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ICRC

01/28/21 Meeting

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>> Steve: Good afternoon ladies and gentlemen and all of the people who are watching on YouTube or any other place.

As chairman of the Commission I call this meeting of the Michigan Independent Citizens Redistricting Commission to order.

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Members of the media who may have questions before, during or after the meeting should direct those questions to Anita Kiersnowski, Press Secretary, Department of State. Members of the media should have her contact information.

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

Sally, would you kindly call the roll for us?

>> Sally: Good afternoon.

Commissioners when I call your name if you could say present and indicate where you are attending this meeting remotely from that would be great.

Doug Clark.

>> Present I'm located in Rochester hills, Michigan.

>> Sally: Juanita Curry.

>> Present and I'm located in Detroit, Michigan.

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- >> Sally: Anthony Eid.
- >> Present Oakland county, Michigan.
- >> Sally: Brittini Kellom.
- >> Present, Wayne County, Michigan.
- >> Sally: Rhonda Lange.
- >> Present, Reed City, Michigan.
- >> Steven Lett.
- >> Present and I'm in Lee county, Florida.
- >> Cynthia Orton.
- >> Present I'm attending remotely from Battle Creek, Michigan.
- >> MC Rothhorn.
- >> Present, Lansing, Michigan.
- >> Sally: Rebecca Szetela.
- >> Present, Canton, Michigan.
- >> Janice Vallette.
- >> Present Highland, Michigan.
- >> Erin Wagner.
- >> Present attending remotely from Charlotte, Michigan.
- >> Richard Weiss.
- >> Present and attending from Saginaw, Michigan.
- >> Dustin Witjes.
- >> Present and attending from Ann Arbor Michigan.
- >> All Commissioners are present.
- >> Having everyone here that means we have a quorum present today and we can conduct business.

The agenda was provided to us as well as online.

Are there any corrections, additions, deletions or new business which anyone would like to bring to the attention of the Commission?

Seeing none I would accept a motion to adopt the agenda as presented.

Erin Wagner has moved and Juanita has seconded the motion.

All in favor of the agenda as presented please raise your hand.

[Hands raised]

It is adopted.

The minutes of the last meeting from January 21st, 2021 were provided prior to the meeting and posted on the Internet also.

Does anyone have any additions or corrections to be made to the minutes?

Doug.

>> Doug: Yeah, on page three you reference me putting a motion forth but you reference me as Sarah Clark and it should be Commissioner Clark and same comment on page four.

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>> We didn't tell you, you had been elevated?

>> Doug: No, do I get a pay raise?

>> Steve: No.

They had you correct in one place and incorrect in the other.

>> Doug: Correct, yeah.

>> Steve: All right with those changes which I would suggest that the for your records everybody on the Commission simply make a pen and ink change on those and we will correct them for the record.

Any other changes?

Corrections?

Not seeing any hands, I accept a motion to accept the minutes as presented as amended.

Erin a motion.

Second?

Richard.

All in favor of accepting the minutes as corrected raise your hand.

[Hands raised]

Any opposed raise your hand.

They are accepted.

Public comment, Sally, do we have public comment?

>> Sally: None today.

>> Steve: Okay, at this point for anyone watching out in the Ether, we would have public comment and I would just go through how that works so that in the future you are watching and want to make public comment you will have some idea how that works. Because this is a virtual meeting members of the public have to sign up in advance to address the Commission.

Staff at the Department of State will unmute each member of the public for up to two minutes on a first come first serve basis.

This means members of the public will be called on in the order in which they signed up to address the Commission.

To those members of the public who would participate in the future in public comment please note that you will have no more than two minutes to address the Commission. After everybody has an opportunity to make their address to the Commission that will conclude the public comment and assumes we have space available for all that would sign up.

If you would like to give your thoughts to the Commission or participate in upcoming sessions you can e-mail our office at redistricting@Michigan.gov and we will provide your written thoughts to the Commission.

Public comment sign up links are also posted on redistricting social media pages on Facebook and Twitter @redistricting MI.

The correspondence we have received since our last meeting I have -- we received I believe four five.

Sue?

>> Sue: On the agenda, the correspondence that we received is from a woman named Moon Dutchen if I'm pronouncing her last name correctly. She is with Tufts University and she is offering services to us. When I received this letter last Friday, I did reach out to her and let her know that if she was interested in providing mapping services, that the RFP was available and where she could obtain that RFP.

I'm not sure that that's the level of services she wants to provide.

I think she has some other things that she thinks could strengthen the work of the Commission.

>> Steve: Well, we can always send her one and she can figure it out from there. I note we have a submission from a Tom Gravelle and Rachel Neil making some comments regarding the work we are doing. And Mr. Gravelle specifically talks about the deadline, et cetera, which, Mr. Gravelle, I would assure, you we are eminently aware of those timelines and share your concern quite frankly. The other end on how the mapping will work, et cetera, we will take it all in consideration as required by the amendment of the Constitution. Executive director report, Sue.

>> Sue: Good afternoon, everyone. Thanks to the Commissioners for graciously accepting all the work that has been coming your way. There has been a lot to review prior to our meeting, so thank you so much for your efforts.

I've provided for your review drafts of a working budget, a proposal regular meeting calendar and a timeline to get us to a fair, nonpartisan redistricting maps. I want to thank Cathleen Simlar, I hope I'm pronouncing her name correctly, from the Michigan Department of State. She also records our minutes but she made my spreadsheets look really nice on the calendar so thanks to Cathleen for doing that for us. She has got that graphics design software. You've received a draft RFP of Commissions voting rights act legal counsel consultant. So many thanks to Chad Basset, again, from the Department of State, for his assistance for the technical aspects of the RFP and to our great review team, Sally Marsh, Sarah Reinhardt and Mike Brady from MDOS. And Julianne, the Commission's legal counsel for drafts, edits, and meetings to assure that we are bringing you a good RFP to support your work. And Julianne also did an excellent job drafting your rules of procedure that are on the agenda and thanks to Sally, Sarah, and Mike from MDOS for helping to review and edit the draft.

Our collaborative efforts are bringing you a comprehensive document for your review and for any edits that you would so desire, except as Julianne will mention those that the constitutional requires but, how you together is in large your decision.

I was interviewed today for the State side program of Michigan NPR and the Lansing State Journal and really happy we will have Edward Woods on Monday officially on staff as the communication and outreach director and he can start fielding some of these things, but we've had several conversations and he is ready to hit the ground running on Monday.

Our quick ice breaker for today: If you could travel anywhere, where would you go? Of course, it will be a short vacation because our meetings come pretty quickly together. But if you could travel anywhere, where would you go?

I will just call on you, Richard.

>> Richard: I guess I'm not 100% sure, but I think I would go to Hawaii where it's warm.

>> Sue: Okay, Dustin.

>> Dustin: New Zealand.

>> Sue: How about MC?

>> MC: Yeah, New Zealand.

>> Sue: Doug, how about you.

>> Doug: Huntington Beach, California.

>> Sue: Erin?

>> Erin: I would like to see Israel and Australia.

>> Sue: Probably not in the same trip though.

>> Erin: I hope not.

>> Sue: Okay, Janice.

>> Janice: The Grand Canyon. I had a tripped planned and COVID came so it got cancelled.

>> Sue: It's a beautiful place.

Juanita?

Turn your microphone on, please.

>> Juanita: I would like to probably go to Orlando, Florida and visit my family.

>> Sue: Nice.

Steve, how about you.

>> Steve: Well, I would like to go to someplace in Europe, but that's kind of out of the question.

I think probably Iceland now.

>> Sue: Okay, Rhonda, how about you?

>> Rhonda: Honestly, I can't think of anywhere. I've pretty much have been to every place I've wanted to go to so far, so I can't think of any place where I would really want to go.

>> Sue: I'm happy you don't have a bucket list like the rest of us.

Cynthia, how about you.

>> Cynthia: I have wanted to go to England for several years so I would want to go there.

>> Sue: Okay, Anthony.

>> Anthony: I would go to Bali.

>> Sue: Nice. Rebecca.

>> Rebecca: Tahiti.

>> Sue: And, Brittini.

>> Brittini: Not going to just name two, Johannesburg or Jamaica.

>> Sue: Okay and Julianne let's let you in on this.

>> Julianne: My answer is a bit out there.

Since it's a wish, I would like to go to the moon to be able to see the earth.

I think the pictures from space are fascinating and I would love to experience that, but it's highly unlikely in this lifetime.

>> Sue: Okay, and I would like to go to Ireland because, well, with my husband because both of us have Irish roots and it would just be nice to be able to go there and visit some of the places that our families came from.

So thank you very much.

That's my report.

And I welcome any questions that you might have.

Steve, any questions for Sue?

>> MC: I'm sorry, Steve.

>> Steve: Go ahead.

I wanted to acknowledge Sue you are helping us know collaboration and team members helping with the reports I really appreciate that.

Thank you.

>> Steve we would like to thank them and probably don't thank them enough but we would try to call the roll from the first meeting.

Julianne you need to get ahold with Richard brand son.

>> Maybe after the Commission that can be arranged and I will be talking a lot later on in your meeting today not only about the RFP before you but the draft rules and we will work through those together so my report would be that going forward I will be starting with the conflicts of interest policy and your FOIA and working with Edward on the communication policy.

>> Steve: Thank you.

Any questions for Julianne?

Erin, Erin and Juanita.

>> I want to thank Julianne for getting me the paperwork and everything and did a wonderful job bringing it to me and want to say thank you again.

>> Steve: Erin.

>> Erin: I did not know this is addressed to Julianne or Sue but wondering one of those is a 46 page proposal and the other one is what, 19 is there a way we can get those printed out and sent to everyone as opposed to all of us printing it out ourselves or is that not an option?

>> Steve: I guess that is an option.

Is the concern the paper?

The printer?

The ink?

What is the concern?

Let me ask it this way, are you able to print it out now?

>> Possibly I just thought that was an awful lot of paper and an awful lot of ink and it would be an expensive printing job.

>> Steve: I would suggest that we are all in the same boat.

Get your paper, get your ink your toner whatever it is you need and submit an expense report through Kelly and we will pay for it.

Juanita?

You have to take yourself off of mute.

>> Juanita: Can we buy printers so we can do that?

And submit it to Kelly?

>> Steve: That's a good question.

Let's to this: I think that is a question we need to address and that is a little past the supply stage.

>> Juanita: Okay.

>> Steve: Let's put that -- Sue if you would make a note or that for an agenda item next time around and it will give us a little thought and process to that.

But on supplies, since we are all having to work from home, we normally would be in an office where supplies would be provided, so submit them through the expense report and if you have any issues with the expense report once you do it once it's not too bad.

Doing it the first time is horrible.

But Sue can help you.

Any others?

Sue go ahead.

>> Sue: Yes, I will be happy to help and recognizing there are -- I mean I'm going through a printer cartridge a week pretty much with all the different edits and versions and I apologize to the Commission up front I have to hold things in my hand and read them to proofread them and to make edits and not having a State computer kind of limits us too.

But in order to mail things to you, you are never going to get them in a timely manner unfortunately we are moving at such warp speed you wouldn't get them in time for the

meeting so it really is best if you print yourself and again that reimbursement I'm happy to help anybody with getting that done.

It did go right through the area where you enter your hours each week and there is an expense bar right at the top and that's what you utilize.

So if you need assistance, please don't hesitate.

>> Steve: Okay anybody else got anything along those lines?

All right Department of State updates, Sally, are you bringing that to us?

>> Sally: Hi Commissioners I will be very brief.

I just wanted to let you know that the first round of computers are being delivered tomorrow to a few folks and I expect they will continue throughout the next week and several weeks.

So there is light at the end of the tunnel.

Your State computers will be here, you know, sooner rather than later.

And there are, you know, as with everything else lots of folks working behind the scenes to try to get through the back logs and supply delays and get you all what you need.

So if you do run in to any issues of course you can contact me.

You can also contact Sue.

We will figure out how to help you solve for anything that might come up in the sort of delivery of those computers.

So that's all I've got.

>> Steve: Thank you.

Before I move on too far besides Juanita, is there anyone else who would need a printer that doesn't have one that is working?

Raise your hand.

