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MICRC

06/03/21 5:00 pm Committee Meeting

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>> CHAIR KELLOM: Good evening, everyone. Hello Dearborn. If we can have everyone get to their seat we can get started.

Good evening. As Chair of the Commission, I call this meeting of the Michigan Independent Citizens Redistricting Commission to order at 5:04 p.m.

This meeting is being live streamed on you tube at [www.YouTube.com/michsosfooffice/videos](http://www.YouTube.com/michsosfooffice/videos).

For anyone in the public watching who would prefer to watch via a different platform than they are currently using, please visit our social media at Redistricting MI to find the link for viewing on YouTube.

Our live stream today includes closed captioning. Closed captioning, ASL interpretation, and Spanish and Arabic translation services will be provided for effective participation in this meeting. e-mail us at [Redistricting@Michigan.Gov](mailto:Redistricting@Michigan.Gov) for additional viewing options or details on accessing language translation services for this meeting.

People with disabilities or needing other specific accommodations should also contact Redistricting at [Michigan.gov](http://Michigan.gov).

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

This meeting is also being transcribed, and those transcriptions will be made available and posted at [Michigan.gov/MICRC](http://Michigan.gov/MICRC) along with the written public comment submissions.

There is also a public comment portal that may be accessed by visiting [Michigan.gov/MICRC](http://Michigan.gov/MICRC). This portal can be utilized to post maps and comments which can be viewed by the Commission and the public.

Members of the media who may have questions before, during or after the meeting should direct those questions to Edward Woods III, Communications and Outreach Director for the Commission at [WoodsE3@Michigan.gov](mailto:WoodsE3@Michigan.gov). For the purpose of the public watching and the public record, I will turn to department state Staff to take note of the Commissioners present.

>> MS. SARAH REINHARDT: Thank you, Madam Chair. Please say present when I call your name. If you are attending the meeting remotely, please announce during roll call that you are attending the meeting remotely. And unless your absence is due to military duty, announce your physical location by stating the county, city, Township or village and the state from which you are attending the meeting remotely.

Douglas Clark.

- >> COMMISSIONER CLARK: Present.
- >> MS. SARAH REINHARDT: Juanita Curry.
- >> COMMISSIONER CURRY: Present.
- >> MS. SARAH REINHARDT: Anthony Eid?
- >> COMMISSIONER EID: Present.
- >> MS. SARAH REINHARDT: Brittini Kellom?
- >> CHAIR KELLOM: Present.
- >> MS. SARAH REINHARDT: Rhonda Lange?
- >> COMMISSIONER LANGE: Present; attending remotely from Reed City, Michigan.
- >> MS. SARAH REINHARDT: Steve Lett?
- >> COMMISSIONER LETT: Present.
- >> MS. SARAH REINHARDT: Cynthia Orton?
- >> COMMISSIONER ORTON: Present.
- >> MS. SARAH REINHARDT: MC Rothhorn?
- >> COMMISSIONER ROTHORN: Present.
- >> MS. SARAH REINHARDT: Rebecca Szetela?
- >> VICE CHAIR SZETELA: Present.
- >> MS. SARAH REINHARDT: Janis Vallette.
- >> MS. SARAH REINHARDT: Erin Wagner?
- >> COMMISSIONER WAGNER: Present; attending remotely from

Charlotte, Michigan.

- >> MS. SARAH REINHARDT: Richard Weiss?
- >> COMMISSIONER WEISS: Present.
- >> MS. SARAH REINHARDT: Dustin Witjes?
- >> COMMISSIONER WITJES: Present.
- >> MS. SARAH REINHARDT: All Commissioners are present.
- >> CHAIR KELLOM: Thank you so much, Sarah.

And moving on to item three, adoption of the agenda, as a reminder to the public watching, you can view the agenda at [RedistrictingMichigan.org](http://RedistrictingMichigan.org).

If there are no amendments to the agenda, I will now entertain a motion to approve the meeting agenda.

- >> COMMISSIONER LETT: So moved.
- >> CHAIR KELLOM: Motion made by Commission Steve Lett and seconded by Commissioner Witjes. Is there discussion or debate on the motion?

Hearing none it is moved and seconded that we approve the agenda. All in favor raise your hand and signify with aye.

- >> Aye.
- >> CHAIR KELLOM: All opposed and signify with Nay.

The ayes prevail, motion carries and the agenda is adopted.

Moving on to the review and approval of minutes, by my account we have three. We will now review and approve the minutes from May 27th, which was our regular meeting in Lansing. I would entertain a motion to approve the minutes from May 27, 2021, from our regular meeting in Lansing.

>> COMMISSIONER LETT: So moved.

>> CHAIR KELLOM: Motion made by Commissioner Lett.

>> COMMISSIONER WITJES: Second.

>> CHAIR KELLOM: Seconded by Commissioner Witjes. Is there any discussion?

Hearing none we will now vote on the motion to adopt the minutes from May 27th, our regular meeting. All in favor raise your hand and signify by aye.

>> Aye.

>> CHAIR KELLOM: All opposed raise your hand and signify with nay.

The ayes prevail. The motion is adopted and we approve the minutes from May 27th, our regular meeting held in Lansing.

We will review and approve the minutes from our May 27th public hearing held in Lansing.

I would entertain a motion to approve the minutes from our May 27th public hearing held in Lansing.

>> COMMISSIONER LETT: So moved.

>> CHAIR KELLOM: Motion made by Commissioner Lett.

>> COMMISSIONER WITJES: Second.

>> CHAIR KELLOM: Come on, guys. Seconded by Commissioner Witjes.

Is there any discussion or debate on the motion?

Hearing none, we will now vote on the motion to adopt the minutes of the May 27th, Lansing public hearing.

All in favor raise your hand and say aye.

>> Aye.

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

The ayes have it, motion carries. And we have adopted the minutes from the Lansing public hearing on May 27th.

We will now review and approve the final set of minutes for June 1st, and that was our public hearing in Flint.

I would entertain a motion to approve the minutes from the June 1st, 2021, public hearing held in Flint.

>> So moved.

>> Second.

>> CHAIR KELLOM: Motion made by Commissioner MC Rothhorn, seconded by Commissioner Witjes.

All in favor raise your hand and say aye.

>> Aye.

