment?

>> COMMISSIONER WAGNER: Yes, I do. My question is this: What -- if we are disbanded by the time this all take place, the commission is defunct and we're in limbo, personally I think if a commissioner wants to attend, it should come out of their own pocket. Because otherwise, what are we going to do, reconvene to attend the conference in California or whatever? Anyway, that was my comment.

>> CHAIR CLARK: I agree with you, Commissioner Wagner.

Commissioner Orton.

>> COMMISSIONER ORTON: I thought maybe you weren't seeing my hand.

Anyway, my opinion is that if people want to attend, they could, I suppose. I think Mike Brady's explanation showed that we don't have to worry about a quorum or anything. But I think we have already delivered our deliverables, like Doug says, and we don't need to develop our, you know -- professionally develop as commissioners. We've already done our work. We're just in litigation right now. So I don't see a reason to go for that reason. And I really don't agree with taxpayers paying for anyone to travel to LA to attend this, especially when a virtual option is available.

>> CHAIR CLARK: Thank you, Commissioner Orton.

Commissioner Szetela, off comment?

>> VICE CHAIR SZETELA: I am basically going to echo what Commissioner Orton said. Typically professional development is you're taking an educational component of something to help you do a better job. So like when we had the Zoom meeting about where we did redistricting in Ohio to learn how to draw maps. That's professional development. It's teaching you how to do your job better.

That's not what this is. If someone wants to go to it, that's fine. But if they want to fly out there, then that should absolutely be on their own dime because this is not professional development to begin with, it's really just kind of a bragging tour.

Thanks.

>> CHAIR CLARK: Thank you, Commissioner Szetela.

Are there any other comments?

>> COMMISSIONER KELLOM: I do have a quick comment, Commissioner Clark.

>> CHAIR CLARK: Yes, Commissioner Kellom.

>> COMMISSIONER KELLOM: I'm fine however this goes, but this is for the sake of conversation. I do agree that this would be professional development. Now, if other people, obviously, you know, don't agree with that statement, that's totally fine. But I think just the comment of, you know, we drew the maps and we did a good job and it's fine, I think sometimes as a commission, there are very limited views of what that job is. And we are still a commission that our decisions with those good maps as said it still has an impact on the community. So I just -- just a little anecdotal statement of considering our jobs to be in our duty to be a little bit deeper than just map drawers, especially the amount of listening. And maybe that's just my line of work, but the amount of consideration that we are supposed to give people, our job isn't done. And maybe that thinking of our job being done is a reflection of some of the attitudes we have heard during the meeting. We are still professionals. We are still a body. We are still duty to listen to those that call in and provide public comments. So this isn't just something that any of us just did, I would hope. So if folks -- I know that because we're a conservative group, I know no one is going to support going to LA and that's considered galavanting our wasteful. But in many other professional settings, anything that is going to both grow a person and grow thought leadership, which we are all in charge of doing, and I think we're intelligent in our own rights, right? This would perfectly fit in line.

Now, do we have the money? Are we worried about what taxpayers are going to say? Of course. This is this group. But LA would be a wonderful opportunity to share knowledge and still learn as human beings.

Thank you, Commissioner Clark.

>> CHAIR CLARK: Thank you, Commissioner Kellom.

Commissioner Eid, do you have another comment?

I can't hear you, Commissioner Eid.

>> COMMISSIONER EID: Yeah. I certainly wouldn't say it's wasteful. I think there is a real benefit to being somewhere in person. You can take a lot from being at a conference such as this in person that you can't take from being virtual, from the different amounts of interpersonal development that may happen, from the conversations that may take place. And, really, as Commissioner Kellom just said, from the learning and the sharing of knowledge, which is what I would view as, you know, the whole point of going.

So I know we have a motion on the table. I'd like to amend that motion to have it say virtually or in person.

>> CHAIR CLARK: And is that motion include having the commission pay for it?

>> COMMISSIONER EID: I think we should set aside funds for, you know -- we can decide who at a later time, but I'd say, you know, probably it would be smart to have one commissioner of each he pool attend in person. So I'll say that.

>> CHAIR CLARK: Do we have a second to that amendment?

I'm seeing no second at this point.

>> COMMISSIONER EID: Okay, then.

>> CHAIR CLARK: We do not have a second. Okay.

All right.

>> COMMISSIONER KELLOM: Sorry, Commissioner Clark, I second the amendment.

>> CHAIR CLARK: We have a second from Commissioner Kellom, okay.