Okay, all right, I've got some ideas on that, Sue, if you would, I will give you a call.

>> Dustin: I have a question.

For the expense reports are we sending receipts as well?

Or is it just on our honor kind of a thing?

>> Steve: No.

It's a receipt basis.

You take a scan of it and you attach it to the form.

>> So like it's like a picture or a PDF.

>> Steve: PDF, yes.

>> Dustin: Got it.

>> Steve: Okay all right continuing on 2021 regular meeting calendar.

And I assume Sue is going to help us with this.

>> Sue: I'll be happy to.

This is what you had talked about at the last meeting, so I'm bringing it forward on our -- that we would meet every Thursday of the month.

This would be our regular meeting.

And as we get busier we will add meetings for sure.

But for right now this would be our published schedule and then again we can amend it at any time.

For example we had to say all meetings will be held virtually via Zoom and we will do that until we get to a point where we can meet in person or if we get to that point.

So I bring this forward for your comments.

Again, it's like even Thursdays our morning meetings and odd ones are afternoon meetings.

This is all the way through the end of the year so you have a sense of when the Commission plans to meet.

So thoughts?

Comments?

>> Steve: Doug.

>> Doug: Yeah, I'm looking at November.

We have an asterisk by a couple of dates.

What does the asterisk represent?

>> Sue: Those are actually Tuesday meetings because in November the Thursday meeting would fall the first one would fall on November the 11th or the second week and that is Veterans Day which is a holiday I would assume for Department of State folks then in November the 25th, that Thursday is Thanksgiving and I thought maybe you wouldn't want to hang out with us, you would want to be with your family if that was possible.

>> Doug: Okay thank you.

>> Steve: I think last year Doug invited us all to his house for turkey dinner.

>> Doug: I did, yeah, you are welcome to come this year too.

>> Steve: Cynthia.

>> Cynthia: This is just a little thing and it does not matter to me but because of the fifth Thursday, fifth week, Thursday then it kind of messes it up after that so that it's not really odd being at 9:00 a.m. and even being at 1:00 p.m.

Some of the months are different than that.

Where the first Thursday is in the afternoon instead of the morning.

I don't know if that matters to people.

If it's a little hard to put on Google calendar that way but whatever.

>> Steve: Well, I guess we would -- we are considering week one odd and week two even instead of like July 29th being odd or even.

I think what we passed last time was it would be even odd weeks would be the afternoon and even weeks in the morning.

I think we need to continue with that.

I think Cynthia, you are right, it's a good catch when you have a five-week month.

We just need to go back and make that correction, Sue and sent us out a new one.

>> Sue: I use odd days and even days.

MC wants to speak.

>> MC: I was going to say the odd days and even days might be useful for the public to remember when we are doing it in addition to us and I put it in Google calendars and put it in every week and shifted it once it was in there 9-11 the same three-hour block and shifted it.

It was not perfect but I hear what you are saying and I'm thinking it's better to leave it the way it is because the public because it's even and odd dates.

>> Okay I guess I was thinking even and odd weeks.

>> Steve: That is what we passed was even and odd weeks.

>> MC: Okay.

>> Steve: If we want to change it we can do it now.

We could move to accept this calendar as it sets.

Sue?

>> Sue: I just got a note that it was even and odd days, so I mean it's your calendar. You can do whatever you wish with it.

>> Steve: What is the pleasure of the group.

>> Cynthia: I don't have a preference I was thinking the other way.

It's a little confusing.

It depends what people like.

>> Steve: I was thinking we did even and odd weeks but if we did even and odd days.

>> Dustin: I have a suggestion.

>> Steve: I'm hoping it's a good one.

>> Dustin: I was going to say why not change the language to be every other week?

And then it would just keep going and going and going and going.

>> Steve: You making that as a motion?

>> Sure.

>> And that is an issue.

>> Steve: That is seconded and the weeks will start on February fourth the first meeting.

That is on this calendar.

>> Yep.

>> Steve: So the motion is we will go every other week.

So February fourth would be a 9-12 and the next week February 11th week would be 1-4 and every other week thereafter.

It's been motioned and seconded.

Is there any further discussion?

Seeing none all in favor of the motion raise your hand.

[Hands raised]

Any opposed the same sign.

Okay, we will get a new calendar out post case.

I'm assuming there needs to be some changes.

Voting rights act legal counsel RFP are we to that or does somebody got a question?

>> Sally: Sorry Mr. Chair I just wanted to clarify for the record who was the second on that motion?

Cynthia, okay.

Thank you.

>> Steve: Okay, Julianne your usually concise RFP was delivered by UPS truck.

Just kidding.

I did go through it.

It's obviously based on what we've seen before with the necessary changes but please take us through it.

>> Julianne: Thank you so much Mr. Chair.

As Sue indicated this was definitely another example of fine team effort between your staff MDOS staff, the procurement experts.

So I would like to present just briefly and then we can respond to questions as the Commissioners have them.

The contract is for legal and advisory services related specifically to the voting right act and applicable State or Federal laws regarding the redistricting process.

So the -- this individual or this firm would be able to as you're creating your maps or creating different versions of maps or interacting with your data would be able to assist you in that process.

I'd like to highlight the vendor questions work sheet which starts on page ten, those are the questions to the bidder on their background and experience.

Those include questions focused on the experience over the last 20 years specific redistricting experience is what we put forward as the recommendation to the Commission.

And, again, that will be able to help through the redistricting process and when issues of equal protection and race come up.

The way that it's structured is that the VRA Council would provide information on a racially polarized voting consultant whether they currently have someone with that expertise on their staff if they would subcontract so that is a question as part of the RFP. Schedule A which is the Statement of work starts on page 16 and that sets forth the particularized contract activities and the contract goes through March of 2022 and much of that language, all of that language will track the vendor collection work sheet.

It will just expand with more details of what the contract duties and responsibilities will be. And I hope that was concise enough.

I'm available for questions and I know the rest of the team is as well.

>> Steve: Anybody have any questions?

>> Julianne: And Mr. Chair I did forget to note that on the RFP timeline the issue date

would of course be a date after adoption but the way that it's proposed on this draft is that the questions would come February 3rd, the Commission has a meeting on February 4th and then the answers would be posted on the 5th.

So it would we are sensitive to have that Commission meeting in between the questions and the answers.

That was a question last time.

So I wanted to make sure that I addressed it in my verbal remarks.

>> Steve: Sure Doug, did I see your hand up?

>> Doug: I have a number of questions.

The way when I read in the way I understood it Julianne was that we are going to hire another attorney or another attorney firm and their focus is going to be on making sure that everything that we do conforms with the voting rights act.

And then.

>> Julianne: Yes.

>> Doug: And the firm will provide as a consultant unless they have somebody on hand an individual to do the racially polarized voting analysis.

Is that true?

>> Julianne: Yes, that's correct.

>> Doug: Okay, so we are talking two more a minimum of two more people and if a firm is involved rather than an individual as an attorney, then we are talking multiple people on the legal firm side because I'm sure they spread their work out among law clerks and so forth.

Do you -- because this is an attorney, do you see this person reporting to you?

>> Julianne: Thank you, Doug, yes.

What my role would be would be to coordinate the services so during Commission meetings when you are actively working and engaging the consultant, I think that would be different than when the Commissions is not working.

Yes, I would coordinate the work and report back to the Commission.

I would be the program manager for this contract.

And fold in this work in to the other work that the Commission will be doing.

>> Doug: Okay, but we would have access to these people as we do our work?

>> Julianne: Yes.

>> Doug: Direct access, not through you.

I mean.

>> Steve: Per terms of the contract we can have them at any meeting we request.

>> Julianne: And in my hesitation I apologize Doug my hesitation is that for I guess I'm distinguishing it between open meetings and engaging and not open meetings. Certainly the Commission will engage but as far as coordination of work and making sure that all Commissioners have the information available as to what your options are and what you are looking at and how it relates to the voting rights act, that would be --

that would best be coordinated through me if it's not happening at an open meeting. I think that is the way it's structured.

>> Doug: I just want to get an idea how it's structured so I understand.

Okay if I go down to the key deliverables, okay, I had some confusion in my mind on what the actual deliverables were for the first one.

Other than providing their expertise, what is the deliverable on a contract?

>> Julianne: The three deliverables, the three identified deliverables is the expertise and experience is the racially polarized voting aspect and then the key personnel. Because again the focus of the contract is on experience and past work, hopefully through at least two redistricting cycles or at least one, the 20-10 and if they have more hopefully they will share that so those would be the three key deliverables.

>> Doug: So the deliverable is an individual or individuals that have experience and expertise in these areas.

>> Julianne: Yes.

>> Doug: Okay, I understand deliverable one.

Deliverable two, racially polarized voting analysis analyst or consultant.

Can you be a little more specific on what you see this individual doing?

>> Julianne: Thank you and we are on page 19 of the proposed RFP.

Key deliverable to for racially polarized voting that ties into the community of interest would be one aspect of that data set.

And of that examination whether there is disenfranchised voting population that need to be held together or that might be disproportionately affected by one or more of the proposals or criteria as implemented.

>> Doug: Okay, so you see that individual as identifying or helping us identify communities of interest.

>> Julianne: Yes.

>> Doug: And applying them to the redistricting.

>> Julianne: Yes.

>> Doug: Okay, I mean that is how I would envision it as well or had envisioned it.

This may be a knit but the term racially polarized voting, I don't see it as racially.

I see it more of as a community of interest polarized voting.

Because there is other things rather than race that's involved in identifying these communities of interest and can I get your comments on that?

I know that is the common term used.

>> Julianne: And I definitely acknowledge your comment in the observation.

So the -- it's both.

So.

>> Doug: Yeah.

Julianne: And as the Commission starts to work through those and identified, I don't think it's restricted to one or the other because again communities of interest can be all

sorts of different groups.

>> Doug: Sure could be any of those.

>> Julianne: Correct and under the voting rights act language I mean, there is quite a few different variables.

But the most important part about the racially polarized voting analyst again, they are working to ensure that the maps are in compliance with the voting rights act.

>> Doug: Correct.

>> Julianne: That is why we are recommending the two pieces the RV P consultant be as a team through this one RFP.

>> Doug: Oh, yeah, I understand that.

My comment was directed to the comment racially.

I think it's more than that.

>> Steve: Let me suggest that racially historically has been African/Americans.

>> Doug: Correct.

Steve: That is where the litigation has fallen.

I think in Michigan especially in Michigan racially is a broader term now with the substantial Arabic community we have along with others in the UP on the west coast, around Grand Rapids and eventually in Detroit.

So I don't think that we need to restrict our definition of racially to African/Americans but can certainly expand it and would need to expand it to other racially identifiable groups as we go out and find communities of interest.

>> Doug: Yeah, I would agree but I'm looking at it from a more broad standpoint.

I mean from a polarized voting standpoint you also have economic impacts, religious impacts, and there may be others.

I'm not really up to date on polarized voting.

But it's more than race in my mind.

>> Julianne: It is.

And I agree.

And it's commonly recognized as more than race and it encompass more than race.

That is just the term that's used, the racially polarized voting.

And I noticed Sally turned her camera on so she would love to help me address this issue.

>> Sally: Yeah, so I thought I would just you know offer a bit of additional context.

A couple of pieces.

One is that, you know, the voting rights act does apply to groups beyond African/Americans.

It's ensuring equal representation and you know has specific protections for minority groups, not just simply one for many.

Racially polarized voting, that term is a commonly used, widely known term.

So for the purposes of you all putting out this RFP you want to be using the terms that

people can recognize and understand what it is, what the kind of expertise is that you're seeking.

and all of this expertise that is being sought in this particular RFP is really focused on the first of all of the criteria to your point, Doug, that you all will have to analyze, right? This is sort of compliance with Federal law and the voting rights act all of this for making sure that Julianne has the tools she has to advise you on that piece.

And then as you mentioned there are so many other pieces that you all have to take in to consideration and that the Constitution calls on you to.

So I wanted to provide that context that really this RFP is focused around certain requirements that you have but that doesn't limit you and certainly doesn't limit you to all of the other pieces that you all will have to factor in so I don't know if that is helpful but wanted to add it in.

>> Doug: When we had the consultant from California talk to us in late October that is the term he used.

You know, so I thought it was a commonly used term.