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

The ayes have it. We have approved the minutes from the June 1st public hearing held in Flint.

At this time, I'm cheating and looking at the agenda, at this time we are moving on to our public comment pertaining to agenda topics. And, without objection, we will now begin the public comment pertaining to agenda comments portion of our meeting.

Hearing no objection, we will now proceed with public comment pertaining to agenda topics.

Individuals who have signed up and indicated that they would like to provide in-person public commentary to the Commission will now be allowed to do so. You will be asked to unmute yourself because I think we have one virtual so you will be asked to unmute yourself and allow staff a couple minutes to do so. And you will have two minutes to address the Commission.

Okay, at this time for purposes of the public record, our virtual public comment is not present, so we do not have public comment for this portion of the meeting.

Thank you for being patient. We will now move to Item 6 on the agenda, which is unfinished business.

And, without objection, we will have our General Counsel come to us and provide an update on legal staffing and litigation requests for proposals.

Hearing none, General Counsel, you can proceed.

>> MS. JULIANNE PASTULA: Thank you very much, Madam Chair. And thank you to Dearborn for hosting us this evening.

I have brief updates on both the legal staffing and litigation counsel requests for proposals. The legal staffing procurement request was reposted on June 1st with responses due Tuesday, June 8th by 2:00 p.m.

The language was identical to the first posting. The only thing that changed was, in fact, the posting dates.

The RFP for litigation counsel, there were no vendor questions received by the deadline and the proposals are due by 3:00 p.m. on Thursday, June 10th.

Thank you.

>> CHAIR KELLOM: Thank you, General Counsel. Is there any further discussion on the update that she provided?

>> COMMISSIONER CLARK: I have one question. Why was it reposted?

>> MS. JULIANNE PASTULA: Thank you for the question, Commissioner Clark. We received no responses.

>> CHAIR KELLOM: Any other discussion on the item?

Thank you, General Counsel.

Moving on to unfinished business, Agenda Item 6A2, without objection, we will have General Counsel provide an update on the petition to Michigan Supreme Court.

Hearing no objections, General Counsel, you may proceed.

>> MS. JULIANNE PASTULA: Thank you again, Madam Chair. The petition to the Michigan Supreme Court, we have oral arguments scheduled for June 21st. Yesterday was the deadline for the filing of the supplemental brief by petitioners that was circulated to all Commissioners and is posted or should be posted on the MICRC website.

The briefs in support of the questions submitted by the Michigan Supreme Court both in the affirmative and the negative were also provided by the Attorney General's Office, and those have been circulated as well. Thank you, Madam Chair.

>> CHAIR KELLOM: Thank you, General Counsel. Any discussion on what General Counsel just provided as her update?

Okay, moving on to unfinished business, Agenda Item 6B1, without objection, our General Counsel will come to us to provide an update on expanded times for meetings and public hearings.

Hearing no objection to that, General Counsel, you may proceed.

>> MS. JULIANNE PASTULA: Thank you for the third time, Madam Chair.

The line item we have before us is that last week the Commission had requested options to expand the time and/or frequency of regular Commission meetings.

And the second topic that the Commission required option on was to extend the time for public hearings.

So MICRC staff discussed the options with MDOS staff taking into consideration logistical availability and cost implications and prepared a memorandum dated June 2nd from your Executive Director.

The first topic would be the regular Commission meetings. The options set forth, the first listed as the staff recommendation, which is to conduct two, two-hour meetings each week in the hours ahead of the already established public hearing dates, one on Tuesday and one on Thursday. The run time suggested would be 12 Noon to 2:00 p.m. or 1:00 p.m. to 3:00 p.m. to allow time for set up in the morning and a break in between the meeting and the public hearing.

One thing that I thought was significant was that the effort that goes into MDOS staff and the time invested for the set up for the AV in conjunction with our contractors, that takes about four hours in advance of the meeting. So that is why the recommended start time would be 12 or 1:00 p.m.

The second option for regular Commission meetings listed in the memo is to have a single four-hour meeting on Thursdays. The run time would be from 12-4:00 p.m., again, to allow for that set up time in the morning. And also conduct a break in between the public hearing and the Commission meeting.

The third option listed is meetings of any length and time on Wednesday or Friday, which may be virtually conducted through the end of June.

And the last option listed is meetings of any length in time on Saturday, which also may be virtual through June. However, the availability of MDOS staff and some other

logistical challenges may make Saturdays -- we wouldn't have our normal or our normal assigned team. So that's one consideration.

Another consideration for Saturday meetings that I would like to highlight is the increased costs for translator and closed captioning would be 15-20% more than meetings held during the weekday.

Let's see. And, Madam Chair, I think if you would like to -- if the Commission would like to discuss the regular Commission meetings or I can present the public hearing options as well at this time.

>> CHAIR KELLOM: What is your pleasure? Would you like to talk about the meetings first and then talk about the hearing second? While we have all of those dates and times in our heads?

>> COMMISSIONER LETT: I think we should talk about them both at the same time since they are connected together and we can deal with them together in one motion. And, in fact, if I can make a motion and it -- I will make the motion. I move that we meet on Tuesdays and Thursdays for our regular Commission meeting from 1:00 to 3:00 and for the public hearing to start at 5:00, which is the recommendation.

>> CHAIR KELLOM: Commissioner Steve Lett has just taken it away.

>> COMMISSIONER SZETELA: Is the recommendation 1-3 or is it 2-4?

>> COMMISSIONER LETT: My motion is 1:00-3:00.

>> COMMISSIONER WITJES: I second.

>> CHAIR KELLOM: A second, okay. Motion made by Commissioner Steve Lett and seconded by Commissioner Witjes.

Is there any discussion on the motion?

>> COMMISSIONER LETT: I would speak to it. I will wait to the end. I'm the motion maker, so I'll have the last word.

>> CHAIR KELLOM: I'm sorry, can you say that again, Commissioner Lett? I did not catch it.

>> COMMISSIONER LETT: I will speak to it but I will wait until everybody is done. Since I am the motion maker, I will have the last word.

>> COMMISSIONER CLARK: Madam Chair, could you repeat the motion, please?

>> MS. JULIANNE PASTULA: The motion that is on the table is to hold the regular meeting on Thursdays between 1:00 and 3:00 and to modify the public hearing start time for 5:00 p.m.