So we need to vote. I think we first vote on the amendment. And I think we'll take a roll call vote on this, as well. Ms. Reinhardt, if we can do that, I'd appreciate it.

Commissioner Wagner, you have a comment?

>> COMMISSIONER WAGNER: Yes. Sarah, can you please repeat the motion before we all vote on it?

>> CHAIR CLARK: Yes. We're going to vote on the amendment first, Commissioner Wagner.

Okay.

>> MS. SARAH REINHARDT: Absolutely, commissioners. Can you hear me?

>> CHAIR CLARK: Yes.

>> MS. SARAH REINHARDT: Sorry. It's raining and the rain is a little loud, so I put on my headphones. I just wanted to make sure you can hear me.

One clarifying question I would have to Commissioner Eid, who made the motion, you had mentioned -- or commission Clark asked if you intended to include in the motion that the sending of the three commissioners, one from each affiliation pool, would be paid for by the commission. Was that also part of your motion?

>> COMMISSIONER EID: Yes. Travel costs specifically.

>> MS. SARAH REINHARDT: Right. Okay. In that case, the motion was -- well, the original motion was for the commission to attend the national redistricting conference virtually. And the motion to amend, which we will be voting on now, made by Commissioner Eid and supported by Commissioner Kellom was to amend the original motion to say commissioners may attend virtually with one commissioner from each pool, affiliation pool attending the conference in person with travel costs paid for by the -- from the commission budget.

Is that clear for everyone?

So this motion would be the motion to amend the original motion. So please state your support for amending the original motion with a yes or a no.

I will call on commissioners in alphabetical order starting with Juanita Curry.

>> COMMISSIONER CURRY: I would probably have something to say before I voted. I need to make a statement or put in another motion.

>> MS. SARAH REINHARDT: I'll direct that decision to the chair, if you will allow it.

>> CHAIR CLARK: I'm sorry. I didn't hear the comment.

>> COMMISSIONER CURRY: I just think that if we're going to take a vote, it should not be limited to just one or two or three people going from each -- one to two or three people going, but that if we're going to vote, those that want to go, let them go and those that don't want to go should not be able to go. That's the way I would like to vote.

>> CHAIR CLARK: Well, I don't believe the motion has anything to do with how many people go. So it's potentially 13 people could go.

>> COMMISSIONER CURRY: I was under the understanding that one from each democrat, Republican or whatever would be able to go. Is that -- maybe I'm not understanding.

>> CHAIR CLARK: There's 13 of us and I believe the motion is the way it's stated it's all 13 could go if they wanted.

>> MS. SARAH REINHARDT: So Commissioner Curry, the way that the motion to amend is phrased right now is that commissioners will attend virtually and that one commission from each affiliation pool, so a total of three commissioners, could attend in person with their travel costs paid for by the commission.

>> COMMISSIONER CURRY: That's what I'm saying.

>> CHAIR CLARK: I misunderstood.

>> MS. SARAH REINHARDT: The motion to amend, that would be the yes or the no vote. And then Commissioner Curry, if you believe that the motion -- the original motion should be phrased differently, you're welcome at the conclusion of this vote to make an additional motion to amend if that's what you would like to do. But right now, we're taking the vote on this particular motion to amend.

>> COMMISSIONER CURRY: Okay.

>> MS. SARAH REINHARDT: So we would need a yes or a no.

>> COMMISSIONER CURRY: No.

>> MS. SARAH REINHARDT: Thank you. Anthony Eid

>> COMMISSIONER EID: Yes.

>> MS. SARAH REINHARDT: Brittni Kellom.

>> COMMISSIONER KELLOM: Yes.

>> MS. SARAH REINHARDT: Rhonda Lange.

>> COMMISSIONER LANGE: No.

>> MS. SARAH REINHARDT: Steve Lett.

>> CHAIR CLARK: Steve, we can't hear you.

>> COMMISSIONER LETT: No.

>> MS. SARAH REINHARDT: Cynthia Orton.

>> COMMISSIONER ORTON: No.

>> MS. SARAH REINHARDT: MC Rothhorn.

>> COMMISSIONER ROTHORN: No.

>> MS. SARAH REINHARDT: Rebecca Szetela opinion

>> COMMISSIONER LANGE: No.

>> MS. SARAH REINHARDT: Janice Vallette.

>> COMMISSIONER VALLETTE: No.

>> MS. SARAH REINHARDT: Erin Wagner.

>> COMMISSIONER WAGNER: No.