But I looked at it a little different.

Okay, I'm okay with that.

And then my last question is on key deliverable three.

I don't -- I didn't really understand what that deliverable is.

I mean, we are getting resources out of the law firm.

We are getting consultant on racially polarized voting.

Hired through that law firm or that attorney.

What is 1.3 give us.

>> Julianne: We actually discussed taking that out of the key deliverables and moving it under a different part of the contract.

But the more that we discussed it really the key personnel especially when they are talking about the motivations behind the contract and how they would approach certain parts of it identifying the key personnel, who would be working on the contract, how that aligns with the fee schedule, because a large part of my managing the contract will also be managing the contract budget.

As it goes forward with the work.

So we elected to keep it as key deliverable three.

But that's kind of to get the bidder's response and their direction that they would be going on as far as who would be assigned to us and it ties in to if they are changing the key personnel mid contract.

We have to have the starting point from who are the key personnel they promised and who are the key personnel that were being offered or that are assigned after or if they were the successful bidder.

>> Doug: Okay, all right, that's the end of my questions.

>> Okay any others?

Anthony.

>> Anthony: Yes, I'm just wondering if there is an estimate on what we can expect for the expenses that this firm is going to bill?

>> Steve: The old saying Anthony if you have to ask you can't afford it.

>> Anthony: That is why I'm asking so we can avoid that scenario.

>> Steve: Julianne.

>> Julianne: I'm going to defer for Sue, to Sue for the budget question.

>> Sue: Next up on the agenda is budget so we will talk about that a little bit.

This consultant and the mapping consultant we will add a significant amount to our budget and may be a third of the budget of our expenses or more.

>> Anthony: Typically Julianne typically they bill hourly I would assume.

>> Julianne: That would be my expectation, that it would be a fee schedule that is submitted.

They have other options to present their either fixed fee or a different fee schedule but that's what I believe would be the what we should expect.

>> Steve: Typically Anthony, you will see if they come back and hourly probably is what we will see.

And if it's a firm you will see senior attorneys, associates, secretarial, law clerks et cetera and they will be broken down into how much they charge per hour.

And they will also typically say they will attempt at least to push down the work to the lowest common denominator that can do the work.

So you don't have the senior attorney that is getting \$400 an hour typing letters to us.

So that is the kind of thing that Julianne will be watching if they are doing their billing.

Of course the other would be hey we will do this for, you know, 500,000.

Send us a check.

We probably aren't going to do that though.

Any other questions?

Does that answer your question Anthony?

I'm being somewhat flippant.

>> Anthony: It does and parts of the cost is something we are going to consider when we discuss, you know, who gets this RFP so we should keep it in mind and the people bidding on the RFP keep in mind as well.

>> Steve: Sure, Juanita?

>> Juanita: So I would assume that this would have nothing in the middle or at the beginning of how well they do.

We are assuming that they are adequate, right?

We won't have to stop and get someone else to take over or anything like that, will we?

Julianne I guess I'm asking you.

>> Julianne: No, I'm happy to answer that question.

It's an excellent question that is why we have the mandatory minimum at the beginning

of the bidding proposal.

That's why we are focused so much on experience and who have you worked with, what did you do, what was your experience to really make sure that they have -- that you are choosing between highly qualified bidders when you do your proposal analysis. And certainly the proposal cost and all of those things will factor in to that as well.

>> Juanita: Okay thank you.

>> Steve: Doug and then MC.

>> Doug: Yeah Julianne, I have a question for you.

When you worked on the redistricting of Detroit, when they redid those districts a number of years ago, did you have a voting rights attorney? And racially polarized voting analyst or consultant?

>> Julianne: So what is interesting is that those were nonpartisan districts.

First of all the scale was very different.

The scale was different, the districts were different.

So we were dividing it by nonpartisan districts.

So we had and we weren't changing any of the voting.

The voting rights act especially the preclearance or any of those procedures we did not have to deal with any of those thoughts.

And Michigan still has two townships that are at play.

So I would distinguish the and I'm sorry if I'm not being concise.

Let me start over.

I would distinguish the scale of this project to be very different from the experience in Detroit.

I think the distinction between the partisan and nonpartisan aspect is very distinctive as well.

And that the scope of what the Commission is doing.

I hope that's responsive.

>> Doug: Okay did you use consultants like this?

>> Julianne: No.

>> Doug: No not at all, okay, that is what I wanted to get a sense of what your experience was with them.

>> Julianne: We did not use consultants.

>> Doug: Okay, thank you.

>> Steve: MC.

>> MC: That was actually what I was going to ask but I have a very small thing.

I think it's just a typo that you may have already caught already.

It's on page 18.

It's the first sentence in the first paragraph after number 7 in compliance I think it's just double in.

And then I wanted to say thank you for sending the team that sent out the links.

There were two hyperlinks to the polarized voting and some of the voting redistricting training that we got in our first two days, it was really helpful for me really appreciate that and yeah and in particular I wanted to acknowledge that I feel like this is we are going to be asking questions that lead to fair decisions and don't have to have the expertise and I think if I remember correctly we suggested it was suggested we might actually be reviewing about four hours for each of these RFPs is that roughly what each Commission can expect to do with regard to trying to do due diligence in reviewing these RFPs once they come in?

>> Julianne: I believe that was the estimate, that the procurement expert at MDOS indicated, yes.

>> MC: Thank you.

>> Julianne: Uh-huh.

>> Steve: Sue.

>> Sue: Chad also though said we could create a small team with MDOS to do an initial review of these and then bring to the Commission the top two or three contracts because Chad has the expertise in reading these RFPs and is more than willing to help us for which we are very grateful.

The secretary of staff team would also help.

So if we could do that and bring a recommendation to the Commission, and then the Commission could interview those top firms, that would significantly stream line the process.

Otherwise it's going to take some extra weeks to do this.

>> Steve: Okay, we will get to that once we finish this RFP review.

Doug.

>> Doug: I was going to comment on what Sue just said.

Would it on every review committee would it be possible to have a few of the Commissioners as part of that?

>> Steve: I believe that is what she is saying, we would have a subcommittee.

>> Doug: Okay I was thinking she was talking about the people who put it together who would review it.

>> Steve: I think she was saying that they would be part of the review committee.

>> Doug: Okay, great, great.

>> Sue: I think if we create a subcommittee then we are subject to open meetings act and, again, that will I think it will slow our process.

>> Doug: Yeah.

>> Sue: It's an open meetings act question and we will use our expert there but I think that is what happens so then it's public notification.

>> Doug: The variables here.

>> Sue: Yeah.

>> Steve: We will have Julianne give us an opinion on that subcommittee.

>> Doug: Okay sounds good.

>> Steve: Okay anybody else?

Rebecca, I thought you were waving your hand or are you just waving at me?

>> Steve: Anybody else?

The only comment Julianne and I had somewhere in here I would like to see us put in there that whatever attorney is going to be working on this would provide his name, his P number and a certificate of good standing.

For all the attorneys that will be working on the case.

Standard operating procedures on these RFP for attorneys.

I know you have good standing.

I looked you up.

All right, so other than the typo correction and my wanting to have the P number and certificate in good standing, are there any changes that we want to make to this RFP? Which both of those are simply editorial, Sue.

>> Sue: I think there is already a provision in the RFP for good standing we will double check it but I think it's already there.

>> Steve: Okay, then if there are no more if there is no more discussion I would entertain a motion to accept the RFP as proposed with the minor corrections that have been Stated.

Dustin moves.

Second, please?

Juanita seconds.

All in favor of the motion raise your hand.

[Hands raised]

All opposed the same sign.

It passes so the RFP will go out post case.

>> Julianne: Mr. Chair just to clarify the corrections that I have listed as the duplication of text that MC noted on page 18 and to add P number and provision of the certificates where we require them to be in good standing.

>> Steve: And Sue thinks that is already in there.

I personally didn't see it but if that is it's good enough for me.

>> Julianne: We have good standing but we can certainly expand upon it in that manner.

>> Steve: Okay, let's talk about the committee for review.

I think that that's an excellent idea.

That is what we have used for everything, everybody we have hired so far.

And we have also done those reviews with the subcommittee and public we have done those by Zoom.

I know Doug were you on both of those committees?

>> Doug: I was only on the general counsel committee.

>> Steve: Okay, and Janice were you on the other one?

>> Janice: I was on the communication and outreach with Juanita and Cynthia.

>> Steve: Okay, and those worked okay as far as you were concerned?

>> Janice: Yeah.

>> Julianne: And, Mr. Chair, I think the distinction would be because it would have to be part of an open meeting.

So if it would go more like the examples you have just elicited from you committee Doug's committee and communication and outreach director. I believe Sue handled the pre-interview process and some of that background work, so I think that is what the Commission is trying to and I don't know if Sue had anything she wanted to add to that as far as the committee for the RFPs.

>> Steve: Sue, go ahead.

>> Sue: So first of all there is technical aspects of these RFPs, so there are people who read these pretty much every day of the week who are willing to assist us.

So we would at least get through the initial grading and the technical aspects of the process if that would be helpful to the Commission.

Chad-Basset from MDOS says it requires 4-6 hours per RFP to review it adequately.

So if we do this in open meetings act we are adding a lot of meetings and a lot of hours and a lot of expense to get to a point where we would determine which of these consultants may be the best for the Commission to review.

So all I'm saying is we can assist with that if you like, and if you want to do this in an open meetings process with 4-6 hour meetings for each proposal received, then it's going to take a lot of time.

And it may take, you know, we may be a month later than what we planned.

That's just all I'm saying.

>> Steve: Cynthia.

>> Cynthia: I think we should take advantage of the experts that are offering their assistance.

But I'm wondering how many Commissioners like one or two could be on a committee with them that wouldn't require the open meeting for review?

>> Steve: Rhonda.

>> Rhonda: I'm just curious when you're talking about meetings taking 4-6 hours, could these RFPs not be reviewed prior to an open meeting like we did with the resumes?

>> Steve: I think that is what Sue is talking about with using Chad and whoever else to kind of do a prescreening and then bring to if we have a committee bring to the committee here is who we think and that committee would then review those and bring them to the full Commission.

Is that what I take that you were saying, Sue?

>> Sue: I think what I was saying was in Sally and Mike, they have a lot more experience in this, but I think it would be like when I came to you with the recommendations for the communications position and I said I believe these are the top people and you can agree or disagree with me.

You can have all I mean we will sent you out all the RFPs except for confidential information in there that would have to be blacked out.

Just like with the resume when you take out addresses.

They do have an opportunity to say we want this information to be confidential, so our competitors don't have all our pricing, et cetera.

So it would require a fair amount of redacting.

Maybe you know, and I have no idea how many of these we will receive.

Maybe it will be two and maybe it will be 22.

And maybe ten of the 22 won't even meet the basic criteria, so they could be evaluated and screened out.

So I'm just offering the expertise of people who do this on a regular basis to help us.

And if that helps the Commission, so you don't have to have so many meetings and so many hours invested, I think we can get to our end game which was we were hoping to have somebody in place about a month from now.

Around March 1st on this mapping RFP and it would be a week or so later for the VRA legal counsel RFP.

So again it's your choice and if Sally or Mike want to jump in here and further clarify that would be helpful.

>> Steve: Sally, let me get to Juanita then I will get back to you.

Juanita take yourself off of mute.

>> Juanita: I was just going to say that I thought that was a good idea for Sue to examine these people first because I have no clue what I would be doing.

So I kind of like the fact that she would do that.

>> Steve: Sally?

>> Sally: Yeah, hi Commissioners.

Just to add to what Sue was talking about in terms of the way that you know I've gone through RFP processes before with the State and you know Mike has as well.

I think you know none of what is proposed in terms of initial staff review would prohibit you from also reviewing the submissions, right?

It's sort of similar to the way that some people on Commission spent digging into certain applications than others when it came to your staff but what I would just offer and to make sure that basically that every bidder is treated exactly the same and fairly.

And also is kind of following the processes that is outlined in the document with awarding different points that require a lot of time to go through and that said once that happens you all would still be the decision maker as opposed to all of you as staff.

And the recommendation is not to take away any of your autonomy or decision making

power, in fact, it's to help you all help facilitate that decision making really.