>> COMMISSIONER CLARK: So that is only Thursdays from 1-3 or Tuesday and Thursdays?

>> COMMISSIONER LETT: Tuesdays and Thursdays.

>> CHAIR KELLOM: Tuesdays and Thursdays.

>> COMMISSIONER CLARK: Okay, yeah, my opinion on that is that is probably the most fiscally responsible thing we can do given MDOS' situation. And the set up time

that they need, so I would support that. My only comments would be should it be 1-3 or 2-4, so to me it doesn't matter, to other people it may.

>> CHAIR KELLOM: Can you repeat the last part of your comment, Doug? I want to make sure I heard it.

>> COMMISSIONER CLARK: Correct. I mean, the only caveat I had was one at a time should be 1-3 for the meeting or 2-4. And personally I don't care. It could go either way.

>> CHAIR KELLOM: Okay. I think the motion right now is from 1-3 on Tuesdays and Thursdays with 5:00 being the time for public hearings on those days. And then 7:00 would be the time for public comment instead of the time that we have now.

Commissioner Rothhorn.

>> COMMISSIONER ROTHORN: 7:00 would be the end time?

>> CHAIR KELLOM: General Counsel.

>> MS. JULIANNE PASTULA: Through the Chair, Commissioner Rothhorn, no, the recommendation that was advanced by staff was to comport and be consistent with the public comment sign up time that is currently in existence, which is an hour before the meeting start time the doors open. And currently it goes to 8:00 p.m. with -- excuse me with a 6:00 p.m. start time. So the staff recommendation would be that with a 5:00 p.m. start time that that public comment sign-up period would close at 7:00.

And, again, the Commission, if you sign up before the deadline you have the opportunity to speak. And if the Commission wanted to do that because we have a motion pending on the table, we would need a motion to amend or a separate motion.

>> CHAIR KELLOM: Commissioner Anthony Eid?

>> COMMISSIONER EID: So I agree with all of this motion except for moving up the latest time a member of the public could sign up to give public comments. I think 7:00 p.m. is too early in the day. I mean, you know, people usually get off work on Thursdays at around 5:00 p.m. if they are working a normal 9:00-5:00 job, then it might take them some time to travel to wherever we are holding the meeting. And I just think 7:00 p.m. is too early to have the public comment cutoff.

However, I am in support of starting it an hour early. I don't see any harm in that. But I would suggest that we leave the final cutoff time to 8:00 p.m.

>> CHAIR KELLOM: Commissioner Clark and then Commissioner Rothhorn.

>> COMMISSIONER CLARK: Yeah, I agree with Anthony on the 8:00 timeframe. However, I don't think we should start the meeting earlier. Because we've advertised it out into the communities that we are starting at 6:00. And I don't want to confuse people and start early. So that would be my opinion. Keep the start time the same and the end time for sign up the same and just move forward with that. I yield.

>> CHAIR KELLOM: Thank you, Commissioner Clark. Commissioner Rothhorn?

>> COMMISSIONER WITJES: Commissioner Wagner and Commissioner Lange had their hand up for quite some time.

>> CHAIR KELLOM: My apologies. Commissioner Wagner and then Commissioner Lange.

>> COMMISSIONER WAGNER: I was going to say I don't think it's fair to everybody we already had public hearings if we start earlier instead of the 6:00. And, if we do that, it's not fair to everybody that has had attended the hearings before because who is to say if we had not started earlier a lot more people would have shown up.

>> CHAIR KELLOM: Thank you, Commissioner Wagner. Commissioner Lange?

>> COMMISSIONER LANGE: I have to agree with Erin on that one. But I also have a comment for if we did start early at 5:00 and having the sign up still until 8:00 p.m., the same thing, I don't think that's fair. And I think the purpose of starting it earlier was to guaranty that we didn't go beyond our lease for the venues. So I feel like if we keep the sign up until 8:00 p.m., that's actually being counterproductive. So just my thought.

>> CHAIR KELLOM: Thank you. I would have to agree with that portion of it because of the length of time we are renting was a concern.

I do though, I am in favor of an earlier time for our hearing simply because I think that we have other offerings in terms of ways that folks can get involved and give comment.

I think it's hard to say how folks would choose to be involved either way, but I think an earlier start time there could be an argument that would offer more people that couldn't come before, so Commissioner Eid?

>> COMMISSIONER EID: Yes. Well, it sounds like most people are in favor of the first part of Commissioner Lett's motion. I'm wondering if he might want to amend it to split up these two different discussions we are having? Because I think we could approve the 1:00 p.m. to 3:00 p.m. meetings now and then discuss what we want to do about the public hearings after.

>> CHAIR KELLOM: Can -- is there any other discussion before we do that? I had -- Commissioner Szetela had a comment as well and then General Counsel has information. Sorry, Commissioner Eid. Go ahead.

>> VICE CHAIR SZETELA: I'm not in favor of the 1-3 time because it's creates a two-hour dead time in between that I don't think is efficient. What are we going to do during that time, just sit around, waiting for a hearing? At least if we do 2-4, then we have the time we dedicated to press time to meet with the press and possibly grab something to eat really quick if we want to. Whereas 1-3, one, everyone has to travel earlier and then we have this two-hour gap where we are just not using our time, which is wasting time, and then paying for facilities as well. So I'm definitely not in favor of the 1-3 time.

And then the second part of that, I think if we are going to be consistent, people who have already signed up have a specific amount of time. If we shift to 5:00 and then end it at 7:00, we are enabling the public to have that same time period. I believe it's two hours to sign up. And I think that is fair and consistent to do that. If we have it 5-8, one, we are not really addressing the concern, which is are we potentially going to butt up

against the time we have to leave the facility. And then, two, we are giving people in certain communities more time to sign up than we have given the seven communities we already had hearings at. So I don't know if I would be comfortable with that either.

>> CHAIR KELLOM: Okay. Commissioner Eid? I'm sorry, General Counsel.

>> MS. JULIANNE PASTULA: Thank you, Madam Chair. So some additional pieces of information from staff discussions about the options that were presented to the Commission. The 1-3 start time was suggested so that the Commissioners would have a break to be able to eat prior to the press conferences starting.