>> MS. SARAH REINHARDT: Where are where are.

>> COMMISSIONER WEISS: No.

>> MS. SARAH REINHARDT: Doug Clark.

>> CHAIR CLARK: No.

>> MS. SARAH REINHARDT: By a vote of 10-2, the motion does not carry.

>> CHAIR CLARK: Let's move on to the original motion and do a roll call vote on the original motion, as well.

Let's do this as roll call, as well. And if you could read the motion back, I'd appreciate it.

>> MS. SARAH REINHARDT: Certainly. The motion was to attend the national redistricting commissioner's conference virtually. And I see Commissioner Lett has a hand raised.

>> CHAIR CLARK: Commissioner Lett, do you have a comment?

>> COMMISSIONER LETT: Yeah. Doug, is this your motion that the commissioners can, if they choose to participate virtually they can do so, or is this your intent that it would be a mandatory meeting that all the commissioners would participate in?

>> CHAIR CLARK: It's not mandatory. No, not at all. And then they always have the option of going to the meeting in person and paying for it out of their own pocket.

>> COMMISSIONER LETT: Thank you.

>> CHAIR CLARK: Yes.

Go ahead and proceed with the roll call vote.

>> MS. SARAH REINHARDT: I believe Commissioner Orton has a hand raised, as well.

>> COMMISSIONER ORTON: For clarification, I wonder if I could make an amendment that for this national redistricting commission's conference, attendance is voluntary, but the commission will not be paying any costs. Does that clarify?

>> VICE CHAIR SZETELA: I will second that.

>> CHAIR CLARK: Okay. We have an amend by Commissioner Orton and seconded by Commissioner Szetela.

So let's do a roll call vote on the amendment. Ms. Reinhardt.

>> MS. SARAH REINHARDT: Certainly, Mr. Chair.

Commissioners, the motion to amend is for the national redistricting commission conference commissioner attendance is voluntary and the commission will not pay for travel costs for commissioners to attend in person.

>> CHAIR CLARK: Commissioner Lett?

>> COMMISSIONER LETT: Point of clarification, Cynthia.

>> CHAIR CLARK: I'm sorry, we couldn't hear you. You're not loud enough.

>> COMMISSIONER LETT: Give me a moment.

>> MS. SARAH REINHARDT: That's better, Commissioner Lett.

>> COMMISSIONER LETT: Okay. You hear me now?

>> MS. SARAH REINHARDT: Yes.

>> CHAIR CLARK: Yes.

>> COMMISSIONER LETT: It's like the telephone commercial.

As a point of clarification, your amend is to people who would want to attend personally in California. Is that correct?

>> COMMISSIONER ORTON: Yeah. So what I mean is attendance is voluntary, whether you want to go in person or virtually, meaning we don't have to attend. We can attend if we want, but no matter how you attend, the commission is not paying anything.

>> COMMISSIONER LETT: All right. Thank you.

>> COMMISSIONER ORTON: Does that make sense?

>> CHAIR CLARK: That's correct.

>> MS. SARAH REINHARDT: To restate the original motion was to, as a commission, attend the national redistricting commissioner's conference virtually. And the motion to amend, which is what we will be voting on now, is for attendance to be voluntary and for in-person attendance to not be paid for by the commission.

Is that accurate? Okay. Great.

Commissioners, I would call on you in alphabetical order. Please respond with a yes or a no. I will start with Anthony Eid.

>> COMMISSIONER EID: Yes.

>> MS. SARAH REINHARDT: Brittni Kellom.

>> COMMISSIONER KELLOM: I'm sorry. Can you restate the motion?

>> MS. SARAH REINHARDT: Certainly. So this is a motion to amend the original motion. The original motion being that commissioners will attend the conference virtually. And the amendment would state that attendance at the conference is voluntary and that is commissioners wish to attend the conference in person, they can, but that it will not be paid for by the commission.

>> COMMISSIONER KELLOM: Okay. I understand. No to the amendment.

>> MS. SARAH REINHARDT: Okay. And Rhonda just texted me that she has to step away, so I'm going to brief ask if she is here, if she would like to vote.

Okay. Steve Lett.

>> COMMISSIONER LETT: Yes.

>> MS. SARAH REINHARDT: Cynthia Orton.

>> COMMISSIONER ORTON: Yes.

>> MS. SARAH REINHARDT: MC Rothhorn.

>> COMMISSIONER ROTHORN: Yes.