And thinking of all the things you have to do and the number of hours.

Allowing the staff to do the technical and to have the State Government do it already and that is really what all of you are so that is what I would offer.

I hope it's helpful.

>> Steve: Well we are certainly not going to see 47 applications for voting rights law firms in this instance so we are not going to have that chore in front of us that we did before.

MC you have your mic on and did you want to talk?

Okay.

Who else? I guess I think the flow is to have a motion and have the staff do an initial review of the RFP to make sure whoever applies has applied apparently and meets the qualifications.

Obviously as Sue Stated if they don't meet the qualifications we are not going to waste our time looking over them.

I expect not very many applications.

There just isn't that expertise out there.

And I'm somewhat familiar with what has gone on in the Lansing area.

I think that having a subcommittee of Commissioners who then take a look which would then be a review and don't have an open meeting as we have done in the other hires would be good I personally would like to be on that.

I would like to have Rebecca on it with me and I would like anybody else that wants to be there and three or four would be a good number.

>> Doug: We do the same criteria we did with the others and have a republican and a democrat and a nonpartisan person.

>> Steve: Okay.

Anthony.

>> Doug: For the republican if the others don't want to do it.

>> Steve: Anthony you had your hand up?

>> Anthony: Yeah, I would like to be on that.

>> Steve: And you are a what?

>> Anthony: I'm independent on this Commission?

>> Steve: Okay so we got an in.

We got a republican and we need a democrat.

Dustin.

You're a democrat?

.

You are volunteering.

>> Dustin: I will do it.

>> Steve: There is three and I would like to see an attorney, Rebecca.

>> Rebecca: I definitely want to be on it.

>> Steve: I will volunteer you.

>> Rebecca: I definitely want to be on it.

>> You are a neutral.

>> Yes I'm an independent.

>> Steve: That is four I won't be on it.

I don't want to have -- I don't think we need to have a lot more than four.

Doug?

>> Doug: Yeah, can we get one of the individuals to be the acting chairperson?

>> Steve: We can.

In fact, reading through Julianne's rules and regulations of us we are supposed to have the Commission appoint the chairperson.

Isn't that what you said, Julianne?

>> Julianne: That is one of the suggestions and your not adopted rules of procedure, yes.

But I think I think of the Commission has identified that the staff is doing the staff is doing the initial review and the subcommittee will be formed to take that work forward.

And we have Doug, Anthony, Dustin, Rebecca that will be on that subcommittee.

Certainly you can choose the chair of that as you set it up.

Or at the time it's going to be convened.

It's entirely up to the body.

>> Steve: Rhonda.

>> Rhonda: Just a quick clarification about what we are talking about.

So the staff, the Michigan Department of State will go through them and make sure that they fit the criteria, remove any that don't fit the criteria and the remaining goes to the subcommittee.

Is that what we are saying?

I just want to make sure I'm clear on what we are talking about.

>> Steve: This is my understanding, and you can correct me if I'm wrong, is that the staff Department of State staff would go through, they will weed out any that do not qualify.

They would then do an examination of the ones that do qualify.

And bring to this committee those that do and their recommendation of the top two or three or however many there are.

>> Okay.

>> Steve: Then the committee will review those and make their decisions and bring their recommendations to the full committee or debate and decision.

Sue?

>> Sue: And just I think the Julianne and I are also volunteering to be part of this

process so your staff will be part of the process in addition to MDOS.

I don't think they want to be seen as controlling the process so ICRC staff will also be involved if that is okay with you.

>> Steve: Well when I said staff I was including you but that is a good point of clarification so include MDOS staff and ED and GC.

So those are the people.

The procedure would be to have them do the review, weed out applicants that don't qualify.

Review the others for qualifications and rank them from best to worst and bring that -- submit that to the committee.

The committee being Doug, Anthony, Dustin and Rebecca.

That's my motion.

Is there a second?

Are you seconding it Doug or do you want to talk?

>> Doug: I want to talk.

On the subcommittee I'd like to have an acting chair going in to the meeting.

And both myself and Anthony have already chaired one of these subcommittees so I would suggest either Dustin or Rebecca be the chair of it.

>> Steve: Okay let's take that one up after we get this thing set up.

>> Doug: Okay, great.

>> Steve: We got the people, we got the staff.

We've got the procedure.

I'm looking for a second.

MC is seconding it.

Any questions before we vote?

Are we clear on what we are voting on?

The ASL person went like that and I don't know if that means are we clear or if she is not clear.

Okay, all in favor of the motion to have Doug, Anthony Dustin Rebecca be the subcommittee MDOS staff including ED and GC will review the preliminary review the submissions and recommendations, bring it to the subcommittee, subcommittee will review and bring it to the full Commission.

All in favor raise your hand.

[Hands raised]

Any opposed the same sign.

It passes unanimously.

Now, Doug has made a motion that there be a chairperson and he has volunteered Dustin and Rebecca.

Either of those want to volunteer to be the chairperson?

>> Rebecca: I can do it unless you have some burning need to Dustin.

I can do it.

>> Steve: You okay with that, Dustin?

>> Dustin: I don't know what happened there.

Yes I am.

I am fine with that.

>> Steve: Okay and then the motion is that Rebecca be the chairperson of the subcommittee.

Is there a second?

Erin.

All in favor of Dustin being the chairperson of the subcommittee raise your hand.

[Hands raised]

Wait a minute.

>> Rebecca.

>> You just said Dustin.

>> Steve: Sorry misspoke all in favor -- no wonder Erin was going uuu. All in favor of Rebecca being the chair raise your hand.

[Hands raised]

All opposed the same sign.

And you're going to get twice as much pay for being the chair as you did for being the Commission.

So you will make a couple thousand dollars a week from here on out.

You wish.

Okay, that takes care of that.

Fiscal year budget.

Sue.

>> Sue: Okay, so I started a basic draft of our budget and it has a column for confirmed expenses, those are expenses that have already been established by this Commission.

And they are going to continue.

And there is a column with projected expenses and there a lot of unknowns in that column.

I'm assuming we have common goals in creating this budget.

We want the Commission and I'm sure you want to be aware of what the costs are.

What your fixed costs are.

And what future costs may be.

Of course we want to be accountable to the taxpayers for this budget.

And then lastly and maybe not least we are going to need to determine if we are going to have to go back to the legislature for more money if this budget is indeed adequate to do the job we need to do.

As far as the fixed costs I think most of those are fairly explanatory.

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If you have questions on those, please let me know.

But one thing I would note, our per meeting, per hour cost is a little over \$2200.

So every time we have a meeting each hour of that meeting for our translators, for our captioning, for ASL, et cetera, costs \$2200.

So every time this Commission you know is thinking about adding a meeting if it's a three-hour meeting you have 6600 in just basic meeting costs.

Before we do any traveling or incur other expenses for those meetings.

So just as one key budget point I would share that.

The other thing I want to point out is the consultants for mapping and the voting rights act.

That's no small cost.

Based on the Princeton budget that we received and based on what we have learned from other processes, this could be well -- this too could be well up wards of a million dollars.

So, again, balancing this budget is going to be very careful act we will have to engage in.

And if we do spend what we need to spend in order to get the best services that we need for those consult ants, we need to be very clear when we are interviewing those consultants and trying to determine who will do the best job for this Commission.

So that's one point.

Another point I wanted to make.

.

>> Steve: I have a question on that million dollar figure.

Is that total for the mapping and the voting rights act people?

Consultants?

>> Sue: Yes and I think it will be substantially above a million.

I mean maybe 100,000 to 500,000 above a million dollars.

I don't know.

But I don't think it will be anything less than a million dollars for that line item.

>> Steve: You're not talking a million dollars per consultant.

>> Sue: No, no, no, no, total.

>> Steve: Okay next question you have 892000 for payroll, taxes HR expenses et cetera is that to date or is that your projection for the year?

.

>> Sue: That is for the year.

I figured on 51 weeks because that pay and the billing from Kelly services does kind of lag.

So that does include any payroll expenses and the Kelly charges that are added on top of the Commission salaries.

Again, this is a high level broad budget.

I can break those numbers down for you if you want a line item for each of those.

But.

>> Steve: No.

>> Sue: Actual figures.

>> Steve: I wanted to get clear in my mind we are talking this is an annual budget.

>> Sue: Right annual budget and it starts October 1 of 2020 and will continue through September 30th of this year so you've got some savings on staff because we are partial year employees but those are set and we know what the Kelly charges and the payroll charges will be on those.

So those are fairly accurate.

>> Steve: I think then that we probably need to have in addition to what you are presenting here as we go along expenses another column that shows the expenses that we have used.

Where we are at.

>> Sue: We can look at a year to date, sure.

>> Steve: Cynthia.

>> Cynthia: I just have a question about the budget.

I know that last fiscal year we were allotted a budget but we didn't spend any.

And so we have the budget for this year.

Are we allotted a budget for next year should things spill over into the next fiscal year?

>> Sue: I think things will definitely spill over into the next fiscal year.

That might be better answered as far as the amount by the people at the Michigan Department of State.

But definitely we will have work that will spill past September 30th of this year.

So, yes, there will be a budget and understand, also, if or when the litigation comes, that will be another very large expense for this Commission.

And probably though most of it, if not all of it will come in our next fiscal year, not this one.

>> Steve: Okay, keep going.

If you have got more.

>> Sue: I mean, there are other things that we need to also consider that are not built in to this budget so such as there might be some membership insurance, license costs, there may be costs for an office if this Commission decides to establish an office.

There may be auditors that will be needed as part of this process.

And then another question is do we need additional staffing?

Do we need any office support or data entry or event support as we get into public hearings, et cetera?

So this isn't everything.

This is kind of a basic foundation that we will build on and as we learn more and know more. For example, as we bring Edward on, he will have to work on getting us the costs

of that public outreach and we will try to figure out what a per hearing cost would be. As I looked at mileage for public hearings if we go to 15 to 20 meetings every one of us in public hearings, there may be 100 to 130,000 cost just in mileage reimbursement. So those are expenses that are coming, that as we learn more about our work plan and bill it out, we will be able to, again, be more specific on our budget.

>> Steve: Okay, well, I mean, have you talked with California at all?

>> Sue: We have talked with California.

There's a Princeton budget that was provided in your orientation.

We have looked at that.

And what they said was they anticipated our expenses this year should be six million. We have been allocated just over three so we will do our best to be prudent with the expenses, but again it is very possible that we will have to go back to the legislature and ask more for more money to complete the work that we feel needs to be done.

So originally when the constitutional amendment was passed, the assumption during that time based on the percentage of the secretary of State general budget that this Commission is supposed to receive, that estimate was we should be receiving about \$4.5 million.

And we were out because of changes in budgets as the secretary of State budget was reduced so is this Commission's budget.

So now it's looking like 3.1, 3.2 available to us.

So it's a very lean budget and very likely not enough.

>> Steve: When California did the Zoom with us they certainly were discussing or talked about other support personnel that they had.

I think it would probably behoove us to have you get in touch with them and get an idea of what they used as far as support personnel went.

I know that they one that sticks in my mind just because you -- I find it somewhat unusual but I find it reasonable is they had somebody that was just sorting through e-mails and categorizing them so you didn't have to read 5,000 e-mails on the same subject and you know you got one that you knew what it was.

So I think we would probably be well served to have you get with them and see what kind of personnel they had and they want to share costs with you.

Of course they are more expensive number one and they are bigger number two.

But that will give us some idea.

>> Sue: I'm happy to touch base with them and I'm also very happy to report that Sally has made arrangements to come on February 18th and they are going to help us walk through some of the ways that we might look at the mapping consultants and interact with them.

And be able to choose the best RFP for mapping consultants and they will also do some general Q and A with us so any questions that you have of them you will have an opportunity to ask also.

So they are confirmed for the 18th.

Sally has also reached out to Colleen from Arizona.

So she can come and kind of do a Q and A with us.

So we can feel that we are heading down the road and in the best way and learn from them.

We won't do things exactly the same obviously, but we can certainly learn from their experience and having an opportunity to ask them questions should help us all along.

>> Steve when they were here before we didn't know the questions we had at least now we will have some questions.

MC.