As Vice Chair Szetela just noted, that the 2:00-3:00 -- the 2:00 to 4:00, excuse me, would bring the Commission up to the 4:00 p.m. press conferences. And then if the Commission public hearing is extended to 5:00, moved earlier to 5:00, then we wanted to make sure that -- I just wanted to highlight that point that the 1:00 to 3:00 was for that hour break to be able to get refreshments or dinner prior to the start of the public hearing.

Another key topic was relative to the public comment start-up time. So we discussed with the MDOS staff members that the benefit of them being at the public comment sign-up table as to how many people generally sign up between 7:30 and 8 or 7 and 8, and they indicated that that definitely was the lull time. And if the Commissioner would recall in a few of our public hearings our extended recess time was, in fact, to get us to the 8:00 public comment sign-up time expiration.

So I just wanted to highlight those pieces of information for the Commission. And, again, I'm available to answer any questions.

>> CHAIR KELLOM: Thank you, General Counsel. Commissioner Wagner and then Commissioner Lange.

>> COMMISSIONER WAGNER: Commissioner Lange had her hand up first.

>> CHAIR KELLOM: Commissioner Lange?

>> COMMISSIONER LANGE: Thank you. My only question, not now about the hearings, but about the meetings, I would ask if anybody considered, since the Ingham County extended their state of emergency till the end of June, if we have, say, our regular hearing, our -- pardon me, our regular meeting, say, on a Wednesday for four hours and then use Tuesdays and Thursdays strictly for our public hearings. Because I know we've had a couple instances where our meeting actually took away time from our public hearing where people that came to give their testimony ended up sitting for like a half an hour or more. So could that also be an option for us?

>> CHAIR KELLOM: So we still have a motion on the floor, so there would have to be, you know, we need to vote on that or at least a severe amendment at this point.

So I want to move the discussion on the motion that we have first if possible. Commissioner Rothhorn.

>> COMMISSIONER ROTHORN: I do have a question about the -- so we are -- I think what we are trying to and we are anticipating as we move into more populated

areas more need for more discussion. I'm wondering, do we have any requests from organizations? Is there any, let's say, additional data that the staff or do we know, do we have a request from communities? Or is this, I guess, are we just making our best educated guess so to speak?

>> MS. JULIANNE PASTULA: Commissioner Rothhorn, now that we are moving into more populated areas of the state, that was the consideration for extending the proposal to extend the meeting time to 5:00 p.m.

And, again, the three-hour sign up time availability for public comment would be staff is recommending that that be maintained being an hour before and then the two hours, the first two hours of the public hearing.

>> COMMISSIONER ROTHORN: Got it. It sounds like we think we know. We are anticipating, but we don't have necessarily requests; is that accurate? From let's say communities that are -- we are moving to? For the hearing, for the hearing, not for the meetings.

>> MS. JULIANNE PASTULA: For the hearing. So, Commissioner Rothhorn, I'm not aware of specific requests. But I do know in the stakeholder meetings and discussions that your Communications and Outreach Director has had with different groups, as we are going into these areas, the expectation is that there will be more people than in the past.

>> COMMISSIONER ROTHORN: Thank you. Yeah, and I want to build more trust. So I trust that we are going to have more people. And I think we want that, so we want to encourage it. And I'm just trying to make sure that it does feel that we are balancing this fairness, right, wanting to have some sense of fairness.

And I guess I want to offer that in this respect it feels like we should be responsive. And what I mean to say is we have learned some things. We are doing this for the first time. And to respond and sort of say, hey, look we are going to adjust, even though we set it up until 8:00 p.m., even though we set it up and said we were going to do it this way, it's advertised, it does feel important to learn and respond.

And so I feel like if we know that we are moving into more populated areas and we've had this experience, I think Commissioner Wagner said it very well, we can't know. And we won't know the future either, but we have to make some sort of decision. And it feels like for me to encourage more public comment or to have that expansive as we move into more populated areas, it feels reasonable. It feels like and I will suggest it even feels like we are actually creating fairness.

>> CHAIR KELLOM: Commissioner Clark?

>> COMMISSIONER CLARK: Yes. I would like to amend the motion to continue the sign up time for public comment to 8:00 as it stands today.

>> CHAIR KELLOM: Go ahead, General Counsel.

>> MS. JULIANNE PASTULA: So, Commissioner Clark, I would recommend you would withdraw that motion. That is not currently on the table. The motion that's

pending is to conduct on Tuesday and Thursday regular Commission meetings from 1:00-3:00 p.m. and to move the public hearings start time from 6:00 p.m. to 5:00 p.m. That is the only motion that is pending.

>> COMMISSIONER CLARK: So the 8:00 clock time will stay intact.

>> MS. JULIANNE PASTULA: That has not been proposed to be modified at this time.

>> COMMISSIONER CLARK: Then I will withdraw it.

>> CHAIR KELLOM: Thank you, Commissioner Clark. And thank you, General Counsel. And are we ready to vote?

>> VICE CHAIR SZETELA: I was just going to say I want to call the question.

>> CHAIR KELLOM: Okay. All those in favor of the meetings being from on Tuesdays and Thursdays.

>> COMMISSIONER LETT: I would like a voice vote, please.

>> CHAIR KELLOM: Yes, okay. Can I still restate -- want to restate the motion, too? I was going to restate the motion. Okay, General Counsel, can you restate the motion again for the times?

>> MS. JULIANNE PASTULA: Yes. The motion pending before this body is to conduct regular meetings on Tuesday and Thursday from 1:00 to 3:00 and the public hearing start time at 5:00 p.m.

>> CHAIR KELLOM: Thank you, General Counsel. All those in favor of the motion as stated with a voice vote, so can we have Michigan Department of State staff call roll for the voice vote? Thank you, Vice Chair Szetela.

>> MS. SARAH REINHARDT: Absolutely, Madam Chair. To clarify that was a call for a roll call vote; is that correct?

>> CHAIR KELLOM: Yes.

>> MS. SARAH REINHARDT: Thank you. Okay. Commissioners, please indicate your vote with a yes or a no. I will call Commissioners' name in alphabetical order starting with Richard Weiss.

>> COMMISSIONER WEISS: No.

>> MS. SARAH REINHARDT: Dustin Witjes?

>> COMMISSIONER WITJES: Yes.

>> MS. SARAH REINHARDT: Doug Clark?

>> COMMISSIONER CLARK: Yes.