>> MS. SARAH REINHARDT: Rebecca Szetela.

>> VICE CHAIR SZETELA: 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: Doug Clark.

>> CHAIR CLARK: Yes.

>> MS. SARAH REINHARDT: Juanita Curry.

>> COMMISSIONER CURRY: No.

>> MS. SARAH REINHARDT: By a vote of 8 yet and 3 no, the motion carries.

>> CHAIR CLARK: The ayes carry.

>> VICE CHAIR SZETELA: That was the amend, right?

>> CHAIR CLARK: Yes. Sarah, can I get a point of clarification? There's no reason to vote on the amendment itself, is it, isn't we got the adopted approved?

>> MS. SARAH REINHARDT: So the amendment was approved. So now the commission would need to vote to approve the main motion as amended. And I'm happy to restate that motion for clarification.

>> CHAIR CLARK: Please do.

>> MS. SARAH REINHARDT: Sure. So the main motion as amended would be that the commission will attend the national redistricting commissioner's conference. That attendance is optional and commissioners may attend virtual landlord or in person, but that in-person attendance will not be paid for by the commission.

>> COMMISSIONER CURRY: May I see something?

>> CHAIR CLARK: Go ahead, Commissioner Curry.

>> COMMISSIONER CURRY: I just think that the way we're phrasing the question is really kind of one way or the other. To me, it's saying that you can't go because I'm saying you can't go, you need my permission to go, but I think if anybody wants to go, they can go. The question should be that you're just not going to pay the way.

But I would like to -- if I had to propose anything, I would like -- and I'm not particularly thinking about going. I don't even care to go. But I think the motion should be that if any of the commissioners want to go, because we have such a wonderful record and we seem to be so knowledgeable and we've got all these A pluses for such a great job done, that those that do want to go should be allowed to get paid to go. I, in particular, don't care to go, but I think that as a commissioner, they want to go, I think they ought to --

>> CHAIR CLARK: I think the motion supports that point of view.

>> COMMISSIONER CURRY: Oh, okay, great. That's good, then. I thought you all were saying that they weren't going to pay them to go.

>> CHAIR CLARK: Mr. Lett?

>> COMMISSIONER LETT: That's not correct. We voted on the amendment is that you can go any way you want to go, but you're going to pay for it, period.

>> COMMISSIONER CURRY: Right. And that's the way I understood it. That's why I said something.

>> CHAIR CLARK: Yeah.

Okay. Let's do roll call vote, Ms. Reinhardt.

>> MS. SARAH REINHARDT: Certainly, Mr. Chair. One more, the amended motion before the commissioner is that commissioners have the option to attend the national redistricting commissioner's conference virtually or in person. And that in-person attendance will not be paid for by the commission. I will call on commissioners in alphabetical order. Please express your support of the motion with a yes or a no. I will start with Brittni Kellom.

>> COMMISSIONER KELLOM: I had a question. You said in-person attendance, but the way I understood it is either way, the commission would not be paying for it, in-person or virtual.

>> EDWARD: There's no cost virtually.

>> COMMISSIONER KELLOM: Okay. No.

>> MS. SARAH REINHARDT: Rhonda Lange.

Steve Lett.

>> COMMISSIONER LETT: Yes.

>> MS. SARAH REINHARDT: Cynthia Orton.

- >> COMMISSIONER ORTON: Yes.
- >> MS. SARAH REINHARDT: MC Rothhorn.
- >> COMMISSIONER ROTHORN: Yes.
- >> MS. SARAH REINHARDT: Rebecca Szetela.
- >> VICE CHAIR SZETELA: 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: Doug Clark.
- >> CHAIR CLARK: Yes.
- >> MS. SARAH REINHARDT: Juanita Curry.
- >> COMMISSIONER CURRY: No.
- >> MS. SARAH REINHARDT: Anthony Eid.
- >> COMMISSIONER EID: Yes.
- >> MS. SARAH REINHARDT: By a vote of 8 yes to 3 no, the motion carries.
- >> CHAIR CLARK: The ayes prevail and the motion is adopted.

Next on our agenda is new business item, 6f, executive director contract extension. Without objection, I will a present this item. Hearing no objection, I will proceed.

Could we have a slide brought up on the screen, please.

Okay. We've got a modification to Edwards, the executive contractor Edward Woods employment contract and is part of the renewal.

The items changed are those in yellow. So the first item is the initial term of the contract is October 1, 2023, through September 30, 2024, or until 60 days after the MICRC goes dormant prior to September 30th, 2024, whichever occurs first.