>> MC: Wondering Sue because do we need to be talking about who or how we go through the legislature we being the Commission but we have the staff and we have the Department of State is that part of what we need to be discussing today or can we wait to sort of figure out the strategy going back to the legislature to request more funds, do we need to wait for that or is that part of what we need to do today?

>> Sue: I don't think we are there yet.

I think we need to have more definitive answers on our budget and when we are sure that we need more and when we can figure out more of our plan of action and what it will cost I think then that would be the time to have that discussion and go back.

>> Steve: Anthony.

>> Anthony: Yeah, I don't think we are necessarily there yet.

But I do think this is an important subject to be proactive about rather than reactive. So if you know, if Sue and Julianne could get together you know in the coming weeks and you know figure out what the best way would be to do what MC just said, I think it would pay dividends in the future.

>> Sue: I agree and Edward also has experience in this area, so he will be very helpful to us in this process.

I think after you get your mapping and you VRA consultant numbers, that will have such a huge impact on this budget.

I think that may be our tipping point where we will actually know that oh, yes, we need to go back and this is how much we can estimate we will need and once Edward gets his numbers together too for the public meetings so this Commission can decide are we only going to do ten or are we going to go to the legislature and say, hey, these costs X amount per meeting and we really want to be able to do 20 to get that citizen input, will you fund that for you know for the Commission?

So those are things that we need to answer and we are just not there yet.

>> Steve: I had a question for Sally.

What is -- secretary of State is already providing a lot of services to us and you've indicated before that they are going to continue to do a lot of that.

Are there other services in the support staff arena that the secretary of State is prepared

to provide if we asked?

>> Sally: It's a great question, Mr. Chair.

And I think you know it's something we have talked with Sue and Julianne about quite a bit already.

And the short answer is, yes.

The Department of State has funding in order to assist all of you.

And so we are -- we have been looking at our budget very closely as well in the past several weeks to really figure out how much is it that we have to continue supporting all of you.

And we can continue to support the meeting facilitation costs.

Which you know as Sue mentioned really does add up over time.

And over various meetings.

We also have been talking with Sue and Julianne and I think we will get to this later on in the agenda when you talk about kind of future topics for discussion and future meetings.

But we would be able to provide funding for sort of support staff but also technology or a tool that the public can use to submit public comment to you.

So that you're able to take it in a way that reduces the amount of staff you need to code it like you were mentioning, Steve.

And so more to come for sure.

I think you can see on this high level budget that the Department of State does have funds and projects that we will be able to assist all of you but I appreciate you asking the question because you know that support certainly doesn't come without a cost but we are able to do it and it's a priority of the department of the secretary and of us you know to support all of you.

>> Steve: Following up kind of along that line if the State opens up, everybody gets their shot and the pandemic goes away and we need an office are there going to be State empty State offices that we would have dibs on somewhere that are outside of the city of Lansing?

>> Sally: I see Mike has turned on his camera so I will let him go first.

>> Mike: Good afternoon Commissioners.

>> You volunteered to prepare your home.

>> Mike: I don't know if it's large enough for the full Commission and the public, but crown perhaps the backyard in the summer time and I will follow-up Commission on the question regarding other types of services the Department of State might be able to assist with.

And one of the things that crossed my mind before you as to your follow-up question is for example if we have space in our office building and I can't commit at this point but is that the sort of thing if the Commission decided it was important to have an office space you know I'm happy to necessarily look in to different options that we have at the

Department of State to make it available for staff or for the Commissions or do whatever else and trying to think proactively and creatively what some of the needs identified are and how we can do whatever we can to be supportive.

The larger mandates that Sally and Sara and I have from the secretary is just to be as supportive as possible and meet the needs of the Commission so if you think of other things that you're not sure if we can offer the answer is it doesn't hurt to ask and the worst that can happen is the answer might simply be no but it may be yes on different things and you asked about office space and that is certainly something we can look in to.

>> Steve: Yeah I'm not asking that we do it tomorrow having been around Lansing a long time there is an office here or there that is not being used all the time.

>> Mike: Exactly.

>> Steve: Is that it?

I don't want to cut you off.

>> Mike: I was agreeing.

>> Steve: You are done or you got more?

>> Steve: Richard did you have your hand up?

MC.

>> MC: Yeah so I'm thinking about internship programs that the secretary of State may offer already that we might benefit from in terms of like public participants who want to engage with the Commission but, yeah, who need to go through and you want to intern for whatever period and imaging that you all have some sort of internship whether that is paid or unpaid and if that might be one type of service that you all can see us using and specifically for the Commission but using the structure that you all have.

I'm thinking about supervision and thinking about office space or whatever an intern might require that, yeah.

>> Steve: I see Sue made a note of that.

Okay, who else?

Okay anything else on the budget, Sue?

Or are we done?

>> Sue: I think we are done for now but there will be a lot more to come.

>> Steve: Thanks, okay, proposal rules of procedure.

It's on the agenda next Julianne.

>> Julianne: Yes and there is a PowerPoint that we are going to have on this.

I was going to ask if the Commission wanted to take a break before we start this work or during or after and I just wanted to mention it.

>> Steve: Thank you.

People, please let me know because I get on a roll and I sometimes forget that we need to take breaks and we do need to take breaks.

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It's 4:34 so we will come back at 4:44.

Quarter to.

Quarter to five.

[Recess]

Looks like we are waiting for MC unless he has his video off which he usually doesn't.

>> MC: Steve I'm here it says the host has disabled my video so it should start soon.

>> Steve: You should be nicer to her.

>> MC: Yeah, sorry about that.

>> Steve: Okay Julianne.

>> Julianne: Thank you.

So we have our PowerPoints that we were starting with before we went.

Thank you.

We are talking about the draft rules of procedure today.

We are starting our conversation.

Next slide, please.

So we are doing a full stop on the first slide.

This document is just a draft.

For the Commission to review and aside from the constitutional provisions in it amend, add to, it should reflect the will of the body.

The draft I provided was common provisions, things that the Commission had mentioned in the past that it wanted to see.

So the constitutional language that is set for example the eligibility for Commissioners to serve what constitutes a vacancy on the Commission and the Commission would still have flexibility in how to elect the chair, a lot of the operational provisions for how meetings are run, et cetera.

Next slide, please.

So last week I referenced Wayne Bylaws rules of procedure or both and I think in the last few meetings I referenced that and I prepared rules for your consideration and would like to provide a brief background why before we get into the actual substance so Bylaws are the basic rules of an organization.

The governance structure.

There is a definition there from blacks for your convenience.

But just the members, officers, what committees, and how to amend.

Next slide, please.

The rules are much more detailed.

They relate to the administrative, administration of an organization.

Unfortunately Black's law dictionary put us over to the Federal Rules of Civil Procedure and criminal procedure which is not really helpful for us so I included a more common definition it's a series of steps and particular way of going about business.

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And one of the benefits is they are more broad so if you could tell from the subject headings on the Bylaw slide the rules is have much more detail and much more information.

Though I initially prepared a document of Bylaws in a separate document of rules and it became very clear that they could be merged together very easily and would most likely be more convenient for the Commission as well.

Next slide, please.

So neither document could conflict with the constitutional or applicable law. As I indicated the Bylaw provisions I thought folded very nicely into the additional content of the rules and lastly the reason is that the Constitution grants the Commission the expressed authority to adopt rules.

So that is -- that was my reasoning for combining the documents and putting forward one draft for your consideration.

Okay, next slide, please.

So the goals for this session or if we need to continue it into the meeting on Saturday would be my -- I see my job as to facilitate your discussion of your rules.

Capture the revisions that you would like to see in the document.

Provide drafts and we will just repeat one to three until the Commission is satisfied.

Next.

The first section is name and definitions.

So the State of Michigan independent citizens redistricting Commission.

The definitions I put included a brief definitional section and generally the definitions are not finalized until the document is so as we are going through if anyone has a word to flag to include a definition in that section I would certainly welcome that information.

Next slide, please.

Section 2.0 is the authority and the purpose.

So each slide I'm sorry I should have said this in the beginning I'm just highlighting certain sections in each of the main sub headers.

So please feel free to sacrum in with questions or comments.

We will stop periodically to talk about different things, but I welcome input.

We are not going through every single section.

I just wanted to highlight some of the sections in each division for you.

Section 2.1 the Commission is organized pursuant to the Constitution.

The purpose that is set out is tracks the constitutional requirements and duties and responsibilities for the Commission.

Relative to the house district Senate districts as well as the U.S. Congressional districts.

Next slide, please.

The third area goes in member shim and appointment majority of this section is taken from the constitutional section 3.8 I inserted with conflicts of interest and noted that the Commission will be adopting a conflict of interest policy that would have your disclosure

forms and the process for disclosure in it so that would be a second document.

And note fly section 3.11 we included orientation and training for continuing education and also included officer training for the chair and vice chair if they would enjoy that, whoever however those positions rotate.

I know that the Commission had brought up on going training in a past meeting so we made sure to include that.

Next slide, please.

Section or area 4.0 general rules sets forth constitutional mandates of quorum, minutes, and touching on the Subsection 11, restrictions on communications with the public as well as the gifts and gratuities provisions and adopts Robert's Rules of order and requires staff to be present and provide updates at each of your meetings unless excused.

>> Steve: I have something there under 4.10 rules of order Robert's Rules I would like to see that it will read at the end procedures to the contrary set forth in these rules, applicable law or such other rules adopted by the Commission.

>> Julianne: Or such other rules.

>> Steve: Adopted by the Commission.

>> Julianne: Adopted but I the Commission.

>> Steve: Which is in essence what we are doing here.

We can always set our own rules.

>> Julianne: Uh-huh.

>> Steve: So I think that would clarify.

I think that would make that clear.

>> Julianne: Perfect.

Are there any other comments or questions on sections 1.0 through 4.0 at this time?

Okay, so the next slide, please.

So compliance with the open meetings act.

We have been talking about this.

We are going to continue to talk about this.

Section 5.2 requirements as to advanced public notice and I would just note in section 5.3 for rescheduled meetings that cannot occur with less than 18 hour notice.

>> Steve: Rebecca has a question.

>> Rebecca: .

>> Julianne: Yes Rebecca.

>> Rebecca: I have a comment about 4.8 on the restrictions on the communications with the public can we align that with what the actual constitutional language is?

Because it's not just members of public outside of an open meeting but it has exception for in writing.

I just want to make sure it aligns.

>> Julianne: Yes.

So if you look directly under that section 4.8.1 is the exception.

>> Rebecca: Okay.

>> Julianne: The reason I did that was for if you are utilizing the table of contents that way you will be able to see the exceptions called out.

There is exception in a later section as well that wanted to make sure your attention could be drawn to it for referencing purposes.

Does that satisfy your question the language in 4.8.1?

>> Rebecca: Yes, yes, I mean it just sort of yeah I think it's okay.

It just how it says 4.8.1 and it's not indented so it seems like it's a separate subsection I would almost rather that where we have subsections like that have them indented it's clear it's a modification of the prior section.

Does that make sense?

>> Julianne: Yes.

And I'll do that in the subsequent one as well.

>> Rebecca: Okay.

>> Julianne I think those are the only two coming from memory so I will definitely check it for formatting.

Was there anything else in that section Rebecca or.

>> Rebecca: No, that's it.

>> Julianne: All right so we are on the next slide.

Oh, the next slide was questions or comments.

So does anyone have any questions or comments?

I think we just addressed those.

So moving forward to the next slide.

Is section 6.0 public hearings.

So these -- this describes the minimum of ten that are required by the Constitution to be help throughout the State.

These are the informational meetings to solicit input from the public and inform the public about the purpose and how the Commission will be conducting its business.

And these will occur prior to the drafting of any plan.

Next slide.

I separated it into 6.1.2 the mandated public hearings the five that will be held throughout the State.

This is -- these require -- these are required after the Commission has developed at least one proposed plan for each district.

The plan and materials must be published and the primary purpose for these five public hearings is to solicit input on the proposals.

And I know the Commission has discussed and other individuals staff and MDOS have discussed maybe more public hearings, maybe less, I track the constitutional language.

If the Commission decides to have more public hearings it can certainly do so under this

language.

This is just tracks the constitutional language so I thought that that was what I would put in the rules.

Next slide.

All official actions must be taken at open meetings.