>> MS. SARAH REINHARDT: Juanita Curry?

>> COMMISSIONER CURRY: Yes.

>> MS. SARAH REINHARDT: Anthony Eid?

>> COMMISSIONER EID: Yes.

>> MS. SARAH REINHARDT: Brittini Kellom?

>> CHAIR KELLOM: No.

>> MS. SARAH REINHARDT: Rhonda Lange?

>> COMMISSIONER LANGE: No.

>> MS. SARAH REINHARDT: Steve Lett?

>> COMMISSIONER LETT: Yes.

>> MS. SARAH REINHARDT: Cynthia Orton?

>> COMMISSIONER ORTON: Yes.

>> MS. SARAH REINHARDT: MC Rothhorn.

>> COMMISSIONER ROTHORN: Yes.

>> MS. SARAH REINHARDT: Rebecca Szetela?

>> VICE CHAIR SZETELA: No.

>> MS. SARAH REINHARDT: Janice Vallette?

>> COMMISSIONER VALLETTE: Yes.

>> MS. SARAH REINHARDT: Erin Wagner?

>> COMMISSIONER WAGNER: No

>> MS. SARAH REINHARDT: By a vote of 8 to 5, the motion carries.

>> CHAIR KELLOM: So the motion carries. We will now have our meetings Tuesdays and Thursdays 1:00-3:00 p.m. with the public hearings starting at 5:00 p.m. During the public hearing cycle 7-1, thank you, General Counsel. And now I think there needs to be some discussion on what time we are taking.

>> COMMISSIONER WITJES: I'll make a motion to change the public comment time to move from 8:00 to 7:00 p.m.

>> CHAIR KELLOM: Motion made by Commissioner Witjes. Is there a second?

>> COMMISSIONER LANGE: Second.

>> CHAIR KELLOM: Seconded by Commissioner Lange. Thank you, Commissioner Lange.

Is there anything discussion about the time being moved from 8:00 to 7:00 p.m.? Any further discussion?

Commissioner Eid?

>> COMMISSIONER EID: Yeah, I would not be favor of moving the last possible time for people to sign up. I understand, you know, the sentiment of wanting to keep the same amount of hours available for people to sign up, and this motion would do that. It would make it three hours, the one hour before the meeting and the two hours after the meeting starts.

But I think in practicality what is actually going to end up happening is you're going to have a lot of people that might want to give public comment but might be dissuaded because they feel like they might not be able to make it out in time to sign up.

And the last thing I would want to do is even create the potential of not hearing from a member of the public that might want to tell us about their community. Thank you.

>> CHAIR KELLOM: Thank you, Commissioner Eid. Commissioner Witjes?

>> COMMISSIONER WITJES: Can members of the public register online beforehand anyway? Question.

>> CHAIR KELLUM: Yes, but General Counsel can add more.

>> MS. JULIANNE PASTULA: Commissioner Witjes, could you repeat the question?

>> COMMISSIONER WITJES: I guess my statement to that is I'm pretty sure that the public can preregister online currently, right now, instead of just coming here to sign up.

>> MS. JULIANNE PASTULA: Correct. That's correct. And I would also recommend for clarity sake that the motion be amended to clarify that the public comment window to sign up would be from 4:00 to 7:00 p.m. And that is the proposed change. What it currently is 5:00 to 8:00. Again, with the past hearing starting at 6:00.

So that I believe the intent may have been to again have it an hour earlier on the front end as well as ending at 7:00. Thank you, Madam Chair.

>> MS. SARAH REINHARDT: Commissioner Witjes, apologies, this is Sarah Reinhardt with the Michigan Department of State. Just to further clarify, members of the public are able to register in advance, online for public comment, for virtual public comment.

Members of the public are also able to RSVP in advance for in person. But in order to register for public comment, they must still register at the table out front upon arrival.

>> CHAIR KELLUM: Thank you, Sarah Reinhardt. Any further discussion?

>> COMMISSIONER LETT: I move to amend Dustin's motion to comply with what we are, in fact, doing. If we move it to 5:00, we would begin opening registrations for public comment at 4:00 to make sure that everybody understands that. So I would make that as a motion to amend.

And then I would speak against backing it up to 7:00. I don't think there is any magic that we have. We have been having a two-hour open session for public comment, people would come in and sign up. I think, if we look back, and I wasn't in on the discussions, but the 8:00 simply cutoff so that at some point in time you had to have your name on so that we would get done and we wouldn't be taking people all night long until the very end. So there is nothing magic about saying we are going to do it from 6:00 to 8:00 or we are going to do it from 5:00 to 8:00. There is no reason we should have an open window there if it's two hours or three hours or four hours. It's simply to cut it off at some point in time so that we are not there until 2:00 in the morning with people still signing up.

I don't think it's unfair to the people that have been before. We have not had a super large crowd that everybody wasn't able to sign up. And, therefore, I think the sign-up cutoff at 8:00 is fair and reasonable.

>> CHAIR KELLUM: I thought you had a hand, okay, Commissioner Lange?

>> COMMISSIONER LANGE: Can I get verification? Is there a motion to amend Dustin's and make it from 4:00 to 7:00 p.m. then?

>> CHAIR KELLUM: General Counsel, can you provide a clarification?

>> MS. JULIANNE PASTULA: Actually Commissioner Lange asked the question before I could ask it for clarification from Commissioner Lett. I have motioned to amend the public comment sign-up from 4:00 to 7:00. Was that your motion to amend?

>> COMMISSIONER LETT: That was.

>> MS. JULIANNE PASTULA: Okay, thank you.

>> COMMISSIONER LETT: And I will make a second motion to amend now I have the microphone, and it will be from 4:00 to 8:00.

>> MS. JULIANNE PASTULA: So you wish to withdraw your motion to amend from 4-7? It was never seconded.

>> COMMISSIONER LETT: It was to clarify my motion and make it 4:00 to 8:00.

>> MS. JULIANNE PASTULA: Okay, so the motion on the table by Commissioner Lett, the motion to amend is to have the public comment sign-up period for in-person public comment run from 4:00 to 8:00 p.m. for the public hearings that are going to occur through July 1st.

>> COMMISSIONER WITJES: Second.

>> CHAIR KELLOM: There is no further discussion on Vice Chair Szetela?