So that's one item. I think we've discussed that timing before.

The next item is -- that's been added is paid time off. The employee shall accrue paid time off, PTO, of 1.0 business day per complete month of part-time work beginning October 1st, 2023. PTO similarly accrues during extension of the initial contract term. Accrued PTO may be used as individual or consecutive days off during the contract term. PTO may be used as vacation time, sick time, or take care of personal matters. Accrued PTO does not modify the rate of pay set forth in subsection 3.1.

And also added was on holidays, the employee shall have the state-observed holidays set forth as legal holidays, public act 124 of 1865, being MCL 435. Off with four hours of pay per holiday. This does not modify the rate of pay set forth in subsection 3.1. All state observed holiday paid time off shall be observed on the date set forth in the state law.

So those are the changes that are recommended at this point.

Do we have any comments on any of those?

Commissioner Lett.

>> COMMISSIONER LETT: Yes. I move we approve the changes as presented.

>> CHAIR CLARK: I have a motion to approve those. Do I have a second?

>> Second.

>> CHAIR CLARK: Can I have a second by Commissioner Weiss. Are there any comments?

Okay. No comments, then let's move to a vote.

Can we have another roll call vote, please, Ms. Reinhardt.

>> MS. SARAH REINHARDT: Certainly, Mr. Chair.

The motion before the commission is to approve the changes as presented. I will call on commissioners in alphabetical order. Please express your support for the motion with a yes or a no. I will start with Rhonda Lange.

>> COMMISSIONER LANGE: No.

>> MS. SARAH REINHARDT: Steve Lett.

>> COMMISSIONER LETT: Yes.

>> MS. SARAH REINHARDT: Cynthia Orton.

>> COMMISSIONER ORTON: Yes.

>> MS. SARAH REINHARDT: MC Rothhorn.

>> COMMISSIONER ROTHORN: Yes.

>> MS. SARAH REINHARDT: Rebecca Szetela.

>> VICE CHAIR SZETELA: Yes.

>> MS. SARAH REINHARDT: Janice Vallette.

>> COMMISSIONER VALLETTE: Yes.

>> MS. SARAH REINHARDT: Erin Wagner.

>> COMMISSIONER WAGNER: Yes.

>> MS. SARAH REINHARDT: Richard Weiss.

>> COMMISSIONER WEISS: Yes.

>> MS. SARAH REINHARDT: Doug Clark.

>> CHAIR CLARK: Yes.

>> MS. SARAH REINHARDT: Juanita Curry.

>> COMMISSIONER CURRY: Yes.

>> MS. SARAH REINHARDT: Anthony Eid.

>> COMMISSIONER EID: Yes.

>> MS. SARAH REINHARDT: Brittini Kellom.

>> COMMISSIONER KELLOM: Yes.

>> MS. SARAH REINHARDT: By a vote of 11 yes to 1 no, the motion carries.

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

Next on the agenda is new business agenda item 6g, meeting date change for December 2023.

Without objection, I will ask our executive director to present.

Hearing no objection, please proceed, Mr. Woods.

>> EDWARD WOODS III: Thank you, Commissioner Clark and thank you members of the commission for your vote and support.

I want to make a suggestion that we move to change the December meeting date from Thursday, December 21, to Tuesday, December 19th. Just trying to provide flexibility for holiday schedules. Schools close at different time and not sure when people want to take their vacations. As you know, it's more than just us when it comes to producing our meetings. And just want to provide some flexibility and consideration for those that help and support us, the Michigan Department of State, you know, Bethany's team and her team, our closed caption team and it's just a lot of people that support us behind the scenes and just would like to have them have that flexibility. So it's just a two-day difference.

If there's any questions, Commissioner Clark, I can take them at this time.

>> CHAIR CLARK: Are there any questions from the commissioners?

>> COMMISSIONER LETT: I move we adopt that change.

>> CHAIR CLARK: Okay. We've got a motion to adopt the change by Commissioner Lett and seconded by Commissioner Weiss.

>> EDWARD WOODS III: Excuse me, Commissioner Clark, I just want to be clear that the time will still be the same, 10:00 a.m.

>> CHAIR CLARK: Time is the same, just the day changed to two days earlier.

So we've got a motion on the table. No comments.

So let's -- and no discussion. All in favor, raise your hand and say aye.

>> Aye.

>> CHAIR CLARK: All opposed, say nay. Raise your hand and say nay, please.