This section is quite long and goes through the types of meetings that the Commission may call under the open meeting act regular meetings currently every Thursday.

Special meetings are just not a regular meeting on the regular schedule and there has been conversation about increased frequency of meetings being necessary when the Commission brings on the consultants.

We get the census data.

And start moving forward.

This year.

So that Commission would have two options.

You could amend your regular agenda similar to what you did during this meeting.

And republish your regular agenda meetings to include additional meetings.

Or you can just merely set special meetings as necessary.

There are closed sessions as well set for limited reasons set forth in the open meetings act and the public would be excluded just from that portion of the meeting.

Not from the entire meeting.

And if a meeting is recessed it needs to be rescheduled prior to the next meeting if a meeting is recessed for longer than 36 hours it needs to be renoticed.

I also included emergency meetings.

Although it's highly unlikely that the Commission would need to avail themselves of this procedure again I think I have said before I encountered it once this 20 years where I did have to facilitate that but I wanted to make sure it was included as a P o -- option.

Next slide.

7.0 is the officers.

The Commission has elected to nominate and elect a chairperson and a vice chairperson for terms of six months.

This captures your will your first meeting.

The language that's currently in section 7.0 I wanted to highlight for discussion.

The proposal in the draft rules would call for cessation so if Steve using the current officers as an example, if Steve stepped down from that post that Brittini would elevate to chairperson and the Commission would hold an election for vice chair.

Another option that the Commission has is if the chairperson steps down, that the Commission would nominate an elect a new chairperson from its membership.

So those are just two different ways and I thought I would highlight that.

As a discussion topic and to make sure that the document reflects the will of the body.

I also included that the officers may serve consecutive terms.

MDOS staff noted that that was a request at one of your initial meetings so we wanted to make sure that was captured in the document as well.

In the secretary of State serves as the nonvoting secretary that cannot be modified as it's in the Constitution.

>> Steve: I have a question.

>> Julianne: Yes.

>> Steve: We need to back up 6.2.5 on closed sessions.

And I think we need to add in there somewhere that in order to go in to a closed session you need to be specific as to why you're going in to a closed session, what is going to be discussed in a closed session.

Obviously not what the discussion will end up being but what you're going to talk about. The only reason I know that is because Traverse City is going through this and it's in the paper all the time and got slapped around by the courts on that.

>> Julianne: So it's definitely a specific requirement and there is a ton of case law on it.

So the second sentence reads upon written request of a staff person or the advice or request of general counsel or any Commissioner it what's to fall under one of the exceptions of the open meetings act.

And then you have to put all of that information on the record and maybe it would be helpful if I did a distinction between going in to a closed session at an ongoing meeting or the scheduling of a closed session where you would post a notice with the date, time and purpose.

But either way all of that information would need to be captured in the record.

So.

>> Steve: Just so it's clear because we have to go into a closed meeting somebody is going to look at the rules and see what we have to do and it's pretty clear in the case law that you have to have the exception to do it and tell why it is you're doing it.

>> Julianne: Uh-huh.

Site to exception then notice.

Okay, thank you.

Anything else on that.

>> Steve: I will try to keep up from here on.

>> Julianne: No I apologize if I'm going too fast I can also slow down.

Again I was just highlighting certain provisions in each section so if there is a topic or a discrete section that would like to be elevated or discussed or clarified, I'm happy to have that conversation.

Next slide, please.

The duties of the chair are set forward in section 7.6.1.

Calling to order preserving order and dequorum highlighting that the chair has the same rights as other members.

As to debate voting participation, the chair would rule on all parliamentary questions but would not have a vote on the appeal of such rulings.

Enforcing these rules of procedures and if temporary unavailable designating an acting chair if the vice chairperson is not present.

So the options there is if the chair is absent and the vice chair is acting as chair in that meeting, if the vice chair needed to be absent for a period of time, they would designate an acting chairperson.

You could also require an election for that to happen.

In the middle of a meeting.

Generally asking the question and having the acceptance could be enough.

I would also like to note for the Commission if neither the chair or the vice chairperson are present at a meeting, the secretary to the Commission may call the meeting to order just for the purpose of electing a chair for that meeting.

So in a situation where because you don't know how things all happen necessarily, that might occur so we wanted to address it in the rules.

Next slide.

>> Steve: Rhonda.

>> Yes.

>> Rhonda: Thank you. On Section 7.4.1 can you just give me an example of what is meant?

I don't want to say dumb it down laymen's terms, the chairperson will decide all questions arising under the parliament tarry authority can you give me an example of what that means just so I have a clear understanding.

>> Julianne: If there is a motion on the table and there is an amendment if someone tries to make a secondary amendment and someone tries to make another motion and the chair said that motion is out of order because we have not addressed the current motion on the table you can only have one motion on the table at a time and a member can say no there is not a motion, my motion is proper and there would be a vote of the body on the recollection of the majority of members what would be appropriate if someone wanted to appeal the chairs ruling so that would be an example of the parliamentary ruling.

As to questions of is this where we talk about points of order, this is where the chair would recognize, and that also goes, Rhonda, with Section E where I mentioned that the chair cannot vote on the appeal of a parliamentary ruling.

So they can't have a vote saying, yes, I was right in the first place.

Does that help?

Does that example help that section?

>> Rhonda: Thank you.

>> Julianne: Uh-huh.

Later in the rules there is a section on points of information and points of order and

initially I thought it was here.

That was another example I was going to give you.

I will highlight that when we get to that section in the future.

Okay, the order of business and agenda is in section 8.0 executive director would prepare the proposed agenda and post it prior to the meeting.

The agenda packets will be submitted to members via e-mail as soon as practicable before meeting.

And the agenda as always can be amended by a Commission at a meeting prior to its adoption.

>> Steve: We have used this format since Sally made it up for us and it's work very well.

Today I didn't have us take a break.

So put somewhere in here just take a break so I done forget for the incoming chair doesn't forget.

>> Julianne: Okay, thank you.

And the next slide we actually go in to the proposed order of business that the Commission decided upon within the last couple meetings the call to order roll call by the secretary, adoption of the agenda, public comment we will add in the break as has been requested.

Staff reports are actually on the agenda as three discrete items.

So the numbering on my slides is not matching up with the numbering in the actual draft rules.

I just wanted to highlight that.

And that is why.

Because there is actually three staff reports.

And the Michigan Department of State report if they have any next slide.

Then unfinished business which will include upcoming meeting topics and continuing education.

Announcements by members and then when the business has been included a motion to adjourn is always in order.

Next slide.

Voting is section 9.0 so it starts with duty to vote as an obligation of holding the position of Commissioner.

Reason for abstention is lack of information or insufficient information to make informed vote and both need to be disclosed and the member abstaining cannot participate in the discussion, deliberation or decision on that matter.

Some bodies choose if you have a conflict or are abstaining that you have to leave the meeting table.

I put for your consideration just abstention and refraining from participation as the recommendation.

There's no proxy voting.

I wouldn't recommend it.

It is not -- there is an attorney of general opinion on point.

That particularly the way the Commission is set up and it's doing the business with the motions and the amendments to the motions.

I think it would be very difficult to have a member be able to give their designation to another member with the chance of an amendment.

In the open meetings act, the purpose is for the openness and transparency for the public to have the benefit of hearing your deliberations, your discussions, how you arrived at your decisions in public so that is an expressed prohibition in the proposed rules.

And similarly all votes are required to be taken in public.

Prior to calling for a vote the chairperson is to restate the question that is best practices and required in Roberts and I know the Commission already does this.

Next slide.

>> Steve: Well, Rhonda.

>> Rhonda: Okay, this one with the abstained voting is one that I had an issue with because we have already had some votes go where people have abstained.

And a lot of our voting takes place after we have already debated issues.

And if somebody isn't comfortable voting one way, I don't think that it's right that they should be removed from any debate of any further issue on it.

I'm just -- I'm not feeling the whole abstain thing.

If I want to vote no on something, I don't have to give a reason.

I mean we've had many votes where people have voted and not given a reason why they are voting.

It comes to a vote and they say nay or yeah or whatever so I'm just a little concerned with the abstain vote personally.

And I just wanted to say that.

I would not want to exclude.

I understand if there was the first part, if there was a conflict of interest.

I completely understand that part.

But somebody may not disagree but not agree with the motion and kind of be in the middle and I can see where they would abstain and I don't think they should be faulted or unable to discuss any further because of their opinion.

That's just my thought on that.

I just wanted to put it out there.

>> Julianne: That is a great question Rhonda.

Abstaining would mean that you're not going to vote.

Whether you have a conflict or that you don't have the information you need.

So you are not exercising your duty and your responsibility to vote.

So if you're voting, if you are voting, no, or you're voting yes you don't need to make a Statement or State any reasons why you're voting "Yes" or "No."

This would just be required, if you are saying you're not going to vote, so your job is to vote on matters that come before the Commission, so what this just says is that if you're not going to be voting, then you're not -- then you are removing yourself from the deliberation, the discussion and the decision making.

And I say you are removing yourself under subpart two for lacking sufficient information to vote.

If you have an actual conflict, I think that is much more straightforward.

Does that help explain the root of it?

That so if you are abstaining you are saying you are not going to participate so you can't participate in the discussion and weigh in and deliberate and then say I'm not going to vote.

Does that help you?

Help clarify the issue?

>> Rhonda.

>> Steve: I think that brings up a dichotomy.

The what we have done in the past and there have been -- I know of at least one abstention in a vote.

And we have allowed full discussion and debate on whatever it was we were voting on. As I looked at this, I don't disagree with Rhonda.

I would hesitate to prohibit a Commission member from full participation in the discussion if they chose then to abstain, you know, maybe then we have some reason that they should give a reason why they choose not to vote.

In reality to choosing not to vote is a no.

And in reality.

In this instance with 13 Commissioners.

But I have to agree that I would like to see, my preference would be that all parties participate all the way through the discussion and then if they choose to abstain I'm abstaining because blah, whatever.

Rebecca.

>> Rebecca: I would also add to that, that you might not even be aware that you're going to abstain until we've gotten significantly into our discussions because people might raise issues that you hadn't thought about before and now you might suddenly be of the mine set I don't feel comfortable voting because I don't feel I have enough information but it might take the discussion to get you there so I definitely agree with what Rhonda and Steve are saying.

>> Julianne: We are in section 9.1 subpart B, so the member would State for the record at the outset and the intention to abstain and the reason or should the need to abstain become clear during the discussion the member shall State his or her intention

at that time.

So I think Rebecca that gets to the concern that you have raised.

And if I understand Rhonda's concern in the discussion with Rhonda and Steve is that that last sentence in subpart B that if you are intending to not vote because you -- because you don't have sufficient information to arrive at a decision that the member would still be participating in the discussion, just not the decision is what.

>> Rebecca: I think what everybody is saying I don't think we want to limit discussion even if that person is going to abstain.

>> Julianne: So again I think it's that last sentence if the last sentence in subpart B is what I think is where it prohibited from participating in any discussion or debate.

>> Rebecca: Right.

>> Steve: Yeah I don't think we want that in there at all.

>> Julianne: Okay, perfect.

>> Steve: The obvious outcome is going to be whoever decides to abstain is going to say just before they vote, well, here is why I'm abstaining.

You know, it's unlikely someone is going to stay in the middle of a discussion and abstaining because they have not had the whole discussion.

They may change their mind by the end of the vote.

By the time the vote comes up.

>> Sue has a hand up.

>> Steve: Who.

>> Sue.

>> Steve: Sue.

>> Sue: So if you have a conflict of interest and you know you have a conflict of interest, you still can participate in the full discussion.

Is that what you're also asking for?

Because that's what it will State then I believe.

>> Brittini: That was my thought, that is why I was kind of thinking.

It almost seems like this section was written under the assumption that the discussion has already happened.

If I'm understanding it correctly.

>> Steve: I think if you have a conflict of interest you need to State that before we even talk about whatever interest or whatever issue it is we are going to talk about.

>> Brittini: When the topic is raised.

>> Steve: Don't participate in the discussion you have a conflict.

>> Julianne: For discussion and to prohibit discussions so I will make that more clear in subpart A.

>> Steve: I think in B the only thing you say in B is if a member decides to abstain they simply have to express their reason.