>> VICE CHAIR SZETELA: Yeah, I'm still concerned with the 8:00, is the reason for this entire exercise was the concern of staff. That if we leave the 8:00 time, that we could potentially run into a situation when we are in the larger cities like Detroit that we are going to or Grand Rapids that we are going to run out of time that we have the facility booked for.

So if we go until 8:00 we could potentially going past midnight. So I feel like if we are keeping it the same, we are not really addressing the concern. We are still leaving the concern open that we could be in a situation where we hit midnight and we have to vacate. And people have signed up between 7 and 8 who are now not going to be able to speak or we are going to have to pay extra facilities for overtime that we didn't contract for or in some cases we contracted it in there and it's exorbitant.

So I'm just concerned that we are still not addressing the concern that our staff is telling us it's an issue.

>> CHAIR KELLOM: Thank you, Vice Chair Szetela. Any other thoughts?

>> COMMISSIONER LETT: I have a response to Rebecca.

>> CHAIR KELLOM: Commissioner Lett, go ahead.

>> COMMISSIONER LETT: I don't see where if we cut them off at 7:00 or cut them off at 8:00, they are still going to be people that are going to want to talk. If we cut them off at 7:00, those people aren't going to get to talk. If we cut them off at 8:00, then we have that extra people lined up that will be able to talk.

So either way somebody is going to get the short end. If we get kicked out at midnight, we get kicked out at midnight and we can blame it on the facility.

>> CHAIR KELLOM: In favor of staff, I would prefer the 7:00 time. But Commissioner Lange and then I say that we vote in essence of time. Commissioner Lange, go ahead.

>> COMMISSIONER LANGE: I was going to second what Rebecca said and ask that we call the question into a roll call vote.

>> CHAIR KELLOM: Okay, all those in favor of the --

>> VICE CHAIR SZETELA: I need clarification on what we are voting on at this point because I feel there is a motion and amend it. And I'm not sure what we are voting on.

>> CHAIR KELLOM: And I'll have General Counsel provide a clarification.

>> MS. JULIANNE PASTULA: So the first vote will be on the motion to amend. A Commissioner has requested a roll call vote on the motion to amend, that motion to amend is to have in-person sign-up for public comment for the public hearings to occur between 4:00 p.m. and 8:00 p.m.

>> CHAIR KELLOM: Does everyone have clarification what we are voting for? All those in favor of the motion as stated with the roll call vote by our Michigan Department of State staff, Sarah Reinhardt. Take it away.

>> MS. SARAH REINHARDT: Thank you, Madam Chair. Commissioners, please indicate your vote with a "Yes" or "No." I will call Commissioner names in alphabetical order starting with Commissioner Witjes?

>> COMMISSIONER WITJES: Yes.

>> MS. SARAH REINHARDT: Doug Clark?

>> COMMISSIONER CLARK: Yes.

>> MS. SARAH REINHARDT: Juanita Curry?

>> COMMISSIONER CURRY: No.

>> MS. SARAH REINHARDT: Anthony Eid?

>> COMMISSIONER EID: Yes.

>> MS. SARAH REINHARDT: Brittini Kellom?

>> CHAIR KELLOM: No.

>> MS. SARAH REINHARDT: Rhonda Lange.

>> COMMISSIONER LANGE: No.

>> MS. SARAH REINHARDT: Steve Lett?

>> COMMISSIONER LETT: Yes.

>> MS. SARAH REINHARDT: Cynthia Orton?

>> COMMISSIONER ORTON: No.

>> MS. SARAH REINHARDT: MC Rothhorn?

>> COMMISSIONER ROTHORN: No.

>> SARAH REINHARDT: Rebecca Szetela?

>> COMMISSIONER SZETELA: No.

>> MS. SARAH REINHARDT: Janis Vallette?

>> COMMISSIONER VALLETTE: No.

>> MS. SARAH REINHARDT: Erin Wagner?

>> COMMISSIONER WAGNER: No.

>> MS. SARAH REINHARDT: Richard Weiss?

- >> COMMISSIONER WEISS: No.
- >> MS. SARAH REINHARDT: By a vote of 4-9 the motion does not carry.
- >> CHAIR KELLOM: Motion fails. So do I have another motion for a timeframe for the public hearings, which really would be from 4:00 to 7:00?
- >> COMMISSIONER WITJES: Want to just go back down to mine, which was 4:00 to 7:00?
- >> MS. JULIANNE PASTULA: The main motion, Madam Chair, was to move the 8:00 p.m. to 7:00 p.m., that was moved by Commissioner Witjes, excuse me. And seconded by Commissioner Lange.
- >> CHAIR KELLOM: Okay. So, I'm sorry, we return to the main motion.
- >> MS. JULIANNE PASTULA: And if Commissioner would like to amend this motion to start at 4:00 p.m. to encompass the 4:00 to 7:00, that would be appropriate.
- >> COMMISSIONER LETT: I'll make that amendment.
- >> CHAIR KELLOM: Thank you for the amendment, Commissioner Lett. Commissioner Wagner, did you have something?
- >> COMMISSIONER WAGNER: No, I just moved that before Steve did.
- >> CHAIR KELLOM: Okay. Do I have a second on the amendment?
- >> COMMISSIONER WITJES: Second.
- >> CHAIR KELLOM: Second made by Commissioner Witjes. Is there any discussion about the 4:00 to 7:00 timeframe, any further discussion?
- And I'll turn the vote over to -- I don't have to do that. Okay.
- >> MS. JULIANNE PASTULA: If you want to.
- >> COMMISSIONER WITJES: Roll call vote, please.
- >> CHAIR KELLOM: I know this group. I was going to say for consistency, I'll turn it over to the Michigan Department of State, Sarah Reinhardt, for a roll call vote. My apologies.
- >> MS. SARAH REINHARDT: Thank you, Madam Chair. Commissioners, please indicate your vote with a yes or a no. I will call Commissioners' name in alphabetical order starting with Doug Clark.
- >> MS. JULIANNE PASTULA: Before we start the vote, I just wanted to clarify the motion to amend that is on the table is to hold the in-person public comment sign-up starting at 4:00 p.m. It would add the 4:00 p.m. start time to the main motion of through 7:00 p.m. So this is just on the motion to amend, Madam Chair.
- >> MS. SARAH REINHARDT: Thank you, General Counsel Pastula. Once more, Commissioners, please indicate your vote with a "Yes" or "No." I will call Commissioners' names in alphabetical order starting with Commissioner Clark?
- >> COMMISSIONER CLARK: No.
- >> MS. SARAH REINHARDT: Juanita Curry?
- >> COMMISSIONER CURRY: Yes.
- >> MS. SARAH REINHARDT: Anthony Eid?