(No comment)

Commissioner Szetela, what was your vote?

>> VICE CHAIR SZETELA: I said aye.

>> CHAIR CLARK: Thank you. Commissioner Lange?

>> COMMISSIONER LANGE: Aye.

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

Okay.

We've got -- we're running -- we're beginning to run out of time. So I would suggest that item 6h, which is the review of the constitution, 6a, review of the code of conduct, 6J, review the conflict of interest be tabled until next meeting.

Any discussion on that?

Do I have a motion for that?

>> COMMISSIONER LETT: So moved.

>> CHAIR CLARK: Moved by Commissioner Lett. Second by Commissioner Weiss.

Any comments?

Okay. So let's take a vote to do that. All in favor, raise your hand -- Commissioner Eid has his hand up.

>> COMMISSIONER EID: Do we have a hard stop time or can we go further if we choose? I think that some of these agenda items are important and putting them off --

>> CHAIR CLARK: I realize they're important. I think we have a problem with interpreters' time and so forth.

Ms. Reinhardt, do you have an idea on that?

>> MS. SARAH REINHARDT: Sure. Generally, our interpreters have a built in 30-minute cushion should the commission go over time, but I would confirm that with Director Woods, as well.

>> CHAIR CLARK: Confirm it with who?

>> EDWARD WOODS: I'm going to check with our ASL and if you can share whether or not there is time. Because I know we blocked out 10:00 to 12:00. There is a 30-minute cushion, but not sure what other opportunities you may have booked. So I will defer to either Sarah or Bethany James, whoever is representing the regional group to speak.

>> COMMISSIONER EID: I would suspect that this discussion for the items left on the agenda -- there's quite a few items. I think it will take longer than 30 minutes, so --

>> CHAIR CLARK: Yeah. I do, too. And I know I'm short on time. I have another 30 minutes max, but that's it.

>> Sarah: I have 30 minutes, personally, that I can give you. So as far as Bethany, I'm not sure if she's there or the other interpreter is there, but I can do that if you guys really needed me to. That's fine.

>> CHAIR CLARK: Commissioner Lett, do you have a comment?

>> COMMISSIONER LETT: Yeah. I make my plans based upon what our set time is. At noon, I am leaving. So I won't be here, so I guess my motion would be we table all the remaining items until the next meeting.

>> CHAIR CLARK: Okay.

>> Second.

>> CHAIR CLARK: Any other comments?

We do have a motion on the table.

>> EDWARD: Commissioner Curry provided a second.

>> VICE CHAIR SZETELA: Can we vote?

>> CHAIR CLARK: Yeah. We're going to vote on this. Yeah.

So all in favor of tabling --

>> MS. SARAH REINHARDT: Oh, Mr. Chair?

>> CHAIR CLARK: Yes?

>> MS. SARAH REINHARDT: I apologize. I want to clarify the motion with Commissioner Lett. Was the motion to table all the remaining items on the agenda until the next meeting or just only the items remaining under new business?

>> COMMISSIONER LETT: I said all of the remaining items because we are at noon now.

>> CHAIR CLARK: Yeah.

>> MS. SARAH REINHARDT: Got it. Thank you.

>> CHAIR CLARK: I'm sorry. I didn't hear what your comment was, Commissioner Lett.

>> COMMISSIONER LETT: I move to table all of the remaining items because we are at noon now.

>> CHAIR CLARK: Okay. Understood.

All right. So that's the motion that's on the table. Let's take a vote. All in favor, raise your hand and say aye.

>> Aye.

>> Aye.

>> Aye.

>> CHAIR CLARK: All opposed, raise your hand and say nay.

(No comment)

The ayes prevail and the motion is adopted. So we will go to the one last item, which is the adjournment item.

Do I have a motion to adjourn?

>> COMMISSIONER LETT: So moved.

>> CHAIR CLARK: Second?

>> Second.

>> Second.

>> CHAIR CLARK: I'm sorry, I didn't see who seconded it.

Okay. Commissioner Rothhorn seconded. So we've got a motion by Commissioner Lett to adjourn and seconded by Commissioner Rothhorn. All in favor, raise your hand and say aye.

>> Aye.

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>> Aye.

>> CHAIR CLARK: All opposed, raise your hand and say nay.

Okay. The meeting is adjourned at exactly noon.

Thank you.

>> COMMISSIONER ORTON: Bye.

>> COMMISSIONER CURRY: Bye.

(Meeting concluded at 12:00 p.m. ET)

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