>> Julianne: Does the body want a member with a conflict to participate in a

discussion or I would advise against that so I need to make that clear that if you have conflict you're precluded from participating in the discussion with deliberation but if you are going to exercise your right to vote for lack of sufficient information you can still participate in the discussion.

>> Steve: Correct, that is why you have discussions to get more information.

>> Julianne: I'm just making sure there is nothing else there that would go into conflict with this.

Anything else in that section?

>> Dustin has a hand raised.

>> Dustin: I wanted to say I agree and two proxy voting that is like when we are not here and have someone vote for us, right.

>> Julianne: Yes.

>> Dustin: I would totally agree with that.

>> Julianne: Also secret votes are prohibited.

>> Dustin: Okay.

>> Julianne: Expressly prohibited both of those items.

>> Dustin: I will make sure I like having my voice heard any way so.

>> Steve: Juanita.

>> Juanita: On section 9.1, I agree with everybody, but I'm thinking what is an example of a conflict of interest due to this duty to vote or which one would you put it with?

Or I mean, what kind of example would you make for that?

>> Julianne: An easy example that would be if you had a family immediate family member that was a member of the mapping firm that's going to be bidding on a contract. So the bidder would be able to answer the questions and qualify because they didn't participate in creating the RFP.

They didn't do any of those things but they would have to disclose they were an immediate family member of yours and you would need to disclose that and you would not be able to -- I'm just using you as an example, I apologize because you asked the question so then the member would disclose that they have a family member that has an ownership or that is bidding on the contract.

So it would be so they would be precluded from discussing that contract from deliberating on whether or not to adopt that contract because of that conflict.

>> Juanita: Okay sounds great.

>> Juanita: I understand it a little bit more.

>> Julianne: Is there anything else on section 9.1?

9.2 is manner of voting.

I made that consistent with what the Commission has been doing.

Voice vote, roll call, show of hands, unless a written ballot is requested.

Roll call shall be taken when required.

And the rules or by law for example going in to closed session E requires under the statutes a two thirds roll call vote.

The secretary shall rotate the names the order of names being called during roll call vote.

Section 9.3 from voting that language is taken directly from the Constitution.

It separates the requirements for different types of voting matters, what is required. For example, hiring staff, required a vote of at least one member affiliating with each party.

And one non-affiliating member.

Voting for a final adoption of a redistricting plan also requires a majority vote but it's including two members who affiliate with either major party as well as two members who do not affiliate with either major party.

So this language is consistent with the Constitution.

And voting Section 9.4 is rounded out with results of voting.

And in all cases where a vote is taken the chairperson shall declare the result whether the motion failed or the motion is adopted.

If a tie vote, there is under tie votes are considered a fail.

>> Steve: The question.

>> Doug: And I have a question.

>> Steve: Doug, go ahead.

Doug has a question and I have a question.

>> Doug: I have a couple questions on 9.3C.

What is meant by type of district?

>> Julianne: Type of district is -- are the U.S. like the Michigan house, Michigan Senate and the U.S. Congressional.

The three districts.

It's the high level.

It's all of the districts that the Commission is responsible for.

>> Doug: Okay, now I was under the impression that if no member of the let's say the democratic party voted yes for it, that it would not be accepted.

>> Julianne: Correct a majority vote including at least two members from either from each major party excuse me and two non-affiliating members and if no redistricting plans were satisfies this requirement for a type of district sub parts A through small A through small C are triggered.

So if there is not a plan, if in your example Doug, if there was a situation where no democratic members voted for a plan, then it would trigger those alternate sub parts. And that language is in the Constitution.

So I did not take any liberty in expanding or restricting that language.

>> Doug: Okay.

>> Julianne: I inserted parent parentheses with numbers just to have it consistent

with other parts of the document.

>> Doug: That is okay.

All right I'm going to read through that a little more.

Okay.

>> Steve: Doug, what you're talking about in order for the Commission to put out a unified plan that the Commission adopts, that's where you have to have the two, two and the two otherwise it's not a unified plan.

>> Doug: Correct.

>> Steve: I have a question.

Rebecca, you go first.

>> Rebecca: Yeah I'm sorry to back you guys up again but I'm just wondering under 9.1A sub A why the opinion of the general Council as to conflict should be binding instead of that maybe being subject to a vote by the Commission or subject to the discretion of individual Commissioners because we all have a duty to comply with the conflict of interest rules and it just seems normally attorneys give advice and clients can follow it or not follow it and to have our general counsel be able to say to us to one of our or even multiple of us do you know what you can't vote and you cannot discuss this because I decided you have a conflict of interest even though we may not agree with that conclusion, it just seems problematic to me that it could potentially create situations where we have people who can't vote where there might be a disagreement about whether there is a conflict of interest.

Again ultimately that is on the individual Commission members to make that decision about whether there is a conflict so I'm just wondering why we would want to have that, veto power in one person.

>> Julianne: That's a great question.

And I guess that was more put forward as if there was a question whether a conflict existed.

But I can certainly have it reflect that if there was a question that the Commission could ask for the opinion of general counsel but that the decision of whether a conflict actually exists would be by vote of the Commission, does that capture your sentiment Rebecca.

Rebecca: Yes.

>> Julianne: Okay, okay.

And that actually gets very much that's very much more clear.

>> Brittini: Doug has a hand.

>> Steve: Doug.

>> Doug: Yeah Julianne I want to go back to 9.3C.

>> Julianne: Yes.

>> Doug: Can you go -- if the first paragraph doesn't qualify then we go down to AB and C.

But what happens when we vote?

Well, what happens when we get down to C, we get that far, and no democrats still don't vote for it?

>> Julianne: So if -- we have already had in this situation so in this situation their focus is the compromise on the plan or the working between the Commission.

So if there is not the two and two, two and two for the two parties and the non-affiliating and each member would put forward the -- a plan.

>> Doug: Correct.

>> Julianne: We get to the point Rankings so if you're saying if when the point Rankings don't work then that is where the secretary of State's job is to randomly select plan from those proposed.

Taking us back.

>> Doug: From all of the proposed or just the top.

>> The language reads if plans are tied for the highest point total, the secretary of State shall randomly select the final plan from those plans.

If no plan meets the requirements of the subparagraph and we are at little C the secretary of State shall randomly select the final plans from among all the plans that were submitted under subpart A which is going back to Doug where you highlighted each member can submit their own plan.

But again this is only triggered if there is not an agreement between the body.

>> Doug: Okay.

>> Julianne: And how the maps would be modified in order to achieve that consensus.

>> Doug: Okay.

>> Julianne through the work of the Commission.

>> Steve: However we are going to figure out how to do this as a body.

>> Doug: I think so too.

>> Julianne: Precisely.

This is again I included it here the text exactly as it's Stated in the Constitution.

>> Doug: So we can change it I realize that okay.

>> Steve: This one we can't change.

>> Steve: Rebecca has a question first.

>> Rebecca: So in that same section 9.3CA, and maybe I'm just misunderstanding that we are only allowed to submit our own plans if we can't agree on other plans that have been submitted is that accurate?

I thought the Commissioners could each of us could submit our own plan if question wanted to and so felt like doing so.

>> Julianne: That's correct this is specifically talking about when you are voting on a final plan that doesn't reach the two, two and two for a final decision.

>> Rebecca: You can submit your own plan but does not prohibit you from submitting

one earlier if you so desired.

>> Julianne: No, in fact, I will look up.

>> Steve: You can submit your plan at any time.

>> Julianne: Yes.

>> Steve: Whether or not you can garner the votes.

>> Rebecca: Whether or not you have the time to do it.

>> Steve: That is a different question.

And if you can't then your plan just goes away.

If the votes are not there for a plan, then you go to step two.

Step three, step four, et cetera.

It's laid out and you just got to follow through.

>> Julianne: The voting requirements particularly when it comes to the final redistricting plan is again to address the public's perception that you know the party that was not in control is cut out of the process.

So I think the way that the voting is structured is to address that particular issue as well as the composition of the Commission and many of the provisions that are in the Constitution.

>> Steve: Sue had a commend then we will get to Rhonda.

Sue.

>> Sue: I think mine was covered we can go to Rhonda.

>> Steve: Okay Rhonda.

>> Rhonda: Mine is real quick and something we will come to once we are done with this and once we are done with Julianne but on the same thing as C, where it talks about the secretary of State randomly selecting a plan if it got to that point, I'm curious to know from the State department have they already decided how that will be done? That is something we can discuss at the end probably so we can get through these. But I'm just curious if they have already got it set up like is it how we did the drawings? To get on the Commission? Or how that would be done?

I guess it's more of a curiosity thing but because it's in there I was just curious.

>> Steve: Well, I think what you look at, Rhonda, is what is the plain language of the amendment.

And the plain language says the secretary of State shall randomly select the final plans. So whoever is secretary of State at the time will pick -- will pick them.

It's their job and their choice.

>> Rhonda: I realize that.

I asked if there was a process.

>> Steve: Might be cut cards might be flip a coin might be number 1-10.

>> Rhonda: That is what I was curious about and that was my question.

>> Steve: Okay, if there are no more questions I have one.

Back to the voting and it is where we talk about a written ballot.

There can't be a written ballot and the reason there can't be a written ballot is all votes have to be in public and have to be by each individual.

So that we know what individual vote is.

So to have a written ballot is useless.

>> Julianne: So the written ballot would be a situation what the Commission could have done for hiring staff or even for the RFP or any decision could say these are the two choices or these are the three choices each member would get a ballot and vote their choice and those are all part of the public record.

All of those votes are in the meeting.

Again we are in a virtual situation now so that is more -- I don't think that that would work in this situation.

But I included that in the event in the future that there would be a situation where that would be appropriate and written ballots would just be a method of voting that is part of the public record and all of that is announced.

The secret ballot is what is prohibited and it would be something that tally votes and wouldn't be available for or just the result would be declared to the public.

So the you had a situation where one vendor received no vendor received a majority, the Commission could decide to take the top two and then vote from those two.

And you can do it either orally or written.

So I'm happy to exclude it but that was the reason that I included it so that you would have that option in the future if you chose to exercise it.

>> Steve: Well, if you want to leave it in, you need to make it very clear it cannot be a secret ballot.

It has to be a ballot in which the Commissioner's name is on the ballot and how they voted.

>> Julianne: And, again, I'll use that as a handy time to highlight that it's what the Commission wants.

Again, these were just to get the words on paper and have the Commission react to it and make the modifications that we've been making and making the clarifications that are necessary so if the preference is to add language that would specify it's part of the public record with the name and the results are read, then I'm happy to do that or I'm just as happy to exclude it if that is the will of the body.

>> Steve: As I think about it more we probably need to keep written because if we get over to not having a uniform plan down in some of these other steps to get a vote, there is a rank order voting and that would really require writing because you are going to assign numbers to the plan.

So we really would be in a mess if we didn't have that.

Just can't be secret.

>> Julianne: Right.

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>> Steve: I heard somebody say something.

>> Brittini: I did and was showing appreciation for Julianne's efforts doing this knowing that we can change it and it still took a lot of work so I was saying thank you to you.

>> Steve: You're right she has and is continuing on.

We are not done I don't think.

>> Brittini: No but appreciation goes along way especially with corrections and questions are happening so I'm just feeding and pouring in to her in this moment.

>> Julianne: I appreciate that and if there is nothing else on voting at this time we can always come back to it if a Commissioner has another thought going forward.

I don't mind going backwards, but the next slide would take us in to committees.

Pardon me I apologize.

I was behind on my slides the manner of voting.

We've already discussed these four options.

I'll insert the clarifying language for the written ballot.

As distinct from a secret ballot.

Next slide, please.

And then we are at questions or comments so we are again ahead of ourselves on this slide as well.

Next slide.

Is committees.

So this has been discussed by the Commission in the past.

So I inserted the option to create standing committees or ad hoc committees as necessary.

Committee chairs and members appointed by the Commission, the committees would be subject to the open meetings act and they would make recommendations only not binding on the Commission again be like the subcommittees that the Commission created for the staff, hiring of staff purposes and that they are created as to the RFP as well.

And the committees will be discharged when the work has been completed or upon a vote of the Commission.

The next slide and we are nearing the end.