- >> COMMISSIONER EID: No.
- >> MS. SARAH REINHARDT: Brittini Kellom?
- >> CHAIR KELLOM: Yes.
- >> MS. SARAH REINHARDT: Rhonda Lange?
- >> COMMISSIONER LANGE: Yes.
- >> MS. SARAH REINHARDT: Steve Lett?
- >> COMMISSIONER LETT: Yes.
- >> MS. SARAH REINHARDT: Cynthia Orton?
- >> COMMISSIONER ORTON: Yes.
- >> MS. SARAH REINHARDT: MC Rothhorn?
- >> COMMISSIONER ROTHORN: Yes.
- >> MS. SARAH REINHARDT: Rebecca Szetela?
- >> COMMISSIONER SZETELA: Yes.
- >> MS. SARAH REINHARDT: Janis Vallette?
- >> COMMISSIONER VALLETTE: Yes.
- >> MS. SARAH REINHARDT: Erin Wagner?
- >> COMMISSIONER WAGNER: Yes.
- >> MS. SARAH REINHARDT: Richard Weiss?
- >> COMMISSIONER WEISS: Yes.
- >> MS. SARAH REINHARDT: Dustin Witjes?
- >> COMMISSIONER WITJES: Yes.
- >> MS. SARAH REINHARDT: By a vote of 11-2, the motion carries.
- >> CHAIR KELLOM: Motion carries, which means that our public comment window will be from 4:00 p.m. to 7:00 p.m. General Counsel, go ahead.
- >> MS. JULIANNE PASTULA: So the motion to amend has been adopted, Madam Chair, which amends the main motion to read to in-person public comment sign ups to occur from 4:00 p.m. through 7:00 p.m. for public hearings through July 1st.
- The main motion was made by Commissioner Witjes and it was seconded by Commissioner Lange. So a vote is appropriate.
- >> CHAIR KELLOM: I was going to say are we ready to vote? Okay, all those in favor, keeping consistency with a roll call vote, thank you, Sarah Reinhardt, for working so diligently with us on this, for the main motion, which is to -- restate it again. I'm sorry, General Counsel.
- >> MS. JULIANNE PASTULA: To conduct in-person public comment sign up for the public hearings between 4:00 and 7:00 p.m. for the public hearings through July 1st.
- >> CHAIR KELLOM: Sarah Reinhardt, you may proceed.
- >> MS. SARAH REINHARDT: Thank you, Madam Chair Commissioners, once more, please indicate your vote with a "Yes" or "No." I will call Commissioners' names in alphabetical order starting this time with Juanita Curry?
- >> COMMISSIONER CURRY: Yes.

- >> MS. SARAH REINHARDT: Anthony Eid?
- >> COMMISSIONER EID: No.
- >> MS. SARAH REINHARDT: Brittini Kellom?
- >> CHAIR KELLOM: Yes.
- >> MS. SARAH REINHARDT: Rhonda Lange?
- >> COMMISSIONER LANGE: Yes.
- >> MS. SARAH REINHARDT: Steve Lett?
- >> COMMISSIONER LETT: Yes.
- >> MS. SARAH REINHARDT: Cynthia Orton?
- >> COMMISSIONER ORTON: Yes.
- >> MS. SARAH REINHARDT: MC Rothhorn?
- >> COMMISSIONER ROTHORN: Yes.
- >> MS. SARAH REINHARDT: Rebecca Szetela?
- >> VICE CHAIR SZETELA: Yes.
- >> MS. SARAH REINHARDT: Janis Vallette?
- >> COMMISSIONER VALLETTE: Yes.
- >> MS. SARAH REINHARDT: Erin Wagner?
- >> COMMISSIONER WAGNER: Yes.
- >> MS. SARAH REINHARDT: Richard Weiss?
- >> COMMISSIONER WEISS: Yes.
- >> MS. SARAH REINHARDT: Dustin Witjes?
- >> COMMISSIONER WITJES: Yes.
- >> MS. SARAH REINHARDT: Doug Clark?
- >> COMMISSIONER CLARK: No.
- >> MS. SARAH REINHARDT: By a vote of 11-2, the motion carries.
- >> CHAIR KELLOM: Thank you, Sarah Reinhardt. Thank you, fellow Commissioners, for that vote. The motion carries. And General Counsel go ahead.
- >> MS. JULIANNE PASTULA: So, Madam Chair, I would, briefly, I know we need to get to the next item on the agenda before the public hearing starts, but I would recommend that the Commission consider a -- making a motion that the changes would take effect in the meeting times and the public hearing times, Thursday, June 10th, and last for three weeks for the public hearings until July 1st. And that will accommodate staff's ability to get the facilities for the additional time.
- >> CHAIR KELLOM: Is there a motion?
- >> COMMISSIONER LETT: I would move the changes start on June 10th through the end of our meetings.
- >> CHAIR KELLOM: Thank you. Motion made by Commissioner Lett. Is there a second?
- >> VICE CHAIR SZETELA: Second.
- >> CHAIR KELLOM: Second made by Vice Chair Szetela.

All those in favor, can we signify with a raised hand and saying aye?

>> Aye.

>> CHAIR KELLOM: All those opposed raise your hand and say nay.

The ayes have it. We will be starting the expanded times on June 10th, going all the way until July 1st.

Moving on to new business, Agenda Item 7A1 without objection, our communications and Outreach Director Edward Woods, III, will provide a communication and outreach report. Commissioner Rothhorn?

>> COMMISSIONER ROTHORN: I would move that we table this one and move to the second item, which would be the, oh, that is the only item. I apologize. I'm not objecting.

>> CHAIR KELLOM: It's okay, Commissioner Rothhorn.

If there are no objections, we are going to just -- without objection, we will combine Agenda Items A1, A2. And hearing no objection, Edward Woods, III, our communication and Outreach Director go ahead.

>> MR. EDWARD WOODS: Thank you. Commissioners, I want to take a look at having a meeting -- when you look at the 16 public hearings, our goal was to have -- to cover diverse areas of the state and make sure we left no one behind. And one of our things we did with the 16 public hearings, we also added in September, taking our show on the road to college campuses and universities.

But, in looking at the maps, there is two noticeable gaps. One is in Northwest Michigan and one is in Southwest Michigan. I'm waiting to hear back from the Mendo Center. If we can I would like to suggest giving me the flexibility to having the July 15th, the 22nd or the 29th meeting based upon availability and hotels in Southwest Michigan.

And then we do have availability at the Grand Traverse Hotel and they are holding the rate to August 26th, August 26th. And I believe we want those meetings to start in the afternoon to give enough people time to travel.

But my proposal, Madam Chairperson, is that we have one of our regularly scheduled meetings to take place either July 15th, 22nd or 29th based on availability. And that would be at the Lake Michigan College, Grand Upton Hall in Benton Township. And the meeting for August 26th would be at the Grand Traverse Hotel. And that would be on Thursday, August 26th.

>> CHAIR KELLOM: What were the first group of dates again? I'm sorry, the 15th?

>> MR. EDWARD WOODS: The 22nd or the 29th. And if there is a particular date I need to stay away from, please let me know now, if there is an issue. But we are having a hard time getting back in there. They seem to be short staffed due to the holiday and the pandemic. But Grand Traverse does have availability on the 26th. And it was at a much cheaper rate for us to go on that particular date.

>> CHAIR KELLOM: Okay. Are there any questions for Edward or any discussion?

>> COMMISSIONER CLARK: Madam Chair?

>> CHAIR KELLOM: I'm sorry, Commissioner Clark. I couldn't see you.

>> COMMISSIONER CLARK: I know. It's difficult to see. I would like to put a motion to give Edward the flexibility to set these up. So if the dates have to change a little bit, a day or two, here or there, you have the authority to go do that.

>> COMMISSIONER ORTON: I second the motion.

>> CHAIR KELLOM: Motion made by Commissioner Clark and seconded by Commissioner Orton. All those in favor with giving our communication and Outreach Director Edward Woods, III, flexibility on the dates please signify with a raised hand and saying aye.

>> Aye.

>> CHAIR KELLOM: All those opposed raise your hand and say nay.

The ayes -- I'm sorry, all those opposed raise your hand and say nay.

>> COMMISSIONER LANGE: Nay.

>> CHAIR KELLOM: The ayes have it. The motion carries. And we will be approving flexibility given to our Communication and Outreach Director, Edward Woods, III, for the planning dates for our meetings.

Under Item 7B, without objection, General Counsel will provide an update on the process for working with EDS and Federal Compliance.

>> COMMISSIONER CLARK: Madam Chairman, I had asked the Executive Director to put that on the agenda.

>> CHAIR KELLOM: I'm sorry, Commissioner Clark. Hearing no objection I will have Commissioner Clark go ahead and give this an update.

>> COMMISSIONER CLARK: This may take a little more than ten minutes. Do we want to begin the discussion? We will at least get it on the table and we can continue it next time.

>> CHAIR KELLOM: It's 6:00, so I think we should have -- we should postpone the discussion.

>> COMMISSIONER CLARK: I'm sorry. I couldn't hear you.

>> CHAIR KELLOM: It's 6:00. I think we should postpone the discussion.

>> COMMISSIONER CLARK: Okay, then I move to table it and put it on the agenda for next meeting.

>> CHAIR KELLOM: Okay.

>> COMMISSIONER WAGNER: Seconded.

>> CHAIR KELLOM: Seconded by Commissioner Wagner. All those in favor of postponing, what is that, Item 7B signify with a raised hand aye.

>> Aye.

>> CHAIR KELLOM: All those opposed? Motion carries. We will be tabling that agenda item for the essence of time.

Moving on to 8, future agenda items, if there are any future agenda items, without objection, I will have our General Counsel or --

>> COMMISSIONER WITJES: I object.

>> CHAIR KELLOM: Okay. Are you making a motion to postpone that as well?

>> COMMISSIONER WITJES: No, I'm just objecting to it. We can move on to number nine, and I'm going to object to that one as well and go straight to number ten.

>> CHAIR KELLOM: I think General Counsel has some feedback before I let you do that, Commissioner Witjes. So going to turn the floor over to our General Counsel.

>> MS. JULIANNE PASTULA: So, Commissioner Witjes, excuse me, I'm having difficulty with your name this evening, I apologize, for clarification sake you would like to not cover agenda item number eight and move on to nine?

>> COMMISSIONER WITJES: And move straight to ten, so skip through the same with number nine as well.

>> COMMISSIONER LETT: Maybe I can help us out here.

>> MS. JULIANNE PASTULA: Yeah.

>> COMMISSIONER LETT: I think we are at an order of the day.

>> MS. JULIANNE PASTULA: Yes.

>> COMMISSIONER LETT: Order of the day is the public hearing. So the motion I feel that would be appropriate would be to table the balance of the agenda until the next meeting, and if I have a second.

>> COMMISSIONER WITJES: Yes, that is what I meant to say, a second.

>> CHAIR KELLOM: Motion to postpone and a second is.

>> COMMISSIONER SZETELA: DUSTIN Witjes.

>> CHAIR KELLOM: Okay, Commissioner Witjes. All those in favor signify with raised hand and saying aye.

>> Aye.

>> CHAIR KELLOM: All those opposed?

Motion carries. We will be postponing the items 8-9, so 8 and 9, excuse me, future agenda items and announcements. Is there a motion to adjourn.

>> COMMISSIONER LETT: I move that we adjourn and that we take a five-minute break before we begin our meeting.

>> VICE CHAIR SZETELA: I second.

>> CHAIR KELLOM: All those in favor of adjourning saying aye with a raised hand.

>> Aye.

>> CHAIR KELLOM: All those opposed?

And the meeting is adjourned. Motion carries at 6:04.

Thank you all for being patient. We know that we are four minutes past our time. We will give a five-minute stretch break and we will then transition to our public hearing. Thank you so much.

[ Recess for 6:05 p.m. ]

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>> CHAIR KELLUM: The five minute-ish break, and thank you again for your patience.