There is only 14 sections so dequorum and civility.

All conversation questions, discussion goes through the chair.

That's already standard procedure for the Commission.

No interruptions except point of information or fact.

This is where this was placed, not in the earlier.

So a point of information is a request for information.

So these -- it would not be to provide information.

If you had information on the topic being discussed you would request your name to be

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put on the speaker list or request to be acknowledged by the chair to participate in the discussion.

This would be for a point of information that you require from the person who is speaking.

Point of fact or a point of order is again to say was a motion proper?

Was the second, you know, was there a second?

Those kinds of where an interruption would be appropriate to stop the business and to get that clarity.

Negative comments or gestures being prohibited and then also for section 11.5 that I put a suggestion about communication devices that they be on silent mode or set to vibrate mode and that, again, in person meetings that they would be a member would leave the table to respond to an emergency communication during a meeting.

For your consideration or for your modification.

.
>> Steve: I have an addition here.

It does not need to go in here.

But one of the things that I will recognize as when I'm chair if you have something you want to bring up that is not pertinent to the discussion for whatever reason you want to insert whatever it is, you can ask for a point of personal privilege.

And I will recognize you and you can say whatever it is you want to say.

>> Julianne: I'm so glad.

>> Steve: Just to be nice.

>> Julianne: And I'm so glad you brought that because that is one of the most misused privileges in Robert's Rules so points of personal privilege is it's too hot in this room.

It's too cold.

I can't hear the speaker.

I can't hear the member of the public.

So certainly the chair is being very gracious with that acknowledgment for topics other than those personal comfort or ability to hear.

So and if you would like I can add that in to the rules.

As something that would be expected from all the chairs going forward.

>> Brittni: I have a question Julianne about the dequorum and civility piece how is this enforced and we are adults but how is it raised.

>> Officer presiding at the meeting first of all the individual members have the responsibility to conduct themselves in a professional manner with respect to every other member and staff.

However, again, because there could -- we don't know how what the future holds, so this section is meant to address in the event that something would happen that that would maybe be veered from, it would be the chair's responsibility to call out this, if

there is a specific section under section 11.0 and to bring the member back on track.

Or to acknowledge it, to take a recess.

There is many options the chair has to get the discussion back on track.

>> Brittini: Okay.

>> Julianne: And more productive path and I hope that is responsive.

>> Brittini: We are on the Commission and it could be any member or Steve or myself that is what I mean how is that going to be raised because obvious hi that can be a touchy subject so that was just a thought.

>> Julianne: It is definitely a sensitive subject but I think it's a very good idea to have it in your rules.

>> Brittini: Okay I agree.

>> Julianne: Is there -- next slide.

Procedures for public participation.

The time limit that I included that again is up entirely to the Commission would be a standard two minutes per speaker.

Time limit can be adjusted by the Commission at a meeting or during a public hearing.

The key is if you're going to amend the two minute public speaking limit it has to be uniform for all speakers.

So if you had 100 individual that wanted to provide public comment, you couldn't decide on speaker 50 that now we are going to do one minute each.

So that the two minutes is what's going to or whatever timeframe that the Commission would like would be the standard, the standard limit that would be set, but again the Commission does have the ability to suspend that rule and set a different time as a situation allows.

And the public must be recognized by the chair and address the full Commission.

Again, even if they are making comments to say I disagree with a certain Commissioner on this point, that would go through -- all the comments are may to the entire body through the chair.

So the chair can warn or curtail a speaker for failure to be on topic or germane to the duties of the Commission.

So if you had a member of the public that was concerned about water rates or some other community topic in that community, the Commission would have no influence or authority in that area.

So that would not be a comment germane to the public, to the Commission's business.

Exceeding this time limit certainly obscene or vulgar language the chairperson can curtail much like the Commission itself and the Commission staff and consultants and experts this would speak directly to the public.

And all questions to the Commission or member of the Commission would go through the chair.

The next slide.

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>> Steve: Doug has his hand up then Cynthia.

>> Doug: I have a question relative to this.

Let's say we have a public meeting then we got a thousand people that want to speak.

>> Uh-huh.

>> Doug: Can we put it off at a certain, you know, after four hours or three hours or whatever?

I mean I saw this happen on the when they were discussing the voting a few months ago.

And they cut it off.

They cutoff the meeting.

After so many hours and not everybody got to speak.

>> Julianne: So there is -- that has been done.

There used to be provisions saying public comment will only be for a half hour.

That was struck down.

So there are tools you can use.

There are tools you can use for if you have a lot of representation from one advocacy group.

You can say you know that everyone that agrees with this proposal with map A please stand.

You know everyone who disagrees with map A or different things to try to narrow it down but I guess the most straightforward answer to your question is no you get the benefit of all the public comment from those wishing to speak.

To the extent it gets disruptive or it's impeding the business of the Commission, those are -- there is options to deal with that as well.

But that if there is a member of the public wishing to speak, then they should have the student to speak and in that situation that is what I was referring if you look out and have 500 people and you say there is many, many people that want to speak, then maybe the solution is to restrict public comment to one minute per speaker.

But you couldn't restrict either the number of speaker or the time allotted to speaking. I hope that is responsive.

>> Steve: I have a question on that.

Is it possible to set up a system in which there's a question we will take map A and everybody is speaking or at least hopefully speaking to map A either for or against it, could we set up and say, okay, we are going to limit a discussion on map A to ten speeches for and ten speeches against?

>> Julianne: No.

So that what I would recommend you doing in that situation would be to accept or invite presentations on map A or map B and I think California did this where they had and for communities of interest they gave 15 minutes for groups to present.

So I think you could say map A who would like to speak on map A public hearing on

map A, that would be a discrete line item.

You can have public hearing on map B as a discrete line item but if you had a member of the public that wanted to speak at public comment for map A and map B that would be completely appropriate.

What you're referencing as I understand it, Steve, is that if you wanted to have a designated representatives from the pro-map A side and anti-map A side for lack of a better way to categorize it right now, I don't think -- because we can't limit people's ability to give their personal comments to the Commission.

So I think there might be some other ways to understand but generally if you have numerous public comments happening some people will drop out of the cue because my comments already been Stated or my thoughts have already been expressed or you know I raised my hand when the speaker when the chair said how many people agree with map A.

So but really the purpose is to give each individual an opportunity to speak if they would like to exercise it.

>> Steve: What I have experienced and I experienced a bunch of these once you hear the argument five times you won't hear new ones so that was the purpose of that. Your answer is clear, no.

>> Julianne: Yes.

>> Steve: I understand no.

Any other comments from any Commissioners?

Okay, keep going.

>> Julianne: All right, and next slide it's already advanced Cathleen thank you I asked for it already public access to Commission records there is three key points in this section that I wanted to highlight the differences.

The minutes in the record and decisions under the Constitution are available free of charge.

All of that is available on the Commission's website unless exempted the records will be available under the FOIA process as well.

But I would also like to highlight the third point, the secretary has been and under the rules will continue to post meeting materials and records on the Commission's website. So the documentation, the supporting materials and much of the data or records that the public would be interested in inspecting, copying, or viewing under FOIA is openly available on the Commission's website.

So, again, the three are the manner in which the information is going to be available to the public, all records of the Commission will be covered under one of these three areas.

Again, whether it's a public record by virtue of what it is.

The meeting minutes, or the vote record, if it's a record of the Commission that is not covered by a FOIA exception it would be available.

And to the extent that it's not posted on the website but again the MD O S has been doing a fantastic job with this section.

All right, and I just noticed the last section is 14.0.

And I think I have five minutes left on the agenda, so miscellaneous to suspend or amend the rules for the provision to amend the rules, it would be in writing with the specific rule to be proposed or to be revised and the proposed language would need to be circulated to the Commission three days prior to a meeting.

And then I included the standard severability language which if any part of the rules get struck down by a Court that the remaining rules would still remain in effect.

And that would conclude my summary of the proposed rules.

I know the Commission has made some clarifications and modifications today.

There is more questions, I'm happy to entertain them tonight or continue the discussion on Saturday.

I'm happy to circulate an updated draft to you to capture what was discussed already. For your consideration.

Or if anyone has additional comments or questions or changes that they would like to see reflected I'm happy to entertain that.

>> Steve: Cynthia.

>> Cynthia: I just wanted a little bit more clarification on 12.

For public participation.

So if we you're saying if we have a particular public meeting where there are a lot of people that want to make public comment, it's okay to shorten the time if we do it right from the get go.

Just for that meeting.

>> Julianne: Uh-huh yes.

>> Cynthia: And then the next meeting would be back to two minutes.

>> Julianne: Correct.

>> Cynthia: Okay.

>> Steve: We made several changes here and Julianne will bring this back Saturday I hope with a line out format so that we know what changes have been made.

And then we can further discuss whatever we need to wrap this up.

We also have upcoming meeting agenda topics Sue are we set for Saturday with our agenda topics?

>> Sue: Well of course some it depended how far we got today so we will continue the discussion on the rules.

You asked me to bring back a new meeting calendar and we didn't talk about key dates so that's kind of a complimentary document.

We will wrap those two together.

And I think those will be our two main agenda items for Saturday then unless there is something else that Commissioners have that they want to discuss on Saturday.

>> Steve: Well I don't know that we need an official discussion but we certainly need to think about getting out in to the ten community meetings.

We are running short of time in my opinion.

And I know Doug thinks we are running short of time too.

>> Sue: I totally forget one thing too, sorry.

>> Steve: Yeah.

>> Sue: The RFP bidder questions are due today at 3:00.

And those will be on our agenda to discuss on -- due tomorrow at 3:00 so those will be on our agenda for Saturday's meeting also.

So those will for the mapping vendor.

So vendor so those will be a part of our agenda that will probably fill our agenda.

>> Steve: Okay, Doug.

>> Doug: So Sue, the RFP has been put out for bid?

>> Sue: The mapping.

>> Doug: Yes.

>> Sue: RFP, yes, went out the day after our meeting per the schedule that was on the front page of that.

>> Doug: We are getting responses back that we need to discuss?

>> Sue: As of early this morning there weren't any questions.

But Chad had indicated those are going to him he indicated that typically those come in, you know, right at the deadline.

So.

>> Doug: Okay.

>> Sue: I'm assuming there will be some technical things he may be able to answer. And anything that is Commission related will come to this Commission to discuss and we will you know we will figure out the answers to those questions so then those can be posted by Monday.

>> Doug: Okay are there any other RFPs on the table that we are going to discuss?

>> Sue: Not that I'm aware of unless there is some that this Commission feels are important to be added.

>> Doug: Maybe on the agenda for Saturday let's discuss how these public meetings are going to get organized and who is going to them.

I see that almost as a full time job.

>> Sue: This will be a key part of Edward's job.

>> Doug: Oh, I know.

>> Sue: But I mean we won't be scheduling, the Commission doesn't need to do the work of the staff to schedule those meetings.

And so I think what would be most helpful would be for Edward to come to us with his plan as to how this should happen and then for the Commission to say, yes, that's what we want or, no, we don't want it that way.

Or this is how it should be tweaked so I mean, okay, thank you.

We will just give him a chance to get in.

He is jumping in with both feet.

I can guaranty we've had lots of discussion over the last couple weeks and he is ready to go.

He has done these types of meetings before so he brings great expertise.

>> Doug: I see that as a full time job just getting these things organized because there is a lot to them to get something set up.

Okay sounds good.

>> Steve: We are at the end of our day unless someone has some life threatening question to bring to our at intention attention.

Not seeing any, yes.

>> Julianne: I just wanted to make sure I had clarity on next steps.

I'm going to be updating the rules consistent with the conversation today.

Forwarding them to the Commissions so we can continue our conversation on Saturday about further amendments and modifications.

>> Steve: Yeah, and I don't expect we will have a lot more.

I think we've got pretty well flushed out.

I would like it in the strike out format so that we know what happened other than that, I think you know we should be able to finish that up with if it takes more than a half an hour I will be shocked but I have been shocked before.

>> Julianne: Thank you.

>> Steve: All right motion to adjourn?

MC, second, Juanita, all in favor smile.

Everybody is smiling.

See you Saturday.

10:00.

Adios, everybody. Have a good night.

>> Julianne: Take care.

[Meeting concludes]